

As Passed by the House

136th General Assembly

Regular Session

2025-2026

Am. Sub. H. B. No. 96

Representative Stewart

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

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5513.01, 5513.02, 5525.03, 5537.01, 5537.02, 5537.03, 5537.27,	545
5540.02, 5595.01, 5595.02, 5595.04, 5701.11, 5703.052, 5703.059,	546
5703.19, 5703.21, 5703.261, 5703.262, 5703.263, 5703.37,	547
5703.70, 5705.14, 5705.27, 5705.31, 5705.391, 5705.412,	548
5709.212, 5709.48, 5709.93, 5715.19, 5717.01, 5725.01, 5725.23,	549
5726.03, 5726.20, 5726.21, 5726.98, 5727.08, 5727.25, 5727.26,	550
5727.38, 5727.42, 5727.47, 5727.48, 5727.60, 5727.82, 5727.83,	551
5727.89, 5728.09, 5728.10, 5729.10, 5733.022, 5735.062, 5735.12,	552
5735.121, 5736.02, 5736.04, 5736.05, 5736.09, 5736.13, 5739.032,	553
5739.07, 5739.09, 5739.102, 5739.12, 5739.122, 5739.124,	554
5739.13, 5739.132, 5739.133, 5739.31, 5741.121, 5741.122,	555
5743.021, 5743.051, 5743.081, 5743.082, 5743.51, 5743.56,	556
5745.03, 5745.04, 5745.041, 5745.08, 5745.09, 5745.12, 5747.01,	557
5747.02, 5747.021, 5747.05, 5747.062, 5747.063, 5747.064,	558
5747.07, 5747.071, 5747.072, 5747.08, 5747.082, 5747.09,	559
5747.10, 5747.13, 5747.15, 5747.29, 5747.38, 5747.39, 5747.40,	560
5747.42, 5747.43, 5747.44, 5747.502, 5747.72, 5747.98, 5748.01,	561

5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 5748.081, 5748.09, 562
5749.02, 5749.06, 5749.07, 5749.15, 5751.02, 5751.06, 5751.07, 563
5751.09, 5751.98, 5753.05, 5753.07, 5907.11, 5907.17, 6111.01, 564
and 6111.04 be amended; sections 122.66 (5101.311), 122.67 565
(5101.312), 122.68 (5101.313), 122.681 (5101.314), 122.69 566
(5101.315), 122.70 (5101.316), 122.701 (5101.317), 122.702 567
(5101.318), 943.20 (944.03), 943.21 (944.04), 943.22 (944.05), 568
943.23 (944.06), 943.24 (944.07), 943.25 (944.08), 3517.153 569
(3517.14), 3517.155 (3517.17), 3517.992 (3517.99), 3517.993 570
(3517.18), 3701.65 (5180.72), 3738.01 (5180.27), 3738.02 571
(5180.271), 3738.03 (5180.272), 3738.04 (5180.273), 3738.05 572
(5180.274), 3738.06 (5180.275), 3738.07 (5180.276), 3738.08 573
(5180.277), 3738.09 (5180.278), 5101.13 (5180.40), 5101.131 574
(5180.401), 5101.132 (5180.402), 5101.133 (5180.403), 5101.134 575
(5180.404), 5101.135 (5180.405), 5101.136 (5180.406), 5101.137 576
(5180.407), 5101.14 (5180.41), 5101.141 (5180.42), 5101.142 577
(5180.421), 5101.144 (5180.411), 5101.145 (5180.422), 5101.146 578
(5180.423), 5101.147 (5180.424), 5101.148 (5180.425), 5101.149 579
(5180.426), 5101.1410 (5180.427), 5101.1411 (5180.428), 580
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(5180.4211), 5101.1415 (5180.4212), 5101.1416 (5180.4213), 582
5101.1417 (5180.4214), 5101.1418 (5180.43), 5101.15 (5180.44), 583
5101.19 (5180.45), 5101.191 (5180.451), 5101.192 (5180.452), 584
5101.193 (5180.453), 5101.194 (5180.454), 5101.34 (5180.70), 585
5101.341 (5180.701), 5101.342 (5180.702), 5101.343 (5180.703), 586
5101.76 (5180.26), 5101.77 (5180.261), 5101.78 (5180.262), 587
5101.802 (5180.52), 5101.804 (5180.71), 5101.805 (5180.704), 588
5101.85 (5180.50), 5101.851 (5180.51), 5101.853 (5180.511), 589
5101.854 (5180.512), 5101.855 (5180.513), 5101.856 (5180.514), 590
5101.88 (5180.53), 5101.881 (5180.531), 5101.884 (5180.532), 591
5101.885 (5180.533), 5101.886 (5180.534), 5101.887 (5180.535), 592
5101.889 (5180.57), 5101.8811 (5180.536), 5101.8812 (5180.56), 593

5104.50 (5180.04), and 5180.40 (5180.73) be amended for the 594
purpose of adopting new section numbers as indicated in 595
parentheses; and new sections 107.034, 3313.902, 3314.38, 596
3321.191, 3333.0415, 3345.86, 3517.991, and 3780.22 and sections 597
9.05, 9.561, 101.56, 101.561, 103.416, 103.417, 109.39, 109.872, 598
118.29, 122.1712, 122.1713, 122.634, 122.97, 123.14, 123.30, 599
124.184, 125.052, 126.024, 126.10, 126.67, 135.1411, 148.021, 600
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924.212, 943.27, 944.01, 944.02, 1320.01, 1320.02, 1320.03, 602
1320.04, 1320.05, 1320.06, 1320.07, 1320.08, 1320.09, 1320.10, 603
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1546.25, 1546.26, 1713.032, 1713.033, 1713.041, 3301.165, 605
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3313.7118, 3314.362, 3315.063, 3317.165, 3317.27, 3317.28, 608
3317.29, 3317.31, 3319.173, 3319.2310, 3319.271, 3321.043, 609
3325.012, 3325.18, 3327.18, 3332.17, 3332.21, 3332.22, 610
3333.0420, 3333.074, 3333.952, 3333.96, 3333.97, 3345.451, 611
3345.601, 3345.721, 3345.79, 3345.83, 3345.88, 3375.47, 3517.15, 612
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4743.12, 4758.49, 4758.491, 4758.65, 4758.651, 4925.11, 4925.12, 616
4925.13, 4927.22, 4928.545, 4933.51, 4933.53, 4933.54, 4933.55, 617
4933.57, 4933.59, 4981.36, 4981.361, 5101.546, 5101.548, 618
5101.549, 5101.612, 5103.039, 5103.0520, 5103.09, 5104.292, 619
5104.302, 5104.53, 5104.54, 5104.60, 5119.211, 5119.344, 620
5120.039, 5120.85, 5123.1613, 5123.423, 5145.32, 5160.53, 621
5162.138, 5162.14, 5162.17, 5162.25, 5163.04, 5163.102, 5163.50, 622
5164.093, 5164.451, 5166.50, 5167.104, 5167.25, 5180.99, 623
5303.34, 5303.35, 5703.901, 5705.316, and 5747.073 of the 624
Revised Code be enacted to read as follows: 625

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Publish, distribute, or otherwise communicate 683
information that does any of the following: 684

(a) Contains defamatory, libelous, or obscene matter; 685

(b) Promotes alcoholic beverages, cigarettes or other 686
tobacco products, or any illegal product, service, or activity; 687

(c) Promotes illegal discrimination on the basis of race, 688
color, religion, national origin, disability, age, or ancestry; 689

(d) Supports or opposes any labor organization or any 690
action by, on behalf of, or against any labor organization; 691

(e) Supports or opposes the nomination or election of a 692
candidate for public office, the investigation, prosecution, or 693
recall of a public official, or the passage of a levy or bond 694
issue. 695

(2) Compensate any employee of the political subdivision 696
for time spent on any activity to influence the outcome of an 697
election for any of the purposes described in division (C) (1) (e) 698
of this section. Division (C) (2) of this section does not 699
prohibit the use of public funds to compensate an employee of a 700
political subdivision for attending a public meeting to present 701
information about the political subdivision's finances, 702
activities, and governmental actions in a manner that is not 703
designed to influence the outcome of an election or the passage 704
of a levy or bond issue, even though the election, levy, or bond 705
issue is discussed or debated at the meeting. 706

(D) Except as otherwise provided in division (A) (7) of 707
section 340.03 of the Revised Code or in division (E) of this 708
section, no person shall knowingly conduct a direct or indirect 709
transaction of public funds to the benefit of any of the 710
following: 711

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

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

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

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

(c) For a combination of counties, a combination of 769
municipal corporations, or a combination of one or more counties 770
and one or more municipal corporations, all boards of county 771
commissioners and legislative authorities of all of the counties 772
and municipal corporations that combined to form a local public 773
entity for purposes of this section. 774

(3) "Local public entity" means a county, a municipal 775
corporation, a combination of counties, a combination of 776
municipal corporations, or a combination of one or more counties 777
and one or more municipal corporations. 778

(4) "Non-contracting political subdivision" means any 779
political subdivision to which all of the following apply: 780

(a) A correctional facility for the housing of out-of- 781
state prisoners in this state is or will be located in the 782
political subdivision. 783

(b) The correctional facility described in division (A) (4) 784
(a) of this section is being operated and managed, or will be 785
operated and managed, by a local public entity or a private 786
contractor pursuant to a contract entered into prior to March 787
17, 1998, or a contract entered into on or after March 17, 1998, 788
under this section. 789

(c) The political subdivision is not a party to the 790
contract described in division (A) (4) (b) of this section for the 791
management and operation of the correctional facility. 792

(5) "Out-of-state jurisdiction" means the United States, 793
any state other than this state, and any political subdivision 794
or other jurisdiction located in a state other than this state. 795

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

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

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

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

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

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

the management and operation of the correctional facility. 822

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2001, 2002, and 2003. 1394

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

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

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

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

(2) To medicaid provider agreements under the medicaid program. 1423
1424

(3) When federal law dictates that a specified entity 1425
provide the goods, services, or construction for which a 1426
contract is being awarded, regardless of whether that entity 1427
would otherwise be prohibited from entering into the contract 1428
pursuant to this section. 1429

(G) (1) This section applies only to contracts for goods, 1430
services, or construction that satisfy the criteria in either 1431
division (G) (1) (a) or (b) of this section. This section may 1432
apply to contracts for goods, services, or construction that 1433
satisfy the criteria in division (G) (1) (c) of this section, 1434
provided that the contracts also satisfy the criteria in either 1435
division (G) (1) (a) or (b) of this section. 1436

(a) The cost for the goods, services, or construction 1437
provided under the contract is estimated to exceed twenty-five 1438
thousand dollars. 1439

(b) The aggregate cost for the goods, services, or 1440
construction provided under multiple contracts entered into by 1441
the particular state agency and a single person or the 1442
particular political subdivision and a single person within the 1443
fiscal year preceding the fiscal year within which a contract is 1444
being entered into by that same state agency and the same single 1445
person or the same political subdivision and the same single 1446
person, exceeded fifty thousand dollars. 1447

(c) The contract is a renewal of a contract previously 1448
entered into and renewed pursuant to that preceding contract. 1449

(2) This section does not apply to employment contracts. 1450

(H) As used in this section: 1451

(1) "State agency" has the same meaning as in section 9.66 1452
of the Revised Code. 1453

(2) "Political subdivision" means a political subdivision 1454
as defined in section 9.82 of the Revised Code that has received 1455
more than fifty thousand dollars of state money in the current 1456
fiscal year or the preceding fiscal year. 1457

(3) "Finding for recovery" means a determination issued by 1458
the auditor of state, contained in a report the auditor of state 1459
gives to the attorney general pursuant to section 117.28 of the 1460
Revised Code, that public money has been illegally expended, 1461
public money has been collected but not been accounted for, 1462
public money is due but has not been collected, or public 1463
property has been converted or misappropriated. 1464

(4) "Debtor" means a person against whom a finding for 1465
recovery has been issued. 1466

(5) "Person" means the person named in the finding for 1467
recovery. 1468

(6) "State money" does not include funds the state 1469
receives from another source and passes through to a political 1470
subdivision. 1471

Sec. 9.27. (A) As used in this section, "state" and "state 1472
agency" mean the state of Ohio, including the governor, 1473
lieutenant governor, secretary of state, auditor of state, 1474
attorney general, and treasurer of state, and all departments, 1475
boards, offices, commissions, agencies, institutions, and other 1476
instrumentalities of the state of Ohio, but not including the 1477
general assembly or any legislative agency, or any court or 1478
judicial agency. 1479

(B) Except as otherwise required or permitted by state or 1480

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

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

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

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

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

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

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

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

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

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

(10) With respect to a purchase in which a state agency 1514
receives a license to use a software application designed to run 1515
on generally available desktop or server hardware or cloud 1516
platforms, a requirement that the state agency install or run 1517
the software on hardware or in a cloud platform dedicated solely 1518
to the state agency, or a provision that otherwise restricts the 1519
state agency from installing or running the software on hardware 1520
or in a cloud platform of the state agency's choosing. 1521

(C) If a contract contains a term or condition described 1522
in division (B) of this section, the term or condition is void 1523
ab initio, and the contract containing that term or condition 1524
otherwise shall be enforceable as if it did not contain such 1525
term or condition. 1526

(D) A contract that contains a term or condition described 1527
in division (B) of this section shall be governed by and 1528
construed in accordance with Ohio law notwithstanding any term 1529
or condition to the contrary in the contract. 1530

(E) This section does not apply to a contract in effect 1531
~~before the effective date of this section September 30, 2021, or~~ 1532
~~to the renewal or extension of a contract in effect before the~~ 1533
~~effective date of this section that date.~~ 1534

Sec. 9.28. (A) As used in this section: 1535

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Contract negotiations shall be directed toward: 1722

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

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

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

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

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

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

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

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

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

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

Sec. 9.561. (A) As used in this section: 1778

(1) "Government entity" means a state agency, public 1779
institution, political subdivision, or any other organized body, 1780
office, agency, institution, or entity established by the laws 1781
of this state for the exercise of any function of government. 1782

(2) "Public building" means any building owned or occupied 1783
by a government entity. 1784

(B) No government entity shall place menstrual products in 1785
the men's restroom of a public building. 1786

Sec. 9.821. (A) The department of administrative services 1787
shall direct and manage for state agencies all risk management 1788
and insurance programs authorized under section 9.822 of the 1789
Revised Code. 1790

(B) The office of risk management is hereby established 1791
within the department of administrative services. The director 1792
of administrative services, or a deputy director appointed by 1793
the director, shall control and supervise the office. 1794

(C) The office may take any of the following actions that 1795
it determines to be in the best interests of the state: 1796

(1) Provide all insurance coverages for the state, 1797
including, but not limited to, vehicle liability, casualty, 1798
property, public liability, and fidelity bonding. The cost of 1799
insurance coverage shall be paid from appropriations made to the 1800
state agencies that the office has designated to receive the 1801
coverage. 1802

(2) Provide coverage of legal expenses that are necessary 1803
and related to the legal defense of claims against the state; 1804

(3) Purchase insurance policies consistent with sections 1805

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

(4) Consolidate and combine state insurance coverages; 1808

(5) Provide technical services in risk management and 1809
insurance to state agencies; 1810

(6) Adopt and publish, in accordance with section 111.15 1811
of the Revised Code, necessary rules and procedures governing 1812
the administration of the state's insurance and risk management 1813
activities. 1814

(D) No state agency, except a state agency exempted under 1815
section 125.02 or 125.04 of the Revised Code from the 1816
department's purchasing authority, shall purchase any insurance 1817
described in this section except as authorized by the 1818
department, when the office of risk management determines that 1819
the purchase is in the best interest of the state pursuant to 1820
division (C)(1) of this section, and in accordance with terms, 1821
conditions, and procurement methods established by the 1822
department. 1823

(E) With respect to any civil action, demand, or claim 1824
against the state that could be filed in the court of claims, 1825
nothing in sections 9.82 to 9.823 of the Revised Code shall be 1826
interpreted to permit the settlement or compromise of those 1827
civil actions, demands, or claims, except in the manner provided 1828
in Chapter 2743. of the Revised Code. 1829

(F) The department of administrative services and the 1830
office of risk management, while acting pursuant to the 1831
responsibilities prescribed in sections 9.82 to 9.83 of the 1832
Revised Code, are performing a public duty, as defined in 1833
section 2743.01 of the Revised Code. 1834

(G) The office of the attorney general or counsel 1835
appointed by the office of the attorney general, including any 1836
legal representatives thereof, shall provide and share 1837
communications and documents that are made for the purpose of 1838
seeking or providing legal advice or counsel in connection with 1839
actual or potential litigation, liability claims, contract 1840
disputes, risk management issues, and other matters involving 1841
the programs of the office of risk management with the office. 1842
All such communications and documents shared between the office, 1843
a state agency, and the office of the attorney general or 1844
counsel appointed by the office of the attorney general, 1845
including any legal representatives thereof, are privileged and 1846
confidential. 1847

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

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

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

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

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

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

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

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

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

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

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

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

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

following nine voting members: 1925

(a) Three members appointed by the governor, not more than 1926
two of whom may be members of the same political party; 1927

(b) Three members appointed by the president of the 1928
senate, not more than two of whom may be members of the same 1929
political party; 1930

(c) Three members appointed by the speaker of the house of 1931
representatives, not more than two of whom may be members of the 1932
same political party. 1933

(2) The following are not eligible to be appointed as a 1934
member of the commission and shall not serve on the commission: 1935

(a) An officer or employee of the state or a political 1936
subdivision of the state; 1937

(b) An individual who is the spouse, parent, grandparent, 1938
child, grandchild, sibling, nephew, niece, uncle, aunt, brother- 1939
in-law, sister-in-law, son-in-law, daughter-in-law, father-in- 1940
law, or mother-in-law of an officer or employee of the state or 1941
a political subdivision of the state; 1942

(c) An individual who, within twelve months before 1943
appointment, was a candidate for election to a public office in 1944
the state; 1945

(d) An individual who is a legislative agent as defined in 1946
section 101.70 of the Revised Code or an executive agency 1947
lobbyist as defined in section 121.60 of the Revised Code. 1948

(B) Terms of members of the commission are for four years. 1949
Members may not serve more than two consecutive terms. The 1950
commission chairperson shall be selected by majority vote of all 1951
members of the commission. Members are not entitled to 1952

compensation, but shall be reimbursed for actual and necessary 1953
expenses incurred in the performance of commission duties. A 1954
vacancy among the members of the commission shall be filled in 1955
the manner prescribed for the original appointment. A member may 1956
be removed from the commission only by that member's designated 1957
appointing authority. 1958

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

(1) The members of the general assembly; 1963

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

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

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

(2) The commission shall begin its review. 1971

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

(1) Complete its review; 1975

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

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

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

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

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

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

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

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

(2) Any court; 1998

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

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

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

(6) The public utilities commission of Ohio; 2007

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

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

(D) "Transfer" means to amend the statutes creating and 2060
empowering an agency so that its functions, records, and 2061
personnel are conveyed to another agency or officer. 2062

(E) "Renew" means to continue an agency, and may include 2063
amendment of the statutes creating and empowering the agency, or 2064
recommendations for changes in agency operation or personnel. 2065

Sec. 101.83. (A) It is the intent of the general assembly 2066
that an agency shall expire by operation of sunset review law, 2067
sections 101.82 to 101.87 of the Revised Code, four years more 2068
or less after the effective date of the act that established the 2069
agency. Unless renewed in accordance with division (E) of this 2070
section: 2071

(1) An agency created during an even-numbered general 2072
assembly expires at the end of the thirty-first day of December 2073
in the second year of the next odd-numbered general assembly; 2074

(2) An agency created during an odd-numbered general 2075
assembly expires at the end of the thirty-first day of December 2076
in the second year of the next even-numbered general assembly; 2077
and 2078

(3) An agency renewed by a prior sunset review committee 2079
expires on the expiration date specified in the act that renewed 2080
the agency. 2081

(B) Any act renewing an agency shall contain a distinct 2082
section providing a specific expiration date for the agency in 2083
accordance with this section. With respect to an agency 2084
scheduled to expire through operation of sunset review law, 2085
sections 101.82 to 101.87 of the Revised Code, the specific 2086
expiration date shall be the thirty-first day of December in the 2087
second year of a general assembly. 2088

(C) If the general assembly does not renew or transfer an 2089
agency on or before its expiration date, it expires on that 2090
date. 2091

The director of budget and management shall not authorize 2092
the expenditure of any moneys for any agency on or after the 2093
date of its expiration. 2094

(D) The general assembly may provide by law for the 2095
orderly, efficient, and expeditious conclusion of an agency's 2096
business and operation. The rules, orders, licenses, contracts, 2097
and other actions made, taken, granted, or performed by the 2098
agency continue in effect according to their terms 2099
notwithstanding the agency's abolition, unless the general 2100
assembly provides otherwise by law. The general assembly may 2101
provide by law for the temporary or permanent transfer of some 2102
or all of a terminated or transferred agency's functions and 2103
personnel to a successor agency or officer. 2104

The abolition, termination, or transfer of an agency does 2105
not cause the termination or dismissal of any claim pending 2106
against the agency by any person, or any claim pending against 2107
any person by the agency. Unless the general assembly provides 2108
otherwise by law for the substitution of parties, the attorney 2109
general shall succeed the agency with reference to any pending 2110
claim. 2111

(E) An agency may be renewed by passage of a bill that 2112
continues the statutes creating and empowering the agency, that 2113
amends or repeals those statutes, or that enacts new statutes, 2114
to improve agency usefulness, performance, or effectiveness. 2115

(F) The chairperson of an agency listed in division ~~(A)~~ 2116
~~(27)~~ (A) (26) of section 101.82 of the Revised Code shall notify 2117

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

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

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

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

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

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

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

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

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

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

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

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

following: 2240

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1

2

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The department of medicaid; 2583

(b) Each state agency and political subdivision with which 2584
the department of medicaid contracts under section 5162.35 of 2585
the Revised Code to have the state agency or political 2586
subdivision administer one or more components of the medicaid 2587
program, or one or more aspects of a component, under the 2588
department's supervision; 2589

(c) Each agency of a political subdivision that is 2590
responsible for administering one or more components of the 2591
medicaid program, or one or more aspects of a component, under 2592
the supervision of the department or a state agency or political 2593
subdivision described in division (A) (2) (b) of this section. 2594

(B) There is hereby created the joint medicaid oversight 2595
committee. JMOC shall consist of the following members: 2596

(1) Five members of the senate appointed by the president 2597
of the senate, three of whom are members of the majority party 2598
and two of whom are members of the minority party; 2599

(2) Five members of the house of representatives appointed 2600
by the speaker of the house of representatives, three of whom 2601
are members of the majority party and two of whom are members of 2602
the minority party. 2603

(C) The term of each JMOC member shall begin on the day of 2604
appointment to JMOC and end on the last day that the member 2605
serves in the house (in the case of a member appointed by the 2606
speaker) or senate (in the case of a member appointed by the 2607
president) during the general assembly for which the member is 2608
appointed to JMOC. The president and speaker shall make the 2609
initial appointments not later than fifteen days after March 20, 2610
2014. However, if this section takes effect before January 1, 2611

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The Ohio integrated eligibility system; 2744
(2) The support enforcement tracking system; 2745
(3) The systematic alien verification for entitlements 2746
system; 2747

(4) The electronic document management system; 2748
(5) The content manager; 2749
(6) The compass pilot; 2750
(7) The income and eligibility verification system; 2751
(8) The medicaid information technology system; 2752
(9) The Ohio medicaid enterprise system; 2753
(10) The fiscal intermediary; 2754
(11) The single state pharmacy benefit manager; 2755
(12) The provider network management module; 2756
(13) The electronic data interchange; 2757

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

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

of the Revised Code. 2814

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

facilities~~+~~. 2931

Sec. 107.032. As used in sections 107.033 to 107.035 of 2932
the Revised Code: 2933

(A) "Aggregate general revenue fund appropriations" means 2934
all appropriations made by the general assembly either directly 2935
from the general revenue fund ~~appropriations made by the general~~ 2936
~~assembly or~~ indirectly from any nongeneral revenue fund 2937
supported by cash transfers from the general revenue fund except 2938
for the following: 2939

(1) Appropriations of money received from the federal 2940
government; 2941

(2) Appropriations made for tax relief or refunds of taxes 2942
and other overpayments; 2943

(3) Appropriations of money received as gifts. 2944

(B) ~~"Rate of inflation" means the percentage increase or~~ 2945
~~decrease in the consumer price index over a one-year period,~~ 2946
~~based on the most recent consumer price index for all urban~~ 2947
~~consumers, midwest region, all items, as determined by the~~ 2948
~~bureau of labor statistics of the United States department of~~ 2949
~~labor or, if that index is no longer published, a generally~~ 2950
~~available comparable index.~~ 2951

~~(C) "Rate of population change" means the percentage~~ 2952
~~increase or decrease in the population of this state over a one-~~ 2953
~~year period, based on the most recent population data available~~ 2954
~~for the state published by the bureau of the census of the~~ 2955
~~United States department of commerce, or its successor in~~ 2956
~~responsibility, in the population estimates program, or its~~ 2957
~~successive equivalent.~~ 2958

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

Sec. 107.033. As part of the state budget the governor
submits to the general assembly under section 107.03 of the
Revised Code, the governor shall include the state appropriation
limitations the general assembly shall not exceed when making
aggregate general revenue fund appropriations for each
respective fiscal year of the biennium covered by that budget.
The aggregate general revenue fund appropriations the governor
proposes in the state budget also shall not exceed those
limitations for each respective fiscal year of the biennium
covered by that budget. As part of this submission, the governor
shall identify all nongeneral revenue fund appropriation line
items that are subject to the state appropriation limitation for
the current fiscal year. If the governor decides to continue
funding any of those nongeneral revenue fund line items, the
governor shall, to the greatest extent possible, propose funding
for those nongeneral revenue fund line items from the general
revenue fund for each respective fiscal year of the biennium
covered by that budget. Also as part of this submission, the
governor shall include a table listing any remaining nongeneral
revenue fund appropriation line items that are subject to the
state appropriation limitation for the current fiscal year and
for each respective fiscal year of the biennium covered by that
budget.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) It is being made for the first time from the general 3017
revenue fund. 3018

(D) The main operating appropriations act shall contain a 3019
list of all nongeneral revenue fund appropriation line items 3020
subject to the state appropriation limitations under this 3021
section. 3022

Sec. 107.034. For the purpose of calculations made on and 3023
after the effective date of this section, any tax revenue 3024
credited to the general revenue fund under section 113.09 of the 3025
Revised Code any time during fiscal years 2026 and 2027 shall be 3026
considered a general revenue fund tax source to fund general 3027
revenue fund appropriations for each succeeding fiscal year with 3028
respect to the determination of the state appropriation 3029
limitations under section 107.033 of the Revised Code, even if 3030
that tax revenue is subsequently credited to a nongeneral 3031
revenue fund account. An appropriation made from that nongeneral 3032
revenue fund account shall be considered as if it were made from 3033
the general revenue fund. 3034

Sec. 107.12. (A) As used in this section, "organization" 3035
means a faith-based or other organization that is exempt from 3036
federal income taxation under section 501(c)(3) of the "Internal 3037
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, 3038
and provides charitable services to needy residents of this 3039
state. 3040

(B) There is hereby established within the office of the 3041
governor the governor's office of faith-based and community 3042
initiatives. The office shall: 3043

(1) Serve as a clearinghouse of information on federal, 3044
state, and local funding for charitable services performed by 3045

organizations; 3046

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

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

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

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

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

(a) Four individuals appointed by the governor; 3070

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

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

the senate; 3074

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

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

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

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

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

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

office; 3103

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) Establishing requirements for the training of humane 3251

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

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

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

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

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

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

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

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

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

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

appropriation and with the approval of the commission. 3312

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) A state university law enforcement officer; 3387

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

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

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

under section 4582.04 or 4582.28 of the Revised Code; 3396

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eighty hours. 3694

Sec. 109.872. (A) As used in this section: 3695

(1) "Sworn employee" means any of the following: 3696

(a) An enforcement agent of the Ohio investigative unit 3697
appointed pursuant to section 5502.14 of the Revised Code. 3698

(b) The superintendent and troopers of the state highway 3699
patrol appointed pursuant to section 5503.01 of the Revised 3700
Code. 3701

(c) Special police officers of the state highway patrol 3702
appointed pursuant to section 5503.09 of the Revised Code. 3703

(d) Other employees of any department, agency, or board of 3704
this state who are under the executive branch and ultimately 3705
report to the governor and are authorized to investigate, 3706
execute the laws of the state, protect public safety, or enforce 3707
the laws of this state as part of their job duties. 3708

(2) "Physical harm to persons" and "serious physical harm 3709
to persons" have the same meanings as in section 2901.01 of the 3710
Revised Code. 3711

(B) A sworn employee may be represented by an attorney 3712
selected pursuant to division (C) of this section when all of 3713
the following apply: 3714

(1) The sworn employee was involved in a use of force that 3715
resulted in death, serious physical harm to persons, or physical 3716
harm to persons. 3717

(2) The sworn employee's involvement in the use of force 3718
occurred within the scope and in the course of the sworn 3719
employee's assigned duties. 3720

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

depositories. 3841

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The board of deposit's resolution ~~also~~ shall designate the treasurer of state as the administrative agent to solicit proposals for financial transaction device services, within guidelines established by the board of deposit in the resolution and in compliance with the procedures provided in division (C) of this section, ~~from financial institutions, issuers of financial transaction devices, and processors of financial transaction devices;~~ to make recommendations about those proposals to the state elected officials, and to assist state offices entities and state elected officials in implementing ~~the state's any~~ financial transaction device acceptance, ~~and~~ processing, and settlement program authorized under this section. The board of deposit's resolution applies to financial transaction device services related to any and all bank accounts

comprising the state treasury as well as those in the custody of 3928
the treasurer of state but not part of the state treasury. 3929

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

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

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

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

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

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

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

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

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

(1) A statement that there is a surcharge or convenience fee for using a financial transaction device; 4020
4021

(2) The total amount of the charge or fee expressed in dollars and cents for each transaction, or the rate of the charge or fee expressed as a percentage of the total amount of the transaction, whichever is applicable; 4022
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~~(3) A clear statement that the surcharge or convenience fee is nonrefundable.~~ 4026
4027

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

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

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

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

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

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

the Revised Code; 4078

(2) Engage the services of consultants on a contract basis 4079
for rendering professional and technical assistance and advice; 4080

(3) Seek rulings and other guidance from the secretary and 4081
the internal revenue service relating to the program; 4082

(4) Make modifications to the program as necessary for 4083
participants in the program to qualify for the federal income 4084
tax benefits or treatment provided under section 529A of the 4085
Internal Revenue Code or rules adopted thereunder; 4086

(5) Impose and collect administrative fees and service 4087
charges in connection with any agreement or transaction relating 4088
to the program; 4089

(6) Develop marketing plans and promotional materials to 4090
publicize the program; 4091

(7) Establish the procedures by which funds held in 4092
program accounts shall be disbursed; 4093

(8) Administer the issuance of interests by the Ohio ABLE 4094
savings program trust fund to designated beneficiaries; 4095

(9) Establish the procedures by which funds held in 4096
program accounts shall be allocated to pay for administrative 4097
costs; 4098

(10) Take any other action necessary to implement and 4099
administer the program; 4100

(11) Adopt rules in accordance with Chapter 119. of the 4101
Revised Code necessary to implement and administer the program; 4102

(12) Notify the secretary when a program account has been 4103
opened for a designated beneficiary and submit other reports 4104

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any contributions to an ABLE account; 4206

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

when applicable, without permission of the commission. 4277

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) After reviewing the ordinance or resolution under 4365

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

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

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

(E) The court shall terminate the receivership when the 4397
municipal corporation, county, or township has corrected and 4398
eliminated all of the fiscal emergency conditions determined 4399
pursuant to section 118.04 of the Revised Code, and no new 4400
fiscal emergency conditions have occurred. 4401

(F) Conditions in division (A) of this section may be 4402
applied retroactively in a remedial nature. 4403

Sec. 120.06. (A) (1) The state public defender, when 4404
designated by the court or requested by a county public defender 4405
or joint county public defender, may provide legal 4406
representation in all courts throughout the state to indigent 4407
adults and juveniles who are charged with the commission of an 4408
offense or act for which the penalty or any possible 4409
adjudication includes the potential loss of liberty. 4410

(2) The state public defender may provide legal 4411
representation to any indigent person who, while incarcerated in 4412
any state correctional institution, is charged with a felony 4413
offense, for which the penalty or any possible adjudication that 4414
may be imposed by a court upon conviction includes the potential 4415
loss of liberty. 4416

(3) The state public defender may provide legal 4417
representation to any person incarcerated in any correctional 4418
institution of the state, in any matter in which the person 4419
asserts the person is unlawfully imprisoned or detained. 4420

(4) The state public defender, in any case in which the 4421
state public defender has provided legal representation or is 4422
requested to do so by a county public defender or joint county 4423
public defender, may provide legal representation on appeal. 4424

~~(5) The~~ (5) (a) Except as provided in division (A) (5) (b) of 4425

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(J) As used in this section: 4726

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of ~~mental behavioral health and addiction services~~; 4788

(L) The department of developmental disabilities, which 4789
shall be administered by the director of developmental 4790
disabilities; 4791

(M) The department of insurance, which shall be 4792
administered by the superintendent of insurance as director 4793
thereof; 4794

(N) The department of development, which shall be 4795
administered by the director of development; 4796

(O) The department of youth services, which shall be 4797
administered by the director of youth services; 4798

(P) The department of rehabilitation and correction, which 4799
shall be administered by the director of rehabilitation and 4800
correction; 4801

(Q) The environmental protection agency, which shall be 4802
administered by the director of environmental protection; 4803

(R) The department of aging, which shall be administered 4804
by the director of aging; 4805

(S) The department of veterans services, which shall be 4806
administered by the director of veterans services; 4807

(T) The department of medicaid, which shall be 4808
administered by the medicaid director; 4809

(U) The department of education and workforce, which shall 4810
be administered by the director of education and workforce. 4811

The director of each department shall exercise the powers 4812
and perform the duties vested by law in such department. 4813

Sec. 121.03. The following administrative department heads 4814

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

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

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

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

(V) The chancellor of higher education; 4845

(W) The medicaid director; 4846

(X) The director of education and workforce. 4847

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

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

(B) As used in this section: 4873

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

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

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

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

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

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

(a) A student in a state or local public educational 4897
institution; 4898

(b) A person who is, voluntarily or involuntarily, an 4899
inmate, patient, or resident of a state or local institution 4900
because of criminal behavior, mental illness, an intellectual 4901
disability, disease, disability, age, or other condition 4902
requiring custodial care. 4903

(4) "Public office" has the same meaning as in section 4904
149.011 of the Revised Code. 4905

(C) All meetings of any public body are declared to be 4906
public meetings open to the public at all times. A member of a 4907
public body shall be present in person at a meeting open to the 4908
public to be considered present or to vote at the meeting and 4909
for purposes of determining whether a quorum is present at the 4910
meeting. 4911

The minutes of a regular or special meeting of any public 4912
body shall be promptly prepared, filed, and maintained and shall 4913
be open to public inspection. The minutes need only reflect the 4914
general subject matter of discussions in executive sessions 4915
authorized under division (G) or (J) of this section. 4916

(D) This section does not apply to any of the following: 4917

(1) A grand jury; 4918

(2) An audit conference conducted by the auditor of state 4919
or independent certified public accountants with officials of 4920
the public office that is the subject of the audit; 4921

(3) The adult parole authority when its hearings are 4922
conducted at a correctional institution for the sole purpose of 4923
interviewing inmates to determine parole or pardon and the 4924

department of rehabilitation and correction when its hearings 4925
are conducted at a correctional institution for the sole purpose 4926
of making determinations under section 2967.271 of the Revised 4927
Code regarding the release or maintained incarceration of an 4928
offender to whom that section applies; 4929

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

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

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

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

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

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

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

Revised Code without a prior hearing pursuant to division (C) of 4954
section 4729.86 of the Revised Code. 4955

(9) The state chiropractic board when determining whether 4956
to suspend a license without a hearing pursuant to section 4957
4734.37 of the Revised Code; 4958

(10) The executive committee of the emergency response 4959
commission when determining whether to issue an enforcement 4960
order or request that a civil action, civil penalty action, or 4961
criminal action be brought to enforce Chapter 3750. of the 4962
Revised Code; 4963

(11) The board of directors of the nonprofit corporation 4964
formed under section 187.01 of the Revised Code or any committee 4965
thereof, and the board of directors of any subsidiary of that 4966
corporation or a committee thereof; 4967

(12) An audit conference conducted by the audit staff of 4968
the department of job and family services with officials of the 4969
public office that is the subject of that audit under section 4970
5101.37 of the Revised Code; 4971

(13) The occupational therapy section of the occupational 4972
therapy, physical therapy, and athletic trainers board when 4973
determining whether to suspend a license without a hearing 4974
pursuant to division (E) of section 4755.11 of the Revised Code; 4975

(14) The physical therapy section of the occupational 4976
therapy, physical therapy, and athletic trainers board when 4977
determining whether to suspend a license without a hearing 4978
pursuant to division (F) of section 4755.47 of the Revised Code; 4979

(15) The athletic trainers section of the occupational 4980
therapy, physical therapy, and athletic trainers board when 4981
determining whether to suspend a license without a hearing 4982

pursuant to division (E) of section 4755.64 of the Revised Code; 4983

(16) Meetings of the pregnancy-associated mortality review 4984
board established under section ~~3738.01~~5180.27 of the Revised 4985
Code; 4986

(17) Meetings of a fetal-infant mortality review board 4987
established under section 3707.71 of the Revised Code; 4988

(18) Meetings of a drug overdose fatality review committee 4989
described in section 307.631 of the Revised Code; 4990

(19) Meetings of a suicide fatality review committee 4991
described in section 307.641 of the Revised Code; 4992

(20) Meetings of the officers, members, or directors of an 4993
existing qualified nonprofit corporation that creates a special 4994
improvement district under Chapter 1710. of the Revised Code, at 4995
which the public business of the corporation pertaining to a 4996
purpose for which the district is created is not discussed; 4997

(21) Meetings of a domestic violence fatality review board 4998
established under section 307.651 of the Revised Code; 4999

(22) Any nonprofit agency that has received an endorsement 5000
under section ~~122.69~~5101.315 of the Revised Code. 5001

(E) The controlling board, the tax credit authority, or 5002
the minority development financing advisory board, when meeting 5003
to consider granting assistance pursuant to Chapter 122. or 166. 5004
of the Revised Code, in order to protect the interest of the 5005
applicant or the possible investment of public funds, by 5006
unanimous vote of all board or authority members present, may 5007
close the meeting during consideration of the following 5008
information confidentially received by the authority or board 5009
from the applicant: 5010

(1) Marketing plans; 5011

(2) Specific business strategy; 5012

(3) Production techniques and trade secrets; 5013

(4) Financial projections; 5014

(5) Personal financial statements of the applicant or 5015
members of the applicant's immediate family, including, but not 5016
limited to, tax records or other similar information not open to 5017
public inspection. 5018

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

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

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

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

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

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

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

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

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

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

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

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

(6) Details relative to the security arrangements and 5098

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) A member of a public body who knowingly violates an 5188
injunction issued pursuant to division (I)(1) of this section 5189
may be removed from office by an action brought in the court of 5190
common pleas for that purpose by the prosecuting attorney or the 5191
attorney general. 5192

(J)(1) Pursuant to division (C) of section 5901.09 of the 5193
Revised Code, a veterans service commission shall hold an 5194
executive session for one or more of the following purposes 5195
unless an applicant requests a public hearing: 5196

(a) Interviewing an applicant for financial assistance 5197
under sections 5901.01 to 5901.15 of the Revised Code; 5198

(b) Discussing applications, statements, and other 5199
documents described in division (B) of section 5901.09 of the 5200
Revised Code; 5201

(c) Reviewing matters relating to an applicant's request 5202
for financial assistance under sections 5901.01 to 5901.15 of 5203
the Revised Code. 5204

(2) A veterans service commission shall not exclude an 5205
applicant for, recipient of, or former recipient of financial 5206
assistance under sections 5901.01 to 5901.15 of the Revised 5207
Code, and shall not exclude representatives selected by the 5208
applicant, recipient, or former recipient, from a meeting that 5209
the commission conducts as an executive session that pertains to 5210
the applicant's, recipient's, or former recipient's application 5211
for financial assistance. 5212

(3) A veterans service commission shall vote on the grant 5213
or denial of financial assistance under sections 5901.01 to 5214
5901.15 of the Revised Code only in an open meeting of the 5215
commission. The minutes of the meeting shall indicate the name, 5216

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

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

- (1) The department of aging; 5226
- (2) The department of development; 5227
- (3) The department of developmental disabilities; 5228
- (4) The department of education and workforce; 5229
- (5) The department of health; 5230
- (6) The department of job and family services; 5231
- (7) The department of medicaid; 5232
- (8) The department of ~~mental behavioral health and~~ 5233
~~addiction services;~~ 5234
- (9) The opportunities for Ohioans with disabilities 5235
agency; 5236
- (10) The department of children and youth. 5237

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

Sec. 121.36. (A) As used in this section, "home care 5244
dependent adult" means an individual who resides in a private 5245
home or other noninstitutional and unlicensed living 5246
arrangement, without the presence of a parent or guardian, but 5247
has health and safety needs that require the provision of 5248
regularly scheduled home care services to remain in the home or 5249
other living arrangement because one of the following is the 5250
case: 5251

(1) The individual is at least twenty-one years of age but 5252
less than sixty years of age and has a physical disability or 5253
mental impairment. 5254

(2) The individual is sixty years of age or older, 5255
regardless of whether the individual has a physical disability 5256
or mental impairment. 5257

(B) Except as provided in division (D) of this section, 5258
the departments of developmental disabilities, aging, job and 5259
family services, and health shall each implement this section 5260
with respect to all contracts entered into by the department for 5261
the provision of home care services to home care dependent 5262
adults that are paid for in whole or in part with federal, 5263
state, or local funds. Except as provided in division (D) of 5264
this section, each department shall also require all public and 5265
private entities that receive money from or through the 5266
department to comply with this section when entering into 5267
contracts for the provision of home care services to home care 5268
dependent adults that are paid for in whole or in part with 5269
federal, state, or local funds. Such entities may include county 5270
boards of developmental disabilities, area agencies on aging, 5271
county departments of job and family services, and boards of 5272
health of city and general health districts. 5273

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

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

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

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

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

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

at the proper location and time; 5303

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) The superintendent of the city, exempted village, or 5476
local school district with the largest number of pupils residing 5477
in the county, or a district-level administrative designee with 5478
decision-making authority, as determined by the department of 5479
education and workforce, which shall notify each board of county 5480
commissioners of its determination at least biennially; 5481

(h) A school superintendent representing all other school 5482
districts with territory in the county, or a district-level 5483
administrative designee with decision-making authority, as 5484
designated at a biennial meeting of the superintendents of those 5485
districts; 5486

(i) A representative of the municipal corporation with the 5487
largest population in the county; 5488

(j) The president of the board of county commissioners or 5489
an individual designated by the board; 5490

(k) A representative of the department of youth services 5491
or an individual designated by the department; 5492

(l) A representative of the county's head start agencies, 5493
as defined in section 3301.32 of the Revised Code; 5494

(m) A representative of the county's early intervention 5495
collaborative established pursuant to the federal early 5496
intervention program operated under the "Individuals with 5497
Disabilities Education Act of 2004"; 5498

(n) A representative of a local nonprofit entity that 5499
funds, advocates, or provides services to children and families. 5500

Notwithstanding any other provision of law, the public 5501
members of a county council are not prohibited from serving on 5502
the council and making decisions regarding the duties of the 5503

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

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

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

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

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

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

council. 5533

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(7)~~ (9) A board of county commissioners may approve a 5700
resolution by a majority vote of the board's members that 5701
requires the county council to submit a statement to the board 5702
each time the council proposes to enter into an agreement, adopt 5703
a plan, or make a decision, other than a decision pursuant to 5704
section 121.38 of the Revised Code, that requires the 5705
expenditure of funds for two or more families. The statement 5706
shall describe the proposed agreement, plan, or decision. 5707

Not later than fifteen days after the board receives the 5708
statement, it shall, by resolution approved by a majority of its 5709
members, approve or disapprove the agreement, plan, or decision. 5710
Failure of the board to pass a resolution during that time 5711

period shall be considered approval of the agreement, plan, or 5712
decision. 5713

An agreement, plan, or decision for which a statement is 5714
required to be submitted to the board shall be implemented only 5715
if it is approved by the board. 5716

(C) Each county shall develop a county service 5717
coordination mechanism. The county service coordination 5718
mechanism shall serve as the guiding document for coordination 5719
of services in the county. For children who also receive 5720
services under the early intervention program, the main provider 5721
of service coordination shall be an early intervention service 5722
coordinator to ensure compliance with section ~~5123.02~~ 5180.30 of 5723
the Revised Code. All family service coordination plans shall be 5724
developed in accordance with the county service coordination 5725
mechanism. The mechanism shall be developed and approved with 5726
the participation of the county entities representing child 5727
welfare; developmental disabilities; alcohol, drug addiction, 5728
and mental health services; health; juvenile judges; education; 5729
the county family and children first council; and the county 5730
early intervention collaborative established pursuant to the 5731
federal early intervention program operated under the 5732
"Individuals with Disabilities Education Act of 2004." The 5733
county shall establish an implementation schedule for the 5734
mechanism. The cabinet council may monitor the implementation 5735
and administration of each county's service coordination 5736
mechanism. 5737

Each mechanism shall include all of the following: 5738

(1) A procedure for an agency, including a juvenile court, 5739
or a family voluntarily seeking service coordination, to refer 5740
the child and family to the county council for service 5741

coordination in accordance with the mechanism; 5742

(2) A procedure ensuring that a family and all appropriate 5743
staff from involved agencies, including a representative from 5744
the appropriate school district, are notified of and invited to 5745
participate in all family service coordination plan meetings; 5746

(3) A procedure that permits a family to initiate a 5747
meeting to develop or review the family's service coordination 5748
plan and allows the family to invite a family advocate, mentor, 5749
or support person of the family's choice to participate in any 5750
such meeting; 5751

(4) A procedure for ensuring that a family service 5752
coordination plan meeting is conducted for each child who 5753
receives service coordination under the mechanism and for whom 5754
an emergency out-of-home placement has been made or for whom a 5755
nonemergency out-of-home placement is being considered. The 5756
meeting shall be conducted within ten days of an emergency out- 5757
of-home placement. The meeting shall be conducted before a 5758
nonemergency out-of-home placement. The family service 5759
coordination plan shall outline how the county council members 5760
will jointly pay for services, where applicable, and provide 5761
services in the least restrictive environment. 5762

(5) A procedure for monitoring the progress and tracking 5763
the outcomes of each service coordination plan requested in the 5764
county including monitoring and tracking children in out-of-home 5765
placements to assure continued progress, appropriateness of 5766
placement, and continuity of care after discharge from placement 5767
with appropriate arrangements for housing, treatment, and 5768
education; 5769

(6) A procedure for protecting the confidentiality of all 5770

personal family information disclosed during service 5771
coordination meetings or contained in the comprehensive family 5772
service coordination plan; 5773

(7) A procedure for assessing the needs and strengths of 5774
any child or family that has been referred to the council for 5775
service coordination, including a child whose parent or 5776
custodian is voluntarily seeking services, and for ensuring that 5777
parents and custodians are afforded the opportunity to 5778
participate; 5779

(8) A procedure for development of a family service 5780
coordination plan described in division (D) of this section; 5781

(9) A local dispute resolution process to serve as the 5782
process that must be used first to resolve disputes among the 5783
agencies represented on the county council concerning the 5784
provision of services to children, including children who are 5785
abused, neglected, dependent, unruly, alleged unruly, or 5786
delinquent children and under the jurisdiction of the juvenile 5787
court and children whose parents or custodians are voluntarily 5788
seeking services. The local dispute resolution process shall 5789
comply with sections 121.38, 121.381, and 121.382 of the Revised 5790
Code. The local dispute resolution process shall be used to 5791
resolve disputes between a child's parents or custodians and the 5792
county council regarding service coordination. The county 5793
council shall inform the parents or custodians of their right to 5794
use the dispute resolution process. Parents or custodians shall 5795
use existing local agency grievance procedures to address 5796
disputes not involving service coordination. The dispute 5797
resolution process is in addition to and does not replace other 5798
rights or procedures that parents or custodians may have under 5799
other sections of the Revised Code. 5800

The cabinet council shall adopt rules in accordance with 5801
Chapter 119. of the Revised Code establishing an administrative 5802
review process to address problems that arise concerning the 5803
operation of a local dispute resolution process. 5804

Nothing in division (C) (4) of this section shall be 5805
interpreted as overriding or affecting decisions of a juvenile 5806
court or public children services agency regarding an out-of- 5807
home placement, long-term placement, or emergency out-of-home 5808
placement. 5809

(D) Each county shall develop a family service 5810
coordination plan that does all of the following: 5811

(1) Designates service responsibilities among the various 5812
state and local agencies that provide services to children and 5813
their families, including children who are abused, neglected, 5814
dependent, unruly, or delinquent children and under the 5815
jurisdiction of the juvenile court and children whose parents or 5816
custodians are voluntarily seeking services; 5817

(2) Designates an individual, approved by the family, to 5818
track the progress of the family service coordination plan, 5819
schedule reviews as necessary, and facilitate the family service 5820
coordination plan meeting process; 5821

(3) Ensures that assistance and services to be provided 5822
are responsive to the strengths and needs of the family, as well 5823
as the family's culture, race, and ethnic group, by allowing the 5824
family to offer information and suggestions and participate in 5825
decisions. Identified assistance and services shall be provided 5826
in the least restrictive environment possible. 5827

(4) Includes a process for dealing with a child who is 5828
alleged to be an unruly child. The process shall include methods 5829

to divert the child from the juvenile court system; 5830

(5) Includes timelines for completion of goals specified 5831
in the plan with regular reviews scheduled to monitor progress 5832
toward those goals; 5833

(6) Includes a plan for dealing with short-term crisis 5834
situations and safety concerns. 5835

(E) (1) The process provided for under division (D) (4) of 5836
this section may include, but is not limited to, the following: 5837

(a) Designation of the person or agency to conduct the 5838
assessment of the child and the child's family as described in 5839
division (C) (7) of this section and designation of the 5840
instrument or instruments to be used to conduct the assessment; 5841

(b) An emphasis on the personal responsibilities of the 5842
child and the parental responsibilities of the parents, 5843
guardian, or custodian of the child; 5844

(c) Involvement of local law enforcement agencies and 5845
officials. 5846

(2) The method to divert a child from the juvenile court 5847
system that must be included in the service coordination process 5848
may include, but is not limited to, the following: 5849

(a) The preparation of a complaint under section 2151.27 5850
of the Revised Code alleging that the child is an unruly child 5851
and notifying the child and the parents, guardian, or custodian 5852
that the complaint has been prepared to encourage the child and 5853
the parents, guardian, or custodian to comply with other methods 5854
to divert the child from the juvenile court system; 5855

(b) Conducting a meeting with the child, the parents, 5856
guardian, or custodian, and other interested parties to 5857

determine the appropriate methods to divert the child from the 5858
juvenile court system; 5859

(c) A method to provide to the child and the child's 5860
family a short-term respite from a short-term crisis situation 5861
involving a confrontation between the child and the parents, 5862
guardian, or custodian; 5863

(d) A program to provide a mentor to the child or the 5864
parents, guardian, or custodian; 5865

(e) A program to provide parenting education to the 5866
parents, guardian, or custodian; 5867

(f) An alternative school program for children who are 5868
truant from school, repeatedly disruptive in school, or 5869
suspended or expelled from school; 5870

(g) Other appropriate measures, including, but not limited 5871
to, any alternative methods to divert a child from the juvenile 5872
court system that are identified by the Ohio family and children 5873
first cabinet council. 5874

(F) Each county may review and revise the service 5875
coordination process described in division (D) of this section 5876
based on the availability of funds under Title IV-A of the 5877
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, 5878
as amended, or to the extent resources are available from any 5879
other federal, state, or local funds. 5880

(G) As used in this section, "early intervention service 5881
coordinator" means a person who holds an early intervention 5882
service coordinator credential or an early intervention service 5883
coordination supervisor credential issued by the department of 5884
~~developmental disabilities~~ children and youth and who assists 5885
and enables an infant or toddler with a developmental delay or 5886

disability and the child's family to receive the services and 5887
rights, including procedural safeguards, required under part C 5888
of the "Individuals with Disabilities Education Act of 2004," 20 5889
U.S.C. 1400, as amended. 5890

Sec. 121.93. (A) Except as provided in division (E) of 5891
this section, an agency shall review its operations to identify 5892
principles of law or policy that have not been stated in a rule 5893
and that the agency is relying upon in conducting adjudications 5894
or other determinations of rights and liabilities or in issuing 5895
writings and other materials, such as instructions, directives, 5896
policy statements, guidelines, handbooks, manuals, advisories, 5897
notices, circulars, advertisements, forms, letters, and 5898
opinions. An agency is not required to identify principles of 5899
law or policy relied upon in issuing internal management rules 5900
as defined in section 111.15 of the Revised Code. The agency 5901
shall complete at least one of the reviews during a governor's 5902
term. 5903

Within six months after the expiration of a governor's 5904
term, the agency electronically shall transmit a report to the 5905
joint committee on agency rule review containing the following: 5906

(1) A statement that the agency has completed one or more 5907
of the reviews, specifying the exact number of reviews completed 5908
during the governor's expired term; 5909

(2) The principles of law or policies identified under 5910
this division; 5911

(3) The agency's considerations regarding the identified 5912
principles of law or policies under division (B) of this 5913
section; 5914

(4) Any principles of law or policies for which the agency 5915

determines rulemaking is indicated or for which the agency has 5916
commenced the rule-making process under division (C) of this 5917
section. 5918

The joint committee on agency rule review shall make the 5919
reports available on its web site. 5920

(B) The agency shall determine whether a principle of law 5921
or policy thus identified has a general and uniform operation 5922
and establishes a legal regulation or standard that would not 5923
exist in its absence. If the principle of law or policy has 5924
these characteristics, the agency shall determine whether the 5925
principle of law or policy should be supplanted by its 5926
restatement in a rule to achieve one or more of the following as 5927
they are relevant to the principle of law or policy: 5928

(1) Assert the general and uniform operation of the 5929
principle of law or policy; 5930

(2) Make the principle of law or policy more readily 5931
available to the public; 5932

(3) Make the principle of law or policy more readily 5933
available to persons who specifically are affected by the 5934
principle of law or policy; 5935

(4) Enable the principle of law or policy to be better 5936
known in advance of its application; 5937

(5) Enable greater public participation in improvement and 5938
further development of the principle of law or policy; 5939

(6) Enable greater participation by persons specifically 5940
affected by the principle of law or policy in the improvement 5941
and further development of the principle of law or policy; 5942

(7) Make the principle of law or policy more easily 5943

understandable; or 5944

(8) Make the principle of law or policy more readily 5945
available to those legally charged with monitoring or reviewing 5946
the agency's operations. 5947

If a principle of law or policy aids in the interpretation 5948
of an existing rule or statute, the agency shall consider 5949
whether the aiding effect clarifies or otherwise resolves an 5950
uncertainty in the existing rule or statute. If the principle of 5951
law or policy can be so characterized, the agency shall consider 5952
whether the principle of law or policy should be supplanted by 5953
its restatement in an interpretive rule. The agency may not 5954
presume that a principle of law or policy that aids in the 5955
interpretation of an existing rule or statute is simply a 5956
reiteration of the existing rule or statute. 5957

(C) If the agency determines, in light of the foregoing 5958
standards, that rulemaking is indicated, the agency shall 5959
commence the rule-making process as soon as it is reasonably 5960
feasible to do so, but not later than the date that is ~~six~~three 5961
months after the determination was made. The principle of law or 5962
policy as it is restated in a rule does not need to be wholly 5963
congruent with the supplanted principle of law or policy. The 5964
agency lawfully may improve or develop further the supplanted 5965
principle of law or policy as it is restated in a rule. 5966

The agency may continue to rely upon the principle of law 5967
or policy, but only while it is complying with the preceding 5968
paragraph. The agency may not rely upon the principle of law or 5969
policy in advising with regard to or in determining the rights 5970
or liabilities of a person if ~~the~~any of the following apply: 5971

(1) The agency fails to commence the rule-making process 5972

by the deadline specified in the preceding paragraph,~~or if,~~ 5973
~~after.~~ 5974

(2) After commencing the rule-making process, the agency 5975
neglects or abandons the rule-making process before it is 5976
completed. 5977

(3) The agency fails to file a rule for which rulemaking 5978
is indicated under this section in final form within one year of 5979
the agency making a determination under this section. 5980

(4) After filing a proposed rule and rule summary and 5981
fiscal analysis with the joint committee, the agency notifies 5982
the joint committee of the agency's intention to file a revised 5983
proposed rule as described in division (B) of section 106.02 of 5984
the Revised Code. 5985

(D) A principle of law or policy that is relied upon 5986
directly or by clear implication from a statute applying to the 5987
agency does not need to be supplanted by rule. 5988

(E) This section does not apply to an agency, commission, 5989
or committee created in the legislative branch of government or 5990
to serve the general assembly including, but not limited to, all 5991
of the following: 5992

(1) The joint legislative ethics committee; 5993

(2) The joint medicaid oversight committee; 5994

(3) The correctional institution inspection committee; 5995

(4) The legislative service commission; 5996

(5) The legislative information services; 5997

(6) The capitol square review and advisory board. 5998

Sec. 121.931. (A) A person may petition an agency in 5999

writing to restate a principle of law or policy in a rule if (1) 6000
the person was a party to an adjudication or other determination 6001
before an agency that has resulted in an order or other 6002
disposition or was a party to a civil action in which judgment 6003
has been entered, and (2) the adjudication or other 6004
determination, or the civil action, involved a principle of law 6005
or policy relied upon by the agency that, under section 121.93 6006
of the Revised Code, should have been supplanted by its 6007
restatement in a rule but has not been so supplanted. The 6008
petition shall briefly explain why the principle of law or 6009
policy should, under section 121.93 of the Revised Code, be 6010
supplanted by its restatement in a rule. The person shall send 6011
the petition to the agency not later than the ninetieth day 6012
after the order or other disposition was issued or the judgment 6013
was entered. The person also shall send a copy of the petition 6014
to the joint committee on agency rule review. 6015

(B) The agency, not later than the thirtieth day after 6016
receiving a timely petition, shall consider the petition in 6017
light of section 121.93 of the Revised Code, and shall notify 6018
the petitioner in writing, by certified mail, return receipt 6019
requested, whether it grants or intends to deny the petition. 6020

(1) If the agency grants the petition, it shall commence 6021
the rule-making process as soon as it is reasonably feasible to 6022
do so, but not later than the date that is ~~six~~three months 6023
after the petition was granted. The principle of law or policy 6024
as it is restated in a rule does not need to be wholly congruent 6025
with the supplanted principle of law or policy. The agency 6026
lawfully may improve or develop further the supplanted principle 6027
of law or policy. 6028

The agency may continue to rely upon the principle of law 6029

or policy, but only while it is complying with the preceding 6030
paragraph. The agency may not rely upon the principle of law or 6031
policy in advising with regard to or in determining the rights 6032
or liabilities of a person if ~~the~~ any of the following apply: 6033

(a) The agency fails to commence the rule-making process 6034
by the deadline specified in the preceding paragraph, ~~or if,~~ 6035
~~after.~~ 6036

(b) After commencing the rule-making process, the agency 6037
neglects or abandons the rule-making process before it is 6038
completed. 6039

(c) The agency fails to file a rule for which rulemaking 6040
is required under this section in final form within one year of 6041
the agency granting a petition under this division. 6042

(d) After filing a proposed rule and rule summary and 6043
fiscal analysis with the joint committee, the agency notifies 6044
the joint committee of the agency's intention to file a revised 6045
proposed rule as described in division (B) of section 106.02 of 6046
the Revised Code. 6047

(2) If the agency intends to deny the petition, it shall 6048
send the petitioner a notice affording the petitioner an 6049
opportunity for a hearing on the petition and briefly explaining 6050
why the agency intends to deny the petition. If the petitioner 6051
does not in writing request a hearing within fifteen days after 6052
receiving the notice, the agency shall deny the petition and 6053
notify the petitioner in writing. If the petitioner responds in 6054
writing within the fifteen-day period requesting a hearing, the 6055
agency, by certified mail, return receipt requested, promptly 6056
shall notify the petitioner of the time and place for the 6057
hearing, which shall be not earlier than the thirtieth day after 6058

the notice was sent to the petitioner.

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

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

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

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

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

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

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

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is required under this section in final form within one year of 6088
the agency granting a petition under this division. 6089

(d) After filing a proposed rule and rule summary and 6090
fiscal analysis with the joint committee, the agency notifies 6091
the joint committee of the agency's intention to file a revised 6092
proposed rule as described in division (B) of section 106.02 of 6093
the Revised Code. 6094

(2) If the petitioner failed to appear at the hearing, or 6095
if the petitioner failed to persuade the agency that its 6096
intention to deny the petition is erroneous, the agency shall 6097
deny the petition. 6098

The agency shall send notice in writing to the petitioner 6099
of the outcome. If the outcome is denial of the petition, the 6100
notice shall explain briefly why the agency is denying the 6101
petition. The petitioner is not entitled to appeal the outcome. 6102

Sec. 122.09. (A) As used in this section: 6103

(1) "Development costs" means expenditures paid or 6104
incurred by the property owner in completing a certified 6105
transformational mixed use development project, including 6106
architectural or engineering fees paid or incurred in connection 6107
with the project and expenses incurred before the date the 6108
project is certified by the tax credit authority under division 6109
(C) of this section. In the case of a certified transformational 6110
mixed use development project that is part of a larger 6111
contiguous project that is planned to be completed in phases, 6112
"development costs" include only expenditures associated with 6113
the portion of the project that is certified by the tax credit 6114
authority and do not include expenditures incurred for other 6115
phases of the project. 6116

(2) "Owner" means a person or persons holding a fee simple 6117
or leasehold interest in real property, including interests in 6118
real property acquired through a capital lease arrangement. 6119
"Owner" does not include the state or a state agency, or any 6120
political subdivision as defined in section 9.23 of the Revised 6121
Code. For the purpose of this division, "fee simple interest," 6122
"leasehold interest," and "capital lease" shall be construed in 6123
accordance with generally accepted accounting principles. 6124

(3) "Transformational mixed use development" means a 6125
project that consists of new construction or the redevelopment, 6126
rehabilitation, expansion, or other improvement of vacant 6127
buildings or structures, or a combination of the foregoing, and 6128
that: 6129

(a) Will have a transformational economic impact on the 6130
development site and the surrounding area; 6131

(b) Integrates some combination of retail, office, 6132
residential, recreation, structured parking, and other similar 6133
uses into one mixed use development; and 6134

(c) Satisfies one of the following criteria: 6135

(i) If the development site is located within ten miles of 6136
a major city, the project includes at least one new or 6137
previously vacant building that is fifteen or more stories in 6138
height or has a floor area of at least three hundred fifty 6139
thousand square feet, or after completion will be the site of 6140
employment accounting for at least four million dollars in 6141
annual payroll, or includes two or more buildings that are 6142
connected to each other, are located on the same parcel or on 6143
contiguous parcels, and that collectively have a floor area of 6144
at least three hundred fifty thousand square feet; 6145

(ii) If the development site is not located within ten 6146
miles of a major city, the project includes at least one new or 6147
previously vacant building that is two or more stories in height 6148
or has a floor area of at least seventy-five thousand square 6149
feet or two or more new buildings that are located on the same 6150
parcel or on contiguous parcels and that collectively have a 6151
floor area of at least seventy-five thousand square feet. 6152

"Transformational mixed use development" may include a 6153
portion of a larger contiguous project that is planned to be 6154
completed in phases as long as the phases collectively meet the 6155
criteria described in division (A)(3) of this section. 6156

(4) "Increase in tax collections" means the difference, if 6157
positive, of the amount of state and local taxes derived from 6158
economic activity occurring within the development site and the 6159
surrounding area during a period of time minus the amount of 6160
such taxes that are estimated to be derived from such economic 6161
activity in that site and surrounding area during the same 6162
period if the transformational mixed use project were not 6163
completed. 6164

(5) "Completion period" means the time period beginning on 6165
the day after a transformational mixed use development is 6166
certified by the tax credit authority and ending on the fifth 6167
anniversary of the day the project is completed. 6168

(6) "Insurance company" means a person subject to the tax 6169
imposed under section 5725.18 or 5729.03 of the Revised Code. 6170

(7) "Contribute capital" means to invest, loan, or donate 6171
cash in exchange for an equity interest in an asset, a debt 6172
instrument, or no consideration. 6173

(8) "Major city" means a municipal corporation that has a 6174

population greater than one hundred thousand. 6175

(9) "Tax credit authority" means the tax credit authority 6176
created under section 122.17 of the Revised Code. 6177

(10) "Adjusted development costs" means the development 6178
costs attributed to a complete transformational mixed use 6179
development project minus the sum of the capital contributions 6180
of any insurance companies that are preliminarily approved for a 6181
tax credit in connection with the same project. 6182

(11) A "property owner's share" of the increase in tax 6183
collections equals the product obtained by multiplying the total 6184
increase in tax collections since the date the transformational 6185
mixed use development project was certified by a fraction, the 6186
numerator of which is the adjusted development costs and the 6187
denominator of which is the actual development costs attributed 6188
to the project. 6189

(12) An "insurance company's share" of the increase in tax 6190
collections equals the product obtained by multiplying the total 6191
increase in tax collections since the date the transformational 6192
mixed use development project was certified by a fraction, the 6193
numerator of which is the insurance company's capital 6194
contribution to the project and the denominator of which is the 6195
actual development costs attributed to the project. 6196

(B) The owner of one or more parcels of land in this state 6197
within which a transformational mixed use development is planned 6198
or an insurance company that contributes capital to be used in 6199
the planning or construction of such a development may apply to 6200
the tax credit authority for certification of the development 6201
and preliminary approval of a tax credit. Each application shall 6202
be filed in the form and manner prescribed by the director of 6203

development and shall, at minimum, include a development plan 6204
comprised of all of the following information: 6205

(1) The location of the development site and an indication 6206
of whether it is located within ten miles of a major city; 6207

(2) A detailed description of the proposed 6208
transformational mixed use development including site plans, 6209
construction drawings, architectural renderings, or other means 6210
sufficient to convey the appearance, size, purposes, capacity, 6211
and scope of the project and, if applicable, previously 6212
completed and future phases of the project; 6213

(3) A viable financial plan that estimates the development 6214
costs that have been or will be incurred in the completion of 6215
the project and that designates a source of financing or a 6216
strategy for obtaining financing; 6217

(4) An estimated schedule for the progression and 6218
completion of the project including, if applicable, previously 6219
completed and future phases of the project; 6220

(5) An assessment of the projected economic impact of the 6221
project on the development site and the surrounding area; 6222

(6) Evidence that the increase in tax collections during 6223
the completion period will exceed ten per cent of the estimated 6224
development costs reported under division (B) (3) of this 6225
section; 6226

(7) If the applicant is an insurance company that is not 6227
the property owner, the amount of the insurance company's 6228
capital contribution to the development and the date on which it 6229
was or will be made; 6230

(8) Evidence that the project will not be completed unless 6231

the applicant receives the credit. 6232

(C) (1) In determining whether to certify a project that is 6233
the subject of an application submitted under division (B) of 6234
this section, the tax credit authority shall consider the 6235
potential impact of the transformational mixed use development 6236
on the development site and the surrounding area in terms of 6237
architecture, accessibility to pedestrians, retail entertainment 6238
and dining sales, job creation, property values, connectivity, 6239
and revenue from sales, income, lodging, and property taxes. The 6240
tax credit authority shall not certify a project unless it 6241
satisfies the following conditions: 6242

(a) The project qualifies as a transformational mixed use 6243
development and satisfies all other criteria prescribed by this 6244
section or by rule of the director of development; 6245

(b) The estimated increase in tax collections during the 6246
completion period exceeds ten per cent of the estimated 6247
development costs for the project reported under division (B) (3) 6248
of this section; 6249

(c) The project will not be completed unless the applicant 6250
receives the credit; 6251

(d) If the development site is located within ten miles of 6252
a major city, the estimated development costs to complete the 6253
project plus, if applicable, the estimated expenditures that 6254
have been or will be incurred to complete all other contiguous 6255
phases of the project, exceed fifty million dollars. 6256

In making its determination of whether or not to approve 6257
an application, the tax credit authority may conduct an 6258
interview of the applicant. 6259

(2) If the tax credit authority approves an application, 6260

the authority shall issue a statement certifying the associated 6261
transformational mixed use development project and preliminarily 6262
approving a tax credit. The statement shall stipulate that 6263
receipt of a tax credit certificate is contingent upon 6264
completion of the transformational mixed use development as 6265
described in the development plan. The statement shall specify 6266
the estimated amount of the tax credit, but state that the 6267
amount of the credit is dependent upon determination of the 6268
actual development costs attributed to the project and, unless 6269
the tax credit authority grants a request by the property owner 6270
under division (F) of this section, of the increase in tax 6271
collections during the completion period. 6272

(3) Except as otherwise provided in this division, if the 6273
applicant is an insurance company that is not the property 6274
owner, the estimated amount of the tax credit shall equal ten 6275
per cent of the insurance company's capital contribution to the 6276
project as reported in the development plan pursuant to division 6277
(B) (7) of this section. Except as otherwise provided in this 6278
division, if the applicant is the property owner, the estimated 6279
amount of the tax credit shall equal ten per cent of the 6280
estimated development costs for the project as reported in the 6281
development plan pursuant to division (B) (3) of this section 6282
minus any estimated credit amounts that have been preliminarily 6283
approved for insurance companies contributing capital to the 6284
project. The estimated credit amounts may be reduced by the tax 6285
credit authority as a condition of certifying the project if 6286
such a reduction is necessary to comply with the limitations on 6287
the amount of credits that may be preliminarily approved as 6288
prescribed by division (C) (5) of this section. The estimated 6289
credit amounts shall not be adjusted after the statement 6290
described in division (C) (2) of this section has been issued. 6291

(4) If the tax credit authority denies an application, the
authority shall notify the applicant of the reason or reasons
for such determination. The authority's determination is final,
but an applicant may revise and resubmit a previously denied
application.

~~(5) (a) The tax credit authority shall not certify any
transformational mixed use development projects after June 30,
2025.~~

~~(b)~~ The tax credit authority may not preliminarily approve
more than one hundred million dollars of estimated tax credits
in ~~each of fiscal years 2022, 2023, 2024, and 2025~~any fiscal
year.

~~(e)~~ (b) Not more than eighty million dollars of estimated
tax credits in each such fiscal year may be preliminarily
approved in connection with projects that are located within ten
miles of a major city.

~~(d)~~ (c) Not more than forty million dollars of estimated
tax credits may be preliminarily approved in connection with the
same transformational mixed use development project.

(6) If the dollar amount of tax credits applied for under
division (B) of this section in connection with projects that
are located within ten miles of a major city exceeds eighty
million dollars for a fiscal year, the tax credit authority
shall rank those applications and certify the associated
projects in order, starting with the project that presents the
best combination of economic value and transformational impact.
If the dollar amount of tax credits applied for in connection
with projects not located within ten miles of a major city
exceeds twenty million dollars for a fiscal year, the tax credit

authority shall rank those applications and certify the 6321
associated projects in order, starting with the project that 6322
presents the best combination of economic value and 6323
transformational impact. In either case, the authority shall 6324
consider the following factors in ranking the applications: 6325

(a) The projected increase in tax collections during the 6326
completion period as a percentage of the total amount of 6327
estimated tax credits that would be preliminarily approved in 6328
connection with the project; 6329

(b) The economic impact of the project on the development 6330
site and the surrounding area and the impact of the project in 6331
terms of architecture, accessibility to pedestrians, retail 6332
entertainment and dining sales, job creation, property values, 6333
and connectivity; 6334

(c) The expeditiousness of the schedule for completing the 6335
project, realizing the increase in tax collections, and 6336
attaining the economic and other impacts on the development site 6337
and the surrounding area. 6338

(D) Within twelve months of the date a project is 6339
certified, the property owner shall provide the tax credit 6340
authority with an updated schedule for the progression and 6341
completion of the project and documentation sufficient to 6342
demonstrate that construction of the project has begun. If the 6343
property owner does not provide the schedule and documentation 6344
or if construction of the project has not begun within the time 6345
prescribed by this division, the tax credit authority shall 6346
rescind certification of the project and send notice of the 6347
rescission to the property owner and each insurance company that 6348
is preliminarily approved for a tax credit in connection with 6349
the project. A property owner that receives notice of rescission 6350

may submit a new application concerning the same project under 6351
division (B) of this section. 6352

(E) An applicant that is the property owner and is 6353
preliminarily approved for a tax credit under this section may 6354
sell or transfer the rights to that credit to one or more 6355
persons for the purpose of raising capital for the certified 6356
project. The applicant shall notify the tax credit authority 6357
upon selling or transferring the rights to the credit. The 6358
notice shall identify the person or persons to which the credit 6359
was sold or transferred and the credit amount sold or 6360
transferred to each such person. Only an applicant that owns the 6361
property may sell or transfer a credit under this division. A 6362
credit may be divided among multiple purchasers through more 6363
than one transaction but once a particular credit amount is 6364
acquired by a person other than the applicant it may not be sold 6365
or transferred again. 6366

(F) After a transformational mixed use development project 6367
is certified and before it is completed, the property owner may 6368
request that the value of the tax credit certificates awarded in 6369
connection with the project be computed using the alternative 6370
method described in division (I) of this section. The tax credit 6371
authority shall grant the request if the authority determines, 6372
and a third party engaged by the authority at the expense of the 6373
property owner affirms, that it is reasonably certain that the 6374
increase in tax collections will exceed ten per cent of the 6375
estimated development costs within one year after the project is 6376
completed. Otherwise, the authority shall deny the request and 6377
the amount of each credit awarded in connection with the project 6378
shall be computed under division (H) of this section. The 6379
authority's determination under this division shall be delivered 6380
in writing and is final and not appealable. 6381

(G) (1) The property owner shall notify the tax credit 6382
authority upon completion of a certified transformational mixed 6383
use development project. The notification shall include a report 6384
prepared by a third-party certified public accountant that 6385
contains a detailed accounting of the actual development costs 6386
attributed to the project. 6387

(2) Upon receiving such a notice, unless the tax credit 6388
authority has previously granted a request by the property owner 6389
under division (F) of this section, the authority shall 6390
determine the increase in tax collections since the date the 6391
project was certified by consulting with the tax commissioner 6392
and with the tax administrator of any municipal corporation that 6393
levies an income tax within the project site and the surrounding 6394
area. The tax commissioner and the tax administrators that are 6395
consulted pursuant to this division shall provide the tax credit 6396
authority with any information that is necessary to determine 6397
the increase in tax collections. 6398

(3) After determining the increase in tax collections 6399
under division (G) (2) of this section, if required, and 6400
computing the value of the tax credit under division (H) or (I) 6401
of this section, as applicable, the tax credit authority shall 6402
issue a tax credit certificate to each applicant that is 6403
preliminarily approved for a credit associated with the project 6404
or to the person or persons to which such an applicant sold or 6405
transferred the rights to the credit under division (E) of this 6406
section. If the amount of the tax credit awarded to the property 6407
owner is less than the credit amount estimated under division 6408
(C) of this section and the property owner sold or transferred 6409
the rights to the credit, the tax credit authority shall reduce 6410
the amount of each tax credit certificate issued to each 6411
purchaser or recipient on a pro rata basis unless the property 6412

owner requests an alternative allocation of the credit. 6413

(H) (1) Unless the tax credit authority granted a request 6414
by the property owner under division (F) of this section, the 6415
aggregate value of the tax credit certificates issued under 6416
division (G) of this section to the property owner and to any 6417
persons to whom the property owner sold or transferred the 6418
rights to the credit shall equal the lesser of the following: 6419

(a) Ten per cent of the adjusted development costs; 6420

(b) Five per cent of the adjusted development costs plus 6421
any amount by which the property owner's share of the increase 6422
in tax collections since the date the project was certified 6423
exceeds five per cent of the adjusted development costs; 6424

(c) The estimated credit amount specified in the tax 6425
credit authority's statement certifying the project and 6426
preliminarily approving the tax credit under division (C) of 6427
this section. 6428

(2) The value of a tax credit certificate issued under 6429
division (G) of this section to an insurance company that 6430
contributed capital to the project shall equal the lesser of the 6431
following: 6432

(a) Ten per cent of the insurance company's actual capital 6433
contribution; 6434

(b) Five per cent of such capital contribution plus any 6435
amount by which the insurance company's share of the increase in 6436
tax collections since the date the project was certified exceeds 6437
five per cent of the insurance company's capital contribution; 6438

(c) The estimated credit amount specified in the tax 6439
credit authority's statement certifying the project and 6440

preliminarily approving the tax credit under division (C) of 6441
this section. 6442

(I) If the tax credit authority granted a request by the 6443
property owner under division (F) of this section, the value of 6444
the tax credit certificates issued in connection with the 6445
transformational mixed use development project shall be computed 6446
as follows: 6447

(1) For the property owner or any person to which the 6448
property owner sold or transferred the rights to the credit, ten 6449
per cent of the actual development costs attributed to the 6450
project. If the amount of the credit is less than the credit 6451
amount estimated under division (C) of this section and the 6452
property owner sold or transferred the rights to the credit to 6453
more than one person, the authority shall reduce the amount of 6454
each tax credit certificate on a pro rata basis unless the 6455
property owner requests an alternative allocation of the credit. 6456

(2) For an insurance company that contributed capital to 6457
the project, ten per cent of the insurance company's actual 6458
capital contribution. 6459

(J) If the value of a tax credit certificate was computed 6460
under division (H) of this section for a project, the property 6461
owner, on or before the thirtieth day following the first, 6462
second, third, fourth, and fifth anniversaries of the date the 6463
certified transformational mixed use development project is 6464
completed, may request in writing that the tax credit authority 6465
update the increase in tax collections during the completion 6466
period. Upon receiving such a request, the tax credit authority 6467
shall update the increase in tax collections in the same manner 6468
described by division (G) of this section. If the tax credit 6469
authority determines that the value of the tax credit 6470

certificates computed under division (H) of this section would 6471
be greater if computed based on the updated increase in tax 6472
collections, the authority shall issue an additional tax credit 6473
certificate to each person that previously received a 6474
certificate for the project under those divisions. The value of 6475
each additional tax credit certificate shall equal the amount by 6476
which the tax credit certificate computed under division (H) of 6477
this section upon completion of the project would have been 6478
greater had the value of such certificate been computed based on 6479
the updated increase in tax collections, less the value of any 6480
additional tax credit certificates previously issued under this 6481
division to the same person respecting the same project. 6482

(K) The aggregate value of all tax credit certificates 6483
issued under this section for the same transformational mixed 6484
use development project shall not exceed (1) ten per cent of the 6485
actual development costs of that project or (2) the sum of all 6486
estimated credit amounts preliminarily approved by the tax 6487
credit authority in connection with the project. 6488

(L) Issuance of a tax credit certificate under this 6489
section does not represent a verification or certification by 6490
the tax credit authority of the actual development costs of the 6491
project or the capital contributions to the project by an 6492
insurance company. Such amounts are subject to inspection and 6493
examination by the superintendent of insurance. 6494

(M) Upon the issuance of a tax credit certificate under 6495
division (G) or (J) of this section, the tax credit authority 6496
shall certify to the superintendent of insurance (1) the name of 6497
each person that was issued a tax credit certificate, (2) 6498
whether the person is the property owner, an insurance company 6499
that contributed capital to the development, or a person that 6500

acquired the rights to the tax credit certificate from the 6501
property owner, (3) the credit amount shown on each tax credit 6502
certificate, and (4) any other information required by the rules 6503
adopted under this section. A person that holds the rights to a 6504
tax credit certificate issued under this section and that is an 6505
insurance company may claim a tax credit under section 5725.35 6506
or 5729.18 of the Revised Code. 6507

(N) The tax credit authority shall publish information 6508
about each transformational mixed use development on the web 6509
site of the department of development not later than the first 6510
day of August following certification of the project. The tax 6511
credit authority shall update the published information annually 6512
until the project is complete and the credit or credits are 6513
fully claimed. The published information shall include all of 6514
the following: 6515

(1) The location of the transformational mixed use 6516
development and the name by which it is known; 6517

(2) The estimated schedule for progression and completion 6518
of the project included in the development plan pursuant to 6519
division (B) (4) of this section; 6520

(3) The assessment of the projected economic impact of the 6521
project included in the development plan pursuant to division 6522
(B) (5) of this section; 6523

(4) The evidence supporting the estimated increase in tax 6524
collections included in the development plan pursuant to 6525
division (B) (6) of this section, except that the tax credit 6526
authority may omit any proprietary or sensitive information 6527
included in such evidence; 6528

(5) The estimated development costs that have been or will 6529

be incurred in completion of the project and, if applicable, the 6530
amount of the insurance company's capital contribution to the 6531
development and the date on which it was made, as reported in 6532
the development plan pursuant to divisions (B) (3) and (7) of 6533
this section; 6534

(6) A copy of each report submitted to the tax credit 6535
authority by the applicant under division (D) of this section. 6536

(O) The director, in accordance with Chapter 119. of the 6537
Revised Code, shall adopt rules that establish all of the 6538
following: 6539

(1) Forms and procedures by which applicants may apply for 6540
a transformational investment tax credit, and any deadlines for 6541
applying; 6542

(2) Criteria and procedures for reviewing, evaluating, 6543
ranking, and approving applications within the limitations 6544
prescribed by this section, including rules prescribing the 6545
timing and frequency by which the tax credit authority must rank 6546
applications and preliminarily approve tax credits under 6547
division (C) of this section; 6548

(3) Eligibility requirements for obtaining a tax credit 6549
certificate under this section; 6550

(4) The form of the tax credit certificate; 6551

(5) Reporting requirements and monitoring procedures; 6552

(6) Procedures for computing the increase in tax 6553
collections within the project site and the surrounding area; 6554

(7) Forms and procedures by which property owners may 6555
request the alternative method of computing the value of tax 6556
credit certificates under division (I) of this section that are 6557

awarded in connection with a project and criteria for evaluating 6558
and making a determination on such requests; 6559

(8) Any other rules necessary to implement and administer 6560
this section. 6561

Sec. 122.14. (A) As used in this section, "professional 6562
sports facility" has the same meaning as in section 5516.01 of 6563
the Revised Code. 6564

(B) There is hereby created in the state treasury the 6565
roadwork development fund. The fund shall consist of the 6566
investment earnings of the security deposit fund created by 6567
section 4509.27 of the Revised Code and revenue transferred to 6568
it by the director of budget and management from the highway 6569
operating fund created in section 5735.051 of the Revised Code. 6570
The fund shall be used by the department of development services 6571
~~agency~~ in accordance with Section 5a of Article XII, Ohio 6572
Constitution, to make road improvements associated with 6573
retaining or attracting business for this state, including both 6574
of the following: 6575

(1) Construction, reconstruction, maintenance, or repair 6576
of public roads that provide access to a public airport or are 6577
located within a public airport; 6578

(2) Construction, reconstruction, maintenance, or repair 6579
of public roads and the associated improvements that provide or 6580
improve access to tourism attractions or professional sports 6581
facilities. 6582

~~(B)~~ (C) Tourism attractions or professional sports 6583
facilities may use funds received from the development services 6584
agency, in accordance with this section, to make improvements 6585
associated with the retail and residential components of the 6586

total development of which they are a part. 6587

(D) All investment earnings of the fund shall be credited 6588
to the fund. 6589

Sec. 122.175. (A) As used in this section: 6590

(1) "Capital investment project" means a plan of 6591
investment at a project site for the acquisition, construction, 6592
renovation, expansion, replacement, or repair of a computer data 6593
center or of computer data center equipment, but does not 6594
include any of the following: 6595

(a) Project costs paid before a date determined by the tax 6596
credit authority for each capital investment project; 6597

(b) Payments made to a related member as defined in 6598
section 5733.042 of the Revised Code or to a consolidated 6599
elected taxpayer or a combined taxpayer as defined in section 6600
5751.01 of the Revised Code. 6601

(2) "Computer data center" means a facility used or to be 6602
used primarily to house computer data center equipment used or 6603
to be used in conducting one or more computer data center 6604
businesses, as determined by the tax credit authority. 6605

(3) "Computer data center business" means, as may be 6606
further determined by the tax credit authority, a business that 6607
provides electronic information services as defined in division 6608
(Y) (1) (c) of section 5739.01 of the Revised Code, or that leases 6609
a facility to one or more such businesses. "Computer data center 6610
business" does not include providing electronic publishing as 6611
defined in that section. 6612

(4) "Computer data center equipment" means tangible 6613
personal property used or to be used for any of the following: 6614

(a) To conduct a computer data center business, including 6615
equipment cooling systems to manage the performance of computer 6616
data center equipment; 6617

(b) To generate, transform, transmit, distribute, or 6618
manage electricity necessary to operate the tangible personal 6619
property used or to be used in conducting a computer data center 6620
business; 6621

(c) As building and construction materials sold to 6622
construction contractors for incorporation into a computer data 6623
center. 6624

(5) "Eligible computer data center" means a computer data 6625
center that satisfies all of the following requirements: 6626

(a) One or more taxpayers operating a computer data center 6627
business at the project site will, in the aggregate, make 6628
payments for a capital investment project of at least one 6629
hundred million dollars at the project site during one of the 6630
following cumulative periods: 6631

(i) For projects beginning in 2013, six consecutive 6632
calendar years; 6633

(ii) For projects beginning in 2014, four consecutive 6634
calendar years; 6635

(iii) For projects beginning in or after 2015, three 6636
consecutive calendar years. 6637

(b) One or more taxpayers operating a computer data center 6638
business at the project site will, in the aggregate, pay annual 6639
compensation that is subject to the withholding obligation 6640
imposed under section 5747.06 of the Revised Code of at least 6641
one million five hundred thousand dollars to employees employed 6642

at the project site for each year of the agreement beginning on 6643
or after the first day of the twenty-fifth month after the 6644
agreement was entered into under this section. 6645

(6) "Person" has the same meaning as in section 5701.01 of 6646
the Revised Code. 6647

(7) "Project site," "related member," and "tax credit 6648
authority" have the same meanings as in sections 122.17 and 6649
122.171 of the Revised Code. 6650

(8) "Taxpayer" means any person subject to the taxes 6651
imposed under Chapters 5739. and 5741. of the Revised Code. 6652

(B) The tax credit authority may completely or partially 6653
exempt from the taxes levied under Chapters 5739. and 5741. of 6654
the Revised Code the sale, storage, use, or other consumption of 6655
computer data center equipment used or to be used at an eligible 6656
computer data center. Any such exemption shall extend to charges 6657
for the delivery, installation, or repair of the computer data 6658
center equipment subject to the exemption under this section. 6659

(C) A taxpayer that proposes a capital improvement project 6660
for an eligible computer data center in this state may apply to 6661
the tax credit authority to enter into an agreement under this 6662
section authorizing a complete or partial exemption from the 6663
taxes imposed under Chapters 5739. and 5741. of the Revised Code 6664
on computer data center equipment purchased by the applicant or 6665
any other taxpayer that operates a computer data center business 6666
at the project site and used or to be used at the eligible 6667
computer data center. The director of development ~~services~~ shall 6668
prescribe the form of the application. After receipt of an 6669
application, the authority shall forward copies of the 6670
application to ~~the director of budget and management and the tax~~ 6671

commissioner, ~~each of whom~~ who shall review the application to 6672
determine the economic impact that the proposed eligible 6673
computer data center would have on the state and any affected 6674
political subdivisions and submit to the authority a summary of 6675
their determinations. The authority shall also forward a copy of 6676
the application to the director of development ~~services~~ who 6677
shall review the application to determine the economic impact 6678
that the proposed eligible computer data center would have on 6679
the state and the affected political subdivisions and shall 6680
submit a summary of their determinations and recommendations to 6681
the authority. 6682

(D) Upon review and consideration of such determinations 6683
and recommendations, the tax credit authority may enter into an 6684
agreement with the applicant and any other taxpayer that 6685
operates a computer data center business at the project site for 6686
a complete or partial exemption from the taxes imposed under 6687
Chapters 5739. and 5741. of the Revised Code on computer data 6688
center equipment used or to be used at an eligible computer data 6689
center if the authority determines all of the following: 6690

(1) The capital investment project for the eligible 6691
computer data center will increase payroll and the amount of 6692
income taxes to be withheld from employee compensation pursuant 6693
to section 5747.06 of the Revised Code. 6694

(2) The applicant is economically sound and has the 6695
ability to complete or effect the completion of the proposed 6696
capital investment project. 6697

(3) The applicant intends to and has the ability to 6698
maintain operations at the project site for the term of the 6699
agreement. 6700

(4) Receiving the exemption is a major factor in the 6701
applicant's decision to begin, continue with, or complete the 6702
capital investment project. 6703

(E) An agreement entered into under this section shall 6704
include all of the following: 6705

(1) A detailed description of the capital investment 6706
project that is the subject of the agreement, including the 6707
amount of the investment, the period over which the investment 6708
has been or is being made, the annual compensation to be paid by 6709
each taxpayer subject to the agreement to its employees at the 6710
project site, and the anticipated amount of income taxes to be 6711
withheld from employee compensation pursuant to section 5747.06 6712
of the Revised Code. 6713

(2) The percentage of the exemption from the taxes imposed 6714
under Chapters 5739. and 5741. of the Revised Code for the 6715
computer data center equipment used or to be used at the 6716
eligible computer data center, the length of time the computer 6717
data center equipment will be exempted, and the first date on 6718
which the exemption applies. 6719

(3) A requirement that the computer data center remain an 6720
eligible computer data center during the term of the agreement 6721
and that the applicant maintain operations at the eligible 6722
computer data center during that term. An applicant does not 6723
violate the requirement described in division (E)(3) of this 6724
section if the applicant ceases operations at the eligible 6725
computer data center during the term of the agreement but 6726
resumes those operations within eighteen months after the date 6727
of cessation. The agreement shall provide that, in such a case, 6728
the applicant and any other taxpayer that operates a computer 6729
data center business at the project site shall not claim the tax 6730

exemption authorized in the agreement for any purchase of 6731
computer data center equipment made during the period in which 6732
the applicant did not maintain operations at the eligible 6733
computer data center. 6734

(4) A requirement that, for each year of the term of the 6735
agreement beginning on or after the first day of the twenty- 6736
fifth month after the date the agreement was entered into, one 6737
or more taxpayers operating a computer data center business at 6738
the project site will, in the aggregate, pay annual compensation 6739
that is subject to the withholding obligation imposed under 6740
section 5747.06 of the Revised Code of at least one million five 6741
hundred thousand dollars to employees at the eligible computer 6742
data center. 6743

(5) A requirement that each taxpayer subject to the 6744
agreement annually report to the director of development 6745
~~services~~ employment, tax withholding, capital investment, and 6746
other information required by the director to perform the 6747
director's duties under this section. 6748

(6) A requirement that the director of development 6749
~~services~~ annually review the annual reports of each taxpayer 6750
subject to the agreement to verify the information reported 6751
under division (E) (5) of this section and compliance with the 6752
agreement. Upon verification, the director shall issue a 6753
certificate to each such taxpayer stating that the information 6754
has been verified and that the taxpayer remains eligible for the 6755
exemption specified in the agreement. 6756

(7) A provision providing that the taxpayers subject to 6757
the agreement may not relocate a substantial number of 6758
employment positions from elsewhere in this state to the project 6759
site unless the director of development ~~services~~ determines that 6760

the appropriate taxpayer notified the legislative authority of 6761
the county, township, or municipal corporation from which the 6762
employment positions would be relocated. For purposes of this 6763
paragraph, the movement of an employment position from one 6764
political subdivision to another political subdivision shall be 6765
considered a relocation of an employment position unless the 6766
movement is confined to the project site. The transfer of an 6767
employment position from one political subdivision to another 6768
political subdivision shall not be considered a relocation of an 6769
employment position if the employment position in the first 6770
political subdivision is replaced by another employment 6771
position. 6772

(8) A waiver by each taxpayer subject to the agreement of 6773
any limitations periods relating to assessments or adjustments 6774
resulting from the taxpayer's failure to comply with the 6775
agreement. 6776

(F) The term of an agreement under this section shall be 6777
determined by the tax credit authority, and the amount of the 6778
exemption shall not exceed one hundred per cent of such taxes 6779
that would otherwise be owed in respect to the exempted computer 6780
data center equipment. 6781

(G) If any taxpayer subject to an agreement under this 6782
section fails to meet or comply with any condition or 6783
requirement set forth in the agreement, the tax credit authority 6784
may amend the agreement to reduce the percentage of the 6785
exemption or term during which the exemption applies to the 6786
computer data center equipment used or to be used by the 6787
noncompliant taxpayer at an eligible computer data center. The 6788
reduction of the percentage or term may take effect in the 6789
current calendar year. 6790

(H) Financial statements and other information submitted 6791
to the department of development ~~services~~ or the tax credit 6792
authority by an applicant for or recipient of an exemption under 6793
this section, and any information taken for any purpose from 6794
such statements or information, are not public records subject 6795
to section 149.43 of the Revised Code. However, the chairperson 6796
of the authority may make use of the statements and other 6797
information for purposes of issuing public reports or in 6798
connection with court proceedings concerning tax exemption 6799
agreements under this section. Upon the request of the tax 6800
commissioner, the chairperson of the authority shall provide to 6801
the tax commissioner any statement or other information 6802
submitted by an applicant for or recipient of an exemption under 6803
this section. The tax commissioner shall preserve the 6804
confidentiality of the statement or other information. 6805

(I) The tax commissioner shall issue a direct payment 6806
permit under section 5739.031 of the Revised Code to each 6807
taxpayer subject to an agreement under this section. Such direct 6808
payment permit shall authorize the taxpayer to pay any sales and 6809
use taxes due on purchases of computer data center equipment 6810
used or to be used in an eligible computer data center and to 6811
pay any sales and use taxes due on purchases of tangible 6812
personal property or taxable services other than computer data 6813
center equipment used or to be used in an eligible computer data 6814
center directly to the tax commissioner. Each such taxpayer 6815
shall pay pursuant to such direct payment permit all sales tax 6816
levied on such purchases under sections 5739.02, 5739.021, 6817
5739.023, and 5739.026 of the Revised Code and all use tax 6818
levied on such purchases under sections 5741.02, 5741.021, 6819
5741.022, and 5741.023 of the Revised Code, consistent with the 6820
terms of the agreement entered into under this section. 6821

During the term of an agreement under this section each 6822
taxpayer subject to the agreement shall submit to the tax 6823
commissioner a return that shows the amount of computer data 6824
center equipment purchased for use at the eligible computer data 6825
center, the amount of tangible personal property and taxable 6826
services other than computer data center equipment purchased for 6827
use at the eligible computer data center, the amount of tax 6828
under Chapter 5739. or 5741. of the Revised Code that would be 6829
due in the absence of the agreement under this section, the 6830
exemption percentage for computer data center equipment 6831
specified in the agreement, and the amount of tax due under 6832
Chapter 5739. or 5741. of the Revised Code as a result of the 6833
agreement under this section. Each such taxpayer shall pay the 6834
tax shown on the return to be due in the manner and at the times 6835
as may be further prescribed by the tax commissioner. Each such 6836
taxpayer shall include a copy of the director of ~~development-~~ 6837
~~services'~~development's certificate of verification issued under 6838
division (E) (6) of this section. Failure to submit a copy of the 6839
certificate with the return does not invalidate the claim for 6840
exemption if the taxpayer submits a copy of the certificate to 6841
the tax commissioner within the time prescribed by section 6842
5703.0510 of the Revised Code. 6843

(J) If the director of development ~~services~~ determines 6844
that one or more taxpayers received an exemption from taxes due 6845
on the purchase of computer data center equipment purchased for 6846
use at a computer data center that no longer complies with the 6847
requirement under division (E) (3) of this section, the director 6848
shall notify the tax credit authority and, if applicable, the 6849
taxpayer that applied to enter the agreement for the exemption 6850
under division (C) of this section of the noncompliance. After 6851
receiving such a notice, and after giving each taxpayer subject 6852

to the agreement an opportunity to explain the noncompliance, 6853
the authority may terminate the agreement and require each such 6854
taxpayer to pay to the state all or a portion of the taxes that 6855
would have been owed in regards to the exempt equipment in 6856
previous years, all as determined under rules adopted pursuant 6857
to division (K) of this section. In determining the portion of 6858
the taxes that would have been owed on the previously exempted 6859
equipment to be paid to this state by a taxpayer, the authority 6860
shall consider the effect of market conditions on the eligible 6861
computer data center, whether the taxpayer continues to maintain 6862
other operations in this state, and, with respect to agreements 6863
involving multiple taxpayers, the taxpayer's level of 6864
responsibility for the noncompliance. After making the 6865
determination, the authority shall certify to the tax 6866
commissioner the amount to be paid by each taxpayer subject to 6867
the agreement. The tax commissioner shall make an assessment for 6868
that amount against each such taxpayer under Chapter 5739. or 6869
5741. of the Revised Code. The time limitations on assessments 6870
under those chapters do not apply to an assessment under this 6871
division, but the tax commissioner shall make the assessment 6872
within one year after the date the authority certifies to the 6873
tax commissioner the amount to be paid by the taxpayer. 6874

(K) The director of development~~services~~, after 6875
consultation with the tax commissioner and in accordance with 6876
Chapter 119. of the Revised Code, shall adopt rules necessary to 6877
implement this section. The rules may provide for recipients of 6878
tax exemptions under this section to be charged fees to cover 6879
administrative costs incurred in the administration of this 6880
section. The fees collected shall be credited to the tax 6881
incentives operating fund created in section 122.174 of the 6882
Revised Code. At the time the director gives public notice under 6883

division (A) of section 119.03 of the Revised Code of the 6884
adoption of the rules, the director shall submit copies of the 6885
proposed rules to the chairpersons of the standing committees on 6886
economic development in the senate and the house of 6887
representatives. 6888

(L) On or before the first day of August of each year, the 6889
director of development ~~services~~ shall submit a report to the 6890
governor, the president of the senate, and the speaker of the 6891
house of representatives on the tax exemption authorized under 6892
this section. The report shall include information on the number 6893
of agreements that were entered into under this section during 6894
the preceding calendar year, a description of the eligible 6895
computer data center that is the subject of each such agreement, 6896
and an update on the status of eligible computer data centers 6897
under agreements entered into before the preceding calendar 6898
year. 6899

(M) A taxpayer may be made a party to an existing 6900
agreement entered into under this section by the tax credit 6901
authority and another taxpayer or group of taxpayers. In such a 6902
case, the taxpayer shall be entitled to all benefits and bound 6903
by all obligations contained in the agreement and all 6904
requirements described in this section. When an agreement 6905
includes multiple taxpayers, each taxpayer shall be entitled to 6906
a direct payment permit as authorized in division (I) of this 6907
section. 6908

Sec. 122.1710. (A) As used in this section: 6909

(1) "Low-income individual" has the same meaning as "low- 6910
income person" in section ~~122.66~~ 5101.311 of the Revised Code. 6911

(2) "Microcredential" has the same meaning as in section 6912

122.178 of the Revised Code. 6913

(3) "OhioMeansJobs web site" has the same meaning as in 6914
section 6301.01 of the Revised Code. 6915

(4) "Partially unemployed" and "totally unemployed" have 6916
the same meanings as in section 4141.01 of the Revised Code. 6917

(5) "Training provider" means all of the following: 6918

(a) A state institution of higher education as defined in 6919
section 3345.011 of the Revised Code; 6920

(b) An Ohio technical center as defined in section 3333.94 6921
of the Revised Code; 6922

(c) A private business or institution that offers training 6923
to allow an individual to earn one or more microcredentials. 6924

(6) "Fiscal year" means the fiscal year of this state as 6925
specified in section 9.34 of the Revised Code. 6926

(B) There is hereby created the individual microcredential 6927
assistance program to reimburse training providers for training 6928
costs for individuals to earn a microcredential. The department 6929
of development, in consultation with the governor's office of 6930
workforce transformation, shall administer the program. The 6931
director shall administer the program so that the total 6932
reimbursement to each training provider approved to participate 6933
in the program occurs at least once per fiscal year. 6934

(C) A training provider seeking to participate in the 6935
program shall submit an application to the director of 6936
development at the beginning or before the beginning of a fiscal 6937
year, but not later than the date established by the director. 6938
The training provider shall include in the application all of 6939
the following information: 6940

(1) The number of microcredentials the training provider 6941
will seek a reimbursement for and the names of the 6942
microcredentials; 6943

(2) The cost of the training for each microcredential; 6944

(3) The total amount of the reimbursement the training 6945
provider will seek; 6946

(4) The training provider's plan to provide opportunities 6947
for individuals who are low income, partially unemployed, or 6948
totally unemployed to participate in a training program and 6949
receive a microcredential; 6950

(5) Any other information the director requires. 6951

(D) (1) The director shall consider the following factors 6952
in determining whether to approve an application submitted under 6953
division (C) of this section: 6954

(a) The duration of the training program; 6955

(b) The cost of the training; 6956

(c) Whether approving an application will promote regional 6957
diversity in apportioning reimbursements uniformly across the 6958
state; 6959

(d) The training provider's commitment to providing 6960
opportunities for individuals who are low income, partially 6961
unemployed, or totally unemployed to participate in a training 6962
program and receive a microcredential. 6963

(2) In determining regional diversity under division (D) 6964
(1) (c) of this section, the director shall use the regions 6965
established under division (G) of section 122.178 of the Revised 6966
Code. 6967

(3) The director shall not approve an application 6968
submitted under this section if either of the following apply: 6969

(a) The microcredentials identified in the application are 6970
not included in the list the chancellor of higher education 6971
establishes under section 122.178 of the Revised Code. 6972

(b) The training provider has violated Chapter 4111. of 6973
the Revised Code within the four fiscal years immediately 6974
preceding the date of application. 6975

(4) The director shall notify a training provider in 6976
writing of the director's decision to approve or deny the 6977
training provider's application to participate in the program. 6978

(E) A participating training provider shall not charge an 6979
individual participating in a training program to earn a 6980
microcredential for which the training provider is seeking a 6981
reimbursement for either of the following: 6982

(1) Any costs associated with the individual's 6983
participation in the training program; 6984

(2) Any costs to the training provider resulting from an 6985
individual not completing the training program. 6986

(F) (1) Each participating training provider seeking 6987
reimbursement for training costs for one or more 6988
microcredentials earned by one or more individuals in a training 6989
program shall submit an application to the director after the 6990
individual or individuals have earned a microcredential. The 6991
training provider shall submit the reimbursement application 6992
during the fiscal year in which the training provider applied 6993
under division (C) of this section, but not later than the date 6994
established by the director. The training provider shall include 6995
in the reimbursement application all of the following 6996

information: 6997

(a) The actual cost for the training provider to provide 6998
each individual with the training; 6999

(b) Evidence that each individual earned a 7000
microcredential; 7001

(c) Any demographic information of each individual that 7002
the individual provides to the training provider, including race 7003
and gender. 7004

(2) The amount of the reimbursement shall be not more than 7005
three thousand dollars for each microcredential an individual 7006
receives. A participating training provider may not receive a 7007
reimbursement for any additional individual who earns a 7008
microcredential beyond the number of microcredentials included 7009
in the application under division (C) of this section. A 7010
participating training provider may receive a total 7011
reimbursement of five hundred thousand dollars in a fiscal year. 7012
However, each participating training provider that is a state 7013
institution of higher education may receive a total 7014
reimbursement or advance payment amount under section 122.1713 7015
of the Revised Code of one million dollars in a fiscal year. 7016

(3) A training provider may request that an individual 7017
participating in the training provider's program provide 7018
demographic information to the training provider, including race 7019
and gender. An individual is not required to provide that 7020
information. 7021

(G) The director shall do ~~both~~ all of the following 7022
regarding the operation of the program: 7023

(1) Create an application to participate in the program 7024
and an application for reimbursement; 7025

(2) Create applications to participate in and seek advance 7026
payments under the platinum provider programs established under 7027
sections 122.1712 and 122.1713 of the Revised Code; 7028

(3) Create and distribute a survey to each individual who 7029
successfully earned a microcredential because of a reimbursement 7030
to a training provider under this section inquiring as to the 7031
individual's occupation and wages at the time of completing the 7032
survey. 7033

(H) The director shall include on the internet web site 7034
maintained by the department, and the governor's office of 7035
workforce transformation shall include on the office's internet 7036
web site and the OhioMeansJobs web site, all of the content 7037
created under division (G) of this section. 7038

(I) The director may adopt rules in accordance with 7039
Chapter 119. of the Revised Code as the director considers 7040
necessary to implement this section and sections 122.1712 and 7041
122.1713 of the Revised Code, including establishing priority 7042
guidelines for approving applications under division (D) of this 7043
section. 7044

(J) Any personal information of an individual the director 7045
receives in connection with the individual microcredential 7046
assistance program created under this section is not a public 7047
record for purposes of section 149.43 of the Revised Code. 7048
However, the director may use the information as necessary to 7049
complete the reports required under section 122.1711 of the 7050
Revised Code. 7051

Sec. 122.1712. (A) As used in this section: 7052

(1) "Fiscal year" means the fiscal year of this state as 7053
specified in section 9.34 of the Revised Code. 7054

(2) "Individual microcredential assistance program" means 7055
the individual microcredential assistance program created under 7056
section 122.1710 of the Revised Code. 7057

(3) "Microcredential" has the same meaning as in section 7058
122.178 of the Revised Code. 7059

(4) "Training provider" means all of the following: 7060

(a) An Ohio technical center as defined in section 3333.94 7061
of the Revised Code; 7062

(b) A private business or institution that offers training 7063
to allow an individual to earn one or more microcredentials; 7064

(c) A state institution of higher education as defined in 7065
section 3345.011 of the Revised Code. 7066

(B) The director of development, in consultation with the 7067
governor's office of workforce transformation, shall establish a 7068
platinum provider program. A training provider that is approved 7069
to participate in the individual microcredential assistance 7070
program and that meets the requirements specified under this 7071
section is eligible to participate in the platinum provider 7072
program. A training provider approved to participate in the 7073
platinum provider program may receive one or more advance 7074
payments to cover the training costs for individuals to earn a 7075
microcredential under the individual microcredential assistance 7076
program. 7077

(C) A training provider seeking to participate in the 7078
platinum provider program shall apply to the director on a form 7079
prescribed by the director after the training provider is 7080
approved to participate in the individual microcredential 7081
assistance program. The training provider shall include in the 7082
application all of the following information: 7083

(1) The advance payment amount the training provider is 7084
seeking, not to exceed twenty per cent of the total 7085
reimbursement amount the training provider seeks under division 7086
(C) of section 122.1710 of the Revised Code; 7087

(2) Evidence that at least eighty per cent of individuals 7088
who participated in training programs offered by the training 7089
provider in the previous fiscal year earned a microcredential 7090
under the individual microcredential assistance program; 7091

(3) The number of microcredentials for which the training 7092
provider is seeking an advance payment and the names of the 7093
microcredentials; 7094

(4) The cost of the training for each microcredential for 7095
which the training provider is seeking an advance payment; 7096

(5) Proof that the training provider has obtained a surety 7097
bond that meets the requirements of division (J) of this 7098
section. 7099

(D) The director shall notify a training provider in 7100
writing of the director's decision to approve or deny an 7101
application the training provider submits under division (C) of 7102
this section. If the director approves the application, the 7103
director shall do both of the following: 7104

(1) Designate the training provider as a platinum 7105
provider; 7106

(2) Provide an initial advance payment to the platinum 7107
provider in the amount specified in the application but not 7108
exceeding any of the amounts described under division (F) of 7109
this section. 7110

(E) After each training program that a platinum provider 7111

administers during a fiscal year that results in at least one 7112
individual earning a microcredential, the provider may apply for 7113
a subsequent advance payment of not more than the least of the 7114
amounts described under division (F) of this section. The 7115
provider shall include in the application the same information 7116
as described under division (C) of this section. If a provider 7117
applies for a subsequent advance payment under this division, 7118
one of the following applies depending on the training program's 7119
completion rate: 7120

(1) If at least eighty per cent of the individuals who 7121
participated in the training program earned a microcredential, 7122
the director shall provide a subsequent advance payment to the 7123
provider in the amount specified in the application. 7124

(2) If less than eighty per cent of the individuals who 7125
participated in the training program earned a microcredential, 7126
to be eligible for a subsequent advance payment, the provider 7127
shall refund to the director a certain per cent of the advance 7128
payment amount that was last provided to the provider during the 7129
fiscal year as determined under division (E) (2) (a) of this 7130
section. 7131

(a) The per cent a provider must refund to be eligible for 7132
a subsequent advance payment under division (E) (2) of this 7133
section is the difference between eighty per cent and the per 7134
cent of individuals who earned a microcredential. 7135

(b) For a provider to whom division (E) (2) of this section 7136
applies, if the provider complies with that division, the 7137
director shall provide a subsequent advance payment to the 7138
provider in the amount specified in the provider's application. 7139
If the provider does not comply with that division, the director 7140
shall not provide a subsequent advance payment. 7141

(F) In no case shall the director provide an advance 7142
payment under this section that exceeds the least of the 7143
following amounts: 7144

(1) Twenty per cent of the total amount of reimbursement 7145
the platinum provider seeks under division (C) of section 7146
122.1710 of the Revised Code; 7147

(2) The amount of the provider's surety bond required by 7148
division (J) of this section, less any previous advance payment 7149
the provider is required to refund to the director under 7150
division (G) of this section, if the provider has not yet 7151
completed the refund; 7152

(3) One hundred thousand dollars. 7153

(G) (1) If the director approves a reimbursement 7154
application that a platinum provider submits under division (F) 7155
of section 122.1710 of the Revised Code, the director shall 7156
reimburse the platinum provider for the total actual cost for 7157
the platinum provider to provide training to individuals who 7158
earned a microcredential in accordance with that division less 7159
the total advance payment amount provided to the platinum 7160
provider under this section. The director shall not reimburse 7161
the platinum provider for any amounts the platinum provider 7162
refunded to the director under division (E) (2) of this section. 7163
If the platinum provider specifies in the reimbursement 7164
application that the total actual cost for the platinum provider 7165
to provide the training is less than the total advance payment 7166
amount provided to the platinum provider under this section, the 7167
platinum provider shall refund to the director the difference 7168
between the advance payment amount and the actual training cost. 7169

(2) If a platinum provider fails to apply for 7170

reimbursement under division (F) of section 122.1710 of the 7171
Revised Code, the director shall require the platinum provider 7172
to refund the total advance payment amount provided to the 7173
platinum provider under this section. 7174

(H) If, at the time a platinum provider seeks 7175
reimbursement under division (F) of section 122.1710 of the 7176
Revised Code, the director determines that less than eighty per 7177
cent of individuals who participated in training programs 7178
provided by the platinum provider in the fiscal year earned a 7179
microcredential or that the platinum provider has failed to 7180
maintain the bond required under division (J) of this section, 7181
both of the following apply: 7182

(1) The director shall revoke the provider's status as a 7183
platinum provider; 7184

(2) The provider is ineligible to participate in the 7185
platinum provider program for the following fiscal year. 7186

(I) A training provider whose platinum status is revoked 7187
under division (H) of this section may reapply to participate in 7188
the platinum provider program in the fiscal year that follows 7189
the fiscal year in which the training provider is ineligible to 7190
participate in the program under that division. 7191

(J) A training provider that is certified as a platinum 7192
provider or that seeks to participate in the platinum provider 7193
program shall maintain a surety bond issued by a bonding company 7194
or an insurance company licensed to do business in this state. 7195
The bond shall be in favor of the director in an amount not less 7196
than the sum of the total advance payments received by the 7197
provider for the fiscal year plus any advance payments for 7198
previous fiscal years that the provider is required to refund 7199

under division (G) of this section, if the provider has not yet 7200
completed the refund. The provider shall maintain the bond for 7201
so long as it participates in the program and shall not allow it 7202
to expire or terminate until all of the provider's obligations 7203
under division (G) of this section are fulfilled. 7204

Sec. 122.1713. (A) As used in this section: 7205

(1) "Fiscal year" means the fiscal year of this state as 7206
specified in section 9.34 of the Revised Code. 7207

(2) "Individual microcredential assistance program" means 7208
the individual microcredential assistance program created under 7209
section 122.1710 of the Revised Code. 7210

(3) "Microcredential" has the same meaning as in section 7211
122.178 of the Revised Code. 7212

(4) "State institution of higher education" has the same 7213
meaning as in section 3345.011 of the Revised Code. 7214

(B) The director of development, in consultation with the 7215
governor's office of workforce transformation, shall establish 7216
an institutional platinum provider program for state 7217
institutions of higher education approved to participate in the 7218
individual microcredential assistance program. 7219

(C) Each state institution of higher education shall do 7220
both of the following: 7221

(1) Provide at least two in-person training programs and 7222
at least one online training program for individuals to earn a 7223
microcredential; 7224

(2) Not later than the thirty-first day of December 7225
immediately after the effective date of this section, and not 7226
later than the thirty-first day of December of each year 7227

thereafter, apply to participate in the individual 7228
microcredential assistance program. 7229

(D) If the director approves a state institution of higher 7230
education's application to participate in the individual 7231
microcredential assistance program, all of the following apply: 7232

(1) The director shall designate the institution as an 7233
institutional platinum provider. 7234

(2) The institution may participate in the institutional 7235
platinum provider program established under this section. 7236

(3) The institution is eligible to apply for one or more 7237
advance payments under this section to cover training costs for 7238
individuals to earn a microcredential. 7239

(E) An institutional platinum provider may apply for an 7240
initial advance payment of not more than twenty per cent of the 7241
total reimbursement amount the institution seeks under division 7242
(C) of section 122.1710 of the Revised Code. If an institution 7243
submits an application under this division, the director shall 7244
provide an advance payment to the institution in the amount 7245
specified in the application. 7246

(F) After each training program that an institutional 7247
platinum provider administers during a fiscal year that results 7248
in at least one individual earning a microcredential, the 7249
institution may apply for a subsequent advance payment of not 7250
more than twenty per cent of the total reimbursement amount the 7251
institution seeks under division (C) of section 122.1710 of the 7252
Revised Code. If an institution applies for a subsequent advance 7253
payment under this division, one of the following applies 7254
depending on the training program's completion rate: 7255

(1) If at least fifty per cent of the individuals who 7256

participated in the training program earned a microcredential, 7257
the director shall provide a subsequent advance payment to the 7258
institution in the amount specified in the application. 7259

(2) If less than fifty per cent of the individuals who 7260
participated in the training program earned a microcredential, 7261
to be eligible for a subsequent advance payment, the institution 7262
shall refund to the director a certain per cent of the advance 7263
payment amount that was last provided to the institution during 7264
the fiscal year as determined under division (F) (2) (a) of this 7265
section. 7266

(a) The per cent an institution must refund to be eligible 7267
for a subsequent advance payment under division (F) (2) of this 7268
section is the difference between fifty per cent and the per 7269
cent of individuals who earned a microcredential. 7270

(b) For an institution to whom division (F) (2) of this 7271
section applies, if the institution complies with that division, 7272
the director shall provide a subsequent advance payment to the 7273
institution in the amount specified in the institution's 7274
application. If the institution does not comply with that 7275
division, the director shall not provide a subsequent advance 7276
payment. 7277

(G) In no case shall the total amount of the advance 7278
payments an institutional platinum provider receives under this 7279
section during any fiscal year exceed the total reimbursement 7280
amount the institution seeks under division (C) of section 7281
122.1710 of the Revised Code. 7282

(H) If the director approves a reimbursement application 7283
that an institutional platinum provider submits under division 7284
(F) of section 122.1710 of the Revised Code, the director shall 7285

reimburse the institution in accordance with that division for 7286
the total actual cost for the institution to provide training to 7287
individuals who earned a microcredential less the total advance 7288
payment amount provided to the institution under this section. 7289
The director shall not reimburse the institution for any amounts 7290
the institution refunded to the director under division (F) (2) 7291
of this section. If the institution specifies in the 7292
reimbursement application that the total actual cost for the 7293
institution to provide the training is less than the total 7294
advance payment amount provided to the institution under this 7295
section, the institution shall refund to the director the 7296
difference between the advance payment amount and the actual 7297
training cost. 7298

Sec. 122.4041. (A) ~~As used in this section, "passes" means~~ 7299
~~the residential addresses in close proximity to a broadband-~~ 7300
~~provider's broadband infrastructure network to which residents-~~ 7301
~~at those addresses may opt to connect.~~ 7302

~~(B)~~ The scoring system required under section 122.4040 of 7303
the Revised Code shall include the factors and scoring rubric as 7304
described in divisions ~~(C)~~ (B) to ~~(J)~~ (I) of this section. 7305
Applications for a grant under the Ohio residential broadband 7306
expansion grant program shall be prioritized from the highest to 7307
the lowest point score under those factors and rubric. 7308

~~(C)~~ (B) Of a possible maximum score of three hundred 7309
points, the score for eligible projects for unserved and 7310
underserved areas shall be calculated as ~~the sum of the~~ 7311
~~following~~ follows: 7312

(1) ~~The point value determined by multiplying three-~~ 7313
~~hundred times the percentage of passes~~ application will receive 7314
one-half point for each residential address in unserved areas of 7315

the application~~+~~-. 7316

(2) ~~One half of the point value determined by multiplying~~ 7317
~~three hundred times the percentage of passes~~ The application 7318
will receive one-quarter point for each residential address in 7319
underserved areas of the application. 7320

~~(D)~~ (C) Of a possible maximum score of two hundred points, 7321
the score for broadband service speed, based on a graduated 7322
scale, shall be: 7323

(1) Twenty-five points for broadband speeds that are one 7324
hundred megabits per second downstream or greater and twenty 7325
megabits per second or greater upstream, but less than two 7326
hundred fifty megabits per second downstream and fifty megabits 7327
upstream; 7328

(2) Fifty points for broadband speeds that are two hundred 7329
fifty megabits per second or greater downstream and fifty 7330
megabits or greater per second upstream, but less than five 7331
hundred megabits per second downstream and one hundred megabits 7332
per second upstream; 7333

(3) One hundred points for broadband speeds that are five 7334
hundred megabits per second or greater downstream and one 7335
hundred megabits per second or greater upstream, but less than 7336
seven hundred fifty megabits per second downstream and two 7337
hundred fifty megabits per second upstream; 7338

(4) One hundred twenty-five points for broadband speeds 7339
that are seven hundred fifty megabits per second or greater 7340
downstream and two hundred fifty megabits per second or greater 7341
upstream, but less than one gigabit per second downstream and 7342
five hundred megabits per second upstream; 7343

(5) One hundred fifty points for broadband speeds that are 7344

one gigabit per second or greater downstream and five hundred 7345
megabits per second or greater upstream, but less than one 7346
gigabit per second upstream; 7347

(6) Two hundred points for broadband speeds that are one 7348
gigabit per second or greater downstream and one gigabit per 7349
second or greater upstream. 7350

~~(E) (1)~~ (D) (1) Of a possible maximum score of one hundred 7351
fifty points, the score for rating broadband service cost shall 7352
be the sum of divisions ~~(E) (1) (a)~~ (D) (1) (a) and (b) of this 7353
section as follows: 7354

(a) Of a possible maximum of seventy-five points, the 7355
number of points equal to the application's grant cost 7356
percentile multiplied by seventy-five; 7357

(b) Of a possible maximum score of seventy-five points, 7358
the number of points equal to one half of the application's 7359
percentage of eligible project funding from all sources other 7360
than the Ohio residential broadband expansion grant program. 7361

(2) (a) For each application submission period, the 7362
broadband expansion program authority shall determine the grant 7363
cost percentile for each application submitted during that 7364
period. The authority shall determine the grant cost percentile 7365
by doing the following: 7366

(i) Determining, for each individual application in the 7367
state, the total grant cost per eligible address in the 7368
application by calculating the quotient of the amount of program 7369
grant funds requested for the application divided by the number 7370
of eligible addresses in the application; 7371

(ii) Ranking, from lowest to highest cost, all individual 7372
applications by total grant cost per eligible address; 7373

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

(b) Percentiles under division ~~(E) (2) (a) (iii)~~ (D) (2) (a)
(iii) of this section shall be assigned so that the highest
percentile is assigned to the application with the lowest total
grant cost per eligible address and percentiles for all other
applications assigned based on each application's relative grant
cost per eligible address.

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

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

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

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

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

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

(6) Sixty points for the number of eligible addresses

equal to three thousand or more, but less than three thousand 7402
five hundred; 7403

(7) Seventy points for the number of eligible addresses 7404
equal to three thousand five hundred or more, but less than four 7405
thousand; 7406

(8) Eighty points for the number of eligible addresses 7407
equal to four thousand or more, but less than four thousand five 7408
hundred; 7409

(9) Ninety points for the number of eligible addresses 7410
equal to four thousand five hundred or more, but less than five 7411
thousand; 7412

(10) One hundred points for the number of eligible 7413
addresses equal to five thousand or more. 7414

~~(G)~~ (F) Of a possible maximum score of fifty points, the 7415
score for local support for the application shall be calculated 7416
as follows: 7417

(1) (a) Twenty-five points if the application includes a 7418
resolution of support from the board of county commissioners in 7419
the county where the eligible project is located; or 7420

(b) If an application's eligible project spans multiple 7421
counties, of a possible maximum score of twenty-five points for 7422
resolutions adopted by boards of county commissioners, the 7423
number of points awarded on a pro rata basis based on the 7424
percentage of eligible addresses for the eligible project in 7425
each affected county for which the board of county commissioners 7426
adopted a resolution of support. 7427

(2) (a) Fifteen points if the application includes a letter 7428
of support from a board of township trustees, village, or 7429

municipal corporation; or 7430

(b) If an application's eligible project spans multiple 7431
townships, villages, and municipal corporations, of a possible 7432
maximum score of fifteen points for letters from boards of 7433
township trustees, villages, or municipal corporations, the 7434
number of points awarded on a pro rata basis according to the 7435
percentage of eligible addresses for the project in each 7436
affected village, municipal corporation, and unincorporated area 7437
of the township for which a board of township trustees, village, 7438
or municipal corporation submitted a letter of support; 7439

(c) Ten points for letters of support from a local 7440
economic development agency or a chamber of commerce that 7441
advocates for an area of the eligible project with the majority 7442
of eligible addresses in the application. 7443

~~(H)~~(G) Of a possible maximum score of seventy-five points, 7444
the score for broadband provider general experience and 7445
technical and financial ability shall be based on the judgment 7446
of the broadband expansion program authority. The authority may 7447
award partial points for scores awarded under division ~~(H)~~(G) of 7448
this section. 7449

~~(I)~~(H) Of a possible maximum score of seventy-five points, 7450
the score for broadband provider experience based on the number 7451
of years that the provider has been providing tier two broadband 7452
service shall be calculated as follows: 7453

(1) Ten points for four years, but less than five years of 7454
experience; 7455

(2) Twenty points for five years, but less than six years 7456
of experience; 7457

(3) Thirty points for six years, but less than seven years 7458

of experience; 7459

(4) Forty points for seven years, but less than eight 7460
years of experience; 7461

(5) Fifty points for eight years, but less than nine years 7462
of experience; 7463

(6) Sixty points for nine years, but less than ten years 7464
of experience; 7465

(7) Seventy-five points for ten or more years of 7466
experience. 7467

~~(J) (1)~~ (I) (1) Of a possible maximum score of fifty points, 7468
the score for county median income, based on the median county 7469
per capita income of the United States as determined by the most 7470
recently available data from the United States census bureau, 7471
shall be calculated as follows: 7472

(a) Zero points for a county median income that is equal 7473
to or greater than one hundred sixty per cent of the county 7474
median income; 7475

(b) Ten points for a county median income that is equal to 7476
or greater than one hundred forty per cent, but less than one 7477
hundred sixty per cent of the county median income; 7478

(c) Twenty points for a county median income that is equal 7479
to or greater than one hundred twenty per cent, but less than 7480
one hundred forty per cent of the county median income; 7481

(d) Thirty points for a county median income that is equal 7482
to or greater than one hundred per cent, but less than one 7483
hundred twenty per cent of the county median income; 7484

(e) Forty points for a county median income that is equal 7485

to or greater than eighty per cent, but less than one hundred 7486
per cent of the county median income; 7487

(f) Fifty points for a county median income that is less 7488
than eighty per cent of the county median income. 7489

(2) If an application's eligible project spans multiple 7490
counties, the points awarded as specified in division ~~(J)~~ (I) 7491
(1) of this section shall be based on the percentage of eligible 7492
addresses for the eligible project in each affected county. 7493

Sec. 122.41. The director of development ~~services~~ is 7494
invested with the powers and duties provided in Chapter 122. of 7495
the Revised Code, in order to promote the welfare of the people 7496
of the state, to stabilize the economy, to provide employment, 7497
to assist in the development within the state of industrial, 7498
commercial, distribution, and research activities required for 7499
the people of the state, and for their gainful employment, or 7500
otherwise to create or preserve jobs and employment 7501
opportunities, or improve the economic welfare of the people of 7502
the state, ~~and also to assist in the financing of air, water, or~~ 7503
~~thermal pollution control facilities and solid waste disposal~~ 7504
~~facilities by mortgage insurance as provided in section 122.451~~ 7505
~~of the Revised Code.~~ It is hereby determined that the 7506
accomplishment of such purposes is essential so that the people 7507
of the state may maintain their present high standards in 7508
comparison with the people of other states and so that 7509
opportunities for employment and for favorable markets for the 7510
products of the state's natural resources, agriculture, and 7511
manufacturing shall be improved and that it is necessary for the 7512
state to establish the programs authorized pursuant to Chapter 7513
122. of the Revised Code and invest the director of development 7514
~~services~~ with the powers and duties provided in Chapter 122. of 7515

the Revised Code. The powers granted to the director by Chapter 7516
165. of the Revised Code are independent of and in addition and 7517
alternate to, and are not limited or restricted by, Chapter 122. 7518
of the Revised Code. 7519

Sec. 122.42. (A) The director of development shall do all 7520
of the following: 7521

(1) Receive applications for assistance under sections 7522
122.39 and 122.41 to 122.62 of the Revised Code; 7523

(2) Make a final determination whether to approve the 7524
application for assistance; 7525

(3) Transmit determinations to approve assistance to the 7526
controlling board together with any information the controlling 7527
board requires for the board's review and decision as to whether 7528
to approve the assistance; 7529

(4) Issue revenue bonds of the state through the treasurer 7530
of state, as necessary, payable solely from revenues and other 7531
sources as provided in sections 122.39 and 122.41 to 122.62 of 7532
the Revised Code. 7533

(B) The director may do all of the following: 7534

(1) Fix the rate of interest and charges to be made upon 7535
or with respect to moneys loaned by the director and the terms 7536
upon which mortgages and lease rentals may be guaranteed and the 7537
rates of charges to be made for the loans and guarantees and to 7538
make provisions for the operation of the funds established by 7539
the director in accordance with this section and ~~sections~~ 7540
section 122.54, 122.55, 122.56, and 122.57 of the Revised Code; 7541

(2) Loan moneys from the fund established in accordance 7542
with section 122.54 of the Revised Code pursuant to and in 7543

compliance with sections 122.39 and 122.41 to 122.62 of the 7544
Revised Code; 7545

(3) Acquire in the name of the director any property of 7546
any kind or character in accordance with sections 122.39 and 7547
122.41 to 122.62 of the Revised Code, by purchase, purchase at 7548
foreclosure, or exchange on such terms and in such manner as the 7549
director considers proper; 7550

(4) Make and enter into all contracts and agreements 7551
necessary or incidental to the performance of the director's 7552
duties and the exercise of the director's powers under sections 7553
122.39 and 122.41 to 122.62 of the Revised Code; 7554

(5) Maintain, protect, repair, improve, and insure any 7555
property which the director has acquired and dispose of the same 7556
by sale, exchange, or lease for the consideration and on the 7557
terms and in the manner as the director considers proper, but is 7558
not authorized to operate any such property as a business except 7559
as the lessor of the property; 7560

(6) (a) When the cost of any contract for the maintenance, 7561
protection, repair, or improvement of any property held by the 7562
director other than compensation for personal services involves 7563
an expenditure of more than one thousand dollars, the director 7564
shall make a written contract with the lowest responsive and 7565
responsible bidder in accordance with section 9.312 of the 7566
Revised Code after advertisement for not less than two 7567
consecutive weeks in a newspaper of general circulation in the 7568
county where such contract, or some substantial part of it, is 7569
to be performed, and in such other publications as the director 7570
determines, which notice shall state the general character of 7571
the work and the general character of the materials to be 7572
furnished, the place where plans and specifications may be 7573

examined, and the time and place of receiving bids. 7574

(b) Each bid for a contract for the construction, 7575
demolition, alteration, repair, or reconstruction of an 7576
improvement shall contain the full name of every person 7577
interested in it and meet the requirements of section 153.54 of 7578
the Revised Code. 7579

(c) Each bid for a contract, except as provided in 7580
division (B) (6) (b) of this section, shall contain the full name 7581
of every person interested in it and shall be accompanied by 7582
bond or certified check on a solvent bank, in such amount as the 7583
director considers sufficient, that if the bid is accepted a 7584
contract will be entered into and the performance of the 7585
proposal secured. 7586

(d) The director may reject any and all bids. 7587

(e) A bond with good and sufficient surety, approved by 7588
the director, shall be required of every contractor awarded a 7589
contract except as provided in division (B) (6) (b) of this 7590
section, in an amount equal to at least fifty per cent of the 7591
contract price, conditioned upon faithful performance of the 7592
contract. 7593

(7) Employ financial consultants, appraisers, consulting 7594
engineers, superintendents, managers, construction and 7595
accounting experts, attorneys, and other employees and agents as 7596
are necessary in the director's judgment and fix their 7597
compensation; 7598

(8) Assist qualified persons in the coordination and 7599
formation of a small business development company, having a 7600
statewide area of operation, conditional upon the company's 7601
agreeing to seek to obtain certification from the federal small 7602

business administration as a certified statewide development 7603
company and participation in the guaranteed loan program 7604
administered by the small business administration pursuant to 7605
the Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During 7606
the initial period of formation of the statewide small business 7607
development company, the director shall provide technical and 7608
financial expertise, legal and managerial assistance, and other 7609
services as are necessary and proper to enable the company to 7610
obtain and maintain federal certification and participation in 7611
the federal guaranteed loan program. The director may charge a 7612
fee, in such amount and on such terms and conditions as the 7613
director determines necessary and proper, for assistance and 7614
services provided pursuant to division (B)(8) of this section. 7615

Persons chosen by the director to receive assistance in 7616
the formation of a statewide small business development company 7617
pursuant to division (B)(8) of this section shall make a special 7618
effort to use their participation in the federal guaranteed loan 7619
program to assist small businesses which are minority business 7620
enterprises as defined in division (E) of section 122.71 of the 7621
Revised Code. The director, with the assistance of the minority 7622
business development division of the department of development, 7623
shall provide technical and financial expertise, legal and 7624
managerial assistance, and other services in such a manner to 7625
enable the development company to provide assistance to small 7626
businesses which are minority business enterprises, and shall 7627
make available to the development company information pertaining 7628
to assistance available to minority business enterprises under 7629
programs established pursuant to sections 122.71 to 122.83, 7630
122.87 to 122.89, 122.92 to 122.94, 122.921, and 125.081 of the 7631
Revised Code. 7632

(9) Receive and accept grants, gifts, and contributions of 7633

money, property, labor, and other things of value to be held, 7634
used, and applied only for the purpose for which such grants, 7635
gifts, and contributions are made, from individuals, private and 7636
public corporations, from the United States or any agency of the 7637
United States, from the state or any agency of the state, and 7638
from any political subdivision of the state, and may agree to 7639
repay any contribution of money or to return any property 7640
contributed or the value of the property at such times, in such 7641
amounts, and on such terms and conditions, excluding the payment 7642
of interest, as the director determines at the time such 7643
contribution is made, and may evidence such obligations by 7644
notes, bonds, or other written instruments; 7645

(10) Establish with the treasurer of state the ~~funds~~ fund 7646
provided in ~~sections~~ section 122.54, 122.55, 122.56, and 122.57 7647
of the Revised Code, in addition to such funds as the director 7648
determines are necessary or proper; 7649

(11) Do all acts and things necessary or proper to carry 7650
out the powers expressly granted and the duties imposed in 7651
sections 122.39 and 122.41 to 122.62 and Chapter 163. of the 7652
Revised Code. 7653

(C) All expenses and obligations incurred by the director 7654
in carrying out the director's powers and in exercising the 7655
director's duties under sections 122.39 and 122.41 to 122.62 of 7656
the Revised Code, shall be payable solely from the proceeds of 7657
revenue bonds issued pursuant to those sections, from revenues 7658
or other receipts or income of the director, from grants, gifts, 7659
and contributions, or funds established in accordance with those 7660
sections. Those sections do not authorize the director to incur 7661
indebtedness or to impose liability on the state or any 7662
political subdivision of the state. 7663

(D) Financial statements and financial data submitted to 7664
the director by any corporation, partnership, or person in 7665
connection with a loan application, or any information taken 7666
from such statements or data for any purpose, shall not be open 7667
to public inspection. 7668

Sec. 122.47. At the request of the director of 7669
development, the treasurer of state shall issue revenue bonds of 7670
the state for the purpose of acquiring moneys for the purposes 7671
of this chapter, which moneys shall be credited by the treasurer 7672
of state as the director of development shall determine to and 7673
among the funds established in accordance with or pursuant to 7674
sections 122.35, 122.42, and 122.54, ~~122.55, 122.56, 122.561,~~ 7675
~~and 122.57~~ of the Revised Code. ~~The principal of and interest on~~ 7676
~~such~~ Such revenue bonds ~~shall be payable solely from the sinking~~ 7677
~~funds established in accordance with section 122.57 of the~~ 7678
~~Revised Code at the times and in the order and manner provided~~ 7679
~~in the bond issuing proceedings or in any trust agreements~~ 7680
~~securing such bonds, and~~ shall be secured by the revenue bond 7681
guaranty fund established in accordance with section 122.571 of 7682
the Revised Code and shall also be secured by moneys in the 7683
other funds established by the director to the extent and on the 7684
terms ~~he~~ the director specifies and by covenants of the director 7685
~~that he will~~ to so manage the loans and leases and fix interest 7686
rates, charges, and rentals so as to assure receipt of net 7687
income and revenue sufficient to provide for the payment of the 7688
principal of and the interest on the revenue bonds. 7689

Sec. 122.49. The proceeds of each issue of revenue bonds 7690
issued pursuant to sections 122.39 and 122.41 to 122.62 of the 7691
Revised Code shall be used for the making of loans authorized in 7692
sections 122.43 and 122.45 of the Revised Code, for the purchase 7693
and improvement of property authorized in section 122.46 of the 7694

Revised Code, ~~for insuring mortgage payments authorized in~~ 7695
~~section 122.451 of the Revised Code,~~ and for the crediting into 7696
and among the funds established in accordance with sections 7697
122.35, and 122.54, ~~122.55, 122.56, 122.561, and 122.57~~ of the 7698
Revised Code, but subject to such conditions, limitations, and 7699
covenants with the purchasers and holders of the bonds as shall 7700
be provided for in the bond authorization proceedings and in the 7701
trust agreement securing the same. 7702

Provision shall be made by the director of development 7703
~~services~~ for the payment of the expenses of the director in 7704
operating the assistance programs authorized under this chapter 7705
in such manner and to such extent as shall be determined by the 7706
director. 7707

Sec. 122.53. In the discretion of the treasurer of state, 7708
any bonds issued under sections 122.39 and 122.41 to 122.62 of 7709
the Revised Code, may be secured by a trust agreement between 7710
the treasurer of state and a corporate trustee, which trustee 7711
may be any trust company or bank having the powers of a trust 7712
company within or without the state. 7713

Any such trust agreement may pledge or assign payments of 7714
principal of and interest on loans, charges, fees, and other 7715
revenue to be received by the director of development ~~services,~~ 7716
all rentals received under leases made by the director, and all 7717
proceeds of the sale or other disposition of property held by 7718
the director, ~~and may provide for the holding in trust by the~~ 7719
~~trustee to the extent provided for in the proceedings~~ 7720
~~authorizing such bonds, of all such moneys and moneys otherwise~~ 7721
~~payable into the mortgage guarantee fund created by section~~ 7722
~~122.56 of the Revised Code, and all moneys otherwise payable~~ 7723
~~into the mortgage insurance fund created by section 122.561 of~~ 7724

~~the Revised Code, and of moneys payable into the sinking fund or~~ 7725
~~funds referred to in section 122.57 of the Revised Code, but~~ 7726
shall not convey or mortgage any of the real or personal 7727
property held by the director or any part thereof. Any such 7728
trust agreement, or any proceedings providing for the issuance 7729
of such bonds, may contain such provisions for protecting and 7730
enforcing the rights and remedies of the bondholders as are 7731
reasonable and proper and not in violation of law, including 7732
covenants setting forth the duties of the director in relation 7733
to the acquisition of property, and the construction, 7734
improvement, maintenance, repair, operation, and insurance of 7735
facilities, the making of loans and leases and the terms and 7736
provisions thereof, and the custody, safeguarding, investment, 7737
and application of all moneys, and provisions for the employment 7738
of consulting engineers or other consultants in connection with 7739
the making of loans and leases and the construction or operation 7740
of any facility. Any bank or trust company incorporated under 7741
the laws of this state which may act as trustee or as depository 7742
of the proceeds of bonds or of revenue may furnish such 7743
indemnifying bonds or may pledge such securities as are required 7744
by the treasurer of state. Any such trust agreement may set 7745
forth the rights and remedies of the bondholders and of the 7746
trustee, and may restrict the individual right of action by 7747
bondholders as is customary in trust agreements or trust 7748
indentures securing bonds or debentures of corporations. Such 7749
trust agreement may contain such other provisions as the 7750
treasurer of state deems reasonable and proper for the security 7751
of the bondholders. All expenses incurred by the treasurer of 7752
state in carrying out the provisions of any such trust agreement 7753
shall be treated as a part of the cost of the operation of the 7754
assistance programs authorized pursuant to Chapter 122. of the 7755
Revised Code. Any such trust agreement may provide the method 7756

whereby general administrative overhead expense of the director 7757
with respect to those assistance programs shall be allocated 7758
among the funds established pursuant to Chapter 122. of the 7759
Revised Code with respect to the operating expenses of the 7760
director payable out of the income of the assistance programs. 7761

Sec. 122.571. ~~In addition to the separate sinking funds~~ 7762
~~created under section 122.57 of the Revised Code, there~~ There is 7763
hereby created the revenue bond guaranty fund to consist of all 7764
money allocated by the director of development to guarantee 7765
payment of interest on, principal of and redemption premium on, 7766
the revenue bonds issued by the director under Chapter 122. of 7767
the Revised Code, all grants, gifts, and contributions made to 7768
the director for such purpose, and all money and property 7769
provided by law for such purpose. 7770

Sec. 122.59. In the event of a default with respect to any 7771
loan or lease, the director of development shall take such 7772
action as ~~he~~ the director deems proper in the circumstances to 7773
enforce and protect the rights of the director, and such action 7774
as may be required by the provisions of any proceedings 7775
authorizing the revenue bonds or of any trust agreement securing 7776
such bonds, which may include any appropriate action at law or 7777
in equity, enforcement or waiver of any provision of any 7778
mortgage or security agreement or lease, or reinstatement of any 7779
forfeited or cancelled right, title, or privilege. 7780
~~Notwithstanding any such action, the director shall transfer~~ 7781
~~from the mortgage guarantee fund created by section 122.56 of~~ 7782
~~the Revised Code to the sinking fund or funds referred to in~~ 7783
~~section 122.57 of the Revised Code amounts not greater than the~~ 7784
~~amounts which would have been paid upon such loan or under such~~ 7785
~~lease but for such default, at the time or times when such~~ 7786
~~amounts would have been paid but for such defaults, to the~~ 7787

~~extent provided in the proceedings authorizing and the trust~~ 7788
~~agreements securing such bonds, to be held and applied as other~~ 7789
~~moneys in the sinking fund, and shall make such other transfers~~ 7790
~~and take such other action as shall be required of the director~~ 7791
~~by any such bond issuance proceedings or trust agreement.~~ 7792

Sec. 122.631. (A) As used in sections 122.631 to 122.633 7793
of the Revised Code: 7794

(1) "Qualified nonprofit developer" means a nonprofit 7795
corporation, as defined in section 1702.01 of the Revised Code, 7796
that is all of the following: 7797

(a) Incorporated in this state; 7798

(b) Engaged in community development activities primarily 7799
within an identified geographic area of operation in this state; 7800

(c) Has as its primary purpose the improvement of the 7801
physical, economic, or social environment by addressing critical 7802
problems in that geographic area of operation including housing. 7803

(2) "Electing subdivision," "county land reutilization 7804
corporation," and "land reutilization program" have the same 7805
meanings as in section 5722.01 of the Revised Code. 7806

~~(2)~~ (3) "Manufactured home" has the same meaning as in 7807
section 3781.06 of the Revised Code, and "mobile home" has the 7808
same meaning as in section 4501.01 of the Revised Code. 7809

~~(3)~~ (4) "Qualifying residential property" means single- 7810
family residential property, including a single unit of 7811
single-family residential property that has at least eight 7812
hundred square feet of habitable space and is either a stand- 7813
alone unit or in a multi-unit property containing not more than 7814
ten single-family residential units. "Qualifying residential 7815

property" excludes mobile homes but includes both of the 7816
following: 7817

(a) A manufactured home; 7818

(b) A single unit in a multi-unit property ~~containing not~~ 7819
~~more than ten units but excluding manufactured homes, that has~~ 7820
~~at least one thousand square feet of habitable space per~~ 7821
~~unit~~ that has other nonresidential units or uses. Such 7822
nonresidential units or uses are not qualifying residential 7823
property. 7824

~~(4)~~ (5) "Qualifying median income" means ~~eighty one hundred~~ 7825
~~twenty~~ per cent of median income for the county where qualifying 7826
residential property is located, as determined by the director 7827
of development pursuant to section 174.04 of the Revised Code. 7828

(6) "Qualifying financial literacy counseling" means a 7829
homeownership course with a curriculum that includes basic home 7830
maintenance training and financial literacy. 7831

(7) "Qualifying counseling provider" means an individual, 7832
business, nonprofit organization, or political subdivision, 7833
including an agency or instrumentality thereof, that is 7834
licensed, certified, or authorized to provide homeownership 7835
counseling and financial literacy as one of its primary 7836
functions, including housing counselors certified by the United 7837
States department of housing and urban development or the Ohio 7838
housing financing agency. 7839

(B) There is created in the department of development the 7840
welcome home Ohio (WHO) program to administer the grants 7841
authorized by this section and section ~~163.632~~ 122.632 of the 7842
Revised Code and the tax credits authorized by section 122.633 7843
of the Revised Code. The department shall create and maintain a 7844

list of qualifying residential property to which the deed 7845
restriction described in division (D) (4) of this section, 7846
division (B) (4) of section 122.632, or division (C) (4) of 7847
section 122.633 of the Revised Code applies. That list is not a 7848
public record for purposes of section 149.43 of the Revised 7849
Code. 7850

(C) An electing subdivision~~or~~, a county land 7851
reutilization corporation, or a qualified nonprofit developer 7852
may apply to the director of development for a grant from the 7853
welcome home Ohio fund, which is created in the state treasury, 7854
to pay or defer the cost of purchasing qualifying residential 7855
property for incorporation into the electing subdivision's or 7856
county land reutilization corporation's land reutilization 7857
program or the qualified nonprofit developer's housing program. 7858
Up to two thousand dollars of each grant may be used to fund the 7859
qualifying financial literacy counseling required under division 7860
(D) (6) of this section. To the extent that funding is available 7861
in that fund, the director may award grants to electing 7862
subdivisions~~and~~, county land reutilization corporations, and 7863
qualified nonprofit developers that make such an application and 7864
agree to comply with division (D) of this section, with a 7865
maximum grant of one hundred thousand dollars per qualifying 7866
residential property. 7867

(D) The director of development shall require all 7868
applicants for a grant authorized by division (C) of this 7869
section to agree, as part of the application, to all of the 7870
following: 7871

(1) That grant funds shall only be used to pay the cost of 7872
purchasing qualifying residential property; 7873

(2) That qualifying residential property on which grant 7874

funds are spent shall be held until sold to an individual or 7875
individuals who, inclusively: 7876

(a) Have annual income that is not more than the 7877
qualifying median income; 7878

(b) Demonstrate the financial means to purchase the 7879
qualifying residential property; 7880

(c) Agree to maintain ownership of the qualifying 7881
residential property, occupy it as a primary residence, and not 7882
to rent any portion of the property to another individual for 7883
use as a dwelling, for at least ~~five~~three years following the 7884
date of purchase; 7885

(d) Agree not to sell the qualifying residential property, 7886
within ~~twenty~~fifteen years after the date of the sale, to any 7887
purchaser ~~except~~other than the electing subdivision, county 7888
land reutilization corporation, or qualified nonprofit developer 7889
or an individual or individuals who have annual income that is 7890
not more than the qualifying median income; 7891

(e) Agree to pay a penalty to the director of development 7892
for violation of the agreement required by division (D) (2) (c) of 7893
this section that, ~~subject to divisions (F) (2) and (3) of this~~ 7894
~~section,~~ equals ~~ninety thousand dollars~~the amount of the grant 7895
attributable to the property, less ~~eighteen thousand dollars~~ 7896
one-third of that amount multiplied by the number of full years 7897
the individual or individuals owned the property; 7898

(f) Agree that the director of development is a third- 7899
party beneficiary of the purchase agreement; 7900

(g) Agree to participate in the applicant's qualifying 7901
financial literacy program; 7902

(h) Agree to annually certify to the director of 7903
~~development or the director's designee~~, during the period 7904
described by division (D) (2) (c) of this section, that the 7905
individual or individuals own and occupy the qualifying 7906
residential property, and that no part of the property is being 7907
rented to another individual for use as a dwelling. 7908

(3) That qualifying residential property on which grant 7909
funds are spent shall be sold for not more than ~~one~~ two hundred 7910
~~eighty~~ twenty thousand dollars per property. 7911

(4) That qualifying residential property on which grant 7912
funds are spent shall not be sold without a deed restriction 7913
prohibiting the sale of the property to a person that is not the 7914
electing subdivision, county land reutilization corporation, or 7915
qualified nonprofit developer or an individual or individuals 7916
who have annual income that is not more than the qualifying 7917
median income for ~~twenty~~ fifteen years after the date of the 7918
property's first transfer from the applicant following the use 7919
of grant funds. The deed restriction is a covenant running with 7920
the land and is fully binding on subsequent purchasers of the 7921
property until it expires on the fifteenth anniversary of the 7922
property's first transfer from the applicant following the use 7923
of grant funds. The electing subdivision, county land 7924
reutilization corporation, or qualified nonprofit developer may 7925
include in the deed restriction a right of first refusal to 7926
repurchase the property for the purpose of ensuring that the 7927
property is ultimately sold to an individual or individuals who 7928
have annual income that is not more than the qualifying median 7929
income. 7930

(5) That the applicant shall repay all grant funds not 7931
expended to purchase qualifying residential property or to fund 7932

the qualifying financial literacy counseling required by 7933
division (D) (6) of this section and all grant funds expended to 7934
purchase qualifying residential property that is not sold to an 7935
individual or individuals who meet the requirements described in 7936
division (D) (2) of this section or that is sold without the deed 7937
restriction described in division (D) (4) of this section. 7938

(6) That the applicant shall provide qualifying financial 7939
literacy counseling, over a minimum of ~~one year~~six months, 7940
delivered by a qualifying counseling provider, to each purchaser 7941
of qualifying residential property on which grant funds are 7942
spent. An applicant may provide information regarding its 7943
qualifying financial literacy program to the director of 7944
development for review as part of the application or prior to 7945
application. ~~Financial~~Qualifying financial literacy counseling 7946
provided by the applicant to the same purchaser, in accordance 7947
with division (B) (6) of section 122.632 of the Revised Code or 7948
division (C) (5) of section 122.633 of the Revised Code, 7949
satisfies the requirements of division (D) (6) of this section. 7950

(7) That the applicant shall report to the department of 7951
development the date when the qualifying residential property 7952
that is the subject of the application is sold by the applicant. 7953

(E) The director of development has authority and standing 7954
to sue for the enforcement of a deed restriction described in 7955
division (D) (4) of this section. 7956

~~(F) (1)~~ (F) An electing subdivision ~~or,~~ a county land 7957
reutilization corporation, or a qualified nonprofit developer 7958
may apply for, and the director of development may award both a 7959
grant under this section for the purchase of qualifying 7960
residential property, and either a grant under section 122.632 7961
of the Revised Code, or a tax credit under section 122.633 of 7962

the Revised Code, to rehabilitate or construct the same 7963
qualifying residential property. 7964

~~(2) If an electing subdivision or county land 7965
reutilization is awarded a grant under this section and a grant 7966
under section 122.632 of the Revised Code for the same 7967
qualifying residential property, and the individual or 7968
individuals who purchase the property violate both of the 7969
agreements required by division (D) (2) (c) of this section and 7970
division (B) (2) (c) of section 122.632 of the Revised Code, only 7971
the penalty described by division (B) (2) (c) of section 122.632 7972
of the Revised Code applies. 7973~~

~~(3) If an electing subdivision or county land 7974
reutilization is awarded a grant under this section and a tax 7975
credit under section 122.633 of the Revised Code for the same 7976
qualifying residential property, and the individual or 7977
individuals who purchase the property violate both of the 7978
agreements required by division (D) (2) (c) of this section and 7979
division (C) (2) (a) of section 122.633 of the Revised Code, only 7980
the greater of the penalties described in divisions (D) (2) (c) of 7981
this section and division (C) (2) (c) of section 122.633 of the 7982
Revised Code applies. 7983~~

(G) (1) The director may adopt rules in accordance with 7984
Chapter 119. Of the Revised Code as necessary to administer the 7985
grant program. Such rules may include the following: 7986

- (a) Application forms, deadlines, and procedures; 7987
- (b) Criteria for evaluating and prioritizing applications; 7988
- (c) Guidelines for promoting an even geographic 7989
distribution of grants throughout the state; 7990
- (d) Guidelines to determine the value of qualifying 7991

residential property located in a building with other uses and 7992
the total value of that building. 7993

(2) Any grants repaid under this section shall be credited 7994
to the welcome home Ohio fund. 7995

(3) An electing subdivision, a county land reutilization 7996
corporation, or a qualified nonprofit developer shall use all 7997
profits derived from the sale of qualifying residential property 7998
on which grant funds are spent, including profits derived from 7999
the resale of such property to a subsequent purchaser, for the 8000
electing subdivision's or county land reutilization 8001
corporation's land reutilization program or the qualified 8002
nonprofit developer's housing program. 8003

Sec. 122.632. (A) An electing subdivision~~or~~, a county 8004
land reutilization corporation, or a qualified nonprofit 8005
developer may apply to the director of development for a grant 8006
from the welcome home Ohio fund created in section 122.631 of 8007
the Revised Code to pay or defer the cost to rehabilitate or 8008
construct qualifying residential property held by the electing 8009
subdivision's or county land reutilization corporation's land 8010
reutilization program or the qualified nonprofit developer's 8011
housing program. To the extent that funding is available, in 8012
that fund the director may award grants to electing subdivisions 8013
~~and~~, county land reutilization corporations, and qualified 8014
nonprofit developers that make such an application and agree to 8015
comply with division (B) of this section, with a maximum grant 8016
of ~~thirty-one~~ thirty one hundred thousand dollars per qualifying 8017
residential property. 8018

(B) The director of development shall require all 8019
applicants for a grant authorized by division (A) of this 8020
section to agree, as part of the application, to all of the 8021

following: 8022

(1) That grant funds shall ~~only~~ be used to pay the cost of 8023
rehabilitation or construction of qualifying residential 8024
property and all work will be completed according to all 8025
applicable construction and design standards~~—~~. Up to two 8026
thousand dollars of each grant may be used to fund the 8027
qualifying financial literacy counseling required under division 8028
(B) (6) of this section. If grant funds are spent to construct or 8029
rehabilitate a qualifying residential property described in 8030
division (A) (4) (b) of section 122.631 of the Revised Code, then 8031
no portion of the funds shall be spent to construct or 8032
rehabilitate portions of the building that are for 8033
nonresidential uses, except for common areas used by the 8034
occupants of the residential units and improvements that serve 8035
both the residential units and the other portions of the 8036
building. 8037

(2) That qualifying residential property on which grant 8038
funds are spent shall be held until sold to an individual or 8039
individuals who, inclusively: 8040

(a) Have annual income that is not more than the 8041
qualifying median income; 8042

(b) Demonstrate the financial means to purchase the 8043
qualifying residential property; 8044

(c) Agree to maintain ownership of the qualifying 8045
residential property, occupy it as a primary residence, and not 8046
to rent any portion of the property to another individual for 8047
use as a dwelling, for at least ~~five~~ three years following the 8048
date of purchase; 8049

(d) Agree not to sell the qualifying residential property, 8050

within ~~twenty~~fifteen years after the date of the sale, to any 8051
purchaser ~~except~~other than the electing subdivision, county 8052
land reutilization corporation, or qualified nonprofit developer 8053
or an individual or individuals who have annual income that is 8054
not more than the qualifying median income; 8055

(e) Agree to pay a penalty to the director of development 8056
for violation of the agreement required by division (B) (2) (c) of 8057
this section that, ~~subject to division (F) (2) of section 122.631~~ 8058
~~of the Revised Code, equals ninety thousand dollars~~the amount of 8059
the grant attributable to the property, less eighteen thousand 8060
~~dollars one-third of that amount~~multiplied by the number of 8061
full years the individual or individuals owned the property. 8062

(f) Agree that the director of development is a third- 8063
party beneficiary of the purchase agreement; 8064

(g) Agree to participate in the applicant's qualifying 8065
financial literacy program; 8066

(h) Agree to annually certify to the director of 8067
development ~~or the director's designee~~, during the period 8068
described by division (B) (2) (c) of this section, that the 8069
individual or individuals own and occupy the qualifying 8070
residential property, and that no part of the property is being 8071
rented to another individual for use as a dwelling. 8072

(3) That qualifying residential property on which grant 8073
funds are spent shall be sold for not more than ~~one~~two hundred 8074
~~eighty~~twenty thousand dollars per property. 8075

(4) That qualifying residential property on which grant 8076
funds are spent shall not be sold without a deed restriction 8077
prohibiting the sale of the property to a person that is not the 8078
electing subdivision, county land reutilization corporation, or 8079

qualified nonprofit developer or an individual or individuals 8080
who have annual income that is not more than the median income 8081
for ~~twenty~~ fifteen years after the date of the property's first 8082
transfer from the applicant following the use of grant funds⁷. 8083
The deed restriction is a covenant running with the land and is 8084
fully binding on subsequent purchasers of the property until it 8085
expires on the fifteenth anniversary of the property's first 8086
transfer from the applicant following the use of grant funds. 8087
The electing subdivision, county land reutilization corporation, 8088
or qualified nonprofit developer may include in the deed 8089
restriction a right of first refusal to repurchase the property 8090
for the purpose of ensuring that the property is ultimately sold 8091
to an individual or individuals who have annual income that is 8092
not more than the qualifying median income. 8093

(5) That the applicant shall repay all grant funds 8094
expended on any expenses other than the construction or 8095
rehabilitation of qualifying residential property or financial 8096
literacy counseling required under division (B) (6) of this 8097
section, or on qualifying residential property that is not sold 8098
to an individual or individuals who meet the requirements 8099
described in division (B) (2) of this section or that is sold 8100
without the deed restriction described in division (B) (4) of 8101
this section; 8102

(6) That the applicant shall provide financial qualifying 8103
literacy counseling, over a minimum of ~~one year~~ six months, 8104
delivered by the qualifying counseling provider, to each 8105
purchaser of qualifying residential property on which grant 8106
funds are spent. An applicant may provide information regarding 8107
its qualifying financial literacy program to the director of 8108
development for review as part of the application or prior to 8109
application; 8110

(7) That the applicant shall report to the department of 8111
development the date when the qualifying residential property 8112
that is the subject of the application is sold by the applicant. 8113

(8) That, if grant funds are received, the qualifying 8114
residential property that is the subject of the application 8115
shall not be the subject of an application for a tax credit 8116
under section 122.633 of the Revised Code. 8117

(C) The director of development is granted authority and 8118
standing to sue for the enforcement of a deed restriction 8119
described in division (B) (4) of this section. 8120

(D) (1) The director may adopt rules in accordance with 8121
Chapter 119. of the Revised Code as necessary to administer the 8122
grant program. Such rules may include the following: 8123

(a) Application forms, deadlines, and procedures; 8124

(b) Criteria for evaluating and prioritizing applications; 8125

(c) Guidelines for promoting an even geographic 8126
distribution of grants throughout the state; 8127

(d) Guidelines to determine the value of qualifying 8128
residential property located in a building with other uses and 8129
the total value of that building. 8130

(2) Any grants repaid under this section shall be credited 8131
to the welcome home Ohio fund. 8132

(3) An electing subdivision, a county land reutilization 8133
corporation, or a qualified nonprofit developer shall use all 8134
profits derived from the sale of qualifying residential property 8135
on which grant funds are spent, including profits derived from 8136
the resale of such property to a subsequent purchaser, for the 8137
electing subdivision's or county land reutilization 8138

corporation's land reutilization program or the qualified 8139
nonprofit developer's housing program. 8140

Sec. 122.633. (A) As used in this section, "eligible 8141
developer" means any of the following: 8142

(1) A nonprofit corporation, as defined in section 1702.01 8143
of the Revised Code, based in this state with a primary activity 8144
of the development and preservation of affordable housing; 8145

(2) A limited partnership or domestic limited partnership, 8146
as defined in section 1782.01 of the Revised Code, in which a 8147
general partner is a nonprofit corporation based in this state, 8148
a primary activity of which is the development and preservation 8149
of affordable housing; 8150

(3) A limited liability company, as defined in section 8151
1706.01 of the Revised Code, in which the manager is a nonprofit 8152
corporation based in this state, a primary activity of which is 8153
the development and preservation of affordable housing; 8154

(4) A community improvement corporation, as defined in 8155
section 1724.01 of the Revised Code, or a community urban 8156
redevelopment corporation, as defined in section 1728.01 of the 8157
Revised Code. 8158

(B) An electing subdivision or eligible developer that 8159
rehabilitates or constructs a unit of qualifying residential 8160
property and sells the property to an individual or individuals 8161
for the individual's or individuals' occupancy may apply to the 8162
director of development for a nonrefundable credit against the 8163
tax levied under section 5726.02 or 5747.02 of the Revised Code, 8164
provided the rehabilitation or construction and the sale comply 8165
with division (C) of this section. The credit application shall 8166
be made on forms prescribed by the director. The credit shall 8167

equal ninety thousand dollars or ~~one-third~~ ninety per cent of 8168
the cost to rehabilitate or construct the property, whichever is 8169
less. 8170

(C) An application for a credit authorized by division ~~(C)~~ 8171
(B) of this section shall certify all of the following: 8172

(1) That the rehabilitation or construction of qualifying 8173
residential property that is the subject of the application was 8174
completed according to all applicable construction and design 8175
standards; 8176

(2) That each qualifying residential property that is the 8177
subject of the application was sold to an individual or 8178
individuals who have annual income that is not more than the 8179
qualifying median income, demonstrated the financial means to 8180
purchase the qualifying residential property, and agreed to all 8181
of the following in the purchase agreement: 8182

(a) To maintain ownership of the qualifying residential 8183
property, occupy it as a primary residence, and not to rent any 8184
portion of the property to another individual for use as a 8185
dwelling, for at least ~~five~~ three years following the date of 8186
purchase; 8187

(b) Not to sell the qualifying residential property to a 8188
purchaser other than the electing subdivision, the eligible 8189
developer, or an individual or individuals who have annual 8190
income that is no more than the qualifying median income for at 8191
least ~~twenty~~ fifteen years after the date of purchase; 8192

(c) To pay a penalty to the director of development for 8193
violation of the agreement required by division (C) (2) (a) of 8194
this section that, ~~subject to division (F) (3) of section 122.631~~ 8195
~~of the Revised Code,~~ equals the total amount of the tax credit 8196

authorized by this section and attributable to the qualifying 8197
residential property purchased by the individual, reduced by 8198
~~twenty per cent~~ one-third of that amount for each full year the 8199
individual or individuals owned the property; 8200

(d) That the director of development is a third-party 8201
beneficiary of the purchase agreement; 8202

(e) To participate in the applicant's qualifying financial 8203
literacy program; 8204

(f) Agree to annually certify to the director of 8205
development ~~or the director's designee~~, during the period 8206
described by division (C) (2) (a) of this section, that the 8207
individual or individuals own and occupy the qualifying 8208
residential property, and that no part of the property is being 8209
rented to another individual for use as a dwelling. 8210

(3) That the qualifying residential property that is the 8211
subject of the application was sold for not more than ~~one-two~~ 8212
hundred ~~eighty~~ twenty thousand dollars; 8213

(4) That the purchaser of the qualifying residential 8214
property that is the subject of the application was transferred 8215
with a deed restriction prohibiting the sale of the property to 8216
a person other than the electing subdivision, the eligible 8217
developer, or an individual or individuals who have annual 8218
income that is not more than the qualifying median income for at 8219
least ~~twenty~~ fifteen years after the date of transfer. The deed 8220
restriction is a covenant running with the land and is fully 8221
binding on subsequent purchasers of the property until it 8222
expires on the fifteenth anniversary of the property's first 8223
transfer from the applicant under this section. The electing 8224
subdivision or eligible developer may include in the deed 8225

restriction a right of first refusal to repurchase the property 8226
for the purposes of ensuring that the property is ultimately 8227
sold to an individual or individuals who have annual income that 8228
is not more than the qualifying median income. 8229

(5) That the applicant provides a minimum of ~~one year~~ six 8230
months of qualifying financial literacy counseling, delivered by 8231
a qualifying counseling provider, to each purchaser of 8232
qualifying residential property that is the subject of the 8233
application. An applicant may provide information regarding its 8234
qualifying financial literacy program to the director of 8235
development for review as part of the application or prior to 8236
application~~;~~. 8237

(6) That the applicant shall report to the department of 8238
development the date when the qualifying residential property 8239
that is the subject of the application is sold by the applicant. 8240

(7) That the qualifying residential property that is the 8241
subject of the application was not rehabilitated or constructed 8242
using grant funds received under section 122.632 of the Revised 8243
Code. 8244

(D) The director of development is granted authority and 8245
standing to sue for the enforcement of a deed restriction 8246
described in division (C) (4) of this section. 8247

(E) (1) Subject to division (E) (2) of this section, if the 8248
director determines that the applicant qualifies for a credit 8249
under this section, the director shall issue a tax credit 8250
certificate to the applicant identified with a unique number and 8251
listing the amount of the credit that is eligible to be 8252
transferred or claimed pursuant to division (E) (3) or (F) of 8253
this section. 8254

(2) The total amount of tax credits issued by the director 8255
under this section after the effective date of this amendment 8256
shall not exceed ~~twenty-five~~ twenty million dollars ~~in any~~ 8257
~~fiscal year~~, and no tax credits shall be issued after June 30, 8258
~~2025~~ 2027. 8259

(3) A person granted a certificate pursuant to division 8260
(E) (1) of this section may claim the credit against the tax 8261
levied under section 5726.02 of the Revised Code or against the 8262
person's aggregate tax liability under section 5747.02 of the 8263
Revised Code for the taxable year in which the certificate is 8264
issued. The taxpayer shall claim the credit in the order 8265
prescribed by section 5726.98 or 5747.98 of the Revised Code, as 8266
applicable. Any unused amount may be carried forward for the 8267
following five taxable years. If the person is a pass-through 8268
entity, any taxpayer that is a direct or indirect investor in 8269
the pass-through entity on the last day of the entity's taxable 8270
year may claim the taxpayer's proportionate or distributive 8271
share of the credit against the taxpayer's aggregate amount of 8272
tax levied under section 5747.02 of the Revised Code. 8273

A taxpayer claiming a credit under this section shall 8274
submit a copy of the certificate with the taxpayer's return or 8275
report. 8276

(F) A person granted a certificate pursuant to division 8277
(E) (1) of this section may transfer the right to claim all or 8278
part of the credit reflected on the certificate to another 8279
person. 8280

To effectuate the transfer, the transferor shall notify 8281
the tax commissioner, in writing, that the transferor is 8282
transferring the right to claim all or part of the remaining 8283
credit stated on the certificate. The transferor shall identify 8284

in that notification the certificate's number, the name and the 8285
tax identification number of the transferee, the amount of the 8286
remaining credit transferred to the transferee, and, if 8287
applicable, the amount of remaining credit retained by the 8288
transferor. 8289

The transferee may claim the amount of the credit received 8290
under this division against the tax levied under section 5726.02 8291
of the Revised Code or against the person's aggregate tax 8292
liability under section 5747.02 of the Revised Code for the 8293
taxable year in the same manner and for the same taxable years 8294
as it may be claimed by a person under division (E) (3) of this 8295
section. 8296

Any person to which a credit has been transferred under 8297
this division may transfer the right to claim all or part of the 8298
transferred credit amount to any other person, in the same 8299
manner prescribed by this division for the initial transfer, 8300
including that any such transfer be reported by the transferor 8301
to the tax commissioner as described in this division. 8302

Transferring a credit under this division does not extend 8303
the taxable years for which the credit may be claimed or number 8304
of years for which the unclaimed credit amount may be carried 8305
forward. 8306

(G) The director may adopt rules in accordance with 8307
Chapter 119. of the Revised Code as necessary to administer the 8308
tax credits authorized by this section. Such rules may include 8309
the following: 8310

(1) Application forms, deadlines, and procedures; 8311

(2) Criteria for evaluating and prioritizing applications; 8312

(3) Guidelines for promoting an even geographic 8313

distribution of credits throughout the state. 8314

Sec. 122.634. (A) As used in this section: 8315

(1) "Major workforce housing project" means a project that 8316
reserves at least twenty units, designed for residential 8317
occupancy by at least twenty individuals or families living 8318
independently from each other, for households earning between 8319
sixty and one hundred per cent of the median income for the 8320
county where the project is located, as determined by the 8321
director of development pursuant to section 174.04 of the 8322
Revised Code. 8323

(2) "Quadplex housing" means a parcel with four dwelling 8324
units that are designed for residential occupancy by four 8325
individuals or families living independently from each other. 8326

(B) The department of development shall provide grants to 8327
townships and municipal corporations that adopt and implement at 8328
least three pro-housing policies in accordance with this 8329
section. A township or municipal corporation may apply for such 8330
a grant in the form and manner prescribed by the department. The 8331
application shall, at minimum, include both of the following: 8332

(1) Documentation or other evidence that shows the 8333
township or municipal corporation has adopted and implemented at 8334
least three of the pro-housing policies described in division 8335
(D) of this section; 8336

(2) A description of how the township or municipal 8337
corporation intends to utilize the grant funds received. 8338

The department shall review applications and award grants 8339
under this section annually, to the extent that funds are 8340
available, provided that no township or municipal corporation 8341
may receive more than fifteen per cent of the total funds 8342

available, regardless of the number of applicants. 8343

(C) (1) Except as otherwise provided in division (F) of 8344
this section, the first ten townships and municipal corporations 8345
that timely submit an application and that demonstrate, to the 8346
satisfaction of the department, that they have adopted and 8347
implemented at least three of the pro-housing policies, 8348
including at least one policy from each of divisions (D) (1), 8349
(2), and (3) of this section, shall receive a portion of the 8350
available funds. The department shall determine the amount of 8351
the grant awarded to each such township and municipal 8352
corporation based on population. Approximately seventy-five per 8353
cent of the available funds shall be awarded under division (C) 8354
(1) of this section. 8355

(2) Approximately twenty-five per cent of the available 8356
funds shall be awarded to townships and municipal corporations 8357
that have adopted and implemented six or more of the pro-housing 8358
policies described in division (D) of this section. A township 8359
or municipal corporation that received funds under division (C) 8360
(1) of this section may receive additional funds under this 8361
division. 8362

(D) All of the following are pro-housing policies for 8363
purposes of this section: 8364

(1) (a) Having no or minimal parking requirements for 8365
developments that include residential units; 8366

(b) Allowing at least quadplex housing in at least 8367
seventy-five per cent of the territory of the township or 8368
municipal corporation; 8369

(c) Repealing minimum lot size requirements for 8370
developers; 8371

(d) Having reduced, by at least fifty per cent, the 8372
portion of territory within the township or municipal 8373
corporation that is zoned for single-family use only, as 8374
compared to the portion of territory zoned for that purpose ten 8375
years before the application date. 8376

(2) (a) Subsidizing or decreasing costs related to water or 8377
sewer connections for major workforce housing projects; 8378

(b) Acquiring and readying sites that are ready to be 8379
financed and built upon by housing developers; 8380

(c) Providing incentives related to increased density to 8381
developers that provide low-income housing and workforce housing 8382
in census tracts that are at or above the area median income; 8383

(d) Providing incentives for modular housing or 8384
manufactured homes; 8385

(e) Adopting road regulations and specifications for 8386
county roads recommended by the department of transportation for 8387
all roads constructed for the purpose of housing projects; 8388

(f) Adopting a building code that is not more restrictive 8389
than the state's building code for the specific style of 8390
exterior cladding or finish materials for residential buildings. 8391

(3) (a) Having a process in place to reduce the time it 8392
takes to review and complete all regulatory approvals for 8393
housing developments by at least thirty per cent or that reduces 8394
the time it takes to review and grant permits to four months or 8395
less; 8396

(b) Having a pre-approval process in place to create an 8397
expedited review and granting of permits for a diverse range of 8398
developers; 8399

(c) Having an expedited approval process for development 8400
plans sharing ninety per cent of the elements of a development 8401
plan that was previously approved; 8402

(d) Having a housing plan within the last five years that 8403
tracks the needs, gaps, and potential strategies for increasing 8404
housing across all income levels within the township or 8405
municipal corporation for at least the next ten years and 8406
identifies opportunities to reduce the regulatory burden on 8407
housing development; 8408

(e) Having policies that preserve existing moderate and 8409
low-income housing; 8410

(f) Allowing accessory dwelling units. 8411

(E) A township or municipal corporation that receives a 8412
grant under this section shall use at least half of the funds 8413
for the following purposes: 8414

(1) Providing capital for housing development through 8415
grants or loans; 8416

(2) Supporting first-time home buyers; 8417

(3) Providing funds for home repairs for low-income 8418
homeowners; 8419

(4) Providing funds for multi-family building improvements 8420
for low- and middle-income landlords; 8421

(5) Enforcing zoning and residential building regulations; 8422

(6) Enforcing anti-discrimination housing regulations; 8423

(7) Providing funds for tenant protection and empowerment; 8424

(8) Acquiring and readying sites for housing development; 8425

(9) Funding a conversion under the rental assistance 8426
demonstration program; 8427

(10) Providing long-term housing for difficult to house 8428
populations. 8429

(F) Townships and municipal corporations that receive a 8430
grant under this section shall provide documentation sufficient 8431
to prove, to the satisfaction of the department, that at least 8432
half of the funds were used for the purposes specified in 8433
division (E) of this section. A township or municipal 8434
corporation that does not expend at least half of the funds for 8435
the purposes specified in division (E) of this section shall not 8436
receive funds under this section for five years following the 8437
date those funds were expended improperly. 8438

(G) The housing accelerator fund is created in the state 8439
treasury. Money in the fund shall be used to provide grants 8440
under this section and section 175.42 of the Revised Code. All 8441
investment earnings of the fund shall be credited to the fund. 8442

Sec. 122.85. (A) As used in this section and in sections 8443
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 8444

(1) "Tax credit-eligible production" means a motion 8445
picture or Broadway theatrical production certified by the 8446
director of development under division (B) of this section as 8447
qualifying the production company for a tax credit under section 8448
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code. 8449

(2) "Certificate owner" means a production company to 8450
which a tax credit certificate is issued. 8451

(3) "Production company" means an individual, corporation, 8452
partnership, limited liability company, or other form of 8453
business association that is registered with the secretary of 8454

state and that is producing a motion picture or Broadway theatrical production. 8455
8456

(4) "Eligible expenditures" means expenditures made after 8457
June 30, 2009, for goods or services purchased and consumed in 8458
this state by a production company directly for the production 8459
of a tax credit-eligible production, for postproduction 8460
activities, or for advertising and promotion of the production. 8461

~~"Eligible expenditures" do not include qualified 8462~~
~~expenditures for which a production company receives a tax 8463~~
~~credit under section 122.852 of the Revised Code. 8464~~

"Eligible expenditures" include expenditures for cast and 8465
crew wages, accommodations, costs of set construction and 8466
operations, editing and related services, photography, sound 8467
synchronization, lighting, wardrobe, makeup and accessories, 8468
film processing, transfer, sound mixing, special and visual 8469
effects, music, location fees, and the purchase or rental of 8470
facilities and equipment. 8471

(5) "Motion picture" means entertainment content created 8472
in whole or in part within this state for distribution or 8473
exhibition to the general public, including, but not limited to, 8474
feature-length films; documentaries; long-form, specials, 8475
miniseries, series, and interstitial television programming; 8476
interactive web sites; sound recordings; videos; music videos; 8477
interactive television; interactive games; video games; 8478
commercials; any format of digital media; and any trailer, 8479
pilot, video teaser, or demo created primarily to stimulate the 8480
sale, marketing, promotion, or exploitation of future investment 8481
in either a product or a motion picture by any means and media 8482
in any digital media format, film, or videotape, provided the 8483
motion picture qualifies as a motion picture. "Motion picture" 8484

does not include any television program created primarily as 8485
news, weather, or financial market reports, a production 8486
featuring current events or sporting events, an awards show or 8487
other gala event, a production whose sole purpose is 8488
fundraising, a long-form production that primarily markets a 8489
product or service or in-house corporate advertising or other 8490
similar productions, a production for purposes of political 8491
advocacy, or any production for which records are required to be 8492
maintained under 18 U.S.C. 2257 with respect to sexually 8493
explicit content. 8494

(6) "Broadway theatrical production" means a prebroadway 8495
production, long run production, or tour launch that is 8496
directed, managed, and performed by a professional cast and crew 8497
and that is directly associated with New York city's broadway 8498
theater district. 8499

(7) "Prebroadway production" means a live stage production 8500
that is scheduled for presentation in New York city's broadway 8501
theater district after the original or adaptive version is 8502
performed in a qualified production facility. 8503

(8) "Long run production" means a live stage production 8504
that is scheduled to be performed at a qualified production 8505
facility for more than five weeks, with an average of at least 8506
six performances per week. 8507

(9) "Tour launch" means a live stage production for which 8508
the activities comprising the technical period are conducted at 8509
a qualified production facility before a tour of the original or 8510
adaptive version of the production begins. 8511

(10) "Qualified production facility" means a facility 8512
located in this state that is used in the development or 8513

presentation to the public of theater productions. 8514

(B) For the purpose of encouraging and developing strong 8515
film and theater industries in this state, the director of 8516
development may certify a motion picture or Broadway theatrical 8517
production produced by a production company as a tax credit- 8518
eligible production. In the case of a television series, the 8519
director may certify the production of each episode of the 8520
series as a separate tax credit-eligible production. A 8521
production company shall apply for certification of a motion 8522
picture or Broadway theatrical production as a tax credit- 8523
eligible production on a form and in the manner prescribed by 8524
the director. Each application shall include the following 8525
information: 8526

(1) The name and telephone number of the production 8527
company; 8528

(2) The name and telephone number of the company's contact 8529
person; 8530

(3) A list of the first preproduction date through the 8531
last production and postproduction dates in Ohio and, in the 8532
case of a Broadway theatrical production, a list of each 8533
scheduled performance in a qualified production facility; 8534

(4) The Ohio production office or qualified production 8535
facility address and telephone number; 8536

(5) The total production budget; 8537

(6) The total budgeted eligible expenditures and the 8538
percentage that amount is of the total production budget of the 8539
motion picture or Broadway theatrical production; 8540

(7) In the case of a motion picture, the total percentage 8541

of the production being shot in Ohio; 8542

(8) The level of employment of cast and crew who reside in 8543
Ohio; 8544

(9) A synopsis of the script; 8545

(10) In the case of a motion picture, the shooting script; 8546

(11) A creative elements list that includes the names of 8547
the principal cast and crew and the producer and director; 8548

(12) Documentation of financial ability to undertake and 8549
complete the motion picture or Broadway theatrical production, 8550
including documentation that shows that the company has secured 8551
funding equal to at least fifty per cent of the total production 8552
budget; 8553

(13) Estimated value of the tax credit based upon total 8554
budgeted eligible expenditures; 8555

(14) Estimated amount of state and local taxes to be 8556
generated in this state from the production; 8557

(15) Estimated economic impact of the production in this 8558
state; 8559

(16) Any other information considered necessary by the 8560
director. 8561

Within ninety days after certification of a motion picture 8562
or Broadway theatrical production as a tax credit-eligible 8563
production, and any time thereafter upon the request of the 8564
director, the production company shall present to the director 8565
sufficient evidence of reviewable progress. If the production 8566
company fails to present sufficient evidence, the director may 8567
rescind the certification. If the production of a motion picture 8568

or Broadway theatrical production does not begin within ninety 8569
days after the date it is certified as a tax credit-eligible 8570
production, the director shall rescind the certification unless 8571
the director finds that the production company shows good cause 8572
for the delay, meaning that the production was delayed due to 8573
unforeseeable circumstances beyond the production company's 8574
control or due to action or inaction by a government agency. 8575
Upon rescission, the director shall notify the applicant that 8576
the certification has been rescinded. Nothing in this section 8577
prohibits an applicant whose tax credit-eligible production 8578
certification has been rescinded from submitting a subsequent 8579
application for certification. 8580

(C) (1) A production company whose motion picture or 8581
Broadway theatrical production has been certified as a tax 8582
credit-eligible production may apply to the director of 8583
development on or after July 1, 2009, for a refundable credit 8584
against the tax imposed by section 5726.02, 5733.06, 5747.02, or 8585
5751.02 of the Revised Code. The director in consultation with 8586
the tax commissioner shall prescribe the form and manner of the 8587
application and the information or documentation required to be 8588
submitted with the application. 8589

The credit is determined as follows: 8590

(a) If the total budgeted eligible expenditures stated in 8591
the application submitted under division (B) of this section or 8592
the actual eligible expenditures as finally determined under 8593
division (D) of this section, whichever is least, is less than 8594
or equal to three hundred thousand dollars, no credit is 8595
allowed; 8596

(b) If the total budgeted eligible expenditures stated in 8597
the application submitted under division (B) of this section or 8598

the actual eligible expenditures as finally determined under 8599
division (D) of this section, whichever is least, is greater 8600
than three hundred thousand dollars, the credit equals thirty 8601
per cent of the least of such budgeted or actual eligible 8602
expenditure amounts. 8603

(2) Except as provided in division (C)(4) of this section, 8604
if the director of development approves a production company's 8605
application for a credit, the director shall issue a tax credit 8606
certificate to the company. The director in consultation with 8607
the tax commissioner shall prescribe the form and manner of 8608
issuing certificates. The director shall assign a unique 8609
identifying number to each tax credit certificate and shall 8610
record the certificate in a register devised and maintained by 8611
the director for that purpose. The certificate shall state the 8612
amount of the eligible expenditures on which the credit is based 8613
and the amount of the credit. Upon the issuance of a 8614
certificate, the director shall certify to the tax commissioner 8615
the name of the production company to which the certificate was 8616
issued, the amount of eligible expenditures shown on the 8617
certificate, the amount of the credit, and any other information 8618
required by the rules adopted to administer this section. 8619

(3) The amount of eligible expenditures for which a tax 8620
credit may be claimed is subject to inspection and examination 8621
by the tax commissioner or employees of the commissioner under 8622
section 5703.19 of the Revised Code and any other applicable 8623
law. Once the eligible expenditures are finally determined under 8624
section 5703.19 of the Revised Code and division (D) of this 8625
section, the credit amount is not subject to adjustment unless 8626
the director determines an error was committed in the 8627
computation of the credit amount. 8628

(4) No tax credit certificate may be issued before the 8629
completion of the tax credit-eligible production. The amount of 8630
tax credit allowed per fiscal year shall not exceed the sum of 8631
~~(a) fifty~~ Seventy-five million dollars, ~~(b) the difference~~ 8632
~~between the maximum credit amount for that fiscal year under~~ 8633
~~section 122.852 of the Revised Code and the amount the director~~ 8634
~~of development elects to allow under this section pursuant to~~ 8635
~~division (D) (1) of section 122.852 of the Revised Code, and (c)~~ 8636
the difference between the maximum amount of credits that could 8637
have been awarded in the previous fiscal year under this section 8638
and the amount actually awarded. Out of that sum, five million 8639
dollars shall be reserved for Broadway theatrical productions, 8640
and the balance may be allowed for any tax credit-eligible 8641
production. For any fiscal year in which less than five million 8642
dollars of tax credits are allowed for Broadway theatrical 8643
productions, the amount of the five million dollars not allowed 8644
and added to the maximum annual amount for the following fiscal 8645
year shall be reserved for Broadway theatrical productions in 8646
the following fiscal year. 8647

(5) The director shall review and approve applications for 8648
tax credits ~~in two rounds each fiscal year. The first round of~~ 8649
~~credits shall be awarded not later than the last day of July of~~ 8650
~~the fiscal year, and the second round of credits shall be~~ 8651
~~awarded not later than the last day of the ensuing January. The~~ 8652
~~amount of credits awarded in the first round of applications~~ 8653
~~each fiscal year shall not exceed one-half of the maximum~~ 8654
~~allowance for the fiscal year calculated under division (C) (4)~~ 8655
~~of this section, two million five hundred thousand dollars of~~ 8656
~~which shall be reserved for Broadway theatrical productions. For~~ 8657
~~each round, the director shall rank applications on the basis of~~ 8658
~~the extent of positive economic impact each tax credit-eligible~~ 8659

~~production is likely to have in this state and the effect on-~~ 8660
~~developing a permanent workforce in motion picture or theatrical~~ 8661
~~production industries in the state. For the purpose of such-~~ 8662
~~ranking, the~~ on a rolling basis. ~~The~~ director shall give 8663
priority to tax-credit eligible productions that are television 8664
series or miniseries due to the long-term commitment typically 8665
associated with such productions. ~~The economic impact ranking-~~ 8666
~~shall be based on the production company's total expenditures in~~ 8667
~~this state directly associated with the tax credit-eligible-~~ 8668
~~production. The effect on developing a permanent workforce in-~~ 8669
~~the motion picture or theatrical production industries shall be-~~ 8670
~~evaluated first by the number of new jobs created and second by-~~ 8671
~~amount of payroll added with respect to employees in this state.~~ 8672

~~The director shall approve productions in the order of-~~ 8673
~~their ranking, from those with the greatest positive economic-~~ 8674
~~impact and workforce development effect to those with the least-~~ 8675
~~positive economic impact and workforce development effect.~~ 8676

(D) A production company whose motion picture or Broadway 8677
theatrical production has been certified as a tax credit- 8678
eligible production shall engage, at the company's expense, an 8679
independent certified public accountant to examine the company's 8680
production, postproduction, and advertising and promotion 8681
expenditures to identify the expenditures that qualify as 8682
eligible expenditures. The certified public accountant shall 8683
issue a report to the company and to the director of development 8684
certifying the company's eligible expenditures and any other 8685
information required by the director. Upon receiving and 8686
examining the report, the director may disallow any expenditure 8687
the director determines is not an eligible expenditure. If the 8688
director disallows an expenditure, the director shall issue a 8689
written notice to the production company stating that the 8690

expenditure is disallowed and the reason for the disallowance. 8691
Upon examination of the report and disallowance of any 8692
expenditures, the director shall determine finally the lesser of 8693
the total budgeted eligible expenditures stated in the 8694
application submitted under division (B) of this section or the 8695
actual eligible expenditures for the purpose of computing the 8696
amount of the credit. 8697

(E) No credit shall be allowed under section 5726.55, 8698
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 8699
director has reviewed the report and made the determination 8700
prescribed by division (D) of this section. 8701

(F) This state reserves the right to refuse the use of 8702
this state's name in the credits of any tax credit-eligible 8703
motion picture production or program of any Broadway theatrical 8704
production. 8705

(G) (1) The director of development in consultation with 8706
the tax commissioner shall adopt rules for the administration of 8707
this section, including rules setting forth and governing the 8708
criteria for determining whether a motion picture or Broadway 8709
theatrical production is a tax credit-eligible production; 8710
activities that constitute the production or postproduction of a 8711
motion picture or Broadway theatrical production; reporting 8712
sufficient evidence of reviewable progress; expenditures that 8713
qualify as eligible expenditures; a schedule and deadlines for 8714
applications to be submitted and reviewed; a competitive process 8715
for approving credits based on likely economic impact in this 8716
state and development of a permanent workforce in motion picture 8717
or theatrical production industries in this state; consideration 8718
of geographic distribution of credits; and implementation of the 8719
program described in division (H) of this section. The rules 8720

shall be adopted under Chapter 119. of the Revised Code. 8721

(2) To cover the administrative costs of the program, the 8722
director shall require each applicant to pay an application fee 8723
equal to the lesser of ten thousand dollars or one per cent of 8724
the estimated value of the tax credit as stated in the 8725
application. The fees collected shall be credited to the tax 8726
incentives operating fund created in section 122.174 of the 8727
Revised Code. All grants, gifts, fees, and contributions made to 8728
the director for marketing and promotion of the motion picture 8729
industry within this state shall also be credited to the fund. 8730

(H) The director of development shall establish a program 8731
for the training of Ohio residents who are or wish to be 8732
employed in the film or multimedia industry. Under the program, 8733
the director shall: 8734

(1) Certify individuals as film and multimedia trainees. 8735
In order to receive such a certification, an individual must be 8736
an Ohio resident, have participated in relevant on-the-job 8737
training or have completed a relevant training course approved 8738
by the director, and have met any other requirements established 8739
by the director. 8740

(2) Accept applications from production companies that 8741
intend to hire and provide on-the-job training to one or more 8742
certified film and multimedia trainees who will be employed in 8743
the company's tax credit-eligible production; 8744

(3) Upon completion of a tax-credit eligible production, 8745
and upon the receipt of any salary information and other 8746
documentation required by the director, authorize a 8747
reimbursement payment to each production company whose 8748
application was approved under division (H) (2) of this section. 8749

The payment shall equal fifty per cent of the salaries paid to 8750
film and multimedia trainees employed in the production. 8751

Sec. 122.97. (A) The director of development may allocate 8752
the state ceiling on the aggregate amount of private activity 8753
bonds issued in this state as provided in 26 U.S.C. 146. The 8754
allocation shall be made pursuant to rules the director adopts 8755
in accordance with Chapter 119. of the Revised Code that do all 8756
of the following: 8757

(1) Provide a formula for allocating the state ceiling, as 8758
authorized under 26 U.S.C. 146(e); 8759

(2) Authorize procedures to administer those allocations; 8760

(3) Impose fees on persons to which such allocations are 8761
issued; 8762

(4) Establish any other requirements, processes, or 8763
procedures to administer the state ceiling. 8764

(B) The development volume cap fund is created in the 8765
custody of the treasurer of state, but is not part of the state 8766
treasury. The fund shall consist of all fees paid by issuers 8767
receiving state ceiling allocations. Funds may be used to pay 8768
the department of development's costs in administering ceiling 8769
allocations. The treasurer of state shall disburse money from 8770
the fund on order of the director of development. All interest 8771
and investment income earned by the fund shall be deposited into 8772
the fund. 8773

Sec. 123.10. (A) As used in this section and section 8774
123.11 of the Revised Code, "public exigency" means an injury or 8775
obstruction that occurs in any public works of the state and 8776
that materially impairs its immediate use or places in jeopardy 8777
property adjacent to it; an immediate danger of such an injury 8778

or obstruction; or an injury or obstruction, or an immediate 8779
danger of an injury or obstruction, that occurs in any public 8780
works of the state and that materially impairs its immediate use 8781
or places in jeopardy property adjacent to it. 8782

(B) When a declaration of public exigency is issued 8783
pursuant to division (C) of this section, the Ohio facilities 8784
construction commission, or the requesting director of the state 8785
agency, state institution of higher education as defined in 8786
division (A) (1) of section 3345.12 of the Revised Code, or other 8787
state instrumentality, as determined by the executive director 8788
of the commission, shall enter into contracts with proper 8789
persons for the performance of labor, the furnishing of 8790
materials, or the construction of any structures and buildings 8791
necessary to the maintenance, control, and management of the 8792
public works of the state or any part of those public works. Any 8793
contracts awarded for the work performed pursuant to the 8794
declaration of a public exigency may be awarded without 8795
competitive bidding or selection as set forth in Chapter 153. of 8796
the Revised Code. 8797

(C) The executive director of the Ohio facilities 8798
construction commission may issue a declaration of a public 8799
exigency on the executive director's own initiative or upon the 8800
request of the director of any state agency, a state institution 8801
of higher education as defined in division (A) (1) of section 8802
3345.12 of the Revised Code, or any other state instrumentality. 8803
The executive director's declaration shall identify the specific 8804
injury, obstruction, or danger that is the subject of the 8805
declaration and shall set forth a dollar limitation for the 8806
repair, removal, or prevention of that exigency under the 8807
declaration. 8808

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

Sec. 123.14. (A) Every two years, the department of
administrative services shall conduct a comprehensive study and
issue a report on all real property owned or leased by the state
or a state agency. The director of administrative services shall
deliver the report to the speaker of the house of
representatives, the president of the senate, and the governor
not later than the thirty-first day of January of every odd-
numbered year. The study shall include all of the following:

(1) A complete list of all the real property owned by the
state or a state agency. The list shall be organized by who owns
the real property, which shall include information regarding the
nature of the real property, such as whether the real property
includes structures, whether any structure is office space, the
value of the real property, the cost of maintaining the real
property, and what percentage of the real property is used or
unused by the state or state agency.

(2) A complete list of all the real property that the
state or a state agency rents or leases, but does not own, and
the cost of renting or leasing;

(3) Which state agencies use the real property, whether
owned or leased, and the square footage that is used, versus not
used, organized by state agency;

(4) How much of the real property identified in division 8839
(A) (3) of this section would be used if all employees of that 8840
agency worked in person, rather than remote. 8841

(B) As used in this section, "state agency" means every 8842
organized body, office, or agency established by the laws of the 8843
state for the exercise of any function of state government, 8844
including the nonprofit corporation formed under section 187.01 8845
of the Revised Code, but not including the courts or any 8846
judicial agency, any state-assisted institution of higher 8847
education, or any local agency. 8848

Sec. 123.28. As used in this section and in section 8849
123.281 of the Revised Code: 8850

(A) "Culture" means any of the following: 8851

(1) Visual, musical, dramatic, graphic, design, and other 8852
arts, including, but not limited to, architecture, dance, 8853
literature, motion pictures, music, painting, photography, 8854
sculpture, and theater, and the provision of training or 8855
education in these arts; 8856

(2) The presentation or making available, in museums or 8857
other indoor or outdoor facilities, of principles of science and 8858
their development, use, or application in business, industry, or 8859
commerce or of the history, heritage, development, presentation, 8860
and uses of the arts described in division (A) (1) of this 8861
section and of transportation; 8862

(3) The preservation, presentation, or making available of 8863
features of archaeological, architectural, environmental, or 8864
historical interest or significance in a state historical 8865
facility or a local historical facility. 8866

(B) "Cultural organization" means either of the following: 8867

(1) A governmental agency or Ohio nonprofit corporation, 8868
including the Ohio history connection, that provides programs or 8869
activities in areas directly concerned with culture; 8870

(2) A regional arts and cultural district as defined in 8871
section 3381.01 of the Revised Code. 8872

(C) "Cultural project" means all or any portion of an Ohio 8873
cultural facility for which the general assembly has made an 8874
appropriation or has specifically authorized the spending of 8875
money or the making of rental payments relating to the financing 8876
of construction. 8877

(D) "Cooperative use agreement" means a contract between 8878
the Ohio facilities construction commission and a cultural 8879
organization providing the terms and conditions of the 8880
cooperative use of an Ohio cultural facility. 8881

(E) "Costs of operation" means amounts required to manage 8882
an Ohio cultural facility that are incurred following the 8883
completion of construction of its cultural project, provided 8884
that both of the following apply: 8885

(1) Those amounts either: 8886

(a) Have been committed to a fund dedicated to that 8887
purpose; 8888

(b) Equal the principal of any endowment fund, the income 8889
from which is dedicated to that purpose. 8890

(2) The commission and the cultural organization have 8891
executed an agreement with respect to either of those funds. 8892

(F) "Governmental agency" means a state agency, a state 8893
institution of higher education as defined in section 3345.12 of 8894
the Revised Code, a municipal corporation, county, township, or 8895

school district, a port authority created under Chapter 4582. of 8896
the Revised Code, any other political subdivision or special 8897
district in this state established by or pursuant to law, or any 8898
combination of these entities; except where otherwise indicated, 8899
the United States or any department, division, or agency of the 8900
United States, or any agency, commission, or authority 8901
established pursuant to an interstate compact or agreement. 8902

(G) "Local contributions" means the value of an asset 8903
provided by or on behalf of a cultural organization from sources 8904
other than the state, the value and nature of which shall be 8905
approved by the Ohio facilities construction commission, in its 8906
sole discretion. "Local contributions" may include the value of 8907
the site where a cultural project is to be constructed. All 8908
"local contributions," except a contribution attributable to 8909
such a site, shall be for the costs of construction of a 8910
cultural project or the creation or expansion of an endowment 8911
for the costs of operation of a cultural facility. 8912

(H) "Local historical facility" means a site or facility, 8913
other than a state historical facility, of archaeological, 8914
architectural, environmental, or historical interest or 8915
significance, or a facility, including a storage facility, 8916
appurtenant to the operations of such a site or facility, that 8917
is owned by a cultural organization and is used for or in 8918
connection with cultural activities, including the presentation 8919
or making available of culture to the public. 8920

(I) "Manage," "operate," or "management" means the 8921
provision of, or the exercise of control over the provision of, 8922
activities: 8923

(1) Relating to culture for an Ohio cultural facility, 8924
including as applicable, but not limited to, providing for 8925

displays, exhibitions, specimens, and models; booking of 8926
artists, performances, or presentations; scheduling; and hiring 8927
or contracting for directors, curators, technical and scientific 8928
staff, ushers, stage managers, and others directly related to 8929
the cultural activities in the facility; but not including 8930
general building services; 8931

(2) Relating to sports and athletic events for an Ohio 8932
sports facility, including as applicable, but not limited to, 8933
providing for booking of athletes, teams, and events; 8934
scheduling; and hiring or contracting for staff, ushers, 8935
managers, and others directly related to the sports and athletic 8936
events in the facility; but not including general building 8937
services. 8938

(J) "Ohio cultural facility" means any of the following: 8939

(1) The theaters located in the state office tower at 77 8940
South High street in Columbus; 8941

(2) Any cultural facility in this state that is managed 8942
directly by, or is subject to a cooperative use or management 8943
agreement with, the Ohio facilities construction commission. 8944

(3) A state historical facility or a local historical 8945
facility. 8946

(K) "Construction" includes acquisition, including 8947
acquisition by lease-purchase, demolition, reconstruction, 8948
alteration, renovation, remodeling, enlargement, improvement, 8949
site improvements, and related equipping and furnishing. 8950

(L) "State historical facility" means a site or facility 8951
that has all of the following characteristics: 8952

(1) It is created, supervised, operated, protected, 8953

maintained, and promoted by the Ohio history connection pursuant 8954
to the Ohio history connection's performance of public functions 8955
under sections 149.30 and 149.302 of the Revised Code. 8956

(2) Its title must reside wholly or in part with the 8957
state, the Ohio history connection, or both the state and the 8958
Ohio history connection. 8959

(3) It is managed directly by or is subject to a 8960
cooperative use or management agreement with the Ohio facilities 8961
construction commission and is used for or in connection with 8962
cultural activities, including the presentation or making 8963
available of culture to the public. 8964

(M) "Ohio sports facility" means all or a portion of a 8965
stadium, arena, tennis facility, motorsports complex, or other 8966
capital facility in this state. A primary purpose of the 8967
facility shall be to provide a site or venue for the 8968
presentation to the public of motorsports events, professional 8969
tennis tournaments, or events of one or more major or minor 8970
league professional athletic or sports teams that are associated 8971
with the state or with a city or region of the state. The 8972
facility shall be, in the case of a motorsports complex, owned 8973
by the state or governmental agency, or in all other instances, 8974
owned by or located on real property owned by the state or a 8975
governmental agency, and includes all parking facilities, 8976
walkways, and other auxiliary facilities, equipment, 8977
furnishings, and real and personal property and interests and 8978
rights therein, that may be appropriate for or used for or in 8979
connection with the facility or its operation, for capital costs 8980
of which state funds are spent pursuant to this section and 8981
section 123.281 of the Revised Code. A facility constructed as 8982
an Ohio sports facility may be both an Ohio cultural facility 8983

and an Ohio sports facility. 8984

(N) "Motorsports" means sporting events in which motor 8985
vehicles are driven on a clearly demarcated tracked surface. 8986

(O) "Professional sports franchise" means a member of the 8987
national football league, women's national football conference, 8988
women's football alliance, women's football league association, 8989
national hockey league, professional women's hockey league, 8990
major league baseball, women's professional baseball league, 8991
major league soccer, national women's soccer league, national 8992
basketball association, or the women's national basketball 8993
association, or a successor of such an entity. 8994

(P) "Major sports facility" means an Ohio sports facility 8995
that meets all of the following criteria: 8996

(1) A primary purpose of the sports facility is to provide 8997
a site or venue for the presentation of events of a professional 8998
sports franchise that is committed to playing a majority of the 8999
franchise's home games at the sports facility for a period of at 9000
least thirty years after completion of the construction of the 9001
sports facility. 9002

(2) The initial total estimated construction cost to be 9003
incurred in connection with the construction of the sports 9004
facility, excluding any site acquisition cost, is greater than 9005
one billion dollars. 9006

(Q) "Transformational major sports facility mixed-use 9007
project" means the following, as applicable: 9008

(1) A mixed-use project that does all of the following: 9009

(a) Includes the construction of a major sports facility; 9010

(b) Integrates some combination of retail, office, hotel, 9011

residential, recreation, structured parking, or other similar 9012
uses into one or more mixed-use developments;(c) Is expected to 9013
generate increased state tax revenues pursuant to state taxes 9014
levied under Chapters 5739., 5741., 5747., and 5751. of the 9015
Revised Code. 9016

(2) A transformational major sports facility mixed-use 9017
project also may include any of the following: 9018

(a) Other projects supporting or relating to the major 9019
sports facility or the professional sports franchise 9020
constructing or using the major sports facility; 9021

(b) Any mixed-use project adjacent or otherwise relating 9022
to practice facilities for the professional sports franchise; 9023

(c) Conference centers, concert, or other entertainment 9024
venues and facilities; 9025

(d) Retail, food, restaurant, and beverage facilities, 9026
whether fixed or mobile; 9027

(e) Parks and other public open spaces or facilities; 9028

(f) Related on-site infrastructure necessary or desirable 9029
for all such elements for the transformational major sports 9030
facility mixed-use project. 9031

(R) "Transformational major sports facility mixed-use 9032
project district" means the geographic area encompassing the 9033
land upon which the transformational major sports facility 9034
mixed-use project is located, as designated by a municipal 9035
corporation under section 715.016 of the Revised Code. 9036

(S) "Base professional sports franchise state tax 9037
revenues" means a fixed dollar amount equal to all state tax 9038
revenues generated pursuant to state taxes levied under Chapters 9039

5739., 5741., 5747., and 5751. of the Revised Code that are 9040
attributable to the professional sports franchise, and its 9041
operations at the existing facility in which the professional 9042
sports facility plays home games if in the state, and collected 9043
by the tax commissioner in the calendar year occurring 9044
immediately before the calendar year in which the professional 9045
sports franchise plays its initial regular season home game in 9046
the major sports facility. 9047

(T) "Total major sports facility mixed-use project 9048
district state tax revenues" means the total aggregate state tax 9049
revenue generated in the territory of a transformational major 9050
sports facility mixed-use project district pursuant to state 9051
taxes levied under Chapters 5739., 5741., 5747., and 5751. of 9052
the Revised Code, including state tax revenues attributable to 9053
purchasing or leasing materials and items used in construction 9054
in the territory of a transformational major sports facility 9055
mixed-use project district, in a calendar year during the 9056
initial term of the applicable major sports facility lease. 9057

(U) "Incremental major sports facility mixed-use project 9058
district state tax revenues" means the amount of state tax 9059
revenues received by the state determined by subtracting base 9060
professional sports franchise state tax revenues from total 9061
major sports facility mixed-use project district state tax 9062
revenues in a calendar year, beginning with the calendar year in 9063
which the professional sports franchise plays its initial 9064
regular season home game in the major sports facility. 9065

(V) "Total incremental major sports facility mixed-use 9066
project district state tax revenues" means the sum of both of 9067
the following: 9068

(1) The total aggregate incremental major sports facility 9069

mixed-use district state tax revenues during the initial term of 9070
the applicable major sports facility lease; 9071

(2) The total major sports facility mixed-use project 9072
district tax revenues received in the calendar years prior to 9073
the calendar year in which the professional sports franchise 9074
plays its initial regular season home game in the major sports 9075
facility. 9076

(W) "Major sports facility lease" means the lease or other 9077
agreement held by the professional sports franchise for the use 9078
of the major sports facility, the site of the major sports 9079
facility, or both. 9080

Sec. 123.281. (A) The Ohio facilities construction 9081
commission shall provide for the construction of a cultural 9082
project in conformity with Chapter 153. of the Revised Code, 9083
except for construction services provided on behalf of the state 9084
by a governmental agency or a cultural organization in 9085
accordance with divisions (B) and (C) of this section. 9086

(B) In order for a governmental agency or a cultural 9087
organization to provide construction services on behalf of the 9088
state for a cultural project, other than a state historical 9089
facility, for which the general assembly has made an 9090
appropriation or specifically authorized the spending of money 9091
or the making of rental payments relating to the financing of 9092
the construction, the governmental agency or cultural 9093
organization shall submit to the Ohio facilities construction 9094
commission a cooperative use agreement that includes, but is not 9095
limited to, provisions that: 9096

(1) Specify how the proposed project will support culture; 9097

(2) Specify that the governmental agency or cultural 9098

organization has local contributions amounting to not less than 9099
fifty per cent of the total state funding for the cultural 9100
project; 9101

(3) Specify that the funds shall be used only for 9102
construction; 9103

(4) Identify the facility to be constructed, renovated, 9104
remodeled, or improved; 9105

(5) Specify that the project scope meets the intent and 9106
purpose of the project appropriation and that the project can be 9107
completed and ready to support culture without exceeding 9108
appropriated funds; 9109

(6) Specify that the governmental agency or cultural 9110
organization shall hold the Ohio facilities construction 9111
commission harmless from all liability for the operation and 9112
maintenance costs of the facility; 9113

(7) Specify that the agreement or any actions taken under 9114
it are not subject to Chapter 123. or 153. of the Revised Code, 9115
except for sections 123.20, 123.201, 123.21, 123.28, 123.281, 9116
and 153.011 of the Revised Code, and are subject to Chapter 9117
4115. of the Revised Code; and 9118

(8) Provide that amendments to the agreement shall require 9119
the approval of the Ohio facilities construction commission. 9120

(C) In order for a cultural organization to provide 9121
construction services on behalf of the state for a state 9122
historical facility for which the general assembly has made an 9123
appropriation or specifically authorized the spending of money 9124
or the making of rental payments relating to the financing of 9125
the construction, the cultural organization shall submit to the 9126
Ohio facilities construction commission a cooperative use 9127

agreement that includes, but is not limited to, provisions that: 9128

(1) Specify how the proposed project will support culture; 9129

(2) Specify that the funds shall be used only for 9130
construction; 9131

(3) Specify that not more than three per cent of the funds 9132
may be used by the cultural organization to administer the 9133
project; 9134

(4) Identify the facility to be constructed, renovated, 9135
remodeled, or improved; 9136

(5) Specify that the project scope meets the intent and 9137
purpose of the project appropriation and that the project can be 9138
completed and ready to support culture without exceeding 9139
appropriated funds; 9140

(6) Specify that the cultural organization shall hold the 9141
Ohio facilities construction commission harmless from all 9142
liability for the operation and maintenance costs of the 9143
facility; 9144

(7) Specify that the agreement or any actions taken under 9145
it are not subject to Chapter 123., 153., or 4115. of the 9146
Revised Code, except for sections 123.20, 123.201, 123.21, 9147
123.28, and 123.281 of the Revised Code; and 9148

(8) Provide that amendments to the agreement shall require 9149
the approval of the Ohio facilities construction commission. 9150

(D) For an Ohio sports facility that is financed in part 9151
by obligations issued under Chapter 154. of the Revised Code, 9152
construction services shall be provided on behalf of the state 9153
by or at the direction of the governmental agency or nonprofit 9154
corporation that will own or be responsible for the management 9155

of the facility. Any construction services to be provided by a 9156
governmental agency or nonprofit corporation shall be specified 9157
in a cooperative use agreement between the Ohio facilities 9158
construction commission and the governmental agency or nonprofit 9159
corporation. The agreement and any actions taken under it are 9160
not subject to Chapter 123. or 153. of the Revised Code, except 9161
for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 9162
153.011 of the Revised Code, and are subject to Chapter 4115. of 9163
the Revised Code. 9164

(E) ~~State~~ Except as provided in division (H) of this 9165
section, state funds shall not be used to pay or reimburse more 9166
than fifteen per cent of the initial estimated construction cost 9167
of an Ohio sports facility, excluding any site acquisition cost, 9168
and no state funds, including any state bond proceeds, shall be 9169
spent on any Ohio sports facility under this chapter unless, 9170
with respect to that facility, all of the following apply: 9171

(1) The Ohio facilities construction commission has 9172
received a financial and development plan satisfactory to it, 9173
and provision has been made, by agreement or otherwise, 9174
satisfactory to the commission, for a contribution amounting to 9175
not less than eighty-five per cent of the total estimated 9176
construction cost of the facility, excluding any site 9177
acquisition cost, from sources other than the state. 9178

(2) The general assembly has specifically authorized the 9179
spending of money on, or made an appropriation for, the 9180
construction of the facility, or for rental payments relating to 9181
state financing of all or a portion of the costs of constructing 9182
the facility. Authorization to spend money, or an appropriation, 9183
for planning or determining the feasibility of or need for the 9184
facility does not constitute authorization to spend money on, or 9185

an appropriation for, costs of constructing the facility. 9186

(3) If state bond proceeds are being used for the Ohio 9187
sports facility, the state or a governmental agency owns or has 9188
sufficient property interests in the facility or in the site of 9189
the facility or in the portion or portions of the facility 9190
financed from proceeds of state bonds, which may include, but is 9191
not limited to, the right to use or to require the use of the 9192
facility for the presentation of sport and athletic events to 9193
the public at the facility. 9194

(F) In addition to the requirements of division (E) of 9195
this section, no state funds, including any state bond proceeds, 9196
shall be spent on any Ohio sports facility that is a motorsports 9197
complex, unless, with respect to that facility, both of the 9198
following apply: 9199

(1) Motorsports events shall be presented at the facility 9200
pursuant to a lease entered into with the owner of the facility. 9201
The term of the lease shall be for a period of not less than the 9202
greater of the useful life of the portion of the facility 9203
financed from proceeds of state bonds as determined using the 9204
guidelines for maximum maturities as provided under divisions 9205
(B) and (C) of section 133.20 of the Revised Code, or the period 9206
of time remaining to the date of payment or provision for 9207
payment of outstanding state bonds allocable to costs of the 9208
facility, all as determined by the director of budget and 9209
management and certified by the executive director of the Ohio 9210
facilities construction commission and to the treasurer of 9211
state. 9212

(2) Any motorsports organization that commits to using the 9213
facility for an established period of time shall give the 9214
political subdivision in which the facility is located not less 9215

than six months' advance notice if the organization intends to 9216
cease utilizing the facility prior to the expiration of that 9217
established period. Such a motorsports organization shall be 9218
liable to the state for any state funds used on the construction 9219
costs of the facility. 9220

(G) In addition to the requirements of division (E) of 9221
this section, no state bond proceeds shall be spent on any Ohio 9222
sports facility that is a tennis facility, unless the owner or 9223
manager of the facility provides contractual commitments from a 9224
national or international professional tennis organization in a 9225
form acceptable to the Ohio facilities construction commission 9226
that assures that one or more sanctioned professional tennis 9227
events will be presented at the facility during each year that 9228
the bonds remain outstanding. 9229

(H) State funds may be used to pay or reimburse up to 9230
thirty per cent of the initial estimated construction cost for a 9231
major sports facility if all of the following criteria are met: 9232

(1) The major sports facility upon completion will be a 9233
part of a transformational major sports facility mixed-use 9234
project. 9235

(2) The Ohio facilities construction commission has 9236
received a financial and development plan satisfactory to it, 9237
and provision has been made in such plan, by agreement or 9238
otherwise, satisfactory to the commission, for a contribution 9239
amounting to not less than seventy per cent of the total initial 9240
estimated construction cost of the major sports facility, 9241
excluding any site acquisition cost, from sources other than the 9242
state, including a contribution from the professional sports 9243
franchise that plans to use the facility, or affiliates of the 9244
franchise, of at least fifty per cent of the total estimated 9245

construction cost of the major sports facility. 9246

(3) The general assembly has specifically authorized the 9247
spending of money on, or made an appropriation for, the 9248
construction of the major sports facility, or for rental 9249
payments relating to state financing of all or a portion of the 9250
costs of constructing the major sports facility, provided that 9251
authorization to spend money, or an appropriation, for planning 9252
or determining the feasibility of or need for the major sports 9253
facility does not constitute authorization to spend money on, or 9254
an appropriation for, costs of constructing the major sports 9255
facility. 9256

(4) If state bond proceeds are being used for the major 9257
sports facility, both of the following: 9258

(a) The financial and development plan described in 9259
division (H) (2) of this section demonstrates to the satisfaction 9260
of the Ohio facilities construction commission, in consultation 9261
with the department of taxation and the office of budget and 9262
management, that, as of the date of the issuance of such bonds, 9263
the total incremental major sports facility mixed-use project 9264
district state tax revenues expected to be generated by the 9265
transformational major sports facility mixed-use project are 9266
projected to be in excess of the total debt service of the state 9267
bonds for their initial term. 9268

(b) The state or a state agency owns or has sufficient 9269
property interests in the major sports facility or in the site 9270
of the major sports facility or in the portion or portions of 9271
the major sports facility financed from proceeds of state bonds, 9272
which may include, but is not limited to, the right to use or to 9273
require the use of the major sports facility for the 9274
presentation of sport and athletic events to the public at the 9275

major sports facility. 9276

(5) If state bond proceeds are being used for the major 9277
sports facility, then, without prejudice to the provisions of 9278
section 154.08 of the Revised Code, any such issue of bonds 9279
shall have a maturity of not less than twenty-five years. 9280

(6) If state bond proceeds are being used for the major 9281
sports facility, then the total major sports facility mixed-use 9282
project district state tax revenues shall be deposited by the 9283
treasurer of state into the major sports facility district fund 9284
created under division (I) of this section. From the major 9285
sports facility district fund, the director of budget and 9286
management may transfer funds to the Ohio cultural facilities 9287
bond service fund, which is created pursuant to division (D) of 9288
section 154.23 of the Revised Code, and held as trust funds 9289
pledged to the payment of bond service charges on the applicable 9290
obligations issued pursuant to Chapter 154. of the Revised Code 9291
to the extent provided in the applicable bond proceedings, and 9292
payment thereof from the Ohio cultural facilities bond service 9293
fund shall be made or provided for by the treasurer of state in 9294
accordance with the applicable bond proceedings without 9295
necessity for any act or appropriation. 9296

(7) If state bond proceeds are being used for the major 9297
sports facility, the financial and development plan, and the 9298
agreements relating thereto, described in division (H) (2) of 9299
this section shall include a commitment from the professional 9300
sports franchise, or an affiliate of the professional sports 9301
franchise, to cause the deposit, either through the major sports 9302
facility lease or otherwise, of an amount equal to eight and 9303
one-third per cent of the state funds provided under division 9304
(H) of this section to pay or reimburse costs of the major 9305

sports facility into an escrow account held for the benefit of 9306
the state. The terms of the escrow shall provide that the funds 9307
in the escrow account and all interest and earnings thereon 9308
shall be released to the state if, and to the extent that, upon 9309
the date after the later of the expiration of the initial term 9310
of the applicable major sports facility lease or the maturity of 9311
the state bonds issued to pay or reimburse costs of the major 9312
sports facility, total debt service on the state bonds issued to 9313
pay or reimburse costs of the major sports facility exceeds the 9314
total incremental major sports facility mixed-use project 9315
district state tax revenues, with any amounts remaining after 9316
the payment of such excess bond debt service to be released from 9317
the escrow account to the professional sports franchise or 9318
affiliate thereof, as applicable. 9319

(I) For the purpose of receiving and distributing, and 9320
accounting for, revenues pursuant to state taxes levied under 9321
Chapters 5739., 5741., 5747., and 5751. of the Revised Code 9322
generated in the territory of a transformational major sports 9323
facility mixed-use project district, the major sports facility 9324
district fund is created in the state treasury. 9325

(J) The governmental agency that owns or has an ownership 9326
interest in a major sports facility or site of a major sports 9327
facility shall provide the department of taxation with all of 9328
the following information: 9329

(1) A list of names and social security numbers or federal 9330
employer identification numbers for all persons generating tax 9331
revenues pursuant to state taxes levied under Chapters 5747. and 9332
5751. of the Revised Code in the territory of a transformational 9333
major sports facility mixed-use project district; 9334

(2) A list of names and social security numbers or federal 9335

employer identification numbers for all persons generating tax 9336
revenues pursuant to state taxes levied under Chapters 5739. and 9337
5741. of the Revised Code in the territory of a transformational 9338
major sports facility mixed-use project district, and persons 9339
purchasing or leasing materials and items used in construction 9340
in the territory of a transformational major sports facility 9341
mixed-use project district; 9342

(3) Updated information under divisions (J) (1) and (2) of 9343
this section on a monthly basis. 9344

(K) Every person who owns real property located in, or 9345
otherwise enters into a lease, license, or use or operating 9346
agreement for all or a portion of the building and facilities 9347
located in, the territory of a transformational major sports 9348
facility mixed-use project district is subject to reporting 9349
requirements as may be required by the governmental agency that 9350
owns or has an ownership interest in a major sports facility in 9351
order to fulfill its obligations under division (J) of this 9352
section. Such requirements may be evidenced by an instrument 9353
that is duly recorded with the county recorder. 9354

(L) Every person doing business in a transformational 9355
major sports facility mixed-use project district shall file tax 9356
returns and make tax payments pursuant to Chapters 5739., 5741., 9357
5747., and 5751. of the Revised Code using an electronic medium 9358
in a format prescribed by the department of taxation. Persons 9359
that pay salaries and wages to employees in the territory of a 9360
transformational major sports facility mixed-use project 9361
district shall register for a separate withholding account and 9362
shall remit the wages and salaries withheld from employees for 9363
activities performed in the territory of a transformational 9364
major sports facility mixed-use project district separately from 9365

all income taxes withheld by such employer. In addition, every 9366
person doing business in the territory of a transformational 9367
major sports facility mixed-use project district shall provide 9368
all of the following information to the department of taxation: 9369

(1) For persons that collect transformational major sports 9370
facility mixed-use project district tax revenues pursuant to 9371
Chapter 5739. of the Revised Code, tax collections generated 9372
from construction or transactions in the territory of a 9373
transformational major sports facility mixed-use project 9374
district on the returns filed pursuant to Chapter 5739. of the 9375
Revised Code as prescribed by the tax commissioner; 9376

(2) For persons that generate transformational major 9377
sports facility mixed-use project district tax revenues under 9378
Chapters 5741., 5747., and 5751. of the Revised Code, estimated 9379
payments for corporate income taxes generated from the 9380
transformational major sports facility mixed-use project 9381
district and information regarding gross revenues generated from 9382
activities in the transformational major sports facility mixed- 9383
use project district and gross revenues from all activities in 9384
this state; 9385

(3) For persons that make payments to an independent 9386
contractor attributable to construction or transactions in the 9387
territory of a transformational major sports facility mixed-use 9388
project district, information regarding such payments by the 9389
thirty-first day of January of each year in a format prescribed 9390
by the tax commissioner. 9391

(M) The department of taxation shall promulgate forms 9392
necessary to implement and administer this section. The tax 9393
commissioner may disclose taxpayer information regarding 9394
transactions, real or personal property, income, or business of 9395

any person to the governmental agency that owns or has an 9396
ownership interest in a major sports facility or the site of a 9397
major sports facility as may be necessary for the administration 9398
of the provisions authorized by this section. 9399

(N) The Ohio facilities construction commission, in 9400
consultation with the department of taxation and the office of 9401
budget and management, shall adopt rules in accordance with 9402
Chapter 119. of the Revised Code for both of the following: 9403

(1) Reviewing and evaluating whether a proposed major 9404
sports facility fulfills the criteria of division (H) of this 9405
section; 9406

(2) Any other rules necessary to implement and administer 9407
this section. 9408

Sec. 123.30. (A) Except as provided in division (B) of 9409
this section, no state agency or any entity that manages the 9410
grounds or buildings under the control of a state agency shall 9411
display on the grounds or building any flag except for the 9412
official state flag, as described in section 5.01 of the Revised 9413
Code, the United States flag, or the POW/MIA flag as described 9414
in section 9.50 of the Revised Code. 9415

(B) Division (A) of this section does not apply to the 9416
Ohio statehouse or the grounds of the Ohio statehouse. 9417

Sec. 124.02. The director of administrative services and 9418
the state personnel board of review shall exercise all 9419
functions, powers, and duties that ~~formerly~~, on or before 9420
January 1, 1959, were by law actually devolved upon, vested in, 9421
and imposed upon the state civil service commission and the 9422
offices of commissioners and members and upon their employees, 9423
agents, and representatives. 9424

~~Whenever in any law or rule of this state or any political~~ 9425
~~subdivision, "state civil service commission," "commission,"~~ 9426
~~"commissioner" or "member," meaning the state civil service~~ 9427
~~commission or the offices of commissioners or members of said~~ 9428
~~commission, is used, such terms shall be construed as referring~~ 9429
~~to the department of administrative services, the director of~~ 9430
~~administrative services, the state personnel board of review, or~~ 9431
~~the members of the state personnel board of review, as this~~ 9432
~~chapter may require.~~ 9433

Sec. 124.07. (A) The director of administrative services 9434
shall appoint examiners, inspectors, clerks, and other 9435
assistants as necessary to carry out sections 124.01 to 124.64 9436
of the Revised Code. ~~The director may designate persons in or~~ 9437
~~out of the service of the state to serve as examiners or~~ 9438
~~assistants under the director's direction. An examiner or~~ 9439
~~assistant shall receive the compensation for each day actually~~ 9440
~~and necessarily spent in the discharge of duties as an examiner~~ 9441
~~or assistant that the director determines; provided that, if the~~ 9442
~~examiner or assistant is in the service of the state or any~~ 9443
~~political subdivision of the state, it shall be a part of the~~ 9444
~~examiner's or assistant's official duties to render those~~ 9445
~~services in connection with an examination without extra~~ 9446
~~compensation.~~ 9447

(B) Each state agency shall pay the cost of the services 9448
and facilities furnished to it by the department of 9449
administrative services that are necessary to provide and 9450
maintain payroll services as prescribed in section 125.21 of the 9451
Revised Code and state merit standards as prescribed in sections 9452
124.01 to 124.64 of the Revised Code for the agency. ~~If a state~~ 9453
~~supported college or university or a municipal corporation~~ 9454
~~chooses to use the services and facilities furnished by the~~ 9455

~~department that are necessary to provide and maintain the~~ 9456
~~services and standards so prescribed, the state-supported~~ 9457
~~college or university or municipal corporation shall pay the~~ 9458
~~cost of the services and facilities that the department~~ 9459
~~furnishes to it. The charges against a state agency, a state-~~ 9460
~~supported college or university, or a municipal corporation~~ 9461
shall be computed on a reasonable cost basis in accordance with 9462
procedures prescribed by the director of budget and management. 9463
Any moneys the department receives from a state agency, ~~a state-~~ 9464
~~supported college or university, or a municipal corporation~~ 9465
under this division that are in excess of the amount necessary 9466
to pay the cost of furnishing the department's services and 9467
facilities during any fiscal year shall be either refunded to or 9468
credited for the ensuing fiscal year to the state agency, ~~the~~ 9469
~~state-supported college or university, or the municipal~~ 9470
~~corporation.~~ 9471

(C) ~~The director of administrative services may enter into~~ 9472
~~an agreement with any county, municipal corporation, or other~~ 9473
~~political subdivision to furnish services and facilities of the~~ 9474
~~department in the administration of a merit program or other~~ 9475
~~functions related to human resources that include, but are not~~ 9476
~~limited to, providing competitive examinations for positions in~~ 9477
~~the classified service. The agreement shall provide that the~~ 9478
~~department shall be reimbursed for the reasonable costs of those~~ 9479
~~services and facilities as determined by the director.~~ 9480

~~(D)~~ All moneys received by the department as reimbursement 9481
for a merit program or other human resources services performed 9482
and facilities furnished under this section, such as competitive 9483
examinations administered, shall be paid into the state treasury 9484
to the credit of the human resources services fund, which is 9485
hereby created. 9486

~~(E) In counties of the state in which are located cities~~ 9487
~~having municipal civil service commissions, the director of~~ 9488
~~administrative services may designate the municipal civil~~ 9489
~~service commission of the largest city within the county as the~~ 9490
~~director's agent for the purpose of carrying out the provisions~~ 9491
~~of sections 124.01 to 124.64 of the Revised Code, within the~~ 9492
~~county, that the director designates. Each municipal civil~~ 9493
~~service commission designated as an agent of the director shall~~ 9494
~~render to the director, at the end of each month, an itemized~~ 9495
~~statement of the cost incurred by the commission for work done~~ 9496
~~as the agent of the director, and the director, after approving~~ 9497
~~that statement, shall pay the total amount of it to the~~ 9498
~~treasurer of the municipal corporation in the same manner as~~ 9499
~~other expenses of the department of administrative services.~~ 9500

~~(F) The director of administrative services and the~~ 9501
~~examiners, inspectors, clerks, and assistants referred to in~~ 9502
~~this section shall receive, in addition to their salaries,~~ 9503
~~reimbursement for necessary traveling and other expenses~~ 9504
~~incurred in the actual discharge of their official duties. The~~ 9505
~~director may also incur the necessary expenses for stationery,~~ 9506
~~printing, and other supplies incident to the business of the~~ 9507
~~department.~~ 9508

Sec. 124.1310. (A) As used in this section: 9509

(1) "Emergency medical service," "EMT-basic," "EMT-I," 9510
"first responder," and "paramedic" have the same meanings as in 9511
section 4765.01 of the Revised Code. 9512

(2) "Volunteer firefighter" has the same meaning as in 9513
section 146.01 of the Revised Code. 9514

(B) A state employee who is an EMT-basic, EMT-I, first 9515

responder, paramedic, or volunteer firefighter shall receive 9516
~~forty one~~ hundred twenty hours of leave with pay each calendar 9517
year to use during those hours when the employee is absent from 9518
work in order to ~~provide~~ do either of the following: 9519

(1) Provide emergency medical service or fire-fighting 9520
service; 9521

(2) Attend a training or continuing education program that 9522
relates to providing emergency medical service or fire-fighting 9523
service. 9524

(C) An appointing authority shall compensate an employee 9525
who uses leave granted under this section at the employee's 9526
regular rate of pay for those regular work hours during which 9527
the employee is absent from work. 9528

Sec. 124.1312. (A) As used in this section: 9529

(1) "Foster caregiver" has the same meaning as in section 9530
5103.02 of the Revised Code. 9531

(2) "Kinship caregiver" has the same meaning as in section 9532
~~5101.85~~ 5180.50 of the Revised Code. 9533

(B) Each permanent full-time and permanent part-time 9534
employee paid in accordance with section 124.152 of the Revised 9535
Code and each employee listed in division (B) (2), (3), or (4) of 9536
section 124.14 of the Revised Code who works thirty or more 9537
hours per week, and who is a foster caregiver or kinship 9538
caregiver is eligible, on placement of a child in the employee's 9539
home, to a maximum of five days of caregiver leave with full pay 9540
in a calendar year. Caregiver leave eligibility begins on the 9541
day on which the child is placed with the prospective foster 9542
caregiver or kinship caregiver. 9543

(C) The average number of regular hours worked, which 9544
shall include all hours of holiday pay and other types of paid 9545
leave, during the three-month period immediately preceding the 9546
day caregiver leave begins shall be used to determine 9547
eligibility for leave under this section for part-time 9548
employees. If an employee has not worked for a three-month 9549
period, the number of hours for which the employee has been 9550
scheduled to work per week during the employee's period of 9551
employment shall be used to determine eligibility for leave 9552
under this section. 9553

(D) Use of caregiver leave does not affect an employee's 9554
eligibility for other forms of paid leave granted under this 9555
chapter and does not prohibit an employee from taking leave 9556
under the "Family and Medical Leave Act of 1993," 29 U.S.C. 9557
2601, except that caregiver leave shall be included in any leave 9558
time provided under that act. 9559

(E) The director of administrative services may adopt 9560
rules in accordance with Chapter 119. of the Revised Code 9561
governing caregiver leave established under this section. 9562

Sec. 124.152. (A) (1) Except as provided in division (A) (2) 9563
of this section, each exempt employee shall be paid a salary or 9564
wage in accordance with schedule E-1 or schedule E-2 of division 9565
(B) of this section. 9566

(2) Each exempt employee who holds a position in the 9567
unclassified civil service pursuant to division (A) (26) or (30) 9568
of section 124.11 of the Revised Code may be paid a salary or 9569
wage in accordance with schedule E-1 or schedule E-2 of division 9570
(B) of this section, as applicable. 9571

(B) (1) Each exempt employee who must be paid in accordance 9572

with schedule E-1 or schedule E-2 of this section shall be paid 9573
a salary or wage in accordance with the following schedule of 9574
rates as of the pay period that includes July 1, ~~2021~~2024: 9575

Schedule E-1 9576
9577

	1	2	3	4	5	6	7	8	9	10
A	Pay Ranges and Step Values									
B										
C		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	
D	Range									

9578

	1	2	3	4	5	6	7	8	9	10
A	1	Hourly	12.14	12.69	13.21	13.80				
			<u>13.52</u>	<u>14.13</u>	<u>14.72</u>	<u>15.37</u>				
B		Annually	25251	26395	27476	28704				
			<u>28122</u>	<u>29390</u>	<u>30618</u>	<u>31970</u>				
C	2	Hourly	14.73	15.36	16.01	16.72				
			<u>16.41</u>	<u>17.10</u>	<u>17.83</u>	<u>18.63</u>				
D		Annually	30638	31948	33300	34777				
			<u>34133</u>	<u>35568</u>	<u>37086</u>	<u>38750</u>				
E	3	Hourly	15.44	16.13	16.84	17.56				
			<u>17.20</u>	<u>17.97</u>	<u>18.76</u>	<u>19.56</u>				

F		Annually	32115	33550	35027	36524	
			<u>35776</u>	<u>37378</u>	<u>39021</u>	<u>40685</u>	
G	4	Hourly	16.20	16.93	17.75	18.51	
			<u>18.05</u>	<u>18.86</u>	<u>19.77</u>	<u>20.62</u>	
H		Annually	33696	35214	36920	38500	
			<u>37544</u>	<u>39229</u>	<u>41122</u>	<u>42890</u>	
I	5	Hourly	17.00	17.78	18.51	19.33	
			<u>18.94</u>	<u>19.80</u>	<u>20.62</u>	<u>21.54</u>	
J		Annually	35360	36982	38500	40206	
			<u>39395</u>	<u>41184</u>	<u>42890</u>	<u>44803</u>	
K	6	Hourly	17.91	18.66	19.47	20.27	
			<u>19.95</u>	<u>20.79</u>	<u>21.68</u>	<u>22.59</u>	
L		Annually	37252	38812	40497	42161	
			<u>41496</u>	<u>43243</u>	<u>45094</u>	<u>46987</u>	
M	7	Hourly	19.01	19.72	20.54	21.25	22.07
			<u>21.18</u>	<u>21.97</u>	<u>22.88</u>	<u>23.68</u>	<u>24.58</u>
N		Annually	39540	41017	42723	44200	45905
			<u>44054</u>	<u>45698</u>	<u>47590</u>	<u>49254</u>	<u>51126</u>
O	8	Hourly	20.11	21.00	21.90	22.89	23.97
			<u>22.40</u>	<u>23.39</u>	<u>24.40</u>	<u>25.50</u>	<u>26.70</u>

P		Annually	41828	43680	45552	47611	49857		
			<u>46592</u>	<u>48651</u>	<u>50752</u>	<u>53040</u>	<u>55536</u>		
Q	9	Hourly	21.45	22.56	23.67	24.85	26.11		
			<u>23.89</u>	<u>25.14</u>	<u>26.37</u>	<u>27.69</u>	<u>29.09</u>		
R		Annually	44616	46924	49233	51688	54308		
			<u>49691</u>	<u>52291</u>	<u>54850</u>	<u>57595</u>	<u>60507</u>		
S	10	Hourly	23.13	24.41	25.72	27.20	28.64		
			<u>25.76</u>	<u>27.18</u>	<u>28.64</u>	<u>30.30</u>	<u>31.91</u>		
T		Annually	48110	50772	53497	56576	59571		
			<u>53581</u>	<u>56534</u>	<u>59571</u>	<u>63024</u>	<u>66373</u>		
U	11	Hourly	25.20	26.66	28.20	29.80	31.49		
			<u>28.08</u>	<u>29.69</u>	<u>31.42</u>	<u>33.19</u>	<u>35.07</u>		
V		Annually	52416	55452	58656	61984	65499		
			<u>58406</u>	<u>61755</u>	<u>65354</u>	<u>69035</u>	<u>72946</u>		
W	12	Hourly	27.80	29.36	30.93	32.64	34.46	36.34	37.82
			<u>30.96</u>	<u>32.71</u>	<u>34.46</u>	<u>36.36</u>	<u>38.38</u>	<u>40.48</u>	<u>42.13</u>
X		Annually	57824	61068	64334	67891	71676	75587	78665
			<u>64397</u>	<u>68037</u>	<u>71677</u>	<u>75629</u>	<u>79830</u>	<u>84198</u>	<u>87630</u>
Y	13	Hourly	30.64	32.32	34.09	35.92	37.95	39.99	41.63
			<u>34.14</u>	<u>36.00</u>	<u>37.97</u>	<u>40.02</u>	<u>42.27</u>	<u>44.55</u>	<u>46.38</u>

Z	Annually	63731	67225	70907	74713	78936	83179	86590	90667
		<u>71011</u>	<u>74880</u>	<u>78978</u>	<u>83242</u>	<u>87922</u>	<u>92664</u>	<u>96470</u>	<u>101005</u>
AA 14	Hourly	33.69	35.61	37.52	39.56	41.80	44.13	45.95	48.10
		<u>37.53</u>	<u>39.67</u>	<u>41.80</u>	<u>44.07</u>	<u>46.56</u>	<u>49.15</u>	<u>51.19</u>	<u>53.58</u>
AB	Annually	70075	74068	78041	82284	86944	91790	95576	100048
		<u>78062</u>	<u>82514</u>	<u>86944</u>	<u>91666</u>	<u>96845</u>	<u>102232</u>	<u>106475</u>	<u>111446</u>
AC 15	Hourly	37.02	39.10	41.30	43.57	45.99	48.51	50.50	52.88
		<u>41.23</u>	<u>43.55</u>	<u>46.01</u>	<u>48.54</u>	<u>51.23</u>	<u>54.04</u>	<u>56.26</u>	<u>58.91</u>
AD	Annually	77001	81328	85904	90625	95659	100900	105040	109990
		<u>85758</u>	<u>90584</u>	<u>95701</u>	<u>100963</u>	<u>106558</u>	<u>112403</u>	<u>117021</u>	<u>122533</u>
AE 16	Hourly	40.81	43.08	45.45	48.00	50.63	53.53	55.73	58.34
		<u>45.45</u>	<u>47.99</u>	<u>50.62</u>	<u>53.47</u>	<u>56.40</u>	<u>59.63</u>	<u>62.08</u>	<u>64.98</u>
AF	Annually	84884	89606	94536	99840	105310	111342	115918	121347
		<u>94536</u>	<u>99819</u>	<u>105290</u>	<u>111218</u>	<u>117312</u>	<u>124030</u>	<u>129126</u>	<u>135158</u>
AG 17	Hourly	44.96	47.44	50.10	52.86	55.83	58.94	<u>69.27</u>	
		<u>50.09</u>	<u>52.85</u>	<u>55.81</u>	<u>58.88</u>	<u>62.19</u>	<u>65.66</u>		
AH	Annually	93516	98675	104208	109948	116126	122595	<u>144082</u>	
		<u>104187</u>	<u>109928</u>	<u>116085</u>	<u>122470</u>	<u>129355</u>	<u>136573</u>		
AI 18	Hourly	49.55	52.29	55.24	58.28	61.50	64.94		
		<u>55.20</u>	<u>58.25</u>	<u>61.54</u>	<u>64.92</u>	<u>68.51</u>	<u>72.35</u>		

AJ Annually ~~103064~~ ~~108763~~ ~~114899~~ ~~121222~~ ~~127920~~ ~~135075~~
 114816 121160 128003 135034 142501 150488

AK 19 Hourly 60.72 64.37 67.69 71.41 75.37 79.58

AL Annually ~~126298~~ ~~133890~~ ~~140795~~ ~~148533~~ ~~156770~~ ~~165526~~

Schedule E-2

9579

9580

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	48.99 <u>54.57</u>
C		Annually	33758	101899 <u>113506</u>
D	42	Hourly	17.89	54.09 <u>60.25</u>
E		Annually	37211	112507 <u>125320</u>
F	43	Hourly	19.70	59.56 <u>66.35</u>
G		Annually	40976	123884 <u>138008</u>
H	44	Hourly	21.73	65.08 <u>72.49</u>
I		Annually	45198	135366 <u>150779</u>
J	45	Hourly	24.01	71.05 <u>79.15</u>
K		Annually	49941	147784 <u>164632</u>
L	46	Hourly	26.43	77.65 <u>86.50</u>

M		Annually	54974	161512 <u>179920</u>
N	47	Hourly	29.14	84.75 <u>94.41</u>
O		Annually	60611	176280 <u>196373</u>
P	48	Hourly	32.14	92.45 <u>102.98</u>
Q		Annually	66851	192296 <u>214198</u>
R	49	Hourly	35.44	99.83 <u>111.20</u>
S		Annually	73715	207646 <u>231296</u>

(2) Each exempt employee who must be paid in accordance 9581
with schedule E-1 or schedule E-2 of this section shall be paid 9582
a salary or wage in accordance with the following schedule of 9583
rates as of the pay period that includes July 1, ~~2022~~2025: 9584

Schedule E-1

9585
9586

1	2	3	4	5	6	7	8	9	10
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A Pay Ranges and Step Values

B Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8

C Range

9587

1	2	3	4	5	6	7	8	9	10
A	1	Hourly	12.50	13.07	13.61	14.21			
			<u>14.13</u>	<u>14.77</u>	<u>15.38</u>	<u>16.06</u>			

B	Annually	26000	27185	28308	29556
		<u>29390</u>	<u>30722</u>	<u>31990</u>	<u>33405</u>
C	2 Hourly	15.17	15.82	16.49	17.22
		<u>17.15</u>	<u>17.87</u>	<u>18.63</u>	<u>19.47</u>
D	Annually	31553	32905	34299	35817
		<u>35672</u>	<u>37170</u>	<u>38750</u>	<u>40498</u>
E	3 Hourly	15.90	16.61	17.35	18.09
		<u>17.97</u>	<u>18.78</u>	<u>19.60</u>	<u>20.44</u>
F	Annually	33072	34548	36088	37627
		<u>37378</u>	<u>39062</u>	<u>40768</u>	<u>42515</u>
G	4 Hourly	16.69	17.44	18.28	19.07
		<u>18.86</u>	<u>19.71</u>	<u>20.66</u>	<u>21.55</u>
H	Annually	34715	36275	38022	39665
		<u>39229</u>	<u>40997</u>	<u>42973</u>	<u>44824</u>
I	5 Hourly	17.51	18.31	19.07	19.91
		<u>19.79</u>	<u>20.69</u>	<u>21.55</u>	<u>22.51</u>
J	Annually	36420	38084	39665	41412
		<u>41163</u>	<u>43035</u>	<u>44824</u>	<u>46821</u>
K	6 Hourly	18.45	19.22	20.05	20.88
		<u>20.85</u>	<u>21.73</u>	<u>22.66</u>	<u>23.61</u>

L	Annually	38376	39977	41704	43430	
		<u>43368</u>	<u>45198</u>	<u>47133</u>	<u>49109</u>	
M	7 Hourly	19.58	20.31	21.16	21.89	22.73
		<u>22.13</u>	<u>22.96</u>	<u>23.91</u>	<u>24.75</u>	<u>25.69</u>
N	Annually	40726	42244	44012	45531	47278
		<u>46030</u>	<u>47757</u>	<u>49733</u>	<u>51480</u>	<u>53435</u>
O	8 Hourly	20.71	21.63	22.56	23.58	24.69
		<u>23.41</u>	<u>24.44</u>	<u>25.50</u>	<u>26.65</u>	<u>27.90</u>
P	Annually	43076	44990	46924	49046	51355
		<u>48693</u>	<u>50835</u>	<u>53040</u>	<u>55432</u>	<u>58032</u>
Q	9 Hourly	22.09	23.24	24.38	25.60	26.89
		<u>24.97</u>	<u>26.27</u>	<u>27.56</u>	<u>28.94</u>	<u>30.40</u>
R	Annually	45947	48339	50710	53248	55931
		<u>51938</u>	<u>54642</u>	<u>57325</u>	<u>60195</u>	<u>63232</u>
S	10 Hourly	23.82	25.14	26.49	28.02	29.50
		<u>26.92</u>	<u>28.40</u>	<u>29.93</u>	<u>31.66</u>	<u>33.35</u>
T	Annually	49545	52291	55099	58281	61360
		<u>55994</u>	<u>59072</u>	<u>62254</u>	<u>65853</u>	<u>69368</u>
U	11 Hourly	25.96	27.46	29.05	30.69	32.43
		<u>29.34</u>	<u>31.03</u>	<u>32.83</u>	<u>34.68</u>	<u>36.65</u>

V	Annually	53996	57116	60424	63835	67454			
		<u>61027</u>	<u>64542</u>	<u>68286</u>	<u>72134</u>	<u>76232</u>			
W	12 Hourly	28.63	30.24	31.86	33.62	35.49	37.43	38.95	40.79
		<u>32.35</u>	<u>34.18</u>	<u>36.01</u>	<u>38.00</u>	<u>40.11</u>	<u>42.30</u>	<u>44.03</u>	<u>46.09</u>
X	Annually	59550	62889	66268	69929	73819	77854	81016	84843
		<u>67288</u>	<u>71094</u>	<u>74901</u>	<u>79040</u>	<u>83429</u>	<u>87984</u>	<u>91582</u>	<u>95867</u>
Y	13 Hourly	31.56	33.29	35.11	37.00	39.09	41.19	42.88	44.90
		<u>35.68</u>	<u>37.62</u>	<u>39.68</u>	<u>41.82</u>	<u>44.17</u>	<u>46.55</u>	<u>48.47</u>	<u>50.75</u>
Z	Annually	65644	69243	73028	76960	81307	85675	89190	93392
		<u>74214</u>	<u>78250</u>	<u>82534</u>	<u>86986</u>	<u>91874</u>	<u>96824</u>	<u>100818</u>	<u>105560</u>
AA	14 Hourly	34.70	36.68	38.65	40.75	43.05	45.45	47.33	49.54
		<u>39.22</u>	<u>41.46</u>	<u>43.68</u>	<u>46.05</u>	<u>48.66</u>	<u>51.36</u>	<u>53.49</u>	<u>55.99</u>
AB	Annually	72176	76294	80392	84760	89544	94536	98446	103043
		<u>81578</u>	<u>86237</u>	<u>90854</u>	<u>95784</u>	<u>101213</u>	<u>106829</u>	<u>111259</u>	<u>116459</u>
AC	15 Hourly	38.13	40.27	42.54	44.88	47.37	49.97	52.02	54.47
		<u>43.09</u>	<u>45.51</u>	<u>48.08</u>	<u>50.72</u>	<u>53.54</u>	<u>56.47</u>	<u>58.79</u>	<u>61.56</u>
AD	Annually	79310	83761	88483	93350	98529	103937	108201	113297
		<u>89627</u>	<u>94661</u>	<u>100006</u>	<u>105498</u>	<u>111363</u>	<u>117458</u>	<u>122283</u>	<u>128045</u>
AE	16 Hourly	42.03	44.37	46.81	49.44	52.15	55.14	57.40	60.09
		<u>47.50</u>	<u>50.15</u>	<u>52.90</u>	<u>55.88</u>	<u>58.94</u>	<u>62.31</u>	<u>64.87</u>	<u>67.90</u>

AF	Annually	87422	92289	97364	102835	108472	114691	119392	124987
		<u>98800</u>	<u>104312</u>	<u>110032</u>	<u>116230</u>	<u>122595</u>	<u>129605</u>	<u>134930</u>	<u>141232</u>
AG	17 Hourly	46.31	48.86	51.60	54.45	57.50	60.71	<u>72.39</u>	
		<u>52.34</u>	<u>55.23</u>	<u>58.32</u>	<u>61.53</u>	<u>64.99</u>	<u>68.61</u>		
AH	Annually	96324	101628	107328	113256	119600	126276	<u>150571</u>	
		<u>108867</u>	<u>114878</u>	<u>121306</u>	<u>127982</u>	<u>135179</u>	<u>142709</u>		
AI	18 Hourly	51.04	53.86	56.90	60.03	63.35	66.89		
		<u>57.68</u>	<u>60.87</u>	<u>64.31</u>	<u>67.84</u>	<u>71.59</u>	<u>75.61</u>		
AJ	Annually	106163	112028	118352	124862	131768	139131		
		<u>119974</u>	<u>126610</u>	<u>133765</u>	<u>141107</u>	<u>148907</u>	<u>157269</u>		
AK	<u>19 Hourly</u>	<u>63.45</u>	<u>67.27</u>	<u>70.74</u>	<u>74.62</u>	<u>78.76</u>	<u>83.16</u>		
AL	<u>Annually</u>	<u>131976</u>	<u>139922</u>	<u>147139</u>	<u>155210</u>	<u>163821</u>	<u>172973</u>		
Schedule E-2									9588
									9589

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	50.46 <u>57.03</u>
C		Annually	33758	104956 <u>118622</u>
D	42	Hourly	17.89	55.71 <u>62.96</u>
E		Annually	37211	115876 <u>130957</u>

F	43	Hourly	19.70	61.35 <u>69.34</u>
G		Annually	40976	127608 <u>144227</u>
H	44	Hourly	21.73	67.03 <u>75.75</u>
I		Annually	45198	139422 <u>157560</u>
J	45	Hourly	24.01	73.18 <u>82.71</u>
K		Annually	49941	152214 <u>172037</u>
L	46	Hourly	26.43	79.98 <u>90.39</u>
M		Annually	54974	166358 <u>188011</u>
N	47	Hourly	29.14	87.29 <u>98.66</u>
O		Annually	60611	181563 <u>205213</u>
P	48	Hourly	32.14	95.22 <u>107.61</u>
Q		Annually	66851	198057 <u>223829</u>
R	49	Hourly	35.44	102.82 <u>116.20</u>
S		Annually	73715	213865 <u>241696</u>

(3) Each exempt employee who must be paid in accordance 9590
with schedule E-1 or schedule E-2 of this section shall be paid 9591
a salary or wage in accordance with the following schedule of 9592
rates as of the pay period that includes July 1, ~~2023~~2026: 9593

Schedule E-1 9594

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	1	2	3	4	5	6	7	8	9	10
A	Pay Ranges and Step Values									
B			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
C	Range									
D	1	Hourly	12.88	13.46	14.02	14.64				
			<u>14.55</u>	<u>15.21</u>	<u>15.84</u>	<u>16.54</u>				
E		Annually	26790	27996	29161	30451				
			<u>30264</u>	<u>31637</u>	<u>32947</u>	<u>34403</u>				
F	2	Hourly	15.63	16.29	16.98	17.74				
			<u>17.66</u>	<u>18.41</u>	<u>19.19</u>	<u>20.05</u>				
G		Annually	32510	33883	35318	36899				
			<u>36733</u>	<u>38293</u>	<u>39915</u>	<u>41704</u>				
H	3	Hourly	16.38	17.11	17.87	18.63				
			<u>18.51</u>	<u>19.34</u>	<u>20.19</u>	<u>21.05</u>				
I		Annually	34070	35588	37169	38750				
			<u>38501</u>	<u>40227</u>	<u>41995</u>	<u>43784</u>				
J	4	Hourly	17.19	17.96	18.83	19.64				
			<u>19.43</u>	<u>20.30</u>	<u>21.28</u>	<u>22.20</u>				
K		Annually	35755	37356	39166	40851				
			<u>40414</u>	<u>42224</u>	<u>44262</u>	<u>46176</u>				

L	5	Hourly	18.04	18.86	19.64	20.51	
			<u>20.38</u>	<u>21.31</u>	<u>22.20</u>	<u>23.19</u>	
M		Annually	37523	39228	40851	42660	
			<u>42390</u>	<u>44325</u>	<u>46176</u>	<u>48235</u>	
N	6	Hourly	19.00	19.80	20.65	21.51	
			<u>21.48</u>	<u>22.38</u>	<u>23.34</u>	<u>24.32</u>	
O		Annually	39520	41184	42952	44740	
			<u>44678</u>	<u>46550</u>	<u>48547</u>	<u>50586</u>	
P	7	Hourly	20.17	20.92	21.79	22.55	23.41
			<u>22.79</u>	<u>23.65</u>	<u>24.63</u>	<u>25.49</u>	<u>26.46</u>
Q		Annually	41953	43513	45323	46904	48692
			<u>47403</u>	<u>49192</u>	<u>51230</u>	<u>53019</u>	<u>55037</u>
R	8	Hourly	21.33	22.28	23.24	24.29	25.43
			<u>24.11</u>	<u>25.17</u>	<u>26.27</u>	<u>27.45</u>	<u>28.74</u>
S		Annually	44366	46342	48339	50523	52894
			<u>50149</u>	<u>52354</u>	<u>54642</u>	<u>57096</u>	<u>59779</u>
T	9	Hourly	22.75	23.94	25.11	26.37	27.70
			<u>25.72</u>	<u>27.06</u>	<u>28.39</u>	<u>29.81</u>	<u>31.31</u>
U		Annually	47320	49795	52228	54849	57616
			<u>53498</u>	<u>56285</u>	<u>59051</u>	<u>62005</u>	<u>65125</u>

V	10	Hourly	24.53	25.89	27.28	28.86	30.39			
			<u>27.73</u>	<u>29.25</u>	<u>30.83</u>	<u>32.61</u>	<u>34.35</u>			
W		Annually	51022	53851	56742	60028	63211			
			<u>57678</u>	<u>60840</u>	<u>64126</u>	<u>67829</u>	<u>71448</u>			
X	11	Hourly	26.74	28.28	29.92	31.61	33.40			
			<u>30.22</u>	<u>31.96</u>	<u>33.81</u>	<u>35.72</u>	<u>37.75</u>			
Y		Annually	55619	58822	62233	65748	69472			
			<u>62858</u>	<u>66477</u>	<u>70325</u>	<u>74298</u>	<u>78520</u>			
Z	12	Hourly	29.49	31.15	32.82	34.63	36.55	38.55	40.12	42.01
			<u>33.32</u>	<u>35.21</u>	<u>37.09</u>	<u>39.14</u>	<u>41.31</u>	<u>43.57</u>	<u>45.35</u>	<u>47.47</u>
AA		Annually	61339	64792	68265	72030	76024	80184	83449	87380
			<u>69306</u>	<u>73237</u>	<u>77147</u>	<u>81411</u>	<u>85925</u>	<u>90626</u>	<u>94328</u>	<u>98738</u>
AB	13	Hourly	32.51	34.29	36.16	38.11	40.26	42.43	44.17	46.25
			<u>36.75</u>	<u>38.75</u>	<u>40.87</u>	<u>43.07</u>	<u>45.50</u>	<u>47.95</u>	<u>49.92</u>	<u>52.27</u>
AC		Annually	67620	71323	75212	79268	83740	88254	91873	96200
			<u>76440</u>	<u>80600</u>	<u>85010</u>	<u>89586</u>	<u>94640</u>	<u>99736</u>	<u>103834</u>	<u>108722</u>
AD	14	Hourly	35.74	37.78	39.81	41.97	44.34	46.81	48.75	51.03
			<u>40.40</u>	<u>42.70</u>	<u>44.99</u>	<u>47.43</u>	<u>50.12</u>	<u>52.90</u>	<u>55.09</u>	<u>57.67</u>
AE		Annually	74339	78582	82804	87297	92227	97364	101400	106142
			<u>84032</u>	<u>88816</u>	<u>93579</u>	<u>98654</u>	<u>104250</u>	<u>110032</u>	<u>114587</u>	<u>119954</u>

AF	15	Hourly	39.27	41.48	43.82	46.23	48.79	51.47	53.58	56.10
			<u>44.38</u>	<u>46.88</u>	<u>49.52</u>	<u>52.24</u>	<u>55.15</u>	<u>58.16</u>	<u>60.55</u>	<u>63.41</u>
AG		Annually	81681	86278	91145	96158	101483	107057	111446	116688
			<u>92310</u>	<u>97510</u>	<u>103002</u>	<u>108659</u>	<u>114712</u>	<u>120973</u>	<u>125944</u>	<u>131893</u>
AH	16	Hourly	43.29	45.70	48.21	50.92	53.71	56.79	59.12	61.89
			<u>48.93</u>	<u>51.65</u>	<u>54.49</u>	<u>57.56</u>	<u>60.71</u>	<u>64.18</u>	<u>66.82</u>	<u>69.94</u>
AI		Annually	90043	95056	100276	105913	111716	118123	122969	128731
			<u>101774</u>	<u>107432</u>	<u>113339</u>	<u>119725</u>	<u>126277</u>	<u>133494</u>	<u>138986</u>	<u>145475</u>
AJ	17	Hourly	47.70	50.33	53.15	56.08	59.23	62.53	65.97	
			<u>53.91</u>	<u>56.89</u>	<u>60.07</u>	<u>63.38</u>	<u>66.94</u>	<u>70.67</u>	<u>74.56</u>	
AK		Annually	99216	104686	110552	116646	123198	130062	137217	
			<u>112133</u>	<u>118331</u>	<u>124946</u>	<u>131830</u>	<u>139235</u>	<u>146994</u>	<u>155085</u>	
AL	18	Hourly	52.57	55.48	58.61	61.83	65.25	68.90		
			<u>59.41</u>	<u>62.70</u>	<u>66.24</u>	<u>69.88</u>	<u>73.74</u>	<u>77.88</u>		
AM		Annually	109345	115398	121908	128606	135720	143312		
			<u>123573</u>	<u>130416</u>	<u>137779</u>	<u>145350</u>	<u>153379</u>	<u>161990</u>		
AN	19	Hourly	57.83	61.03	64.47	68.01	71.78	75.79		
			<u>65.35</u>	<u>69.29</u>	<u>72.86</u>	<u>76.86</u>	<u>81.12</u>	<u>85.65</u>		
AO		Annually	120286	126942	134097	141460	149302	157643		
			<u>135928</u>	<u>144123</u>	<u>151549</u>	<u>159869</u>	<u>168730</u>	<u>178152</u>		

Schedule E-2

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	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	51.97 <u>58.74</u>
C		Annually	33758	108097 <u>122179</u>
D	42	Hourly	17.89	57.38 <u>64.85</u>
E		Annually	37211	119350 <u>134888</u>
F	43	Hourly	19.70	63.19 <u>71.42</u>
G		Annually	40976	131435 <u>148554</u>
H	44	Hourly	21.73	69.04 <u>78.02</u>
I		Annually	45198	143603 <u>162282</u>
J	45	Hourly	24.01	75.38 <u>85.19</u>
K		Annually	49941	156790 <u>177195</u>
L	46	Hourly	26.43	82.38 <u>93.10</u>
M		Annually	54974	171350 <u>193648</u>
N	47	Hourly	29.14	89.91 <u>101.62</u>
O		Annually	60611	187012 <u>211370</u>
P	48	Hourly	32.14	98.08 <u>110.84</u>

Q		Annually	66851	204006 <u>230547</u>
R	49	Hourly	35.44	105.90 <u>119.69</u>
S		Annually	73715	220272 <u>248955</u>

(C) As used in this section: 9598

(1) "Exempt employee" means a permanent full-time or 9599
permanent part-time employee paid directly by warrant of the 9600
director of budget and management whose position is included in 9601
the job classification plan established under division (A) of 9602
section 124.14 of the Revised Code but who is not considered a 9603
public employee for the purposes of Chapter 4117. of the Revised 9604
Code. "Exempt employee" also includes a permanent full-time or 9605
permanent part-time employee of the secretary of state, auditor 9606
of state, treasurer of state, or attorney general who has not 9607
been placed in an appropriate bargaining unit by the state 9608
employment relations board. 9609

(2) "Base rate of pay" means the rate of pay established 9610
under schedule E-1 of this section, plus the supplement provided 9611
under division (E) of section 124.181 of the Revised Code, plus 9612
any supplements enacted into law that are added to schedule E-1 9613
of this section. 9614

~~(D) Notwithstanding any division of this section to the~~ 9615
~~contrary, or division (E) or (C) of section 124.15 of the~~ 9616
~~Revised Code with respect to requirements for step placement and~~ 9617
~~advancement, no exempt employee other than a captain or~~ 9618
~~equivalent officer in the state highway patrol shall be placed~~ 9619
~~in step value 7 in range 17 of schedule E-1 of division (B) (3)~~ 9620
~~of this section.~~ 9621

Sec. 124.184. (A) As used in this section:

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(1) "State agency" means every organized body, office, or
agency established by the laws of the state for the exercise of
any function of state government and includes the public
employees retirement system, Ohio police and fire pension fund,
state teachers retirement system, school employees retirement
system, and state highway patrol retirement system. "State
agency" does not include a state institution of higher education
as defined in section 3345.011 of the Revised Code or the
nonprofit corporation formed under section 187.01 of the Revised
Code.

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(2) Notwithstanding the definition of "employee" in
section 124.01 of the Revised Code, "state employee" means an
individual holding a position subject to appointment, removal,
promotion, or reduction by a state agency.

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(B) (1) Not later than October 15, 2025, each state agency
shall develop a plan for the agency's state employees to report
to the agency's worksite or another location designated by the
agency during the time the employees are performing their duties
for the agency.

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(2) Beginning January 1, 2026, a state agency shall
require the agency's state employees to report to the agency's
worksite or another location in accordance with the plan
developed by the agency under division (B) (1) of this section.
Except as provided in divisions (C) and (D) of this section, no
state employee shall work from the employee's place of
residence.

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(C) Nothing in this section precludes a state agency from
permitting a state employee employed by the agency to work from

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the employee's place of residence as a reasonable accommodation 9651
under Title I of the "Americans with Disabilities Act of 1990," 9652
42 U.S.C. 12111, et seq. or Chapter 4112. of the Revised Code. 9653

(D) A state agency may adopt a policy allowing a 9654
supervisor designated by the agency to approve a state employee 9655
to work from the employee's place of residence or other off-site 9656
location under any of the following circumstances: 9657

(1) During an occasional or emergent situation as required 9658
to complete a necessary or time-sensitive business function of 9659
the agency; 9660

(2) Rare occasions where a health order or weather 9661
emergency requires an individual to remain at the individual's 9662
place of residence or to shelter in place; 9663

(3) Occasions where the agency's worksite is or may be 9664
closed on a temporary or ongoing basis, including remodeling an 9665
existing building, natural disaster, utility outage, security 9666
threat, or other occurrence that has or will result in such a 9667
closure; 9668

(4) Except as provided in division (D) (5) of this section, 9669
the supervisor determines that an employee, due to the 9670
employee's job classification or position, primarily performs 9671
the employee's duties for the agency in the field or another 9672
location designated by the agency that is not the employee's 9673
place of residence; 9674

(5) Where the supervisor determines that an employee is in 9675
a computer-related occupation as provided in sections 13(a) (1) 9676
and (17) of the "Fair Labor Standards Act of 1938," 29 U.S.C. 9677
213, as defined in 29 C.F.R. 541.400; 9678

(6) Where the supervisor grants an employee an 9679

accommodation for a temporary medical condition not covered 9680
under division (C) of this section. 9681

(E) (1) A state employee shall attest in the documentation 9682
submitted to a state agency of the employee's hours worked for 9683
the agency during a pay period that the employee is in 9684
compliance with the plan developed by the agency under division 9685
(B) of this section or is approved to work from the employee's 9686
place of residence or other off-site location under division (D) 9687
of this section. 9688

(2) A state agency shall not require a state employee 9689
granted a reasonable accommodation under division (C) of this 9690
section to complete an attestation described in division (E) (1) 9691
of this section. 9692

(F) Each state agency shall submit an annual 9693
implementation report to the director of administrative services 9694
during the period established by the director that describes the 9695
agency's compliance with division (B) of this section, including 9696
the number of the agency's state employees who report to the 9697
agency's worksite or another location and the wages and job 9698
classification of the agency's state employees. 9699

(G) Beginning on the first day of March immediately 9700
following the effective date of this section, and every March 9701
first thereafter, the director shall submit a written report 9702
that compiles the information the director receives under 9703
division (F) of this section to the speaker of the house of 9704
representatives, the president of the senate, and the 9705
chairpersons of the standing committees of the house of 9706
representatives and the senate that are principally responsible 9707
for workforce development policy. 9708

Sec. 124.385. (A) An employee is eligible for disability 9709
leave benefits under this section if the employee has completed 9710
one year of continuous state service immediately prior to the 9711
date of the disability and if any of the following applies: 9712

(1) The employee is a full-time permanent employee and is 9713
eligible for sick leave credit pursuant to division (B) of 9714
section 124.382 of the Revised Code or is entitled to disability 9715
benefits under a collective bargaining agreement. 9716

(2) The employee is a part-time permanent employee who has 9717
worked at least fifteen hundred hours within the twelve-month 9718
period immediately preceding the date of disability and is 9719
eligible for sick leave credit under division (B) of section 9720
124.382 of the Revised Code. 9721

(3) The employee is a full-time permanent or part-time 9722
permanent employee, is on disability leave or leave of absence 9723
for medical reasons, and would be eligible for sick leave credit 9724
pursuant to division (B) of section 124.382 of the Revised Code 9725
except that the employee is in no pay status due to the 9726
employee's medical condition. 9727

(B) The director of administrative services, ~~by rule~~ 9728
~~adopted in accordance with Chapter 119. of the Revised Code,~~ 9729
shall adopt a rule to establish a disability leave program. The 9730
rule shall include, but shall not be limited to, the following: 9731

(1) Procedures to be followed for determining disability; 9732

(2) Provisions for the allowance of disability leave due 9733
to illness, condition, or injury; 9734

(3) Provisions for the continuation of service credit for 9735
employees granted disability leave, including service credit 9736
towards retirement, as provided by the applicable statute; 9737

(4) The establishment of a minimum level of benefit and of 9738
a waiting period before benefits begin; 9739

(5) Provisions setting a maximum length of benefit and 9740
requiring that employees eligible to apply for disability 9741
retirement shall do so prior to completing the first six months 9742
of their period of disability. The director's rules shall 9743
indicate those employees required to apply for disability 9744
retirement. If an employee is approved to receive disability 9745
retirement, the employee shall receive the retirement benefit 9746
and a supplement payment that equals a percentage of the 9747
employee's base rate of pay and that, when added to the 9748
retirement benefit, equals no more than the percentage of pay 9749
received by employees after the first six months of disability. 9750
This supplemental payment shall not be considered earnable 9751
salary, compensation, or salary, and is not subject to 9752
contributions, under Chapter 145., 742., 3307., 3309., or 5505. 9753
of the Revised Code. 9754

(6) Provisions that allow employees to utilize available 9755
sick leave, personal leave, compensatory time, or vacation leave 9756
balances to supplement the benefits payable under this section. 9757
The balances used to supplement the benefits, plus any amount 9758
contributed by the state ~~as provided in division (D) of this~~ 9759
~~section,~~ shall be paid at the employee's base rate of pay in an 9760
amount sufficient to give employees up to one hundred per cent 9761
of pay for time on disability. 9762

(7) Procedures for appealing denial of payment of a claim, 9763
~~including the following:~~ 9764

~~(a) A maximum of thirty days to file an appeal by the~~ 9765
~~employee;~~ 9766

~~(b) A maximum of fifteen days for the parties to select a~~ 9767
~~third-party opinion pursuant to division (F) of this section,~~ 9768
~~unless an extension is agreed to by the parties;~~ 9769

~~(c) A maximum of thirty days for the third party to render~~ 9770
~~an opinion.~~ 9771

~~(8) Provisions for approving leave of absence for medical~~ 9772
~~reasons where an employee is in no pay status because the~~ 9773
~~employee has used all the employee's sick leave, personal leave,~~ 9774
~~vacation leave, and compensatory time;~~ 9775

~~(9)-(8) Provisions for precluding the payment of benefits~~ 9776
~~if the injury for which the benefits are sought is covered by a~~ 9777
~~workers' compensation plan;~~ 9778

~~(10) Provisions for precluding the payment of benefits in~~ 9779
~~order to ensure that benefits are provided in a consistent~~ 9780
~~manner.~~ 9781

~~(C) Except as provided in division (B) (6) of this section,~~ 9782
~~time off for an employee granted disability leave is not~~ 9783
~~chargeable to any other leave granted by other sections. The~~ 9784
~~adjudication hearing requirements prescribed in Chapter 119. of~~ 9785
~~the Revised Code do not apply to the procedures for appealing~~ 9786
~~denial of payment of a claim that the director adopts by rule~~ 9787
~~under division (B) (7) of this section.~~ 9788

~~(D) While an employee is on an approved disability leave,~~ 9789
~~the employee shall be responsible for paying the employee's~~ 9790
~~share of retirement contributions and the employer's share shall~~ 9791
~~be paid by the state.~~ 9792

~~(E) The approval for disability leave shall be made by the~~ 9793
~~director, upon recommendation by the appointing authority. The~~ 9794
~~director may delegate to any appointing authority the authority~~ 9795

~~to approve disability benefits for a standard recovery period.~~ 9796

~~(F)~~ If a request for disability leave is denied based on a 9797
medical determination, the director shall obtain a medical 9798
opinion from a third party. The decision of the third party is 9799
binding. 9800

~~(G)~~ (F) The rule adopted by the director under division (B) 9801
of this section shall not deny disability leave benefits for an 9802
illness or injury to an employee who is a veteran of the United 9803
States armed forces because the employee contracted the illness 9804
or received the injury in the course of or as a result of 9805
military service and the illness or injury is or may be covered 9806
by a compensation plan administered by the United States 9807
department of veterans affairs. 9808

Sec. 125.01. As used in this chapter: 9809

(A) "Advertising" includes advertising in print or 9810
electronic newspapers, journals, or magazines and advertising 9811
broadcast over radio or television or placed on the internet. 9812

(B) "Buy Ohio products" means products that are mined, 9813
excavated, produced, manufactured, raised, or grown in this 9814
state or a state bordering Ohio where the input of Buy Ohio 9815
products, labor, skill, or other services constitutes not less 9816
than twenty-five per cent of the manufactured cost. With respect 9817
to mined products, such products shall be mined or excavated in 9818
this state or a state bordering Ohio. "Buy Ohio products" 9819
includes any product that includes semiconductors produced by a 9820
company with a significant Ohio economic presence. 9821

(C) "Chartered nonpublic school" has the same meaning as 9822
in section 3310.01 of the Revised Code. 9823

(D) "Community rehabilitation program" means an agency 9824

meeting all of the following requirements: 9825

(1) Organized under the laws of the United States or this 9826
state such that no part of its net income inures to the benefit 9827
of any shareholder or other individual; 9828

(2) Certified as a sheltered workshop, if applicable, by 9829
the wage and hour division of the United States department of 9830
labor; 9831

(3) Registered and in good standing with the secretary of 9832
state as a domestic nonprofit corporation; 9833

(4) Complies with applicable occupational health and 9834
safety standards required by the laws of the United States or of 9835
this state; 9836

(5) Operates in the interest of persons with work-limiting 9837
disabilities, provides vocational or other employment-related 9838
training to persons with work-limiting disabilities, and employs 9839
persons with work-limiting disabilities in the manufacture of 9840
products or the provision of services; 9841

(6) Is a nonprofit corporation for federal tax purposes. 9842

(E) "Competitive selection" means any of the following 9843
procedures for making purchases: 9844

(1) Competitive sealed bidding under section 125.07 of the 9845
Revised Code; 9846

(2) Competitive sealed proposals under section 125.071 of 9847
the Revised Code; 9848

(3) Reverse auctions under section 125.072 of the Revised 9849
Code; 9850

(4) Electronic procurement under section 125.073 of the 9851

Revised Code. 9852

(F) "Direct purchasing authority" means the authority of a 9853
state agency to make a purchase without competitive selection 9854
pursuant to sections 125.05 and 127.16 of the Revised Code. 9855

(G) "Emergency" has the same meaning as in section 5502.21 9856
of the Revised Code. 9857

(H) "Emergency medical service organization" has the same 9858
meaning as in section 4765.01 of the Revised Code. 9859

(I) "Goods" means anything that can be purchased that is 9860
not a service or real property. 9861

(J) "Governmental agency" means a political subdivision or 9862
special district in this state or any other state established by 9863
or under law, or any combination of these entities; the United 9864
States or any department, division, or agency of the United 9865
States; one or more other states or groups of states; other 9866
purchasing consortia; and any agency, commission, or authority 9867
established under an interstate compact or agreement. 9868

(K) "Government ordering office" means any state agency, 9869
excluding those listed in division (A) of section 125.02 of the 9870
Revised Code, or any political subdivision described in division 9871
(B) of section 125.04 of the Revised Code. 9872

(L) "Invoice" means an itemized listing showing delivery 9873
of the goods or performance of the services described in the 9874
order including all of the following: 9875

(1) The date of the purchase or rendering of the service; 9876

(2) An itemization of the things done, material supplied, 9877
or labor furnished; 9878

<u>(3) The sum due pursuant to the contract or obligation.</u>	9879
<u>(M) "Military goods or services" means goods or services</u>	9880
<u>provided through the supply chain of any branch of the United</u>	9881
<u>States military that are necessary for executing an assigned</u>	9882
<u>mission, including arms, ordnance, equipment, and all other</u>	9883
<u>military property issued to the state by the federal government.</u>	9884
<u>"Military goods or services" does not include any of the</u>	9885
<u>following:</u>	9886
<u>(1) Real property;</u>	9887
<u>(2) Construction of, or improvements or alterations to,</u>	9888
<u>public works as required by Chapter 153. of the Revised Code;</u>	9889
<u>(3) Goods or services that state agencies can purchase</u>	9890
<u>from requisite procurement programs as prescribed by section</u>	9891
<u>125.035 of the Revised Code, through competitive selection as</u>	9892
<u>prescribed by sections 125.05 and 127.16 of the Revised Code, or</u>	9893
<u>through direct purchasing authority.</u>	9894
<u>(N) "Ohio-based personal protective equipment</u>	9895
<u>manufacturer" means a manufacturer, at least two-thirds of the</u>	9896
<u>beneficial ownership of which is vested in residents of this</u>	9897
<u>state, that produces personal protective equipment in this</u>	9898
<u>state.</u>	9899
(A) <u>(O) "Order" means a copy of a contract or a statement</u>	9900
<u>of the nature of a contemplated expenditure, a description of</u>	9901
<u>the property or supplies goods to be purchased or service</u>	9902
<u>services to be performed, other than a service services</u>	9903
<u>performed by officers and regular employees of the state, and</u>	9904
<u>per diem of the national guard, and the total sum of the</u>	9905
<u>expenditure to be made therefor, if the sum is fixed and</u>	9906
<u>ascertained, otherwise the estimated sum thereof, and an</u>	9907

authorization to pay for the contemplated expenditure, signed by 9908
the person instructed and authorized to pay upon receipt of a 9909
proper invoice. 9910

~~(B) "Invoice" means an itemized listing showing delivery 9911
of the supplies or performance of the service described in the 9912
order including all of the following: 9913~~

~~(1) The date of the purchase or rendering of the service; 9914~~

~~(2) An itemization of the things done, material supplied, 9915
or labor furnished; 9916~~

~~(3) The sum due pursuant to the contract or obligation. 9917~~

~~(C) "Products" means materials, supplies, merchandise, 9918
goods, wares, and foodstuffs. 9919~~

~~(D)~~ (P) "Personal information" has the same meaning as in 9920
section 149.45 of the Revised Code. 9921

(Q) "Personal protective equipment" means equipment worn 9922
to minimize exposure to hazards that cause workplace injuries 9923
and illnesses. 9924

(R) "Political subdivision" means any county, township, 9925
municipal corporation, school district, conservancy district, 9926
township park district, park district created under Chapter 9927
1545. of the Revised Code, regional transit authority, regional 9928
airport authority, regional water and sewer district, or port 9929
authority. "Political subdivision" also includes any other 9930
political subdivision described in the Revised Code that has 9931
been approved by the department of administrative services to 9932
participate in the department's contracts. 9933

(S) "Private fire company" has the same meaning as in 9934
section 9.60 of the Revised Code. 9935

(T) "Produced" means the manufacturing, processing, 9936
mining, developing, and making of a thing into a new article 9937
with a distinct character in use through the application of 9938
input, within the state or a state bordering Ohio, of Buy Ohio 9939
products, labor, skill, or other services. "Produced" does not 9940
include the mere assembling or putting together of products or 9941
materials from outside of Ohio or a state bordering Ohio. 9942

~~(E) "Buy Ohio products" means products that are mined, 9943
excavated, produced, manufactured, raised, or grown in the state 9944
or a state bordering Ohio where the input of Buy Ohio products, 9945
labor, skill, or other services constitutes no less than twenty- 9946
five per cent of the manufactured cost. With respect to mined- 9947
products, such products shall be mined or excavated in this- 9948
state or a state bordering Ohio. 9949~~

~~(F)~~ (U) "Products" means materials, supplies, merchandise, 9950
goods, wares, and foodstuffs. 9951

(V) "Purchase" means to buy, rent, lease, lease purchase, 9952
or otherwise acquire supplies goods or services. "Purchase" also 9953
includes all functions that pertain to ~~the obtaining of supplies~~ 9954
goods or services, including description of requirements, 9955
selection and solicitation of sources, preparation and award of 9956
contracts, all phases of contract administration, ~~and receipt~~ 9957
and acceptance of the supplies goods and services and payment- 9958
~~for them~~ financial consideration for the goods and services by 9959
either a state agency or a third-party. 9960

(W) "Real property" means land or anything that is erected 9961
on or affixed to land, or below the surface, excluding 9962
infrastructure. Major classifications of real property are land, 9963
land improvements, and buildings. 9964

~~(G)~~ (X) "Services" means the furnishing of labor, time, or effort by a person, not involving the delivery of a specific end product other than a report which, if provided, is merely incidental to the required performance. "Services" does not include services furnished pursuant to employment agreements or collective bargaining agreements.

~~(H) "Supplies" means all property, including, but not limited to, equipment, materials, and other tangible assets, but excluding real property or an interest in real property.~~

~~(I) "Competitive selection" means any of the following procedures for making purchases:~~

~~(1) Competitive sealed bidding under section 125.07 of the Revised Code;~~

~~(2) Competitive sealed proposals under section 125.071 of the Revised Code;~~

~~(3) Reverse auctions under section 125.072 of the Revised Code;~~

~~(4) Electronic procurement under section 125.073 of the Revised Code.~~

~~(J) "Direct purchasing authority" means the authority of a state agency to make a purchase without competitive selection pursuant to sections 125.05 and 127.16 of the Revised Code~~

(Y) "State award" means a contract awarded by the state costing over twenty-five thousand dollars. "State award" does not include compensation received as an employee of the state or any state financial assistance and expenditure received from the general assembly or any legislative agency, any court or judicial agency, the secretary of state, auditor of state,

<u>treasurer of state, or attorney general and their respective</u>	9993
<u>offices.</u>	9994
<u>(Z) "State contract" means a contract for the purchase of</u>	9995
<u>goods or services awarded by the department of administrative</u>	9996
<u>services.</u>	9997
<u>(AA) "State institution of higher education" has the same</u>	9998
<u>meaning as in section 3345.011 of the Revised Code.</u>	9999
<u>(BB) "State official" means an official elected to a</u>	10000
<u>statewide office or a member of the general assembly.</u>	10001
<u>(CC) "State procurement emergency" means a situation in</u>	10002
<u>which the normal functioning of one or more state government</u>	10003
<u>agencies is threatened, creating any of the following:</u>	10004
<u>(1) An immediate and serious need for goods or services</u>	10005
<u>that cannot be met through purchasing methods required by</u>	10006
<u>Chapter 125. of the Revised Code;</u>	10007
<u>(2) A threat to public health, safety, or welfare;</u>	10008
<u>(3) Threats to the preservation or protection of property.</u>	10009
Sec. 125.02. (A) The department of administrative services	10010
shall establish <u>state contracts</u> for supplies and to purchase	10011
<u>goods or services,</u> including telephone, other	10012
telecommunications, and computer services, <u>for the use of by the</u>	10013
<u>department and state agencies, and may establish such contracts</u>	10014
for the use of by any political subdivision as entity <u>described</u>	10015
<u>in division (B) of section 125.04 of the Revised Code, except</u>	10016
<u>for the following:</u>	10017
<u>(1) The adjutant general for military supplies and goods</u>	10018
<u>or services;</u>	10019

(2) The general assembly;	10020
(3) The judicial branch;	10021
(4) State institutions of higher education;	10022
(5) State elected officials as set forth in section	10023
125.041 of the Revised Code;	10024
(6) The capitol square review and advisory board.	10025
The entities set forth in divisions (A)(1) to (6) of this	10026
section may request the department of administrative services'	10027
department's assistance in the procurement of supplies and	10028
purchasing goods or services for their respective offices and,	10029
upon the department's approval, may participate in contracts	10030
awarded by the department.	10031
(B) For purchases under division (C) (D) of section 125.05	10032
of the Revised Code, the department shall grant a state agency a	10033
release and permit to make the purchase if the department	10034
determines that it is not possible or advantageous for the	10035
department to make a purchase.	10036
(C) Upon request, the department may grant a blanket	10037
release and permit to a state agency for specific purchases. The	10038
department may grant the blanket release and permit for a fiscal	10039
year or for a biennium as determined by the director of	10040
administrative services.	10041
(D) The director of administrative services shall adopt	10042
rules <u>under Chapter 119. of the Revised Code</u> regarding	10043
circumstances and criteria for obtaining a release and permit	10044
under this section. The <u>rules adopted by the</u> director of	10045
administrative services also shall prescribe uniform rules	10046
governing forms of specifications, advertisements for <u>bids and</u>	10047

proposals, the opening of bids and proposals, the making of 10048
awards and contracts, ~~and the purchase of supplies~~ goods or 10049
services, and the performance of work. 10050

(E) The director may participate in cooperative purchasing 10051
with the following: 10052

(1) The entities set forth in divisions (A) (1) to (6) of 10053
this section; 10054

(2) One or more other states; 10055

(3) Groups of states; 10056

(4) The United States or any department, division, or 10057
agency of the United States; 10058

(5) Other purchasing consortia; 10059

(6) The department of transportation; or 10060

(7) Any ~~political subdivision~~ entity of this state 10061
described in division (B) of section 125.04 of the Revised Code. 10062

(F) The United States or any department, division, or 10063
agency of the United States, one or more other states, groups of 10064
states, other purchasing consortia, or any agency, commission, 10065
or authority established under an interstate compact or 10066
agreement may purchase ~~supplies and goods or~~ services from 10067
contracts established by the department ~~of administrative~~ 10068
~~services.~~ 10069

(G) Except as provided in section 125.04 of the Revised 10070
Code, the department ~~of administrative services~~ shall purchase 10071
any policy of insurance, including a surety or fidelity bond, 10072
covering officers or employees of a state agency, for which the 10073
annual premium is more than one thousand dollars and which the 10074

state may procure. The department shall purchase the insurance 10075
in conformity with sections 125.04 to 125.15 of the Revised 10076
Code. As used in this division, "annual premium" means the total 10077
premium for one year for one type of insurance regardless of the 10078
number of policies. 10079

(H) At its discretion, the department may amend, renew, 10080
cancel, or terminate any state contract when it is in the best 10081
interest of the state. 10082

Sec. 125.035. (A) Except as otherwise provided in the 10083
Revised Code, ~~a state agency wanting to purchase supplies or~~ 10084
~~services shall make the purchase subject to the requirements of~~ 10085
~~an applicable first or second requisite procurement program~~ 10086
~~described in this section, or obtain a determination from the~~ 10087
~~department of administrative services that the purchase is not~~ 10088
~~subject to~~ before making a purchase, a state agency shall 10089
determine if the needed goods or services can be acquired from a 10090
first requisite or a second requisite procurement program. ~~State~~ 10091
~~agencies shall submit a purchase request to the department of~~ 10092
~~administrative services unless the department has determined the~~ 10093
~~request does not require a review. The director of~~ 10094
~~administrative services shall adopt rules under Chapter 119. of~~ 10095
~~the Revised Code to provide for the manner of carrying out the~~ 10096
~~function and the power and duties imposed upon and vested in the~~ 10097
~~director by this section.~~ 10098

~~(B) The following programs are first-~~ (1) First requisite 10099
~~procurement programs that shall be given preference in the~~ 10100
~~following order in fulfilling a purchase request~~ are the 10101
following: 10102

~~(1)~~ (a) Ohio penal industries within administered by the 10103
department of rehabilitation and correction; 10104

~~(2)(b)~~ Community rehabilitation ~~programs~~ program 10105
administered ~~by the department of administrative services~~ under 10106
~~sections~~ section 125.601 to 125.6012 of the Revised Code; 10107

~~(3)(c)~~ Ohio-based personal protective equipment 10108
manufacturers program ~~established by the director of~~ 10109
~~administrative services administered under section 125.036~~ 10110
Chapter 125. of the Revised Code. 10111

~~(C)~~ The following programs are second requisite 10112
procurement programs that may be able to fulfill the purchase 10113
request if the first requisite procurement programs are unable 10114
to do so (2) If the needed goods or services are available from 10115
more than one first requisite procurement program, preference 10116
shall be given in the following order: 10117

(a) Ohio penal industries; 10118

(b) Community rehabilitation programs; 10119

(c) Ohio-based personal protective equipment manufacturers 10120
program. 10121

(3) If the needed goods or services cannot be provided by 10122
a first requisite procurement program, a state agency shall 10123
determine if the goods or services are available from any of the 10124
second requisite procurement programs, which are the following: 10125

~~(1)(a)~~ Business enterprise program at the opportunities 10126
for Ohioans with disabilities agency as prescribed in sections 10127
3304.28 to 3304.33 of the Revised Code; 10128

~~(2) Office~~ (b) The department of administrative services 10129
office of information technology at the department of 10130
~~administrative services as established~~ prescribed in section 10131
125.18 of the Revised Code; 10132

~~(3) Office~~ (c) The department of administrative services 10133
office of state printing and mail services ~~at the department of~~ 10134
~~administrative services~~ as prescribed in Chapter 125. of the 10135
Revised Code; 10136

~~(4)~~ (d) Ohio pharmacy services at the department of mental 10137
health and addiction services as prescribed in section 5119.44 10138
of the Revised Code; 10139

~~(5)~~ (e) The Ohio facilities construction commission 10140
established in section 123.20 of the Revised Code; ~~and~~ 10141

~~(6)~~ (f) Any other program within, or administered by, a 10142
state agency that, by law, requires purchases to be made by, or 10143
with the approval of, the state agency. 10144

~~(D) Upon receipt of a purchase request, the department of~~ 10145
~~administrative services shall provide the requesting agency a~~ 10146
~~notification of receipt of the purchase request. The department~~ 10147
~~then shall determine whether the request can be fulfilled~~ 10148
~~through a first requisite procurement program. In making the~~ 10149
~~determination, the department may consult with each of the first~~ 10150
~~requisite procurement programs. When the department has made its~~ 10151
~~determination, it shall:~~ 10152

~~(1) Direct the requesting agency to obtain the desired~~ 10153
~~supplies or services through the proper first requisite~~ 10154
~~procurement program;~~ 10155

~~(2) Provide the agency with a waiver from the use of the~~ 10156
~~applicable first requisite procurement programs under sections~~ 10157
~~125.609 or 5147.07 of the Revised Code; or~~ 10158

~~(3) Determine whether the purchase can be fulfilled~~ 10159
~~through a second requisite procurement program under division~~ 10160
~~(E) of this section.~~ 10161

~~(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting agency.~~

~~(F) Within five business days after receipt of a request, the department shall notify the requesting agency of its determination and provide any waiver under divisions (D) or (E) of this section. If the department fails to respond within five business days or fails to provide an explanation for any further delay within that time~~(B) When requisite procurement programs receive a purchase request, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (G) of this section, division (F) of section 125.05, and section 127.16 of the Revised Code.
requisite procurement programs shall determine if the requisite procurement programs can provide the requested goods or services. In making this determination, the requisite procurement programs shall do one of the following:

(1) Direct the requesting state agency to obtain the requested goods or services through the proper requisite

procurement program; 10193

(2) Provide the requesting state agency with a waiver from 10194
the use of the applicable requisite procurement program within 10195
five business days, or allow the time to lapse, whereupon the 10196
department of administrative services shall issue a waiver to 10197
the requesting state agency. 10198

~~(G) As~~ (C) Upon receiving a waiver, the requesting state 10199
agency may use direct purchasing authority to make the requested 10200
purchase, subject to the requirements of division (D) of this 10201
section, division (G) of section 125.05, and section 127.16 of 10202
the Revised Code. 10203

(D) As provided in sections 125.02 and 125.05 of the 10204
Revised Code and subject to such rules as the director of 10205
administrative services may adopt, the department may issue a 10206
release and permit to ~~the agency a state agency to secure~~ 10207
~~supplies purchase goods~~ or services. A release and permit shall 10208
specify the ~~supplies goods~~ or services to which it applies, the 10209
time during which it is operative, and the reason for its 10210
issuance. A release and permit for telephone, other 10211
telecommunications, and computer services shall be provided in 10212
accordance with section 125.18 of the Revised Code and shall 10213
specify the type of services to be rendered, the number and type 10214
of hardware to be used, and may specify the amount of such 10215
services to be performed. The ~~director~~ department may issue a 10216
release and permit for the purchase of personal protective 10217
equipment from a foreign personal protective equipment 10218
manufacturer, if purchasing from an Ohio-based personal 10219
protective equipment manufacturer would result in the state 10220
agency paying a price that is one hundred twenty per cent or 10221
higher than the price that is available from the foreign 10222

supplier. No requesting agency shall proceed with such purchase 10223
until it has received an approved release and permit ~~from the~~ 10224
~~director of administrative services or the director's designee.~~ 10225

Sec. 125.036. ~~(A) As used in this section:~~ 10226

~~"Ohio-based personal protective equipment manufacturer"~~ 10227
~~means a manufacturer, at least two-thirds of the beneficial~~ 10228
~~ownership of which is vested in residents of this state, that~~ 10229
~~produces personal protective equipment in this state.~~ 10230

~~"Personal protective equipment" has the meaning defined in~~ 10231
~~division (E) of section 125.05 of the Revised Code.~~ 10232

~~(B)~~ The director of administrative services shall 10233
establish and maintain an Ohio-based personal protective 10234
equipment manufacturers program. Under the program, the director 10235
shall establish and maintain a list of Ohio-based personal 10236
protective equipment manufacturers qualified to fulfill a 10237
purchase request under division ~~(B) (3)~~ (A) (1) (c) of section 10238
125.035 of the Revised Code. 10239

Sec. 125.04. (A) Except for the requirements of division 10240
(B) of this section, ~~section 125.092,~~ and division (B) of 10241
section 125.11 of the Revised Code, sections 125.04 to 125.08 10242
and 125.09 to 125.15 of the Revised Code do not apply to or 10243
affect state institutions of higher education. 10244

~~(B) (1) As used in this division:~~ 10245

~~(a) "Chartered nonpublic school" has the same meaning as~~ 10246
~~in section 3310.01 of the Revised Code.~~ 10247

~~(b) "Emergency medical service organization" has the same~~ 10248
~~meaning as in section 4765.01 of the Revised Code.~~ 10249

~~(c) "Governmental agency" means a political subdivision or~~ 10250

~~special district in this state or any other state established by~~ 10251
~~or under law, or any combination of these entities; the United~~ 10252
~~States or any department, division, or agency of the United~~ 10253
~~States; one or more other states or groups of states; other~~ 10254
~~purchasing consortia; and any agency, commission, or authority~~ 10255
~~established under an interstate compact or agreement.~~ 10256

~~(d) "Political subdivision" means any county, township,~~ 10257
~~municipal corporation, school district, conservancy district,~~ 10258
~~township park district, park district created under Chapter~~ 10259
~~1545. of the Revised Code, regional transit authority, regional~~ 10260
~~airport authority, regional water and sewer district, or port~~ 10261
~~authority. "Political subdivision" also includes any other~~ 10262
~~political subdivision described in the Revised Code that has~~ 10263
~~been approved by the department of administrative services to~~ 10264
~~participate in the department's contracts under this division.~~ 10265

~~(e) "Private fire company" has the same meaning as in~~ 10266
~~section 9.60 of the Revised Code.~~ 10267

~~(f) "State institution of higher education" has the~~ 10268
~~meaning defined in section 3345.011 of the Revised Code.~~ 10269

~~(2) (B) Subject to division (C) (F) of this section, the~~ 10270
department of administrative services may permit a state 10271
institution of higher education, governmental agency, political 10272
subdivision, private fire company, private, nonprofit emergency 10273
medical service organization, or chartered nonpublic school to 10274
participate in state contracts ~~into which the department has~~ 10275
~~entered for the purchase of supplies and services. With respect~~ 10276
to such participation, all of the following apply: 10277

(1) The department may charge the entity a reasonable fee 10278
to cover the administrative costs the department incurs as a 10279

result of participation by the entity in ~~such a purchase state~~ contract. 10280
10281

(2) A political subdivision desiring to participate in 10282
~~such purchase state~~ contracts shall file with the department a 10283
certified copy of an ordinance or resolution of the legislative 10284
authority or governing board of the political subdivision. The 10285
resolution or ordinance shall request that the political 10286
subdivision be authorized to participate in ~~such state~~ contracts 10287
and shall agree that the political subdivision will be bound by 10288
~~such the~~ terms and conditions of the contract as prescribed by 10289
the department ~~prescribes~~, and that it will directly pay the 10290
~~vendor under each purchase contracts~~ supplier providing goods or 10291
services under the contract. 10292

(3) A private fire company, private, nonprofit emergency 10293
medical service organization, or chartered nonpublic school 10294
desiring to participate in ~~such purchase state~~ contracts shall 10295
file with the department a written request for inclusion in the 10296
program signed by the chief officer of the company, 10297
organization, or chartered nonpublic school. 10298

(4) A governmental agency desiring to participate in ~~such~~ 10299
~~purchase state~~ contracts shall file with the department a 10300
written request for inclusion in the program. A state 10301
institution of higher education desiring to participate in ~~such~~ 10302
~~purchase state~~ contracts shall file with the department a 10303
certified copy of resolution of the board of trustees or similar 10304
authorizing body. The resolution shall request that the state 10305
institution of higher education be authorized to participate in 10306
~~such state~~ contracts. 10307

(5) A request for inclusion shall include an agreement to 10308
be bound by such terms and conditions as the department 10309

prescribes and to make direct payments to the vendor under each 10310
~~purchase-state~~ contract. 10311

~~(3)~~ (C) The board of elections of a county that is 10312
authorized to participate in state contracts under division ~~(B)~~ 10313
~~(2)~~ (B) of this section may participate in contracts under that 10314
division under the same terms and conditions that apply to the 10315
county. 10316

~~(4) The department shall include in its annual report, an~~ 10317
~~estimate of the purchases made by state institutions of higher~~ 10318
~~education, governmental agencies, political subdivisions, boards~~ 10319
~~of elections, private fire companies, private, nonprofit~~ 10320
~~emergency medical service organizations, and chartered nonpublic~~ 10321
~~schools from contracts pursuant to this division.~~ (D) The 10322
department may require ~~such entities~~ state institutions of 10323
higher education, governmental agencies, political subdivisions, 10324
boards of elections, private fire companies, private, nonprofit 10325
emergency medical service organizations, and chartered nonpublic 10326
schools to file a report with the department, as often as it 10327
finds necessary, stating how many ~~such~~ state contracts the 10328
entities participated in within a specified period of time, and 10329
any other information the department requires. 10330

~~(5)~~ (E) Purchases made by a political subdivision or a 10331
board of elections under this division are exempt from any 10332
competitive selection procedures otherwise required by law. No 10333
political subdivision shall make any purchase under this 10334
division when bids have been received for such purchase by the 10335
subdivision, unless such purchase can be made upon the same 10336
terms, conditions, and specifications at a lower price under 10337
division ~~(B)~~ ~~(2)~~ (B) of this section. 10338

~~(C)~~ (F) A political subdivision ~~as defined in division (B)~~ 10339

~~of this section~~ or a board of elections may purchase ~~supplies~~
goods or services from another party, including a political
subdivision, instead of through participation in ~~contracts~~
~~described in division (B) of this section~~ a state contract if
the political subdivision or board of elections can purchase
those ~~supplies~~ goods or services from the other party upon
equivalent terms, conditions, and specifications but at a lower
price ~~than it can through those contracts.~~ , and both of the
following apply:

(1) Purchases that a political subdivision or board of
elections makes under this division are exempt from any
competitive selection procedures otherwise required by law.

(2) A political subdivision or board of elections that
makes any purchase under this division shall maintain sufficient
information regarding the purchase to verify that the political
subdivision or board of elections satisfied the conditions for
making a purchase under this division.

Nothing in this division restricts any action taken by a
county or township as authorized by division (B) (1) of section
9.48 of the Revised Code.

~~(D)~~ (G) This section does not apply to ~~supplies~~ goods or
services purchased by a state agency directly as provided in
section 125.05 of the Revised Code, or to purchases of ~~supplies~~
goods or services for the emergency management agency or other
state agencies as provided in section 125.061 of the Revised
Code.

Sec. 125.041. (A) Nothing in sections 125.02, 125.04 to
125.08, 125.12 to 125.16, 125.18, 125.31 to ~~125.76~~ 125.71, or
125.831 of the Revised Code shall be construed as limiting the

attorney general, auditor of state, secretary of state, or 10369
treasurer of state in any of the following: 10370

(1) Purchases for less than the dollar amounts for the 10371
purchase of ~~supplies~~ goods or services determined under section 10372
125.05 of the Revised Code; 10373

(2) Purchases that equal or exceed the dollar amounts for 10374
the purchase of ~~supplies~~ goods or services determined under 10375
section 125.05 of the Revised Code with the approval of the 10376
controlling board, if that approval is required by section 10377
127.16 of the Revised Code; 10378

(3) The final determination of the nature or quantity of 10379
any purchase of ~~supplies~~ goods or services under division (B) of 10380
section 125.02 or under division ~~(C)~~ (C) of section 125.035 of 10381
the Revised Code; 10382

(4) The final determination and disposal of excess and 10383
surplus ~~supplies~~ property; 10384

(5) The inventory of state property; 10385

(6) The purchase of printing; 10386

(7) Activities related to information technology 10387
development and use; 10388

(8) The fleet management program. 10389

(B) Nothing in this section shall be construed as 10390
preventing the attorney general, auditor of state, secretary of 10391
state, or treasurer of state from complying with or 10392
participating in any aspect of Chapter 125. of the Revised Code 10393
through the department of administrative services. 10394

Sec. 125.05. (A) No state agency shall purchase ~~any~~ 10395

~~supplies goods~~ or services except as provided in this section 10396
and section 127.16 of the Revised Code. When exercising direct 10397
purchasing authority the agency shall utilize a competitive 10398
selection process that complies with all applicable laws, rules, 10399
~~or regulations and policies~~ of the department of administrative 10400
services. 10401

~~(A)~~ (B) A state agency may, without competitive selection, 10402
make any purchase of ~~supplies goods~~ or services that cost less 10403
than fifty thousand dollars after complying with divisions (A) 10404
to ~~(E)~~ (D) of section 125.035 of the Revised Code. The agency may 10405
make the purchase directly or may make the purchase from or 10406
through the department ~~of administrative services~~, whichever the 10407
agency determines. The agency shall adopt written purchasing 10408
procedures that are consistent with the department's ~~purchasing~~ 10409
~~procedures and laws, rules, and policies~~. The agency shall use 10410
those procedures when making purchases under this division. 10411

Section 127.16 of the Revised Code does not apply to 10412
purchases made under this division. 10413

~~(B)~~ (C) A state agency shall make purchases of ~~supplies~~ 10414
goods and services that cost fifty thousand dollars or more 10415
through the department ~~of administrative services~~ and the 10416
process provided in section 125.035 of the Revised Code, unless 10417
the department grants the state agency a waiver ~~and or~~ a release 10418
and permit under that section. 10419

~~(C)~~ ~~An~~ (D) A state agency that has been granted a release 10420
and permit under section 125.035 of the Revised Code to make a 10421
purchase may make the purchase without competitive selection if 10422
after making the purchase the cumulative purchase threshold as 10423
computed under division (E) of section 127.16 of the Revised 10424
Code would: 10425

(1) Be exceeded and the controlling board approves the 10426
purchase; 10427

(2) Not be exceeded and the department ~~of administrative~~ 10428
~~services~~ approves the purchase. 10429

~~(D) An~~ (E) A state agency that has been granted a release 10430
and permit under section 125.035 of the Revised Code to make a 10431
purchase ~~may~~ shall make the purchase by utilizing the electronic 10432
procurement system established by the department ~~of~~ 10433
~~administrative services~~ under section 125.073 of the Revised 10434
Code. 10435

~~(E)~~ (F) If the department of education and workforce or the 10436
Ohio education computer network determines that it can purchase 10437
software goods or ~~services or supplies~~ for specified school 10438
districts at a price less than the price for which the districts 10439
could purchase the same software goods or ~~services or supplies~~ 10440
for themselves, the department or network shall certify that 10441
fact to the department of administrative services and, acting as 10442
an agent for the specified school districts, shall make that 10443
purchase without following the provisions in divisions ~~(A)~~ (B) to 10444
~~(D)~~ (E) of this section. 10445

~~(F)~~ (G) When the purchase cost of personal protective 10446
equipment is less than fifty thousand dollars, a state agency 10447
shall comply with section 125.035 of the Revised Code. If the 10448
purchase is not subject to the requirements of an applicable 10449
first or second requisite procurement program, the agency shall 10450
apply the same preferences in section 125.09 of the Revised Code 10451
when making the purchase. ~~As used in this division, "personal~~ 10452
~~protective equipment" means equipment worn to minimize exposure~~ 10453
~~to hazards that cause workplace injuries and illnesses.~~ 10454

Sec. 125.051. ~~(A) As used in this section:~~

10455

~~(1) "Advertising" includes advertising in print or
electronic newspapers, journals, or magazines and advertising
broadcast over radio or television or placed on the internet.~~

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10458

~~(2) "State official" means an official elected to a
statewide office or a member of the general assembly.~~

10459

10460

~~(B) Any advertising purchased with public money by a state
official for the same purpose that, in the aggregate, exceeds
fifty thousand dollars during the fiscal year, shall be subject
to controlling board approval.~~

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Sec. 125.052. (A) As used in this section:

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(1) "Online subscription" means an offering through an
internet online service or platform to access digital content or
services on a recurring basis in exchange for a subscription
fee.

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(2) "State agency" has the same meaning as in section 1.60
of the Revised Code, except that it does not include the general
assembly or any legislative agency.

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(B) Any online subscription purchased by a state agency,
which in the aggregate exceeds five hundred dollars during the
fiscal year, is subject to controlling board approval.

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10475

Sec. 125.061. ~~(A) As used in this section:~~

10476

~~(1) "Emergency" has the same meaning as defined in section
5502.21 of the Revised Code.~~

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10478

~~(2) "State procurement emergency" means a situation that
creates all of the following:~~

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10480

~~(a) A threat to public health, safety, or welfare;~~

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~~(b) An immediate and serious need for supplies or services~~ 10482
~~that cannot be met through normal procurement methods required~~ 10483
~~by state law; and~~ 10484

~~(c) A serious threat of harm to the functioning of state~~ 10485
~~government, the preservation or protection of property, or the~~ 10486
~~health or safety of any person.~~ 10487

~~(B)~~ During the period of an emergency, the department of 10488
administrative services may suspend, for the emergency 10489
management agency established in section 5502.22 of the Revised 10490
Code or any other state agency participating in response and 10491
recovery activities as defined in section 5502.21 of the Revised 10492
Code, the purchasing and contracting requirements contained in 10493
Chapter 125. and any requirement of Chapter 153. of the Revised 10494
Code that otherwise would apply to the agency. The director of 10495
public safety or the executive director of the emergency 10496
management agency shall make the request for the suspension of 10497
these requirements to the department ~~of administrative services~~ 10498
concurrently with the request to the governor or the president 10499
of the United States for the declaration of an emergency. The 10500
governor also shall include in any proclamation the governor 10501
issues declaring an emergency language requesting the suspension 10502
of those requirements during the period of the emergency. 10503

~~(C)~~ (B) During the period of a state procurement emergency, 10504
the department of administrative services may suspend, for any 10505
state agency, the purchasing and contracting requirements 10506
contained in Chapter 125. of the Revised Code that would 10507
otherwise be required of the agency. 10508

(1) The director or administrative head of the state 10509
agency where the state procurement emergency exists shall 10510
request the department ~~of administrative services~~ to suspend the 10511

purchasing and contracting requirements in Chapter 125. of the 10512
Revised Code. 10513

(2) The request shall include information detailing the 10514
immediacy of the state procurement emergency and a description 10515
of the necessary ~~supplies~~ goods or services that cannot be 10516
timely purchased through normal procurement methods otherwise 10517
required by state law. 10518

(3) Whenever practical, the agency shall obtain a release 10519
and permit from the department of administrative services under 10520
section 125.035 of the Revised Code before making purchases 10521
under this division. 10522

~~(D)~~ (C) Before any purchase may be made under a suspension 10523
authorized by this section, the director of administrative 10524
services shall send notice of the suspension as approved by the 10525
director to the director of budget and management and to the 10526
members of the controlling board. The notice shall provide 10527
details of the request for suspension and shall include a copy 10528
of the director's approval. 10529

~~(E)~~ (D) Purchases made by state agencies under this section 10530
are exempt from the requirements of section 127.16 of the 10531
Revised Code, except that state agencies making purchases under 10532
this section shall file a report with the president of the 10533
controlling board describing all such purchases made by the 10534
agency during the period covered by the emergency declaration or 10535
state procurement emergency. The report shall be filed within 10536
ninety days after the declaration or state procurement emergency 10537
condition expires. 10538

Sec. 125.07. (A) In accordance with rules the director of 10539
administrative services shall adopt under Chapter 119. of the 10540

Revised Code, ~~the director of administrative services a state~~ 10541
agency may make purchases for goods or services by competitive 10542
sealed bid. The competitive sealed bid, at, and both of the 10543
following apply: 10544

(1) At a minimum, a solicitation for a competitive sealed 10545
bid shall contain a detailed description of the ~~supplies goods~~ 10546
or services to be purchased, the terms and conditions of the 10547
~~sale purchase~~, instructions concerning submissions of bid 10548
responses, and any other information the ~~director department~~ 10549
considers to be necessary for the intended purchase. 10550

(2) Competitive sealed bids shall be awarded as provided 10551
in section 125.11 of the Revised Code. 10552

(B) The department of administrative services, in making a 10553
purchase by competitive sealed bid, shall give notice in the 10554
following manner: 10555

(1) The department shall advertise the intended purchases 10556
by notice posted for the benefit of competing persons producing 10557
or dealing in the ~~supplies goods~~ or services to be purchased. 10558
The notice may be in any electronic form the director ~~of~~ 10559
~~administrative services~~ considers appropriate to sufficiently 10560
notify competing persons of the intended purchases. 10561

(2) The notice required under this division shall include 10562
the time and place where bids will be accepted and opened, or, 10563
when bids are made in a reverse auction, the time when bids will 10564
be accepted; the conditions under which bids will be received; 10565
the terms of the proposed purchases; and an itemized list of the 10566
~~supplies goods~~ or services to be purchased and the estimated 10567
quantities or amounts of them. 10568

~~(3) The notice required under this division shall be~~ 10569

~~posted the number of days preceding the day when the bids will~~ 10570
~~be opened or accepted that the director determines sufficient to~~ 10571
~~enable interested bidders to prepare their bids~~ (C) A state 10572
agency purchasing goods or services by competitive sealed 10573
bidding shall do so in the manner prescribed by this section and 10574
in compliance with all applicable laws, rules, and policies of 10575
the department. 10576

Sec. 125.071. (A) In accordance with rules the director of 10577
administrative services shall adopt under Chapter 119. of the 10578
Revised Code, the director a state agency may make purchases by 10579
competitive sealed proposal ~~whenever the director determines~~ 10580
~~that when~~ the use of competitive sealed bidding is not possible 10581
or not advantageous to the state-, and both of the following 10582
apply: 10583

(1) At a minimum, solicitations for competitive sealed 10584
proposals shall contain a detailed description of the goods or 10585
services to be purchased, the terms and conditions of the 10586
purchase, instructions concerning submission of proposals, and 10587
any other information prescribed by rules adopted pursuant to 10588
this section or that the department of administrative services 10589
considers necessary. 10590

(2) Competitive sealed solicitations shall be awarded as 10591
provided in section 125.11 of the Revised Code. 10592

(B) Proposals shall be solicited through a request for 10593
proposals. The request for proposals shall state the relative 10594
importance of price and other evaluation factors. Notice of the 10595
request for proposals shall be given in accordance with rules 10596
the director shall adopt. 10597

(C) Proposals shall be opened so as to avoid disclosure of 10598

contents to competing offerors. 10599

~~In order to ensure fair and impartial evaluation, 10600~~
~~proposals and related documents submitted in response to a 10601~~
~~request for proposals are not available for public inspection 10602~~
~~and copying under section 149.43 of the Revised Code until after 10603~~
~~the award of the contract. 10604~~

(D) As provided in the request for proposals, and under 10605
rules the director shall adopt, discussions may be conducted 10606
with responsible offerors who submit proposals determined to be 10607
reasonably susceptible of being selected for award for the 10608
purpose of ensuring full understanding of, and responsiveness 10609
to, solicitation requirements. Offerors shall be accorded fair 10610
and equal treatment with respect to any opportunity for 10611
discussion regarding any clarification, correction, or revision 10612
of proposals. No disclosure of any information derived from 10613
proposals submitted by competing offerors shall occur when 10614
discussions are conducted. 10615

(E) ~~Award~~ Awards may be made to the offerors whose 10616
proposals are determined to be the most advantageous to this 10617
state, taking into consideration factors such as price and the 10618
evaluation criteria set forth in the request for proposals. The 10619
contract file shall contain the basis on which the award is 10620
made. 10621

(F) All proposals shall be submitted through and opened in 10622
the electronic procurement system established by the department 10623
under section 125.073 of the Revised Code. Proposals received 10624
after the due date and time specified in the solicitation shall 10625
be considered nonresponsive. 10626

(G) A state agency purchasing goods and services by 10627

competitive sealed proposal shall do so in the manner prescribed 10628
by this section and in compliance with all applicable laws, 10629
rules, and policies of the department. 10630

Sec. 125.072. (A) As used in this section, "reverse 10631
auction" means a purchasing process in which ~~offerers~~ 10632
prequalified bidders submit bids in competing to sell goods or 10633
services or supplies in an open environment via the internet with 10634
an award being made to the lowest responsive and responsible 10635
bidder. 10636

(B) ~~Whenever the~~ The director of administrative services_ 10637
may purchase goods or services by reverse auction, in accordance 10638
with rules the director shall adopt under Chapter 119. of the 10639
Revised Code, whenever the director determines that the use of a 10640
reverse auction is advantageous to the state, ~~the director, in~~ 10641
~~accordance with rules the director shall adopt, may purchase~~ 10642
~~services or supplies by reverse auction.~~ 10643

(C) The director, by rule, may authorize a state agency 10644
that ~~is~~ has been authorized by the department to purchase goods 10645
or services or supplies directly to purchase them by reverse 10646
auction in the same manner as this section and the rules adopted 10647
under this section authorize the director to do ~~so~~. 10648

Sec. 125.073. (A) The department of administrative 10649
services shall actively promote and accelerate the use of 10650
electronic procurement, including reverse auctions as defined by 10651
section 125.072 of the Revised Code, when exercising its 10652
statutory powers. 10653

~~Beginning July 1, 2004, the department shall annually~~ (B) 10654
Annually, on or before the first day of July, the department 10655
shall provide a report to the committees in each house of the 10656

general assembly dealing with finance indicating the 10657
effectiveness of electronic procurement. 10658

(C) The department shall establish and maintain a single 10659
searchable web site, accessible by the public at no cost, that 10660
includes all of the following information for goods or services 10661
purchased by the state: 10662

(1) The name of the entity receiving the award; 10663

(2) The anticipated amount of the award; 10664

(3) Information on the award, the agency or other 10665
instrumentality of the state that is providing the award, and 10666
the commodity code; 10667

(4) Any other relevant information determined by the 10668
department. 10669

(D) The department's electronic procurement system may be 10670
used to meet the requirements of division (C) of this section. 10671
State awards shall be publicly posted within thirty days after 10672
being made. 10673

(E) Nothing in this section shall be construed as 10674
requiring the disclosure of information that is not a public 10675
record under section 149.43 of the Revised Code. 10676

Sec. 125.09. (A) Pursuant to sections 125.07, 125.071, and 10677
125.072 of the Revised Code, the department of administrative 10678
services may prescribe such conditions under which competitive 10679
sealed bids, competitive sealed proposals, and bids in reverse 10680
auctions will be received and terms of the proposed purchase as 10681
it considers necessary; provided, that all such conditions and 10682
terms shall be reasonable and shall not unreasonably restrict 10683
competition, and bidders may bid and offerors may propose upon 10684

all or any item of the ~~products~~goods or services listed in such 10685
notice. Those bidders and offerors claiming the preference 10686
outlined in this chapter shall designate in their bid or offer 10687
whether the product is mined, excavated, produced, manufactured, 10688
raised, or grown in the United States and is either a Buy Ohio 10689
product or that the product or service is provided by a bidder 10690
or offeror that qualifies as having a significant economic 10691
presence in the state or a state bordering Ohio, under the rules 10692
established by the director of administrative services, and 10693
whether the bidder or offeror is a certified veteran-friendly 10694
business enterprise under section 122.925 of the Revised Code. 10695

(B) The director of administrative services shall, by rule 10696
adopted pursuant to Chapter 119. of the Revised Code, prescribe 10697
criteria and procedures for use by all state agencies in giving 10698
preference under this section as required by division (B) of 10699
section 125.11 of the Revised Code. The rules shall extend to: 10700

(1) Criteria for determining that a product is mined, 10701
excavated, produced, manufactured, raised, or grown in the 10702
United States rather than in another country or territory; 10703

(2) Criteria for determining that a product is a Buy Ohio 10704
product; 10705

(3) Information to be submitted by bidders or offerors as 10706
to the nature of a product and the location where it is mined, 10707
excavated, produced, manufactured, raised, or grown; 10708

(4) Criteria and procedures to be used by the director to 10709
qualify bidders or offerors located in states bordering Ohio who 10710
might otherwise be excluded from being awarded a contract by 10711
operation of this section and section 125.11 of the Revised 10712
Code. The criteria and procedures shall recognize the level and 10713

regularity of interstate commerce between Ohio and the border 10714
states and provide that the non-Ohio businesses may qualify for 10715
award of a contract as long as they are located in a state that 10716
imposes no greater restrictions than are contained in this 10717
section and section 125.11 of the Revised Code upon persons 10718
located in Ohio selling ~~products~~ goods or services to agencies 10719
of that state. The criteria and procedures shall also provide 10720
that a non-Ohio business shall not bid on a contract for state 10721
printing in this state if the business is located in a state 10722
that excludes Ohio businesses from bidding on state printing 10723
contracts in that state. 10724

(5) Criteria and procedures to be used to qualify bidders 10725
and offerors whose manufactured ~~products~~ goods, except for mined 10726
products, are produced in other states or in North America, but 10727
the bidders or offerors have a significant Ohio economic 10728
presence in terms of the number of employees or capital 10729
investment a bidder or offeror has in this state. Bidders and 10730
offerors with a significant Ohio economic presence shall qualify 10731
for award of a contract on the same basis as if their ~~products~~ 10732
goods were produced in this state or as if the bidder or offeror 10733
was domiciled in this state. 10734

(6) Criteria and procedures for the director to grant 10735
waivers of the requirements of division (B) of section 125.11 of 10736
the Revised Code on a contract-by-contract basis where 10737
compliance with those requirements would not be in the best 10738
interest of the state or is otherwise prohibited; 10739

(7) Criteria for applying a preference to bids and offers 10740
received from a certified veteran-friendly business enterprise; 10741

(8) Such other requirements or procedures reasonably 10742
necessary to implement the system of preferences established 10743

pursuant to division (B) of section 125.11 of the Revised Code. 10744

In adopting the rules required under this division, the 10745
director shall, to the maximum extent possible, conform to the 10746
requirements of the federal "Buy American Act," 41 U.S.C. 8301- 10747
8305, as amended, and to the regulations adopted thereunder. 10748

Sec. 125.091. (A) As used in this section ~~and sections~~ 10749
~~125.092 and 125.093 of the Revised Code:~~ 10750

~~(A)~~ (1) "Agricultural materials" means agricultural-based 10751
materials or residues, including plant, animal, and marine 10752
materials or residues, used in the manufacture of commercial or 10753
industrial nonfood products. 10754

~~(B)~~ (2) "Biobased product" means a product, other than food 10755
or feed, determined by the secretary of the United States 10756
secretary department of agriculture (USDA) to be a ~~commercial or~~ 10757
~~industrial product, other than food or feed, that is composed,~~ 10758
~~in whole or significant part,~~ of the minimum biobased content as 10759
defined by the USDA biopreferred program of biological products, 10760
forestry materials, or renewable domestic agricultural 10761
~~materials, or forestry material, or is an intermediate~~ 10762
~~ingredient or feedstock~~ including plant, animal, or marine 10763
materials. 10764

~~(C)~~ (3) "Biological products" means products derived from 10765
living materials other than agricultural or forestry materials. 10766

~~(D)~~ (4) "Designated item" means a ~~generic grouping category~~ 10767
of biobased products ~~identified in subpart B, 7 C.F.R. 2902.10-~~ 10768
~~to 2902.42~~ designated by the USDA biopreferred program. 10769

~~(E)~~ (5) "Forest thinnings" means woody materials removed 10770
from a dense forest to improve growth, enhance forest health, or 10771
remove trees to recover potential mortality. 10772

~~(F)~~ (6) "Forestry materials" means materials derived from
the practice of planting and caring for forests and the
management of growing timber where such materials come from
short-rotation woody crops that are less than ten years old,
sustainably managed forests, wood residues, or forest thinnings.

~~(G)~~ (7) "Intermediate ingredient or feedstock" means a
material or compound made, in whole or in significant part, from
biological products, renewable agricultural materials, or
forestry materials that are subsequently used to make a more
complex compound or product.

~~(H)~~ (8) "Sustainably managed forests" means the practice of
land stewardship that integrates the reforestation, management,
growing, nurturing, and harvesting of trees for useful products
while conserving soil and improving air and water quality,
wildlife, fish habitat, and aesthetics.

(B) The department of administrative services, state
agencies, and state institutions of higher education shall
purchase biobased products in accordance with this section,
sections 125.01 to 125.11 of the Revised Code, and rules
established by the director of administrative services in
accordance with Chapter 119. of the Revised Code.

(C) Excluding motor vehicle fuel, heating oil, and
electricity, to qualify as a biobased product, a product shall
be an item designated by the United States department of
agriculture as either qualifying for mandatory federal
purchasing or being certified through the federal voluntary
labeling initiative.

(1) For any biobased product being offered to a state
agency or state institution of higher education, a supplier

shall provide information to the state agency or state 10802
institution of higher education certifying that the product 10803
meets one or both requirements of this division. 10804

(2) When purchasing biobased products, a state institution 10805
of higher education shall purchase United States department of 10806
agriculture designated items in accordance with procedures 10807
established by the institution. 10808

(D) By not later than December 30, 2025, the department of 10809
administrative services shall prepare and submit to the 10810
governor, the president of the senate, and the speaker of the 10811
house of representatives an annual report on the effectiveness 10812
of the biobased products preference program. 10813

Sec. 125.11. (A) Subject to division (B) of this section, 10814
contracts awarded pursuant to a reverse auction under section 10815
125.072 of the Revised Code or pursuant to competitive sealed 10816
bidding, including contracts awarded under section 125.081 of 10817
the Revised Code, shall be awarded to the lowest responsive and 10818
responsible bidder in accordance with section 9.312 of the 10819
Revised Code, and contracts awarded pursuant to a competitive 10820
sealed proposal shall be awarded to the offeror determined to be 10821
the most advantageous to this state. 10822

(B) Prior to awarding a contract under division (A) of 10823
this section, the department of administrative services or the 10824
state agency responsible for evaluating a contract for the 10825
purchase of ~~products~~ goods or services shall evaluate the bids 10826
and offers received according to the criteria and procedures 10827
established pursuant to division (B) of section 125.09 of the 10828
Revised Code for determining if a product is mined, excavated, 10829
produced, manufactured, raised, or grown in the United States, 10830
in this state, or in a state bordering Ohio, whether the bid or 10831

offer was received from a Buy Ohio supplier, and whether the bid 10832
or offer was received from a certified veteran-friendly business 10833
enterprise. These requirements shall be applied where sufficient 10834
competition can be generated to ensure that compliance with 10835
these requirements will be in the best interest of the state 10836
unless otherwise prohibited. 10837

(C) In order to ensure fair and impartial evaluation, 10838
materials relating to a solicitation through competitive 10839
selection shall not be considered public records under section 10840
149.43 of the Revised Code until after the award of the contract 10841
based on the competitive selection. If all bids or proposals 10842
received in response to a solicitation through competitive 10843
selection are rejected, and notice is provided of an intent to 10844
reissue the solicitation through competitive selection, the 10845
materials relating to the original solicitation and the 10846
materials relating to the reissued solicitation shall not be 10847
considered public records under section 149.43 of the Revised 10848
Code until after the award of the contract based on the reissued 10849
solicitation through competitive selection. 10850

(D) Division (B) of this section applies to contracts for 10851
which competitive selection is waived by the controlling board. 10852

~~(D)~~ (E) Division (B) of this section does not apply to the 10853
purchase by the division of liquor control of spirituous liquor. 10854

Sec. 125.111. ~~(A)~~ Every contract for or on behalf of the 10855
state or any of its political subdivisions for any purchase 10856
shall contain provisions similar to those required by section 10857
153.59 of the Revised Code in the case of construction contracts 10858
by which the contractor agrees to both of the following: 10859

~~(1)~~ (A) That, in the hiring of employees for the 10860

performance of work under the contract or any subcontract, no 10861
contractor or subcontractor, by reason of race, color, religion, 10862
sex, age, disability or military status as defined in section 10863
4112.01 of the Revised Code, national origin, or ancestry, shall 10864
discriminate against any citizen of this state in the employment 10865
of a person qualified and available to perform the work to which 10866
the contract relates; 10867

~~(2)~~ (B) That no contractor, subcontractor, or person acting 10868
on behalf of any contractor or subcontractor, in any manner, 10869
shall discriminate against, intimidate, or retaliate against any 10870
employee hired for the performance of work under the contract on 10871
account of race, color, religion, sex, age, disability or 10872
military status as defined in section 4112.01 of the Revised 10873
Code, national origin, or ancestry. 10874

~~(B) All contractors from whom the state or any of its~~ 10875
~~political subdivisions make purchases shall have a written~~ 10876
~~affirmative action program for the employment and effective~~ 10877
~~utilization of economically disadvantaged persons, as referred~~ 10878
~~to in division (E)(1) of section 122.71 of the Revised Code.~~ 10879
~~Annually, each such contractor shall file a description of the~~ 10880
~~affirmative action program and a progress report on its~~ 10881
~~implementation with the department of development.~~ 10882

Sec. 125.13. (A) As used in this section: 10883

(1) "Emergency medical service organization" has the same 10884
meaning as in section 4765.01 of the Revised Code. 10885

(2) "Private fire company" has the same meaning as in 10886
section 9.60 of the Revised Code. 10887

(B) Whenever a state agency has excess or surplus 10888
supplies, it shall notify the director of administrative 10889

services. On forms provided by the director, the state agency 10890
shall furnish to the director a list of its excess and surplus 10891
supplies, including the location of the supplies and whether the 10892
supplies are currently in the agency's control. 10893

(C) Upon receipt of notification and at no cost to the 10894
state agency, the director of administrative services shall make 10895
arrangements for their disposition and shall take immediate 10896
control of a state agency's excess and surplus supplies, except 10897
for the following excess and surplus supplies: 10898

(1) Excess or surplus supplies that have a value below the 10899
minimum value that the director establishes for excess and 10900
surplus supplies under division (F) of this section; 10901

(2) Excess or surplus supplies that the director has 10902
authorized an agency to donate to a governmental agency, 10903
including, but not limited to, public schools and surplus 10904
computers and computer equipment transferred to a public school 10905
under division (G) of this section; 10906

(3) Excess or surplus supplies that an agency trades in as 10907
full or partial payment when purchasing a replacement item; 10908

(4) Hazardous property; 10909

(5) Excess or surplus supplies that the director has 10910
authorized to be part of an interagency transfer; 10911

(6) Excess or surplus supplies that are donated under 10912
division (H) of this section. 10913

(D) The director shall inventory excess and surplus 10914
supplies in the director's control and post on a public web site 10915
a list of the supplies available for acquisition. The director 10916
may have the supplies repaired. The director shall not charge a 10917

fee for the collection or transportation of excess and surplus 10918
supplies. 10919

(E) The director may do any of the following: 10920

(1) Dispose of declared surplus or excess supplies in the 10921
director's control by sale, lease, donation, or transfer. If the 10922
director does so, the director shall dispose of those supplies 10923
in any of the following manners: 10924

(a) To state agencies or by interagency trade; 10925

(b) To state-supported or state-assisted institutions of 10926
higher education; 10927

(c) To tax-supported agencies, municipal corporations, or 10928
other political subdivisions of this state, private fire 10929
companies, or private, nonprofit emergency medical service 10930
organizations; 10931

(d) To nonpublic elementary and secondary schools 10932
chartered by the department of education and workforce under 10933
section 3301.16 of the Revised Code; 10934

(e) To a nonprofit organization that is both exempt from 10935
federal income taxation under 26 U.S.C. 501(a) and (c) (3) and 10936
that ~~receives funds from the state or has a contract~~ is 10937
registered and in good standing with the secretary of state as a 10938
domestic nonprofit or not-for-profit corporation; 10939

(f) To the general public by auction, sealed bid, sale, or 10940
negotiation. 10941

(2) If the director has attempted to dispose of any 10942
declared surplus or excess motor vehicle that does not exceed 10943
four thousand five hundred dollars in value pursuant to 10944
divisions (E) (1) (a) to (c) of this section, donate the motor 10945

vehicle to a nonprofit organization exempt from federal income 10946
taxation pursuant to 26 U.S.C. 501(a) and (c) (3) for the purpose 10947
of meeting the transportation needs of participants in the Ohio 10948
works first program established under Chapter 5107. of the 10949
Revised Code and participants in the prevention, retention, and 10950
contingency program established under Chapter 5108. of the 10951
Revised Code. The director may not donate a motor vehicle 10952
furnished to the state highway patrol to a nonprofit 10953
organization pursuant to this division. 10954

(F) The director may adopt rules governing the sale, 10955
lease, or transfer of surplus and excess supplies in the 10956
director's control by public auction, sealed bid, sale, or 10957
negotiation, except that no employee of the disposing agency 10958
shall be allowed to purchase, lease, or receive any such 10959
supplies. The director may dispose of declared surplus or excess 10960
supplies, including motor vehicles, in the director's control as 10961
the director determines proper if such supplies cannot be 10962
disposed of pursuant to division (E) of this section. The 10963
director shall by rule establish a minimum value for excess and 10964
surplus supplies and prescribe procedures for a state agency to 10965
follow in disposing of excess and surplus supplies in its 10966
control that have a value below the minimum value established by 10967
the director. 10968

(G) The director of administrative services may authorize 10969
any state agency to transfer surplus computers and computer 10970
equipment that are not needed by other state agencies directly 10971
to an accredited public school within the state. The computers 10972
and computer equipment may be repaired or refurbished prior to 10973
transfer. The state agency may charge a service fee to the 10974
public schools for the property not to exceed the direct cost of 10975
repairing or refurbishing it. The state agency shall deposit 10976

such funds into the account used for repair or refurbishment. 10977

(H) Excess and surplus supplies of food shall be exempt 10978
from this section and may be donated directly to nonprofit food 10979
pantries and institutions without notification to the director 10980
of administrative services. 10981

Sec. 125.18. (A) There is hereby established the office of 10982
information technology within the department of administrative 10983
services. The office shall be under the supervision of a state 10984
chief information officer to be appointed by the director of 10985
administrative services and subject to removal at the pleasure 10986
of the director. The chief information officer is an assistant 10987
director of administrative services. 10988

(B) Under the direction of the director of administrative 10989
services, the state chief information officer shall lead, 10990
oversee, and direct state agency activities related to 10991
information technology development and use. In that regard, the 10992
state chief information officer shall do all of the following: 10993

(1) Coordinate and superintend statewide efforts to 10994
promote common use and development of technology by state 10995
agencies. The office of information technology shall establish 10996
policies and standards that govern and direct state agency 10997
participation in statewide programs and initiatives. 10998

(2) Coordinate with the office of procurement services to 10999
establish policies and standards for state agency acquisition of 11000
information technology ~~supplies~~ goods and services; 11001

(3) Establish policies and standards for the use of common 11002
information technology by state agencies, including, but not 11003
limited to, hardware, software, technology services, and 11004
security, and the extension of the service life of information 11005

technology systems, with which state agencies shall comply; 11006

(4) Establish criteria and review processes to identify 11007
state agency information technology projects or purchases that 11008
require alignment or oversight. As appropriate, the department 11009
of administrative services shall provide the governor and the 11010
director of budget and management with notice and advice 11011
regarding the appropriate allocation of resources for those 11012
projects. The state chief information officer may require state 11013
agencies to provide, and may prescribe the form and manner by 11014
which they must provide, information to fulfill the state chief 11015
information officer's alignment and oversight role; 11016

(5) Establish policies and procedures for the security of 11017
personal information that is maintained and destroyed by state 11018
agencies; 11019

(6) Employ a chief information security officer who is 11020
responsible for the implementation of the policies and 11021
procedures described in division (B)(5) of this section and for 11022
coordinating the implementation of those policies and procedures 11023
in all of the state agencies; 11024

(7) Employ a chief privacy officer who is responsible for 11025
advising state agencies when establishing policies and 11026
procedures for the security of personal information and 11027
developing education and training programs regarding the state's 11028
security procedures; 11029

(8) Establish policies on the purchasing, use, and 11030
reimbursement for use of handheld computing and 11031
telecommunications devices by state agency employees; 11032

(9) Establish policies for the reduction of printing and 11033
for the increased use of electronic records by state agencies; 11034

(10) Establish policies for the reduction of energy 11035
consumption by state agencies; 11036

(11) Compute the amount of revenue attributable to the 11037
amortization of all equipment purchases and capitalized systems 11038
from information technology service delivery and major 11039
information technology purchases, MARCS administration, and 11040
enterprise applications operating appropriation items and major 11041
computer purchases capital appropriation items that is recovered 11042
as part of the information technology services rates the 11043
department of administrative services charges and deposits into 11044
the information technology fund created in section 125.15 of the 11045
Revised Code, and the user fees the department of administrative 11046
services charges and deposits in the MARCS administration fund 11047
created in section 4501.29 of the Revised Code, the rates the 11048
department of administrative services charges to benefiting 11049
agencies for the operation and management of information 11050
technology applications and deposits in the enterprise 11051
applications fund. The enterprise applications fund is hereby 11052
created in the state treasury. 11053

(12) Regularly review and make recommendations regarding 11054
improving the infrastructure of the state's cybersecurity 11055
operations with existing resources and through partnerships 11056
between government, business, and institutions of higher 11057
education; 11058

(13) Assist, as needed, with general state efforts to grow 11059
the cybersecurity industry in this state. 11060

(C) (1) The chief information security officer shall assist 11061
each state agency with the development of an information 11062
technology security strategic plan and review that plan, and 11063
each state agency shall submit that plan to the state chief 11064

information officer. The chief information security officer may 11065
require that each state agency update its information technology 11066
security strategic plan annually as determined by the state 11067
chief information officer. 11068

(2) Prior to the implementation of any information 11069
technology data system, a state agency shall prepare or have 11070
prepared a privacy impact statement for that system. 11071

(D) When a state agency requests a purchase of information 11072
technology ~~supplies goods~~ or services under Chapter 125. of the 11073
Revised Code, the state chief information officer may review and 11074
reject the requested purchase for noncompliance with information 11075
technology direction, plans, policies, standards, or project- 11076
alignment criteria. 11077

(E) The office of information technology may operate 11078
technology services for state agencies in accordance with this 11079
chapter. 11080

Notwithstanding any provision of the Revised Code to the 11081
contrary, the office of information technology may assess a 11082
transaction fee on each license or registration issued as part 11083
of an electronic licensing system operated by the office in an 11084
amount determined by the office not to exceed three dollars and 11085
fifty cents. The transaction fee shall apply to all 11086
transactions, regardless of form, that immediately precede the 11087
issuance, renewal, reinstatement, reactivation of, or other 11088
activity that results in, a license or registration to operate 11089
as a regulated professional or entity. Each license or 11090
registration is a separate transaction to which a fee under this 11091
division applies. Notwithstanding any provision of the Revised 11092
Code to the contrary, if a fee is assessed under this section, 11093
no agency, board, or commission shall issue a license or 11094

registration unless a fee required by this division has been 11095
received. The director of administrative services may collect 11096
the fee or require a state agency, board, or commission for 11097
which the system is being operated to collect the fee. Amounts 11098
received under this division shall be deposited in or 11099
transferred to the occupational licensing and regulatory fund 11100
created in section 4743.05 or the Revised Code. 11101

(F) With the approval of the director of administrative 11102
services, the office of information technology may establish 11103
cooperative agreements with federal and local government 11104
agencies and state agencies that are not under the authority of 11105
the governor for the provision of technology services and the 11106
development of technology projects. 11107

(G) The office of information technology may operate a 11108
program to make information technology purchases. The director 11109
of administrative services may recover the cost of operating the 11110
program from all participating government entities by issuing 11111
intrastate transfer voucher billings for the procured technology 11112
or through any pass-through billing method agreed to by the 11113
director of administrative services, the director of budget and 11114
management, and the participating government entities that will 11115
receive the procured technology. 11116

If the director of administrative services chooses to 11117
recover the program costs through intrastate transfer voucher 11118
billings, the participating government entities shall process 11119
the intrastate transfer vouchers to pay for the cost. Amounts 11120
received under this section for the information technology 11121
purchase program shall be deposited to the credit of the 11122
information technology governance fund created in section 125.15 11123
of the Revised Code. 11124

(H) Upon request from the director of administrative 11125
services, the director of budget and management may transfer 11126
cash from the information technology fund created in section 11127
125.15 of the Revised Code, the MARCS administration fund 11128
created in section 4501.29 of the Revised Code, or the 11129
enterprise applications fund created in division (B)(11) of this 11130
section to the major information technology purchases fund in an 11131
amount not to exceed the amount computed under division (B)(11) 11132
of this section. The major information technology purchases fund 11133
is hereby created in the state treasury. 11134

(I) As used in this section: 11135

~~(1) "Personal information" has the same meaning as in~~ 11136
~~section 149.45 of the Revised Code.~~ 11137

~~(2) "State, "state agency" means every organized body,~~ 11138
office, or agency established by the laws of the state for the 11139
exercise of any function of state government, other than any 11140
state-supported institution of higher education, the office of 11141
the auditor of state, treasurer of state, secretary of state, or 11142
attorney general, the adjutant general's department, the bureau 11143
of workers' compensation, the industrial commission, the public 11144
employees retirement system, the Ohio police and fire pension 11145
fund, the state teachers retirement system, the school employees 11146
retirement system, the state highway patrol retirement system, 11147
the general assembly or any legislative agency, the capitol 11148
square review advisory board, or the courts or any judicial 11149
agency. 11150

Sec. 125.183. (A) As used in this section: 11151

~~(1) "Covered application" means all of the following:~~ 11152

~~(a) The TikTok application and service or any successor~~ 11153

~~application or service developed or provided by ByteDance~~ 11154
~~limited or an entity owned by ByteDance limited;~~ 11155

~~(b) The WeChat application and service or any successor~~ 11156
~~application or service developed or provided by Tencent holdings~~ 11157
~~limited or an entity owned by Tencent holdings limited;~~ 11158

~~(c) Any application or service owned by an entity located~~ 11159
~~in China, including QQ International (QQi), Qzone, Weibo, Xiao~~ 11160
~~HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian~~ 11161
~~Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little~~ 11162
~~Red Book, and Zhihu~~any application owned or controlled, directly 11163
or indirectly, by an entity identified as a foreign adversary as 11164
defined in 15 C.F.R. 791.2. 11165

(2) "State agency" means every organized body, office, or 11166
agency established by the laws of this state for the exercise of 11167
any function of state government, other than any state-supported 11168
institution of higher education, the courts, or any judicial 11169
agency. "State agency" includes the general assembly, any 11170
legislative agency, and the capitol square review and advisory 11171
board. 11172

(B) Subject to division (C) of this section, the state 11173
chief information officer shall do all of the following: 11174

(1) Require state agencies immediately to remove any 11175
covered application from all equipment they own or lease; 11176

(2) Prohibit all of the following on equipment owned or 11177
leased by a state agency: 11178

(a) The downloading, installation, or use of a covered 11179
application; 11180

(b) The downloading, installation, or use of a covered 11181

application using an internet connection provided by a state 11182
agency; 11183

(c) The downloading, installation, or use of a covered 11184
application by any officer, employee, or contractor of a state 11185
agency. 11186

(3) Require state agencies to take measures to prevent the 11187
downloading, installation, or use of a covered application as 11188
described in division (B) (2) of this section. 11189

(C) Division (B) of this section shall include exceptions 11190
to allow a qualified person to download, install, or use a 11191
covered application for law enforcement or security purposes, so 11192
long as the person takes appropriate measures to mitigate the 11193
security risks involved in doing so. 11194

Sec. 125.31. (A) The department of administrative services 11195
shall have supervision of all public printing except as follows: 11196

(1) Printing for the general assembly shall be the sole 11197
responsibility of the clerk of the senate and the clerk of the 11198
house of representatives unless the clerk of the senate or the 11199
clerk of the house of representatives chooses either of the 11200
options specified in section 101.523 or 101.524 of the Revised 11201
Code. 11202

(2) Printing for the Ohio arts council shall be under the 11203
supervision of the council. 11204

(3) Printing for the capitol square review and advisory 11205
board shall be under the supervision of the board. 11206

(4) Printing for state-supported institutions of higher 11207
education shall be under the supervision of the department of 11208
purchasing of each such institution or the department or officer 11209

within each institution that performs the functions of a 11210
department of purchasing. 11211

(B) The department of administrative services shall 11212
determine, except as otherwise specifically provided by law, the 11213
number of copies to be printed of each publication or document, 11214
the source of reproduction, the manner of binding, quality of 11215
paper, the general kind, size, and spacing of type to be used in 11216
all reports, publications, bulletins, documents, or pamphlets 11217
printed at public expense. 11218

The department shall not use its authority to curtail the 11219
release of public information by any elected state official. 11220

(C) ~~For the purposes of sections 125.31 to 125.76 of the~~ 11221
~~Revised Code, all functions, powers, and duties assigned to the~~ 11222
~~department of administrative services are considered to be~~ 11223
~~assigned to the division of state printing within the department~~ 11224
~~of administrative services~~Division (B) of this section does not 11225
apply to printing contracts requiring special security paper, of 11226
a unique nature, if compliance will result in acquiring a 11227
disproportionately inferior product or a price that exceeds by 11228
more than five per cent the lowest price submitted on a non-Ohio 11229
bid. 11230

Sec. 125.42. (A) No agency, officer, board, or commission, 11231
except the clerk of the senate and the clerk of the house of 11232
representatives, shall print or cause to be printed at the 11233
public expense, any report, bulletin, document, or pamphlet, 11234
unless such report, bulletin, document, or pamphlet is first 11235
submitted to, and the printing thereof approved by, the 11236
department of administrative services. If the department 11237
approves the printing, it shall determine the form of such 11238
printing and the number of copies. 11239

If such approval is given, the department shall cause the
same to be printed and bound ~~as provided by sections 125.49,~~
~~125.51, and 125.56 of the Revised Code, except as otherwise~~
~~provided by section 125.45 of the Revised Code;~~ and when
printed, such publications or forms shall be delivered to the
ordering officer, board, commission, or department, or sold at a
price not to exceed the total cost.

(B) The department of administrative services annually
shall set a maximum cost per page and a maximum total cost for
the printing by any board, commission, council, or other public
body of the state of any annual report or any other report that
it is required by law to produce. No board, commission, council,
or other public body of the state shall expend or incur the
expenditure of any amount in excess of these maximum amounts
without the prior approval of the department. This division does
not apply to the general assembly or any court.

Sec. 125.58. ~~The department of administrative services~~
~~shall promptly notify each successful offeror of the acceptance~~
~~of the offeror's bid or proposal for state printing. If such~~
~~offeror fails to execute the contract because of death or other~~
~~cause, or if the offeror fails to execute the work required by~~
~~the contract in a proper manner and with reasonable promptness,~~
~~or the contract is abandoned, or its execution is temporarily~~
~~suspended, the department may enter into a contract with another~~
~~person for the prompt execution of the work for the lowest price~~
~~which may be obtained. Before any work is relet in consequence~~
~~of the misconduct or default of the contractor, the department~~
~~shall give the contractor written notice thereof. The department~~
of administrative services may set a daily penalty charge for
late orders, provided the penalty schedule and amount are stated
in the invitation to bid or request for proposals for the

printing. 11271

Sec. 125.601. (A) The director of administrative services 11272
shall establish the ~~office of procurement from~~ community 11273
rehabilitation ~~programs~~ program within the procurement office of 11274
the department of administrative services. The director shall 11275
designate an employee of the department to serve as 11276
administrator of the ~~office~~ program and shall adopt rules in 11277
accordance with Chapter 119. of the Revised Code for the 11278
effective and efficient administration of the program. 11279

(B) The community rehabilitation program shall do all of 11280
the following: 11281

(1) Establish procedures by which a nonprofit agency may 11282
apply for certification as a community rehabilitation program; 11283

(2) Establish criteria and procedures for the department 11284
to use to determine if a nonprofit agency qualifies for the 11285
community rehabilitation program; 11286

(3) Negotiate and enter into contractual agreements with 11287
qualified nonprofit agencies; 11288

(4) Establish, maintain, and periodically update a list of 11289
approved goods and services available from contracted qualified 11290
nonprofit agencies, and attempt to establish fair market pricing 11291
for each of the items on this list; 11292

(5) Monitor the procurement practices of state agencies to 11293
ensure compliance with this section and section 125.035 of the 11294
Revised Code; 11295

(6) Waive purchasing requirements for state agencies 11296
pursuant to section 125.035 of the Revised Code; 11297

(7) Structure or regulate competition among qualified 11298

nonprofit agencies for the overall benefit of the program. 11299

(C) Contracts established by the department and purchases 11300
made under this section are not subject to the competitive 11301
selection requirements of sections 125.05, 125.07, 125.071, and 11302
125.072 of the Revised Code. 11303

(D) Purchases made by state agencies under this section 11304
shall be made pursuant to section 125.035 of the Revised Code. 11305

(E) Goods and services available from qualified nonprofit 11306
agencies shall be purchased at the fair market value established 11307
by the department. 11308

(1) If a fair market value has not been established, 11309
government ordering offices may negotiate purchase pricing with 11310
the qualified nonprofit agencies offering the needed goods or 11311
services. 11312

(2) The department may accept a purchase price negotiated 11313
between a government ordering office and a qualified nonprofit 11314
agency as the fair market price for goods or services. 11315

(F) The department may assess an administrative fee to all 11316
government ordering offices purchasing goods and services from 11317
qualified nonprofit agency contracts. At the department's 11318
discretion, this fee may either be billed directly to the 11319
government ordering offices or collected by qualified nonprofit 11320
agencies that will remit them to the department. 11321

(1) Any administrative fees collected and remitted by 11322
qualified nonprofit agencies shall be considered allowable 11323
expenses in addition to the product fair market price. 11324

(2) Fees collected shall be deposited in the state 11325
treasury to the credit of the general services fund created 11326

under section 125.15 of the Revised Code. 11327

(G) Nothing in this section shall be construed to prohibit 11328
the purchase of goods or services from a qualified nonprofit 11329
agency by a political subdivision that is not a government 11330
ordering office. 11331

(1) Purchases made under this section by a political 11332
subdivision, as defined in section 125.04 of the Revised Code, 11333
are exempt from any competitive selection procedures otherwise 11334
required by law. Purchases under this section shall be made from 11335
qualified nonprofit agencies or their approved agents. 11336

(2) A political subdivision may not purchase under 11337
division (C) of section 125.04 of the Revised Code, goods or 11338
services included on the list established by the department 11339
pursuant to division (B) (4) of this section. 11340

(H) The department of administrative services, on its own 11341
or pursuant to a request from a government ordering office, may 11342
release a government ordering office from compliance with this 11343
section if either of the following apply: 11344

(1) The department determines that compliance is not 11345
possible or not advantageous to the government ordering office; 11346

(2) Conditions prescribed in rules adopted under this 11347
section for granting a release are met. 11348

(I) Releases granted under division (H) of this section 11349
shall be in writing and shall specify the goods or services to 11350
which it applies, the period of time during which it is 11351
effective, and the reason for which it is granted. 11352

(J) Government ordering offices and qualified nonprofit 11353
agencies shall provide the necessary information and 11354

documentation requested by the department to enable the 11355
effective administration of the community rehabilitation 11356
program. 11357

(K) Not later than the thirtieth day of December, the 11358
department shall prepare and submit to the governor, the 11359
president of the senate, and the speaker of the house of 11360
representatives, an annual report that identifies the number, 11361
types, and costs of purchases made by government ordering 11362
offices from qualified nonprofit agencies during the prior 11363
fiscal year. 11364

Sec. 126.021. The director of budget and management, as 11365
part of the submission to the governor under section 126.02 of 11366
the Revised Code, shall prepare and submit to the governor not 11367
later than the first day of January preceding the convening of 11368
the general assembly a medicaid caseload and expenditure 11369
forecast report, prepared in consultation with the department of 11370
medicaid. For each component identified in divisions (A) to (Q) 11371
of this section, the report shall include proposed, actual, or 11372
estimated medicaid program data for each fiscal year of the 11373
proposed budget biennium and for each fiscal year of the current 11374
budget biennium. If determined useful, the directors of budget 11375
and management and medicaid may choose to include additional 11376
years of data for components of the report. 11377

The report shall include all of the following: 11378

(A) A complete budget for the medicaid program delineated 11379
by the agency administering each component of the program, fund, 11380
appropriation item, and whether the spending is for services or 11381
administration; 11382

(B) A summary of medicaid service spending by eligibility 11383

group and subgroup and service delivery system; 11384

(C) A detailed mapping of the summary spending provided in 11385
division (B) of this section into individual appropriation items 11386
and including state and federal shares of each appropriation 11387
item; 11388

(D) A complete description of each policy proposal, 11389
including assumed start date and cost projection delineated by 11390
fiscal year, appropriation item, state and federal shares, 11391
eligibility group and subgroup, and service delivery system; 11392

(E) The medicaid caseload delineated by eligibility group 11393
and subgroup and service delivery system; 11394

(F) The percentage of total medicaid enrollment that is 11395
comprised of medicaid recipients enrolled under the care 11396
management system established under section 5167.03 of the 11397
Revised Code and the percentage of total medicaid spending that 11398
the care management system comprises; 11399

(G) A detailed accounting of the care management system 11400
component of the medicaid budget by eligibility group and 11401
subgroup, including spending, member months, and per member per 11402
month capitation rates; 11403

(H) A detailed accounting of the fee-for-service component 11404
of the medicaid budget by eligibility group and subgroup, 11405
including spending, member months, and per member per month 11406
costs; 11407

(I) Historical spending data by service delivery system, 11408
medicaid provider and program, including at least the following 11409
provider categories: hospital, pharmacy, waiver, nursing, home 11410
health care, professional medical and clinic, nursing facility, 11411
behavioral health care, and intermediate care facility for 11412

individuals with intellectual disabilities;	11413
(J) A detailed accounting of the medicare buy-in and	11414
medicare Part D components of the medicaid budget by eligibility	11415
group and subgroup, including spending, average monthly	11416
premiums, and average rates;	11417
(K) A summary of projected spending for each fiscal year	11418
delineated by forecast component and by baseline and policy	11419
proposals;	11420
(L) A detailed calculation demonstrating the effect of a	11421
hypothetical one-dollar increase in medicaid home and community-	11422
based services wages for direct care providers for each fiscal	11423
year, delineated by provider, appropriation item, and state and	11424
federal shares;	11425
(M) A detailed calculation demonstrating the effect of a	11426
hypothetical one percentage point increase in provider franchise	11427
fee revenue for each fiscal year, for each of the fees imposed	11428
under sections 5168.21, 5168.41, and 5168.76 of the Revised	11429
Code;	11430
(N) A detailed calculation demonstrating the effect of a	11431
hypothetical one-dollar increase in nursing facility and	11432
intermediate care facility for individuals with intellectual	11433
disabilities per medicaid day payment rates;	11434
(O) A detailed explanation of how the governor's medicaid	11435
budget recommendations satisfy the requirements of section	11436
5162.70 of the Revised Code;	11437
(P) The most recent report required under section 5162.70	11438
of the Revised Code;	11439
(Q) <u>The information in the private room report required</u>	11440

under section 5162.138 of the Revised Code; 11441

(R) Any other information the director of budget and 11442
management or the medicaid director deems to be useful to 11443
facilitate a better understanding of the governor's medicaid 11444
budget recommendations. 11445

Sec. 126.024. Beginning with the state budget that is 11446
introduced following the effective date of this section, and 11447
subsequent state budgets thereafter, the director of budget and 11448
management, in consultation with the medicaid director, shall 11449
request and propose multiple medicaid health care services 11450
general revenue fund appropriation items. At a minimum, the 11451
directors shall propose a separate general revenue fund 11452
appropriation item for the different health care services 11453
included in the medicaid program, including all of the 11454
following: 11455

(A) Services provided under the care management system; 11456

(B) Nursing facility services; 11457

(C) Hospital services; 11458

(D) Behavioral health services; 11459

(E) Services provided under medicaid waiver components 11460
administered by the department of aging; 11461

(F) Prescription drug services; 11462

(G) Physician services; 11463

(H) Services provided under the Ohio home care waiver 11464
program; 11465

(I) Any other medicaid health care services that the 11466
directors determine should have a separate general revenue fund 11467

appropriation item. 11468

Sec. 126.10. (A) For the purposes of this section: 11469

(1) "Agency" has the same meaning as in section 111.15 of 11470
the Revised Code. 11471

(2) "State program" means any program, initiative, or 11472
service administered or overseen by an agency. 11473

(B) Notwithstanding any provision of law to the contrary 11474
or any rules adopted under it, if the federal government 11475
reduces, discontinues, pauses, or otherwise suspends any federal 11476
program that provides federal funds for any corresponding state 11477
program, such program may be reduced, discontinued, paused, or 11478
suspended. This shall include any contract, agreement, 11479
memorandum of understanding, or any other covenant entered into 11480
by the state that is dependent on federal funding. 11481

Sec. 126.42. (A) Notwithstanding any provision of law to 11482
the contrary, the office of budget and management shall perform 11483
routine support for the following boards and commissions: 11484

(1) Architects board; 11485

(2) State chiropractic board; 11486

(3) State cosmetology and barber board; 11487

(4) Accountancy board; 11488

(5) State dental board; 11489

(6) Ohio occupational therapy, physical therapy, and 11490
athletic trainers board; 11491

(7) State board of registration for professional engineers 11492
and surveyors; 11493

(8) Board of embalmers and funeral directors;	11494
(9) State board of psychology;	11495
(10) Counselor, social worker, and marriage and family therapist board;	11496 11497
(11) State veterinary medical licensing board;	11498
(12) Commission on Hispanic-Latino affairs;	11499
(13) Commission on African-Americans;	11500
(14) Chemical dependency professionals board;	11501
(15) State vision professionals board;	11502
(16) State speech and hearing professionals board;	11503
<u>(17) New African immigrants commission.</u>	11504
(B) (1) For purposes of this section, the office of budget and management shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the office of budget and management:	11505 11506 11507 11508 11509 11510
(a) Preparing and processing payroll and other personnel documents;	11511 11512
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	11513 11514
(c) Maintaining ledgers of accounts and balances;	11515
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	11516 11517
(e) Routine human resources and personnel services;	11518

(f) Other routine support services that the director of 11519
budget and management considers appropriate to achieve 11520
efficiency. 11521

(2) In addition to the routine support services listed in 11522
division (B)(1) of this section, the office of budget and 11523
management may perform other services which a board or 11524
commission named in division (A) of this section delegates to 11525
the office and the office accepts. 11526

(3) The office of budget and management may perform 11527
routine support services for any ~~professional or occupational~~ 11528
~~licensing~~ board or commission not named in division (A) of this 11529
section at the request of the board or commission. 11530

(C) The office of budget and management shall determine 11531
the fees to be charged to the boards and commissions, which 11532
shall be in proportion to the services performed for each board 11533
or commission. 11534

Sec. 126.60. (A) As used in this section: 11535

(1) "Agricultural water project" means a project that will 11536
improve water quality by reducing or aiding in the reduction of 11537
levels of phosphorus, nitrogen, or sediment, that result from 11538
agricultural practices, in the waters of the state. 11539
"Agricultural water project" includes a project involving 11540
research, technology, design, construction, best management 11541
practices, conservation, testing, or education. 11542

(2) "Community water project" means a project involving a 11543
public water system operated by a political subdivision that 11544
will improve water quality by reducing or aiding in the 11545
reduction of levels of phosphorus, nitrogen, or sediment in the 11546
waters of the state. "Community water project" includes a 11547

project involving research, technology, design, construction, 11548
best management practices, conservation, testing, or 11549
maintenance. 11550

(3) "Nature water project" means a project involving a 11551
natural water system that will improve water quality by reducing 11552
or aiding in the reduction of levels of phosphorus, nitrogen, or 11553
sediment in the waters of the state. "Nature water project" 11554
includes a project involving research, technology, design, 11555
construction, best management practices, conservation, or 11556
maintenance. "Nature water project" also includes the creation, 11557
maintenance, or restoration of wetlands, flood plains, flood 11558
control systems, and buffers throughout the state, including the 11559
western basin of Lake Erie. 11560

(B) (1) There is hereby created in the state treasury the 11561
H2Ohio fund consisting of money credited to it and any 11562
donations, gifts, bequests, and other money received for deposit 11563
in the fund. All investment earnings of the fund shall be 11564
credited to the fund. All money credited or deposited in the 11565
fund shall be used for any of the following purposes: 11566

~~(1)~~ (a) Agriculture water projects; 11567

~~(2)~~ (b) Community water projects; 11568

~~(3)~~ (c) Nature water projects; 11569

~~(4)~~ (d) Awarding or allocating grants or money, issuing 11570
loans, or making purchases for the development and 11571
implementation of projects and programs, including remediation 11572
projects, that are designed to address water quality priorities; 11573

~~(5)~~ (e) Funding cooperative research, data gathering and 11574
monitoring, and demonstration projects related to water quality 11575
priorities; 11576

~~+(6)~~ (f) Encouraging cooperation with and among leaders from 11577
state legislatures, state agencies, political subdivisions, 11578
business and industry, labor, agriculture, environmental 11579
organizations, institutions of higher education, and water 11580
conservation districts; 11581

~~+(7)~~ (g) Other purposes, policies, programs, and priorities 11582
identified by the Ohio Lake Erie commission in coordination with 11583
state agencies or boards responsible for water protection and 11584
water management, provided that the purposes, policies, 11585
programs, and priorities align with a statewide strategic vision 11586
and comprehensive periodic water protection and restoration 11587
strategy. 11588

(2) Money credited or deposited in the fund shall not be 11589
used for the purchase of land or for the purchase of a 11590
conservation easement. 11591

(C) Not later than August 31, 2020, and annually 11592
thereafter, the Ohio Lake Erie commission, in coordination with 11593
state agencies or boards responsible for water protection and 11594
water management, shall do both of the following: 11595

(1) Prepare a report of the activities that were 11596
undertaken with respect to the fund during the immediately 11597
preceding fiscal year, including the revenues and expenses of 11598
the fund for the preceding fiscal year; 11599

(2) Submit the report to the general assembly and to the 11600
governor. 11601

(D) Within forty-five days after the report is submitted 11602
under division (C) of this section, the directors of the state 11603
agencies that contributed to the report and the executive 11604
director of the Lake Erie commission shall appear before both 11605

the house of representatives and senate committees that oversee 11606
state finance to testify on the report. 11607

Sec. 126.67. The targeted addiction assistance fund is 11608
created in the state treasury. The fund shall consist of money 11609
awarded to the state by court order that is intended to address 11610
the effects of the opioid crisis. 11611

Beginning January 15, 2027, any money received under the 11612
settlement agreement in State of Ohio v. McKesson Corp., Case 11613
No. CVH20180055 (C.P. Madison Co., settlement agreement of 11614
October 7, 2021) shall be certified by the attorney general and 11615
remitted to the office of budget and management for deposit in 11616
the fund. The director of budget and management shall notify the 11617
speaker of the house of representatives and president of the 11618
senate when money is deposited into the fund. 11619

Sec. 127.12. There is hereby created a controlling board 11620
consisting of all of the following: 11621

(A) The director of budget and management or an employee 11622
of the office of budget and management designated by the 11623
director; 11624

(B) The chairperson or vice-chairperson of the finance- 11625
appropriations committee of the house of representatives, as 11626
designated by the speaker; 11627

(C) The chairperson or vice-chairperson of the finance 11628
committee of the senate, as designated by the president; 11629

(D) Two members of the house of representatives appointed 11630
by the speaker, one from the majority party and one from the 11631
minority party; 11632

(E) Two members of the senate appointed by the president, 11633

one from the majority party and one from the minority party. 11634

Notwithstanding section 101.26 of the Revised Code, the 11635
legislative members, when engaged in their duties as members of 11636
the controlling board, shall be paid at the per diem rate of one 11637
hundred fifty dollars, and their necessary traveling expenses, 11638
which shall be paid from the funds appropriated for the payment 11639
of expenses of legislative committees. 11640

(F) In the event of the absence, illness, disability, 11641
death, or resignation of a legislative member, the following 11642
persons may serve in the member's absence: for the chairperson 11643
or vice-chairperson of the finance-appropriations committee of 11644
the house of representatives, the speaker or a member of the 11645
house of representatives designated by the speaker; for the 11646
chairperson or vice-chairperson of the senate finance committee, 11647
the president or a member of the senate designated by the 11648
president; for a member of the board appointed by the speaker of 11649
the house of representatives, or the president of the senate, 11650
the speaker or the president, as the case may be, or a member of 11651
the house of representatives or of the senate of the same party 11652
as such controlling board member, designated by such speaker or 11653
president. 11654

As used in any statute, "controlling board," unless the 11655
context otherwise requires, means the controlling board created 11656
by this section. 11657

Sec. 127.16. (A) Upon the request of either a state agency 11658
or the director of budget and management and after the 11659
controlling board determines that an emergency or a sufficient 11660
economic reason exists, the controlling board may approve the 11661
making of a purchase without competitive selection as provided 11662
in division (B) of this section. 11663

(B) Except as otherwise provided in this section, no state 11664
agency, using money that has been appropriated to it directly, 11665
shall: 11666

(1) Make any purchase from a particular supplier, that 11667
would amount to fifty thousand dollars or more when combined 11668
with both the amount of all disbursements to the supplier during 11669
the fiscal year for purchases made by the agency and the amount 11670
of all outstanding encumbrances for purchases made by the agency 11671
from the supplier, unless the purchase is made by competitive 11672
selection or with the approval of the controlling board; 11673

(2) Lease real estate from a particular supplier, if the 11674
lease would amount to seventy-five thousand dollars or more when 11675
combined with both the amount of all disbursements to the 11676
supplier during the fiscal year for real estate leases made by 11677
the agency and the amount of all outstanding encumbrances for 11678
real estate leases made by the agency from the supplier, unless 11679
the lease is made by competitive selection or with the approval 11680
of the controlling board. 11681

(C) Any person who authorizes a purchase in violation of 11682
division (B) of this section shall be liable to the state for 11683
any state funds spent on the purchase, and the attorney general 11684
shall collect the amount from the person. 11685

(D) Nothing in division (B) of this section shall be 11686
construed as: 11687

(1) A limitation upon the authority of the director of 11688
transportation as granted in sections 5501.17, 5517.02, and 11689
5525.14 of the Revised Code; 11690

(2) Applying to medicaid provider agreements under the 11691
medicaid program; 11692

(3) Applying to the purchase of examinations from a sole 11693
supplier by a state licensing board under Title XLVII of the 11694
Revised Code; 11695

(4) Applying to entertainment contracts for the Ohio state 11696
fair entered into by the Ohio expositions commission, provided 11697
that the controlling board has given its approval to the 11698
commission to enter into such contracts and has approved a total 11699
budget amount for such contracts as agreed upon by commission 11700
action, and that the commission causes to be kept itemized 11701
records of the amounts of money spent under each contract and 11702
annually files those records with the clerk of the house of 11703
representatives and the clerk of the senate following the close 11704
of the fair; 11705

(5) Limiting the authority of the chief of the division of 11706
mineral resources management to contract for reclamation work 11707
with an operator mining adjacent land as provided in section 11708
1513.27 of the Revised Code; 11709

(6) Applying to investment transactions and procedures of 11710
any state agency, except that the agency shall file with the 11711
board the name of any person with whom the agency contracts to 11712
make, broker, service, or otherwise manage its investments, as 11713
well as the commission, rate, or schedule of charges of such 11714
person with respect to any investment transactions to be 11715
undertaken on behalf of the agency. The filing shall be in a 11716
form and at such times as the board considers appropriate. 11717

(7) Applying to purchases made with money for the per cent 11718
for arts program established by section 3379.10 of the Revised 11719
Code; 11720

(8) Applying to purchases made by the opportunities for 11721

Ohioans with disabilities agency of goods or services, ~~or~~ 11722
~~supplies,~~ that are provided to persons with disabilities, or to 11723
purchases made by the agency in connection with the eligibility 11724
determinations it makes for applicants of programs administered 11725
by the social security administration; 11726

(9) Applying to payments by the department of medicaid 11727
under section 5164.85 of the Revised Code for group health plan 11728
premiums, deductibles, coinsurance, and other cost-sharing 11729
expenses; 11730

(10) Applying to any agency of the legislative branch of 11731
the state government; 11732

(11) Applying to agreements or contracts entered into 11733
under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 11734
of the Revised Code; 11735

(12) Applying to purchases of services by the adult parole 11736
authority under section 2967.14 of the Revised Code or by the 11737
department of youth services under section 5139.08 of the 11738
Revised Code; 11739

(13) Applying to dues or fees paid for membership in an 11740
organization or association; 11741

(14) Applying to purchases of utility services pursuant to 11742
section 9.30 of the Revised Code; 11743

(15) Applying to purchases made in accordance with rules 11744
adopted by the department of administrative services of motor 11745
vehicle, aviation, or watercraft fuel, or emergency repairs of 11746
such vehicles; 11747

(16) Applying to purchases of tickets for passenger air 11748
transportation; 11749

- (17) Applying to purchases necessary to provide public 11750
notifications required by law or to provide notifications of job 11751
openings; 11752
- (18) Applying to the judicial branch of state government; 11753
- (19) Applying to purchases of liquor for resale by the 11754
division of liquor control; 11755
- (20) Applying to purchases of motor courier and freight 11756
services made in accordance with department of administrative 11757
services rules; 11758
- (21) Applying to purchases from the United States postal 11759
service and purchases of stamps and postal meter replenishment 11760
from vendors at rates established by the United States postal 11761
service; 11762
- (22) Applying to purchases of books, periodicals, 11763
pamphlets, newspapers, maintenance subscriptions, and other 11764
published materials; 11765
- (23) Applying to purchases from other state agencies, 11766
including state-assisted institutions of higher education or the 11767
Ohio history connection; 11768
- (24) Applying to purchases from a qualified nonprofit 11769
agency pursuant to ~~sections 125.60 to 125.6012~~ section 125.601 11770
or 4115.31 to 4115.35 of the Revised Code; 11771
- (25) Applying to payments by the department of job and 11772
family services to the United States department of health and 11773
human services for printing and mailing notices pertaining to 11774
the tax refund offset program of the internal revenue service of 11775
the United States department of the treasury; 11776
- (26) Applying to contracts entered into by the department 11777

of developmental disabilities under section 5123.18 of the 11778
Revised Code; 11779

(27) Applying to payments made by the department of mental 11780
health and addiction services under a physician recruitment 11781
program authorized by section 5119.185 of the Revised Code; 11782

(28) Applying to contracts entered into with persons by 11783
the director of commerce for unclaimed funds collection and 11784
remittance efforts as provided in division (G) of section 169.03 11785
of the Revised Code. The director shall keep an itemized 11786
accounting of unclaimed funds collected by those persons and 11787
amounts paid to them for their services. 11788

(29) Applying to purchases made by a state institution of 11789
higher education in accordance with the terms of a contract 11790
between the vendor and an inter-university purchasing group 11791
comprised of purchasing officers of state institutions of higher 11792
education; 11793

(30) Applying to the department of medicaid's purchases of 11794
health assistance services under the children's health insurance 11795
program; 11796

(31) Applying to payments by the attorney general from the 11797
reparations fund to hospitals and other emergency medical 11798
facilities for performing medical examinations to collect 11799
physical evidence pursuant to section 2907.28 of the Revised 11800
Code; 11801

(32) Applying to contracts with a contracting authority or 11802
administrative receiver under division (B) of section 5126.056 11803
of the Revised Code; 11804

(33) Applying to purchases of goods and services by the 11805
department of veterans services in accordance with the terms of 11806

contracts entered into by the United States department of 11807
veterans affairs; 11808

(34) Applying to payments by the superintendent of the 11809
bureau of criminal identification and investigation to the 11810
federal bureau of investigation for criminal records checks 11811
pursuant to section 109.572 of the Revised Code; 11812

(35) Applying to contracts entered into by the department 11813
of medicaid under section 5164.47 of the Revised Code; 11814

(36) Applying to contracts entered into under section 11815
5160.12 of the Revised Code; 11816

(37) Applying to payments to the Ohio history connection 11817
from other state agencies. 11818

(E) When determining whether a state agency has reached 11819
the cumulative purchase thresholds established in divisions (B) 11820
(1) and (2) of this section, the following purchases by such 11821
agency shall not be considered: 11822

(1) Purchases made through competitive selection or with 11823
controlling board approval; 11824

(2) Purchases listed in division (D) of this section; 11825

(3) For the purposes of the threshold of division (B) (1) 11826
of this section only, leases of real estate. 11827

(F) A state agency, when exercising direct purchasing 11828
authority under this section, shall utilize a selection process 11829
that complies with all applicable laws, rules, or regulations of 11830
the department of administrative services. 11831

(G) As used in this section, "competitive selection," 11832
"direct purchasing authority," "goods," "purchase," ~~"supplies,"~~ 11833

and "services" have the same meanings as in section 125.01 of 11834
the Revised Code. 11835

Sec. 128.021. (A) Not later than January 1, 2014, and in 11836
accordance with Chapter 119. of the Revised Code, the steering 11837
committee shall adopt rules that establish technical and 11838
operational standards for public safety answering points 11839
eligible to receive disbursements under section 128.55 of the 11840
Revised Code. The rules shall incorporate industry standards and 11841
best practices for 9-1-1 services. Public safety answering 11842
points shall comply with the standards not later than two years 11843
after the effective date of the rules adopting the standards. A 11844
public safety answering point may be deemed compliant with rules 11845
for minimum staffing standards, if it can demonstrate compliance 11846
with all other rules for operational standards. 11847

(B) Not later than one year after September 29, 2015, and 11848
in accordance with Chapter 119. of the Revised Code, the 11849
steering committee shall conduct an assessment of the 11850
operational standards for public safety answering points 11851
developed under division (A) of this section and revise the 11852
standards as necessary to ensure that the operational standards 11853
contain the following: 11854

(1) Policies to ensure that public safety answering point 11855
personnel prioritize life-saving questions in responding to each 11856
call to a 9-1-1 system established under this chapter; 11857

(2) A requirement that all public safety answering point 11858
personnel complete proper training or provide proof of prior 11859
training to give instructions regarding emergency situations. 11860

(C) Upon the effective date of the amendments to this 11861
section by ~~this act~~ H.B. 33 of the 135th general assembly, 11862

October 3, 2023, all public safety answering points that answer 11863
9-1-1 calls for service ~~from wireless services~~ shall be subject 11864
to the public safety answering point operations rules. Public 11865
safety answering points not originally required to be compliant 11866
shall comply with the standards not later than two years after 11867
the effective date of the amendments to this section by ~~this act~~ 11868
H.B. 33 of the 135th general assembly, October 3, 2023. 11869

Sec. 128.41. (A) As used in this section, "communications 11870
service" means any wireless service, multiline telephone system, 11871
and voice over internet protocol system to which both of the 11872
following apply: 11873

(1) The service or system is registered to the 11874
subscriber's address within this state or the subscriber's 11875
primary place of using the service or system is in this state. 11876

(2) The service or system is capable of initiating a 11877
direct connection to 9-1-1. 11878

(B) After the expiration of the charge described in 11879
division (A) (1) of section 128.40 of the Revised Code and except 11880
as provided in sections 128.413 and 128.42 of the Revised Code, 11881
there is imposed a next generation 9-1-1 access fee of ~~forty-~~ 11882
sixty cents per month on each communications service, which 11883
shall be imposed as follows: 11884

(1) In the case of wireless telephone service, a 11885
subscriber shall pay a separate next generation 9-1-1 access fee 11886
for each wireless telephone number assigned to the subscriber. 11887

(2) In the case of a voice over internet protocol system, 11888
a subscriber shall pay a separate fee for each voice channel 11889
provided to the subscriber through the system. The number of 11890
voice channels shall be equal to the number of outbound calls 11891

the subscriber can maintain at the same time using the system, 11892
but excludes a direct inward dialing number that merely routes 11893
an inbound call. The maximum number of separate fees imposed on 11894
a subscriber's system shall not exceed one hundred voice 11895
channels per network. 11896

(3) In the case of a multiline telephone system, the 11897
subscriber shall pay a separate fee for each line. The maximum 11898
number of separate fees imposed on a single subscriber with a 11899
multiline telephone system shall not exceed one hundred per 11900
building with a unique street address or physically identifiable 11901
location. 11902

(C) If more than one communications service shares the 11903
same telephone number, then the next generation 9-1-1 access fee 11904
imposed shall not exceed ~~forty~~sixty cents per month. 11905

Sec. 128.46. (A) (1) An entity required to collect a 11906
wireless 9-1-1 charge under section 128.40 of the Revised Code 11907
or the next generation 9-1-1 access fee under section 128.414 or 11908
128.421 of the Revised Code shall, on or before the twenty-third 11909
day of each month, except as provided in divisions (A) (2) and 11910
(3) of this section, do both of the following: 11911

(a) Make and file a return for the preceding month, in the 11912
form prescribed by the tax commissioner, showing the amount of 11913
the charges or fees due for that month; 11914

(b) Remit the full amount due, as shown on the return, 11915
with the exception of charges or fees equivalent to the amount 11916
authorized as a collection fee under division (B) of this 11917
section. 11918

(2) The commissioner may grant one or more thirty-day 11919
extensions for making and filing returns and remitting amounts 11920

due. 11921

(3) If a seller is required to collect prepaid wireless 9- 11922
1-1 charges under section 128.40 of the Revised Code or next 11923
generation 9-1-1 access fees under section 128.421 of the 11924
Revised Code in amounts that do not merit monthly returns, the 11925
commissioner may authorize the seller to make and file returns 11926
less frequently. The commissioner shall ascertain whether this 11927
authorization is warranted upon the basis of administrative 11928
costs to the state. 11929

(B) A wireless service provider, reseller, and seller may 11930
each retain as a collection fee three per cent of the total 11931
wireless 9-1-1 charges required to be collected under sections 11932
128.40, 128.41, and 128.42 of the Revised Code, and shall 11933
account to the tax commissioner for the amount retained. 11934

(C) The return required under division (A) (1) (a) of this 11935
section shall be filed electronically using the Ohio business 11936
gateway, as defined in section 718.01 of the Revised Code, or 11937
any other electronic means prescribed by the tax commissioner. 11938
Remittance of the amount due shall be made electronically in a 11939
manner approved by the commissioner. An entity required to file 11940
the return may apply to the commissioner on a form prescribed by 11941
the commissioner to be excused from either electronic 11942
requirement of this division. For good cause shown, the 11943
commissioner may excuse the entity from either or both of the 11944
requirements and may permit the entity to file returns or make 11945
remittances by nonelectronic means. 11946

(D) (1) Each subscriber or consumer on which a wireless 9- 11947
1-1 charge is imposed under section 128.40 of the Revised Code 11948
or on which a next generation 9-1-1 access fee is imposed under 11949
section 128.41 or 128.42 of the Revised Code is liable to the 11950

state for the amount of the charge. 11951

(2) An entity required to collect the wireless 9-1-1 11952
charge under section 128.40 of the Revised Code or the next 11953
generation 9-1-1 access fee under section 128.414 or 128.421 of 11954
the Revised Code is liable to the state for any amount that was 11955
required to be collected but that was not remitted, regardless 11956
of whether the amount was collected. 11957

(3) No provider of a prepaid wireless calling service 11958
shall be liable to the state for any wireless 9-1-1 charge 11959
imposed under section 128.40 of the Revised Code or any next 11960
generation 9-1-1 access fee imposed under section 128.42 of the 11961
Revised Code that was not collected or remitted. 11962

(E) (1) If the tax commissioner has reason to believe that 11963
an entity required to collect a wireless 9-1-1 charge under 11964
section 128.40 of the Revised Code or the next generation 9-1-1 11965
access fee under section 128.414 or 128.421 of the Revised Code 11966
has failed to bill, collect, or remit the charge or fee as 11967
required by this section and sections 128.40 to 128.422 of the 11968
Revised Code or has retained more than the amount authorized 11969
under division (B) of this section, and after written notice to 11970
the entity, the tax commissioner may audit the entity for the 11971
sole purpose of making such a determination. The audit may 11972
include, but is not limited to, a sample of the entity's 11973
billings, collections, remittances, or retentions for a 11974
representative period, and the tax commissioner shall make a 11975
good faith effort to reach agreement with the entity in 11976
selecting that sample. 11977

(2) Upon written notice to the entity, the tax 11978
commissioner, after completion of the audit, may make an 11979
assessment against the entity if, pursuant to the audit, the tax 11980

commissioner determines that the entity has failed to bill, 11981
collect, or remit the charge or fee as required by sections 11982
128.40 to 128.422 of the Revised Code or has retained more than 11983
the amount authorized under division (B) of this section. The 11984
assessment shall be in the amount of any remittance that was due 11985
and unpaid on the date notice of the audit was sent by the tax 11986
commissioner to the entity or, as applicable, in the amount of 11987
the excess amount under division (B) of this section retained by 11988
the entity as of that date. 11989

(3) The portion of any assessment consisting of charges or 11990
fees due and not paid within sixty days after the date that the 11991
assessment was made under division (E) (2) of this section shall 11992
bear interest from that date until paid at the rate per annum 11993
prescribed by section 5703.47 of the Revised Code. That interest 11994
may be collected by making an assessment under division (E) (2) 11995
of this section. 11996

(4) Unless the entity assessed files with the tax 11997
commissioner within sixty days after service of the notice of 11998
assessment, ~~either personally or by certified mail,~~ a written 11999
petition for reassessment, signed by the entity assessed or that 12000
entity's authorized agent having knowledge of the facts, the 12001
assessment shall become final and the amount of the assessment 12002
shall be due and payable from the entity assessed to the 12003
treasurer of state, for deposit to the next generation 9-1-1 12004
fund, which is created under section 128.54 of the Revised Code. 12005
The petition shall indicate the objections of the entity 12006
assessed, but additional objections may be raised in writing if 12007
received by the commissioner prior to the date shown on the 12008
final determination. If the petition has been properly filed, 12009
the commissioner shall proceed under section 5703.60 of the 12010
Revised Code. 12011

(5) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas in the county in which the business of the assessed entity is conducted. If the entity assessed maintains no place of business in this state, the certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas of Franklin county. Immediately upon the filing, the clerk shall enter a judgment for the state against the assessed entity in the amount shown on the final assessment. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for 9-1-1 charges and fees" and shall have the same effect as other judgments. The judgment shall be executed upon the request of the tax commissioner.

(6) If the commissioner determines that the commissioner erroneously has refunded a 9-1-1 charge or fee to any person, the commissioner may make an assessment against that person for recovery of the erroneously refunded charge.

(7) An assessment under division (E) of this section does not discharge a subscriber's or consumer's liability to reimburse the entity for a 9-1-1 charge or fee. If, after the date of service of the audit notice under division (E)(1) of this section, a subscriber or consumer pays a 9-1-1 charge or fee for the period covered by the assessment, the payment shall be credited against the assessment.

Sec. 128.99. (A) Whoever violates division (F) of section 128.96 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (G) or (H) of section 128.96

or division (B) (2) of section 128.60 of the Revised Code is 12042
guilty of a misdemeanor of the fourth degree on a first offense 12043
and a felony of the fifth degree on each subsequent offense. 12044

(C) If a wireless service provider, reseller, or seller 12045
violates division (A) (1) (a) of section 128.46 of the Revised 12046
Code, and does not comply with any extensions granted under 12047
division (A) (2) of that section, the tax commissioner may impose 12048
a late-filing penalty of not more than the greater of fifty 12049
dollars or five per cent of the amount required to be remitted 12050
as described in division (B) (1) (b) of that section. 12051

(D) If a wireless service provider, reseller, or seller 12052
fails to comply with division (A) (1) (b) of section 128.46 of the 12053
Revised Code, the tax commissioner may impose a late-payment 12054
penalty of not more than the greater of fifty dollars or five 12055
per cent of the wireless 9-1-1 charge required to be remitted 12056
for the reporting period minus any partial remittance made on or 12057
before the due date, including any extensions granted under 12058
division (A) (2) of section 128.46 of the Revised Code. 12059

(E) The tax commissioner may impose an assessment penalty 12060
of not more than the greater of one hundred dollars or thirty- 12061
five per cent of the wireless 9-1-1 charges due after the tax 12062
commissioner notifies the person of an audit, an examination, a 12063
delinquency, assessment, or other notice that additional 12064
wireless 9-1-1 charges are due. 12065

(F) If a wireless service provider, reseller, or seller 12066
fails to comply with either electronic requirement of division 12067
(C) of section 128.46 of the Revised Code, the tax commissioner 12068
may impose an electronic penalty, for either or both failures to 12069
comply, of not more than the lesser of the following: 12070

(1) The greater of one hundred dollars or ten per cent of 12071
the amount required to be, but not, remitted electronically; 12072

(2) Five thousand dollars. 12073

(G) Each penalty described in divisions (C) to (F) of this 12074
section is in addition to any other penalty described in those 12075
divisions. ~~The tax commissioner may abate all or any portion of~~ 12076
~~any penalty described in those divisions.~~ 12077

(H) An operator in violation of section 128.24 of the 12078
Revised Code may be assessed a fine of up to five thousand 12079
dollars per offense. 12080

(I) (1) If a business service user fails to comply with 12081
section 128.241 of the Revised Code without being exempt under 12082
section 128.242 of the Revised Code, the 9-1-1 steering 12083
committee shall request the attorney general to bring an action 12084
to recover one of the following amounts from the user: 12085

(a) One thousand dollars for an initial failure; 12086

(b) Up to five thousand dollars for each subsequent 12087
failure within each continuing six-month period in which the 12088
user remains noncompliant. 12089

(2) Any funds recovered under division (I) (1) of this 12090
section shall be deposited into the next generation 9-1-1 fund 12091
created under section 128.54 of the Revised Code. 12092

(3) Divisions (I) (1) and (2) of this section shall not 12093
apply if they are preempted by or in conflict with federal law. 12094

Sec. 131.01. As used in Chapters 113., 117., 123., 124., 12095
125., 126., 127., and 131. of the Revised Code, and any statute 12096
that uses the terms in connection with state accounting or 12097
budgeting: 12098

(A) "Account" means any record, element, or summary in 12099
which financial transactions are identified and recorded as 12100
debit or credit transactions in order to summarize items of a 12101
similar nature or classification. 12102

(B) "Accounting procedure" means the arrangement of all 12103
processes which discover, record, and summarize financial 12104
information to produce financial statements and reports and to 12105
provide internal control. 12106

(C) "Accounting system" means the total structure of 12107
records and procedures which discover, record, classify, and 12108
report information on the financial position and operations of a 12109
governmental unit or any of its funds and organizational 12110
components. 12111

(D) "Allocation" means a portion of an appropriation which 12112
is designated for expenditure by specific organizational units 12113
or for special purposes, activities, or objects that do not 12114
relate to a period of time. 12115

(E) "Allotment" means all or part of an appropriation 12116
which may be encumbered or expended within a specific period of 12117
time. 12118

(F) "Appropriation" means an authorization granted by the 12119
general assembly to make expenditures and to incur obligations 12120
for specific purposes. 12121

(G) "Assets" means resources owned, controlled, or 12122
otherwise used or held by the state which have monetary value. 12123

(H) "Budget" means the plan of financial operation 12124
embodying an estimate of proposed expenditures and obligations 12125
for a given period and the proposed means of financing them. 12126

(I) "Check" means a negotiable financial instrument, 12127
payable upon demand, directing a financial institution to 12128
transfer money from the payer's account to the payee. 12129

(J) "Direct deposit" is a form of electronic funds 12130
transfer in which money is electronically deposited into the 12131
account of a person or entity at a financial institution. 12132

~~(J)~~ (K) "Disbursement" means a payment made for any 12133
purpose. 12134

~~(K)~~ (L) "Electronic benefit transfer" means the electronic 12135
delivery of benefits through automated teller machines, point of 12136
sale terminals, or other electronic media pursuant to section 12137
5101.33 of the Revised Code. 12138

~~(L)~~ (M) "Electronic funds transfer" means the electronic 12139
movement of funds via automated clearing house or wire transfer. 12140

~~(M)~~ (N) "Encumbrancing document" means a document reserving 12141
all or part of an appropriation. 12142

~~(N)~~ (O) "Expenditure" means a reduction of the balance of 12143
an appropriation after legal requirements have been met. 12144

~~(O)~~ (P) "Fund" means an independent fiscal and accounting 12145
entity with a self-balancing set of accounts recording cash or 12146
other resources, together with all related liabilities, 12147
obligations, reserves, and fund balances which are segregated 12148
for the purpose of carrying on specific activities or attaining 12149
certain objectives in accordance with special rules, 12150
restrictions, or limitations. 12151

~~(P)~~ (Q) "Lapse" means the automatic termination of an 12152
appropriation at the end of the fiscal period for which it was 12153
appropriated. 12154

~~(Q)~~(R) "Reappropriation" means an appropriation of a 12155
previous appropriation that is continued in force in a 12156
succeeding appropriation period. "Reappropriation" shall be 12157
equated with and incorporated in the term "appropriation." 12158

~~(R)~~(S) "Stored value card" means a payment card that may 12159
have money loaded and stored on the card and accessed through 12160
automated teller machines, point of sale terminals, or other 12161
electronic media. "Stored value card" does not include any 12162
payment card linked to, and that can access money in, an 12163
external account maintained by a financial institution. 12164

~~(S)~~(T) "Voucher" means the document used to transmit a 12165
claim for payment and evidentiary matter related to the claim. 12166

~~(T)~~(U) "Warrant" means an order drawn upon the treasurer 12167
of state by the director of budget and management, or an 12168
authorized person at a state entity that has a custodial account 12169
in the custody of the treasurer of state, directing the 12170
treasurer of state to pay a specified amount to one or more 12171
specified payees. A variety of payment instruments may be used, 12172
including but not limited to paper warrants or checks, stored 12173
value cards, direct deposit to the payee's bank account, or the 12174
drawdown of funds by electronic benefit transfer, and the 12175
resulting electronic transfer to or by the ultimate payees. 12176

The terms defined in this section shall be used, on all 12177
accounting forms, reports, formal rules, and budget requests 12178
produced by a state agency, only as defined in this section. 12179

Sec. 131.50. (A) As used in this section, "state agency" 12180
has the same meaning as in section 155.30 of the Revised Code. 12181

(B) There is hereby created in the state treasury the 12182
state land royalty fund consisting of money credited to it under 12183

section 155.33 of the Revised Code. Any investment proceeds 12184
earned on money in the fund shall be credited to the fund. 12185

~~(B) (1)~~ (C) (1) A state agency is entitled to receive from 12186
the fund the amount that the state agency contributed and a 12187
share of the investment earnings of the fund in an amount that 12188
is equivalent to the proportionate share of contributions made 12189
by the state agency to the fund. Regarding the department of 12190
natural resources, each division within the department is 12191
entitled to receive from the department's proportionate share 12192
all amounts received by the department that are attributable to 12193
the state-owned land controlled by that division. 12194

(2) ~~The treasurer of state, in consultation with~~ Upon 12195
request from a state agency entitled to receive revenue in 12196
accordance with this section, the director of budget and 12197
management, shall ~~disburse money~~ transfer cash from the state 12198
land royalty fund to the natural resources land royalty fund, 12199
the wildlife land royalty fund, the transportation land royalty 12200
fund, or the appropriate fund designated by ~~the~~ any other state 12201
agency, as applicable, not later than thirty days after the 12202
deposit of any money into the state land royalty fund. ~~If the~~ 12203
~~state agency is the department of natural resources, the~~ 12204
~~treasurer of state, in consultation with the director of budget~~ 12205
~~and management and the director of natural resources, shall~~ 12206
~~disburse the money to the appropriate fund designated by the~~ 12207
~~applicable division within the department.~~ 12208

(3) A state agency or, as applicable, a division of the 12209
department of natural resources, may use the money for any costs 12210
and expenses the agency determines are necessary. 12211

~~(C) As used in this section, "state agency" has the same~~ 12212
~~meaning as in section 155.30 of the Revised Code.~~ (D) (1) The 12213

natural resources land royalty fund is created in the state 12214
treasury. The fund shall consist of money credited to it under 12215
division (C) of this section for leased mineral rights on land 12216
owned or controlled by the department of natural resources, 12217
other than the division of wildlife. All investment earnings of 12218
the fund shall be credited to the fund. 12219

(2) The wildlife land royalty fund is created in the state 12220
treasury. The fund shall consist of money credited to it under 12221
division (C) of this section for leased mineral rights on land 12222
owned or controlled by the division of wildlife in the 12223
department of natural resources. All investment earnings of the 12224
fund shall be credited to the fund. 12225

(3) The transportation land royalty fund is created in the 12226
state treasury. The fund shall consist of money credited to it 12227
under division (C) of this section for leased mineral rights on 12228
land owned or controlled by the department of transportation. 12229
All Investment earnings of the fund shall be credited to the 12230
fund. 12231

Sec. 131.51. (A) On or before the seventh day of each 12232
month, the director of budget and management shall credit to the 12233
local government fund one and ~~seven-tenths~~ seventy-five one- 12234
hundredths per cent of the total tax revenue credited to the 12235
general revenue fund during the preceding month. In determining 12236
the total tax revenue credited to the general revenue fund 12237
during the preceding month, the director shall include amounts 12238
transferred from the fund during the preceding month under this 12239
~~division and division (B) of this section.~~ Money shall be 12240
distributed from the local government fund as required under 12241
sections 5747.50 and 5747.503 of the Revised Code during the 12242
same month in which it is credited to the fund. 12243

(B) On or before the seventh day of each month, the 12244
director of budget and management shall credit to the public 12245
library fund ~~one and seven-tenths per cent of the total tax~~ 12246
~~revenue credited to the general revenue fund during the~~ 12247
~~preceding month. In determining the total tax revenue credited~~ 12248
~~to the general revenue fund during the preceding month, the~~ 12249
~~director shall include amounts transferred from the fund during~~ 12250
~~the preceding month under this division and division (A) of this~~ 12251
~~section, from the general revenue fund, one-twelfth of the~~ 12252
amount appropriated by the general assembly for the public 12253
library fund for the fiscal year. Money shall be distributed 12254
from the public library fund as required under section 5747.47 12255
of the Revised Code during the same month in which it is 12256
credited to the fund. 12257

(C) The director of budget and management shall develop a 12258
schedule identifying the specific tax revenue sources to be used 12259
to make the monthly transfers required under ~~divisions~~ division 12260
(A) ~~and (B)~~ of this section. The director may, from time to 12261
time, revise the schedule as the director considers necessary. 12262

Sec. 135.01. Except as otherwise provided in sections 12263
135.14, 135.143, 135.181, and 135.182 of the Revised Code, as 12264
used in sections 135.01 to 135.21 of the Revised Code: 12265

(A) "Active deposit" means a public deposit necessary to 12266
meet current demands on the treasury, or on a fund that is in 12267
the custody of the treasurer of state but not part of the state 12268
treasury, and that is deposited in any of the following: 12269

(1) A commercial account that is payable or withdrawable, 12270
in whole or in part, on demand; 12271

(2) A negotiable order of withdrawal account as authorized 12272

in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 12273
146, 12 U.S.C.A. 1832(a); 12274

(3) A money market deposit account as authorized in the 12275
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 12276
1501, 12 U.S.C. 3503. 12277

(B) "Auditor" includes the auditor of state and the 12278
auditor, or officer exercising the functions of an auditor, of 12279
any subdivision. 12280

(C) "Capital funds" means the sum of the following: the 12281
par value of the outstanding common capital stock, the par value 12282
of the outstanding preferred capital stock, the aggregate par 12283
value of all outstanding capital notes and debentures, and the 12284
surplus. In the case of an institution having offices in more 12285
than one county, the capital funds of such institution, for the 12286
purposes of sections 135.01 to 135.21 of the Revised Code, 12287
relative to the deposit of the public moneys of the subdivisions 12288
in one such county, shall be considered to be that proportion of 12289
the capital funds of the institution that is represented by the 12290
ratio that the deposit liabilities of such institution 12291
originating at the office located in the county bears to the 12292
total deposit liabilities of the institution. 12293

(D) "Governing board" means, in the case of the state, the 12294
state board of deposit; in the case of all school districts and 12295
educational service centers except as otherwise provided in this 12296
section, the board of education or governing board of a service 12297
center, and when the case so requires, the board of 12298
commissioners of the sinking fund; in the case of a municipal 12299
corporation, the legislative authority, and when the case so 12300
requires, the board of trustees of the sinking fund; in the case 12301
of a township, the board of township trustees; in the case of a 12302

union or joint institution or enterprise of two or more 12303
subdivisions not having a treasurer, the board of directors or 12304
trustees thereof; and in the case of any other subdivision 12305
electing or appointing a treasurer, the directors, trustees, or 12306
other similar officers of such subdivision. The governing board 12307
of a subdivision electing or appointing a treasurer shall be the 12308
governing board of all other subdivisions for which such 12309
treasurer is authorized by law to act. In the case of a county 12310
school financing district that levies a tax pursuant to section 12311
5705.215 of the Revised Code, the county board of education that 12312
serves as its taxing authority shall operate as a governing 12313
board. Any other county board of education shall operate as a 12314
governing board unless it adopts a resolution designating the 12315
board of county commissioners as the governing board for the 12316
county school district. 12317

(E) "Inactive deposit" means a public deposit other than 12318
an interim deposit or an active deposit. 12319

(F) "Interim deposit" means a deposit of interim moneys. 12320
"Interim moneys" means public moneys in the treasury of any 12321
subdivision after the award of inactive deposits has been made 12322
in accordance with section 135.07 of the Revised Code, which 12323
moneys are in excess of the aggregate amount of the inactive 12324
deposits as estimated by the governing board prior to the period 12325
of designation and which the governing board finds should not be 12326
deposited as active or inactive deposits for the reason that 12327
such moneys will not be needed for immediate use but will be 12328
needed before the end of the period of designation. In the case 12329
of the state treasury, "interim moneys" means public moneys that 12330
are not active deposits and may be invested in accordance with 12331
section 135.143 of the Revised Code. 12332

(G) "Permissible rate of interest" means a rate of 12333
interest that all eligible institutions mentioned in section 12334
135.03 of the Revised Code are permitted to pay by law or valid 12335
regulations. 12336

(H) "Warrant clearance account" means an account 12337
established by the treasurer of state for either of the 12338
following purposes: 12339

~~(a)~~ (1) The deposit of active state moneys for the purposes 12340
of clearing state paper warrants or checks through the banking 12341
system, funding electronic benefit transfer cards, issuing 12342
stored value cards, or otherwise facilitating the settlement of 12343
state obligations; 12344

~~(b)~~ (2) The deposit of custodial moneys from an account 12345
held in the custody of the treasurer of state to facilitate 12346
settlement of obligations of the custodial fund. 12347

(I) "Public deposit" means public moneys deposited in a 12348
public depository pursuant to sections 135.01 to 135.21 of the 12349
Revised Code. 12350

(J) "Public depository" means an institution which 12351
receives or holds any public deposits. 12352

(K) "Public moneys" means all moneys in the treasury of 12353
the state or any subdivision of the state, or moneys coming 12354
lawfully into the possession or custody of the treasurer of 12355
state or of the treasurer of any subdivision. "Public moneys of 12356
the state" includes all such moneys coming lawfully into the 12357
possession of the treasurer of state; and "public moneys of a 12358
subdivision" includes all such moneys coming lawfully into the 12359
possession of the treasurer of the subdivision. 12360

(L) "Subdivision" means any municipal corporation, except 12361

one which has adopted a charter under Article XVIII, Ohio 12362
Constitution, and the charter or ordinances of the chartered 12363
municipal corporation set forth special provisions respecting 12364
the deposit or investment of its public moneys, or any school 12365
district or educational service center, a county school 12366
financing district, township, municipal or school district 12367
sinking fund, special taxing or assessment district, or other 12368
district or local authority electing or appointing a treasurer, 12369
except a county. In the case of a school district or educational 12370
service center, special taxing or assessment district, or other 12371
local authority for which a treasurer, elected or appointed 12372
primarily as the treasurer of a subdivision, is authorized or 12373
required by law to act as ex officio treasurer, the subdivision 12374
for which such a treasurer has been primarily elected or 12375
appointed shall be considered to be the "subdivision." The term 12376
also includes a union or joint institution or enterprise of two 12377
or more subdivisions, that is not authorized to elect or appoint 12378
a treasurer, and for which no ex officio treasurer is provided 12379
by law. 12380

(M) "Treasurer" means, in the case of the state, the 12381
treasurer of state and in the case of any subdivision, the 12382
treasurer, or officer exercising the functions of a treasurer, 12383
of such subdivision. In the case of a board of trustees of the 12384
sinking fund of a municipal corporation, the board of 12385
commissioners of the sinking fund of a school district, or a 12386
board of directors or trustees of any union or joint institution 12387
or enterprise of two or more subdivisions not having a 12388
treasurer, such term means such board of trustees of the sinking 12389
fund, board of commissioners of the sinking fund, or board of 12390
directors or trustees. 12391

(N) "Treasury investment board" of a municipal corporation 12392

means the mayor or other chief executive officer, the village 12393
solicitor or city director of law, and the auditor or other 12394
chief fiscal officer. 12395

(O) "No-load money market mutual fund" means a no-load 12396
money market mutual fund to which all of the following apply: 12397

(1) The fund is registered as an investment company under 12398
the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 12399
80a-1 to 80a-64; 12400

(2) The fund has the highest letter or numerical rating 12401
provided by at least one nationally recognized statistical 12402
rating organization; 12403

(3) The fund does not include any investment in a 12404
derivative. As used in division (O)(3) of this section, 12405
"derivative" means a financial instrument or contract or 12406
obligation whose value or return is based upon or linked to 12407
another asset or index, or both, separate from the financial 12408
instrument, contract, or obligation itself. Any security, 12409
obligation, trust account, or other instrument that is created 12410
from an issue of the United States treasury or is created from 12411
an obligation of a federal agency or instrumentality or is 12412
created from both is considered a derivative instrument. An 12413
eligible investment described in section 135.14 or 135.35 of the 12414
Revised Code with a variable interest rate payment, based upon a 12415
single interest payment or single index comprised of other 12416
investments provided for in division (B)(1) or (2) of section 12417
135.14 of the Revised Code, is not a derivative, provided that 12418
such variable rate investment has a maximum maturity of two 12419
years. 12420

(P) "Public depositor" means the state or a subdivision, 12421

as applicable, that deposits public moneys in a public 12422
depository pursuant to sections 135.01 to 135.21 of the Revised 12423
Code. 12424

(Q) "Uninsured public deposit" means the portion of a 12425
public deposit that is not insured by the federal deposit 12426
insurance corporation or by any other agency or instrumentality 12427
of the federal government. 12428

Sec. 135.03. (A) As used in this section, "banking office" 12429
has the same meaning as in section 1101.01 of the Revised Code. 12430

(B) Any national bank, any bank doing business under 12431
authority granted by the superintendent of financial 12432
institutions, or any bank doing business under authority granted 12433
by the regulatory authority of another state of the United 12434
States, and which has a banking office located in this state, is 12435
eligible to become a public depository, subject to sections 12436
135.01 to 135.21 of the Revised Code. No bank shall receive or 12437
have on deposit at any one time public moneys, including public 12438
moneys as defined in section 135.31 of the Revised Code, in an 12439
aggregate amount in excess of thirty per cent of its total 12440
assets, as shown in its latest report to the comptroller of the 12441
currency, the superintendent of financial institutions, the 12442
federal deposit insurance corporation, or the board of governors 12443
of the federal reserve system. 12444

(C) Any federal savings association or any savings and 12445
loan association or savings bank doing business under authority 12446
granted by the regulatory authority of another state of the 12447
United States, and which has a banking office located in this 12448
state, and authorized to accept deposits is eligible to become a 12449
public depository, subject to sections 135.01 to 135.21 of the 12450
Revised Code. No savings association, savings and loan 12451

association, or savings bank shall receive or have on deposit at 12452
any one time public moneys, including public moneys as defined 12453
in section 135.31 of the Revised Code, in an aggregate amount in 12454
excess of thirty per cent of its total assets, as shown in its 12455
latest report to the former office of thrift supervision, the 12456
comptroller of the currency, the superintendent of financial 12457
institutions, the federal deposit insurance corporation, or the 12458
board of governors of the federal reserve system. 12459

Sec. 135.143. (A) The treasurer of state may invest or 12460
execute transactions for any part or all of the interim funds of 12461
the state in the following classifications of obligations: 12462

(1) United States treasury bills, notes, bonds, or any 12463
other obligations or securities issued by the United States 12464
treasury or any other obligation guaranteed as to principal and 12465
interest by the United States; 12466

(2) Bonds, notes, debentures, or any other obligations or 12467
securities issued by any federal government agency or 12468
instrumentality; 12469

(3) (a) Bonds, notes, and other obligations of the state of 12470
Ohio, including, but not limited to, any obligations issued by 12471
the treasurer of state, the Ohio public facilities commission, 12472
the Ohio housing finance agency, the Ohio water development 12473
authority, the Ohio turnpike infrastructure commission, the Ohio 12474
higher educational facility commission, and state institutions 12475
of higher education as defined in section 3345.011 of the 12476
Revised Code; 12477

(b) Bonds, notes, and other obligations of any state or 12478
political subdivision thereof rated in the three highest 12479
categories by at least one nationally recognized statistical 12480

rating organization and purchased through a registered 12481
securities broker or dealer, provided the treasurer of state is 12482
not the sole purchaser of the bonds, notes, or other obligations 12483
at original issuance. 12484

(4) (a) Written repurchase agreements with any eligible 12485
Ohio financial institution that is a member of the federal 12486
reserve system or federal home loan bank, any registered United 12487
States government securities dealer, or any counterparty rated 12488
in one of the three highest categories by at least one 12489
nationally recognized statistical rating organization or 12490
otherwise determined by the treasurer of state to have adequate 12491
capital and liquidity, under the terms of which agreement the 12492
treasurer of state purchases and the eligible financial 12493
institution, dealer, or counterparty agrees unconditionally to 12494
repurchase any of the securities that are listed in division (A) 12495
(1), (2), (3), (6), or (11) of this section. The market value of 12496
securities subject to these transactions must exceed the 12497
principal value of the repurchase agreement by an amount 12498
specified by the treasurer of state, and the securities must be 12499
delivered into the custody of the treasurer of state or the 12500
qualified trustee or agent designated by the treasurer of state. 12501
The agreement shall contain the requirement that for each 12502
transaction pursuant to the agreement, the participating 12503
institution, dealer, or counterparty shall provide all of the 12504
following information: 12505

(i) The par value of the securities; 12506

(ii) The type, rate, and maturity date of the securities; 12507

(iii) A numerical identifier generally accepted in the 12508
securities industry that designates the securities. 12509

(b) The treasurer of state also may sell any securities, 12510
listed in division (A) (1), (2), (6), or (11) of this section, 12511
regardless of maturity or time of redemption of the securities, 12512
under the same terms and conditions for repurchase, provided 12513
that the securities have been fully paid for and are owned by 12514
the treasurer of state at the time of the sale. 12515

(c) For purposes of division (A) (4) of this section, the 12516
treasurer of state shall only buy or sell securities listed in 12517
division (A) (11) of this section issued by entities that are 12518
organized under the laws of this state, any other state, or the 12519
United States. 12520

(5) Securities lending agreements with any eligible 12521
financial institution that is a member of the federal reserve 12522
system or federal home loan bank or any recognized United States 12523
government securities dealer, under the terms of which 12524
agreements the treasurer of state lends securities and the 12525
eligible financial institution or dealer agrees to 12526
simultaneously exchange similar securities or cash, equal value 12527
for equal value. 12528

Securities and cash received as collateral for a 12529
securities lending agreement are not interim funds of the state. 12530
The investment of cash collateral received pursuant to a 12531
securities lending agreement may be invested only in such 12532
instruments specified by the treasurer of state in accordance 12533
with a written investment policy. 12534

(6) Various forms of commercial paper issued by any entity 12535
that is organized under the laws of the United States or a 12536
state, which notes are rated in the two highest categories by 12537
two nationally recognized statistical rating organizations, 12538
provided that the total amount invested under this section in 12539

any commercial paper at any time shall not exceed forty per cent 12540
of the state's total average portfolio, as determined and 12541
calculated by the treasurer of state; 12542

(7) Bankers acceptances, maturing in two hundred seventy 12543
days or less, provided that the total amount invested in bankers 12544
acceptances at any time shall not exceed ten per cent of the 12545
state's total average portfolio, as determined and calculated by 12546
the treasurer of state; 12547

(8) Certificates of deposit, savings accounts, or deposit 12548
accounts in eligible institutions applying for interim moneys as 12549
provided in section 135.08 of the Revised Code, including linked 12550
deposits as authorized under section 135.61 of the Revised Code; 12551

(9) Negotiable certificates of deposit denominated in 12552
United States dollars issued by a nationally or state-chartered 12553
bank, a savings association or a federal savings association, a 12554
state or federal credit union, or a federally licensed or state- 12555
licensed branch of a foreign bank, which are rated in the two 12556
highest categories by two nationally recognized statistical 12557
rating organizations, provided that the total amount invested 12558
under this section in negotiable certificates of deposit at any 12559
time shall not exceed twenty-five per cent of the state's total 12560
average portfolio, as determined and calculated by the treasurer 12561
of state. Interim funds invested in accordance with division (A) 12562
(9) of this section are not limited to institutions applying for 12563
interim moneys under section 135.08 of the Revised Code, nor are 12564
they subject to any pledging requirements described in sections 12565
135.18, 135.181, or 135.182 of the Revised Code. 12566

(10) The state treasurer's investment pool authorized 12567
under section 135.45 of the Revised Code; 12568

(11) Debt interests, other than commercial paper described 12569
in division (A) (6) of this section, rated in the three highest 12570
categories by two nationally recognized statistical rating 12571
organizations and issued by entities that are organized under 12572
the laws of the United States or a state, or issued by foreign 12573
nations diplomatically recognized by the United States 12574
government, or any instrument based on, derived from, or related 12575
to such interests, provided that: 12576

(a) The investments in debt interests other than 12577
commercial paper, when added to the investment in written 12578
repurchase agreements for securities listed in division (A) (3) 12579
or (11) of this section, shall not exceed in the aggregate 12580
twenty-five per cent of the state's portfolio. 12581

(b) The investments in debt interests issued by foreign 12582
nations shall not exceed in the aggregate two per cent of the 12583
state's portfolio. 12584

The treasurer of state shall invest under division (A) (11) 12585
of this section in a debt interest issued by a foreign nation 12586
only if the debt interest is backed by the full faith and credit 12587
of that foreign nation, and provided that all interest and 12588
principal shall be denominated and payable in United States 12589
funds. 12590

(c) When added to the investment in commercial paper and 12591
negotiable certificates of deposit, the investments in the debt 12592
interests of a single issuer shall not exceed in the aggregate 12593
five per cent of the state's portfolio. 12594

(d) For purposes of division (A) (11) of this section, a 12595
debt interest is rated in the three highest categories by two 12596
nationally recognized statistical rating organizations if either 12597

the debt interest itself or the issuer of the debt interest is 12598
rated, or is implicitly rated, in the three highest categories 12599
by two nationally recognized statistical rating organizations. 12600

(e) For purposes of division (A)(11) of this section, the 12601
"state's portfolio" means the state's total average portfolio, 12602
as determined and calculated by the treasurer of state. 12603

(12) No-load money market mutual funds rated in the 12604
highest category by one nationally recognized statistical rating 12605
organization or consisting exclusively of obligations described 12606
in division (A)(1), (2), or (6) of this section and repurchase 12607
agreements secured by such obligations; 12608

(13) Obligations issued by, or on behalf of, an Ohio 12609
political subdivision under Chapter 133. of the Revised Code or 12610
Section 12 of Article XVIII, Ohio Constitution, and identified 12611
in an agreement described in division (G) of this section; 12612

(14) Obligations issued by the state of Ohio, any 12613
political subdivision thereof, or by or on behalf of any 12614
nonprofit corporation or association doing business in this 12615
state rated in the four highest categories by at least one 12616
nationally recognized statistical rating organization and 12617
identified in an agreement described in division (K) of this 12618
section. 12619

~~(B)~~ (B) (1) On or before the tenth day of each month, the 12620
treasurer of state shall notify the state board of deposit that 12621
the following reports pertaining to the immediately preceding 12622
month have been posted to the web site maintained by the 12623
treasurer of state: 12624

~~(1)~~ (a) The daily ledger report of state funds prepared in 12625
accordance with section 113.13 of the Revised Code; 12626

~~(2)~~ (b) The monthly portfolio report detailing the current 12627
inventory of all investments and deposits held within the 12628
classification of interim moneys; 12629

~~(3)~~ (c) The monthly activity report within the 12630
classification of interim moneys summarized by type of 12631
investment or deposit. 12632

(2) In the event the state board of deposit does not 12633
concur in such classification or in the investments or deposits 12634
made under this section, subject to division (B) (3) of this 12635
section, the board may order the treasurer of state to sell or 12636
liquidate any of the investments or deposits, and any such order 12637
shall specifically describe the investments or deposits and fix 12638
the date upon which they are to be sold or liquidated. 12639
Investments or deposits so ordered to be sold or liquidated 12640
shall be sold or liquidated for cash by the treasurer of state 12641
on the date fixed in such order at the then current market 12642
price. Neither the treasurer of state nor the members of the 12643
state board of deposit shall be held accountable for any loss 12644
occasioned by sales or liquidations of investments or deposits 12645
at prices lower than their cost. Any loss or expense incurred in 12646
making these sales or liquidations is payable as other expenses 12647
of the treasurer's office. 12648

(3) Unless expressly authorized by the laws of this state, 12649
the state board of deposit shall not order the treasurer of 12650
state to sell or liquidate investments or deposits with the 12651
primary purpose of influencing any environmental, social, 12652
personal, or ideological policy. 12653

(C) If any securities or obligations invested in by the 12654
treasurer of state pursuant to this section are registrable 12655
either as to principal or interest, or both, such securities or 12656

obligations shall be registered in the name of the treasurer of 12657
state. 12658

(D) The treasurer of state is responsible for the 12659
safekeeping of all securities or obligations under this section. 12660
Any such securities or obligations may be deposited for 12661
safekeeping as provided in section 113.05 of the Revised Code. 12662

(E) Interest earned on any investments or deposits 12663
authorized by this section shall be collected by the treasurer 12664
of state and credited by the treasurer of state to the proper 12665
fund of the state. 12666

(F) Whenever investments or deposits acquired under this 12667
section mature and become due and payable, the treasurer of 12668
state shall present them for payment according to their tenor, 12669
and shall collect the moneys payable thereon. The moneys so 12670
collected shall be treated as public moneys subject to sections 12671
135.01 to 135.21 of the Revised Code. 12672

(G) The treasurer of state and any entity issuing 12673
obligations referred to in division (A) (13) of this section, 12674
which obligations mature within one year from the original date 12675
of issuance, may enter into an agreement providing for: 12676

(1) The purchase of those obligations by the treasurer of 12677
state on terms and subject to conditions set forth in the 12678
agreement; 12679

(2) The payment to the treasurer of state of a reasonable 12680
fee as consideration for the agreement of the treasurer of state 12681
to purchase those obligations; provided, however, that the 12682
treasurer of state shall not be authorized to enter into any 12683
such agreement with a board of education of a school district 12684
that has an outstanding obligation with respect to a loan 12685

received under authority of section 3313.483 of the Revised 12686
Code. 12687

(H) For purposes of division (G) of this section, a fee 12688
shall not be considered reasonable unless it is set to recover 12689
only the direct costs, a reasonable estimate of the indirect 12690
costs associated with the purchasing of obligations under 12691
division (G) of this section and any reselling of the 12692
obligations or any interest in the obligations, including 12693
interests in a fund comprised of the obligations, and the 12694
administration thereof. No money from the general revenue fund 12695
shall be used to subsidize the purchase or resale of these 12696
obligations. 12697

(I) All money collected by the treasurer of state from the 12698
fee imposed by division (G) of this section shall be deposited 12699
to the credit of the state political subdivision obligations 12700
fund, which is hereby created in the state treasury. Money 12701
credited to the fund shall be used solely to pay the treasurer 12702
of state's direct and indirect costs associated with purchasing 12703
and reselling obligations under division (G) of this section. 12704

(J) As used in this section, "political subdivision" means 12705
a county, township, municipal corporation, school district, or 12706
other body corporate and politic responsible for governmental 12707
activities in a geographic area smaller than that of the state. 12708

(K) (1) The treasurer of state and any entity issuing 12709
obligations referred to in division (A) (14) of this section, 12710
which obligations require a conditional liquidity requirement, 12711
may enter into an agreement providing for the following: 12712

(a) The purchase of the obligations by the treasurer of 12713
state on terms and subject to conditions set forth in the 12714

agreement; 12715

(b) Payment to the treasurer of state of a fee as 12716
consideration for the agreement of the treasurer of state to 12717
purchase the obligations. 12718

(2) The treasurer of state shall not enter into agreements 12719
under division (K) (1) of this section for obligations that, in 12720
the aggregate, exceed ten per cent of the state's total average 12721
portfolio, as determined and calculated by the treasurer of 12722
state. 12723

(3) For purposes of division (A) (14) of this section, an 12724
obligation is rated in the four highest categories by at least 12725
one nationally recognized statistical rating organization if 12726
either the debt interest itself or the obligor of the debt 12727
interest is rated in the four highest categories by at least one 12728
nationally recognized statistical rating organization. 12729

(4) All money collected by the treasurer of state from the 12730
fee imposed by division (K) of this section shall be deposited 12731
to the credit of the state securities tender program fund, which 12732
is hereby created in the state treasury. The amount of income 12733
from the state securities tender program credited to the state 12734
securities tender program fund shall not exceed one per cent of 12735
the average par value of obligations subject to agreements under 12736
division (K) (1) of this section. All other such income shall be 12737
credited to the general revenue fund. The treasurer of state may 12738
use the state securities tender program fund solely for 12739
operations of the office of the treasurer of state. 12740

(L) (1) The treasurer of state and a state university or 12741
college issuing obligations under section 3345.12 of the Revised 12742
Code may enter into an agreement providing for the following: 12743

(a) The purchase of those obligations by the treasurer of 12744
state pursuant to division (A) (3) (a) of this section on terms 12745
and subject to conditions set forth in the agreement; 12746

(b) The department of higher education to withhold, in the 12747
event the state university or college does not pay bond service 12748
charges on the obligations when due, appropriated funds 12749
allocated to the state university or college in an amount 12750
sufficient to pay bond service charges on the obligations, less 12751
any amounts deposited for that purpose under the bond 12752
proceedings. Upon the request of the treasurer of state, the 12753
department of higher education shall promptly pay to the 12754
treasurer of state the amounts withheld. 12755

(2) For purposes of division (L) (1) of this section, 12756
"obligations," "state university or college," "bond service 12757
charges," and "bond proceedings" have the same meanings as in 12758
section 3345.12 of the Revised Code. 12759

(M) Unless expressly authorized by the laws of this state, 12760
the treasurer of state shall not do either of the following: 12761

(1) Make an investment decision with the primary purpose 12762
of influencing any environmental, social, personal, or 12763
ideological policy; 12764

(2) Permit any person or entity to which the treasurer of 12765
state delegates the management of the investment of state money 12766
to make investment decisions with state money with the primary 12767
purpose of influencing any environmental, social, personal, or 12768
ideological policy. 12769

Sec. 135.1411. Unless expressly authorized by the laws of 12770
this state, the treasurer or the governing board of a municipal 12771
corporation shall not do either of the following: 12772

(A) Make an investment decision with the primary purpose 12773
of influencing any environmental, social, personal, or 12774
ideological policy; 12775

(B) Permit any person or entity to which the treasurer or 12776
governing board delegates the management of the investment of 12777
public money to make investment decisions with public money with 12778
the primary purpose of influencing any environmental, social, 12779
personal, or ideological policy. 12780

Sec. 135.18. (A) Each institution designated as a public 12781
depository and awarded public deposits under sections 135.01 to 12782
135.21 of the Revised Code, except as provided in section 12783
~~135.144 or~~ 135.145 of the Revised Code, shall provide security 12784
for the repayment of all public deposits by selecting one of the 12785
following methods: 12786

(1) Securing all uninsured public deposits of each public 12787
depositor separately as set forth in divisions (B) to (J) of 12788
this section; 12789

(2) Securing all uninsured public deposits of every public 12790
depositor pursuant to section 135.181 or 135.182 of the Revised 12791
Code, as applicable, by establishing and pledging to the 12792
treasurer of state a single pool of collateral for the benefit 12793
of every public depositor at the public depository. 12794

(B) If a public depository elects to provide security 12795
pursuant to division (A)(1) of this section, the public 12796
depository shall pledge to the public depositor, as security for 12797
the repayment of all public moneys deposited in the public 12798
depository during the period of designation pursuant to an award 12799
made under sections 135.01 to 135.21 of the Revised Code, 12800
eligible securities of aggregate market value at all times equal 12801

to at least one hundred five per cent of the total amount of the 12802
public depositor's uninsured public deposits. 12803

(C) In order for a public depository to receive public 12804
moneys under this section, the public depository and the public 12805
depositor shall first execute an agreement that sets forth the 12806
entire arrangement among the parties and that meets the 12807
requirements described in 12 U.S.C. 1823(e). In addition, the 12808
agreement shall authorize the public depositor to obtain control 12809
of the collateral pursuant to division (D) of section 1308.24 of 12810
the Revised Code. 12811

(D) The following securities or other obligations shall be 12812
eligible for the purposes of this section: 12813

(1) Bonds, notes, or other obligations of the United 12814
States; or bonds, notes, or other obligations guaranteed as to 12815
principal and interest by the United States or those for which 12816
the faith of the United States is pledged for the payment of 12817
principal and interest thereon, by language appearing in the 12818
instrument specifically providing such guarantee or pledge and 12819
not merely by interpretation or otherwise; 12820

(2) Bonds, notes, debentures, letters of credit, or other 12821
obligations or securities issued by any federal government 12822
agency or instrumentality, or the export-import bank of 12823
Washington; bonds, notes, or other obligations guaranteed as to 12824
principal and interest by the United States or those for which 12825
the faith of the United States is pledged for the payment of 12826
principal and interest thereon, by interpretation or otherwise 12827
and not by language appearing in the instrument specifically 12828
providing such guarantee or pledge; 12829

(3) Obligations of or fully insured or fully guaranteed by 12830

the United States or any federal government agency or	12831
instrumentality;	12832
(4) Obligations partially insured or partially guaranteed	12833
by any federal agency or instrumentality;	12834
(5) Obligations of or fully guaranteed by the federal	12835
national mortgage association, federal home loan mortgage	12836
corporation, federal farm credit bank, or student loan marketing	12837
association;	12838
(6) Bonds and other obligations of this state;	12839
(7) Bonds and other obligations of any county, township,	12840
school district, municipal corporation, or other legally	12841
constituted taxing subdivision of this state, which is not at	12842
the time of such deposit, in default in the payment of principal	12843
or interest on any of its bonds or other obligations, for which	12844
the full faith and credit of the issuing subdivision is pledged;	12845
(8) Bonds of other states of the United States which have	12846
not during the ten years immediately preceding the time of such	12847
deposit defaulted in payments of either interest or principal on	12848
any of their bonds;	12849
(9) Shares of no-load money market mutual funds consisting	12850
exclusively of obligations described in division (D) (1) or (2)	12851
of this section and repurchase agreements secured by such	12852
obligations;	12853
(10) A surety bond issued by a corporate surety licensed	12854
by the state and authorized to issue surety bonds in this state	12855
pursuant to Chapter 3929. of the Revised Code, and qualified to	12856
provide surety bonds to the federal government pursuant to 96	12857
Stat. 1047 (1982), 31 U.S.C.A. 9304;	12858

(11) Bonds or other obligations of any county, municipal corporation, or other legally constituted taxing subdivision of another state of the United States, or of any instrumentality of such county, municipal corporation, or other taxing subdivision, for which the full faith and credit of the issuer is pledged and, at the time of purchase of the bonds or other obligations, rated in one of the two highest categories by at least one nationally recognized statistical rating organization.

(E) An institution designated as a public depository shall designate a qualified trustee and place the eligible securities required by division (D) of this section with the trustee for safekeeping. The trustee shall hold the eligible securities in an account indicating the public depositor's security interest in the securities. The trustee shall report to the public depositor information relating to the securities pledged to secure the public deposits in the manner and frequency required by the public depositor.

(F) The qualified trustee shall enter into a custodial agreement with the public depositor and public depository in which the trustee agrees to comply with entitlement orders originated by the public depositor without further consent by the public depository or, in the case of collateral held by the public depository in an account at a federal reserve bank, the public depositor shall have the public depositor's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained. If the public depository fails to pay over any part of the public deposits made by the public depositor therein as provided by law, the public depositor shall give written notice of this failure to the qualified trustee holding the securities pledged against its public deposits and, at the same time, shall send a copy of this

notice to the public depository. Upon receipt of this notice, 12890
the trustee shall transfer to the public depositor for sale, the 12891
securities that are necessary to produce an amount equal to the 12892
public deposits made by the public depositor and not paid over, 12893
less the portion of the deposits covered by any federal deposit 12894
insurance, plus any accrued interest due on the deposits. The 12895
public depositor shall sell any of the bonds or other securities 12896
so transferred. When a sale of bonds or other securities has 12897
been so made and upon payment to the public depositor of the 12898
purchase money, the public depositor shall transfer such bonds 12899
or securities whereupon the absolute ownership of such bonds or 12900
securities shall pass to the purchasers. Any surplus after 12901
deducting the amount due the public depositor and expenses of 12902
sale shall be paid to the public depository. 12903

(G) When the public depository has placed eligible 12904
securities described in division (D) (1) of this section with a 12905
trustee for safekeeping, the public depository may at any time 12906
substitute or exchange eligible securities described in division 12907
(D) (1) of this section having a current market value equal to or 12908
greater than the current market value of the securities then on 12909
deposit and for which they are to be substituted or exchanged, 12910
without specific authorization from any public depositor's 12911
governing board, boards, or treasurer of any such substitution 12912
or exchange. 12913

(H) When the public depository has placed eligible 12914
securities described in divisions (D) (2) to (9) of this section 12915
with a trustee for safekeeping, the public depository may at any 12916
time substitute or exchange eligible securities having a current 12917
market value equal to or greater than the current market value 12918
of the securities then on deposit and for which they are to be 12919
substituted or exchanged without specific authorization of any 12920

public depositor's governing board, boards, or treasurer of any 12921
such substitution or exchange only if one of the following 12922
applies: 12923

(1) The public depositor has authorized the public 12924
depository to make such substitution or exchange on a continuing 12925
basis during a specified period without prior approval of each 12926
substitution or exchange. The authorization may be effected by 12927
the public depositor sending to the trustee a written notice 12928
stating that substitution may be effected on a continuing basis 12929
during a specified period which shall not extend beyond the end 12930
of the period of designation during which the notice is given. 12931
The trustee may rely upon this notice and upon the period of 12932
authorization stated therein and upon the period of designation 12933
stated therein. 12934

(2) The public depository notifies the public depositor 12935
and the trustee of an intended substitution or exchange, and the 12936
public depositor does not object to the trustee as to the 12937
eligibility or market value of the securities being substituted 12938
within three business days after the date appearing on the 12939
notice of proposed substitution. The notice to the public 12940
depositor and to the trustee shall be given in writing and 12941
delivered electronically. The trustee may assume in any case 12942
that the notice has been delivered to the public depositor. In 12943
order for objections of the public depositor to be effective, 12944
receipt of the objections must be acknowledged in writing by the 12945
trustee. 12946

(3) The public depositor gives written authorization for a 12947
substitution or exchange of specific securities. 12948

(I) The public depository shall notify any public 12949
depositor of any substitution or exchange under division (H) (1) 12950

or (2) of this section. 12951

(J) Any federal reserve bank or branch thereof located in 12952
this state or federal home loan bank, without compliance with 12953
Chapter 1111. of the Revised Code and without becoming subject 12954
to any other law of this state relative to the exercise by 12955
corporations of trust powers generally, is qualified to act as 12956
trustee for the safekeeping of securities, under this section. 12957
Any institution mentioned in section 135.03 or 135.32 of the 12958
Revised Code that holds a certificate of qualification issued by 12959
the superintendent of financial institutions or any institution 12960
complying with sections 1111.04, 1111.05, and 1111.06 of the 12961
Revised Code, is qualified to act as trustee for the safekeeping 12962
of securities under this section, other than those belonging to 12963
itself or to an affiliate as defined in section 1101.01 of the 12964
Revised Code. 12965

Notwithstanding the fact that a public depository is 12966
required to pledge eligible securities in certain amounts to 12967
secure deposits of public moneys, a trustee has no duty or 12968
obligation to determine the eligibility, market value, or face 12969
value of any securities deposited with the trustee by a public 12970
depository. This applies in all situations including, without 12971
limitation, a substitution or exchange of securities. 12972

Any charges or compensation of a designated trustee for 12973
acting as such under this section shall be paid by the public 12974
depository and in no event shall be chargeable to the state or 12975
the subdivision or to any officer of the state or subdivision. 12976
The charges or compensation shall not be a lien or charge upon 12977
the securities deposited for safekeeping prior or superior to 12978
the rights to and interests in the securities of the public 12979
depositor. The treasurer and the treasurer's bonders or surety 12980

shall be relieved from any liability to the public depositor or 12981
to the public depository for the loss or destruction of any 12982
securities deposited with a qualified trustee pursuant to this 12983
section. 12984

Sec. 135.35. (A) The investing authority shall deposit or 12985
invest any part or all of the county's inactive moneys and shall 12986
invest all of the money in the county public library fund when 12987
required by section 135.352 of the Revised Code. The following 12988
classifications of securities and obligations are eligible for 12989
such deposit or investment: 12990

(1) United States treasury bills, notes, bonds, or any 12991
other obligation or security issued by the United States 12992
treasury, any other obligation guaranteed as to principal or 12993
interest by the United States, or any book entry, zero-coupon 12994
United States treasury security that is a direct obligation of 12995
the United States. 12996

Nothing in the classification of eligible securities and 12997
obligations set forth in divisions (A) (2) to (10) of this 12998
section shall be construed to authorize any investment in 12999
stripped principal or interest obligations of such eligible 13000
securities and obligations. 13001

(2) Bonds, notes, debentures, or any other obligations or 13002
securities issued by any federal government agency or 13003
instrumentality, including, but not limited to, the federal 13004
national mortgage association, federal home loan bank, federal 13005
farm credit bank, federal home loan mortgage corporation, and 13006
government national mortgage association. All federal agency 13007
securities shall be direct issuances of federal government 13008
agencies or instrumentalities. 13009

(3) Time certificates of deposit or savings or deposit 13010
accounts, including, but not limited to, passbook accounts, in 13011
any eligible institution mentioned in section 135.32 of the 13012
Revised Code; 13013

(4) Bonds and other obligations of this state or the 13014
political subdivisions of this state, provided the bonds or 13015
other obligations of political subdivisions mature within ten 13016
years from the date of settlement; 13017

(5) No-load money market mutual funds rated in the highest 13018
category at the time of purchase by at least one nationally 13019
recognized statistical rating organization or consisting 13020
exclusively of obligations described in division (A) (1), (2), or 13021
(6) of section 135.143 of the Revised Code and repurchase 13022
agreements secured by such obligations, provided that 13023
investments in securities described in this division are made 13024
only through eligible institutions mentioned in section 135.32 13025
of the Revised Code; 13026

(6) The Ohio subdivision's fund as provided in section 13027
135.45 of the Revised Code; 13028

(7) Securities lending agreements with any eligible 13029
institution mentioned in section 135.32 of the Revised Code that 13030
is a member of the federal reserve system or federal home loan 13031
bank or with any recognized United States government securities 13032
dealer meeting the description in division (J) (1) of this 13033
section, under the terms of which agreements the investing 13034
authority lends securities and the eligible institution or 13035
dealer agrees to simultaneously exchange similar securities or 13036
cash, equal value for equal value. 13037

Securities and cash received as collateral for a 13038

securities lending agreement are not inactive moneys of the 13039
county or moneys of a county public library fund. The investment 13040
of cash collateral received pursuant to a securities lending 13041
agreement may be invested only in instruments specified by the 13042
investing authority in the written investment policy described 13043
in division (K) of this section. 13044

(8) Up to forty per cent of the county's total average 13045
portfolio in either of the following investments: 13046

(a) Commercial paper notes issued by an entity that is 13047
defined in ~~division (D) of section 1705.01 or division (E) (K)~~ 13048
of section 1706.01 of the Revised Code and that has assets 13049
exceeding five hundred million dollars, to which notes all of 13050
the following apply: 13051

(i) The notes are rated at the time of purchase in the 13052
highest classification established by at least two nationally 13053
recognized statistical rating organizations. 13054

(ii) The aggregate value of the notes does not exceed ten 13055
per cent of the aggregate value of the outstanding commercial 13056
paper of the issuing corporation. 13057

(iii) The notes mature not later than two hundred seventy 13058
days after purchase. 13059

(iv) The investment in commercial paper notes of a single 13060
issuer shall not exceed in the aggregate five per cent of 13061
interim moneys available for investment at the time of purchase. 13062

(b) Bankers acceptances of banks that are insured by the 13063
federal deposit insurance corporation and that mature not later 13064
than one hundred eighty days after purchase. 13065

No investment shall be made pursuant to division (A) (8) of 13066

this section unless the investing authority has completed 13067
additional training for making the investments authorized by 13068
division (A) (8) of this section. The type and amount of 13069
additional training shall be approved by the treasurer of state 13070
and may be conducted by or provided under the supervision of the 13071
treasurer of state. 13072

(9) Up to fifteen per cent of the county's total average 13073
portfolio in notes issued by corporations that are incorporated 13074
under the laws of the United States and that are operating 13075
within the United States, or by depository institutions that are 13076
doing business under authority granted by the United States or 13077
any state and that are operating within the United States, 13078
provided both of the following apply: 13079

(a) The notes are rated in the three highest categories by 13080
at least two nationally recognized statistical rating 13081
organizations at the time of purchase. 13082

(b) The notes mature not later than three years after 13083
purchase. 13084

(10) Debt interests rated at the time of purchase in the 13085
three highest categories by two nationally recognized 13086
statistical rating organizations and issued by foreign nations 13087
diplomatically recognized by the United States government. All 13088
interest and principal shall be denominated and payable in 13089
United States funds. The investments made under division (A) (10) 13090
of this section shall not exceed in the aggregate two per cent 13091
of a county's total average portfolio. 13092

The investing authority shall invest under division (A) 13093
(10) of this section in a debt interest issued by a foreign 13094
nation only if the debt interest is backed by the full faith and 13095

credit of that foreign nation, there is no prior history of 13096
default, and the debt interest matures not later than five years 13097
after purchase. For purposes of division (A) (10) of this 13098
section, a debt interest is rated in the three highest 13099
categories by two nationally recognized statistical rating 13100
organizations if either the debt interest itself or the issuer 13101
of the debt interest is rated, or is implicitly rated, at the 13102
time of purchase in the three highest categories by two 13103
nationally recognized statistical rating organizations. 13104

(11) A current unpaid or delinquent tax line of credit 13105
authorized under division (G) of section 135.341 of the Revised 13106
Code, provided that all of the conditions for entering into such 13107
a line of credit under that division are satisfied, or bonds and 13108
other obligations of a county land reutilization corporation 13109
organized under Chapter 1724. of the Revised Code, if the county 13110
land reutilization corporation is located wholly or partly 13111
within the same county as the investing authority. 13112

(B) Nothing in the classifications of eligible obligations 13113
and securities set forth in divisions (A) (1) to (10) of this 13114
section shall be construed to authorize investment in a 13115
derivative, and no investing authority shall invest any county 13116
inactive moneys or any moneys in a county public library fund in 13117
a derivative. For purposes of this division, "derivative" means 13118
a financial instrument or contract or obligation whose value or 13119
return is based upon or linked to another asset or index, or 13120
both, separate from the financial instrument, contract, or 13121
obligation itself. Any security, obligation, trust account, or 13122
other instrument that is created from an issue of the United 13123
States treasury or is created from an obligation of a federal 13124
agency or instrumentality or is created from both is considered 13125
a derivative instrument. An eligible investment described in 13126

this section with a variable interest rate payment, based upon a 13127
single interest payment or single index comprised of other 13128
eligible investments provided for in division (A) (1) or (2) of 13129
this section, is not a derivative, provided that such variable 13130
rate investment has a maximum maturity of two years. A treasury 13131
inflation-protected security shall not be considered a 13132
derivative, provided the security matures not later than five 13133
years after purchase. 13134

(C) Except as provided in division (A) (4) or (D) of this 13135
section, any investment made pursuant to this section must 13136
mature within five years from the date of settlement, unless the 13137
investment is matched to a specific obligation or debt of the 13138
county or to a specific obligation or debt of a political 13139
subdivision of this state, and the investment is specifically 13140
approved by the investment advisory committee. 13141

(D) The investing authority may also enter into a written 13142
repurchase agreement with any eligible institution mentioned in 13143
section 135.32 of the Revised Code or any eligible securities 13144
dealer pursuant to division (J) of this section, under the terms 13145
of which agreement the investing authority purchases and the 13146
eligible institution or dealer agrees unconditionally to 13147
repurchase any of the securities listed in divisions (D) (1) to 13148
(5), except letters of credit described in division (D) (2), of 13149
section 135.18 of the Revised Code. The market value of 13150
securities subject to an overnight written repurchase agreement 13151
must exceed the principal value of the overnight written 13152
repurchase agreement by at least two per cent. A written 13153
repurchase agreement must exceed the principal value of the 13154
overnight written repurchase agreement, by at least two per 13155
cent. A written repurchase agreement shall not exceed thirty 13156
days, and the market value of securities subject to a written 13157

repurchase agreement must exceed the principal value of the 13158
written repurchase agreement by at least two per cent and be 13159
marked to market daily. All securities purchased pursuant to 13160
this division shall be delivered into the custody of the 13161
investing authority or the qualified custodian of the investing 13162
authority or an agent designated by the investing authority. A 13163
written repurchase agreement with an eligible securities dealer 13164
shall be transacted on a delivery versus payment basis. The 13165
agreement shall contain the requirement that for each 13166
transaction pursuant to the agreement the participating 13167
institution shall provide all of the following information: 13168

(1) The par value of the securities; 13169

(2) The type, rate, and maturity date of the securities; 13170

(3) A numerical identifier generally accepted in the 13171
securities industry that designates the securities. 13172

No investing authority shall enter into a written 13173
repurchase agreement under the terms of which the investing 13174
authority agrees to sell securities owned by the county to a 13175
purchaser and agrees with that purchaser to unconditionally 13176
repurchase those securities. 13177

(E) No investing authority shall make an investment under 13178
this section, unless the investing authority, at the time of 13179
making the investment, reasonably expects that the investment 13180
can be held until its maturity. The investing authority's 13181
written investment policy shall specify the conditions under 13182
which an investment may be redeemed or sold prior to maturity. 13183

(F) No investing authority shall pay a county's inactive 13184
moneys or moneys of a county public library fund into a fund 13185
established by another subdivision, treasurer, governing board, 13186

or investing authority, if that fund was established by the 13187
subdivision, treasurer, governing board, or investing authority 13188
for the purpose of investing or depositing the public moneys of 13189
other subdivisions. This division does not apply to the payment 13190
of public moneys into either of the following: 13191

(1) The Ohio subdivision's fund pursuant to division (A) 13192
(6) of this section; 13193

(2) A fund created solely for the purpose of acquiring, 13194
constructing, owning, leasing, or operating municipal utilities 13195
pursuant to the authority provided under section 715.02 of the 13196
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 13197

For purposes of division (F) of this section, 13198
"subdivision" includes a county. 13199

(G) The use of leverage, in which the county uses its 13200
current investment assets as collateral for the purpose of 13201
purchasing other assets, is prohibited. The issuance of taxable 13202
notes for the purpose of arbitrage is prohibited. Contracting to 13203
sell securities not owned by the county, for the purpose of 13204
purchasing such securities on the speculation that bond prices 13205
will decline, is prohibited. 13206

(H) Any securities, certificates of deposit, deposit 13207
accounts, or any other documents evidencing deposits or 13208
investments made under authority of this section shall be issued 13209
in the name of the county with the county treasurer or investing 13210
authority as the designated payee. If any such deposits or 13211
investments are registrable either as to principal or interest, 13212
or both, they shall be registered in the name of the treasurer. 13213

(I) The investing authority shall be responsible for the 13214
safekeeping of all documents evidencing a deposit or investment 13215

acquired under this section, including, but not limited to, 13216
safekeeping receipts evidencing securities deposited with a 13217
qualified trustee, as provided in section 135.37 of the Revised 13218
Code, and documents confirming the purchase of securities under 13219
any repurchase agreement under this section shall be deposited 13220
with a qualified trustee, provided, however, that the qualified 13221
trustee shall be required to report to the investing authority, 13222
auditor of state, or an authorized outside auditor at any time 13223
upon request as to the identity, market value, and location of 13224
the document evidencing each security, and that if the 13225
participating institution is a designated depository of the 13226
county for the current period of designation, the securities 13227
that are the subject of the repurchase agreement may be 13228
delivered to the treasurer or held in trust by the participating 13229
institution on behalf of the investing authority. 13230

Upon the expiration of the term of office of an investing 13231
authority or in the event of a vacancy in the office for any 13232
reason, the officer or the officer's legal representative shall 13233
transfer and deliver to the officer's successor all documents 13234
mentioned in this division for which the officer has been 13235
responsible for safekeeping. For all such documents transferred 13236
and delivered, the officer shall be credited with, and the 13237
officer's successor shall be charged with, the amount of moneys 13238
evidenced by such documents. 13239

(J) (1) All investments, except for investments in 13240
securities described in divisions (A) (5), (6), and (11) of this 13241
section, shall be made only through a member of the financial 13242
industry regulatory authority (FINRA), through a bank, savings 13243
bank, or savings and loan association regulated by the 13244
superintendent of financial institutions, or through an 13245
institution regulated by the comptroller of the currency, 13246

federal deposit insurance corporation, or board of governors of 13247
the federal reserve system. 13248

(2) Payment for investments shall be made only upon the 13249
delivery of securities representing such investments to the 13250
treasurer, investing authority, or qualified trustee. If the 13251
securities transferred are not represented by a certificate, 13252
payment shall be made only upon receipt of confirmation of 13253
transfer from the custodian by the treasurer, governing board, 13254
or qualified trustee. 13255

(K) (1) Except as otherwise provided in division (K) (2) of 13256
this section, no investing authority shall make an investment or 13257
deposit under this section, unless there is on file with the 13258
auditor of state a written investment policy approved by the 13259
investing authority. The policy shall require that all entities 13260
conducting investment business with the investing authority 13261
shall sign the investment policy of that investing authority. 13262
All brokers, dealers, and financial institutions, described in 13263
division (J) (1) of this section, initiating transactions with 13264
the investing authority by giving advice or making investment 13265
recommendations shall sign the investing authority's investment 13266
policy thereby acknowledging their agreement to abide by the 13267
policy's contents. All brokers, dealers, and financial 13268
institutions, described in division (J) (1) of this section, 13269
executing transactions initiated by the investing authority, 13270
having read the policy's contents, shall sign the investment 13271
policy thereby acknowledging their comprehension and receipt. 13272

(2) If a written investment policy described in division 13273
(K) (1) of this section is not filed on behalf of the county with 13274
the auditor of state, the investing authority of that county 13275
shall invest the county's inactive moneys and moneys of the 13276

county public library fund only in time certificates of deposits 13277
or savings or deposit accounts pursuant to division (A) (3) of 13278
this section, no-load money market mutual funds pursuant to 13279
division (A) (5) of this section, or the Ohio subdivision's fund 13280
pursuant to division (A) (6) of this section. 13281

(L) (1) The investing authority shall establish and 13282
maintain an inventory of all obligations and securities acquired 13283
by the investing authority pursuant to this section. The 13284
inventory shall include a description of each obligation or 13285
security, including type, cost, par value, maturity date, 13286
settlement date, and any coupon rate. 13287

(2) The investing authority shall also keep a complete 13288
record of all purchases and sales of the obligations and 13289
securities made pursuant to this section. 13290

(3) The investing authority shall maintain a monthly 13291
portfolio report and issue a copy of the monthly portfolio 13292
report describing such investments to the county investment 13293
advisory committee, detailing the current inventory of all 13294
obligations and securities, all transactions during the month 13295
that affected the inventory, any income received from the 13296
obligations and securities, and any investment expenses paid, 13297
and stating the names of any persons effecting transactions on 13298
behalf of the investing authority. 13299

(4) The monthly portfolio report shall be a public record 13300
and available for inspection under section 149.43 of the Revised 13301
Code. 13302

(5) The inventory and the monthly portfolio report shall 13303
be filed with the board of county commissioners. The monthly 13304
portfolio report also shall be filed with the treasurer of 13305

state. 13306

(M) An investing authority may enter into a written 13307
investment or deposit agreement that includes a provision under 13308
which the parties agree to submit to nonbinding arbitration to 13309
settle any controversy that may arise out of the agreement, 13310
including any controversy pertaining to losses of public moneys 13311
resulting from investment or deposit. The arbitration provision 13312
shall be set forth entirely in the agreement, and the agreement 13313
shall include a conspicuous notice to the parties that any party 13314
to the arbitration may apply to the court of common pleas of the 13315
county in which the arbitration was held for an order to vacate, 13316
modify, or correct the award. Any such party may also apply to 13317
the court for an order to change venue to a court of common 13318
pleas located more than one hundred miles from the county in 13319
which the investing authority is located. 13320

For purposes of this division, "investment or deposit 13321
agreement" means any agreement between an investing authority 13322
and a person, under which agreement the person agrees to invest, 13323
deposit, or otherwise manage, on behalf of the investing 13324
authority, a county's inactive moneys or moneys in a county 13325
public library fund, or agrees to provide investment advice to 13326
the investing authority. 13327

(N) (1) An investment held in the county portfolio on 13328
September 27, 1996, that was a legal investment under the law as 13329
it existed before September 27, 1996, may be held until 13330
maturity. 13331

(2) An investment held in the county portfolio on 13332
September 10, 2012, that was a legal investment under the law as 13333
it existed before September 10, 2012, may be held until 13334
maturity. 13335

(O) Unless expressly authorized by the laws of this state, 13336
an investing authority shall not do either of the following: 13337

(1) Make an investment decision with the primary purpose 13338
of influencing any environmental, social, personal, or 13339
ideological policy; 13340

(2) Permit any person or entity to which the investing 13341
authority delegates the management of the investment of public 13342
money to make investment decisions with public money with the 13343
primary purpose of influencing any environmental, social, 13344
personal, or ideological policy. 13345

Sec. 135.71. (A) The general assembly finds that making 13346
homeownership more attainable is an important part of fostering 13347
a robust and lasting population across the state. However, 13348
individuals often struggle to accumulate the financial resources 13349
needed to purchase a home. Accordingly, it is declared to be the 13350
public policy of the state through the homeownership savings 13351
linked deposit program to make available premium rate savings 13352
accounts for the down payment and closing costs associated with 13353
the purchase of a home. 13354

(B) An eligible participant for the homeownership savings 13355
linked deposit program is an individual who is a resident of 13356
this state, or a member of the uniformed services, on active 13357
duty assignment, who is a resident of this state via a residency 13358
or domicile election in accordance with 50 U.S.C. 4001, and has 13359
applied for a homeownership savings account at an eligible 13360
savings institution. A member of the uniformed services, who is 13361
an eligible participant, may apply for a homeownership savings 13362
account at an eligible savings institution on or after the date 13363
affixed to the permanent change of station orders. As used in 13364
this division, "active duty" and "uniformed services" have the 13365

meanings defined in 10 U.S.C. 101. 13366

(C) An eligible participant shall certify on the 13367
application that the funds in the homeownership savings account 13368
shall be used exclusively for eligible home costs. 13369

(D) A homeownership savings account shall be owned by not 13370
more than one eligible participant and an eligible participant 13371
shall hold not more than one homeownership savings account per 13372
program period at any eligible savings institution. 13373

(E) The treasurer of state shall report to the tax 13374
commissioner any information in the treasurer of state's 13375
possession deemed necessary by the tax commissioner to properly 13376
administer section 5747.85 of the Revised Code. 13377

(F) Not later than January 31, 2027, the treasurer of 13378
state and the tax commissioner shall issue a report regarding 13379
the efficacy of the homeownership savings linked deposit 13380
program. The report shall include all of the following: 13381

(1) The number of homeownership savings accounts created; 13382

(2) The number of participating eligible savings 13383
institutions; 13384

(3) The total amount contributed into the accounts; 13385

(4) The average ~~yield~~premium savings rate paid on the 13386
accounts; 13387

(5) Any other information the treasurer of state or tax 13388
commissioner deems relevant. 13389

The report shall be delivered to the governor, the speaker 13390
of the house of representatives, and the president of the 13391
senate. 13392

Sec. 141.04. (A) The annual salaries of the chief justice 13393
of the supreme court and of the justices and judges named in 13394
this section payable from the state treasury are as follows: 13395

(1) For the chief justice of the supreme court, the 13396
following amounts effective in the following years: 13397

(a) Beginning January 1, 2018, one hundred seventy-four 13398
thousand seven hundred dollars; 13399

(b) Beginning January 1, 2019, one hundred eighty-three 13400
thousand four hundred fifty dollars; 13401

(c) Beginning January 1, 2020, and in each calendar year 13402
thereafter through calendar year ~~2028~~2025 beginning on the 13403
first day of January, the annual compensation amount shall be 13404
increased by one and three-quarters per cent; 13405

(d) Beginning January 1, 2026, and in each calendar year 13406
thereafter through calendar year 2029 beginning on the first day 13407
of January, the annual compensation amount shall be increased by 13408
five per cent; 13409

(e) Beginning January 1, 2030, and in each calendar year 13410
thereafter beginning on the first day of January, the annual 13411
compensation amount shall be increased by the percentage 13412
increase, if any, in the consumer price index over the twelve- 13413
month period that ends on the thirtieth day of September of the 13414
immediately preceding year, rounded to the nearest one-tenth of 13415
one per cent, not to exceed three per cent. 13416

(2) For the justices of the supreme court, the following 13417
amounts effective in the following years: 13418

(a) Beginning January 1, 2018, one hundred sixty-four 13419
thousand dollars; 13420

(b) Beginning January 1, 2019, one hundred seventy-two 13421
thousand two hundred dollars; 13422

(c) Beginning January 1, 2020, and in each calendar year 13423
thereafter through calendar year ~~2028~~2025 beginning on the 13424
first day of January, the annual compensation amount shall be 13425
increased by one and three-quarters per cent; 13426

(d) Beginning January 1, 2026, and in each calendar year 13427
thereafter through calendar year 2029 beginning on the first day 13428
of January, the annual compensation amount shall be increased by 13429
five per cent; 13430

(e) Beginning January 1, 2030, and in each calendar year 13431
thereafter beginning on the first day of January, the annual 13432
compensation amount shall be increased by the percentage 13433
increase, if any, in the consumer price index over the twelve- 13434
month period that ends on the thirtieth day of September of the 13435
immediately preceding year, rounded to the nearest one-tenth of 13436
one per cent, not to exceed three per cent. 13437

(3) For the judges of the courts of appeals, the following 13438
amounts effective in the following years: 13439

(a) Beginning January 1, 2018, one hundred fifty-two 13440
thousand eight hundred fifty dollars; 13441

(b) Beginning January 1, 2019, one hundred sixty thousand 13442
five hundred dollars; 13443

(c) Beginning January 1, 2020, and in each calendar year 13444
thereafter through calendar year ~~2028~~2025 beginning on the 13445
first day of January, the annual compensation amount shall be 13446
increased by one and three-quarters per cent; 13447

(d) Beginning January 1, 2026, and in each calendar year 13448

thereafter through calendar year 2029 beginning on the first day 13449
of January, the annual compensation amount shall be increased by 13450
five per cent; 13451

(e) Beginning January 1, 2030, and in each calendar year 13452
thereafter beginning on the first day of January, the annual 13453
compensation amount shall be increased by the percentage 13454
increase, if any, in the consumer price index over the twelve- 13455
month period that ends on the thirtieth day of September of the 13456
immediately preceding year, rounded to the nearest one-tenth of 13457
one per cent, not to exceed three per cent. 13458

(4) For the judges of the courts of common pleas, the 13459
following amounts effective in the following years, reduced by 13460
an amount equal to the annual compensation paid to that judge 13461
from the county treasury pursuant to section 141.05 of the 13462
Revised Code: 13463

(a) Beginning January 1, 2018, one hundred forty thousand 13464
five hundred fifty dollars; 13465

(b) Beginning January 1, 2019, one hundred forty-seven 13466
thousand six hundred dollars; 13467

(c) Beginning January 1, 2020, and in each calendar year 13468
thereafter through calendar year ~~2028~~2025 beginning on the 13469
first day of January, the annual compensation amount shall be 13470
increased by one and three-quarters per cent; 13471

(d) Beginning January 1, 2026, and in each calendar year 13472
thereafter through calendar year 2029 beginning on the first day 13473
of January, the annual compensation amount shall be increased by 13474
five per cent; 13475

(e) Beginning January 1, 2030, and in each calendar year 13476
thereafter beginning on the first day of January, the annual 13477

compensation amount shall be increased by the percentage 13478
increase, if any, in the consumer price index over the twelve- 13479
month period that ends on the thirtieth day of September of the 13480
immediately preceding year, rounded to the nearest one-tenth of 13481
one per cent, not to exceed three per cent. 13482

(5) For the full-time judges of a municipal court or the 13483
part-time judges of a municipal court of a territory having a 13484
population of more than fifty thousand, the following amounts 13485
effective in the following years, reduced by an amount equal to 13486
the annual compensation paid to that judge pursuant to division 13487
(B) (1) (a) of section 1901.11 of the Revised Code from municipal 13488
corporations and counties: 13489

(a) Beginning January 1, 2018, one hundred thirty-two 13490
thousand one hundred fifty dollars; 13491

(b) Beginning January 1, 2019, one hundred thirty-eight 13492
thousand eight hundred dollars; 13493

(c) Beginning January 1, 2020, and in each calendar year 13494
thereafter through calendar year ~~2028~~2025 beginning on the 13495
first day of January, the annual compensation amount shall be 13496
increased by one and three-quarters per cent; 13497

(d) Beginning January 1, 2026, and in each calendar year 13498
thereafter through calendar year 2029 beginning on the first day 13499
of January, the annual compensation amount shall be increased by 13500
five per cent; 13501

(e) Beginning January 1, 2030, and in each calendar year 13502
thereafter beginning on the first day of January, the annual 13503
compensation amount shall be increased by the percentage 13504
increase, if any, in the consumer price index over the twelve- 13505
month period that ends on the thirtieth day of September of the 13506

immediately preceding year, rounded to the nearest one-tenth of 13507
one per cent, not to exceed three per cent. 13508

(6) For judges of a municipal court designated as part- 13509
time judges by section 1901.08 of the Revised Code, other than 13510
part-time judges to whom division (A)(5) of this section 13511
applies, and for judges of a county court, the following amounts 13512
effective in the following years, reduced by an amount equal to 13513
the annual compensation paid to that judge pursuant to division 13514
(A) of section 1901.11 of the Revised Code from municipal 13515
corporations and counties or pursuant to division (A) of section 13516
1907.16 of the Revised Code from counties: 13517

(a) Beginning January 1, 2018, seventy-six thousand fifty 13518
dollars; 13519

(b) Beginning January 1, 2019, seventy-nine thousand nine 13520
hundred dollars; 13521

(c) Beginning January 1, 2020, and in each calendar year 13522
thereafter through calendar year ~~2028~~2025 beginning on the 13523
first day of January, the annual compensation amount shall be 13524
increased by one and three-quarters per cent; 13525

(d) Beginning January 1, 2026, and in each calendar year 13526
thereafter through calendar year 2029 beginning on the first day 13527
of January, the annual compensation amount shall be increased by 13528
five per cent; 13529

(e) Beginning January 1, 2030, and in each calendar year 13530
thereafter beginning on the first day of January, the annual 13531
compensation amount shall be increased by the percentage 13532
increase, if any, in the consumer price index over the twelve- 13533
month period that ends on the thirtieth day of September of the 13534
immediately preceding year, rounded to the nearest one-tenth of 13535

one per cent, not to exceed three per cent. 13536

(B) Except as provided in sections 1901.122 and 1901.123 13537
of the Revised Code, except as otherwise provided in this 13538
division, and except for the compensation to which the judges 13539
described in division (A) (5) of this section are entitled 13540
pursuant to divisions (B) (1) (a) and (2) of section 1901.11 of 13541
the Revised Code, the annual salary of the chief justice of the 13542
supreme court and of each justice or judge listed in division 13543
(A) of this section shall be paid in equal monthly installments 13544
from the state treasury. If the chief justice of the supreme 13545
court or any justice or judge listed in division (A) (2), (3), or 13546
(4) of this section delivers a written request to be paid 13547
biweekly to the administrative director of the supreme court 13548
prior to the first day of January of any year, the annual salary 13549
of the chief justice or the justice or judge that is listed in 13550
division (A) (2), (3), or (4) of this section shall be paid, 13551
during the year immediately following the year in which the 13552
request is delivered to the administrative director of the 13553
supreme court, biweekly from the state treasury. 13554

(C) Upon the death of the chief justice or a justice of 13555
the supreme court during that person's term of office, an amount 13556
shall be paid in accordance with section 2113.04 of the Revised 13557
Code, or to that person's estate. The amount shall equal the 13558
amount of the salary that the chief justice or justice would 13559
have received during the remainder of the unexpired term or an 13560
amount equal to the salary of office for two years, whichever is 13561
less. 13562

(D) Neither the chief justice of the supreme court nor any 13563
justice or judge of the supreme court, the court of appeals, the 13564
court of common pleas, or the probate court shall hold any other 13565

office of trust or profit under the authority of this state or 13566
the United States. 13567

(E) In addition to the salaries payable pursuant to this 13568
section, the chief justice of the supreme court and the justices 13569
of the supreme court shall be entitled to a vehicle allowance of 13570
five hundred dollars per month, payable from the state treasury. 13571
The allowance shall be increased on the first day of January of 13572
each odd-numbered year by an amount equal to the percentage 13573
increase, if any, in the consumer price index for the 13574
immediately preceding twenty-four month period for which 13575
information is available. 13576

(F) As used in this section: 13577

(1) "Consumer price index" ~~has the same meaning as in~~ 13578
~~section 101.27 of the Revised Code~~ means the consumer price index 13579
prepared by the United States bureau of labor statistics (U.S. 13580
city average for urban wage earners and clerical workers: all 13581
items, 1982-1984=100), or, if that index is no longer published, 13582
a generally available comparable index. 13583

(2) "Salary" does not include any portion of the cost, 13584
premium, or charge for health, medical, hospital, dental, or 13585
surgical benefits, or any combination of those benefits, 13586
covering the chief justice of the supreme court or a justice or 13587
judge named in this section and paid on the chief justice's or 13588
the justice's or judge's behalf by a governmental entity. 13589

Sec. 145.012. (A) "Public employee," as defined in 13590
division (A) of section 145.01 of the Revised Code, does not 13591
include any person: 13592

(1) Who is employed by a private, temporary-help service 13593
and performs services under the direction of a public employer 13594

or is employed on a contractual basis as an independent 13595
contractor under a personal service contract with a public 13596
employer; 13597

(2) Who is an emergency employee serving on a temporary 13598
basis in case of fire, snow, earthquake, flood, or other similar 13599
emergency; 13600

(3) Who is employed in a program established pursuant to 13601
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 13602
U.S.C.A. 1501; 13603

(4) Who is an appointed member of either the motor vehicle 13604
salvage dealers board or the motor vehicle dealer's board whose 13605
rate and method of payment are determined pursuant to division 13606
(J) of section 124.15 of the Revised Code; 13607

(5) ~~Who~~ Whose only service as a public employee during a 13608
calendar year is employed as an precinct election worker 13609
official under section 3501.22 of the Revised Code and paid less 13610
than six hundred dollars per calendar year the person received 13611
compensation for that service, except for a under section 13612
3501.28 of the Revised Code during the calendar year in which 13613
more than one primary election and one general election are 13614
held, the person is paid six hundred dollars plus an amount not 13615
to exceed four hundred dollars for that service; 13616

(6) Who is employed as a firefighter in a position 13617
requiring satisfactory completion of a firefighter training 13618
course approved under former section 3303.07 or section 4765.55 13619
of the Revised Code or conducted under section 3737.33 of the 13620
Revised Code except for the following: 13621

(a) Any firefighter who has elected under section 145.013 13622
of the Revised Code to remain a contributing member of the 13623

public employees retirement system; 13624

(b) Any firefighter who was eligible to transfer from the 13625
public employees retirement system to the Ohio police and fire 13626
pension fund under section 742.51 or 742.515 of the Revised Code 13627
and did not elect to transfer; 13628

(c) Any firefighter who has elected under section 742.516 13629
of the Revised Code to transfer from the Ohio police and fire 13630
pension fund to the public employees retirement system. 13631

(7) Who is a member of the board of health of a city or 13632
general health district, which pursuant to sections 3709.051 and 13633
3709.07 of the Revised Code includes a combined health district, 13634
and whose compensation for attendance at meetings of the board 13635
is set forth in division (B) of section 3709.02 or division (B) 13636
of section 3709.05 of the Revised Code, as appropriate; 13637

(8) Who participates in an alternative retirement plan 13638
established under Chapter 3305. of the Revised Code; 13639

(9) Who is a member of the board of directors of a 13640
sanitary district established under Chapter 6115. of the Revised 13641
Code; 13642

(10) Who is an employee, officer, or governor-appointed 13643
member of the board of directors of the nonprofit corporation 13644
formed under section 187.01 of the Revised Code; 13645

(11) Who is employed by the nonprofit entity established 13646
to provide advocacy services and a client assistance program for 13647
people with disabilities under Section 319.20 of Am. Sub. H.B. 13648
153 of the 129th general assembly and whose employment begins on 13649
or after October 1, 2012. 13650

(B) No inmate of a correctional institution operated by 13651

the department of rehabilitation and correction, no patient in a 13652
hospital for persons with mental illnesses operated by the 13653
department of mental health and addiction services, no resident 13654
in an institution for persons with intellectual disabilities 13655
operated by the department of developmental disabilities, no 13656
resident admitted as a patient of a veterans' home operated 13657
under Chapter 5907. of the Revised Code, and no resident of a 13658
county home shall be considered as a public employee for the 13659
purpose of establishing membership or calculating service credit 13660
or benefits under this chapter. Nothing in this division shall 13661
be construed to affect any service credit attained by any person 13662
who was a public employee before becoming an inmate, patient, or 13663
resident at any institution listed in this division, or the 13664
payment of any benefit for which such a person or such a 13665
person's beneficiaries otherwise would be eligible. 13666

Sec. 145.055. ~~The secretary of state, or any person acting~~ 13667
~~on personal knowledge and subject to the penalties of perjury,~~ 13668
~~may file a~~ A ~~complaint with the Ohio elections commission~~ 13669
~~alleging a violation of section 145.054 of the Revised Code~~ may 13670
be filed in accordance with section 3517.14 of the Revised Code. 13671
~~The complaint shall be made on a form prescribed and provided by~~ 13672
~~the commission.~~ 13673

~~On receipt of a complaint under this section, the~~ 13674
~~commission shall hold a hearing open to the public to determine~~ 13675
~~whether the violation alleged in the complaint has occurred. The~~ 13676
~~commission may administer oaths and issue subpoenas to any~~ 13677
~~person in the state compelling the attendance of witnesses and~~ 13678
~~the production of relevant papers, books, accounts, and reports.~~ 13679
~~On the refusal of any person to obey a subpoena or to be sworn~~ 13680
~~or to answer as a witness, the commission may apply to the court~~ 13681
~~of common pleas of Franklin county under section 2705.03 of the~~ 13682

~~Revised Code. The court shall hold contempt proceedings in~~ 13683
~~accordance with Chapter 2705. of the Revised Code.~~ 13684

~~The commission shall provide the person accused of the~~ 13685
~~violation at least seven days prior notice of the time, date,~~ 13686
~~and place of the hearing. The accused may be represented by an~~ 13687
~~attorney and shall have an opportunity to present evidence, call~~ 13688
~~witnesses, and cross-examine witnesses.~~ 13689

~~At the hearing, the commission shall determine whether the~~ 13690
~~violation alleged in the complaint has occurred. If the~~ 13691
~~commission determines that a violation of division (A) of~~ 13692
~~section 145.054 of the Revised Code has occurred, the commission~~ 13693
~~shall either impose a fine under section 145.99 of the Revised~~ 13694
~~Code or enter a finding that good cause has been shown not to~~ 13695
~~impose the fine. If the commission determines that a violation~~ 13696
~~of division (B) of section 145.054 of the Revised Code has~~ 13697
~~occurred, the commission shall impose the fine described in~~ 13698
~~section 145.99 of the Revised Code, refer the matter to the~~ 13699
~~appropriate prosecutor, or enter a finding that good cause has~~ 13700
~~been shown not to impose a fine or refer the matter to a~~ 13701
~~prosecutor.~~ 13702

Sec. 145.09. The public employees retirement board shall 13703
elect from its membership a chairperson. The board shall appoint 13704
an executive director who shall serve as secretary to the board, 13705
an actuary, and other employees as necessary for the transaction 13706
of the business of the public employees retirement system. The 13707
compensation of all persons so appointed shall be fixed by the 13708
board. Such persons appointed by the board are not employees of 13709
the state and are not subject to Chapter 124. of the Revised 13710
Code. 13711

~~If the board provides health care coverage to employees of~~ 13712

~~the retirement system, it may permit employees of the Ohio~~ 13713
~~public employees deferred compensation board to participate.~~ 13714

Effective ninety days after September 15, 2004, the board 13715
may not employ a state retirement system investment officer, as 13716
defined in section 1707.01 of the Revised Code, who does not 13717
hold a valid state retirement system investment officer license 13718
issued by the division of securities in the department of 13719
commerce. 13720

Every expense voucher of an employee, officer, or board 13721
member of the public employees retirement system shall itemize 13722
all purchases and expenditures. 13723

The board shall perform other functions as required for 13724
the proper execution of this chapter, and may adopt rules in 13725
accordance with section 111.15 of the Revised Code for the 13726
proper administration and management of this chapter. 13727

The board may take all appropriate action to avoid payment 13728
by the system or its members of federal or state income taxes on 13729
contributions to the system or amounts earned on such 13730
contributions. 13731

Notice of proposed rules shall be given to interested 13732
parties and rules adopted by the board shall be published and 13733
otherwise made available. When it files a rule with the joint 13734
committee on agency rule review pursuant to section 111.15 of 13735
the Revised Code, the board shall submit to the Ohio retirement 13736
study council a copy of the full text of the rule, and if 13737
applicable, a copy of the rule summary and fiscal analysis 13738
required by division (B) of section 106.024 of the Revised Code. 13739

The board may sue and be sued, plead and be impleaded, 13740
contract and be contracted with. All of its business shall be 13741

transacted, all of its funds invested, all warrants for money 13742
drawn and payments made, and all of its cash and securities and 13743
other property shall be held in the name of the board, or in the 13744
name of its nominee, provided that nominees are authorized by 13745
retirement board resolution for the purpose of facilitating the 13746
ownership and transfer of investments. 13747

If the Ohio retirement study council establishes a uniform 13748
format for any report the board is required to submit to the 13749
council, the board shall submit the report in that format. 13750

Sec. 145.091. The public employees retirement system shall 13751
administer the PERS defined benefit plan~~and~~, the PERS defined 13752
contribution plans, and the Ohio public employees deferred 13753
compensation program established under Chapter 148. of the 13754
Revised Code. 13755

Sec. 145.99. (A) Whoever violates division (A) of section 13756
145.054 of the Revised Code shall be fined not more than one 13757
hundred dollars for each day of the violation. 13758

(B) Whoever violates division (B) of section 145.054 of 13759
the Revised Code shall be imprisoned for not more than six 13760
months or fined not more than five thousand dollars, or both. 13761

~~(C) Fines imposed by the Ohio elections commission under~~ 13762
~~this section shall be paid into the Ohio elections commission~~ 13763
~~fund created under section 3513.10 of the Revised Code.~~ 13764

Sec. 148.01. (A) As used in this chapter: 13765

(1) "Eligible employee" means any public employee, as 13766
defined in division (A) of section 145.01 of the Revised Code; 13767
any person eligible to become a member of the public employees 13768
retirement system under section 145.20 of the Revised Code; any 13769
employee, as defined in division (C) of section 742.01, division 13770

(B) of section 3309.01, or division (A) of section 5505.01 of the Revised Code; any electing employee, as defined in section 3305.01 of the Revised Code; and any member of the state teachers retirement system.

(2) "Participant account" means any of the following accounts:

(a) An account that is maintained by the ~~Ohio~~ public employees ~~deferred compensation retirement~~ board and that evidences moneys that have been deferred by, or on behalf of, a continuing member or participating employee and transmitted to the board by the retirement system of the continuing member or participating employee;

(b) An account that is maintained by the governing board, administrator, depository, or trustee of a deferred compensation program of a municipal corporation and that evidences moneys that have been deferred by an officer or employee of that municipal corporation and transmitted to the governing board, administrator, depository, or trustee by the retirement system of the officer or employee or in another manner;

(c) An account that is maintained by a governing board, as defined in section 148.06 of the Revised Code, and that evidences moneys that have been deferred by an officer or employee of a government unit, as defined in that section, and transmitted to the governing board by the retirement system of the officer or employee or in another manner.

(3) "Participating employee" means any eligible employee who is having compensation deferred pursuant to either of the following:

(a) An agreement that is entered into before the

compensation is earned and that is with the eligible employee's 13800
employer and the ~~Ohio public employees deferred compensation~~ 13801
retirement board; 13802

(b) Automatic enrollment in the Ohio public employees 13803
deferred compensation program under section 148.042 of the 13804
Revised Code. 13805

(4) "Continuing member" means any former participating 13806
employee who is not currently having compensation deferred, or 13807
the former participating employee's beneficiary, to whom payment 13808
has not been made of all deferred compensation distributions. 13809

(B) Notwithstanding section 145.01 of the Revised Code, 13810
the definitions of that section are applicable to this chapter 13811
only to any extent necessary to fully understand the provisions 13812
of this chapter. Reference may also be had to Chapters 742., 13813
3305., 3307., 3309., and 5505. of the Revised Code for that 13814
purpose. 13815

Sec. 148.02. The Ohio public employees deferred 13816
compensation ~~board shall be comprised of a member of the house~~ 13817
~~of representatives and a member of the senate, who shall not be~~ 13818
~~of the same political party, each to be appointed to serve at~~ 13819
~~the pleasure of the member's respective leadership, and the~~ 13820
~~members of the public employees retirement board as constituted~~ 13821
~~by section 145.04 of the Revised Code, who are~~ program is hereby 13822
~~created as a separate legal entity for the purpose of~~ 13823
~~administering a deferred compensation system~~ for all eligible 13824
employees. The public employees retirement board created in 13825
section 145.04 of the Revised Code shall administer the program. 13826
The board may utilize its employees and property in the 13827
administration of the ~~system on behalf of the Ohio public~~ 13828
~~employees deferred compensation board, program~~ in consideration 13829

of a reasonable service charge to be applied in a 13830
nondiscriminatory manner to all amounts of compensation deferred 13831
under ~~this system~~ the program. 13832

~~The Ohio public employees deferred compensation board~~ may 13833
exercise the same powers granted by section 145.09 of the 13834
Revised Code necessary to perform its functions under this 13835
chapter. The attorney general shall be the legal adviser of the 13836
board. The Ohio public employees deferred compensation receiving 13837
account, which is hereby created, shall be in the custody of the 13838
treasurer of state, but shall not be part of the state treasury. 13839
The Ohio public employees deferred compensation receiving 13840
account is a legal entity that is separate from the various 13841
funds created under Chapter 145. of the Revised Code. 13842

Sec. 148.021. Whenever the Ohio public employees deferred 13843
compensation board or the executive director of that board or a 13844
variation thereof is used, referred to, or designated in any 13845
statute, rule, contract, grant, or other document, the use, 13846
reference, or designation shall be deemed to refer to the public 13847
employees retirement board or the executive director of the 13848
public employees retirement system, as the case may be. 13849

Sec. 148.04. (A) ~~The Ohio public employees deferred~~ 13850
~~compensation retirement board~~ shall initiate, plan, expedite, 13851
and, subject to an appropriate assurance of the approval of the 13852
internal revenue service, promulgate and offer to all eligible 13853
employees, and thereafter administer on behalf of all 13854
participating employees and continuing members, and alter as 13855
required, a program for deferral of compensation, including a 13856
reasonable number of options to the employee for the investment 13857
of deferred funds, always in such form as will assure the 13858
desired tax treatment of such funds. The members of the board 13859

are the trustees of any deferred funds and shall discharge their 13860
duties with respect to the funds solely in the interest of and 13861
for the exclusive benefit of participating employees, continuing 13862
members, and their beneficiaries. With respect to such deferred 13863
funds, section 148.09 of the Revised Code shall apply to claims 13864
against participating employees or continuing members and their 13865
employers. 13866

(B) Every employer of an eligible employee shall enroll 13867
the employee in a deferred compensation program offered by the 13868
board on the employee's application to participate, on the 13869
employee's election under section 148.041 of the Revised Code, 13870
or by automatic enrollment under section 148.042 of the Revised 13871
Code. 13872

(C) The board shall take all actions necessary to ensure 13873
that the program qualifies as an eligible deferred compensation 13874
plan under section 457(b) of the Internal Revenue Code of 1986, 13875
26 U.S.C. 457. The board shall, subject to any applicable 13876
provisions of the Ohio public employees deferred compensation 13877
program plan, undertake to obtain as favorable conditions of tax 13878
treatment as possible, both in the initial programs and any 13879
permitted alterations of them or additions to them, as to such 13880
matters as terms of distribution, designation of beneficiaries, 13881
withdrawal upon disability, financial hardship, or termination 13882
of public employment, and other optional provisions. 13883

The board may establish a designated Roth account feature 13884
or any other feature in which an employee may make tax-deferred 13885
or nontax-deferred contributions to an eligible government plan 13886
in accordance with 26 U.S.C. 457, as amended. 13887

(D) In no event shall the total of the amount of deferred 13888
compensation to be set aside under a deferred compensation 13889

program and the employee's nondeferred income for any year 13890
exceed the total annual salary or compensation under the 13891
existing salary schedule or classification plan applicable to 13892
the employee in that year. 13893

Such a deferred compensation program shall be in addition 13894
to any retirement or any other benefit program provided by law 13895
for employees of this state. The board shall adopt rules 13896
pursuant to Chapter 119. of the Revised Code to provide any 13897
necessary standards or conditions for the administration of its 13898
programs, including any limits on the portion of a participating 13899
employee's compensation that may be deferred in order to avoid 13900
adverse treatment of the program by the internal revenue service 13901
or the occurrence of deferral, withholding, or other deductions 13902
in excess of the compensation available for any pay period. 13903

Both of the following apply to a deferred compensation 13904
program established under this section: 13905

(1) Any income deferred under the program shall continue 13906
to be included as regular compensation for the purpose of 13907
computing the contributions to and benefits from the retirement 13908
system of an employee; 13909

(2) Any sums deferred shall not be included in the 13910
computation of any federal and state income taxes withheld on 13911
behalf of an employee. Sums contributed to a Roth account 13912
feature or other feature to which nontax-deferred contributions 13913
are made shall be included in the computation of any federal and 13914
state income taxes withheld on behalf of an employee. 13915

(E) This section does not limit the authority of any 13916
municipal corporation, county, township, park district, 13917
conservancy district, sanitary district, health district, public 13918

library, county law library, public institution of higher 13919
education, or school district to provide separate authorized 13920
plans or programs for deferring compensation of their officers 13921
and employees in addition to the program for the deferral of 13922
compensation offered by the board. Any municipal corporation, 13923
township, public institution of higher education, or school 13924
district that offers such plans or programs shall include a 13925
reasonable number of options to its officers or employees for 13926
the investment of the deferred funds, including annuities, 13927
variable annuities, regulated investment trusts, or other forms 13928
of investment approved by the municipal corporation, township, 13929
public institution of higher education, or school district, that 13930
will assure the desired tax treatment of the funds. 13931

Sec. 148.041. (A) Unless the employee will be 13932
automatically enrolled in the Ohio public employees deferred 13933
compensation program under section 148.042 of the Revised Code, 13934
whenever an eligible employee becomes employed in a position 13935
paid by warrant of the director of budget and management, the 13936
employee's employer shall do both of the following at the time 13937
the employee completes the employee's initial employment 13938
paperwork: 13939

(1) Provide to the employee materials provided by the Ohio 13940
public employees ~~deferred compensation~~ retirement board under 13941
division (D) of this section regarding the benefits of long-term 13942
savings through deferred compensation; 13943

(2) Except as otherwise provided in division (E) of this 13944
section, secure, in writing or by electronic means, the 13945
employee's election to participate or not participate in a 13946
deferred compensation program offered by the board. 13947

(B) An election regarding participation under this section 13948

shall be made in the manner prescribed by the board. 13949

(C) The employer shall forward each election completed 13950
under this section to the program not later than forty-five days 13951
after the date the employee's employment begins. 13952

(D) The board shall provide informational materials and 13953
participation forms to employers required to comply with this 13954
section. 13955

(E) If an eligible employee transfers employment from one 13956
position paid by warrant of the director of budget and 13957
management to another position paid by warrant of the director 13958
of budget and management and, at the time of transfer, is a 13959
participating employee, the employee's new employer shall not be 13960
required to secure the employee's election to participate or not 13961
participate under division (A) (2) of this section. 13962

Sec. 148.042. (A) As used in this section, "employing 13963
authority" means both of the following: 13964

(1) The supreme court, house of representatives, senate, 13965
legislative service commission, secretary of state, auditor of 13966
state, treasurer of state, or attorney general with respect to 13967
employees of those entities; 13968

(2) The director of administrative services, with respect 13969
to eligible employees employed in a position paid by warrant of 13970
the director of budget and management who are not employed by a 13971
person or entity listed in division (A) (1) of this section. 13972

(B) (1) An employing authority may elect to automatically 13973
enroll employees described in division (C) (1) of this section in 13974
the Ohio public employees deferred compensation program. An 13975
employing authority that elects automatic enrollment shall 13976
notify the ~~Ohio public employees deferred compensation~~ 13977

retirement board of that election. Automatic enrollment shall 13978
commence as soon as administratively practical for the board and 13979
the employing authority. 13980

(2) An employing authority that elects automatic 13981
enrollment may cease automatic enrollment by notifying the 13982
board. The employing authority shall specify in the notice the 13983
date on which automatic enrollment will cease, and that date 13984
must be at least ninety days after the date the employing 13985
authority sends the notice. An employee who commences employment 13986
after automatic enrollment ceases may elect to participate in 13987
the program in accordance with section 148.04 or 148.041 of the 13988
Revised Code. Cessation of automatic enrollment does not affect 13989
the enrollment of employees enrolled during an automatic 13990
enrollment period. 13991

An employing authority that ceases automatic enrollment 13992
may subsequently elect automatic enrollment by complying with 13993
division (B) (1) of this section. 13994

(C) (1) An eligible employee employed by an employing 13995
authority that has elected automatic enrollment shall be 13996
automatically enrolled in the program if one of the following 13997
applies to the employee: 13998

(a) The employee initially commences employment with the 13999
employing authority on or after the date automatic enrollment 14000
begins under division (B) of this section. 14001

(b) The employee separates from employment with an 14002
employing authority, becomes a continuing member, and, on or 14003
after the date automatic enrollment begins, commences employment 14004
with that employing authority or a different employing 14005
authority. 14006

(c) The employee is employed in a position paid by warrant 14007
of the director of budget and management and the employee 14008
transfers employment from an employing authority that has not 14009
elected to automatically enroll employees under this section to 14010
another position paid by warrant of the director of budget and 14011
management under an employing authority that has elected to 14012
automatically enroll employees, if the transfer occurs on or 14013
after the date automatic enrollment begins. 14014

(2) An employee who, at the time of transferring from one 14015
employing authority to another as described in division (C) (1) 14016
(c) of this section, is a participating employee shall not be 14017
automatically enrolled in the program by the employing authority 14018
to which the employee transfers. 14019

(D) The board shall establish the automatic deferral 14020
amounts and specify the investment options into which those 14021
deferred amounts will be invested for participating employees 14022
who are enrolled under this section. Deferral amounts shall not 14023
exceed the lesser of either ten per cent of an eligible 14024
employee's compensation or the maximum contribution that the 14025
employee is eligible to contribute under federal law. 14026

(E) An employing authority that elects to automatically 14027
enroll employees under this section shall provide those 14028
employees with notice of the employee's rights and obligations 14029
in the manner prescribed by the board. 14030

(F) An employing authority shall not elect to 14031
automatically enroll an eligible employee under this section, or 14032
elect to cease automatic enrollment, if that election conflicts 14033
with any collective bargaining agreement entered into between 14034
the employing authority and an exclusive representative as 14035
defined in section 4117.01 of the Revised Code. 14036

Sec. 148.05. (A) (1) As used in this division, "personal history record" means information maintained by the ~~Ohio~~ public employees ~~deferred compensation retirement~~ board on an individual who is a participating employee or continuing member that includes the address, telephone number, social security number, record of contributions, records of benefits, correspondence with the Ohio public employees deferred compensation program, or other information the board determines to be confidential.

(2) The records of the board shall be open to public inspection, except that the following shall be excluded, except with the written authorization of the individual concerned:

(a) Information pertaining to an individual's participant account;

(b) The individual's personal history record.

(B) (1) All medical reports, records, and recommendations of a participating employee or a continuing member that are in the possession of the board are privileged.

(2) All tax information of a participating employee, continuing member, or former participant or member that is in the possession of the board shall be confidential to the extent the information is confidential under Title LVII or any other provision of the Revised Code.

(C) Notwithstanding the exceptions to public inspection in division (A) (2) of this section, the board may furnish the following information:

(1) If a participating employee, continuing member, or former participant or member is subject to an order issued under section 2907.15 of the Revised Code or is convicted of or pleads

guilty to a violation of section 2921.41 of the Revised Code, on 14066
written request of a prosecutor as defined in section 2935.01 of 14067
the Revised Code, the board shall furnish to the prosecutor the 14068
information requested from the individual's personal history 14069
record or participant account. 14070

(2) Pursuant to a court or administrative order issued 14071
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 14072
Code, the board shall furnish to a court or child support 14073
enforcement agency the information required under that section. 14074

(3) Pursuant to an administrative subpoena issued by a 14075
state agency, the board shall furnish the information required 14076
by the subpoena. 14077

(4) The board shall comply with orders issued under 14078
section 3105.87 of the Revised Code. 14079

(D) A statement that contains information obtained from 14080
the program's records that is signed by the executive director 14081
or the director's designee and to which the board's official 14082
seal is affixed, or copies of the program's records to which the 14083
signature and seal are attached, shall be received as true 14084
copies of the board's records in any court or before any officer 14085
of this state. 14086

Sec. 148.10. (A) Notwithstanding any other provision of 14087
this chapter, any payment, other than a survivorship benefit, 14088
that is to be made to a person by a deferred compensation 14089
program pursuant to those sections or a deferred compensation 14090
program offered by a government unit, as defined in section 14091
148.06 of the Revised Code, or by a municipal corporation is 14092
subject to any withholding order issued pursuant to section 14093
2907.15 or division (C) (2) (b) of section 2921.41 of the Revised 14094

Code. The ~~Ohio~~ public employees ~~deferred compensation retirement~~ 14095
board, the governing board, as defined in section 148.06 of the 14096
Revised Code, that is associated with a government unit, and the 14097
governing board, administrator, depository, or trustee of a 14098
deferred compensation program of a municipal corporation shall 14099
comply with that withholding order in making payment. 14100

(B) Notwithstanding any other provision of this chapter, 14101
if a deferred compensation program receives a notice pursuant to 14102
section 2907.15 or division (D) of section 2921.41 of the 14103
Revised Code that a person who has a participant account has 14104
been charged with a violation of section 2907.02, 2907.03, 14105
2907.04, 2907.05, or 2921.41 of the Revised Code, no payment 14106
from that account shall be made prior to whichever of the 14107
following is applicable: 14108

(1) If the person is convicted of or pleads guilty to the 14109
violation and a motion for a withholding order for purposes of 14110
restitution has not been filed under section 2907.15 or division 14111
(C) (2) (b) (i) of section 2921.41 of the Revised Code, thirty days 14112
after the day on which the person is sentenced for the 14113
violation; 14114

(2) If the person is convicted of or pleads guilty to the 14115
violation and a motion for a withholding order for purposes of 14116
restitution has been filed under section 2907.15 or division (C) 14117
(2) (b) (i) of section 2921.41 of the Revised Code, the day on 14118
which the court decides the motion; 14119

(3) If the charge is dismissed or the person is found not 14120
guilty or not guilty by reason of insanity of the violation, the 14121
day on which the dismissal of the charge or the verdict is 14122
entered in the journal of the court. 14123

Sec. 149.3010. The Ohio history connection, in addition to 14124
its other functions, may use any land owned by the Ohio history 14125
connection, any land owned by the state and in the Ohio history 14126
connection's custody and control, any land leased by the Ohio 14127
history connection, or any land that the Ohio history connection 14128
has agreed to lease to another entity or organization, for the 14129
purpose of repatriation of American Indian human remains. 14130

The Ohio history connection shall work with and cooperate 14131
with federally recognized Indian tribal governments in the 14132
selection, management, and use of burial sites under this 14133
section. The Ohio history connection shall implement reasonable 14134
standards for the use and maintenance of the burial sites. In 14135
the event the Ohio history connection shall deaccession, 14136
otherwise dispose of, or no longer have custody and control of a 14137
burial site, the Ohio history connection shall retain access and 14138
authority to maintain the site or the Ohio history connection 14139
shall assign its right of access and maintenance to the person 14140
acquiring the site. For each burial site established on or after 14141
the effective date of this section, and for each burial site 14142
established before the effective date of this section and for 14143
which it is legally feasible, the Ohio history connection shall 14144
establish a perpetual easement, enforceable by the Ohio history 14145
connection or a person assigned by the Ohio history connection, 14146
to preserve the burial sites. 14147

Chapters 517., 759., 1721., and 4767. of the Revised Code 14148
do not apply to burial sites under this section. 14149

Sec. 149.311. (A) As used in this section: 14150

(1) "Historic building" means a building, including its 14151
structural components, that is located in this state and that is 14152
either individually listed on the national register of historic 14153

places under 16 U.S.C. 470a, located in a registered historic 14154
district, and certified by the state historic preservation 14155
officer as being of historic significance to the district, or is 14156
individually listed as an historic landmark designated by a 14157
local government certified under 16 U.S.C. 470a(c). 14158

(2) "Qualified rehabilitation expenditures" means 14159
expenditures paid or incurred during the rehabilitation period, 14160
and before and after that period as determined under 26 U.S.C. 14161
47, by an owner or qualified lessee of an historic building to 14162
rehabilitate the building. "Qualified rehabilitation 14163
expenditures" includes architectural or engineering fees paid or 14164
incurred in connection with the rehabilitation, and expenses 14165
incurred in the preparation of nomination forms for listing on 14166
the national register of historic places. "Qualified 14167
rehabilitation expenditures" does not include any of the 14168
following: 14169

(a) The cost of acquiring, expanding, or enlarging an 14170
historic building; 14171

(b) Expenditures attributable to work done to facilities 14172
related to the building, such as parking lots, sidewalks, and 14173
landscaping; 14174

(c) New building construction costs. 14175

(3) "Owner" of an historic building means a person holding 14176
the fee simple interest in the building. "Owner" does not 14177
include the state or a state agency, or any political 14178
subdivision as defined in section 9.23 of the Revised Code. 14179

(4) "Qualified lessee" means a person subject to a lease 14180
agreement for an historic building and eligible for the federal 14181
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 14182

does not include the state or a state agency or political 14183
subdivision as defined in section 9.23 of the Revised Code. 14184

(5) "Certificate owner" means the owner or qualified 14185
lessee of an historic building to which a rehabilitation tax 14186
credit certificate was issued under this section. 14187

(6) "Registered historic district" means an historic 14188
district listed in the national register of historic places 14189
under 16 U.S.C. 470a, an historic district designated by a local 14190
government certified under 16 U.S.C. 470a(c), or a local 14191
historic district certified under 36 C.F.R. 67.8 and 67.9. 14192

(7) "Rehabilitation" means the process of repairing or 14193
altering an historic building or buildings, making possible an 14194
efficient use while preserving those portions and features of 14195
the building and its site and environment that are significant 14196
to its historic, architectural, and cultural values. 14197

(8) "Rehabilitation period" means one of the following: 14198

(a) If the rehabilitation initially was not planned to be 14199
completed in stages, a period chosen by the owner or qualified 14200
lessee not to exceed twenty-four months during which 14201
rehabilitation occurs; 14202

(b) If the rehabilitation initially was planned to be 14203
completed in stages, a period chosen by the owner or qualified 14204
lessee not to exceed sixty months during which rehabilitation 14205
occurs. Each stage shall be reviewed as a phase of a 14206
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 14207
successor to that section. 14208

(9) "State historic preservation officer" or "officer" 14209
means the state historic preservation officer appointed by the 14210
governor under 16 U.S.C. 470a. 14211

(10) "Catalytic project" means the rehabilitation of an historic building, the rehabilitation of which will foster economic development within two thousand five hundred feet of the historic building.

(B) The owner or qualified lessee of an historic building may apply to the director of development for a rehabilitation tax credit certificate for qualified rehabilitation expenditures paid or incurred by such owner or qualified lessee after April 4, 2007, for rehabilitation of an historic building. If the owner of an historic building enters a pass-through agreement with a qualified lessee for the purposes of the federal rehabilitation tax credit under 26 U.S.C. 47, the qualified rehabilitation expenditures paid or incurred by the owner after April 4, 2007, may be attributed to the qualified lessee.

The form and manner of filing such applications shall be prescribed by rule of the director. Each application shall state the amount of qualified rehabilitation expenditures the applicant estimates will be paid or incurred and shall indicate whether the historic building was used as a theater before, and is intended to be used as a theater after, the rehabilitation. The director may require applicants to furnish documentation of such estimates.

The director, after consultation with the tax commissioner and in accordance with Chapter 119. of the Revised Code, shall adopt rules that establish all of the following:

(1) Forms and procedures by which applicants may apply for rehabilitation tax credit certificates;

(2) Criteria for reviewing, evaluating, and approving applications for certificates within the limitations under

division (D) of this section, criteria for assuring that the 14241
certificates issued encompass a mixture of high and low 14242
qualified rehabilitation expenditures, and criteria for issuing 14243
certificates under division (C) (3) (b) of this section; 14244

(3) Eligibility requirements for obtaining a certificate 14245
under this section; 14246

(4) The form of rehabilitation tax credit certificates; 14247

(5) Reporting requirements and monitoring procedures; 14248

(6) Procedures and criteria for conducting cost-benefit 14249
analyses of historic buildings that are the subjects of 14250
applications filed under this section. The purpose of a cost- 14251
benefit analysis shall be to determine whether rehabilitation of 14252
the historic building will result in a net revenue gain in state 14253
and local taxes once the building is used. 14254

(7) Any other rules necessary to implement and administer 14255
this section. 14256

(C) The director shall review the applications with the 14257
assistance of the state historic preservation officer and 14258
determine whether all of the following criteria are met: 14259

(1) That the building that is the subject of the 14260
application is an historic building and the applicant is the 14261
owner or qualified lessee of the building; 14262

(2) That the rehabilitation will satisfy standards 14263
prescribed by the United States secretary of the interior under 14264
16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a 14265
successor to that section; 14266

(3) That receiving a rehabilitation tax credit certificate 14267
under this section is a major factor in: 14268

(a) The applicant's decision to rehabilitate the historic building; or

(b) To increase the level of investment in such rehabilitation.

(4) The historic building that is the subject of the application is not, and will not upon completion of the rehabilitation project be, part of a qualified low-income housing project allocated a tax credit pursuant to section 42 of the Internal Revenue Code.

An applicant shall demonstrate to the satisfaction of the state historic preservation officer and director that the rehabilitation will satisfy the standards described in division (C) (2) of this section before the applicant begins the physical rehabilitation of the historic building.

(D) (1) If the director determines that an application meets the criteria in division (C) of this section, the director shall conduct a cost-benefit analysis for the historic building that is the subject of the application to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used. The director shall consider the results of the cost-benefit analysis in determining whether to approve the application. The director shall also consider the potential economic impact and the regional distributive balance of the credits throughout the state. The director shall not consider whether the historic building is located in or will benefit an economically distressed area, including by weighting preference based on the poverty rate in the jurisdiction or census tract in which the building is located, nor shall the director consider or give weighted preference based on vacancy or underutilization of the

building. The director may approve an application only after 14299
completion of the cost-benefit analysis. 14300

(2) A rehabilitation tax credit certificate shall not be 14301
issued for an amount greater than the estimated amount furnished 14302
by the applicant on the application for such certificate and 14303
approved by the director. The director shall not approve more 14304
than a total of ~~one hundred twenty ninety~~ million dollars of 14305
rehabilitation tax credits ~~for each of fiscal years 2023 and~~ 14306
~~2024, and sixty million dollars of rehabilitation tax credits~~ 14307
~~for each per~~ fiscal year ~~thereafter~~, but the director may 14308
reallocate unused tax credits from a prior fiscal year for new 14309
applicants and such reallocated credits shall not apply toward 14310
the dollar limit of this division. 14311

(3) For rehabilitations with a rehabilitation period not 14312
exceeding twenty-four months as provided in division (A) (8) (a) 14313
of this section, a rehabilitation tax credit certificate shall 14314
not be issued before the rehabilitation of the historic building 14315
is completed. 14316

(4) For rehabilitations with a rehabilitation period not 14317
exceeding sixty months as provided in division (A) (8) (b) of this 14318
section, a rehabilitation tax credit certificate shall not be 14319
issued before a stage of rehabilitation is completed. After all 14320
stages of rehabilitation are completed, if the director cannot 14321
determine that the criteria in division (C) of this section are 14322
satisfied for all stages of rehabilitations, the director shall 14323
certify this finding to the tax commissioner, and any 14324
rehabilitation tax credits received by the applicant shall be 14325
repaid by the applicant and may be collected by assessment as 14326
unpaid tax by the commissioner. 14327

(5) The director shall require the applicant to provide a 14328

third-party cost certification by a certified public accountant 14329
of the actual costs attributed to the rehabilitation of the 14330
historic building when qualified rehabilitation expenditures 14331
exceed two hundred thousand dollars. 14332

If an applicant whose application is approved for receipt 14333
of a rehabilitation tax credit certificate fails to provide to 14334
the director sufficient evidence of reviewable progress, 14335
including a viable financial plan, copies of final construction 14336
drawings, and evidence that the applicant has obtained all 14337
historic approvals within twelve months after the date the 14338
applicant received notification of approval, and if the 14339
applicant fails to provide evidence to the director that the 14340
applicant has secured and closed on financing for the 14341
rehabilitation within eighteen months after receiving 14342
notification of approval, the director may rescind the approval 14343
of the application. The director shall notify the applicant if 14344
the approval has been rescinded. Credits that would have been 14345
available to an applicant whose approval was rescinded shall be 14346
available for other qualified applicants. Nothing in this 14347
division prohibits an applicant whose approval has been 14348
rescinded from submitting a new application for a rehabilitation 14349
tax credit certificate. 14350

(6) The director may approve the application of, and issue 14351
a rehabilitation tax credit certificate to, the owner of a 14352
catalytic project, provided the application otherwise meets the 14353
criteria described in divisions (C) and (D) of this section. The 14354
director may not approve more than one application for a 14355
rehabilitation tax credit certificate under division (D) (6) of 14356
this section during each state fiscal biennium. The director 14357
shall not approve an application for a rehabilitation tax credit 14358
certificate under division (D) (6) of this section during the 14359

state fiscal biennium beginning July 1, 2017, or during any 14360
state fiscal biennium thereafter. The director shall consider 14361
the following criteria in determining whether to approve an 14362
application for a certificate under division (D)(6) of this 14363
section: 14364

(a) Whether the historic building is a catalytic project; 14365

(b) The effect issuance of the certificate would have on 14366
the availability of credits for other applicants that qualify 14367
for a credit certificate within the credit dollar limit 14368
described in division (D)(2) of this section; 14369

(c) The number of jobs, if any, the catalytic project will 14370
create. 14371

(7)(a) The owner or qualified lessee of a historic 14372
building may apply for a rehabilitation tax credit certificate 14373
under both divisions (B) and (D)(6) of this section. In such a 14374
case, the director shall consider each application at the time 14375
the application is submitted. 14376

(b) The director shall not issue more than one certificate 14377
under this section with respect to the same qualified 14378
rehabilitation expenditures. 14379

(8) The director shall give consideration for tax credits 14380
awarded under this section to rehabilitations of historic 14381
buildings used as a theater before, and intended to be used as a 14382
theater after, the rehabilitation. In determining whether to 14383
approve an application for such a rehabilitation, the director 14384
shall consider the extent to which the rehabilitation will 14385
increase attendance at the theater and increase the theater's 14386
gross revenue. 14387

(9) The director shall rescind the approval of any 14388

application if the building that is the subject of the 14389
application is part of a qualified low-income housing project 14390
allocated a tax credit pursuant to section 42 of the Internal 14391
Revenue Code at any time before the building's rehabilitation is 14392
complete. 14393

(E) Issuance of a certificate represents a finding by the 14394
director of the matters described in divisions (C) (1), (2), and 14395
(3) of this section only; issuance of a certificate does not 14396
represent a verification or certification by the director of the 14397
amount of qualified rehabilitation expenditures for which a tax 14398
credit may be claimed under section 5725.151, 5725.34, 5726.52, 14399
5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of 14400
qualified rehabilitation expenditures for which a tax credit may 14401
be claimed is subject to inspection and examination by the tax 14402
commissioner or employees of the commissioner under section 14403
5703.19 of the Revised Code and any other applicable law. Upon 14404
the issuance of a certificate, the director shall certify to the 14405
tax commissioner, in the form and manner requested by the tax 14406
commissioner, the name of the applicant, the amount of qualified 14407
rehabilitation expenditures shown on the certificate, and any 14408
other information required by the rules adopted under this 14409
section. 14410

(F) (1) On or before the first day of August each year, the 14411
director and tax commissioner jointly shall submit to the 14412
president of the senate and the speaker of the house of 14413
representatives a report on the tax credit program established 14414
under this section and sections 5725.151, 5725.34, 5726.52, 14415
5729.17, 5733.47, and 5747.76 of the Revised Code. The report 14416
shall present an overview of the program and shall include 14417
information on the number of rehabilitation tax credit 14418
certificates issued under this section during the preceding 14419

fiscal year, an update on the status of each historic building 14420
for which an application was approved under this section, the 14421
dollar amount of the tax credits granted under sections 14422
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the 14423
Revised Code, and any other information the director and 14424
commissioner consider relevant to the topics addressed in the 14425
report. 14426

(2) On or before December 1, 2015, the director and tax 14427
commissioner jointly shall submit to the president of the senate 14428
and the speaker of the house of representatives a comprehensive 14429
report that includes the information required by division (F)(1) 14430
of this section and a detailed analysis of the effectiveness of 14431
issuing tax credits for rehabilitating historic buildings. The 14432
report shall be prepared with the assistance of an economic 14433
research organization jointly chosen by the director and 14434
commissioner. 14435

(G) There is hereby created in the state treasury the 14436
historic rehabilitation tax credit operating fund. The director 14437
is authorized to charge reasonable application and other fees in 14438
connection with the administration of tax credits authorized by 14439
this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 14440
5733.47, and 5747.76 of the Revised Code. Any such fees 14441
collected shall be credited to the fund and used to pay 14442
reasonable costs incurred by the department of development in 14443
administering this section and sections 5725.151, 5725.34, 14444
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. 14445

The Ohio historic preservation office is authorized to 14446
charge reasonable fees in connection with its review and 14447
approval of applications under this section. Any such fees 14448
collected shall be credited to the fund and used to pay 14449

administrative costs incurred by the Ohio historic preservation 14450
office pursuant to this section. 14451

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 14452
5729.17, 5733.47, and 5747.76 of the Revised Code, the 14453
certificate owner of a tax credit certificate issued under 14454
division (D) (6) of this section may claim a tax credit equal to 14455
twenty-five per cent of the dollar amount indicated on the 14456
certificate for a total credit of not more than twenty-five 14457
million dollars. The credit claimed by such a certificate owner 14458
for any calendar year, tax year, or taxable year under section 14459
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 14460
Revised Code shall not exceed five million dollars. If the 14461
certificate owner is eligible for more than five million dollars 14462
in total credits, the certificate owner may carry forward the 14463
balance of the credit in excess of the amount claimed for that 14464
year for not more than five ensuing calendar years, tax years, 14465
or taxable years. If the credit claimed in any calendar year, 14466
tax year, or taxable year exceeds the tax otherwise due, the 14467
excess shall be refunded to the taxpayer. 14468

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 14469
5729.17, 5733.47, and 5747.76 of the Revised Code, the following 14470
apply to a tax credit approved under this section after 14471
September 13, 2022, and before July 1, 2024: 14472

(1) The certificate holder may claim a tax credit equal to 14473
thirty-five per cent of the dollar amount indicated on the tax 14474
credit certificate if any county, township, or municipal 14475
corporation within which the project is located has a population 14476
of less than three hundred thousand according to the 2020 14477
decennial census. The tax credit equals twenty-five per cent of 14478
the dollar amount indicated on the certificate if the project is 14479

not located within such a county, township, or municipal 14480
corporation. 14481

(2) The total tax credit claimed under section 5725.151, 14482
5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised 14483
Code for any one project shall not exceed ten million dollars 14484
for any calendar year, tax year, or taxable year. 14485

(3) If the credit claimed in any calendar year, tax year, 14486
or taxable year exceeds the tax otherwise due, the excess shall 14487
be refunded to the taxpayer, subject to division (I) (2) of this 14488
section. 14489

(J) Notwithstanding sections 5725.151, 5725.34, 5726.52, 14490
5729.17, 5733.47, and 5747.76 of the Revised Code, the 14491
certificate owner of a tax credit certificate may claim a tax 14492
credit equal to thirty-five per cent of the dollar amount of 14493
qualified rehabilitation expenditures indicated on the 14494
certificate if the project for which the certificate was issued 14495
is located in a municipal corporation with a population of less 14496
than three hundred thousand or in the unincorporated area of a 14497
township. 14498

(K) The director of development, in consultation with the 14499
director of budget and management, shall develop and adopt a 14500
system of tracking any information necessary to anticipate the 14501
impact of credits issued under this section on tax revenues for 14502
current and future fiscal years. Such information may include 14503
the number of applications approved, the estimated 14504
rehabilitation expenditures and rehabilitation period associated 14505
with such applications, the number and amount of tax credit 14506
certificates issued, and any other information the director of 14507
budget and management requires for the purposes of this 14508
division. 14509

~~(K)~~(L) For purposes of this section and Chapter 122:19-1 14510
of the Ohio Administrative Code, a tax credit certificate issued 14511
under this section is effective on the date that all historic 14512
buildings rehabilitated by the project are "placed in service," 14513
as that term is used in section 47 of the Internal Revenue Code. 14514

Sec. 149.38. (A) Except as otherwise provided in section 14515
307.847 of the Revised Code, there is hereby created in each 14516
county a county records commission, composed of a member of the 14517
board of county commissioners as chairperson, the prosecuting 14518
attorney, the auditor, the recorder, and the clerk of the court 14519
of common pleas. The commission shall appoint a secretary, who 14520
may or may not be a member of the commission and who shall serve 14521
at the pleasure of the commission. The commission may employ an 14522
archivist or records manager to serve under its direction. The 14523
commission shall meet upon the call of the chairperson. 14524

(B) (1) The functions of the county records commission 14525
shall be to provide rules for retention and disposal of records 14526
of the county, and to review applications for one-time disposal 14527
of obsolete records and schedules of records retention and 14528
disposition submitted by county offices. The commission may 14529
dispose of records pursuant to the procedure outlined in this 14530
section. The commission, at any time, may review any schedule it 14531
has previously approved and, for good cause shown, may revise 14532
that schedule, subject to division (D) of this section. 14533

(2) (a) As used in division (B) (2) of this section, "paper 14534
case records" means written reports of child abuse or neglect, 14535
written records of investigations, or other written records 14536
required to be prepared under section 2151.421, ~~5101.13,~~ 14537
5153.166, ~~or 5153.17,~~ or 5180.40 of the Revised Code. 14538

(b) A county public children services agency may submit to 14539

the county records commission applications for one-time 14540
disposal, or schedules of records retention and disposition, of 14541
paper case records that have been entered into permanently 14542
maintained and retrievable fields in the state automated child 14543
welfare information system established under section ~~5101.13~~ 14544
5180.40 of the Revised Code or entered into other permanently 14545
maintained and retrievable electronic files. The county records 14546
commission may dispose of the paper case records pursuant to the 14547
procedure outlined in this section. 14548

(C) (1) When the county records commission has approved any 14549
county application for one-time disposal of obsolete records or 14550
any schedule of records retention and disposition, the 14551
commission shall send that application or schedule to the Ohio 14552
history connection for its review. The Ohio history connection 14553
shall review the application or schedule within a period of not 14554
more than sixty days after its receipt of it. During the sixty- 14555
day review period, the Ohio history connection may select for 14556
its custody from the application for one-time disposal of 14557
obsolete records any records it considers to be of continuing 14558
historical value, and shall denote upon any schedule of records 14559
retention and disposition any records for which the Ohio history 14560
connection will require a certificate of records disposal prior 14561
to their disposal. 14562

(2) Upon completion of its review, the Ohio history 14563
connection shall forward the application for one-time disposal 14564
of obsolete records or the schedule of records retention and 14565
disposition to the auditor of state for the auditor's approval 14566
or disapproval. The auditor of state shall approve or disapprove 14567
the application or schedule within a period of not more than 14568
sixty days after receipt of it. 14569

(3) Before public records are to be disposed of pursuant 14570
to an approved schedule of records retention and disposition, 14571
the county records commission shall inform the Ohio history 14572
connection of the disposal through the submission of a 14573
certificate of records disposal for only the records required by 14574
the schedule to be disposed of and shall give the Ohio history 14575
connection the opportunity for a period of fifteen business days 14576
to select for its custody those records, from the certificate 14577
submitted, that it considers to be of continuing historical 14578
value. Upon the expiration of the fifteen-business-day period, 14579
the county records commission also shall notify the public 14580
libraries, county historical society, state universities, and 14581
other public or quasi-public institutions, agencies, or 14582
corporations in the county that have provided the commission 14583
with their name and address for these notification purposes, 14584
that the commission has informed the Ohio history connection of 14585
the records disposal and that the notified entities, upon 14586
written agreement with the Ohio history connection pursuant to 14587
section 149.31 of the Revised Code, may select records of 14588
continuing historical value, including records that may be 14589
distributed to any of the notified entities under section 149.31 14590
of the Revised Code. Any notified entity that notifies the 14591
county records commission of its intent to review and select 14592
records of continuing historical value from certificates of 14593
records disposal is responsible for the cost of any notice given 14594
and for the transportation of those records. 14595

(D) The rules of the county records commission shall 14596
include a rule that requires any receipts, checks, vouchers, or 14597
other similar records pertaining to expenditures from the 14598
delinquent tax and assessment collection fund created in section 14599
321.261 of the Revised Code, from the real estate assessment 14600

fund created in section 325.31 of the Revised Code, or from 14601
amounts allocated for the furtherance of justice to the county 14602
sheriff under section 325.071 of the Revised Code or to the 14603
prosecuting attorney under section 325.12 of the Revised Code to 14604
be retained for at least four years. 14605

(E) No person shall knowingly violate the rule adopted 14606
under division (D) of this section. Whoever violates that rule 14607
is guilty of a misdemeanor of the first degree. 14608

Sec. 149.43. (A) As used in this section: 14609

(1) "Public record" means records kept by any public 14610
office, including, but not limited to, state, county, city, 14611
village, township, and school district units, and records 14612
pertaining to the delivery of educational services by an 14613
alternative school in this state kept by the nonprofit or for- 14614
profit entity operating the alternative school pursuant to 14615
section 3313.533 of the Revised Code. "Public record" does not 14616
mean any of the following: 14617

(a) Medical records; 14618

(b) Records pertaining to probation and parole 14619
proceedings, to proceedings related to the imposition of 14620
community control sanctions and post-release control sanctions, 14621
or to proceedings related to determinations under section 14622
2967.271 of the Revised Code regarding the release or maintained 14623
incarceration of an offender to whom that section applies; 14624

(c) Records pertaining to actions under section 2151.85 14625
and division (C) of section 2919.121 of the Revised Code and to 14626
appeals of actions arising under those sections; 14627

(d) Records pertaining to adoption proceedings, including 14628
the contents of an adoption file maintained by the department of 14629

health under sections 3705.12 to 3705.124 of the Revised Code; 14630

(e) Information in a record contained in the putative 14631
father registry established by section 3107.062 of the Revised 14632
Code, regardless of whether the information is held by the 14633
department of ~~job and family services~~ children and youth or, 14634
pursuant to section 3111.69 of the Revised Code, the office of 14635
child support in the department of job and family services or a 14636
child support enforcement agency; 14637

(f) Records specified in division (A) of section 3107.52 14638
of the Revised Code; 14639

(g) Trial preparation records, prior to the conclusion of 14640
all direct appeals or, if no appeal is filed, at the expiration 14641
of the time during which an appeal may be filed; 14642

(h) Confidential law enforcement investigatory records; 14643

(i) Records containing information that is confidential 14644
under section 2710.03 or 4112.05 of the Revised Code; 14645

(j) DNA records stored in the DNA database pursuant to 14646
section 109.573 of the Revised Code; 14647

(k) Inmate records ~~released by the department of~~ 14648
~~rehabilitation and correction to the department of youth~~ 14649
~~services or a court of record pursuant to division (E) of~~ under 14650
section 5120.21 of the Revised Code, except for permitted 14651
disclosure of the information listed in division (E) (1) of that 14652
section; 14653

(l) Records maintained by the department of youth services 14654
pertaining to children in its custody released by the department 14655
of youth services to the department of rehabilitation and 14656
correction pursuant to section 5139.05 of the Revised Code; 14657

(m) Intellectual property records;	14658
(n) Donor profile records;	14659
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	14660 14661
(p) Designated public service worker residential and familial information;	14662 14663
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	14664 14665 14666 14667 14668
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	14669 14670
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	14671 14672 14673 14674 14675 14676 14677 14678 14679 14680 14681 14682
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that	14683 14684 14685 14686

section; 14687

(u) Test materials, examinations, or evaluation tools used 14688
in an examination for licensure as a nursing home administrator 14689
that the board of executives of long-term services and supports 14690
administers under section 4751.15 of the Revised Code or 14691
contracts under that section with a private or government entity 14692
to administer; 14693

(v) Records the release of which is prohibited by state or 14694
federal law; 14695

(w) Proprietary information of or relating to any person 14696
that is submitted to or compiled by the Ohio venture capital 14697
authority created under section 150.01 of the Revised Code; 14698

(x) Financial statements and data any person submits for 14699
any purpose to the Ohio housing finance agency or the 14700
controlling board in connection with applying for, receiving, or 14701
accounting for financial assistance from the agency, and 14702
information that identifies any individual who benefits directly 14703
or indirectly from financial assistance from the agency; 14704

(y) Records listed in section 5101.29 of the Revised Code; 14705

(z) Discharges recorded with a county recorder under 14706
section 317.24 of the Revised Code, as specified in division (B) 14707
(2) of that section; 14708

(aa) Usage information including names and addresses of 14709
specific residential and commercial customers of a municipally 14710
owned or operated public utility; 14711

(bb) Records described in division (C) of section 187.04 14712
of the Revised Code that are not designated to be made available 14713
to the public as provided in that division; 14714

(cc) Information and records that are made confidential, 14715
privileged, and not subject to disclosure under divisions (B) 14716
and (C) of section 2949.221 of the Revised Code; 14717

(dd) Personal information, as defined in section 149.45 of 14718
the Revised Code; 14719

(ee) The confidential name, address, and other personally 14720
identifiable information of a program participant in the address 14721
confidentiality program established under sections 111.41 to 14722
111.47 of the Revised Code, including the contents of any 14723
application for absent voter's ballots, absent voter's ballot 14724
identification envelope statement of voter, or provisional 14725
ballot affirmation completed by a program participant who has a 14726
confidential voter registration record; records or portions of 14727
records pertaining to that program that identify the number of 14728
program participants that reside within a precinct, ward, 14729
township, municipal corporation, county, or any other geographic 14730
area smaller than the state; and any real property 14731
confidentiality notice filed under section 111.431 of the 14732
Revised Code and the information described in division (C) of 14733
that section. As used in this division, "confidential address" 14734
and "program participant" have the meaning defined in section 14735
111.41 of the Revised Code. 14736

(ff) Orders for active military service of an individual 14737
serving or with previous service in the armed forces of the 14738
United States, including a reserve component, or the Ohio 14739
organized militia, except that, such order becomes a public 14740
record on the day that is fifteen years after the published date 14741
or effective date of the call to order; 14742

(gg) The name, address, contact information, or other 14743
personal information of an individual who is less than eighteen 14744

years of age that is included in any record related to a traffic 14745
accident involving a school vehicle in which the individual was 14746
an occupant at the time of the accident; 14747

(hh) Protected health information, as defined in 45 C.F.R. 14748
160.103, that is in a claim for payment for a health care 14749
product, service, or procedure, as well as any other health 14750
claims data in another document that reveals the identity of an 14751
individual who is the subject of the data or could be used to 14752
reveal that individual's identity; 14753

(ii) Any depiction by photograph, film, videotape, or 14754
printed or digital image under either of the following 14755
circumstances: 14756

(i) The depiction is that of a victim of an offense the 14757
release of which would be, to a reasonable person of ordinary 14758
sensibilities, an offensive and objectionable intrusion into the 14759
victim's expectation of bodily privacy and integrity. 14760

(ii) The depiction captures or depicts the victim of a 14761
sexually oriented offense, as defined in section 2950.01 of the 14762
Revised Code, at the actual occurrence of that offense. 14763

(jj) Restricted portions of a body-worn camera or 14764
dashboard camera recording; 14765

(kk) In the case of a fetal-infant mortality review board 14766
acting under sections 3707.70 to 3707.77 of the Revised Code, 14767
records, documents, reports, or other information presented to 14768
the board or a person abstracting such materials on the board's 14769
behalf, statements made by review board members during board 14770
meetings, all work products of the board, and data submitted by 14771
the board to the department of health or a national infant death 14772
review database, other than the report prepared pursuant to 14773

section 3707.77 of the Revised Code. 14774

(ll) Records, documents, reports, or other information 14775
presented to the pregnancy-associated mortality review board 14776
established under section ~~3738.01~~ 5180.27 of the Revised Code, 14777
statements made by board members during board meetings, all work 14778
products of the board, and data submitted by the board to the 14779
department of health, other than the biennial reports prepared 14780
under section ~~3738.08~~ 5180.277 of the Revised Code; 14781

(mm) Except as otherwise provided in division (A) (1) (oo) 14782
of this section, telephone numbers for a victim, as defined in 14783
section 2930.01 of the Revised Code or a witness to a crime that 14784
are listed on any law enforcement record or report. 14785

(nn) A preneed funeral contract, as defined in section 14786
4717.01 of the Revised Code, and contract terms and personally 14787
identifying information of a preneed funeral contract, that is 14788
contained in a report submitted by or for a funeral home to the 14789
board of embalmers and funeral directors under division (C) of 14790
section 4717.13, division (J) of section 4717.31, or section 14791
4717.41 of the Revised Code. 14792

(oo) Telephone numbers for a party to a motor vehicle 14793
accident subject to the requirements of section 5502.11 of the 14794
Revised Code that are listed on any law enforcement record or 14795
report, except that the telephone numbers described in this 14796
division are not excluded from the definition of "public record" 14797
under this division on and after the thirtieth day after the 14798
occurrence of the motor vehicle accident. 14799

(pp) Records pertaining to individuals who complete 14800
training under section 5502.703 of the Revised Code to be 14801
permitted by a school district board of education or governing 14802

body of a community school established under Chapter 3314. of 14803
the Revised Code, a STEM school established under Chapter 3326. 14804
of the Revised Code, or a chartered nonpublic school to convey 14805
deadly weapons or dangerous ordnance into a school safety zone; 14806

(qq) Records, documents, reports, or other information 14807
presented to a domestic violence fatality review board 14808
established under section 307.651 of the Revised Code, 14809
statements made by board members during board meetings, all work 14810
products of the board, and data submitted by the board to the 14811
department of health, other than a report prepared pursuant to 14812
section 307.656 of the Revised Code; 14813

(rr) Records, documents, and information the release of 14814
which is prohibited under sections 2930.04 and 2930.07 of the 14815
Revised Code; 14816

(ss) Records of an existing qualified nonprofit 14817
corporation that creates a special improvement district under 14818
Chapter 1710. of the Revised Code that do not pertain to a 14819
purpose for which the district is created; 14820

(tt) Educational support services data, as defined in 14821
section 3319.325 of the Revised Code; 14822

(uu) Records of the past, current, and future work 14823
schedule of a designated public service worker. As used in 14824
division (A)(1)(uu) of this section, "work schedule" does not 14825
include the docket of cases of a court, judge, or magistrate; 14826

(vv) A request form or confirmation letter submitted to a 14827
public office under section 149.45 of the Revised Code; 14828

(ww) An affidavit or confirmation letter submitted under 14829
section 319.28 of the Revised Code; 14830

(xx) License or certificate application or renewal 14831
responses and supporting documentation submitted to the state 14832
medical board regarding an applicant's, or a license or 14833
certificate holder's, inability to practice according to 14834
acceptable and prevailing standards of care by reason of a 14835
medical condition; 14836

(yy) Images and data captured by an automated license 14837
plate recognition system that are maintained in a law 14838
enforcement database; 14839

(zz) Records pertaining to burial sites under section 14840
149.3010 of the Revised Code; 14841

(aaa) All written and oral statements provided by a victim 14842
or victim's representative to the department of rehabilitation 14843
and correction in connection with the pendency of any pardon, 14844
commutation, or parole; 14845

(bbb) Attorney work product record; 14846

(ccc) Personal notes of a public official or a public 14847
employee, or of an attorney when acting in an official capacity 14848
on behalf of the public official or public employee in that 14849
public official's or public employee's official capacity, which 14850
were created for reference and convenience, and are used, 14851
maintained, and accessible only to the individual creating the 14852
record or causing the record to be created; 14853

(ddd) A record created using an assistive device or 14854
application, when the record is used, maintained, and accessible 14855
only to the individual creating the record or causing the record 14856
to be created. 14857

A record that is not a public record under division (A) (1) 14858
of this section and that, under law, is permanently retained 14859

becomes a public record on the day that is seventy-five years 14860
after the day on which the record was created, or in the case of 14861
a record that is not a public record under division (A) (1) (uu) 14862
of this section that is retained, three years after the day on 14863
which the record was created, except for any record protected by 14864
the attorney-client privilege, a trial preparation record as 14865
defined in this section, a statement prohibiting the release of 14866
identifying information signed under section 3107.083 of the 14867
Revised Code, a denial of release form filed pursuant to section 14868
3107.46 of the Revised Code, records pertaining to burial sites 14869
under section 149.3010 of the Revised Code, or any record that 14870
is exempt from release or disclosure under section 149.433 of 14871
the Revised Code. If the record is a birth certificate and a 14872
biological parent's name redaction request form has been 14873
accepted under section 3107.391 of the Revised Code, the name of 14874
that parent shall be redacted from the birth certificate before 14875
it is released under this paragraph. If any other section of the 14876
Revised Code establishes a time period for disclosure of a 14877
record that conflicts with the time period specified in this 14878
section, the time period in the other section prevails. 14879

~~(2)~~ (2) (a) "Confidential law enforcement investigatory 14880
record" means any record that pertains to a law enforcement 14881
matter of a criminal, quasi-criminal, civil, or administrative 14882
nature, but only to the extent that the release of the record 14883
would create a high probability of disclosure of any of the 14884
following: 14885

~~(a)~~ (i) The identity of a suspect who has not been charged 14886
with the offense to which the record pertains, or of an 14887
information source or witness to whom confidentiality has been 14888
reasonably promised; 14889

~~(b)~~ (ii) Information provided by an information source or 14890
witness to whom confidentiality has been reasonably promised, 14891
which information would reasonably tend to disclose the source's 14892
or witness's identity; 14893

~~(e)~~ (iii) Specific confidential investigatory techniques or 14894
procedures or specific investigatory work product; 14895

~~(d)~~ (iv) Information that would endanger the life or 14896
physical safety of law enforcement personnel, a crime victim, a 14897
witness, or a confidential information source. 14898

(b) As used in division (A) (2) of this section, "specific 14899
investigatory work product" means information assembled by law 14900
enforcement officials in connection with a probable or pending 14901
criminal proceeding. 14902

(3) "Medical record" means any document or combination of 14903
documents, except births, deaths, and the fact of admission to 14904
or discharge from a hospital, that pertains to the medical 14905
history, diagnosis, prognosis, or medical condition of a patient 14906
and that is generated and maintained in the process of medical 14907
treatment. 14908

(4) "Trial preparation record" means any record that is 14909
not a confidential law enforcement investigatory record or 14910
attorney work product record and that contains factual 14911
information that is specifically compiled in reasonable 14912
anticipation of, or in defense of, a civil or criminal action or 14913
proceeding, by or for another party or by or for that other 14914
party's representative. including the independent thought 14915
processes and personal trial preparation of an attorney. 14916

(5) "Intellectual property record" means a record, other 14917
than a financial or administrative record, that is produced or 14918

collected by or for faculty or staff of a state institution of 14919
higher learning in the conduct of or as a result of study or 14920
research on an educational, commercial, scientific, artistic, 14921
technical, or scholarly issue, regardless of whether the study 14922
or research was sponsored by the institution alone or in 14923
conjunction with a governmental body or private concern, and 14924
that has not been publicly released, published, or patented. 14925

(6) "Donor profile record" means all records about donors 14926
or potential donors to a public institution of higher education 14927
except the names and reported addresses of the actual donors and 14928
the date, amount, and conditions of the actual donation. 14929

(7) "Designated public service worker" means a peace 14930
officer, parole officer, probation officer, bailiff, prosecuting 14931
attorney, assistant prosecuting attorney, correctional employee, 14932
county or multicounty corrections officer, community-based 14933
correctional facility employee, designated Ohio national guard 14934
member, protective services worker, youth services employee, 14935
firefighter, EMT, medical director or member of a cooperating 14936
physician advisory board of an emergency medical service 14937
organization, state board of pharmacy employee, investigator of 14938
the bureau of criminal identification and investigation, 14939
emergency service telecommunicator, forensic mental health 14940
provider, mental health evaluation provider, regional 14941
psychiatric hospital employee, judge, magistrate, or federal law 14942
enforcement officer. 14943

(8) "Designated public service worker residential and 14944
familial information" means any information that discloses any 14945
of the following about a designated public service worker: 14946

(a) The address of the actual personal residence of a 14947
designated public service worker, except for the following 14948

information: 14949

(i) The address of the actual personal residence of a 14950
prosecuting attorney or judge; and 14951

(ii) The state or political subdivision in which a 14952
designated public service worker resides. 14953

(b) Information compiled from referral to or participation 14954
in an employee assistance program; 14955

(c) The social security number, the residential telephone 14956
number, any bank account, debit card, charge card, or credit 14957
card number, or the emergency telephone number of, or any 14958
medical information pertaining to, a designated public service 14959
worker; 14960

(d) The name of any beneficiary of employment benefits, 14961
including, but not limited to, life insurance benefits, provided 14962
to a designated public service worker by the designated public 14963
service worker's employer; 14964

(e) The identity and amount of any charitable or 14965
employment benefit deduction made by the designated public 14966
service worker's employer from the designated public service 14967
worker's compensation, unless the amount of the deduction is 14968
required by state or federal law; 14969

(f) The name, the residential address, the name of the 14970
employer, the address of the employer, the social security 14971
number, the residential telephone number, any bank account, 14972
debit card, charge card, or credit card number, or the emergency 14973
telephone number of the spouse, a former spouse, or any child of 14974
a designated public service worker; 14975

(g) A photograph of a peace officer who holds a position 14976

or has an assignment that may include undercover or plain 14977
clothes positions or assignments as determined by the peace 14978
officer's appointing authority. 14979

(9) As used in divisions (A) (7) and (15) to (17) of this 14980
section: 14981

"Peace officer" has the meaning defined in section 109.71 14982
of the Revised Code and also includes the superintendent and 14983
troopers of the state highway patrol; it does not include the 14984
sheriff of a county or a supervisory employee who, in the 14985
absence of the sheriff, is authorized to stand in for, exercise 14986
the authority of, and perform the duties of the sheriff. 14987

"Correctional employee" means any employee of the 14988
department of rehabilitation and correction who in the course of 14989
performing the employee's job duties has or has had contact with 14990
inmates and persons under supervision. 14991

"County or multicounty corrections officer" means any 14992
corrections officer employed by any county or multicounty 14993
correctional facility. 14994

"Designated Ohio national guard member" means a member of 14995
the Ohio national guard who is participating in duties related 14996
to remotely piloted aircraft, including, but not limited to, 14997
pilots, sensor operators, and mission intelligence personnel, 14998
duties related to special forces operations, or duties related 14999
to cybersecurity, and is designated by the adjutant general as a 15000
designated public service worker for those purposes. 15001

"Protective services worker" means any employee of a 15002
county agency who is responsible for child protective services, 15003
child support services, or adult protective services. 15004

"Youth services employee" means any employee of the 15005

department of youth services who in the course of performing the 15006
employee's job duties has or has had contact with children 15007
committed to the custody of the department of youth services. 15008

"Firefighter" means any regular, paid or volunteer, member 15009
of a lawfully constituted fire department of a municipal 15010
corporation, township, fire district, or village. 15011

"EMT" means EMTs-basic, EMTs-I, and paramedics that 15012
provide emergency medical services for a public emergency 15013
medical service organization. "Emergency medical service 15014
organization," "EMT-basic," "EMT-I," and "paramedic" have the 15015
meanings defined in section 4765.01 of the Revised Code. 15016

"Investigator of the bureau of criminal identification and 15017
investigation" has the meaning defined in section 2903.11 of the 15018
Revised Code. 15019

"Emergency service telecommunicator" means an individual 15020
employed by an emergency service provider as defined under 15021
section 128.01 of the Revised Code, whose primary responsibility 15022
is to be an operator for the receipt or processing of calls for 15023
emergency services made by telephone, radio, or other electronic 15024
means. 15025

"Forensic mental health provider" means any employee of a 15026
community mental health service provider or local alcohol, drug 15027
addiction, and mental health services board who, in the course 15028
of the employee's duties, has contact with persons committed to 15029
a local alcohol, drug addiction, and mental health services 15030
board by a court order pursuant to section 2945.38, 2945.39, 15031
2945.40, or 2945.402 of the Revised Code. 15032

"Mental health evaluation provider" means an individual 15033
who, under Chapter 5122. of the Revised Code, examines a 15034

respondent who is alleged to be a mentally ill person subject to 15035
court order, as defined in section 5122.01 of the Revised Code, 15036
and reports to the probate court the respondent's mental 15037
condition. 15038

"Regional psychiatric hospital employee" means any 15039
employee of the department of mental health and addiction 15040
services who, in the course of performing the employee's duties, 15041
has contact with patients committed to the department of mental 15042
health and addiction services by a court order pursuant to 15043
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 15044
Code. 15045

"Federal law enforcement officer" has the meaning defined 15046
in section 9.88 of the Revised Code. 15047

(10) "Information pertaining to the recreational 15048
activities of a person under the age of eighteen" means 15049
information that is kept in the ordinary course of business by a 15050
public office, that pertains to the recreational activities of a 15051
person under the age of eighteen years, and that discloses any 15052
of the following: 15053

(a) The address or telephone number of a person under the 15054
age of eighteen or the address or telephone number of that 15055
person's parent, guardian, custodian, or emergency contact 15056
person; 15057

(b) The social security number, birth date, or 15058
photographic image of a person under the age of eighteen; 15059

(c) Any medical record, history, or information pertaining 15060
to a person under the age of eighteen; 15061

(d) Any additional information sought or required about a 15062
person under the age of eighteen for the purpose of allowing 15063

that person to participate in any recreational activity 15064
conducted or sponsored by a public office or to use or obtain 15065
admission privileges to any recreational facility owned or 15066
operated by a public office. 15067

(11) "Community control sanction" has the meaning defined 15068
in section 2929.01 of the Revised Code. 15069

(12) "Post-release control sanction" has the meaning 15070
defined in section 2967.01 of the Revised Code. 15071

(13) "Redaction" means obscuring or deleting any 15072
information that is exempt from the duty to permit public 15073
inspection or copying from an item that otherwise meets the 15074
definition of a "record" in section 149.011 of the Revised Code. 15075

(14) "Designee," "elected official," and "future official" 15076
have the meanings defined in section 109.43 of the Revised Code. 15077

(15) "Body-worn camera" means a visual and audio recording 15078
device worn on the person of a correctional employee, youth 15079
services employee, or peace officer while the correctional 15080
employee, youth services employee, or peace officer is engaged 15081
in the performance of official duties. 15082

(16) "Dashboard camera" means a visual and audio recording 15083
device mounted on a peace officer's vehicle or vessel that is 15084
used while the peace officer is engaged in the performance of 15085
the peace officer's duties. 15086

(17) "Restricted portions of a body-worn camera or 15087
dashboard camera recording" means any visual or audio portion of 15088
a body-worn camera or dashboard camera recording that shows, 15089
communicates, or discloses any of the following: 15090

(a) The image or identity of a child or information that 15091

could lead to the identification of a child who is a primary 15092
subject of the recording when the department of rehabilitation 15093
and correction, department of youth services, or the law 15094
enforcement agency knows or has reason to know the person is a 15095
child based on the department's or law enforcement agency's 15096
records or the content of the recording; 15097

(b) The death of a person or a deceased person's body, 15098
unless the death was caused by a correctional employee, youth 15099
services employee, or peace officer or, subject to division (H) 15100
(1) of this section, the consent of the decedent's executor or 15101
administrator has been obtained; 15102

(c) The death of a correctional employee, youth services 15103
employee, peace officer, firefighter, paramedic, or other first 15104
responder, occurring while the decedent was engaged in the 15105
performance of official duties, unless, subject to division (H) 15106
(1) of this section, the consent of the decedent's executor or 15107
administrator has been obtained; 15108

(d) Grievous bodily harm, unless the injury was effected 15109
by a correctional employee, youth services employee, or peace 15110
officer or, subject to division (H) (1) of this section, the 15111
consent of the injured person or the injured person's guardian 15112
has been obtained; 15113

(e) An act of severe violence against a person that 15114
results in serious physical harm to the person, unless the act 15115
and injury was effected by a correctional employee, youth 15116
services employee, or peace officer or, subject to division (H) 15117
(1) of this section, the consent of the injured person or the 15118
injured person's guardian has been obtained; 15119

(f) Grievous bodily harm to a correctional employee, youth 15120

services employee, peace officer, firefighter, paramedic, or 15121
other first responder, occurring while the injured person was 15122
engaged in the performance of official duties, unless, subject 15123
to division (H) (1) of this section, the consent of the injured 15124
person or the injured person's guardian has been obtained; 15125

(g) An act of severe violence resulting in serious 15126
physical harm against a correctional employee, youth services 15127
employee, peace officer, firefighter, paramedic, or other first 15128
responder, occurring while the injured person was engaged in the 15129
performance of official duties, unless, subject to division (H) 15130
(1) of this section, the consent of the injured person or the 15131
injured person's guardian has been obtained; 15132

(h) A person's nude body, unless, subject to division (H) 15133
(1) of this section, the person's consent has been obtained; 15134

(i) Protected health information, the identity of a person 15135
in a health care facility who is not the subject of a 15136
correctional, youth services, or law enforcement encounter, or 15137
any other information in a health care facility that could 15138
identify a person who is not the subject of a correctional, 15139
youth services, or law enforcement encounter; 15140

(j) Information that could identify the alleged victim of 15141
a sex offense, menacing by stalking, or domestic violence; 15142

(k) Information, that does not constitute a confidential 15143
law enforcement investigatory record, that could identify a 15144
person who provides sensitive or confidential information to the 15145
department of rehabilitation and correction, the department of 15146
youth services, or a law enforcement agency when the disclosure 15147
of the person's identity or the information provided could 15148
reasonably be expected to threaten or endanger the safety or 15149

property of the person or another person; 15150

(l) Personal information of a person who is not arrested, 15151
cited, charged, or issued a written warning by a peace officer; 15152

(m) Proprietary correctional, youth services, or police 15153
contingency plans or tactics that are intended to prevent crime 15154
and maintain public order and safety; 15155

(n) A personal conversation unrelated to work between 15156
correctional employees, youth services employees, or peace 15157
officers or between a correctional employee, youth services 15158
employee, or peace officer and an employee of a law enforcement 15159
agency; 15160

(o) A conversation between a correctional employee, youth 15161
services employee, or peace officer and a member of the public 15162
that does not concern correctional, youth services, or law 15163
enforcement activities; 15164

(p) The interior of a residence, unless the interior of a 15165
residence is the location of an adversarial encounter with, or a 15166
use of force by, a correctional employee, youth services 15167
employee, or peace officer; 15168

(q) Any portion of the interior of a private business that 15169
is not open to the public, unless an adversarial encounter with, 15170
or a use of force by, a correctional employee, youth services 15171
employee, or peace officer occurs in that location. 15172

As used in division (A) (17) of this section: 15173

"Grievous bodily harm" has the same meaning as in section 15174
5924.120 of the Revised Code. 15175

"Health care facility" has the same meaning as in section 15176
1337.11 of the Revised Code. 15177

"Protected health information" has the same meaning as in 15178
45 C.F.R. 160.103. 15179

"Law enforcement agency" means a government entity that 15180
employs peace officers to perform law enforcement duties. 15181

"Personal information" means any government-issued 15182
identification number, date of birth, address, financial 15183
information, or criminal justice information from the law 15184
enforcement automated data system or similar databases. 15185

"Sex offense" has the same meaning as in section 2907.10 15186
of the Revised Code. 15187

"Firefighter," "paramedic," and "first responder" have the 15188
same meanings as in section 4765.01 of the Revised Code. 15189

(18) "Attorney work product record" means a record created 15190
by or for an attorney in anticipation of or for litigation, 15191
trial, or administrative proceedings, when acting in an official 15192
capacity on behalf of the state, a political subdivision of the 15193
state, a state agency, a public official, or a public employee. 15194
"Attorney work product record" includes any record that 15195
documents the independent thought processes, mental impressions, 15196
legal theories, strategies, analysis, or reasoning of or for an 15197
attorney. 15198

(B) (1) Upon request by any person and subject to division 15199
(B) (8) of this section, all public records responsive to the 15200
request shall be promptly prepared and made available for 15201
inspection to the requester at all reasonable times during 15202
regular business hours. Subject to division (B) (8) of this 15203
section, upon request by any person, a public office or person 15204
responsible for public records shall make copies of the 15205
requested public record available to the requester at cost and 15206

within a reasonable period of time. 15207

When considering whether a state or local law enforcement 15208
agency or a prosecuting attorney's office promptly prepared a 15209
video record for inspection or ~~provided~~ produced a copy of a 15210
video record ~~for production~~ within a reasonable period of time, 15211
in addition to any other factors, a court shall consider the 15212
time required for a state or local law enforcement agency or a 15213
prosecuting attorney's office to retrieve, download, review, 15214
redact, seek legal advice regarding, and produce the video 15215
record. ~~Notwithstanding~~ Except as specified in division (B) (11) 15216
of this section, notwithstanding any other requirement set forth 15217
in Chapter 149. of the Revised Code, a state or local law 15218
enforcement agency or a prosecuting attorney's office may charge 15219
a requester the actual cost associated with preparing a video 15220
record for inspection or production, not to exceed seventy-five 15221
dollars per hour of video produced, nor seven hundred fifty 15222
dollars total. As used in this division, "actual cost," with 15223
respect to video records only, means all costs incurred by the 15224
state or local law enforcement agency or a prosecuting 15225
attorney's office in reviewing, blurring or otherwise obscuring, 15226
redacting, uploading, or producing the video records, including 15227
but not limited to the storage medium on which the record is 15228
produced, staff time, and any other relevant overhead necessary 15229
to comply with the request. A state or local law enforcement 15230
agency or a prosecuting attorney's office may include in its 15231
public records policy the requirement that a requester pay the 15232
estimated actual cost before beginning the process of preparing 15233
a video record for inspection or production. Where a state or 15234
local law enforcement agency or a prosecuting attorney's office 15235
imposes such a requirement, its obligation to produce a video or 15236
make it available for inspection begins once the estimated 15237

actual cost is paid in full by the requester. A state or local 15238
law enforcement agency or a prosecuting attorney's office shall 15239
provide the requester with the estimated actual cost within five 15240
business days of receipt of the public records request. If the 15241
actual cost exceeds the estimated actual cost, a state or local 15242
law enforcement agency or a prosecuting attorney's office may 15243
charge a requester for the difference upon fulfilling a request 15244
for video records if the requester is notified in advance that 15245
the actual cost may be up to twenty per cent higher than the 15246
estimated actual cost. A state or local law enforcement agency 15247
or a prosecuting attorney's office shall not charge a requester 15248
a difference that exceeds twenty per cent of the estimated 15249
actual cost. 15250

If a public record contains information that is exempt 15251
from the duty to permit public inspection or to copy the public 15252
record, the public office or the person responsible for the 15253
public record shall make available all of the information within 15254
the public record that is not exempt. When making that public 15255
record available for public inspection or copying that public 15256
record, the public office or the person responsible for the 15257
public record shall notify the requester of any redaction or 15258
make the redaction plainly visible. A redaction shall be deemed 15259
a denial of a request to inspect or copy the redacted 15260
information, except if federal or state law authorizes or 15261
requires a public office to make the redaction. When the auditor 15262
of state receives a request to inspect or to make a copy of a 15263
record that was provided to the auditor of state for purposes of 15264
an audit, but the original public office has asserted to the 15265
auditor of state that the record is not a public record, the 15266
auditor of state may handle the requests by directing the 15267
requestor to the original public office that provided the record 15268

to the auditor of state. 15269

(2) To facilitate broader access to public records, a 15270
public office or the person responsible for public records shall 15271
organize and maintain public records in a manner that they can 15272
be made available for inspection or copying in accordance with 15273
division (B) of this section. A public office also shall have 15274
available a copy of its current records retention schedule at a 15275
location readily available to the public. If a requester makes 15276
an ambiguous or overly broad request or has difficulty in making 15277
a request for copies or inspection of public records under this 15278
section such that the public office or the person responsible 15279
for the requested public record cannot reasonably identify what 15280
public records are being requested, the public office or the 15281
person responsible for the requested public record may deny the 15282
request but shall provide the requester with an opportunity to 15283
revise the request by informing the requester of the manner in 15284
which records are maintained by the public office and accessed 15285
in the ordinary course of the public office's or person's 15286
duties. 15287

(3) If a request is ultimately denied, in part or in 15288
whole, the public office or the person responsible for the 15289
requested public record shall provide the requester with an 15290
explanation, including legal authority, setting forth why the 15291
request was denied. If the initial request was provided in 15292
writing, the explanation also shall be provided to the requester 15293
in writing. The explanation shall not preclude the public office 15294
or the person responsible for the requested public record from 15295
relying upon additional reasons or legal authority in defending 15296
an action commenced under division (C) of this section. 15297

(4) Unless specifically required or authorized by state or 15298

federal law or in accordance with division (B) of this section, 15299
no public office or person responsible for public records may 15300
limit or condition the availability of public records by 15301
requiring disclosure of the requester's identity or the intended 15302
use of the requested public record. Any requirement that the 15303
requester disclose the requester's identity or the intended use 15304
of the requested public record constitutes a denial of the 15305
request. 15306

(5) A public office or person responsible for public 15307
records may ask a requester to make the request in writing, may 15308
ask for the requester's identity, and may inquire about the 15309
intended use of the information requested, but may do so only 15310
after disclosing to the requester that a written request is not 15311
mandatory, that the requester may decline to reveal the 15312
requester's identity or the intended use, and when a written 15313
request or disclosure of the identity or intended use would 15314
benefit the requester by enhancing the ability of the public 15315
office or person responsible for public records to identify, 15316
locate, or deliver the public records sought by the requester. 15317

(6) If any person requests a copy of a public record in 15318
accordance with division (B) of this section, the public office 15319
or person responsible for the public record may require the 15320
requester to pay in advance the cost involved in providing the 15321
copy of the public record in accordance with the choice made by 15322
the requester under this division. The public office or the 15323
person responsible for the public record shall permit the 15324
requester to choose to have the public record duplicated upon 15325
paper, upon the same medium upon which the public office or 15326
person responsible for the public record keeps it, or upon any 15327
other medium upon which the public office or person responsible 15328
for the public record determines that it reasonably can be 15329

15330 duplicated as an integral part of the normal operations of the
15331 public office or person responsible for the public record. When
15332 the requester makes a choice under this division, the public
15333 office or person responsible for the public record shall provide
15334 a copy of it in accordance with the choice made by the
15335 requester. Nothing in this section requires a public office or
15336 person responsible for the public record to allow the requester
15337 of a copy of the public record to make the copies of the public
15338 record.

15339 (7) (a) Upon a request made in accordance with division (B)
15340 of this section and subject to division (B) (6) of this section,
15341 a public office or person responsible for public records shall
15342 transmit a copy of a public record to any person by United
15343 States mail or by any other means of delivery or transmission
15344 within a reasonable period of time after receiving the request
15345 for the copy. The public office or person responsible for the
15346 public record may require the person making the request to pay
15347 in advance the cost of postage if the copy is transmitted by
15348 United States mail or the cost of delivery if the copy is
15349 transmitted other than by United States mail, and to pay in
15350 advance the costs incurred for other supplies used in the
15351 mailing, delivery, or transmission.

15352 (b) Any public office may adopt a policy and procedures
15353 that it will follow in transmitting, within a reasonable period
15354 of time after receiving a request, copies of public records by
15355 United States mail or by any other means of delivery or
15356 transmission pursuant to division (B) (7) of this section. A
15357 public office that adopts a policy and procedures under division
15358 (B) (7) of this section shall comply with them in performing its
15359 duties under that division.

(c) In any policy and procedures adopted under division 15360
(B) (7) of this section: 15361

(i) A public office may limit the number of records 15362
requested by a person that the office will physically deliver by 15363
United States mail or by another delivery service to ten per 15364
month, unless the person certifies to the office in writing that 15365
the person does not intend to use or forward the requested 15366
records, or the information contained in them, for commercial 15367
purposes; 15368

(ii) A public office that chooses to provide some or all 15369
of its public records on a web site that is fully accessible to 15370
and searchable by members of the public at all times, other than 15371
during acts of God outside the public office's control or 15372
maintenance, and that charges no fee to search, access, 15373
download, or otherwise receive records provided on the web site, 15374
may limit to ten per month the number of records requested by a 15375
person that the office will deliver in a digital format, unless 15376
the requested records are not provided on the web site and 15377
unless the person certifies to the office in writing that the 15378
person does not intend to use or forward the requested records, 15379
or the information contained in them, for commercial purposes. 15380

(iii) For purposes of division (B) (7) of this section, 15381
"commercial" shall be narrowly construed and does not include 15382
reporting or gathering news, reporting or gathering information 15383
to assist citizen oversight or understanding of the operation or 15384
activities of government, or nonprofit educational research. 15385

(8) A public office or person responsible for public 15386
records is not required to permit a person who is incarcerated 15387
pursuant to a criminal conviction or a juvenile adjudication to 15388
inspect or to obtain a copy of any public record concerning a 15389

criminal investigation or prosecution or concerning what would 15390
be a criminal investigation or prosecution if the subject of the 15391
investigation or prosecution were an adult, unless the request 15392
to inspect or to obtain a copy of the record is for the purpose 15393
of acquiring information that is subject to release as a public 15394
record under this section and the judge who imposed the sentence 15395
or made the adjudication with respect to the person, or the 15396
judge's successor in office, finds that the information sought 15397
in the public record is necessary to support what appears to be 15398
a justiciable claim of the person. As used in this division, 15399
"public record concerning a criminal investigation or 15400
prosecution or concerning what would be a criminal investigation 15401
or prosecution if the subject of the investigation were an 15402
adult" includes, but is not limited to, personnel files and 15403
payroll and attendance records of designated public service 15404
workers. 15405

(9) (a) Upon written request made and signed by a 15406
journalist, a public office, or person responsible for public 15407
records, having custody of the records of the agency employing a 15408
specified designated public service worker shall disclose to the 15409
journalist the address of the actual personal residence of the 15410
designated public service worker and, if the designated public 15411
service worker's spouse, former spouse, or child is employed by 15412
a public office, the name and address of the employer of the 15413
designated public service worker's spouse, former spouse, or 15414
child, and any past, current, and future work schedules of the 15415
designated public service worker. The request shall include the 15416
journalist's name and title and the name and address of the 15417
journalist's employer and shall state that disclosure of the 15418
information sought would be in the public interest. 15419

(b) Division (B) (9) (a) of this section also applies to 15420

journalist requests for: 15421

(i) Customer information maintained by a municipally owned 15422
or operated public utility, other than social security numbers 15423
and any private financial information such as credit reports, 15424
payment methods, credit card numbers, and bank account 15425
information; 15426

(ii) Information about minors involved in a school vehicle 15427
accident as provided in division (A) (1) (gg) of this section, 15428
other than personal information as defined in section 149.45 of 15429
the Revised Code; 15430

(iii) A request form submitted to a public office under 15431
section 149.45 of the Revised Code; 15432

(iv) An affidavit submitted under section 319.28 of the 15433
Revised Code. 15434

(c) As used in division (B) (9) of this section, 15435
"journalist" means a person engaged in, connected with, or 15436
employed by any news medium, including a newspaper, magazine, 15437
press association, news agency, or wire service, a radio or 15438
television station, or a similar medium, for the purpose of 15439
gathering, processing, transmitting, compiling, editing, or 15440
disseminating information for the general public. 15441

(10) Upon a request made by a victim, victim's attorney, 15442
or victim's representative, as that term is used in section 15443
2930.02 of the Revised Code, a public office or person 15444
responsible for public records shall transmit a copy of a 15445
depiction of the victim as described in division (A) (1) (ii) of 15446
this section to the victim, victim's attorney, or victim's 15447
representative. 15448

(11) A state or local law enforcement agency or a 15449

prosecuting attorney's office shall not charge a fee for 15450
preparing a video record for inspection, or producing a copy of 15451
a video record, when the requester of the video record is a 15452
victim, as defined in Ohio Constitution, Article I, Section 10a, 15453
who reasonably asserts that the video recording relates to the 15454
act or omission that caused the victim's harm or loss, or who is 15455
the legal counsel or insurer of the victim. 15456

(C) (1) If a person allegedly is aggrieved by the failure 15457
of a public office or the person responsible for public records 15458
to promptly prepare a public record and to make it available to 15459
the person for inspection in accordance with division (B) of 15460
this section or by any other failure of a public office or the 15461
person responsible for public records to comply with an 15462
obligation in accordance with division (B) of this section, the 15463
person allegedly aggrieved may serve pursuant to Rule 4 of the 15464
Ohio Rules of Civil Procedure a complaint, on a form prescribed 15465
by the clerk of the court of claims, to the public office or 15466
person responsible for public records allegedly responsible for 15467
the alleged failure. Upon receipt of the complaint of the person 15468
allegedly aggrieved, the public office or person responsible for 15469
public records has three business days to cure or otherwise 15470
address the failure alleged in the complaint. The person 15471
allegedly aggrieved shall not file a complaint with a court or 15472
commence a mandamus action under this section within the three- 15473
day period. Upon the expiration of the three-day period, the 15474
person allegedly aggrieved may, subject to the requirements of 15475
division (C) (2) of this section, do only one of the following, 15476
and not both: 15477

(a) File a complaint with the clerk of the court of claims 15478
or the clerk of the court of common pleas under section 2743.75 15479
of the Revised Code; 15480

(b) Commence a mandamus action to obtain a judgment that 15481
orders the public office or the person responsible for the 15482
public record to comply with division (B) of this section, that 15483
awards court costs and reasonable attorney's fees to the person 15484
that instituted the mandamus action, and, if applicable, that 15485
includes an order fixing statutory damages under division (C) (3) 15486
of this section. The mandamus action may be commenced in the 15487
court of common pleas of the county in which division (B) of 15488
this section allegedly was not complied with, in the supreme 15489
court pursuant to its original jurisdiction under Section 2 of 15490
Article IV, Ohio Constitution, or in the court of appeals for 15491
the appellate district in which division (B) of this section 15492
allegedly was not complied with pursuant to its original 15493
jurisdiction under Section 3 of Article IV, Ohio Constitution. 15494

(2) Upon filing a complaint or mandamus action with a 15495
court under divisions (C) (1) (a) or (b) of this section, a person 15496
allegedly aggrieved shall file with the court, in conjunction 15497
with the person's complaint or petition, a written affirmation 15498
stating that the person properly transmitted a complaint to the 15499
public office or person responsible for public records, the 15500
failure alleged in the complaint has not been cured or otherwise 15501
resolved to the person's satisfaction, and that the complaint 15502
was transmitted to the public office or person responsible for 15503
public records at least three business days before the filing of 15504
the suit. If the person fails to file an affirmation pursuant to 15505
this division, the suit shall be dismissed. 15506

(3) If a requester transmits a written request by hand 15507
delivery, electronic submission, or certified mail to inspect or 15508
receive copies of any public record in a manner that fairly 15509
describes the public record or class of public records to the 15510
public office or person responsible for the requested public 15511

records, except as otherwise provided in this section, the 15512
requester shall be entitled to recover the amount of statutory 15513
damages set forth in this division if a court determines that 15514
the public office or the person responsible for public records 15515
failed to comply with an obligation in accordance with division 15516
(B) of this section. Statutory damages are not available 15517
pursuant to this section to a person committed to the custody of 15518
the department of rehabilitation and correction or the United 15519
States bureau of prisons, or a child committed to the department 15520
of youth services as permitted in Chapter 2152. of the Revised 15521
Code. 15522

The amount of statutory damages shall be fixed at one 15523
hundred dollars for each business day during which the public 15524
office or person responsible for the requested public records 15525
failed to comply with an obligation in accordance with division 15526
(B) of this section, beginning with the day on which the 15527
requester files a mandamus action to recover statutory damages, 15528
up to a maximum of one thousand dollars. The award of statutory 15529
damages shall not be construed as a penalty, but as compensation 15530
for injury arising from lost use of the requested information. 15531
The existence of this injury shall be conclusively presumed. The 15532
award of statutory damages shall be in addition to all other 15533
remedies authorized by this section. 15534

The court may reduce an award of statutory damages or not 15535
award statutory damages if the court determines both of the 15536
following: 15537

(a) That, based on the ordinary application of statutory 15538
law and case law as it existed at the time of the conduct or 15539
threatened conduct of the public office or person responsible 15540
for the requested public records that allegedly constitutes a 15541

failure to comply with an obligation in accordance with division 15542
(B) of this section and that was the basis of the mandamus 15543
action, a well-informed public office or person responsible for 15544
the requested public records reasonably would believe that the 15545
conduct or threatened conduct of the public office or person 15546
responsible for the requested public records did not constitute 15547
a failure to comply with an obligation in accordance with 15548
division (B) of this section; 15549

(b) That a well-informed public office or person 15550
responsible for the requested public records reasonably would 15551
believe that the conduct or threatened conduct of the public 15552
office or person responsible for the requested public records 15553
would serve the public policy that underlies the authority that 15554
is asserted as permitting that conduct or threatened conduct. 15555

(4) In a mandamus action filed under division (C) (1) of 15556
this section, the following apply: 15557

(a) (i) If the court orders the public office or the person 15558
responsible for the public record to comply with division (B) of 15559
this section, the court shall determine and award to the relator 15560
all court costs, which shall be construed as remedial and not 15561
punitive. 15562

(ii) If the court makes a determination described in 15563
division (C) (4) (b) (iii) of this section, the court shall 15564
determine and award to the relator all court costs, which shall 15565
be construed as remedial and not punitive. 15566

(b) If the court renders a judgment that orders the public 15567
office or the person responsible for the public record to comply 15568
with division (B) of this section or if the court determines any 15569
of the following, the court may award reasonable attorney's fees 15570

to the relator, subject to division (C) (5) of this section: 15571

(i) The public office or the person responsible for the 15572
public records failed to respond affirmatively or negatively to 15573
the public records request in accordance with the time allowed 15574
under division (B) of this section. 15575

(ii) The public office or the person responsible for the 15576
public records promised to permit the relator to inspect or 15577
receive copies of the public records requested within a 15578
specified period of time but failed to fulfill that promise 15579
within that specified period of time. 15580

(iii) The public office or the person responsible for the 15581
public records acted in bad faith when the office or person 15582
voluntarily made the public records available to the relator for 15583
the first time after the relator commenced the mandamus action, 15584
but before the court issued any order concluding whether or not 15585
the public office or person was required to comply with division 15586
(B) of this section. No discovery may be conducted on the issue 15587
of the alleged bad faith of the public office or person 15588
responsible for the public records. This division shall not be 15589
construed as creating a presumption that the public office or 15590
the person responsible for the public records acted in bad faith 15591
when the office or person voluntarily made the public records 15592
available to the relator for the first time after the relator 15593
commenced the mandamus action, but before the court issued any 15594
order described in this division. 15595

(c) The court shall not award attorney's fees to the 15596
relator if the court determines both of the following: 15597

(i) That, based on the ordinary application of statutory 15598
law and case law as it existed at the time of the conduct or 15599

threatened conduct of the public office or person responsible 15600
for the requested public records that allegedly constitutes a 15601
failure to comply with an obligation in accordance with division 15602
(B) of this section and that was the basis of the mandamus 15603
action, a well-informed public office or person responsible for 15604
the requested public records reasonably would believe that the 15605
conduct or threatened conduct of the public office or person 15606
responsible for the requested public records did not constitute 15607
a failure to comply with an obligation in accordance with 15608
division (B) of this section; 15609

(ii) That a well-informed public office or person 15610
responsible for the requested public records reasonably would 15611
believe that the conduct or threatened conduct of the public 15612
office or person responsible for the requested public records 15613
would serve the public policy that underlies the authority that 15614
is asserted as permitting that conduct or threatened conduct. 15615

(5) All of the following apply to any award of reasonable 15616
attorney's fees awarded under division (C) (4) (b) of this 15617
section: 15618

(a) The fees shall be construed as remedial and not 15619
punitive. 15620

(b) The fees awarded shall not exceed the total of the 15621
reasonable attorney's fees incurred before the public record was 15622
made available to the relator and the fees described in division 15623
(C) (5) (c) of this section. 15624

(c) Reasonable attorney's fees shall include reasonable 15625
fees incurred to produce proof of the reasonableness and amount 15626
of the fees and to otherwise litigate entitlement to the fees. 15627

(d) The court may reduce the amount of fees awarded if the 15628

court determines that, given the factual circumstances involved 15629
with the specific public records request, an alternative means 15630
should have been pursued to more effectively and efficiently 15631
resolve the dispute that was subject to the mandamus action 15632
filed under division (C) (1) of this section. 15633

(6) If the court does not issue a writ of mandamus under 15634
division (C) of this section and the court determines at that 15635
time that the bringing of the mandamus action was frivolous 15636
conduct as defined in division (A) of section 2323.51 of the 15637
Revised Code, the court may award to the public office all court 15638
costs, expenses, and reasonable attorney's fees, as determined 15639
by the court. 15640

(D) Chapter 1347. of the Revised Code does not limit the 15641
provisions of this section. 15642

(E) (1) To ensure that all employees of public offices are 15643
appropriately educated about a public office's obligations under 15644
division (B) of this section, all elected officials or their 15645
appropriate designees shall attend training approved by the 15646
attorney general as provided in section 109.43 of the Revised 15647
Code. A future official may satisfy the requirements of this 15648
division by attending the training before taking office, 15649
provided that the future official may not send a designee in the 15650
future official's place. 15651

(2) All public offices shall adopt a public records policy 15652
in compliance with this section for responding to public records 15653
requests. In adopting a public records policy under this 15654
division, a public office may obtain guidance from the model 15655
public records policy developed and provided to the public 15656
office by the attorney general under section 109.43 of the 15657
Revised Code. Except as otherwise provided in this section, the 15658

policy may not limit the number of public records that the 15659
public office will make available to a single person, may not 15660
limit the number of public records that it will make available 15661
during a fixed period of time, and may not establish a fixed 15662
period of time before it will respond to a request for 15663
inspection or copying of public records, unless that period is 15664
less than eight hours. 15665

The public office shall distribute the public records 15666
policy adopted by the public office under this division to the 15667
employee of the public office who is the records custodian or 15668
records manager or otherwise has custody of the records of that 15669
office. The public office shall require that employee to 15670
acknowledge receipt of the copy of the public records policy. 15671
The public office shall create a poster that describes its 15672
public records policy and shall post the poster in a conspicuous 15673
place in the public office and in all locations where the public 15674
office has branch offices. The public office may post its public 15675
records policy on the internet web site of the public office if 15676
the public office maintains an internet web site. A public 15677
office that has established a manual or handbook of its general 15678
policies and procedures for all employees of the public office 15679
shall include the public records policy of the public office in 15680
the manual or handbook. 15681

(F) (1) The bureau of motor vehicles may adopt rules 15682
pursuant to Chapter 119. of the Revised Code to reasonably limit 15683
the number of bulk commercial special extraction requests made 15684
by a person for the same records or for updated records during a 15685
calendar year. The rules may include provisions for charges to 15686
be made for bulk commercial special extraction requests for the 15687
actual cost of the bureau, plus special extraction costs, plus 15688
ten per cent. The bureau may charge for expenses for redacting 15689

information, the release of which is prohibited by law. 15690

(2) As used in division (F)(1) of this section: 15691

(a) "Actual cost" means the cost of depleted supplies, 15692
records storage media costs, actual mailing and alternative 15693
delivery costs, or other transmitting costs, and any direct 15694
equipment operating and maintenance costs, including actual 15695
costs paid to private contractors for copying services. 15696

(b) "Bulk commercial special extraction request" means a 15697
request for copies of a record for information in a format other 15698
than the format already available, or information that cannot be 15699
extracted without examination of all items in a records series, 15700
class of records, or database by a person who intends to use or 15701
forward the copies for surveys, marketing, solicitation, or 15702
resale for commercial purposes. "Bulk commercial special 15703
extraction request" does not include a request by a person who 15704
gives assurance to the bureau that the person making the request 15705
does not intend to use or forward the requested copies for 15706
surveys, marketing, solicitation, or resale for commercial 15707
purposes. 15708

(c) "Commercial" means profit-seeking production, buying, 15709
or selling of any good, service, or other product. 15710

(d) "Special extraction costs" means the cost of the time 15711
spent by the lowest paid employee competent to perform the task, 15712
the actual amount paid to outside private contractors employed 15713
by the bureau, or the actual cost incurred to create computer 15714
programs to make the special extraction. "Special extraction 15715
costs" include any charges paid to a public agency for computer 15716
or records services. 15717

(3) For purposes of divisions (F)(1) and (2) of this 15718

section, "surveys, marketing, solicitation, or resale for 15719
commercial purposes" shall be narrowly construed and does not 15720
include reporting or gathering news, reporting or gathering 15721
information to assist citizen oversight or understanding of the 15722
operation or activities of government, or nonprofit educational 15723
research. 15724

(G) A request by a defendant, counsel of a defendant, or 15725
any agent of a defendant in a criminal action that public 15726
records related to that action be made available under this 15727
section shall be considered a demand for discovery pursuant to 15728
the Criminal Rules, except to the extent that the Criminal Rules 15729
plainly indicate a contrary intent. The defendant, counsel of 15730
the defendant, or agent of the defendant making a request under 15731
this division shall serve a copy of the request on the 15732
prosecuting attorney, director of law, or other chief legal 15733
officer responsible for prosecuting the action. 15734

(H) (1) Any portion of a body-worn camera or dashboard 15735
camera recording described in divisions (A) (17) (b) to (h) of 15736
this section may be released by consent of the subject of the 15737
recording or a representative of that person, as specified in 15738
those divisions, only if either of the following applies: 15739

(a) The recording will not be used in connection with any 15740
probable or pending criminal proceedings; 15741

(b) The recording has been used in connection with a 15742
criminal proceeding that was dismissed or for which a judgment 15743
has been entered pursuant to Rule 32 of the Rules of Criminal 15744
Procedure, and will not be used again in connection with any 15745
probable or pending criminal proceedings. 15746

(2) If a public office denies a request to release a 15747

restricted portion of a body-worn camera or dashboard camera 15748
recording, as defined in division (A)(17) of this section, any 15749
person may file a mandamus action pursuant to this section or a 15750
complaint with the clerk of the court of claims pursuant to 15751
section 2743.75 of the Revised Code, requesting the court to 15752
order the release of all or portions of the recording. If the 15753
court considering the request determines that the filing 15754
articulates by clear and convincing evidence that the public 15755
interest in the recording substantially outweighs privacy 15756
interests and other interests asserted to deny release, the 15757
court shall order the public office to release the recording. 15758

Sec. 153.01. (A) Whenever any building or structure for 15759
the use of the state or any institution supported in whole or in 15760
part by the state or in or upon the public works of the state 15761
that is administered by the Ohio facilities construction 15762
commission or by any other state officer or state agency 15763
authorized by law to administer a project, including an 15764
educational institution listed in section 3345.50 of the Revised 15765
Code, is to be erected or constructed, whenever additions, 15766
alterations, or structural or other improvements are to be made, 15767
or whenever heating, cooling, or ventilating plants or other 15768
equipment is to be installed or material supplied therefor, the 15769
estimated cost of which amounts to two hundred thousand dollars 15770
or more, or the amount determined pursuant to section 153.53 of 15771
the Revised Code or more, each officer, board, or other 15772
authority upon which devolves the duty of constructing, 15773
erecting, altering, or installing the same, referred to in 15774
sections 153.01 to 153.60 of the Revised Code as the public 15775
authority, shall cause to be made, by an architect or engineer 15776
whose contract of employment shall be prepared and approved by 15777
the attorney general, the following: 15778

(1) Full and accurate plans, suitable for the use of 15779
mechanics and other builders in the construction, improvement, 15780
addition, alteration, or installation; 15781

(2) Details to scale and full-sized, so drawn and 15782
represented as to be easily understood; 15783

(3) Definite and complete specifications of the work to be 15784
performed, together with directions that will enable a competent 15785
mechanic or other builder to carry them out and afford bidders 15786
all needful information; 15787

(4) A full and accurate estimate of each item of expense 15788
and the aggregate cost of those items of expense; 15789

(5) A life-cycle cost analysis; 15790

(6) Further data as may be required by the Ohio facilities 15791
construction commission. 15792

In preparing these plans, details, specifications, 15793
estimates, analyses, or other data, the public authority may 15794
require the architect or engineer to use a building information 15795
model system, as long as the system is based on a nationally 15796
recognized standard for building information models. As used in 15797
this division, "building information model" means a digital 15798
representation of physical and functional characteristics of a 15799
facility, and electronic files used to design and coordinate the 15800
project, whether it is a single model or multiple models used in 15801
the aggregate. 15802

(B) (1) Division (A) of this section shall not be required 15803
with respect to a construction management contract entered into 15804
with a construction manager at risk as described in section 15805
9.334 of the Revised Code, an integrated project delivery 15806
contract entered into with an integrated project contractor as 15807

described in section 153.65 of the Revised Code, or a design- 15808
build contract entered into with a design-build firm as 15809
described in section 153.693 of the Revised Code. 15810

(2) Nothing in this chapter shall interfere with the power 15811
of the director of transportation to prepare plans for, acquire 15812
rights-of-way for, construct, or maintain roads, highways, or 15813
bridges, or to let contracts for those purposes. 15814

Sec. 153.07. The notice provided for in section 153.06 of 15815
the Revised Code shall be published by electronic means~~once each~~ 15816
~~week for three consecutive weeks in a newspaper of general~~ 15817
~~circulation, or as provided in section 7.16 of the Revised Code,~~ 15818
and may be published in other news media in the county where the 15819
activity for which bids are submitted is to occur~~and in such~~ 15820
~~other newspapers as ordered by the Ohio facilities construction~~ 15821
~~commission, the last publication to~~. The notice shall invite 15822
interested parties to submit proposals for consideration and 15823
shall be published at least eight~~fourteen~~ days preceding the 15824
day for opening the bids, ~~and in such form and with such~~ 15825
~~phraseology a manner as prescribed by the commission orders.~~ 15826
Copies of the plans, details, estimates of cost, and 15827
specifications shall be available electronically or open to 15828
public inspection at all business hours between the day of the 15829
first publication and the day for opening the bids, at the 15830
office of the commission where the bids are received, and such 15831
other place as may be designated in such notice. 15832

Sec. 153.08. On the day and at the place named in the 15833
notice provided for in section 153.06 of the Revised Code, the 15834
owner referred to in section 153.01 of the Revised Code shall 15835
open the bids and shall publicly, with the assistance of the 15836
architect or engineer, immediately proceed to tabulate the bids. 15837

For a bid filed electronically, the public bid opening may be 15838
broadcast by electronic means pursuant to rules established by 15839
the Ohio facilities construction commission. A bid shall be 15840
invalid and not considered unless a bid guaranty meeting the 15841
requirements of section 153.54 of the Revised Code and in the 15842
form approved by the commission is filed with such bid. For a 15843
bid that is not filed electronically, the bid and bid guaranty 15844
shall be filed in one sealed envelope. If the bid and bid 15845
guaranty are filed electronically, they must be received 15846
electronically before the deadline published pursuant to section 15847
153.06 of the Revised Code. For all bids filed electronically, 15848
the original, unaltered bid guaranty shall be made available to 15849
the public authority after the public bid opening, which may be 15850
achieved by means of an electronic verification and security 15851
system established under rules adopted by the Ohio facilities 15852
construction commission under Chapter 119. of the Revised Code. 15853
After investigation, which shall be completed within thirty 15854
days, the contract shall be awarded by such owner to the lowest 15855
responsive and responsible bidder in accordance with section 15856
9.312 of the Revised Code. 15857

No contract shall be entered into until the industrial 15858
commission has certified that the person so awarded the contract 15859
has complied with sections 4123.01 to 4123.94 of the Revised 15860
Code, until, if the bidder so awarded the contract is a foreign 15861
corporation, the secretary of state has certified that such 15862
corporation is authorized to do business in this state, until, 15863
if the bidder so awarded the contract is a person nonresident of 15864
this state, such person has filed with the secretary of state a 15865
power of attorney designating the secretary of state as its 15866
agent for the purpose of accepting service of summons in any 15867
action brought under section 153.05 of the Revised Code or under 15868

sections 4123.01 to 4123.94 of the Revised Code, and until the 15869
contract and bond, if any, are submitted to the attorney general 15870
and the attorney general's approval certified thereon. 15871

~~No contract shall be entered into unless the bidder 15872
possesses a valid certificate of compliance with affirmative 15873
action programs issued pursuant to section 9.47 of the Revised 15874
Code and dated no earlier than one hundred eighty days prior to 15875
the date fixed for the opening of bids for a particular project. 15876~~

Sec. 153.09. If in the opinion of the owner referred to in 15877
section 153.01 of the Revised Code, the award of a contract to 15878
the lowest responsive and responsible bidder is not in the best 15879
interests of the state, the owner may accept another bid so 15880
opened or reject all bids, and advertise for other bids. Such 15881
advertisement shall be for such time, in such form, and ~~in~~ by 15882
such ~~newspaper~~ electronic media as the Ohio facilities 15883
construction commission directs. All contracts shall provide 15884
that such owner may make any change in work or materials on the 15885
conditions and in the manner provided in sections 153.10 and 15886
153.11 of the Revised Code. 15887

Sec. 153.12. (A) With respect to award of any contract for 15888
the construction, reconstruction, improvement, enlargement, 15889
alteration, repair, painting, or decoration of a public 15890
improvement made by the state, or any county, township, 15891
municipal corporation, school district, or other political 15892
subdivision, or any public board, commission, authority, 15893
instrumentality, or special purpose district of or in the state 15894
or a political subdivision or that is authorized by state law, 15895
the award, and execution of the contract, shall be made within 15896
sixty days after the date on which the bids are opened. The 15897
failure to award and execute the contract within sixty days 15898

invalidates the entire bid proceedings and all bids submitted, 15899
unless the time for awarding and executing the contract is 15900
extended by mutual consent of the owner or its representatives 15901
and the bidder whose bid the owner accepts and with respect to 15902
whom the owner subsequently awards and executes a contract. The 15903
public owners referred to in this section shall include, in the 15904
plans and specifications for the project for which bids are 15905
solicited, the estimate of cost. The bid for which the award is 15906
to be made shall be opened at the time and place named in the 15907
advertisement for bids, unless extended by the owner or its 15908
representative or unless, within seventy-two hours prior to the 15909
published time for the opening of bids, excluding Saturdays, 15910
Sundays, and legal holidays, any modification of the plans or 15911
specifications and estimates of cost for the project for which 15912
bids are solicited is issued and mailed or otherwise furnished 15913
to persons who have obtained plans or specifications for the 15914
project, for which the time for opening of bids shall be 15915
extended one week, with no further advertising of bids required. 15916
The contractor, upon request, is entitled to a notice to proceed 15917
with the work by the owner or its representative upon execution 15918
of the contract. No contract to which this section applies shall 15919
be entered into if the price of the contract, or, if the project 15920
involves multiple contracts where the total price of all 15921
contracts for the project, is in excess of ten per cent, in the 15922
case of a contract made by the state or a public board, 15923
commission, authority, or instrumentality of the state, or 15924
twenty per cent, in the case of a contract made by a county, 15925
township, municipal corporation, school district, special 15926
purpose district, or other political subdivision or a public 15927
board, commission, authority, or instrumentality of the 15928
political subdivision, above the entire estimate thereof, nor 15929
shall the entire cost of the construction, reconstruction, 15930

repair, painting, decorating, improvement, alteration, addition, 15931
or installation, including changes and estimates of expenses for 15932
architects or engineers, exceed in the aggregate the amount 15933
authorized by law. 15934

The unit or lump sum price stated in the contract shall be 15935
used in determining the amount to be paid and shall constitute 15936
full and final compensation for all the work. 15937

Partial payment to the contractor for work performed under 15938
the lump sum price shall be based on a schedule prepared by the 15939
contractor and approved by the architect or engineer who shall 15940
apportion the lump sum price to the major components entering 15941
into or forming a part of the work under the lump sum price. 15942

Partial payments to the contractor for labor performed 15943
under either a unit or lump sum price contract shall be made at 15944
~~the a rate of ninety-two not less than ninety-six~~ per cent of 15945
the estimates prepared by the contractor and approved by the 15946
architect or engineer. ~~All labor performed after the job is-~~ 15947
~~fifty per cent completed shall be paid for at the rate of one-~~ 15948
~~hundred per cent of the estimates submitted by the contractor-~~ 15949
~~and approved by the architect or engineer. No subcontract shall~~ 15950
be paid at a rate lower than the rate being paid to the 15951
contractor by the public authority. 15952

The amounts and time of payments of any public 15953
improvements contract made by the state or any county, township, 15954
municipal corporation, school district, or other political 15955
subdivision, or any public board, commission, authority, 15956
instrumentality, or special purpose district of or in the state 15957
or a political subdivision or that is authorized by state law, 15958
except as provided in section 5525.19 of the Revised Code, shall 15959
be governed by this section and sections 153.13 and 153.14 of 15960

the Revised Code. If the time for awarding the contract is 15961
extended by mutual consent, or if the owner or its 15962
representative fails to issue a timely notice to proceed as 15963
required by this section, the owner or its representative shall 15964
issue a change order authorizing delay costs to the contractor, 15965
which does not invalidate the contract. The amount of such a 15966
change order to the owner shall be determined in accordance with 15967
the provisions of the contract for change orders or force 15968
accounts or, if no such provision is set forth in the contract, 15969
the cost to the owner shall be the contractor's actual costs 15970
including wages, labor costs other than wages, wage taxes, 15971
materials, equipment costs and rentals, insurance, and 15972
subcontracts attributable to the delay, plus a reasonable sum 15973
for overhead. In the event of a dispute between the owner and 15974
the contractor concerning such change order, procedures shall be 15975
commenced under the applicable terms of the contract, or, if the 15976
contract contains no provision for resolving the dispute, it 15977
shall be resolved pursuant to the procedures for arbitration in 15978
Chapter 2711. of the Revised Code, except as provided in 15979
division (B) of this section. Nothing in this division shall be 15980
construed as a limitation upon the authority of the director of 15981
transportation granted in Chapter 5525. of the Revised Code. 15982

(B) If a dispute arises between the state and a contractor 15983
concerning the terms of a public improvement contract let by the 15984
state or concerning a breach of the contract, and after 15985
administrative remedies provided for in such contract and any 15986
alternative dispute resolution procedures provided in accordance 15987
with guidelines established by the executive director of the 15988
Ohio facilities construction commission are exhausted, the 15989
contractor may bring an action to the court of claims in 15990
accordance with Chapter 2743. of the Revised Code. The state or 15991

the contractor may request the chief justice of the supreme 15992
court to appoint a referee or panel of referees in accordance 15993
with division (C) (3) of section 2743.03 of the Revised Code. As 15994
used in this division, "dispute" means a disagreement between 15995
the state and the contractor concerning a public improvement 15996
contract let by the state. 15997

Sec. 153.13. At the time named in the contract for payment 15998
to the person with whom it is made, the owner referred to in 15999
section 153.01 or 153.12 of the Revised Code shall approve a 16000
full, accurate, and detailed estimate of the various kinds of 16001
labor performed and material furnished under the contract, with 16002
the amount due for each kind of labor and material and the 16003
materials and amount due in the aggregate, which estimate shall 16004
be based upon actual measurement of such labor and materials, 16005
and shall give the amounts of the preceding estimate, and the 16006
amount of labor performed and materials furnished since the last 16007
estimate. ~~From the date the contract is fifty per cent complete,~~ 16008
~~as evidenced by payments in the amount of at least fifty per-~~ 16009
~~cent of the contract to the person with whom the owner has~~ 16010
~~contracted, except in the case of contracts the total cost of~~ 16011
~~which is less than fifteen thousand dollars, all funds retained~~ 16012
~~pursuant to sections 153.12 and 153.14 of the Revised Code for~~ 16013
~~the faithful performance of work shall be deposited in the~~ 16014
~~escrow account designated in section 153.63 of the Revised Code.~~ 16015
~~After the contract is fifty per cent complete, no further funds~~ 16016
~~shall be retained.~~ When the major portion of the project is 16017
substantially completed and occupied, or in use, or otherwise 16018
accepted, and there exists no other reason to withhold 16019
retainage, the retained percentages held in connection with such 16020
portion shall be ~~released from escrow and~~ paid to the 16021
contractor, withholding only that amount necessary to assure 16022

completion. ~~Funds in the escrow account not heretofore paid,~~ 16023
~~with accumulated interest, shall be paid to the person with whom~~ 16024
~~the owner has contracted thirty days from the date of completion~~ 16025
~~or either acceptance or occupancy by the owner. Such payments~~ 16026
~~shall be in accordance with division (A) (2) of section 153.63 of~~ 16027
~~the Revised Code. Any retained funds and interest thereon~~ 16028
~~accrued during the project shall be considered property of the~~ 16029
~~contractor. Any retained funds and interest thereon accrued~~ 16030
~~during the project shall be paid to the primary contractor not~~ 16031
~~later than thirty days after the date of substantial completion~~ 16032
~~of the work. Nothing in this section shall be construed as a~~ 16033
~~limitation upon the authority of the director of transportation~~ 16034
~~granted in Chapter 5525. of the Revised Code.~~ 16035

Sec. 153.14. For the construction of those projects, 16036
improvements, and public buildings over which the Ohio 16037
facilities construction commission has general supervision 16038
pursuant to section 123.21 of the Revised Code, the estimates 16039
referred to in section 153.13 of the Revised Code shall be filed 16040
with the executive director by the owner referred to in section 16041
153.01 or 153.12 of the Revised Code. Upon completion of a 16042
project referred to in section 153.13 of the Revised Code or any 16043
divisible part thereof, the maintenance and repair of such 16044
project or divisible part shall be assumed by the owner referred 16045
to in section 153.01 or 153.12 of the Revised Code. 16046

In addition to all other payments on account of work 16047
performed, there shall be allowed by the owner referred to in 16048
section 153.01 or 153.12 of the Revised Code and paid to the 16049
contractor a sum at the rate of ninety-two per cent of the 16050
invoice costs, not to exceed the bid price in a unit price 16051
contract, of material delivered on the site of the work, or a 16052
railroad station, siding, or other point in the vicinity of the 16053

work, or other approved storage site, provided such materials 16054
have been inspected and found to meet the specifications. The 16055
balance of such invoiced value shall be paid when such material 16056
is incorporated into and becomes a part of such building, 16057
construction, addition, improvement, alteration, or 16058
installation. When an estimate is allowed on account of material 16059
delivered on the site of the work or in the vicinity thereof or 16060
under the possession and control of the contractor but not yet 16061
incorporated therein, such material shall become the property of 16062
the owner under the contract, but if such material is stolen, 16063
destroyed, or damaged by casualty before being used, the 16064
contractor shall be required to replace it at the contractor's 16065
own expense. 16066

When the rate of work and amounts involved are so large 16067
that it is considered advisable by the owner or contractor, 16068
estimates and payments shall be made twice each month. 16069

Payment on approved estimates filed with the owner or its 16070
representative shall be made within thirty days. Upon the 16071
failure of the owner or its representative to make such payments 16072
within thirty days, or upon an unauthorized withholding of 16073
retainage, there shall be allowed to the contractor, in addition 16074
to any other remedies allowed by law, interest on such moneys 16075
not paid within thirty days. Interest on the unauthorized 16076
withholding of retainage shall be in addition to any interest 16077
~~earned in the escrow account set forth as described in~~ section 16078
153.13 of the Revised Code. The rate of such interest shall be 16079
the average of the prime rate established at the commercial 16080
banks in the city of over one hundred thousand population that 16081
is nearest the construction project. Nothing in this section 16082
shall be construed as a limitation upon the authority of the 16083
director of transportation granted in Chapter 5525. of the 16084

Revised Code. 16085

Sec. 153.50. (A) As used in sections 153.50 to 153.52 of 16086
the Revised Code: 16087

(1) "Construction manager at risk" has the same meaning as 16088
in section 9.33 of the Revised Code. 16089

(2) "Design-assist services" means monitoring and 16090
assisting in the completion of the plans and specifications. 16091

(3) "Design-assist firm" means a person capable of 16092
providing design-assist services. 16093

(4) "Design-build firm" has the same meaning as in section 16094
153.65 of the Revised Code. 16095

(5) "General contracting" means constructing and managing 16096
an entire public improvement project, including the branches or 16097
classes of work specified in division (B) of this section, under 16098
the award of a single aggregate lump sum contract. 16099

(6) "General contracting firm" means a person capable of 16100
performing general contracting. 16101

(7) "Integrated project delivery contract" and "integrated 16102
project contractor" have the same meanings as in section 153.65 16103
of the Revised Code. 16104

(B) Except for contracts made with a construction manager 16105
at risk, with a design-build firm, with an integrated project 16106
contractor, or with a general contracting firm, an officer, 16107
board, or other authority of the state, a county, township, 16108
municipal corporation, or school district, or of any public 16109
institution belonging thereto, authorized to contract for the 16110
erection, repair, alteration, or rebuilding of a public 16111
building, institution, bridge, culvert, or improvement and 16112

required by law to advertise and receive bids for furnishing of 16113
materials and doing the work necessary for the erection thereof, 16114
shall require separate and distinct bids to be made for 16115
furnishing such materials or doing such work, or both, in their 16116
discretion, for each of the following branches or classes of 16117
work to be performed, and all work kindred thereto, entering 16118
into the improvement: 16119

(1) Plumbing and gas fitting; 16120

(2) Steam and hot-water heating, ventilating apparatus, 16121
and steam-power plant; 16122

(3) Electrical equipment. 16123

Sec. 153.501. (A) A public authority may accept a 16124
subcontract awarded by a construction manager at risk, an 16125
integrated project contractor, a design-build firm, or a general 16126
contracting firm, or may reject any such subcontract if the 16127
public authority determines that the bidder is not responsible. 16128

(B) A public authority may authorize a construction 16129
manager at risk or design-build firm to utilize a design-assist 16130
firm on any public improvement project without transferring any 16131
design liability to the design-assist firm. 16132

(C) If the construction manager at risk or design-build 16133
firm intends and is permitted by the public authority to self- 16134
perform a portion of the work to be performed, the construction 16135
manager at risk or design-build firm shall submit a sealed bid 16136
to the public authority for the portion of the work prior to 16137
accepting and opening any bids for the same work, except when 16138
the public authority requests a guaranteed maximum price 16139
proposal due at the time of selection. 16140

Sec. 153.502. (A) Each construction manager at risk, 16141

integrated project contractor, and design-build firm shall 16142
establish criteria by which it will prequalify prospective 16143
bidders on subcontracts awarded for work to be performed under 16144
the construction management, integrated project delivery, or 16145
design-build contract. The criteria established by a 16146
construction manager at risk, integrated project contractor, or 16147
design-build firm shall be subject to the approval of the public 16148
authority involved in the project and shall be consistent with 16149
the rules adopted by the Ohio facilities construction commission 16150
pursuant to section 153.503 of the Revised Code. 16151

(B) For each subcontract to be awarded, the construction 16152
manager at risk, integrated project contractor, or design-build 16153
firm shall identify at least three prospective bidders that are 16154
prequalified to bid on that subcontract, except that the 16155
construction manager at risk, integrated project contractor, or 16156
design-build firm shall identify fewer than three if the 16157
construction manager at risk, integrated project contractor, or 16158
design-build firm establishes to the satisfaction of the public 16159
authority that fewer than three prequalified bidders are 16160
available. The public authority shall verify that each 16161
prospective bidder meets the prequalification criteria and, 16162
subject to division (E) of this section, may eliminate any 16163
bidder it determines is not qualified. 16164

(C) Once the prospective bidders are prequalified and 16165
found acceptable by the public authority, the construction 16166
manager at risk, integrated project contractor, or design-build 16167
firm shall solicit proposals from each of those bidders. The 16168
solicitation and selection of a subcontractor shall be conducted 16169
under an open book pricing method. As used in this division, 16170
"open book pricing method" has the same meaning as in section 16171
9.33 of the Revised Code, in the case of a construction manager 16172

at risk, and the same meaning as in section 153.65 of the Revised Code, in the case of a design-build firm or an integrated project contractor.

(D) A construction manager at risk, integrated project contractor, or design-build firm shall not be required to award a subcontract to a low bidder.

(E) Except as provided in section 307.921 of the Revised Code, no public authority shall eliminate a bidder as unqualified on the basis that the bidder has not complied with an affirmative action program or a diversity, equity, and inclusion program. This division shall not be construed to affect any set-aside programs for minority business enterprises or EDGE business enterprises, as defined in sections 122.921 and 122.922 of the Revised Code, respectively.

Sec. 153.503. The Ohio facilities construction commission, pursuant to Chapter 119. of the Revised Code, shall adopt rules to do all of the following:

(A) Prescribe the procedures and criteria for determining the best value selection of a construction manager at risk, integrated project contractor, or design-build firm;

(B) Set forth standards to be followed by construction managers at risk, integrated project contractors, and design-build firms when establishing prequalification criteria pursuant to section 153.502 of the Revised Code;

(C) Prescribe the form for the contract documents to be used by a construction manager at risk, integrated project contractor, design-build firm, or general contractor when entering into a subcontract;

(D) Prescribe the form for the contract documents to be

used by a public authority when entering into a contract with a 16202
construction manager at risk or design-build firm; 16203

(E) Prescribe the form for the contract documents to be 16204
used by a public authority when entering into a multi-party 16205
integrated project delivery contract with both a professional 16206
design firm and an integrated project contractor. 16207

Sec. 153.54. (A) Except with respect to a contract 16208
described in section 9.334 or 153.693 of the Revised Code, each 16209
person bidding for a contract with the state or any political 16210
subdivision, district, institution, or other agency thereof, 16211
excluding therefrom the department of transportation, for any 16212
public improvement shall file with the bid, a bid guaranty in 16213
the form of ~~either~~ any of the following: 16214

(1) A bond in accordance with division (B) of this section 16215
for the full amount of the bid; 16216

(2) A certified check, cashier's check, or letter of 16217
credit pursuant to Chapter 1305. of the Revised Code, in 16218
accordance with division (C) of this section. Any such letter of 16219
credit is revocable only at the option of the beneficiary state, 16220
political subdivision, district, institution, or agency. The 16221
amount of the certified check, cashier's check, or letter of 16222
credit shall be equal to ten per cent of the bid; 16223

(3) An electronic verification through an electronic 16224
verification and security system described in section 153.08 of 16225
the Revised Code, if the state or any political subdivision, 16226
district, institution, or other agency thereof accepts bids 16227
electronically pursuant to section 153.08 of the Revised Code. 16228

(B) A bid guaranty filed pursuant to division (A) (1) of 16229
this section shall be conditioned to: 16230

(1) Provide that, if the bid is accepted, the bidder, 16231
after the awarding or the recommendation for the award of the 16232
contract, whichever the contracting authority designates, will 16233
enter into a proper contract in accordance with the bid, plans, 16234
details, and specifications. If for any reason, other than as 16235
authorized by section 9.31 of the Revised Code or division (G) 16236
of this section, the bidder fails to enter into the contract, 16237
and the contracting authority awards the contract to the next 16238
lowest bidder, the bidder and the surety on the bidder's bond 16239
are liable to the state, political subdivision, district, 16240
institution, or agency for the difference between the bid and 16241
that of the next lowest bidder, or for a penal sum not to exceed 16242
ten per cent of the amount of the bond, whichever is less. If 16243
the state, political subdivision, district, institution, or 16244
agency does not award the contract to the next lowest bidder but 16245
resubmits the project for bidding, the bidder failing to enter 16246
into the contract and the surety on the bidder's bond, except as 16247
provided in division (G) of this section, are liable to the 16248
state, political subdivision, district, institution, or agency 16249
for a penal sum not to exceed ten per cent of the amount of the 16250
bid or the costs in connection with the resubmission of printing 16251
new contract documents, required advertising, and printing and 16252
mailing notices to prospective bidders, whichever is less. 16253

(2) Indemnify the state, political subdivision, district, 16254
institution, or agency against all damage suffered by failure to 16255
perform the contract according to its provisions and in 16256
accordance with the plans, details, and specifications therefor 16257
and to pay all lawful claims of subcontractors, material 16258
suppliers, and laborers for labor performed or material 16259
furnished in carrying forward, performing, or completing the 16260
contract; and agree and assent that this undertaking is for the 16261

benefit of any subcontractor, material supplier, or laborer 16262
having a just claim, as well as for the state, political 16263
subdivision, district, institution, or agency. 16264

(C) (1) A bid guaranty filed pursuant to division (A) (2) of 16265
this section shall be conditioned to provide that if the bid is 16266
accepted, the bidder, after the awarding or the recommendation 16267
for the award of the contract, whichever the contracting 16268
authority designates, will enter into a proper contract in 16269
accordance with the bid, plans, details, specifications, and 16270
bills of material. If for any reason, other than as authorized 16271
by section 9.31 of the Revised Code or division (G) of this 16272
section, the bidder fails to enter into the contract, and the 16273
contracting authority awards the contract to the next lowest 16274
bidder, the bidder is liable to the state, political 16275
subdivision, district, institution, or agency for the difference 16276
between the bidder's bid and that of the next lowest bidder, or 16277
for a penal sum not to exceed ten per cent of the amount of the 16278
bid, whichever is less. If the state, political subdivision, 16279
district, institution, or agency does not award the contract to 16280
the next lowest bidder but resubmits the project for bidding, 16281
the bidder failing to enter into the contract, except as 16282
provided in division (G) of this section, is liable to the 16283
state, political subdivision, district, institution, or agency 16284
for a penal sum not to exceed ten per cent of the amount of the 16285
bid or the costs in connection with the resubmission, of 16286
printing new contract documents, required advertising, and 16287
printing and mailing notices to prospective bidders, whichever 16288
is less. 16289

If the bidder enters into the contract, the bidder, at the 16290
time the contract is entered to, shall file a bond for the 16291
amount of the contract to indemnify the state, political 16292

subdivision, district, institution, or agency against all damage 16293
suffered by failure to perform the contract according to its 16294
provisions and in accordance with the plans, details, and 16295
specifications and to pay all lawful claims of subcontractors, 16296
material suppliers, and laborers for labor performed or material 16297
furnished in carrying forward, performing, or completing the 16298
contract; and agree and assent that this undertaking is for the 16299
benefit of any subcontractor, material supplier, or laborer 16300
having a just claim, as well as for the state, political 16301
subdivision, district, institution, or agency. 16302

(2) A construction manager who enters into a contract 16303
pursuant to sections 9.33 to 9.333 of the Revised Code, if 16304
required by the public authority at the time the construction 16305
manager enters into the contract, shall file a letter of credit 16306
pursuant to Chapter 1305. of the Revised Code, bond, certified 16307
check, or cashier's check, for the value of the construction 16308
management contract to indemnify the state, political 16309
subdivision, district, institution, or agency against all damage 16310
suffered by the construction manager's failure to perform the 16311
contract according to its provisions, and shall agree and assent 16312
that this undertaking is for the benefit of the state, political 16313
subdivision, district, institution, or agency. A letter of 16314
credit provided by the construction manager is revocable only at 16315
the option of the beneficiary state, political subdivision, 16316
district, institution, or agency. 16317

(D) Where the state, political subdivision, district, 16318
institution, or agency accepts a bid but the bidder fails or 16319
refuses to enter into a proper contract in accordance with the 16320
bid, plans, details, and specifications within ten days after 16321
the awarding of the contract, the bidder and the surety on any 16322
bond, except as provided in division (G) of this section, are 16323

liable for the amount of the difference between the bidder's bid 16324
and that of the next lowest bidder, but not in excess of the 16325
liability specified in division (B) (1) or (C) of this section. 16326
Where the state, political subdivision, district, institution, 16327
or agency then awards the bid to such next lowest bidder and 16328
such next lowest bidder also fails or refuses to enter into a 16329
proper contract in accordance with the bid, plans, details, and 16330
specifications within ten days after the awarding of the 16331
contract, the liability of such next lowest bidder, except as 16332
provided in division (G) of this section, is the amount of the 16333
difference between the bids of such next lowest bidder and the 16334
third lowest bidder, but not in excess of the liability 16335
specified in division (B) (1) or (C) of this section. Liability 16336
on account of an award to any lowest bidder beyond the third 16337
lowest bidder shall be determined in like manner. 16338

(E) Notwithstanding division (C) of this section, where 16339
the state, political subdivision, district, institution, or 16340
agency resubmits the project for bidding, each bidder whose bid 16341
was accepted but who failed or refused to enter into a proper 16342
contract, except as provided in division (G) of this section, is 16343
liable for an equal share of a penal sum in connection with the 16344
resubmission, of printing new contract documents, required 16345
advertising, and printing and mailing notices to prospective 16346
bidders, but no bidder's liability shall exceed the amount of 16347
the bidder's bid guaranty. 16348

(F) All bid guaranties filed pursuant to this section 16349
shall be payable to the state, political subdivision, district, 16350
institution, or agency, be for the benefit of the state, 16351
political subdivision, district, institution, or agency or any 16352
person having a right of action thereon, and be deposited with, 16353
and held by, the board, officer, or agent contracting on behalf 16354

of the state, political subdivision, district, institution, or 16355
agency. All bonds filed pursuant to this section shall be issued 16356
by a surety company authorized to do business in this state as 16357
surety approved by the board, officer, or agent awarding the 16358
contract on behalf of the state, political subdivision, 16359
district, institution, or agency. 16360

(G) A bidder for a contract with the state or any 16361
political subdivision, district, institution, or other agency 16362
thereof, excluding therefrom the Ohio department of 16363
transportation, for a public improvement costing less than one- 16364
half million dollars may withdraw the bid from consideration if 16365
the bidder's bid for some other contract with the state or any 16366
political subdivision, district, institution, or other agency 16367
thereof, excluding therefrom the department of transportation, 16368
for the public improvement costing less than one-half million 16369
dollars has already been accepted, if the bidder certifies in 16370
good faith that the total amount of all the bidder's current 16371
contracts is less than one-half million dollars, and if the 16372
surety certifies in good faith that the bidder is unable to 16373
perform the subsequent contract because to do so would exceed 16374
the bidder's bonding capacity. If a bid is withdrawn under 16375
authority of this division, the contracting authority may award 16376
the contract to the next lowest bidder or reject all bids and 16377
resubmit the project for bidding, and neither the bidder nor the 16378
surety on the bidder's bond are liable for the difference 16379
between the bidder's bid and that of the next lowest bidder, for 16380
a penal sum, or for the costs of printing new contract 16381
documents, required advertising, and printing and mailing 16382
notices to prospective bidders. 16383

(H) Bid guaranties filed pursuant to division (A) of this 16384
section shall be returned to all unsuccessful bidders 16385

immediately after the contract is executed. The bid guaranty 16386
filed pursuant to division (A) (2) of this section shall be 16387
returned to the successful bidder upon filing of the bond 16388
required in division (C) of this section. 16389

(I) For the purposes of this section and sections 153.56, 16390
153.57, and 153.571 of the Revised Code, "public improvement," 16391
"subcontractor," "material supplier," "laborer," and "materials" 16392
have the same meanings as in section 1311.25 of the Revised 16393
Code. 16394

Sec. 153.59. Every contract for or on behalf of the state, 16395
or any township, county, or municipal corporation of the state, 16396
for the construction, alteration, or repair of any public 16397
building or public work in the state shall contain provisions by 16398
which the contractor agrees to both of the following: 16399

(A) That, in the hiring of employees for the performance 16400
of work under the contract or any subcontract, no contractor, 16401
subcontractor, or any person acting on a contractor's or 16402
subcontractor's behalf, by reason of race, creed, sex, 16403
disability or military status as defined in section 4112.01 of 16404
the Revised Code, or color, shall discriminate against any 16405
citizen of the state in the employment of labor or workers who 16406
is qualified and available to perform the work to which the 16407
employment relates; 16408

(B) That no contractor, subcontractor, or any person on a 16409
contractor's or subcontractor's behalf, in any manner, shall 16410
discriminate against or intimidate any employee hired for the 16411
performance of work under the contract on account of race, 16412
creed, sex, disability or military status as defined in section 16413
4112.01 of the Revised Code, or color. 16414

~~The department of development shall ensure that no capital~~ 16415
~~moneys appropriated by the general assembly for any purpose~~ 16416
~~shall be expended unless the project for which those moneys are~~ 16417
~~appropriated provides for an affirmative action program for the~~ 16418
~~employment and effective utilization of disadvantaged persons~~ 16419
~~whose disadvantage may arise from cultural, racial, or ethnic~~ 16420
~~background, or other similar cause, including, but not limited~~ 16421
~~to, race, religion, sex, disability or military status as~~ 16422
~~defined in section 4112.01 of the Revised Code, national origin,~~ 16423
~~or ancestry.~~ 16424

In awarding contracts for capital improvement projects, 16425
the department of development shall ensure that equal 16426
consideration be given to contractors, subcontractors, or joint 16427
venturers who qualify as a minority business enterprise. As used 16428
in this section, "minority business enterprise" means a business 16429
enterprise that is owned or controlled by one or more socially 16430
or economically disadvantaged persons who are residents of this 16431
state. "Socially or economically disadvantaged persons" means 16432
persons, regardless of marital status, who are members of groups 16433
whose disadvantage may arise from discrimination on the basis of 16434
race, religion, sex, disability or military status as defined in 16435
section 4112.01 of the Revised Code, national origin, ancestry, 16436
or other similar cause. 16437

Sec. 153.63. (A) Any money which is due from the public 16438
owner referred to in section ~~153.12~~ 1311.28 of the Revised Code 16439
under a contract entered into under this chapter or entered into 16440
under other applicable sections of the Revised Code for the 16441
construction, reconstruction, improvement, enlargement, 16442
alteration, repair, painting, or decoration of a public 16443
improvement shall, on the day it is due, be paid to the 16444
contractor or deposited in an escrow account, whichever is 16445

applicable, with one or more banks or building and loan 16446
associations in the state selected by mutual agreement between 16447
the contractor and the public owner. The agreement shall contain 16448
the following provisions: 16449

(1) The money shall be deposited in a savings account or 16450
the escrow agent shall promptly invest all of the escrowed 16451
principal in obligations selected by the escrow agent, as 16452
stipulated in the agreement. 16453

(2) The escrow agent shall hold the escrowed principal and 16454
income until receipt of notice from the public owner and the 16455
contractor, or until receipt of an arbitration order or an order 16456
of the court of claims specifying the amount of the escrowed 16457
principal to be released and the person to whom it is to be 16458
released. Upon receipt of the notice or order, the agent shall 16459
promptly pay such amount of principal and a proportionate amount 16460
of the escrowed income to the person indicated. 16461

(3) The escrow agent shall be compensated for its services 16462
as agreed to by the public owner and the contractor from the 16463
income from the escrow account. 16464

The agreement may include other provisions not 16465
inconsistent with this section, including, but not limited to 16466
granting authority for the escrow agent to commingle the 16467
escrowed funds with funds held pursuant to other escrow 16468
agreements and limiting the liability of the escrow agent. 16469

(B) When the public owner, as defined in division (B) of 16470
section 2743.01 of the Revised Code, and the contractor disagree 16471
as to the conditions under which money is to be paid under this 16472
section, the parties shall apply for a decision by arbitration 16473
under the procedures of Chapter 2711. of the Revised Code. When 16474

an application is made, neither party shall initiate, and no 16475
court shall permit the maintenance of, an action in court for 16476
decision of the same issues sought to be determined in the 16477
arbitration application. The award made by the arbitrator may 16478
include the costs of arbitration. The arbitration shall be 16479
binding on all parties. 16480

(C) When the public owner, as defined in division (A) of 16481
section 2743.01 of the Revised Code, and the contractor disagree 16482
as to the conditions under which money is to be paid under this 16483
section the contractor shall file an action in the court of 16484
claims. 16485

(D) If the money required to be paid or deposited under 16486
division (A) of this section is not paid or deposited, the 16487
governmental entity shall pay to the contractor an amount equal 16488
to eight per cent annual interest compounded daily. 16489

Sec. 153.65. As used in sections 153.65 to 153.73 of the 16490
Revised Code: 16491

(A) (1) "Public authority" means the state, a state 16492
institution of higher education as defined in section 3345.011 16493
of the Revised Code, a county, township, municipal corporation, 16494
school district, or other political subdivision, or any public 16495
agency, authority, board, commission, instrumentality, or 16496
special purpose district of the state or of a political 16497
subdivision. 16498

(2) "Public authority" does not include the director of 16499
transportation when exercising the director's authority to 16500
prepare plans for, acquire rights-of-way for, construct, or 16501
maintain roads, highways, or bridges. 16502

(B) "Professional design firm" means any person legally 16503

engaged in rendering professional design services. 16504

(C) "Professional design services" means services within 16505
the scope of practice of an architect or landscape architect 16506
registered under Chapter 4703. of the Revised Code or a 16507
professional engineer or surveyor registered under Chapter 4733. 16508
of the Revised Code. 16509

(D) "Qualifications" means all of the following: 16510

(1) (a) For a professional design firm, competence to 16511
perform the required professional design services as indicated 16512
by the technical training, education, and experience of the 16513
firm's personnel, especially the technical training, education, 16514
and experience of the employees within the firm who would be 16515
assigned to perform the services; 16516

(b) For a design-build firm, competence to perform the 16517
required design-build services as indicated by the technical 16518
training, education, and experience of the design-build firm's 16519
personnel and key consultants, especially the technical 16520
training, education, and experience of the employees and 16521
consultants of the design-build firm who would be assigned to 16522
perform the services, including the proposed architect or 16523
engineer of record. 16524

(2) Ability of the firm in terms of its workload and the 16525
availability of qualified personnel, equipment, and facilities 16526
to perform the required professional design services or design- 16527
build services competently and expeditiously; 16528

(3) Past performance of the firm as reflected by the 16529
evaluations of previous clients with respect to such factors as 16530
control of costs, quality of work, and meeting of deadlines; 16531

(4) Any other relevant factors as determined by the public 16532

authority; 16533

(5) With respect to a design-build firm, compliance with 16534
sections 4703.182, 4703.332, and 4733.16 of the Revised Code, 16535
including the use of a licensed design professional for all 16536
design services. 16537

(E) "Design-build contract" means a contract between a 16538
public authority and another person that obligates the person to 16539
provide design-build services. 16540

(F) "Design-build firm" means a person capable of 16541
providing design-build services. 16542

(G) "Design-build services" means services that form an 16543
integrated delivery system for which a person is responsible to 16544
a public authority for both the design and construction, 16545
demolition, alteration, repair, or reconstruction of a public 16546
improvement. 16547

(H) "Architect or engineer of record" means the architect 16548
or engineer that serves as the final signatory on the plans and 16549
specifications for the design-build project. 16550

(I) "Criteria architect or engineer" means the architect 16551
or engineer retained by a public authority to prepare conceptual 16552
plans and specifications, to assist the public authority in 16553
connection with the establishment of the design criteria for a 16554
design-build project, and, if requested by the public authority, 16555
to serve as the representative of the public authority and 16556
provide, during the design-build project, other design and 16557
construction administration services on behalf of the public 16558
authority, including but not limited to, confirming that the 16559
design prepared by the design-build firm reflects the original 16560
design intent established in the design criteria package. 16561

(J) "Open book pricing method" means a method in which a design-build firm or integrated project contractor provides the public authority, at the public authority's request, all books, records, documents, contracts, subcontracts, purchase orders, and other data in its possession pertaining to the bidding, pricing, or performance of a contract for design-build or integrated project delivery services awarded to the design-build firm or integrated project contractor.

(K) "Integrated project delivery" means a method to deliver a capital project through a multi-party agreement, executed by at least three parties, among a team comprised of a public authority, a professional design firm as described in section 153.693 of the Revised Code, and an integrated project contractor, commencing at early design and continuing through to project completion.

(L) "Integrated project contractor" means a person with the ability to plan, coordinate, manage, direct, and execute all phases of a capital project through integrated project delivery, including the construction, demolition, alteration, repair, or reconstruction of any public building, structure, or other improvement.

Sec. 153.693. ~~(A)~~ (A) (1) For every design-build contract, the public authority planning to contract for design-build services, in consultation with the criteria architect or engineer, shall evaluate the statements of qualifications submitted by design-build firms specifically regarding the project, including the design-build firm's proposed architect or engineer of record.

(2) For projects valued at less than four million dollars, the public authority may require the design-build firm to submit

a statement along with a pricing proposal described in division 16592
(B) (2) (h) of this section. The public authority shall provide 16593
each design-build firm who desires to submit both a statement 16594
and a proposal a pre-proposal meeting to explore the proposals 16595
further, in which the public authority shall provide the design- 16596
build firm with a description of the project, including the 16597
scope and nature of the proposed services and potential 16598
technical approaches. After and only after the public authority 16599
ranks and selects firms under division (B) (1) of this section, 16600
the public authority shall review the pricing proposals 16601
submitted by selected firms under this division, and proceed 16602
under division (B) (3) of this section, continuing the selection 16603
process from there. The Ohio facilities construction commission 16604
shall biannually adjust for the rate of inflation, as of the 16605
effective date of this amendment, the maximum project value 16606
amount indicated in this division and post this amount on the 16607
commission's web site. 16608

(B) Following this evaluation, the public authority shall: 16609

(1) Select and rank not fewer than three firms which it 16610
considers to be the most qualified to provide the required 16611
design-build services, except that the public authority shall 16612
select and rank fewer than three firms when the public authority 16613
determines in writing that fewer than three qualified firms are 16614
available; 16615

(2) Provide each selected design-build firm with all of 16616
the following: 16617

(a) A description of the project and project delivery; 16618

(b) The design criteria produced by the criteria architect 16619
or engineer under section 153.692 of the Revised Code; 16620

(c) A preliminary project schedule;	16621
(d) A description of any preconstruction services;	16622
(e) A description of the proposed design services;	16623
(f) A description of a guaranteed maximum price, including	16624
the estimated level of design on which such guaranteed maximum	16625
price is based;	16626
(g) The form of the design-build services contract;	16627
(h) <u>A-Except for projects under division (A) (2) of this</u>	16628
<u>section, a request for a pricing proposal that shall be divided</u>	16629
into a design services fee and a preconstruction and design-	16630
build services fee. The pricing proposal of each design-build	16631
firm shall include at least all of the following:	16632
(i) A list of key personnel and consultants for the	16633
project;	16634
(ii) Design concepts adhering to the design criteria	16635
produced by the criteria architect or engineer under section	16636
153.692 of the Revised Code;	16637
(iii) The design-build firm's statement of general	16638
conditions and estimated contingency requirements;	16639
(iv) A preliminary project schedule.	16640
(3) Evaluate the pricing proposal submitted by each	16641
selected firm and, at its discretion, hold discussions with each	16642
firm to further investigate its pricing proposal, including the	16643
scope and nature of the firm's proposed services and potential	16644
technical approaches;	16645
(4) Rank the selected firms based on the public	16646
authority's evaluation of the value of each firm's pricing	16647

proposal, with such evaluation considering each firm's proposed 16648
costs and qualifications; 16649

(5) Enter into contract negotiations for design-build 16650
services with the design-build firm whose pricing proposal the 16651
public authority determines to be the best value under this 16652
section. 16653

~~(B)~~ (C) In complying with division ~~(A)~~ ~~(5)~~ (B) (5) of this 16654
section, contract negotiations shall be directed toward: 16655

(1) Ensuring that the design-build firm and the public 16656
authority mutually understand the essential requirements 16657
involved in providing the required design-build services, the 16658
provisions for the use of contingency funds, and the terms of 16659
the contract, including terms related to the possible 16660
distribution of savings in the final costs of the project; 16661

(2) Ensuring that the design-build firm shall be able to 16662
provide the necessary personnel, equipment, and facilities to 16663
perform the design-build services within the time required by 16664
the design-build construction contract; 16665

(3) Agreeing upon a procedure and schedule for determining 16666
a guaranteed maximum price using an open book pricing method 16667
that shall represent the total maximum amount to be paid by the 16668
public authority to the design-build firm for the project and 16669
that shall include the costs of all work, the cost of its 16670
general conditions, the contingency, and the fee payable to the 16671
design-build firm. 16672

~~(C)~~ (D) If the public authority fails to negotiate a 16673
contract with the design-build firm whose pricing proposal the 16674
public authority determines to be the best value as determined 16675
under this section, the public authority shall inform the 16676

design-build firm in writing of the termination of negotiations. 16677

The public authority may then do the following: 16678

(1) Negotiate a contract with a design-build firm ranked 16679
next highest under this section following the negotiation 16680
procedure described in this section; 16681

(2) If negotiations fail with the design-build firm under 16682
division ~~(C)~~ ~~(1)~~ (D) (1) of this section, negotiate a contract with 16683
the design-build firm ranked next highest under this section 16684
following the negotiation procedure described in this section 16685
and continue negotiating with the design-build firms selected 16686
under this section in the order of their ranking until a 16687
contract is negotiated. 16688

~~(D)~~ (E) If the public authority fails to negotiate a 16689
contract with a design-build firm whose pricing proposal the 16690
public authority determines to be the best value as determined 16691
under this section, it may select additional design-build firms 16692
to provide pricing proposals to the public authority pursuant to 16693
this section or may select an alternative delivery method for 16694
the project. 16695

~~(E)~~ (F) The public authority may provide a stipend for 16696
pricing proposals received from design-build firms. 16697

~~(F)~~ (G) Nothing in this section affects a public 16698
authority's right to accept or reject any or all proposals in 16699
whole or in part. 16700

(H) As used in this section, "rate of inflation" means the 16701
percentage increase or decrease in the consumer price index over 16702
a one-year period, based on the most recent consumer price index 16703
for all urban consumers, midwest region, all items, as 16704
determined by the bureau of labor statistics of the United 16705

States department of labor or, if that index is no longer 16706
published, a generally available comparable index. 16707

Sec. 153.695. (A) For every integrated project delivery 16708
contract, the public authority planning to contract for 16709
integrated project delivery services shall evaluate the 16710
statements of qualifications submitted by integrated project 16711
contractors specifically regarding the project. Following this 16712
evaluation, the public authority shall do all of the following: 16713

(1) Select not fewer than three firms that it considers to 16714
be the most qualified to provide the required integrated project 16715
delivery construction services, except that the public authority 16716
may select fewer than three firms when the public authority 16717
determines in writing that fewer than three qualified firms are 16718
available; 16719

(2) Provide each selected integrated project contractor 16720
with all of the following: 16721

(a) A description of the project and project delivery; 16722

(b) A preliminary project schedule; 16723

(c) A description of any preconstruction services; 16724

(d) A description of a target price, including the 16725
estimated level of design on which such target price is based; 16726

(e) The form of the integrated project delivery contract, 16727
which shall define target price, schedule, and quality of the 16728
project, establish collaboration and decision-making processes, 16729
and share risk by linking compensation and incentives to project 16730
outcomes; 16731

(f) A request for a pricing proposal that shall be divided 16732
into a preconstruction and integrated project delivery services 16733

fee, which shall include at least both of the following: 16734

(i) A list of key personnel and consultants for the 16735
project; 16736

(ii) A preliminary project schedule. 16737

(3) Evaluate the pricing proposal submitted by each 16738
selected firm and, at its discretion, hold discussions with each 16739
firm to further investigate its pricing proposal, including the 16740
scope and nature of the firm's proposed services and potential 16741
technical approaches; 16742

(4) Rank the selected firms based on the public 16743
authority's evaluation of the value of each firm's pricing 16744
proposal, with such evaluation considering each firm's proposed 16745
costs and qualifications; 16746

(5) Enter into contract negotiations for integrated 16747
project delivery construction services with the integrated 16748
project contractor whose pricing proposal the public authority 16749
ranks the highest under this section. 16750

(B) In negotiating with integrated project contractors 16751
under this section, the public authority shall do all of the 16752
following: 16753

(1) Ensure that the integrated project contractor and the 16754
public authority mutually understand the essential requirements 16755
involved in providing the required integrated project delivery 16756
construction services, the provisions for the use of contingency 16757
funds, and the terms of the contract, including terms related to 16758
the possible distribution of savings in the final costs of the 16759
project; 16760

(2) Ensure that the integrated project contractor will be 16761

able to provide the necessary personnel, equipment, and 16762
facilities to perform the integrated project services within the 16763
time required by the contract; 16764

(3) Use an open book pricing method to attempt to agree 16765
upon a procedure and schedule for determining a target price 16766
for the project, which shall include the cost of all work, the 16767
cost of its general conditions, the contingency, and the fee 16768
payable to the integrated project contractor. 16769

(C) If the public authority fails to negotiate a contract 16770
with the integrated project contractor ranked highest under this 16771
section, the public authority shall inform the integrated 16772
project contractor in writing of the termination of 16773
negotiations. The public authority then may negotiate a contract 16774
with the integrated project contractor ranked next highest under 16775
this section, following the negotiation procedure described in 16776
this section. If negotiations fail with the second integrated 16777
project contractor, the public authority may negotiate a 16778
contract with the integrated project contractor ranked next 16779
highest, and may continue negotiating with the integrated 16780
project contractors selected under this section in the order of 16781
their ranking until a contract is negotiated. 16782

(D) If the public authority fails to negotiate a contract 16783
with an integrated project contractor under this section, the 16784
public authority may select additional integrated project 16785
contractors to provide pricing proposals to the public authority 16786
pursuant to this section, or may select an alternative delivery 16787
method for the project. 16788

(E) Nothing in this section affects a public authority's 16789
right to accept or reject any or all proposals in whole or in 16790
part. 16791

(F) Before construction begins pursuant to an integrated 16792
project delivery contract, the integrated project contractor 16793
shall provide a surety bond to the public authority in 16794
accordance with rules adopted by the executive director of the 16795
Ohio facilities construction commission under Chapter 119. of 16796
the Revised Code. 16797

Sec. 155.33. (A) (1) Beginning on ~~the effective date of~~ 16798
~~this amendment~~ April 7, 2023, and ending on the effective date 16799
of the rules adopted under section 155.34 of the Revised Code, a 16800
state agency shall lease, in good faith, a formation within a 16801
parcel of land that is owned or controlled by the state agency 16802
for the exploration for and development and production of oil or 16803
natural gas. The lease shall be on terms that are just and 16804
reasonable, as determined by custom and practice in the oil and 16805
gas industry, and shall include at least the terms required 16806
under ~~divisions (A) (1) (a) to (d)~~ division (A) of section 155.34 16807
of the Revised Code as that division existed prior to the 16808
effective date of this amendment. The person seeking to lease 16809
the formation shall submit to the state agency the proof 16810
described in divisions (D) (5) (a) and (b) of this section before 16811
entering into the lease. On and after the effective date of the 16812
rules adopted under section 155.34 of the Revised Code, a 16813
formation within a parcel of land that is owned or controlled by 16814
a state agency may be leased for the exploration for and 16815
development and production of oil or natural gas only in 16816
accordance with divisions (A) (2) to (H) of this section and 16817
those rules. 16818

(2) On and after the effective date of rules adopted under 16819
section 155.34 of the Revised Code, any person or state agency 16820
that is interested in leasing a formation within a parcel of 16821
land that is owned or controlled by a state agency for the 16822

exploration for and the development and production of oil or 16823
natural gas may submit to the oil and gas land management 16824
commission a nomination that shall include all of the following: 16825

(a) The name of the person making the nomination and the 16826
person's address, telephone number, and email address; 16827

(b) An identification of the formation and parcel of land 16828
proposed to be leased that specifies all of the following: 16829

(i) The percentage of the interest owned or controlled by 16830
the state agency, and whether that interest is divided, 16831
undivided, or partial; 16832

(ii) The source deed by book and page numbers, including 16833
the description and acreage of the parcel and an identification 16834
of the county, section, township, and range in which the parcel 16835
is located; 16836

(iii) A plat map depicting the area in which the parcel is 16837
located. 16838

(c) If the person making the nomination is not a state 16839
agency, a nomination fee of one hundred fifty dollars; 16840

(d) The proposed lease bonus that applies to the 16841
nomination and any additional proposed gross landowner royalty 16842
that applies to the nomination that is in addition to the amount 16843
required under division (A) (1) (b) of section 155.34 of the 16844
Revised Code; 16845

(e) If the person making the nomination is not a state 16846
agency, proof of both of the following: 16847

(i) That the person has obtained the insurance and 16848
financial assurance required under section 1509.07 of the 16849
Revised Code; 16850

(ii) That the person has registered with and obtained an 16851
identification number from the division of oil and gas resources 16852
management under section 1509.31 of the Revised Code. 16853

(3) In order to encourage the submission of nominations 16854
and the responsible and reasonable development of the state's 16855
natural resources, only the information submitted under division 16856
(A) (2) (b) of this section may be disclosed to the public until a 16857
person is selected under division (F) of this section. Until a 16858
person is selected under division (F) of this section, all other 16859
information submitted under division (A) (2) of this section is 16860
confidential, shall not be disclosed by the commission, and is 16861
not a public record subject to inspection or copying under 16862
section 149.43 of the Revised Code. 16863

(4) When a nomination is not submitted by a state agency, 16864
the nomination is the opening bid for purposes of division (D) 16865
of this section. However, the person submitting the nomination 16866
may supplement or amend that bid by providing additional 16867
information in accordance with that division. 16868

(B) (1) Not less than thirty days, but not more than one 16869
hundred twenty days following the receipt of a nomination, the 16870
commission shall conduct a meeting for the purpose of 16871
determining whether to approve or disapprove the nomination for 16872
the purpose of leasing a formation within the parcel of land 16873
that is identified in the nomination. 16874

In making its decision to approve or disapprove the 16875
nomination, the commission shall consider all of the following: 16876

(a) The economic benefits, including the potential income 16877
from an oil or natural gas operation, that would result if the 16878
lease of a formation that is the subject of the nomination were 16879

approved; 16880

(b) Whether the proposed oil or gas operation is 16881
compatible with the current uses of the parcel of land that is 16882
the subject of the nomination; 16883

(c) The environmental impact that would result if the 16884
lease of a formation that is the subject of the nomination were 16885
approved; 16886

(d) Any potential adverse geological impact that would 16887
result if the lease of a formation that is the subject of the 16888
nomination were approved; 16889

(e) Any potential impact to visitors or users of a parcel 16890
of land that is the subject of the nomination; 16891

(f) Any potential impact to the operations or equipment of 16892
a state agency that is a state university or college if the 16893
lease of a formation within a parcel of land owned or controlled 16894
by the university or college that is the subject of the 16895
nomination were executed; 16896

(g) Any comments or objections to the nomination submitted 16897
to the commission by the state agency that owns or controls the 16898
parcel of land on which the proposed oil or natural gas 16899
operation would take place; 16900

(h) Any comments or objections to the nomination submitted 16901
to the commission by residents of this state or other users of 16902
the parcel of land that is the subject of the nomination; 16903

(i) Any special terms and conditions the state agency 16904
included in its comments or objections that the state agency 16905
believes are appropriate for the lease of the parcel of land 16906
because of specific conditions related to that parcel of land. 16907

(2) The commission shall approve or disapprove a nomination not later than two calendar quarters following the receipt of the nomination. The commission shall post notice of the commission's decision on the commission's web site and send notice of the decision by email and by certified mail to the person that submitted the nomination and to the state agency that owns or controls the formation within the parcel of land that is the subject of the nomination.

(C) Each calendar quarter, the commission shall proceed to advertise for bids for a lease for a formation within a parcel of land that was the subject of a nomination approved during the previous calendar quarter. The commission shall publish the advertisement on its web site for a period of time established by the commission. The advertisement shall include all of the following:

(1) An identification of each formation and parcel of land proposed to be leased that includes all of the information specified in division (A) (2) (b) of this section;

(2) The deadline for the submission of bids;

(3) A statement that each bid must contain all of the items required under division (D) of this section;

(4) A statement that a standard lease form that is consistent with the practices of the oil and natural gas industries and adopted by rule by the commission will be used for the lease of a formation within the parcel of land;

(5) Any special terms and conditions that may apply to the lease because of specific conditions related to the parcel of land;

(6) The amount of the bid fee that is required to be

submitted with a bid; 16937

(7) Any other information that the commission considers 16938
pertinent to the advertisement for bids. 16939

(D) A person interested in leasing a formation within a 16940
parcel of land owned or controlled by a state agency for the 16941
exploration for and development and production of oil or natural 16942
gas may submit a bid to the commission on a parcel by parcel 16943
basis that contains all of the following: 16944

(1) A bid fee of twenty-five dollars; 16945

(2) The name of the person making the bid and the person's 16946
address, telephone number, and email address; 16947

(3) An identification of the formation and parcel of land 16948
for which the bid is being submitted, including all of the 16949
information specified in division (A) (2) (b) of this section; 16950

(4) The proposed lease bonus that applies to the bid and 16951
any additional proposed gross landowner royalty that applies to 16952
the bid that is in addition to the amount required under 16953
division (A) (1) (b) of section 155.34 of the Revised Code; 16954

(5) Proof of both of the following: 16955

(a) That the person has obtained the insurance and 16956
financial assurance required under section 1509.07 of the 16957
Revised Code; 16958

(b) That the person has registered with and obtained an 16959
identification number from the division of oil and gas resources 16960
management under section 1509.31 of the Revised Code. 16961

(6) Any other information that the person believes is 16962
relevant to the bid. 16963

(E) In order to encourage the submission of bids and the responsible and reasonable development of the state's natural resources, the information that is contained in a bid submitted to the commission under this section is confidential, shall not be disclosed by the commission, and is not a public record subject to inspection and copying under section 149.43 of the Revised Code until a person is selected under division (F) of this section.

The commission shall select the person who submits the highest and best bid, taking into account the financial responsibility of the prospective lessee and the ability of the prospective lessee to perform its obligations under the lease. After the commission selects a person, the commission shall notify the applicable state agency and send the person's bid to the agency. The state agency shall enter into a lease with the person selected by the commission. The state agency shall fully execute the lease not later than thirty days after the commission selects the person with the highest and best bid.

(G) (1) Except as otherwise provided in section 155.37 of the Revised Code, all money received by a state agency from signing fees, rentals, and royalty payments for leases entered into under this section shall be paid by the state agency into the state treasury to the credit of the state land royalty fund created in section 131.50 of the Revised Code.

(2) All money received from nomination fees and bid fees shall be paid into the state treasury to the credit of the oil and gas land management commission administration fund created in section 155.35 of the Revised Code.

(H) Notwithstanding any other provision of this section to the contrary, a nature preserve as defined in section 1517.01 of

the Revised Code that is owned or controlled by a state agency 16994
shall not be nominated or leased under this section for the 16995
purpose of exploring for and developing and producing oil and 16996
natural gas resources. 16997

(I) Except as otherwise provided in this chapter, the 16998
commission and any state agency shall not require as part of a 16999
bid or lease either of the following: 17000

(1) Any royalty payment in excess of the amount specified 17001
in division (A) (1) (b) of section 155.34 of the Revised Code; 17002

(2) Any additional payment that the commission or agency 17003
is not specifically authorized or required to charge under this 17004
section. 17005

Sec. 155.34. (A) ~~Not later than one hundred twenty days~~ 17006
~~after September 30, 2021, the~~ The oil and gas land management 17007
commission shall adopt rules in accordance with Chapter 119. of 17008
the Revised Code establishing both of the following: 17009

(1) A standard lease form that shall be used by a state 17010
agency for leases entered into under this chapter, is consistent 17011
with the practices of the oil and natural gas industries, and 17012
contains all of the following: 17013

(a) A prohibition against the use of the surface of the 17014
parcel of land for oil and gas development unless the state 17015
agency, in its sole discretion, chooses to negotiate and execute 17016
a written surface use agreement established under this section; 17017

(b) A one-eighth gross landowner royalty; 17018

(c) A primary term of five years; 17019

(d) An option for the lessee to extend the primary term of 17020
the lease for an additional ~~three~~ five years by tendering to the 17021

state agency the same bonus paid when first entering into the 17022
lease.—; 17023

(e) A provision that states: "Notwithstanding any other 17024
provision of this Lease to the contrary, Lessee is entitled to 17025
pay any advanced delay rentals/bonus amounts owed under this 17026
Lease within sixty (60) calendar days after Lessee receives a 17027
copy of this Lease executed by Lessor." 17028

(f) A provision that states: "Notwithstanding any other 17029
provision of this Lease to the contrary, in the event that a 17030
parcel subject to this Lease was acquired or improved through, 17031
or is otherwise encumbered by, a federal grant program, the 17032
Primary Term of the Lease shall be tolled until the requirements 17033
of the program, and any related grant documents, have been fully 17034
satisfied by Lessor and Lessor notifies Lessee in writing of 17035
same." 17036

(g) A provision that states: "Notwithstanding any other 17037
provision of this Lease to the contrary, in the event that a 17038
parcel subject to this Lease was acquired or improved through, 17039
or is otherwise encumbered by, a federal grant program, Lessee 17040
may defer payment of all sums otherwise due and owing under this 17041
Lease until the requirements of the program, and any related 17042
grant documents, have been fully satisfied by Lessor and Lessor 17043
notifies Lessee in writing of same." 17044

(h) A provision that states: "Notwithstanding any other 17045
provision of this Lease to the contrary, in the event that 17046
litigation of any kind or character is filed by a third party 17047
that may adversely impact Lessee's ability to conduct operations 17048
under the Lease, including an appeal before a court or the oil 17049
and gas commission, the Primary Term of the Lease shall be 17050
tolled until such time as there is a final, nonappealable order 17051

entered in such litigation." 17052

(i) A provision that states: "Notwithstanding any other 17053
provision of this Lease to the contrary, in the event that 17054
litigation of any kind or character is filed by a third party 17055
that may adversely impact Lessee's ability to conduct operations 17056
under the Lease, including an appeal before a court or the oil 17057
and gas commission, Lessee may defer payment of all sums 17058
otherwise due and owing under this Lease until a final, 17059
nonappealable order is entered in such litigation." 17060

(2) Any other procedures necessary to implement sections 17061
155.30 to 155.36 of the Revised Code, subject to division (I) of 17062
section 155.33 of the Revised Code. 17063

~~(B) Not later than one hundred twenty days after September~~ 17064
~~30, 2021, the~~ The commission shall establish a standard surface 17065
use agreement that a state agency shall use to authorize the use 17066
of the surface of a leased parcel of land. 17067

(C) Section 121.95 of the Revised Code does not apply to 17068
rules adopted under this section and the commission is not 17069
subject to any requirements of that section. 17070

Sec. 163.01. As used in sections 163.01 to 163.22 of the 17071
Revised Code: 17072

(A) "Public agency" means any governmental corporation, 17073
unit, organization, instrumentality, or officer authorized by 17074
law to appropriate property in the courts of this state. 17075

(B) "Private agency" means any corporation, firm, 17076
partnership, voluntary association, joint-stock association, or 17077
company that is not a public agency and that is authorized by 17078
law to appropriate property in the courts of this state. 17079

- (C) "Agency" means any public agency or private agency. 17080
- (D) "Court" means the court of common pleas or the probate 17081
court of any county in which the property sought to be 17082
appropriated is located in whole or in part. 17083
- (E) "Owner" means any individual, partnership, 17084
association, or corporation having any estate, title, or 17085
interest in any real property sought to be appropriated. 17086
- (F) "Real property," "land," or "property" includes any 17087
estate, title, or interest in any real property that is 17088
authorized to be appropriated by the agency in question, unless 17089
the context otherwise requires. 17090
- (G) "Public utility" has the same meaning as in section 17091
4905.02 of the Revised Code and also includes a public utility 17092
owned or operated by one or more municipal corporations, an 17093
electric cooperative, and an agency holding a certificate of 17094
public convenience and necessity granted by the federal energy 17095
regulatory commission. 17096
- (H) (1) "Public use" does not include any taking that is 17097
for conveyance to a private commercial enterprise, economic 17098
development, or solely for the purpose of increasing public 17099
revenue, unless the property is conveyed or leased to one of the 17100
following: 17101
- (a) A public utility, municipal power agency, or common 17102
carrier; 17103
- (b) A private entity that occupies a port authority 17104
transportation facility or an incidental area within a publicly 17105
owned and occupied project; 17106
- (c) A private entity when the agency that takes the 17107

property establishes by a preponderance of the evidence that the 17108
property is a blighted parcel or is included in a blighted area. 17109

(2) "Public use" does not include any taking of property 17110
for use as a trail for hiking, bicycling, horseback riding, ski 17111
touring, canoeing, or other nonmotorized forms of recreational 17112
travel. 17113

(3) All of the following are presumed to be public uses: 17114
utility facilities, roads, sewers, water lines, public schools, 17115
public institutions of higher education, private institutions of 17116
higher education that are authorized to appropriate property 17117
under section 3333.08 of the Revised Code, public parks, 17118
government buildings, port authority transportation facilities, 17119
projects by an agency that is a public utility, and similar 17120
facilities and uses of land. 17121

(I) "Electric cooperative" has the same meaning as in 17122
section 4928.01 of the Revised Code. 17123

(J) "Good faith offer" means the written offer that an 17124
agency that is appropriating property must make to the owner of 17125
the property pursuant to division (B) of section 163.04 of the 17126
Revised Code before commencing an appropriation proceeding. 17127

(K) "Goodwill" means the calculable benefits that accrue 17128
to a business as a result of its location, reputation for 17129
dependability, skill or quality, and any other circumstances 17130
that result in probable retention of old, or acquisition of new, 17131
patronage. 17132

(L) "Municipal power agency" has the same meaning as in 17133
section 3734.058 of the Revised Code. 17134

(M) "Port authority transportation facility" means any 17135
facility developed, controlled, or operated by a port authority 17136

for the purpose of providing passenger, cargo, or freight 17137
transportation services, such as airports, maritime ports, rail 17138
facilities, transit facilities, and support facilities directly 17139
related to any airport, maritime port, rail facility, or transit 17140
facility. 17141

Sec. 164.01. As used in this chapter: 17142

(A) "Capital improvement" or "capital improvement project" 17143
or "project" means the acquisition, construction, 17144
reconstruction, improvement, planning, and equipping of roads 17145
and bridges, appurtenances to roads and bridges to enhance the 17146
safety of animal-drawn vehicles, pedestrians, and bicycles, 17147
waste water treatment systems, water supply systems, solid waste 17148
disposal facilities, and storm water and sanitary collection, 17149
storage, and treatment facilities, including real property, 17150
interests in real property, facilities, and equipment related or 17151
incidental to those facilities. 17152

(B) "Local subdivision" means any county, municipal 17153
corporation, township, sanitary district, or regional water and 17154
sewer district. 17155

(C) "Bond proceedings" means the resolutions, orders, 17156
trust agreements, indentures, and other agreements, credit 17157
facilities and credit enhancement facilities, and amendments and 17158
supplements to the foregoing, or any one or more or combination 17159
thereof, authorizing, awarding, or providing for the terms and 17160
conditions applicable to or providing for the security or 17161
liquidity of obligations, and the provisions contained in those 17162
obligations. 17163

(D) "Bond service charges" means principal, including any 17164
mandatory sinking fund or redemption requirements for retirement 17165

of obligations, interest and other accreted amounts, and any 17166
redemption premium payable on obligations. If not prohibited by 17167
the applicable bond proceedings, bond service charges include 17168
costs of credit enhancement facilities that are related to, and 17169
represent or are intended to provide a source of payment of or 17170
limitation on, other bond service charges. 17171

(E) "Bond service fund" means the fund, and any accounts 17172
in that fund, created by section 164.10 of the Revised Code, 17173
including all moneys and investments, and earnings from 17174
investments, credited and to be credited to that fund and 17175
accounts as provided in the bond proceedings. 17176

(F) "Cost of capital improvement projects" means the costs 17177
of acquiring, constructing, reconstructing, expanding, 17178
improving, and engineering capital improvement projects, and 17179
related financing costs. 17180

(G) "Credit enhancement facilities" means letters of 17181
credit, lines of credit, stand-by, contingent, or firm 17182
securities purchase agreements, interest rate hedges including, 17183
without limitation, interest rate swaps, insurance or surety 17184
arrangements, reserve or guarantee funds, and guarantees, and 17185
other arrangements that provide for contingent or direct payment 17186
of bond service charges, for security or additional security in 17187
the event of nonpayment or default in respect of obligations, or 17188
for making or providing funds for making payment of bond service 17189
charges to, and at the option and on demand of, holders of 17190
obligations or at the option of the issuer under put or similar 17191
arrangements, or for otherwise supporting the credit or 17192
liquidity of obligations, and includes credit, reimbursement, 17193
marketing, remarketing, indexing, carrying, purchase, and 17194
subrogation agreements, and other agreements and arrangements 17195

for reimbursement of the person providing the credit enhancement 17196
facility and the security for that reimbursement. As used in 17197
this division, obligations include debt obligations of local 17198
subdivisions. 17199

(H) "Financing costs" means all costs and expenses 17200
relating to the authorization, issuance, sale, delivery, 17201
authentication, deposit, custody, clearing, registration, 17202
transfer, exchange, fractionalization, replacement, and 17203
servicing of obligations, including, without limitation, costs 17204
and expenses for or relating to, or payment obligations under, 17205
publication and printing, postage and express delivery, official 17206
statements, offering circulars, and informational statements, 17207
travel and transportation, paying agents, bond registrars, 17208
authenticating agents, remarketing agents, custodians, clearing 17209
agencies or corporations, securities depositories, financial 17210
advisory services, certifications, audits, federal or state 17211
regulatory agencies, accounting services, legal services and 17212
obtaining approving legal opinions and other legal opinions, 17213
credit ratings, original issue discount, credit facilities, and 17214
credit enhancement facilities. Financing costs may be paid from 17215
any moneys lawfully available for the purpose, including, unless 17216
otherwise provided in the bond proceedings, from the proceeds of 17217
the obligations to which they relate and from the same sources 17218
from which bond service charges on the obligations are paid and 17219
as though bond service charges. 17220

(I) "Issuer" means the treasurer of state, or the officer 17221
who by law performs the functions of that officer. 17222

(J) "Obligations" means bonds, notes, or other evidences 17223
of obligation of the state, including any interest coupons 17224
pertaining thereto, issued pursuant to sections 164.09 to 164.12 17225

of the Revised Code. 17226

(K) "Special funds" or "funds" means, except where the 17227
context does not permit, the bond service fund, and any other 17228
funds, including reserve funds, created under the bond 17229
proceedings and stated to be special funds in those proceedings, 17230
including all moneys and investments, and earnings from 17231
investments, credited and to be credited to the ~~particular~~ fund. 17232
Special funds do not include the state capital improvements fund 17233
created by section 164.08 of the Revised Code or, if so provided 17234
in the bond proceedings, a rebate fund or account established 17235
for purposes of federal tax laws. 17236

(L) "Net proceeds" means amounts received from the sale of 17237
obligations pursuant to this chapter, excluding amounts used to 17238
refund or retire outstanding obligations, and does not include 17239
amounts required to be deposited in special funds pursuant to 17240
the applicable bond proceedings, or financing costs paid from 17241
such amounts received. 17242

(M) "Local debt support" means ~~a full or partial pledge of~~ 17243
~~support for any local bond issue, the payment of all or a part~~ 17244
~~of the premium for bond insurance obtained from a private~~ 17245
~~insurer,~~ the subsidization of the interest rate on a loan 17246
obtained by ~~the a~~ subdivision, ~~or a source of revenue pledged in~~ 17247
~~support of revenue bonds issued by a subdivision.~~ 17248

(N) "Principal amount" refers to the aggregate of the 17249
amount as stated or provided for in the bond proceedings 17250
authorizing the obligations as the amount on which interest or 17251
interest equivalent is initially calculated. 17252

Sec. 164.05. (A) The director of the Ohio public works 17253
commission shall do all of the following: 17254

(1) Approve requests for financial assistance from 17255
district public works integrating committees and enter into 17256
agreements with one or more local subdivisions to provide loans, 17257
grants, and local debt support for a capital improvement project 17258
if the director determines that: 17259

(a) The project is an eligible project pursuant to this 17260
chapter; 17261

(b) The financial assistance for the project has been 17262
properly approved and requested by the district committee of the 17263
district which includes the recipient of the loan or grant; 17264

(c) The amount of the financial assistance, when added to 17265
all other financial assistance provided during the fiscal year 17266
for projects within the district, does not exceed that 17267
district's allocation of money from the state capital 17268
improvements fund for that fiscal year; 17269

(d) The district committee has provided such documentation 17270
and other evidence as the director may require that the district 17271
committee has satisfied the requirements of section 164.06 or 17272
164.14 of the Revised Code; 17273

(e) The portion of a district's annual allocation which 17274
the director approves in the form of loans and local debt 17275
support for eligible projects is consistent with divisions (E) 17276
and (F) of this section. 17277

(2) Authorize payments to local subdivisions or their 17278
contractors for costs incurred for capital improvement projects 17279
which have been approved pursuant to this chapter. All requests 17280
for payments shall be submitted to the director on forms and in 17281
accordance with procedures specified in rules adopted by the 17282
director pursuant to division (A)(4) of this section. 17283

(3) Retain the services of or employ financial 17284
consultants, engineers, accountants, attorneys, and such other 17285
employees as the director determines are necessary to carry out 17286
the director's duties under this chapter and fix the 17287
compensation for their services. From among these employees, the 17288
director shall appoint a deputy with the necessary 17289
qualifications to act as the director when the director is 17290
absent or temporarily unable to carry out the duties of office. 17291

(4) Adopt rules establishing the procedures for making 17292
applications, reviewing, approving, and rejecting projects for 17293
which assistance is authorized under this chapter, and any other 17294
rules needed to implement the provisions of this chapter. Such 17295
rules shall be adopted under Chapter 119. of the Revised Code. 17296

(5) Provide information and other assistance to local 17297
subdivisions and district public works integrating committees in 17298
developing their requests for financial assistance for capital 17299
improvements under this chapter and encourage cooperation and 17300
coordination of requests and the development of multisubdivision 17301
projects in order to maximize the benefits that may be derived 17302
by districts from each year's allocation; 17303

(6) Require local subdivisions, to the extent practicable, 17304
to use Ohio products, materials, services, and labor in 17305
connection with any capital improvement project financed in 17306
whole or in part under this chapter; 17307

(7) Notify the director of budget and management of all 17308
approved projects, and supply all information necessary to track 17309
approved projects through the state accounting system; 17310

(8) Appoint the administrator of the Ohio small government 17311
capital improvements commission; 17312

(9) Do all other acts, enter into contracts, and execute 17313
all instruments necessary or appropriate to carry out this 17314
chapter; 17315

(10) Develop a standardized methodology for evaluating 17316
local subdivision capital improvement needs that a district 17317
public works integrating committee shall consider when 17318
addressing a subdivision's project application; 17319

(11) Establish a program to provide local subdivisions 17320
with technical assistance in preparing project applications. The 17321
program shall be designed to assist local subdivisions that lack 17322
the financial or technical resources to prepare project 17323
applications on their own. 17324

(B) When the director of the Ohio public works commission 17325
decides to conditionally approve or disapprove projects, the 17326
director's decisions and the reasons for which they are made 17327
shall be made in writing. These written decisions shall be 17328
conclusive for the purposes of the validity and enforceability 17329
of such determinations. 17330

(C) Fees, charges, rates of interest, times of payment of 17331
interest and principal, and other terms, conditions, and 17332
provisions of and security for financial assistance provided 17333
pursuant to the provisions of this chapter shall be such as the 17334
director determines to be appropriate. If any payments required 17335
by a loan agreement entered into pursuant to this chapter are 17336
not paid, the funds which would otherwise be apportioned to the 17337
local subdivision from the county undivided local government 17338
fund, pursuant to sections 5747.51 to 5747.53 of the Revised 17339
Code, may, at the direction of the director of the Ohio public 17340
works commission, be reduced by the amount payable. The county 17341
treasurer shall, at the direction of the director, pay the 17342

amount of such reductions to the state capital improvements 17343
revolving loan fund. The director may renegotiate a loan 17344
repayment schedule with a local subdivision whose payments from 17345
the county undivided local government fund could be reduced 17346
pursuant to this division, but such a renegotiation may occur 17347
only one time with respect to any particular loan agreement. 17348

(D) Grants approved for the repair and replacement of 17349
existing infrastructure pursuant to this chapter shall not 17350
exceed ninety per cent of the estimated total cost of the 17351
capital improvement project. Grants approved for new or expanded 17352
infrastructure shall not exceed fifty per cent of the estimated 17353
cost of the new or expansion elements of the capital improvement 17354
project. A local subdivision share of the estimated cost of a 17355
capital improvement may consist of any of the following: 17356

(1) The reasonable value, as determined by the director or 17357
the administrator, of labor, materials, and equipment that will 17358
be contributed by the local subdivision in performing the 17359
capital improvement project; 17360

(2) Moneys received by the local subdivision in any form 17361
from an authority, commission, or agency of the United States 17362
for use in performing the capital improvement project; 17363

(3) Loans made to the local subdivision under this 17364
chapter; 17365

(4) Engineering costs incurred by the local subdivision in 17366
performing engineering activities related to the project. 17367

A local subdivision share of the cost of a capital 17368
improvement shall not include any amounts awarded to it from the 17369
local transportation improvement program fund created in section 17370
164.14 of the Revised Code. 17371

(E) ~~Not more than ten per cent of a~~ A district public 17372
works integrating ~~committee's~~ committee may determine how much 17373
of its annual allocation share pursuant to section 164.08 of the 17374
Revised Code ~~may be~~ is awarded to subdivisions ~~only~~ in the form 17375
of interest-free, low-interest, market rate of interest, or 17376
blended-rate loans and in the form of local debt support. 17377

~~(F) Not more than ten per cent of a district public works-~~ 17378
~~integrating committee's annual allocation pursuant to section~~ 17379
~~164.08 of the Revised Code may be awarded to subdivisions in the~~ 17380
~~form of local debt support.~~ 17381

~~(G)~~ For the period commencing July 1, 1993, and ending 17382
June 30, 1999, and for each five-year period thereafter, the 17383
total amount of financial assistance awarded under sections 17384
164.01 to 164.08 of the Revised Code for capital improvement 17385
projects located wholly or partially within a county shall be 17386
equal to at least thirty per cent of the amount of what the 17387
county would have been allocated from the obligations authorized 17388
to be sold under this chapter during each period, if such 17389
amounts had been allocable to each county on a per capita basis. 17390

~~(H)~~ (G) The amount of the annual allocations made pursuant 17391
to divisions (B) (1) and (4) of section 164.08 of the Revised 17392
Code which can be used for new or expanded infrastructure is 17393
limited to twenty per cent. 17394

~~(I)~~ (H) No project shall be approved under this section 17395
unless the project is designed to have a useful life of at least 17396
seven years. In addition, the average useful life of all 17397
projects for which grants or loans are awarded in each district 17398
during a program year shall not be less than twenty years. 17399

Sec. 164.06. (A) Each district public works integrating 17400

committee shall evaluate materials submitted to it by the local 17401
subdivisions located in the district concerning capital 17402
improvements for which assistance is sought from the state 17403
capital improvements fund and shall, pursuant to division (B) of 17404
this section, select the requests for financial assistance that 17405
will be formally submitted by the district to the director of 17406
the Ohio public works commission. In order to provide for the 17407
efficient use of the district's state capital improvements fund 17408
allocation each year, a district committee shall assist its 17409
subdivisions in the preparation and coordination of project 17410
plans. 17411

(B) In selecting the requests for assistance for capital 17412
improvement projects which will be submitted to the director, 17413
and in determining the nature, amount, and terms of the 17414
assistance that will be requested, a district public works 17415
integrating committee shall give priority to capital improvement 17416
projects for the repair or replacement of existing 17417
infrastructure and which would be unlikely to be undertaken 17418
without assistance under this chapter, and shall specifically 17419
consider all of the following factors: 17420

(1) The infrastructure repair and replacement needs of the 17421
district; 17422

(2) The age and condition of the system to be repaired or 17423
replaced; 17424

(3) Whether the project would generate revenue in the form 17425
of user fees or assessments; 17426

(4) The importance of the project to the health and safety 17427
of the citizens of the district; 17428

(5) The cost of the project and whether it is consistent 17429

with division ~~(G)~~(F) of section 164.05 of the Revised Code and 17430
the district's allocation for grants, loans, and local debt 17431
support for that year; 17432

(6) The effort and ability of the benefited local 17433
subdivisions to assist in financing the project; 17434

(7) The availability of federal or other funds for the 17435
project; 17436

(8) The overall economic health of the particular local 17437
subdivision; 17438

(9) The adequacy of the planning for the project and the 17439
readiness of the applicant to proceed should the project be 17440
approved; 17441

(10) Any other factors relevant to a particular project. 17442

(C) When applying the methodology under division (A) (10) 17443
of section 164.05 of the Revised Code, a district public works 17444
integrating committee may require a subdivision to submit 17445
information on its capital infrastructure as part of an 17446
application for assistance in financing a capital improvement 17447
project under this section. 17448

(D) In addition to reviewing and selecting the projects 17449
for which approval will be sought from the director of the Ohio 17450
public works commission for financial assistance from the state 17451
capital improvements fund, each district public works 17452
integrating committee shall appoint a subcommittee of its 17453
members that will represent the interests of villages and 17454
townships and that will review and select the capital 17455
improvement projects which will be submitted by the subcommittee 17456
to the administrator of the Ohio small government capital 17457
improvements commission for consideration of assistance from the 17458

portion of the net proceeds of obligations issued and sold by 17459
the treasurer of state which is allocated pursuant to division 17460
(B) (1) of section 164.08 of the Revised Code. In reviewing and 17461
approving the projects selected by its subcommittee, the 17462
administrator, and the Ohio small government capital 17463
improvements commission shall be guided by the provisions of 17464
division (B) of this section, and shall also take into account 17465
the fact that villages and townships may have different public 17466
infrastructure needs than larger subdivisions. 17467

Sec. 164.08. (A) Except as provided in sections 151.01 and 17468
151.08 or section 164.09 of the Revised Code, the net proceeds 17469
of obligations issued and sold by the treasurer of state 17470
pursuant to section 164.09 of the Revised Code before September 17471
30, 2000, or pursuant to sections 151.01 and 151.08 of the 17472
Revised Code, for the purpose of financing or assisting in the 17473
financing of the cost of public infrastructure capital 17474
improvement projects of local subdivisions, as provided for in 17475
Section 2k, 2m, 2p, or 2s of Article VIII, Ohio Constitution, 17476
and this chapter, shall be paid into the state capital 17477
improvements fund, which is hereby created in the state 17478
treasury. Investment earnings on moneys in the fund shall be 17479
credited to the fund. 17480

(B) Beginning July 1, 2016, each program year the amount 17481
of obligations authorized by the general assembly in accordance 17482
with sections 151.01 and 151.08 or section 164.09 of the Revised 17483
Code, excluding the proceeds of refunding or renewal 17484
obligations, shall be allocated by the director of the Ohio 17485
public works commission as follows: 17486

(1) First, ten per cent of the amount of obligations 17487
authorized shall be allocated to provide financial assistance to 17488

villages and to townships with populations in the unincorporated 17489
areas of the township of less than five thousand persons, for 17490
capital improvements in accordance with section 164.051 and 17491
division (D) of section 164.06 of the Revised Code. As used in 17492
division (B) (1) of this section, "capital improvements" includes 17493
resurfacing and improving roads. 17494

(2) Following the allocation required by division (B) (1) 17495
of this section, the director may allocate two per cent of the 17496
authorized obligations to provide financial assistance to local 17497
subdivisions for capital improvement projects which in the 17498
judgment of the director of the Ohio public works commission are 17499
necessary for the immediate preservation of the health, safety, 17500
and welfare of the citizens of the local subdivision requesting 17501
assistance. Starting July 1, 2021, the director may allocate up 17502
to six per cent of authorized obligations as provided in this 17503
division. 17504

(3) The director shall determine the amount of the 17505
remaining obligations authorized to be issued and sold that each 17506
county would receive if such amounts were allocated on a per 17507
capita basis each year. If a county's per capita share for the 17508
year would be less than three hundred thousand dollars, the 17509
director shall allocate to the district in which that county is 17510
located an amount equal to the difference between three hundred 17511
thousand dollars and the county's per capita share. 17512

(4) After making the allocation required by division (B) 17513
(3) of this section, the director shall allocate the remaining 17514
amount to each district on a per capita basis. 17515

(C) (1) There is hereby created in the state treasury the 17516
state capital improvements revolving loan fund, into which shall 17517
be deposited all repayments of loans made to local subdivisions 17518

for capital improvements pursuant to this chapter. Investment 17519
earnings on moneys in the fund shall be credited to the fund. 17520

(2) There may also be deposited in the state capital 17521
improvements revolving loan fund moneys obtained from federal or 17522
private grants, or from other sources, which are to be used for 17523
any of the purposes authorized by this chapter. Such moneys 17524
shall be allocated each year in accordance with division (B) (4) 17525
of this section. 17526

(3) Moneys deposited into the state capital improvements 17527
revolving loan fund shall be used to make loans for the purpose 17528
of financing or assisting in the financing of the cost of 17529
capital improvement projects of local subdivisions. 17530

(4) Investment earnings credited to the state capital 17531
improvements revolving loan fund that exceed the amounts 17532
required to meet estimated federal arbitrage rebate requirements 17533
shall be used to pay costs incurred by the public works 17534
commission in administering this section. Investment earnings 17535
credited to the state capital improvements revolving loan fund 17536
that exceed the amounts required to pay for the administrative 17537
costs and estimated rebate requirements shall be allocated to 17538
each district on a per capita basis. 17539

(5) Each program year, loan repayments received and on 17540
deposit in the state capital improvements revolving loan fund 17541
shall be allocated as follows: 17542

(a) Each district public works integrating committee shall 17543
be allocated an amount equal to the sum of all loan repayments 17544
made to the state capital improvements revolving loan fund by 17545
local subdivisions that are part of the district. Moneys not 17546
used in a program year may be used in the next program year in 17547

the same manner and for the same purpose as originally 17548
allocated. 17549

(b) Loan repayments made pursuant to projects approved 17550
under division (B) (1) of this section shall be used to make 17551
loans in accordance with section 164.051 and division (D) of 17552
section 164.06 of the Revised Code. Allocations for this purpose 17553
made pursuant to division (C) (5) of this section shall be in 17554
addition to the allocation provided in division (B) (1) of this 17555
section. 17556

(c) Loan repayments made pursuant to projects approved 17557
under division (B) (2) of this section shall be used to make 17558
loans in accordance with division (B) (2) of this section. 17559
Allocations for this purpose made pursuant to division (C) (5) of 17560
this section shall be in addition to the allocation provided in 17561
division (B) (2) of this section. 17562

(d) Loans made from the state capital improvements 17563
revolving loan fund shall not be limited in their usage by 17564
divisions (E), (F), and (G), ~~and (H)~~ of section 164.05 of the 17565
Revised Code. 17566

(D) Investment earnings credited to the state capital 17567
improvements fund that exceed the amounts required to meet 17568
estimated federal arbitrage rebate requirements shall be used to 17569
pay costs incurred by the public works commission in 17570
administering sections 164.01 to 164.12 of the Revised Code. 17571

(E) The director of the Ohio public works commission shall 17572
notify the director of budget and management of the amounts 17573
allocated pursuant to this section and such information shall be 17574
entered into the state accounting system. The director of budget 17575
and management shall establish appropriation line items as 17576

needed to track these allocations. 17577

(F) If the amount of a district's allocation in a program 17578
year exceeds the amount of financial assistance approved for the 17579
district by the commission for that year, the remaining portion 17580
of the district's allocation shall be added to the district's 17581
allocation pursuant to division (B) of this section for the next 17582
succeeding year for use in the same manner and for the same 17583
purposes as it was originally allocated, except that any portion 17584
of a district's allocation which was available for use on new or 17585
expanded infrastructure pursuant to division ~~(H)~~ (G) of section 17586
164.05 of the Revised Code shall be available in succeeding 17587
years only for the repair and replacement of existing 17588
infrastructure. 17589

(G) When an allocation based on population is made by the 17590
director pursuant to division (B) of this section, the director 17591
shall use the most recent decennial census statistics, and shall 17592
not make any reallocations based upon a change in a district's 17593
population. 17594

Sec. 164.14. (A) The local transportation improvement 17595
program fund is hereby created in the state treasury. The fund 17596
shall consist of moneys credited to it pursuant to sections 17597
117.16 and 5735.051 of the Revised Code, and, subject to the 17598
limitations of section 5735.05 of the Revised Code, shall be 17599
used to make grants to local subdivisions for projects that have 17600
been approved by district public works integrating committees 17601
and the Ohio public works commission in accordance with this 17602
section. The fund shall be administered by the Ohio public works 17603
commission, and shall be allocated each fiscal year on a per 17604
capita basis to district public works integrating committees in 17605
accordance with the most recent decennial census statistics. 17606

Money in the fund may be used to pay reasonable costs incurred 17607
by the commission in administering this section. Investment 17608
earnings on moneys credited to the fund shall be retained by the 17609
fund. 17610

(B) Grants awarded under this section may provide up to 17611
one hundred per cent of the estimated total cost of the project. 17612

(C) No grant shall be awarded for a project under this 17613
section unless the project is designed to have a useful life of 17614
at least seven years, except that the average useful life of all 17615
such projects for which grants are awarded in each district 17616
during a fiscal year shall be not less than twenty years. 17617

(D) For the period beginning on July 1, 1989, and ending 17618
on June 30, 1994, and for each succeeding five-year period, at 17619
least one-third of the total amount of money allocated to each 17620
district from the local transportation improvement program fund 17621
shall be awarded as follows: 17622

(1) Forty-two and eight-tenths per cent for projects of 17623
municipal corporations; 17624

(2) Thirty-seven and two-tenths per cent for projects of 17625
counties; 17626

(3) Twenty per cent for projects of townships, except that 17627
the requirement of division (D) (3) of this section shall not 17628
apply in districts where the combined population of the 17629
townships in the district is less than five per cent of the 17630
population of the district. 17631

(E) Each district public works integrating committee shall 17632
review, and approve or disapprove requests submitted to it by 17633
local subdivisions for assistance from the local transportation 17634
improvement program fund. In reviewing projects submitted to it, 17635

a district public works integrating committee shall consider the 17636
following factors: 17637

(1) Whether the project is of critical importance to the 17638
safety of the residents of the local subdivision; 17639

(2) Whether the project would alleviate serious traffic 17640
problems or hazards or would respond to needs caused by rapid 17641
growth and development; 17642

(3) Whether the project would assist the local subdivision 17643
in attaining the transportation infrastructure needed to pursue 17644
significant and specific economic development opportunities; 17645

(4) The availability of other sources of funding for the 17646
project; 17647

(5) The adequacy of the planning for the project and the 17648
readiness of the local subdivision to proceed should the project 17649
be approved; 17650

(6) The local subdivision's ability to pay for and history 17651
of investing in bridge and highway improvements; 17652

(7) The impact of the project on the multijurisdictional 17653
highway and bridge needs of the district; 17654

(8) The requirements of divisions (A), (B), (C), and (D) 17655
of this section; 17656

(9) The condition of the infrastructure system proposed 17657
for improvement; 17658

(10) Any other factors related to the safety, orderly 17659
growth, or economic development of the district or local 17660
subdivision that the district public works integrating committee 17661
considers relevant. 17662

A district public works integrating committee or its executive committee may appoint a subcommittee to assist it in carrying out its responsibilities under this section.

(F) Every project approved by a district public works integrating committee shall be submitted to the Ohio public works commission for its review and approval or disapproval. The commission shall not approve any project that fails to meet the requirements of this section.

(G) Grants awarded from the local transportation improvement program fund shall not be limited in their usage by divisions (D), (E), (F), and (G), ~~and (H)~~ of section 164.05 of the Revised Code.

(H) As used in this section, "local subdivision" means a county, municipal corporation, or township.

(I) The director of the Ohio public works commission shall notify the director of budget and management of the amounts allocated pursuant to this section, and the allocation information shall be entered into the state accounting system. The director of budget and management shall establish appropriation line items as needed to track these allocations.

Sec. 165.04. The bond proceedings may contain provisions which shall be part of the contract with the bondholders as to:

(A) Pledging the rentals, revenues, and other income, charges, and moneys therein designated for the payment of the principal of and interest on the bonds and all other payments required to be made by the bond proceedings;

(B) Acquisition by gift or purchase, construction, reconstruction, enlargement, improvement, furnishing, equipment, operation, alteration, maintenance, insurance, and repair of the

pledged facilities and the duties of the issuing authority with 17692
respect thereto; 17693

(C) Provisions regarding the purposes to which the 17694
proceeds of the bonds may be applied; 17695

(D) Terms of the bonds; 17696

(E) Maintenance, collection, use and disposition of 17697
rentals, revenues, and other income, charges, and moneys 17698
received from the lease, sale, or other disposition of the 17699
pledged facilities; 17700

(F) Terms and conditions under which additional bonds may 17701
be issued secured by a pledge of rentals, revenues, and other 17702
income, charges, and moneys received from or a mortgage on the 17703
same pledged facilities; 17704

(G) Terms of any trust agreement or indenture of mortgage 17705
securing the bonds including authorization to enter into such 17706
agreement or indenture; 17707

(H) The deposit, application, safeguarding, and investment 17708
of funds of the issuer received or held under the bond 17709
proceedings, to which Chapters 131. and 135. and sections 17710
~~122.57,~~ 122.571, 122.58, and 321.44 of the Revised Code are not 17711
applicable. 17712

(I) Any other appropriate agreements with the bondholders 17713
with respect to the pledged facilities and the rentals, 17714
revenues, and other income, charges, and moneys received 17715
therefrom. 17716

Sec. 166.01. As used in this chapter: 17717

(A) "Allowable costs" means all or part of the costs of 17718
project facilities, eligible projects, eligible innovation 17719

projects, eligible research and development projects, eligible 17720
advanced energy projects, or eligible logistics and distribution 17721
projects, including costs of acquiring, constructing, 17722
reconstructing, rehabilitating, renovating, enlarging, 17723
improving, equipping, or furnishing project facilities, eligible 17724
projects, eligible innovation projects, eligible research and 17725
development projects, eligible advanced energy projects, or 17726
eligible logistics and distribution projects, site clearance and 17727
preparation, supplementing and relocating public capital 17728
improvements or utility facilities, designs, plans, 17729
specifications, surveys, studies, and estimates of costs, 17730
expenses necessary or incident to determining the feasibility or 17731
practicability of assisting an eligible project, an eligible 17732
innovation project, an eligible research and development 17733
project, an eligible advanced energy project, or an eligible 17734
logistics and distribution project, or providing project 17735
facilities or facilities related to an eligible project, an 17736
eligible innovation project, an eligible research and 17737
development project, an eligible advanced energy project, or an 17738
eligible logistics and distribution project, architectural, 17739
engineering, and legal services fees and expenses, the costs of 17740
conducting any other activities as part of a voluntary action, 17741
and such other expenses as may be necessary or incidental to the 17742
establishment or development of an eligible project, an eligible 17743
innovation project, an eligible research and development 17744
project, an eligible advanced energy project, or an eligible 17745
logistics and distribution project, and reimbursement of moneys 17746
advanced or applied by any governmental agency or other person 17747
for allowable costs. 17748

(B) "Allowable innovation costs" includes allowable costs 17749
of eligible innovation projects and, in addition, includes the 17750

costs of research and development of eligible innovation 17751
projects; obtaining or creating any requisite software or 17752
computer hardware related to an eligible innovation project or 17753
the products or services associated therewith; testing 17754
(including, without limitation, quality control activities 17755
necessary for initial production), perfecting, and marketing of 17756
such products and services; creating and protecting intellectual 17757
property related to an eligible innovation project or any 17758
products or services related thereto, including costs of 17759
securing appropriate patent, trademark, trade secret, trade 17760
dress, copyright, or other form of intellectual property 17761
protection for an eligible innovation project or related 17762
products and services; all to the extent that such expenditures 17763
could be capitalized under then-applicable generally accepted 17764
accounting principles; and the reimbursement of moneys advanced 17765
or applied by any governmental agency or other person for 17766
allowable innovation costs. 17767

(C) "Eligible innovation project" includes an eligible 17768
project, including any project facilities associated with an 17769
eligible innovation project and, in addition, includes all 17770
tangible and intangible property related to a new product or 17771
process based on new technology or the creative application of 17772
existing technology, including research and development, product 17773
or process testing, quality control, market research, and 17774
related activities, that is to be acquired, established, 17775
expanded, remodeled, rehabilitated, or modernized for industry, 17776
commerce, distribution, development of tourism attractions or 17777
professional sports facilities, or research, or any combination 17778
thereof, the operation of which, alone or in conjunction with 17779
other eligible projects, eligible innovation projects, or 17780
innovation property, will create new jobs or preserve existing 17781

jobs and employment opportunities and improve the economic 17782
welfare of the people of the state. 17783

(D) "Eligible project" means project facilities to be 17784
acquired, established, expanded, remodeled, rehabilitated, or 17785
modernized for industry, commerce, distribution, development of 17786
tourism attractions or professional sports facilities, or 17787
research, or any combination thereof, the operation of which, 17788
alone or in conjunction with other facilities, will create new 17789
jobs or preserve existing jobs and employment opportunities and 17790
improve the economic welfare of the people of the state. 17791
"Eligible project" includes, without limitation, a voluntary 17792
action. For purposes of this division, "new jobs" does not 17793
include existing jobs transferred from another facility within 17794
the state, and "existing jobs" includes only those existing jobs 17795
with work places within the municipal corporation or 17796
unincorporated area of the county in which the eligible project 17797
is located. 17798

~~"Eligible project" does not include project facilities to~~ 17799
~~be acquired, established, expanded, remodeled, rehabilitated, or~~ 17800
~~modernized for industry, commerce, distribution, or research, or~~ 17801
~~any combination of industry, commerce, distribution, or~~ 17802
~~research, if the project facilities consist solely of point-of-~~ 17803
~~final-purchase retail facilities. If the project facilities~~ 17804
~~consist of both point-of-final-purchase retail facilities and~~ 17805
~~nonretail facilities, only the portion of the project facilities~~ 17806
~~consisting of nonretail facilities is an eligible project. If a~~ 17807
~~warehouse facility is part of a point-of-final-purchase retail~~ 17808
~~facility and supplies only that facility, the warehouse facility~~ 17809
~~is not an eligible project. Catalog distribution facilities are~~ 17810
~~not considered point-of-final-purchase retail facilities for~~ 17811
~~purposes of this paragraph, and are eligible projects.~~ 17812

(E) "Eligible research and development project" means an 17813
eligible project, including project facilities, comprising, 17814
within, or related to, a facility or portion of a facility at 17815
which research is undertaken for the purpose of discovering 17816
information that is technological in nature and the application 17817
of which is intended to be useful in the development of a new or 17818
improved product, process, technique, formula, or invention, a 17819
new product or process based on new technology, or the creative 17820
application of existing technology. 17821

(F) "Financial assistance" means inducements under 17822
division (B) of section 166.02 of the Revised Code, loan 17823
guarantees under section 166.06 of the Revised Code, and direct 17824
loans under section 166.07 of the Revised Code. 17825

(G) "Governmental action" means any action by a 17826
governmental agency relating to the establishment, development, 17827
or operation of an eligible project, eligible innovation 17828
project, eligible research and development project, eligible 17829
advanced energy project, or eligible logistics and distribution 17830
project, and project facilities that the governmental agency 17831
acting has authority to take or provide for the purpose under 17832
law, including, but not limited to, actions relating to 17833
contracts and agreements, zoning, building, permits, acquisition 17834
and disposition of property, public capital improvements, 17835
utility and transportation service, taxation, employee 17836
recruitment and training, and liaison and coordination with and 17837
among governmental agencies. 17838

(H) "Governmental agency" means the state and any state 17839
department, division, commission, institution or authority; a 17840
municipal corporation, county, or township, and any agency 17841
thereof, and any other political subdivision or public 17842

corporation or the United States or any agency thereof; any 17843
agency, commission, or authority established pursuant to an 17844
interstate compact or agreement; and any combination of the 17845
above. 17846

(I) "Innovation financial assistance" means inducements 17847
under division (B) of section 166.12 of the Revised Code, 17848
innovation Ohio loan guarantees under section 166.15 of the 17849
Revised Code, and innovation Ohio loans under section 166.16 of 17850
the Revised Code. 17851

(J) "Innovation Ohio loan guarantee reserve requirement" 17852
means, at any time, with respect to innovation loan guarantees 17853
made under section 166.15 of the Revised Code, a balance in the 17854
innovation Ohio loan guarantee fund equal to the greater of 17855
twenty per cent of the then-outstanding principal amount of all 17856
outstanding innovation loan guarantees made pursuant to section 17857
166.15 of the Revised Code or fifty per cent of the principal 17858
amount of the largest outstanding guarantee made pursuant to 17859
section 166.15 of the Revised Code. 17860

(K) "Innovation property" includes property and also 17861
includes software, inventory, licenses, contract rights, 17862
goodwill, intellectual property, including without limitation, 17863
patents, patent applications, trademarks and service marks, and 17864
trade secrets, and other tangible and intangible property, and 17865
any rights and interests in or connected to the foregoing. 17866

(L) "Loan guarantee reserve requirement" means, at any 17867
time, with respect to loan guarantees made under section 166.06 17868
of the Revised Code, a balance in the loan guarantee fund equal 17869
to the greater of twenty per cent of the then-outstanding 17870
principal amount of all outstanding guarantees made pursuant to 17871
section 166.06 of the Revised Code or fifty per cent of the 17872

principal amount of the largest outstanding guarantee made 17873
pursuant to section 166.06 of the Revised Code. 17874

(M) "Person" means any individual, firm, partnership, 17875
association, corporation, or governmental agency, and any 17876
combination thereof. 17877

(N) "Project facilities" means buildings, structures, and 17878
other improvements, and equipment and other property, excluding 17879
small tools, supplies, and inventory, and any one, part of, or 17880
combination of the above, comprising all or part of, or serving 17881
or being incidental to, an eligible project, an eligible 17882
innovation project, an eligible research and development 17883
project, an eligible advanced energy project, or an eligible 17884
logistics and distribution project, including, but not limited 17885
to, public capital improvements. 17886

(O) "Property" means real and personal property and 17887
interests therein. 17888

(P) "Public capital improvements" means capital 17889
improvements or facilities that any governmental agency has 17890
authority to acquire, pay the costs of, own, maintain, or 17891
operate, or to contract with other persons to have the same 17892
done, including, but not limited to, highways, roads, streets, 17893
water and sewer facilities, railroad and other transportation 17894
facilities, and air and water pollution control and solid waste 17895
disposal facilities. For purposes of this division, "air 17896
pollution control facilities" includes, without limitation, 17897
solar, geothermal, biofuel, biomass, wind, hydro, wave, and 17898
other advanced energy projects as defined in section 3706.25 of 17899
the Revised Code. 17900

(Q) "Research and development financial assistance" means 17901

inducements under section 166.17 of the Revised Code, research 17902
and development loans under section 166.21 of the Revised Code, 17903
and research and development tax credits under sections 5733.352 17904
and 5747.331 of the Revised Code. 17905

(R) "Targeted innovation industry sectors" means industry 17906
sectors involving the production or use of advanced materials, 17907
instruments, controls and electronics, power and propulsion, 17908
biosciences, and information technology, or such other sectors 17909
as may be designated by the director of development. 17910

(S) "Voluntary action" means a voluntary action, as 17911
defined in section 3746.01 of the Revised Code, that is 17912
conducted under the voluntary action program established in 17913
Chapter 3746. of the Revised Code. 17914

(T) "Project financing obligations" means obligations 17915
issued pursuant to section 166.08 of the Revised Code other than 17916
obligations for which the bond proceedings provide that bond 17917
service charges shall be paid from receipts of the state 17918
representing gross profit on the sale of spirituous liquor as 17919
referred to in division (B) (4) of section 4310.10 of the Revised 17920
Code. 17921

(U) "Regional economic development entity" means an entity 17922
that is under contract with the director to administer a loan 17923
program under this chapter in a particular area of this state. 17924

(V) "Eligible advanced energy project" means an eligible 17925
project that is an "advanced energy project" as defined in 17926
section 3706.25 of the Revised Code. 17927

(W) "Eligible logistics and distribution project" means an 17928
eligible project, including project facilities, to be acquired, 17929
established, expanded, remodeled, rehabilitated, or modernized 17930

for transportation logistics and distribution infrastructure 17931
purposes. As used in this division, "transportation logistics 17932
and distribution infrastructure purposes" means promoting, 17933
providing for, and enabling improvements to the ground, air, and 17934
water transportation infrastructure comprising the 17935
transportation system in this state, including, without 17936
limitation, highways, streets, roads, bridges, railroads 17937
carrying freight, and air and water ports and port facilities, 17938
and all related supporting facilities. 17939

(X) "Professional sports facility" has the same meaning as 17940
in section 5516.01 of the Revised Code. 17941

Sec. 166.02. (A) The general assembly finds that many 17942
local areas throughout the state are experiencing economic 17943
stagnation or decline, and that the economic development 17944
programs provided for in this chapter will constitute deserved, 17945
necessary reinvestment by the state in those areas, materially 17946
contribute to their economic revitalization, and result in 17947
improving the economic welfare of all the people of the state. 17948
Accordingly, it is declared to be the public policy of the 17949
state, through the operations of this chapter and other 17950
applicable laws adopted pursuant to Section 2p or 13 of Article 17951
VIII, Ohio Constitution, and other authority vested in the 17952
general assembly, to assist in and facilitate the establishment 17953
or development of eligible projects or assist and cooperate with 17954
any governmental agency in achieving such purpose. 17955

(B) In furtherance of such public policy and to implement 17956
such purpose, the director of development may: 17957

(1) After consultation with appropriate governmental 17958
agencies, enter into agreements with persons engaged in 17959
industry, commerce, distribution, development of tourism 17960

attractions or professional sports facilities, or research and 17961
with governmental agencies to induce such persons to acquire, 17962
construct, reconstruct, rehabilitate, renovate, enlarge, 17963
improve, equip, or furnish, or otherwise develop, eligible 17964
projects and make provision therein for project facilities and 17965
governmental actions, as authorized by this chapter and other 17966
applicable laws, subject to any required actions by the general 17967
assembly or the controlling board and subject to applicable 17968
local government laws and regulations; 17969

(2) Provide for the guarantees and loans as provided for 17970
in sections 166.06 and 166.07 of the Revised Code; 17971

(3) Subject to release of such moneys by the controlling 17972
board, contract for labor and materials needed for, or contract 17973
with others, including governmental agencies, to provide, 17974
project facilities the allowable costs of which are to be paid 17975
for or reimbursed from moneys in the facilities establishment 17976
fund, and contract for the operation of such project facilities; 17977

(4) Subject to release thereof by the controlling board, 17978
from moneys in the facilities establishment fund acquire or 17979
contract to acquire by gift, exchange, or purchase, including 17980
the obtaining and exercise of purchase options, property, and 17981
convey or otherwise dispose of, or provide for the conveyance or 17982
disposition of, property so acquired or contracted to be 17983
acquired by sale, exchange, lease, lease purchase, conditional 17984
or installment sale, transfer, or other disposition, including 17985
the grant of an option to purchase, to any governmental agency 17986
or to any other person without necessity for competitive bidding 17987
and upon such terms and conditions and manner of consideration 17988
pursuant to and as the director determines to be appropriate to 17989
satisfy the objectives of sections 166.01 to 166.11 of the 17990

Revised Code;	17991
(5) Retain the services of or employ financial	17992
consultants, appraisers, consulting engineers, superintendents,	17993
managers, construction and accounting experts, attorneys, and	17994
employees, agents, and independent contractors as are necessary	17995
in the director's judgment and fix the compensation for their	17996
services;	17997
(6) Receive and accept from any person grants, gifts, and	17998
contributions of money, property, labor, and other things of	17999
value, to be held, used and applied only for the purpose for	18000
which such grants, gifts, and contributions are made;	18001
(7) Enter into appropriate arrangements and agreements	18002
with any governmental agency for the taking or provision by that	18003
governmental agency of any governmental action;	18004
(8) Do all other acts and enter into contracts and execute	18005
all instruments necessary or appropriate to carry out the	18006
provisions of this chapter;	18007
(9) Adopt rules to implement any of the provisions of this	18008
chapter applicable to the director.	18009
(C) The determinations by the director that facilities	18010
constitute eligible projects, that facilities are project	18011
facilities, that costs of such facilities are allowable costs,	18012
and all other determinations relevant thereto or to an action	18013
taken or agreement entered into shall be conclusive for purposes	18014
of the validity and enforceability of rights of parties arising	18015
from actions taken and agreements entered into under this	18016
chapter.	18017
(D) Except as otherwise prescribed in this chapter, all	18018
expenses and obligations incurred by the director in carrying	18019

out the director's powers and in exercising the director's 18020
duties under this chapter, shall be payable solely from, as 18021
appropriate, moneys in the facilities establishment fund, the 18022
loan guarantee fund, the innovation Ohio loan guarantee fund, 18023
the innovation Ohio loan fund, the research and development loan 18024
fund, the logistics and distribution infrastructure fund, or 18025
moneys appropriated for such purpose by the general assembly. 18026
This chapter does not authorize the director or the issuing 18027
authority under section 166.08 of the Revised Code to incur 18028
bonded indebtedness of the state or any political subdivision 18029
thereof, or to obligate or pledge moneys raised by taxation for 18030
the payment of any bonds or notes issued or guarantees made 18031
pursuant to this chapter. 18032

(E) Any governmental agency may enter into an agreement 18033
with the director, any other governmental agency, or a person to 18034
be assisted under this chapter, to take or provide for the 18035
purposes of this chapter any governmental action it is 18036
authorized to take or provide, and to undertake on behalf and at 18037
the request of the director any action which the director is 18038
authorized to undertake pursuant to divisions (B)(3), (4), and 18039
(5) of this section or divisions (B)(3), (4), and (5) of section 18040
166.12 of the Revised Code. Governmental agencies of the state 18041
shall cooperate with and provide assistance to the director of 18042
development and the controlling board in the exercise of their 18043
respective functions under this chapter. 18044

Sec. 166.03. (A) There is hereby created the facilities 18045
establishment fund within the state treasury, consisting of 18046
proceeds from the issuance of obligations as specified under 18047
section 166.08 of the Revised Code; the moneys received by the 18048
state from the sources specified in section 166.09 of the 18049
Revised Code; service charges imposed under sections 166.06 and 18050

166.07 of the Revised Code; any grants, gifts, or contributions 18051
of moneys received by the director of development to be used for 18052
loans made under section 166.07 of the Revised Code or for the 18053
payment of the allowable costs of project facilities; and all 18054
other moneys appropriated or transferred to the fund. Moneys in 18055
the loan guarantee fund in excess of the loan guarantee reserve 18056
requirement, but subject to the provisions and requirements of 18057
any guarantee contracts, may be transferred to the facilities 18058
establishment fund by the treasurer of state upon the order of 18059
the director of development. Moneys received by the state under 18060
Chapter 122. of the Revised Code, to the extent allocable to the 18061
utilization of moneys derived from proceeds of the sale of 18062
obligations pursuant to section 166.08 of the Revised Code, 18063
shall be credited to the facilities establishment fund. All 18064
investment earnings on the cash balance in the fund shall be 18065
credited to the fund. 18066

(B) All moneys appropriated or transferred to the 18067
facilities establishment fund may be released at the request of 18068
the director of development for payment of allowable costs or 18069
the making of loans under section 166.07 of the Revised Code, 18070
for transfer to the loan guarantee fund established in section 18071
166.06 of the Revised Code, or for use for the purpose of or 18072
transfer to the funds established by sections 122.35, 122.42, 18073
122.54, ~~122.55, 122.56, 122.561, 122.57,~~ 122.601, and 122.80 of 18074
the Revised Code and, until July 1, 2003, the fund established 18075
by section 166.031 of the Revised Code, and, until July 1, 2007, 18076
the fund established by section 122.26 of the Revised Code, but 18077
only for such of those purposes as are within the authorization 18078
of Section 13 of Article VIII, Ohio Constitution, in all cases 18079
subject to the approval of the controlling board. 18080

(C) The department of development, in the administration 18081

of the facilities establishment fund, is encouraged to utilize 18082
and promote the utilization of, to the maximum practicable 18083
extent, the other existing programs, business incentives, and 18084
tax incentives that department is required or authorized to 18085
administer or supervise. 18086

Sec. 166.08. (A) As used in this chapter: 18087

(1) "Bond proceedings" means the resolution, order, trust 18088
agreement, indenture, lease, and other agreements, amendments 18089
and supplements to the foregoing, or any one or more or 18090
combination thereof, authorizing or providing for the terms and 18091
conditions applicable to, or providing for the security or 18092
liquidity of, obligations issued pursuant to this section, and 18093
the provisions contained in such obligations. 18094

(2) "Bond service charges" means principal, including 18095
mandatory sinking fund requirements for retirement of 18096
obligations, and interest, and redemption premium, if any, 18097
required to be paid by the state on obligations. 18098

(3) "Bond service fund" means the applicable fund and 18099
accounts therein created for and pledged to the payment of bond 18100
service charges, which may be, or may be part of, the economic 18101
development bond service fund created by division (S) of this 18102
section including all moneys and investments, and earnings from 18103
investments, credited and to be credited thereto. 18104

(4) "Issuing authority" means the treasurer of state, or 18105
the officer who by law performs the functions of such officer. 18106

(5) "Obligations" means bonds, notes, or other evidence of 18107
obligation including interest coupons pertaining thereto, issued 18108
pursuant to this section. 18109

(6) "Pledged receipts" means all receipts of the state 18110

representing the gross profit on the sale of spirituous liquor, 18111
as referred to in division (B) (4) of section 4301.10 of the 18112
Revised Code, after paying all costs and expenses of the 18113
division of liquor control and providing an adequate working 18114
capital reserve for the division of liquor control as provided 18115
in that division, but excluding the sum required by the second 18116
paragraph of section 4301.12 of the Revised Code, as in effect 18117
on May 2, 1980, to be paid into the state treasury; moneys 18118
accruing to the state from the lease, sale, or other 18119
disposition, or use, of project facilities, and from the 18120
repayment, including interest, of loans made from proceeds 18121
received from the sale of obligations; accrued interest received 18122
from the sale of obligations; income from the investment of the 18123
special funds; and any gifts, grants, donations, and pledges, 18124
and receipts therefrom, available for the payment of bond 18125
service charges. 18126

(7) "Special funds" or "funds" means, except where the 18127
context does not permit, the bond service fund, and any other 18128
funds, including reserve funds, created under the bond 18129
proceedings, and the economic development bond service fund 18130
created by division (S) of this section to the extent provided 18131
in the bond proceedings, including all moneys and investments, 18132
and earnings from investment, credited and to be credited 18133
thereto. 18134

(B) Subject to the limitations provided in section 166.11 18135
of the Revised Code, the issuing authority, upon the 18136
certification by the director of development or, prior to ~~the~~ 18137
~~effective date of this amendment~~ September 29, 2017, upon 18138
certification by the Ohio air quality development authority 18139
regarding eligible advanced energy projects, to the issuing 18140
authority of the amount of moneys or additional moneys needed in 18141

the facilities establishment fund, the loan guarantee fund, the 18142
innovation Ohio loan fund, the innovation Ohio loan guarantee 18143
fund, the research and development loan fund, the logistics and 18144
distribution infrastructure fund, the advanced energy research 18145
and development fund, or the advanced energy research and 18146
development taxable fund, as applicable, for the purpose of 18147
paying, or making loans for, allowable costs from the facilities 18148
establishment fund, allowable innovation costs from the 18149
innovation Ohio loan fund, allowable costs from the research and 18150
development loan fund, allowable costs from the logistics and 18151
distribution infrastructure fund, allowable costs from the 18152
advanced energy research and development fund, or allowable 18153
costs from the advanced energy research and development taxable 18154
fund, as applicable, or needed for capitalized interest, for 18155
funding reserves, and for paying costs and expenses incurred in 18156
connection with the issuance, carrying, securing, paying, 18157
redeeming, or retirement of the obligations or any obligations 18158
refunded thereby, including payment of costs and expenses 18159
relating to letters of credit, lines of credit, insurance, put 18160
agreements, standby purchase agreements, indexing, marketing, 18161
remarketing and administrative arrangements, interest swap or 18162
hedging agreements, and any other credit enhancement, liquidity, 18163
remarketing, renewal, or refunding arrangements, all of which 18164
are authorized by this section, or providing moneys for the loan 18165
guarantee fund or the innovation Ohio loan guarantee fund, as 18166
provided in this chapter or needed for the purposes of funds 18167
established in accordance with or pursuant to sections 122.35, 18168
122.42, 122.54, ~~122.55, 122.56, 122.561, 122.57,~~ and 122.80 of 18169
the Revised Code which are within the authorization of Section 18170
13 of Article VIII, Ohio Constitution, or, prior to ~~the~~ 18171
~~effective date of this amendment~~ September 29, 2017, with 18172
respect to certain eligible advanced energy projects, Section 2p 18173

of Article VIII, Ohio Constitution, shall issue obligations of 18174
the state under this section in the required amount; provided 18175
that such obligations may be issued to satisfy the covenants in 18176
contracts of guarantee made under section 166.06 or 166.15 of 18177
the Revised Code, notwithstanding limitations otherwise 18178
applicable to the issuance of obligations under this section. 18179
The proceeds of such obligations, except for the portion to be 18180
deposited in special funds, including reserve funds, as may be 18181
provided in the bond proceedings, shall as provided in the bond 18182
proceedings be deposited by the director of development to the 18183
facilities establishment fund, the loan guarantee fund, the 18184
innovation Ohio loan guarantee fund, the innovation Ohio loan 18185
fund, the research and development loan fund, or the logistics 18186
and distribution infrastructure fund, or be deposited by the 18187
Ohio air quality development authority prior to ~~the effective~~ 18188
~~date of this amendment~~ September 29, 2017, to the advanced 18189
energy research and development fund or the advanced energy 18190
research and development taxable fund. Bond proceedings for 18191
project financing obligations may provide that the proceeds 18192
derived from the issuance of such obligations shall be deposited 18193
into such fund or funds provided for in the bond proceedings 18194
and, to the extent provided for in the bond proceedings, such 18195
proceeds shall be deemed to have been deposited into the 18196
facilities establishment fund and transferred to such fund or 18197
funds. The issuing authority may appoint trustees, paying 18198
agents, and transfer agents and may retain the services of 18199
financial advisors, accounting experts, and attorneys, and 18200
retain or contract for the services of marketing, remarketing, 18201
indexing, and administrative agents, other consultants, and 18202
independent contractors, including printing services, as are 18203
necessary in the issuing authority's judgment to carry out this 18204
section. The costs of such services are allowable costs payable 18205

from the facilities establishment fund or the research and 18206
development loan fund, allowable innovation costs payable from 18207
the innovation Ohio loan fund, allowable costs payable from the 18208
logistics and distribution infrastructure fund, or allowable 18209
costs payable prior to ~~the effective date of this amendment~~ 18210
September 29, 2017, from the advanced energy research and 18211
development fund or the advanced energy research and development 18212
taxable fund, as applicable. 18213

(C) The holders or owners of such obligations shall have 18214
no right to have moneys raised by taxation obligated or pledged, 18215
and moneys raised by taxation shall not be obligated or pledged, 18216
for the payment of bond service charges. Such holders or owners 18217
shall have no rights to payment of bond service charges from any 18218
moneys accruing to the state from the lease, sale, or other 18219
disposition, or use, of project facilities, or from payment of 18220
the principal of or interest on loans made, or fees charged for 18221
guarantees made, or from any money or property received by the 18222
director, treasurer of state, or the state under Chapter 122. of 18223
the Revised Code, or from any other use of the proceeds of the 18224
sale of the obligations, and no such moneys may be used for the 18225
payment of bond service charges, except for accrued interest, 18226
capitalized interest, and reserves funded from proceeds received 18227
upon the sale of the obligations and except as otherwise 18228
expressly provided in the applicable bond proceedings pursuant 18229
to written directions by the director. The right of such holders 18230
and owners to payment of bond service charges is limited to all 18231
or that portion of the pledged receipts and those special funds 18232
pledged thereto pursuant to the bond proceedings in accordance 18233
with this section, and each such obligation shall bear on its 18234
face a statement to that effect. 18235

(D) Obligations shall be authorized by resolution or order 18236

of the issuing authority and the bond proceedings shall provide 18237
for the purpose thereof and the principal amount or amounts, and 18238
shall provide for or authorize the manner or agency for 18239
determining the principal maturity or maturities, not exceeding 18240
twenty-five years from the date of issuance, the interest rate 18241
or rates or the maximum interest rate, the date of the 18242
obligations and the dates of payment of interest thereon, their 18243
denomination, and the establishment within or without the state 18244
of a place or places of payment of bond service charges. 18245
Sections 9.98 to 9.983 of the Revised Code are applicable to 18246
obligations issued under this section, subject to any applicable 18247
limitation under section 166.11 of the Revised Code. The purpose 18248
of such obligations may be stated in the bond proceedings in 18249
terms describing the general purpose or purposes to be served. 18250
The bond proceedings also shall provide, subject to the 18251
provisions of any other applicable bond proceedings, for the 18252
pledge of all, or such part as the issuing authority may 18253
determine, of the pledged receipts and the applicable special 18254
fund or funds to the payment of bond service charges, which 18255
pledges may be made either prior or subordinate to other 18256
expenses, claims, or payments, and may be made to secure the 18257
obligations on a parity with obligations theretofore or 18258
thereafter issued, if and to the extent provided in the bond 18259
proceedings. The pledged receipts and special funds so pledged 18260
and thereafter received by the state are immediately subject to 18261
the lien of such pledge without any physical delivery thereof or 18262
further act, and the lien of any such pledges is valid and 18263
binding against all parties having claims of any kind against 18264
the state or any governmental agency of the state, irrespective 18265
of whether such parties have notice thereof, and shall create a 18266
perfected security interest for all purposes of Chapter 1309. of 18267
the Revised Code, without the necessity for separation or 18268

delivery of funds or for the filing or recording of the bond 18269
proceedings by which such pledge is created or any certificate, 18270
statement or other document with respect thereto; and the pledge 18271
of such pledged receipts and special funds is effective and the 18272
money therefrom and thereof may be applied to the purposes for 18273
which pledged without necessity for any act of appropriation. 18274
Every pledge, and every covenant and agreement made with respect 18275
thereto, made in the bond proceedings may therein be extended to 18276
the benefit of the owners and holders of obligations authorized 18277
by this section, and to any trustee therefor, for the further 18278
security of the payment of the bond service charges. 18279

(E) The bond proceedings may contain additional provisions 18280
as to: 18281

(1) The redemption of obligations prior to maturity at the 18282
option of the issuing authority at such price or prices and 18283
under such terms and conditions as are provided in the bond 18284
proceedings; 18285

(2) Other terms of the obligations; 18286

(3) Limitations on the issuance of additional obligations; 18287

(4) The terms of any trust agreement or indenture securing 18288
the obligations or under which the same may be issued; 18289

(5) The deposit, investment and application of special 18290
funds, and the safeguarding of moneys on hand or on deposit, 18291
without regard to Chapter 131. or 135. of the Revised Code, but 18292
subject to any special provisions of this chapter, with respect 18293
to particular funds or moneys, provided that any bank or trust 18294
company which acts as depository of any moneys in the special 18295
funds may furnish such indemnifying bonds or may pledge such 18296
securities as required by the issuing authority; 18297

(6) Any or every provision of the bond proceedings being 18298
binding upon such officer, board, commission, authority, agency, 18299
department, or other person or body as may from time to time 18300
have the authority under law to take such actions as may be 18301
necessary to perform all or any part of the duty required by 18302
such provision; 18303

(7) Any provision that may be made in a trust agreement or 18304
indenture; 18305

(8) Any other or additional agreements with the holders of 18306
the obligations, or the trustee therefor, relating to the 18307
obligations or the security therefor, including the assignment 18308
of mortgages or other security obtained or to be obtained for 18309
loans under section 122.43, 166.07, or 166.16 of the Revised 18310
Code. 18311

(F) The obligations may have the great seal of the state 18312
or a facsimile thereof affixed thereto or printed thereon. The 18313
obligations and any coupons pertaining to obligations shall be 18314
signed or bear the facsimile signature of the issuing authority. 18315
Any obligations or coupons may be executed by the person who, on 18316
the date of execution, is the proper issuing authority although 18317
on the date of such bonds or coupons such person was not the 18318
issuing authority. If the issuing authority whose signature or a 18319
facsimile of whose signature appears on any such obligation or 18320
coupon ceases to be the issuing authority before delivery 18321
thereof, such signature or facsimile is nevertheless valid and 18322
sufficient for all purposes as if the former issuing authority 18323
had remained the issuing authority until such delivery; and if 18324
the seal to be affixed to obligations has been changed after a 18325
facsimile of the seal has been imprinted on such obligations, 18326
such facsimile seal shall continue to be sufficient as to such 18327

obligations and obligations issued in substitution or exchange 18328
therefor. 18329

(G) All obligations are negotiable instruments and 18330
securities under Chapter 1308. of the Revised Code, subject to 18331
the provisions of the bond proceedings as to registration. The 18332
obligations may be issued in coupon or in registered form, or 18333
both, as the issuing authority determines. Provision may be made 18334
for the registration of any obligations with coupons attached 18335
thereto as to principal alone or as to both principal and 18336
interest, their exchange for obligations so registered, and for 18337
the conversion or reconversion into obligations with coupons 18338
attached thereto of any obligations registered as to both 18339
principal and interest, and for reasonable charges for such 18340
registration, exchange, conversion, and reconversion. 18341

(H) Obligations may be sold at public sale or at private 18342
sale, as determined in the bond proceedings. 18343

Obligations issued to provide moneys for the loan 18344
guarantee fund or the innovation Ohio loan guarantee fund may, 18345
as determined by the issuing authority, be sold at private sale, 18346
and without publication of a notice of sale. 18347

(I) Pending preparation of definitive obligations, the 18348
issuing authority may issue interim receipts or certificates 18349
which shall be exchanged for such definitive obligations. 18350

(J) In the discretion of the issuing authority, 18351
obligations may be secured additionally by a trust agreement or 18352
indenture between the issuing authority and a corporate trustee 18353
which may be any trust company or bank having a place of 18354
business within the state. Any such agreement or indenture may 18355
contain the resolution or order authorizing the issuance of the 18356

obligations, any provisions that may be contained in any bond 18357
proceedings, and other provisions which are customary or 18358
appropriate in an agreement or indenture of such type, 18359
including, but not limited to: 18360

(1) Maintenance of each pledge, trust agreement, 18361
indenture, or other instrument comprising part of the bond 18362
proceedings until the state has fully paid the bond service 18363
charges on the obligations secured thereby, or provision 18364
therefor has been made; 18365

(2) In the event of default in any payments required to be 18366
made by the bond proceedings, or any other agreement of the 18367
issuing authority made as a part of the contract under which the 18368
obligations were issued, enforcement of such payments or 18369
agreement by mandamus, the appointment of a receiver, suit in 18370
equity, action at law, or any combination of the foregoing; 18371

(3) The rights and remedies of the holders of obligations 18372
and of the trustee, and provisions for protecting and enforcing 18373
them, including limitations on rights of individual holders of 18374
obligations; 18375

(4) The replacement of any obligations that become 18376
mutilated or are destroyed, lost, or stolen; 18377

(5) Such other provisions as the trustee and the issuing 18378
authority agree upon, including limitations, conditions, or 18379
qualifications relating to any of the foregoing. 18380

(K) Any holders of obligations or trustees under the bond 18381
proceedings, except to the extent that their rights are 18382
restricted by the bond proceedings, may by any suitable form of 18383
legal proceedings, protect and enforce any rights under the laws 18384
of this state or granted by such bond proceedings. Such rights 18385

include the right to compel the performance of all duties of the 18386
issuing authority, the director of development, the Ohio air 18387
quality development authority, or the division of liquor control 18388
required by this chapter or the bond proceedings; to enjoin 18389
unlawful activities; and in the event of default with respect to 18390
the payment of any bond service charges on any obligations or in 18391
the performance of any covenant or agreement on the part of the 18392
issuing authority, the director of development, the Ohio air 18393
quality development authority, or the division of liquor control 18394
in the bond proceedings, to apply to a court having jurisdiction 18395
of the cause to appoint a receiver to receive and administer the 18396
pledged receipts and special funds, other than those in the 18397
custody of the treasurer of state, which are pledged to the 18398
payment of the bond service charges on such obligations or which 18399
are the subject of the covenant or agreement, with full power to 18400
pay, and to provide for payment of bond service charges on, such 18401
obligations, and with such powers, subject to the direction of 18402
the court, as are accorded receivers in general equity cases, 18403
excluding any power to pledge additional revenues or receipts or 18404
other income or moneys of the issuing authority or the state or 18405
governmental agencies of the state to the payment of such 18406
principal and interest and excluding the power to take 18407
possession of, mortgage, or cause the sale or otherwise dispose 18408
of any project facilities. 18409

Each duty of the issuing authority and the issuing 18410
authority's officers and employees, and of each governmental 18411
agency and its officers, members, or employees, undertaken 18412
pursuant to the bond proceedings or any agreement or lease, 18413
lease-purchase agreement, or loan made under authority of this 18414
chapter, and in every agreement by or with the issuing 18415
authority, is hereby established as a duty of the issuing 18416

authority, and of each such officer, member, or employee having 18417
authority to perform such duty, specifically enjoined by the law 18418
resulting from an office, trust, or station within the meaning 18419
of section 2731.01 of the Revised Code. 18420

The person who is at the time the issuing authority, or 18421
the issuing authority's officers or employees, are not liable in 18422
their personal capacities on any obligations issued by the 18423
issuing authority or any agreements of or with the issuing 18424
authority. 18425

(L) The issuing authority may authorize and issue 18426
obligations for the refunding, including funding and retirement, 18427
and advance refunding with or without payment or redemption 18428
prior to maturity, of any obligations previously issued by the 18429
issuing authority. Such obligations may be issued in amounts 18430
sufficient for payment of the principal amount of the prior 18431
obligations, any redemption premiums thereon, principal 18432
maturities of any such obligations maturing prior to the 18433
redemption of the remaining obligations on a parity therewith, 18434
interest accrued or to accrue to the maturity dates or dates of 18435
redemption of such obligations, and any allowable costs 18436
including expenses incurred or to be incurred in connection with 18437
such issuance and such refunding, funding, and retirement. 18438
Subject to the bond proceedings therefor, the portion of 18439
proceeds of the sale of obligations issued under this division 18440
to be applied to bond service charges on the prior obligations 18441
shall be credited to an appropriate account held by the trustee 18442
for such prior or new obligations or to the appropriate account 18443
in the bond service fund for such obligations. Obligations 18444
authorized under this division shall be deemed to be issued for 18445
those purposes for which such prior obligations were issued and 18446
are subject to the provisions of this section pertaining to 18447

other obligations, except as otherwise provided in this section; 18448
provided that, unless otherwise authorized by the general 18449
assembly, any limitations imposed by the general assembly 18450
pursuant to this section with respect to bond service charges 18451
applicable to the prior obligations shall be applicable to the 18452
obligations issued under this division to refund, fund, advance 18453
refund or retire such prior obligations. 18454

(M) The authority to issue obligations under this section 18455
includes authority to issue obligations in the form of bond 18456
anticipation notes and to renew the same from time to time by 18457
the issuance of new notes. The holders of such notes or interest 18458
coupons pertaining thereto shall have a right to be paid solely 18459
from the pledged receipts and special funds that may be pledged 18460
to the payment of the bonds anticipated, or from the proceeds of 18461
such bonds or renewal notes, or both, as the issuing authority 18462
provides in the resolution or order authorizing such notes. Such 18463
notes may be additionally secured by covenants of the issuing 18464
authority to the effect that the issuing authority and the state 18465
will do such or all things necessary for the issuance of such 18466
bonds or renewal notes in appropriate amount, and apply the 18467
proceeds thereof to the extent necessary, to make full payment 18468
of the principal of and interest on such notes at the time or 18469
times contemplated, as provided in such resolution or order. For 18470
such purpose, the issuing authority may issue bonds or renewal 18471
notes in such principal amount and upon such terms as may be 18472
necessary to provide funds to pay when required the principal of 18473
and interest on such notes, notwithstanding any limitations 18474
prescribed by or for purposes of this section. Subject to this 18475
division, all provisions for and references to obligations in 18476
this section are applicable to notes authorized under this 18477
division. 18478

The issuing authority in the bond proceedings authorizing 18479
the issuance of bond anticipation notes shall set forth for such 18480
bonds an estimated interest rate and a schedule of principal 18481
payments for such bonds and the annual maturity dates thereof, 18482
and for purposes of any limitation on bond service charges 18483
prescribed under division (A) of section 166.11 of the Revised 18484
Code, the amount of bond service charges on such bond 18485
anticipation notes is deemed to be the bond service charges for 18486
the bonds anticipated thereby as set forth in the bond 18487
proceedings applicable to such notes, but this provision does 18488
not modify any authority in this section to pledge receipts and 18489
special funds to, and covenant to issue bonds to fund, the 18490
payment of principal of and interest and any premium on such 18491
notes. 18492

(N) Obligations issued under this section are lawful 18493
investments for banks, societies for savings, savings and loan 18494
associations, deposit guarantee associations, trust companies, 18495
trustees, fiduciaries, insurance companies, including domestic 18496
for life and domestic not for life, trustees or other officers 18497
having charge of sinking and bond retirement or other special 18498
funds of political subdivisions and taxing districts of this 18499
state, the commissioners of the sinking fund of the state, the 18500
administrator of workers' compensation, the state teachers 18501
retirement system, the public employees retirement system, the 18502
school employees retirement system, and the Ohio police and fire 18503
pension fund, notwithstanding any other provisions of the 18504
Revised Code or rules adopted pursuant thereto by any 18505
governmental agency of the state with respect to investments by 18506
them, and are also acceptable as security for the deposit of 18507
public moneys. 18508

(O) Unless otherwise provided in any applicable bond 18509

proceedings, moneys to the credit of or in the special funds 18510
established by or pursuant to this section may be invested by or 18511
on behalf of the issuing authority only in notes, bonds, or 18512
other obligations of the United States, or of any agency or 18513
instrumentality of the United States, obligations guaranteed as 18514
to principal and interest by the United States, obligations of 18515
this state or any political subdivision of this state, and 18516
certificates of deposit of any national bank located in this 18517
state and any bank, as defined in section 1101.01 of the Revised 18518
Code, subject to inspection by the superintendent of banks. If 18519
the law or the instrument creating a trust pursuant to division 18520
(J) of this section expressly permits investment in direct 18521
obligations of the United States or an agency of the United 18522
States, unless expressly prohibited by the instrument, such 18523
moneys also may be invested in no-front-end-load money market 18524
mutual funds consisting exclusively of obligations of the United 18525
States or an agency of the United States and in repurchase 18526
agreements, including those issued by the fiduciary itself, 18527
secured by obligations of the United States or an agency of the 18528
United States; and in common trust funds established in 18529
accordance with section 1111.20 of the Revised Code and 18530
consisting exclusively of any such securities, notwithstanding 18531
division (A)(4) of that section. The income from such 18532
investments shall be credited to such funds as the issuing 18533
authority determines, and such investments may be sold at such 18534
times as the issuing authority determines or authorizes. 18535

(P) Provision may be made in the applicable bond 18536
proceedings for the establishment of separate accounts in the 18537
bond service fund and for the application of such accounts only 18538
to the specified bond service charges on obligations pertinent 18539
to such accounts and bond service fund and for other accounts 18540

therein within the general purposes of such fund. Unless 18541
otherwise provided in any applicable bond proceedings, moneys to 18542
the credit of or in the several special funds established 18543
pursuant to this section shall be disbursed on the order of the 18544
treasurer of state, provided that no such order is required for 18545
the payment from the bond service fund when due of bond service 18546
charges on obligations. 18547

(Q) The issuing authority may pledge all, or such portion 18548
as the issuing authority determines, of the pledged receipts to 18549
the payment of bond service charges on obligations issued under 18550
this section, and for the establishment and maintenance of any 18551
reserves, as provided in the bond proceedings, and make other 18552
provisions therein with respect to pledged receipts as 18553
authorized by this chapter, which provisions are controlling 18554
notwithstanding any other provisions of law pertaining thereto. 18555

(R) The issuing authority may covenant in the bond 18556
proceedings, and any such covenants are controlling 18557
notwithstanding any other provision of law, that the state and 18558
applicable officers and governmental agencies of the state, 18559
including the general assembly, so long as any obligations are 18560
outstanding, shall: 18561

(1) Maintain statutory authority for and cause to be 18562
charged and collected wholesale and retail prices for spirituous 18563
liquor sold by the state or its agents so that the pledged 18564
receipts are sufficient in amount to meet bond service charges, 18565
and the establishment and maintenance of any reserves and other 18566
requirements provided for in the bond proceedings, and, as 18567
necessary, to meet covenants contained in contracts of guarantee 18568
made under section 166.06 of the Revised Code; 18569

(2) Take or permit no action, by statute or otherwise, 18570

that would impair the exemption from federal income taxation of 18571
the interest on the obligations. 18572

(S) There is hereby created the economic development bond 18573
service fund, which shall be in the custody of the treasurer of 18574
state but shall be separate and apart from and not a part of the 18575
state treasury. All moneys received by or on account of the 18576
issuing authority or state agencies and required by the 18577
applicable bond proceedings, consistent with this section, to be 18578
deposited, transferred, or credited to a bond service fund or 18579
the economic development bond service fund, and all other moneys 18580
transferred or allocated to or received for the purposes of the 18581
fund, shall be deposited and credited to such fund and to any 18582
separate accounts therein, subject to applicable provisions of 18583
the bond proceedings, but without necessity for any act of 18584
appropriation. During the period beginning with the date of the 18585
first issuance of obligations and continuing during such time as 18586
any such obligations are outstanding, and so long as moneys in 18587
the pertinent bond service funds are insufficient to pay all 18588
bond services charges on such obligations becoming due in each 18589
year, a sufficient amount of the gross profit on the sale of 18590
spirituous liquor included in pledged receipts are committed and 18591
shall be paid to the bond service fund or economic development 18592
bond service fund in each year for the purpose of paying the 18593
bond service charges becoming due in that year without necessity 18594
for further act of appropriation for such purpose and 18595
notwithstanding anything to the contrary in Chapter 4301. of the 18596
Revised Code. The economic development bond service fund is a 18597
trust fund and is hereby pledged to the payment of bond service 18598
charges to the extent provided in the applicable bond 18599
proceedings, and payment thereof from such fund shall be made or 18600
provided for by the treasurer of state in accordance with such 18601

bond proceedings without necessity for any act of appropriation. 18602

(T) The obligations, the transfer thereof, and the income 18603
therefrom, including any profit made on the sale thereof, shall 18604
at all times be free from taxation within the state. 18605

Sec. 166.12. (A) The general assembly finds that in order 18606
to maintain and enhance the competitiveness of the Ohio economy 18607
and to improve the economic welfare of all of the people of the 18608
state, it is necessary to ensure that high-value jobs based on 18609
research, technology, and innovation will be available to the 18610
people of this state. Further, the general assembly finds that 18611
the attraction of such jobs and their presence in this state 18612
will materially contribute to the economic welfare of all of the 18613
people of the state. Accordingly, it is declared to be the 18614
public policy of this state, through the operations under 18615
sections 166.01 and 166.12 to 166.16 of the Revised Code, and 18616
the loan and loan guarantee provisions contained in those 18617
sections, applicable laws adopted pursuant to Section 13 of 18618
Article VIII, Ohio Constitution, and other authority vested in 18619
the general assembly, to assist in and facilitate the 18620
establishment or development of eligible innovation projects or 18621
assist and cooperate with any governmental agency in achieving 18622
that purpose. 18623

(B) In furtherance of that public policy and to implement 18624
that purpose, the director of development may: 18625

(1) After consultation with appropriate governmental 18626
agencies, enter into agreements with persons engaged in 18627
industry, commerce, distribution, development of tourism 18628
attractions or professional sports facilities, or research and 18629
with governmental agencies to induce such persons to acquire, 18630
construct, reconstruct, rehabilitate, renovate, enlarge, 18631

improve, equip, or furnish, or otherwise develop, eligible 18632
innovation projects and make provision therein for project 18633
facilities and governmental actions, as authorized by sections 18634
166.01 and 166.12 to 166.16 of the Revised Code and other 18635
applicable laws; 18636

(2) Provide for innovation Ohio loan guarantees and loans 18637
under sections 166.15 and 166.16 of the Revised Code; 18638

(3) Subject to the release of such moneys by the 18639
controlling board, contract for labor and materials needed for, 18640
or contract with others, including governmental agencies, to 18641
provide, eligible innovation projects the allowable innovation 18642
costs of which are to be paid for or reimbursed from moneys in 18643
the innovation Ohio loan fund, and contract for the operation of 18644
such eligible innovation projects; 18645

(4) Subject to release thereof by the controlling board, 18646
from moneys in the innovation Ohio loan fund, acquire or 18647
contract to acquire by gift, exchange, or purchase, including 18648
the obtaining and exercise of purchase options, innovation 18649
property, and convey or otherwise dispose of, or provide for the 18650
conveyance or disposition of, innovation property so acquired or 18651
contracted to be acquired by sale, exchange, lease, lease 18652
purchase, conditional or installment sale, transfer, or other 18653
disposition, including the grant of an option to purchase, to 18654
any governmental agency or to any other person without necessity 18655
for competitive bidding and upon such terms and conditions and 18656
manner of consideration pursuant to, and as the director 18657
determines to be appropriate to satisfy the objectives of, 18658
Chapter 166. of the Revised Code; 18659

(5) Retain the services of or employ financial 18660
consultants, appraisers, consulting engineers, superintendents, 18661

managers, construction and accounting experts, attorneys, and 18662
employees, agents, and independent contractors as are necessary 18663
in the director's judgment and fix the compensation for their 18664
services; 18665

(6) Receive and accept from any person grants, gifts, and 18666
contributions of money, property, labor, and other things of 18667
value, to be held, used, and applied only for the purpose for 18668
which such grants, gifts, and contributions are made; 18669

(7) Enter into appropriate arrangements and agreements 18670
with any governmental agency for the taking or provision by that 18671
governmental agency of any governmental action with respect to 18672
innovation projects; 18673

(8) Do all other acts and enter into contracts and execute 18674
all instruments necessary or appropriate to carry out the 18675
provisions of sections 166.01 and 166.12 to 166.16 of the 18676
Revised Code; 18677

(9) With respect to property, including but not limited to 18678
innovation property, take such interests, including but not 18679
limited to mortgages, security interests, assignments, and 18680
exclusive or non-exclusive licenses, as may be necessary or 18681
appropriate under the circumstances, to ensure that innovation 18682
property is used within this state and that products or services 18683
associated with that innovation property are produced or, in the 18684
case of services, delivered, by persons employed within this 18685
state; 18686

(10) Adopt rules necessary to implement any of the 18687
provisions of sections 166.01 and 166.12 to 166.16 of the 18688
Revised Code applicable to the director. 18689

(C) The determinations by the director that facilities or 18690

property constitute eligible innovation projects and that costs 18691
of such facilities or property are allowable innovation costs, 18692
and all other determinations relevant thereto or to an action 18693
taken or agreement entered into, shall be conclusive for 18694
purposes of the validity and enforceability of rights of parties 18695
arising from actions taken and agreements entered into under 18696
sections 166.01 and 166.12 to 166.16 of the Revised Code. 18697

Sec. 166.17. (A) The general assembly finds that in order 18698
to enhance the economic opportunities available to and improve 18699
the economic welfare of all the people of the state, and to 18700
maintain and enhance the competitiveness of the Ohio economy, it 18701
is necessary to ensure that the people of the state will 18702
continue to have access to high-value jobs in technology, and 18703
that, to facilitate such continued access, it is necessary to 18704
provide incentives to retain and attract businesses that will 18705
develop new or improved technologies, processes, and products, 18706
or apply existing technologies in new ways. Further, the general 18707
assembly finds that the attraction of such jobs and their 18708
presence in this state will materially contribute to the 18709
economic welfare of all the people of the state. Accordingly, it 18710
is declared to be the public policy of this state, through 18711
operations under sections 166.17 to 166.21, 5733.352, and 18712
5747.331 of the Revised Code and the provisions for financial 18713
assistance contained in those sections, other applicable laws 18714
adopted pursuant to Section 13 of Article VIII, Ohio 18715
Constitution, and other authority vested in the general 18716
assembly, to assist in and facilitate the establishment or 18717
development of eligible research and development projects or 18718
assist and cooperate with any governmental agency in achieving 18719
that purpose. 18720

(B) In furtherance of that public policy and to implement 18721

that purpose, the director of development may do any of the 18722
following: 18723

(1) After consultation with appropriate governmental 18724
agencies, enter into agreements with persons engaged in 18725
industry, commerce, distribution, development of tourism 18726
attractions or professional sports facilities, or research and 18727
with governmental agencies, to induce such persons to acquire, 18728
construct, reconstruct, rehabilitate, renovate, enlarge, 18729
improve, equip, furnish, or develop eligible research and 18730
development projects, or to enable governmental agencies to 18731
acquire, construct, reconstruct, rehabilitate, renovate, 18732
enlarge, improve, equip, furnish, or develop eligible research 18733
and development projects for lease to persons engaged in 18734
industry, commerce, distribution, development of tourism 18735
attractions or professional sports facilities, or research; 18736

(2) Provide for loans under section 166.21 of the Revised 18737
Code to finance eligible research and development projects; 18738

(3) Subject to the release of moneys in the research and 18739
development loan fund by the controlling board, contract for 18740
labor and materials needed for, or contract with others, 18741
including governmental agencies, to provide, eligible research 18742
and development projects, the allowable costs of which are to be 18743
paid for or reimbursed from such moneys, and contract for the 18744
operation of those projects; 18745

(4) From moneys in the research and development loan fund, 18746
subject to release thereof by the controlling board, acquire or 18747
contract to acquire property by gift, exchange, or purchase, 18748
including by obtaining and exercising purchase options, and 18749
convey or otherwise dispose of, or provide for the conveyance or 18750
disposition of, that property by sale, exchange, lease, lease 18751

purchase, conditional or installment sale, transfer, or other 18752
disposition, including the grant of an option to purchase, to 18753
any governmental agency or to any other person without necessity 18754
for competitive bidding and upon such terms and conditions and 18755
manner of consideration pursuant to, and as the director 18756
determines to be appropriate to satisfy the objectives of, 18757
Chapter 166. of the Revised Code; 18758

(5) Retain the services of or employ financial 18759
consultants, appraisers, consulting engineers, superintendents, 18760
managers, construction and accounting experts, attorneys, 18761
employees, agents, and independent contractors as are necessary 18762
in the director's judgment, and fix the compensation for their 18763
services; 18764

(6) Receive and accept from any person, grants, gifts, and 18765
contributions of money, property, labor, and other things of 18766
value, to be held, used, and applied only for the purpose for 18767
which such grants, gifts, and contributions are made; 18768

(7) Enter into arrangements and agreements with any 18769
governmental agency for the agency to take or provide any 18770
governmental action with respect to eligible research and 18771
development projects; 18772

(8) Do all other acts, enter into contracts, execute all 18773
instruments, and make all certifications necessary or 18774
appropriate to carry out sections 166.01, 166.17 to 166.21, 18775
5733.352, and 5747.331 of the Revised Code; 18776

(9) With respect to property that is the subject of or 18777
related to research and development financial assistance, take 18778
such interests, including, but not limited to, mortgages, 18779
security interests, leasehold interests, assignments, and 18780

exclusive or nonexclusive licenses, as may be necessary or 18781
appropriate under the circumstances, to ensure that the property 18782
is used within this state and that products or services 18783
associated with that property are produced or, in the case of 18784
services, delivered, by persons employed within this state; 18785

(10) Adopt rules necessary to implement any of the 18786
provisions of sections 166.17 to 166.21, 5733.352, and 5747.331 18787
of the Revised Code that are applicable to the director. 18788

(C) The determination by the director that facilities or 18789
property constitute an eligible research and development project 18790
and that the costs of such facilities or property are allowable 18791
costs related to the project, and all other determinations 18792
relevant thereto, or to an action taken or agreement entered 18793
into, shall be conclusive for purposes of the validity and 18794
enforceability of rights of parties arising from actions taken 18795
and agreements entered into under sections 166.17 to 166.21, 18796
5733.352, and 5747.331 of the Revised Code. 18797

Sec. 166.36. The automated clearing house payments fund is 18798
created, which shall be in the custody of the treasurer of state 18799
but shall not be part of the state treasury. The fund shall be 18800
used to receive regular loan repayments and fees by automated 18801
clearing house transfer for loans made from loan programs 18802
administered by the director of development under the Revised 18803
Code. At the direction of the director of development, money in 18804
the fund shall be transferred to the enterprise bond retirement 18805
fund created under section 166.37 of the Revised Code or to any 18806
fund within the state treasury. All interest and investment 18807
income earned by the fund shall be deposited in the fund. 18808

Sec. 166.37. In accordance with division (S) of section 18809
166.08 of the Revised Code, the enterprise bond retirement fund 18810

is created, which shall be in the custody of the treasurer of 18811
state but shall not be part of the state treasury. The fund 18812
shall be used to receive repayments, fees, and other money 18813
attributable to loans made by the director of development under 18814
section 166.07 of the Revised Code. At the direction of the 18815
director of development, money in the fund may be transferred to 18816
any fund related to this chapter or to any fund in the state 18817
treasury. All interest and investment income earned by the fund 18818
shall be deposited in the fund. 18819

Sec. 166.38. The regional loan escrow fund is created, 18820
which shall be in the custody of the treasurer of state but 18821
shall not be part of the state treasury. The fund shall consist 18822
of all grants, gifts, and contributions of money or rights to 18823
money made to the director of development for such fund, all 18824
money and rights to money lawfully designated for or deposited 18825
in such fund, and all repayments, fees, and other money 18826
attributable to loans made under the regional 166 loan program 18827
for which the director acts as escrow agent. All money received 18828
or transferred to the fund may be released at the direction of 18829
the director of development for the making of loans under this 18830
chapter. All interest and investment income earned by the fund 18831
shall be deposited in the fund. 18832

Sec. 169.01. As used in this chapter, unless the context 18833
otherwise requires: 18834

(A) "Financial organization" means any bank, trust 18835
company, savings bank, safe deposit company, mutual savings bank 18836
without mutual stock, savings and loan association, credit 18837
union, or investment company. 18838

(B) (1) "Unclaimed funds" means any moneys, rights to 18839
moneys, or intangible property, described in section 169.02 of 18840

the Revised Code, when, as shown by the records of the holder, 18841
the owner has not, within the times provided in section 169.02 18842
of the Revised Code, done any of the following: 18843

(a) Increased, decreased, or adjusted the amount of such 18844
funds; 18845

(b) Assigned, paid premiums, or encumbered such funds; 18846

(c) Presented an appropriate record for the crediting of 18847
such funds or received payment of such funds by check, draft, or 18848
otherwise; 18849

(d) Corresponded with the holder concerning such funds; 18850

(e) Otherwise indicated an interest in or knowledge of 18851
such funds; 18852

(f) Transacted business with the holder. 18853

(2) "Unclaimed funds" does not include any of the 18854
following: 18855

(a) Money received or collected under section 9.39 of the 18856
Revised Code; 18857

(b) Any payment or credit due to a business association 18858
from a business association representing sums payable to 18859
suppliers, or payment for services rendered, in the course of 18860
business, including, but not limited to, checks or memoranda, 18861
overpayments, unidentified remittances, nonrefunded overcharges, 18862
discounts, refunds, and rebates; 18863

(c) Any payment or credit received by a business 18864
association from a business association for tangible goods sold, 18865
or services performed, in the course of business, including, but 18866
not limited to, checks or memoranda, overpayments, unidentified 18867

remittances, nonrefunded overcharges, discounts, refunds, and 18868
rebates; 18869

(d) Either of the following: 18870

(i) Any credit or obligation due a retail customer that is 18871
represented by a gift certificate, gift card, merchandise 18872
credit, or merchandise credit card, redeemable only for goods or 18873
services, including gift cards issued by financial organizations 18874
or business associations; 18875

(ii) Any electronic payment device that is issued by a 18876
financial organization or a business association that has no 18877
expiration date and meets all of the following conditions: 18878

(I) It is purchased or loaded on a prepaid basis for the 18879
future purchase or delivery of goods or services. 18880

(II) It is redeemable upon presentation to a single 18881
merchant or service provider or an affiliated group of merchants 18882
or service providers. 18883

(III) It is not redeemable for cash in whole or in part. 18884

(e) Any open-loop prepaid card that is issued by a 18885
financial organization or a business association for which the 18886
underlying funds do not expire. For purposes of division (B) (2) 18887
(e) of this section, "open-loop prepaid card" means an 18888
electronic payment device that meets all of the following 18889
conditions: 18890

(i) It is purchased or loaded on a prepaid basis for the 18891
future purchase or delivery of any goods or services. 18892

(ii) It can be used to purchase goods and services at 18893
multiple unaffiliated merchants or service providers. 18894

(iii) It is not redeemable for cash in whole or in part. 18895

(f) Any rewards card. For purposes of division (B) (2) (f) 18896
of this section, "rewards card" includes any loyalty, incentive, 18897
or promotional type program that is issued by a financial 18898
organization or a business association whether represented by a 18899
card or electronic record, which program is established for the 18900
purposes of providing cardholder awards, rewards, rebates, or 18901
other amounts to reward the cardholder for the cardholder's 18902
relationship with the entity sponsoring the rewards card, 18903
provided that no direct money was paid by the cardholder for the 18904
rewards card. "Rewards card" includes both of the following: 18905

(i) Cards or electronic records consisting of points, 18906
cash, or other tokens of value given to a cardholder as a reward 18907
or incentive for engaging in a transaction or a series of 18908
transactions; 18909

(ii) The unpaid portion of a rewards card when the rewards 18910
card is partially loaded by the cardholder with the remaining 18911
portion funded as a reward or incentive. 18912

A minimal annual fee charged to the cardholder for joining 18913
any such loyalty, incentive, or promotional type program shall 18914
not be considered direct money paid by the cardholder for the 18915
rewards card. For purposes of division (B) (2) (f) of this 18916
section, "cardholder" means the holder of a rewards card, 18917
regardless of whether the rewards card is represented by a card 18918
or by an electronic record. 18919

For purposes of division (B) (2) of this section, "business 18920
association" means any corporation, joint venture, business 18921
trust, limited liability company, partnership, association, or 18922
other business entity composed of one or more individuals, 18923

whether or not the entity is for profit. 18924

(C) "Owner" means any person, or the person's legal 18925
representative, entitled to receive or having a legal or 18926
equitable interest in or claim against moneys, rights to moneys, 18927
or other intangible property, subject to this chapter. 18928

(D) (1) "Holder" means any person that has possession, 18929
custody, or control of moneys, rights to moneys, or other 18930
intangible property, or that is indebted to another, if any of 18931
the following applies: 18932

(a) Such person resides in this state; 18933

(b) Such person is formed under the laws of this state; 18934

(c) Such person is formed under the laws of the United 18935
States and has an office or principal place of business in this 18936
state; 18937

(d) The records of such person indicate that the last 18938
known address of the owner of such moneys, rights to moneys, or 18939
other intangible property is in this state; 18940

(e) The records of such person do not indicate the last 18941
known address of the owner of the moneys, rights to moneys, or 18942
other intangible property and the entity originating or issuing 18943
the moneys, rights to moneys, or other intangible property in 18944
this state or any political subdivision of this state, or is 18945
incorporated, organized, created, or otherwise located in this 18946
state. Division (D) (1) (e) of this section applies to all moneys, 18947
rights to moneys, or other intangible property that is in the 18948
possession, custody, or control of such person on or after July 18949
22, 1994, whether the moneys, rights to moneys, or other 18950
intangible property becomes unclaimed funds prior to or on or 18951
after that date. 18952

(2) "Holder" does not mean any hospital granted tax-exempt status under section 501(c)(3) of the Internal Revenue Code or any hospital owned or operated by the state or by any political subdivision. Any entity in order to be exempt from the definition of "holder" pursuant to this division shall make a reasonable, good-faith effort to contact the owner of the unclaimed funds.

(E) "Person" includes a natural person; corporation, whether for profit or not for profit; copartnership; unincorporated nonprofit association; public authority; estate; trust; two or more persons having a joint or common interest; eleemosynary organization; fraternal or cooperative association; other legal or community entity; the United States government, including any district, territory, possession, officer, agency, department, authority, instrumentality, board, bureau, or court; or any state or political subdivision thereof, including any officer, agency, board, bureau, commission, division, department, authority, court, or instrumentality.

(F) "Mortgage funds" means ~~the mortgage insurance fund created by section 122.561 of the Revised Code, and the housing guarantee fund created by division (D) of section 128.11 of the Revised Code.~~

(G) "Lawful claims" means any vested right a holder of unclaimed funds has against the owner of such unclaimed funds.

(H) "Public utility" means any entity defined as such by division (A) of section 745.01 or by section 4905.02 of the Revised Code.

(I) "Deposit" means to place money in the custody of a financial organization for the purpose of establishing an

income-bearing account by purchase or otherwise. 18982

(J) "Income-bearing account" means a time or savings 18983
account, whether or not evidenced by a certificate of deposit, 18984
or an investment account through which investments are made 18985
solely in obligations of the United States or its agencies or 18986
instrumentalities or guaranteed as to principal and interest by 18987
the United States or its agencies or instrumentalities, debt 18988
securities rated as investment grade by at least two nationally 18989
recognized rating services, debt securities which the director 18990
of commerce has determined to have been issued for the safety 18991
and welfare of the residents of this state, and equity interests 18992
in mutual funds that invest solely in some or all of the above- 18993
listed securities and involve no general liability, without 18994
regard to whether income earned on such accounts, securities, or 18995
interests is paid periodically or at the end of a term. 18996

(K) "Director of commerce" may be read as the "division of 18997
unclaimed funds" or the "superintendent of unclaimed funds." 18998

(L) "Attorney unclaimed funds" means any unclaimed funds, 18999
as defined in division (B)(1) of this section, that are any of 19000
the following: 19001

(1) Funds held in interest on lawyer trust accounts 19002
pursuant to section 4705.09 of the Revised Code; 19003

(2) Funds held in an interest on trust accounts pursuant 19004
to section 3953.231 of the Revised Code; 19005

(3) Residual settlement funds whether for named or unnamed 19006
plaintiffs, received by the division of unclaimed funds, and 19007
held, paid out, or allocated by the division pursuant to or 19008
consistent with the terms and conditions of the court order 19009
authorizing the settlement fund. 19010

Sec. 169.05. (A) Every holder required to file a report 19011
under section 169.03 of the Revised Code shall, at the time of 19012
filing, pay to the director of commerce ten per cent of the 19013
aggregate amount of unclaimed funds as shown on the report, 19014
except for aggregate amounts of fifty dollars or less in which 19015
case one hundred per cent shall be paid. The funds may be 19016
deposited by the director in the state treasury to the credit of 19017
the unclaimed funds trust fund, which is hereby created, or 19018
placed with a financial organization. Any interest earned on 19019
money in the trust fund shall be credited to the trust fund. The 19020
remainder of the aggregate amount of unclaimed funds as shown on 19021
the report, plus earnings accrued to date of payment to the 19022
director, shall, at the option of the director, be retained by 19023
the holder or paid to the director for deposit as agent for the 19024
mortgage funds with a financial organization as defined in 19025
section 169.01 of the Revised Code, with the funds to be in 19026
income-bearing accounts to the credit of the mortgage funds, or 19027
the holder may enter into an agreement with the director 19028
specifying the obligations of the United States in which funds 19029
are to be invested, and agree to pay the interest on the 19030
obligations to the state. Holders retaining any funds not in 19031
obligations of the United States shall enter into an agreement 19032
with the director specifying the classification of income- 19033
bearing account in which the funds will be held and pay the 19034
state interest on the funds at a rate equal to the prevailing 19035
market rate for similar funds. Moneys that the holder is 19036
required to pay to the director rather than to retain may be 19037
deposited with the treasurer of state, or placed with a 19038
financial organization. 19039

Securities and other intangible property transferred to 19040
the director shall, within a reasonable time, be converted to 19041

cash and the proceeds deposited as provided for other funds. 19042

~~One-half of the~~ The funds evidenced by agreements, in 19043
income-bearing accounts, or on deposit with the treasurer of 19044
state shall be allocated on the records of the director ~~to the~~ 19045
~~mortgage insurance fund created by section 122.561 of the~~ 19046
~~Revised Code. Out of the remaining half,~~ after allocation of 19047
sufficient moneys to the minority business bonding fund to meet 19048
the provisions of division (B) of this section, ~~the remainder~~ 19049
~~shall be allocated on the records of the director to the housing~~ 19050
development fund created by division (A) of section 175.11 of 19051
the Revised Code. 19052

(B) The director shall serve as agent for the director of 19053
development and as agent for the Ohio housing finance agency in 19054
making deposits and withdrawals and maintaining records 19055
pertaining to the minority business bonding fund created by 19056
section 122.88 of the Revised Code, ~~the mortgage insurance fund,~~ 19057
and the housing development fund created by section 175.11 of 19058
the Revised Code. ~~Funds from the mortgage insurance fund are~~ 19059
~~available to the director of development when those funds are to~~ 19060
~~be disbursed to prevent or cure, or upon the occurrence of, a~~ 19061
~~default of a mortgage insured pursuant to section 122.451 of the~~ 19062
~~Revised Code.~~ Funds from the housing development fund are 19063
available upon request to the Ohio housing finance agency, in an 19064
amount not to exceed the funds allocated on the records of the 19065
director, for the purposes of section 175.05 of the Revised 19066
Code. Funds from the minority business bonding fund are 19067
available to the director of development upon request to pay 19068
obligations on bonds the director writes pursuant to section 19069
122.88 of the Revised Code; except that, unless the general 19070
assembly authorizes additional amounts, the total maximum amount 19071
of moneys that may be allocated to the minority business bonding 19072

fund under this division is ten million dollars. 19073

When funds are to be disbursed, the appropriate agency 19074
shall call upon the director to transfer the necessary funds to 19075
it. The director shall first withdraw the funds paid by the 19076
holders and deposited with the treasurer of state or in a 19077
financial institution as agent for the funds. Whenever these 19078
funds are inadequate to meet the request, the director shall 19079
provide for a withdrawal of funds, within a reasonable time and 19080
in the amount necessary to meet the request, from financial 19081
institutions in which the funds were retained or placed by a 19082
holder and from other holders who have retained funds, in an 19083
equitable manner as the director prescribes. In the event that 19084
the amount to be withdrawn from any one holder is less than five 19085
hundred dollars, the amount to be withdrawn is at the director's 19086
discretion. The director shall then transfer to the agency the 19087
amount of funds requested. 19088

Funds deposited in the unclaimed funds trust fund are 19089
subject to call by the director when necessary to pay claims the 19090
director allows under section 169.08 of the Revised Code, in 19091
accordance with the director's rules, to defray the necessary 19092
costs of making publications this chapter requires and to pay 19093
other operating and administrative expenses the department of 19094
commerce incurs in the administration and enforcement of this 19095
chapter. 19096

The unclaimed funds trust fund shall be assessed a 19097
proportionate share of the administrative costs of the 19098
department of commerce in accordance with procedures the 19099
director of commerce prescribes. The assessment shall be paid 19100
from the unclaimed funds trust fund to the division of 19101
administration fund. 19102

(C) Earnings on the accounts in financial organizations to 19103
the credit of the mortgage funds shall, at the option of the 19104
financial organization, be credited to the accounts at times and 19105
at rates as earnings are paid on other accounts of the same 19106
classification held in the financial organization or paid to the 19107
director. The director shall be notified annually, and at other 19108
times as the director may request, of the amount of the earnings 19109
credited to the accounts. Interest on unclaimed funds a holder 19110
retains shall be paid to the director or credited as specified 19111
in the agreement under which the organization retains the funds. 19112
Interest payable to the director under an agreement to invest 19113
unclaimed funds in income-bearing accounts or obligations of the 19114
United States shall be paid annually by the holder to the 19115
director. Any earnings or interest the director receives under 19116
this division shall be deposited in and credited to the mortgage 19117
funds. 19118

Sec. 173.38. (A) As used in this section: 19119

(1) "Applicant" means a person who is under final 19120
consideration for employment with a responsible party in a full- 19121
time, part-time, or temporary direct-care position or is 19122
referred to a responsible party by an employment service for 19123
such a position. "Applicant" does not include a person being 19124
considered for a direct-care position as a volunteer. 19125

(2) "Area agency on aging" has the same meaning as in 19126
section 173.14 of the Revised Code. 19127

~~(3) "Chief administrator of a responsible party" includes 19128~~
~~a consumer when the consumer is a responsible party. 19129~~

~~(4)~~ "Community-based long-term care services" means 19130
community-based long-term care services, as defined in section 19131

173.14 of the Revised Code, that are provided under a program 19132
the department of aging administers. 19133

~~(5)~~(4) "Consumer" means an individual who receives 19134
community-based long-term care services. 19135

~~(6)~~(5) "Criminal records check" has the same meaning as in 19136
section 109.572 of the Revised Code. 19137

~~(7)~~(a)(6) (a) "Direct-care position" means an employment 19138
position in which an employee has either or both of the 19139
following: 19140

(i) In-person contact with one or more consumers; 19141

(ii) Access to one or more consumers' personal property or 19142
records. 19143

(b) "Direct-care position" does not include ~~a~~any of the 19144
following: 19145

(i) A person whose sole duties are transporting 19146
individuals under Chapter 306. of the Revised Code; 19147

(ii) An attorney licensed to practice law in this state; 19148

(iii) A person who is not licensed to practice law in this 19149
state, but, at the direction of an attorney licensed to practice 19150
law in this state, assists the attorney in the attorney's 19151
provision of legal services. 19152

~~(8)~~(7) "Disqualifying offense" means any of the offenses 19153
listed or described in divisions (A) (3) (a) to (e) of section 19154
109.572 of the Revised Code. 19155

~~(9)~~(8) "Employee" means a person employed by a responsible 19156
party in a full-time, part-time, or temporary direct-care 19157
position and a person who works in such a position due to being 19158

referred to a responsible party by an employment service. 19159

"Employee" does not include a person who works in a direct-care 19160

position as a volunteer. 19161

~~(10)~~(9) "PASSPORT administrative agency" has the same 19162

meaning as in section 173.42 of the Revised Code. 19163

~~(11)~~(10) "Provider" has the same meaning as in section 19164

173.39 of the Revised Code. 19165

~~(12)~~(11) "Responsible party" means the following: 19166

(a) An area agency on aging in the case of either of the 19167

following: 19168

(i) A person who is an applicant because the person is 19169

under final consideration for employment with the agency in a 19170

full-time, part-time, or temporary direct-care position or is 19171

referred to the agency by an employment service for such a 19172

position; 19173

(ii) A person who is an employee because the person is 19174

employed by the agency in a full-time, part-time, or temporary 19175

direct-care position or works in such a position due to being 19176

referred to the agency by an employment service. 19177

(b) A PASSPORT administrative agency in the case of either 19178

of the following: 19179

(i) A person who is an applicant because the person is 19180

under final consideration for employment with the agency in a 19181

full-time, part-time, or temporary direct-care position or is 19182

referred to the agency by an employment service for such a 19183

position; 19184

(ii) A person who is an employee because the person is 19185

employed by the agency in a full-time, part-time, or temporary 19186

direct-care position or works in such a position due to being 19187
referred to the agency by an employment service. 19188

(c) A provider in the case of either of the following: 19189

(i) A person who is an applicant because the person is 19190
under final consideration for employment with the provider in a 19191
full-time, part-time, or temporary direct-care position or is 19192
referred to the provider by an employment service for such a 19193
position; 19194

(ii) A person who is an employee because the person is 19195
employed by the provider in a full-time, part-time, or temporary 19196
direct-care position or works in such a position due to being 19197
referred to the provider by an employment service. 19198

(d) A subcontractor in the case of either of the 19199
following: 19200

(i) A person who is an applicant because the person is 19201
under final consideration for employment with the subcontractor 19202
in a full-time, part-time, or temporary direct-care position or 19203
is referred to the subcontractor by an employment service for 19204
such a position; 19205

(ii) A person who is an employee because the person is 19206
employed by the subcontractor in a full-time, part-time, or 19207
temporary direct-care position or works in such a position due 19208
to being referred to the subcontractor by an employment service. 19209

~~(e) A consumer in the case of either of the following: 19210~~

~~(i) A person who is an applicant because the person is 19211
under final consideration for employment with the consumer in a 19212
full-time, part-time, or temporary direct-care position for 19213
which the consumer, as the employer of record, is to direct the 19214~~

~~person in the provision of community-based long-term care~~ 19215
~~services the person is to provide the consumer or is referred to~~ 19216
~~the consumer by an employment service for such a position;~~ 19217

~~(ii) A person who is an employee because the person is~~ 19218
~~employed by the consumer in a full-time, part-time, or temporary~~ 19219
~~direct-care position for which the consumer, as the employer of~~ 19220
~~record, directs the person in the provision of community-based~~ 19221
~~long-term care services the person provides to the consumer or~~ 19222
~~who works in such a position due to being referred to the~~ 19223
~~consumer by an employment service.~~ 19224

~~(13)~~ (12) "Subcontractor" has the meaning specified in 19225
rules adopted under this section. 19226

~~(14)~~ (13) "Volunteer" means a person who serves in a 19227
direct-care position without receiving or expecting to receive 19228
any form of remuneration other than reimbursement for actual 19229
expenses. 19230

~~(15)~~ (14) "Waiver agency" has the same meaning as in 19231
section 5164.342 of the Revised Code. 19232

(B) This section does not apply to any individual of the 19233
following: 19234

(1) A person who is subject to a database review or 19235
criminal records check under section 173.381 or 3740.11 of the 19236
Revised Code ~~or to any individual;~~ 19237

(2) A person who is subject to a criminal records check 19238
under section 3721.121 of the Revised Code; 19239

(3) A participant-directed provider. 19240

(C) No responsible party shall employ an applicant or 19241
continue to employ an employee in a direct-care position if any 19242

of the following apply: 19243

(1) A review of the databases listed in division (E) of 19244
this section reveals any of the following: 19245

(a) That the applicant or employee is included in one or 19246
more of the databases listed in divisions (E) (1) to (5) of this 19247
section; 19248

(b) That there is in the state nurse aide registry 19249
established under section 3721.32 of the Revised Code a 19250
statement detailing findings by the director of health that the 19251
applicant or employee abused, neglected, or exploited a long- 19252
term care facility or residential care facility resident or 19253
misappropriated property of such a resident; 19254

(c) That the applicant or employee is included in one or 19255
more of the databases, if any, specified in rules adopted under 19256
this section and the rules prohibit the responsible party from 19257
employing an applicant or continuing to employ an employee 19258
included in such a database in a direct-care position. 19259

(2) After the applicant or employee is provided, pursuant 19260
to division (F) (2) (a) of this section, a copy of the form 19261
prescribed pursuant to division (C) (1) of section 109.572 of the 19262
Revised Code and the standard impression sheet prescribed 19263
pursuant to division (C) (2) of that section, the applicant or 19264
employee fails to complete the form or provide the applicant's 19265
or employee's fingerprint impressions on the standard impression 19266
sheet. 19267

(3) Unless the applicant or employee meets standards 19268
specified in rules adopted under this section, the applicant or 19269
employee is found by a criminal records check required by this 19270
section to have been convicted of, pleaded guilty to, or been 19271

found eligible for intervention in lieu of conviction for a 19272
disqualifying offense. 19273

(D) Except as provided by division (G) of this section, 19274
the chief administrator of a responsible party shall inform each 19275
applicant of both of the following at the time of the 19276
applicant's initial application for employment or referral to 19277
the responsible party by an employment service for a direct-care 19278
position: 19279

(1) That a review of the databases listed in division (E) 19280
of this section will be conducted to determine whether the 19281
responsible party is prohibited by division (C)(1) of this 19282
section from employing the applicant in the direct-care 19283
position; 19284

(2) That, unless the database review reveals that the 19285
applicant may not be employed in the direct-care position, a 19286
criminal records check of the applicant will be conducted and 19287
the applicant is required to provide a set of the applicant's 19288
fingerprint impressions as part of the criminal records check. 19289

(E) As a condition of employing any applicant in a direct- 19290
care position, the chief administrator of a responsible party 19291
shall conduct a database review of the applicant in accordance 19292
with rules adopted under this section. If rules adopted under 19293
this section so require, the chief administrator of a 19294
responsible party shall conduct a database review of an employee 19295
in accordance with the rules as a condition of continuing to 19296
employ the employee in a direct-care position. However, a chief 19297
administrator is not required to conduct a database review of an 19298
applicant or employee if division (G) of this section applies. A 19299
database review shall determine whether the applicant or 19300
employee is included in any of the following: 19301

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(F)(1) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as

a condition of continuing to employ the employee in a direct- 19331
care position. However, the chief administrator is not required 19332
to request the criminal records check of the applicant or 19333
employee if division (G) of this section applies or the 19334
responsible party is prohibited by division (C) (1) of this 19335
section from employing the applicant or continuing to employ the 19336
employee in a direct-care position. If an applicant or employee 19337
for whom a criminal records check request is required by this 19338
section does not present proof of having been a resident of this 19339
state for the five-year period immediately prior to the date the 19340
criminal records check is requested or provide evidence that 19341
within that five-year period the superintendent has requested 19342
information about the applicant or employee from the federal 19343
bureau of investigation in a criminal records check, the chief 19344
administrator shall request that the superintendent obtain 19345
information from the federal bureau of investigation as part of 19346
the criminal records check. Even if an applicant or employee for 19347
whom a criminal records check request is required by this 19348
section presents proof of having been a resident of this state 19349
for the five-year period, the chief administrator may request 19350
that the superintendent include information from the federal 19351
bureau of investigation in the criminal records check. 19352

(2) The chief administrator shall do all of the following: 19353

(a) Provide to each applicant and employee for whom a 19354
criminal records check request is required by this section a 19355
copy of the form prescribed pursuant to division (C) (1) of 19356
section 109.572 of the Revised Code and a standard impression 19357
sheet prescribed pursuant to division (C) (2) of that section; 19358

(b) Obtain the completed form and standard impression 19359
sheet from the applicant or employee; 19360

(c) Forward the completed form and standard impression 19361
sheet to the superintendent. 19362

(3) A responsible party shall pay to the bureau of 19363
criminal identification and investigation the fee prescribed 19364
pursuant to division (C) (3) of section 109.572 of the Revised 19365
Code for each criminal records check the responsible party 19366
requests under this section. A responsible party may charge an 19367
applicant a fee not exceeding the amount the responsible party 19368
pays to the bureau under this section if both of the following 19369
apply: 19370

(a) The responsible party notifies the applicant at the 19371
time of initial application for employment of the amount of the 19372
fee and that, unless the fee is paid, the applicant will not be 19373
considered for employment. 19374

(b) The medicaid program does not pay the responsible 19375
party for the fee it pays to the bureau under this section. 19376

(G) Divisions (D) to (F) of this section do not apply with 19377
regard to an applicant or employee if the applicant or employee 19378
is referred to a responsible party by an employment service that 19379
supplies full-time, part-time, or temporary staff for direct- 19380
care positions and both of the following apply: 19381

(1) The chief administrator of the responsible party 19382
receives from the employment service confirmation that a review 19383
of the databases listed in division (E) of this section was 19384
conducted of the applicant or employee. 19385

(2) The chief administrator of the responsible party 19386
receives from the employment service, applicant, or employee a 19387
report of the results of a criminal records check of the 19388
applicant or employee that has been conducted by the 19389

superintendent within the one-year period immediately preceding 19390
the following: 19391

(a) In the case of an applicant, the date of the 19392
applicant's referral by the employment service to the 19393
responsible party; 19394

(b) In the case of an employee, the date by which the 19395
responsible party would otherwise have to request a criminal 19396
records check of the employee under division (F) of this 19397
section. 19398

(H) (1) A responsible party may employ conditionally an 19399
applicant for whom a criminal records check request is required 19400
by this section prior to obtaining the results of the criminal 19401
records check if the responsible party is not prohibited by 19402
division (C) (1) of this section from employing the applicant in 19403
a direct-care position and either of the following applies: 19404

(a) The chief administrator of the responsible party 19405
requests the criminal records check in accordance with division 19406
(F) of this section before conditionally employing the 19407
applicant. 19408

(b) The applicant is referred to the responsible party by 19409
an employment service, the employment service or the applicant 19410
provides the chief administrator of the responsible party a 19411
letter that is on the letterhead of the employment service, the 19412
letter is dated and signed by a supervisor or another designated 19413
official of the employment service, and the letter states all of 19414
the following: 19415

(i) That the employment service has requested the 19416
superintendent to conduct a criminal records check regarding the 19417
applicant; 19418

(ii) That the requested criminal records check is to 19419
include a determination of whether the applicant has been 19420
convicted of, pleaded guilty to, or been found eligible for 19421
intervention in lieu of conviction for a disqualifying offense; 19422

(iii) That the employment service has not received the 19423
results of the criminal records check as of the date set forth 19424
on the letter; 19425

(iv) That the employment service promptly will send a copy 19426
of the results of the criminal records check to the chief 19427
administrator of the responsible party when the employment 19428
service receives the results. 19429

(2) If a responsible party employs an applicant 19430
conditionally pursuant to division (H) (1) (b) of this section, 19431
the employment service, on its receipt of the results of the 19432
criminal records check, promptly shall send a copy of the 19433
results to the chief administrator of the responsible party. 19434

(3) A responsible party that employs an applicant 19435
conditionally pursuant to division (H) (1) (a) or (b) of this 19436
section shall terminate the applicant's employment if the 19437
results of the criminal records check, other than the results of 19438
any request for information from the federal bureau of 19439
investigation, are not obtained within the period ending sixty 19440
days after the date the request for the criminal records check 19441
is made. Regardless of when the results of the criminal records 19442
check are obtained, if the results indicate that the applicant 19443
has been convicted of, pleaded guilty to, or been found eligible 19444
for intervention in lieu of conviction for a disqualifying 19445
offense, the responsible party shall terminate the applicant's 19446
employment unless the applicant meets standards specified in 19447
rules adopted under this section that permit the responsible 19448

party to employ the applicant and the responsible party chooses 19449
to employ the applicant. Termination of employment under this 19450
division shall be considered just cause for discharge for 19451
purposes of division (D) (2) of section 4141.29 of the Revised 19452
Code if the applicant makes any attempt to deceive the 19453
responsible party about the applicant's criminal record. 19454

(I) The report of any criminal records check conducted 19455
pursuant to a request made under this section is not a public 19456
record for the purposes of section 149.43 of the Revised Code 19457
and shall not be made available to any person other than the 19458
following: 19459

(1) The applicant or employee who is the subject of the 19460
criminal records check or the applicant's or employee's 19461
representative; 19462

(2) The chief administrator of the responsible party 19463
requesting the criminal records check or the administrator's 19464
representative; 19465

(3) The administrator of any other facility, agency, or 19466
program that provides community-based long-term care services 19467
that is owned or operated by the same entity that owns or 19468
operates the responsible party that requested the criminal 19469
records check; 19470

(4) The employment service that requested the criminal 19471
records check; 19472

(5) The director of aging or a person authorized by the 19473
director to monitor a responsible party's compliance with this 19474
section; 19475

(6) The medicaid director and the staff of the department 19476
of medicaid who are involved in the administration of the 19477

medicaid program if any of the following apply: 19478

(a) In the case of a criminal records check requested by a 19479
provider or subcontractor, the provider or subcontractor also is 19480
a waiver agency; 19481

(b) In the case of a criminal records check requested by 19482
an employment service, the employment service makes the request 19483
for an applicant or employee the employment service refers to a 19484
provider or subcontractor that also is a waiver agency; 19485

~~(c) The criminal records check is requested by a consumer 19486
who is acting as a responsible party. 19487~~

(7) A court or hearing officer involved in a case dealing 19488
with any of the following: 19489

(a) A denial of employment of the applicant or employee; 19490

(b) Employment or unemployment benefits of the applicant 19491
or employee; 19492

(c) A civil or criminal action regarding the medicaid 19493
program or a program the department of aging administers. 19494

(8) Pursuant to a lawful subpoena or valid court order, 19495
any necessary individual not identified in division (I) (7) of 19496
this section who is involved in a case dealing with any issue, 19497
matter, or action described in division (I) (7) (a), (b), or (c) 19498
of this section. 19499

(J) In a tort or other civil action for damages that is 19500
brought as the result of an injury, death, or loss to person or 19501
property caused by an applicant or employee who a responsible 19502
party employs in a direct-care position, all of the following 19503
shall apply: 19504

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (H) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(K) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (E) (7) of this section, specify other databases that are to be checked as part of a

database review conducted under this section. 19534

(2) The rules shall specify all of the following: 19535

(a) The meaning of the term "subcontractor"; 19536

(b) The procedures for conducting database reviews under 19537
this section; 19538

(c) If the rules require employees to undergo database 19539
reviews and criminal records checks under this section, the 19540
times at which the database reviews and criminal records checks 19541
are to be conducted; 19542

(d) If the rules specify other databases to be checked as 19543
part of the database reviews, the circumstances under which a 19544
responsible party is prohibited from employing an applicant or 19545
continuing to employ an employee who is found by a database 19546
review to be included in one or more of those databases; 19547

(e) Standards that an applicant or employee must meet for 19548
a responsible party to be permitted to employ the applicant or 19549
continue to employ the employee in a direct-care position if the 19550
applicant or employee is found by a criminal records check 19551
required by this section to have been convicted of, pleaded 19552
guilty to, or been found eligible for intervention in lieu of 19553
conviction for a disqualifying offense. 19554

Sec. 173.381. (A) As used in this section: 19555

(1) "Community-based long-term care services" means 19556
community-based long-term care services, as defined in section 19557
173.14 of the Revised Code, that are provided under a program 19558
the department of aging administers. 19559

(2) "Community-based long-term care services certificate" 19560
means a certificate issued under section 173.391 of the Revised 19561

Code. 19562

(3) "Community-based long-term care services contract or 19563
grant" means a contract or grant awarded under section 173.392 19564
of the Revised Code. 19565

(4) "Criminal records check" has the same meaning as in 19566
section 109.572 of the Revised Code. 19567

(5) "Disqualifying offense" means any of the offenses 19568
listed or described in divisions (A)(3)(a) to (e) of section 19569
109.572 of the Revised Code. 19570

(6) "Provider" has the same meaning as in section 173.39 19571
of the Revised Code. 19572

(7) "Self-employed provider" means a provider who works 19573
for the provider's self and has no employees. 19574

(B) This section does not apply to any ~~individual who is~~ 19575
~~subject to a database review or criminal records check under of~~ 19576
the following: 19577

(1) An applicant as defined in section 3740.11 of the 19578
Revised Code or an employee as defined in section 3740.01 of the 19579
Revised Code; 19580

(2) An ambulette driver employed by an organization 19581
licensed under Chapter 4766. of the Revised Code; 19582

(3) An attorney licensed to practice law in this state; 19583

(4) A person who is not licensed to practice law in this 19584
state, but who, at the direction of an attorney licensed to 19585
practice law in this state, assists the attorney in the 19586
attorney's provision of legal services. 19587

(C) (1) The department of aging or its designee shall take 19588

the following actions when the circumstances specified in 19589
division (C) (2) of this section apply: 19590

(a) Refuse to issue a community-based long-term care 19591
services certificate to a self-employed provider; 19592

(b) Revoke a self-employed provider's community-based 19593
long-term care services certificate; 19594

(c) Refuse to award a community-based long-term care 19595
services contract or grant to a self-employed provider; 19596

(d) Terminate a self-employed provider's community-based 19597
long-term care services contract or grant awarded on or after 19598
September 15, 2014. 19599

(2) The following are the circumstances that require the 19600
department of aging or its designee to take action under 19601
division (C) (1) of this section: 19602

(a) A review of the databases listed in division (E) of 19603
this section reveals any of the following: 19604

(i) That the self-employed provider is included in one or 19605
more of the databases listed in divisions (E) (1) to (5) of this 19606
section; 19607

(ii) That there is in the state nurse aide registry 19608
established under section 3721.32 of the Revised Code a 19609
statement detailing findings by the director of health that the 19610
self-employed provider abused, neglected, or exploited a long- 19611
term care facility or residential care facility resident or 19612
misappropriated property of such a resident; 19613

(iii) That the self-employed provider is included in one 19614
or more of the databases, if any, specified in rules adopted 19615
under this section and the rules require the department or its 19616

designee to take action under division (C) (1) of this section if 19617
a self-employed provider is included in such a database. 19618

(b) After the self-employed provider is provided, pursuant 19619
to division (F) (2) (a) of this section, a copy of the form 19620
prescribed pursuant to division (C) (1) of section 109.572 of the 19621
Revised Code and the standard impression sheet prescribed 19622
pursuant to division (C) (2) of that section, the self-employed 19623
provider fails to complete the form or provide the self-employed 19624
provider's fingerprint impressions on the standard impression 19625
sheet. 19626

(c) Unless the self-employed provider meets standards 19627
specified in rules adopted under this section, the self-employed 19628
provider is found by a criminal records check required by this 19629
section to have been convicted of, pleaded guilty to, or been 19630
found eligible for intervention in lieu of conviction for a 19631
disqualifying offense. 19632

(D) The department of aging or its designee shall inform 19633
each self-employed provider of both of the following at the time 19634
of the self-employed provider's initial application for a 19635
community-based long-term care services certificate or initial 19636
bid for a community-based long-term care services contract or 19637
grant: 19638

(1) That a review of the databases listed in division (E) 19639
of this section will be conducted to determine whether the 19640
department or its designee is required by division (C) of this 19641
section to refuse to issue or award a community-based long-term 19642
care services certificate or community-based long-term care 19643
services contract or grant to the self-employed provider; 19644

(2) That, unless the database review reveals that the 19645

department or its designee is required to refuse to issue or 19646
award a community-based long-term care services certificate or 19647
community-based long-term care services contract or grant to the 19648
self-employed provider, a criminal records check of the self- 19649
employed provider will be conducted and the self-employed 19650
provider is required to provide a set of the self-employed 19651
provider's fingerprint impressions as part of the criminal 19652
records check. 19653

(E) As a condition of issuing or awarding a community- 19654
based long-term care services certificate or community-based 19655
long-term care services contract or grant to a self-employed 19656
provider, the department of aging or its designee shall conduct 19657
a database review of the self-employed provider in accordance 19658
with rules adopted under this section. If rules adopted under 19659
this section so require, the department or its designee shall 19660
conduct a database review of a self-employed provider in 19661
accordance with the rules as a condition of not revoking or 19662
terminating the self-employed provider's community-based long- 19663
term care services certificate or community-based long-term care 19664
services contract or grant. A database review shall determine 19665
whether the self-employed provider is included in any of the 19666
following: 19667

(1) The excluded parties list system that is maintained by 19668
the United States general services administration pursuant to 19669
subpart 9.4 of the federal acquisition regulation and available 19670
at the federal web site known as the system for award 19671
management; 19672

(2) The list of excluded individuals and entities 19673
maintained by the office of inspector general in the United 19674
States department of health and human services pursuant to the 19675

"Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5; 19676

(3) The registry of developmental disabilities employees 19677
established under section 5123.52 of the Revised Code; 19678

(4) The internet-based sex offender and child-victim 19679
offender database established under division (A) (11) of section 19680
2950.13 of the Revised Code; 19681

(5) The internet-based database of inmates established 19682
under section 5120.66 of the Revised Code; 19683

(6) The state nurse aide registry established under 19684
section 3721.32 of the Revised Code; 19685

(7) Any other database, if any, specified in rules adopted 19686
under this section. 19687

(F) (1) As a condition of issuing or awarding a community- 19688
based long-term care services certificate or community-based 19689
long-term care services contract or grant to a self-employed 19690
provider, the department of aging or its designee shall request 19691
that the superintendent of the bureau of criminal identification 19692
and investigation conduct a criminal records check of the self- 19693
employed provider. If rules adopted under this section so 19694
require, the department or its designee shall request that the 19695
superintendent conduct a criminal records check of a self- 19696
employed provider at times specified in the rules as a condition 19697
of not revoking or terminating the self-employed provider's 19698
community-based long-term care services certificate or 19699
community-based long-term care services contract or grant. 19700
However, the department or its designee is not required to 19701
request the criminal records check of the self-employed provider 19702
if the department or its designee, because of circumstances 19703
specified in division (C) (2) (a) of this section, is required to 19704

refuse to issue or award a community-based long-term care 19705
services certificate or community-based long-term care services 19706
contract or grant to the self-employed provider or to revoke or 19707
terminate the self-employed provider's certificate or contract 19708
or grant. 19709

If a self-employed provider for whom a criminal records 19710
check request is required by this section does not present proof 19711
of having been a resident of this state for the five-year period 19712
immediately prior to the date the criminal records check is 19713
requested or provide evidence that within that five-year period 19714
the superintendent has requested information about the self- 19715
employed provider from the federal bureau of investigation in a 19716
criminal records check, the department or its designee shall 19717
request that the superintendent obtain information from the 19718
federal bureau of investigation as part of the criminal records 19719
check. Even if a self-employed provider for whom a criminal 19720
records check request is required by this section presents proof 19721
of having been a resident of this state for the five-year 19722
period, the department or its designee may request that the 19723
superintendent include information from the federal bureau of 19724
investigation in the criminal records check. 19725

(2) The department or its designee shall do all of the 19726
following: 19727

(a) Provide to each self-employed provider for whom a 19728
criminal records check request is required by this section a 19729
copy of the form prescribed pursuant to division (C) (1) of 19730
section 109.572 of the Revised Code and a standard impression 19731
sheet prescribed pursuant to division (C) (2) of that section; 19732

(b) Obtain the completed form and standard impression 19733
sheet from the self-employed provider; 19734

(c) Forward the completed form and standard impression 19735
sheet to the superintendent. 19736

(3) The department or its designee shall pay to the bureau 19737
of criminal identification and investigation the fee prescribed 19738
pursuant to division (C)(3) of section 109.572 of the Revised 19739
Code for each criminal records check of a self-employed provider 19740
the department or its designee requests under this section. The 19741
department or its designee may charge the self-employed provider 19742
a fee that does not exceed the amount the department or its 19743
designee pays to the bureau. 19744

(G) The report of any criminal records check of a self- 19745
employed provider conducted pursuant to a request made under 19746
this section is not a public record for the purposes of section 19747
149.43 of the Revised Code and shall not be made available to 19748
any person other than the following: 19749

(1) The self-employed provider or the self-employed 19750
provider's representative; 19751

(2) The department of aging, the department's designee, or 19752
a representative of the department or its designee; 19753

(3) The medicaid director and the staff of the department 19754
of medicaid who are involved in the administration of the 19755
medicaid program if the self-employed provider is to provide, or 19756
provides, community-based long-term care services under a 19757
component of the medicaid program that the department of aging 19758
administers; 19759

(4) A court or hearing officer involved in a case dealing 19760
with any of the following: 19761

(a) A refusal to issue or award a community-based long- 19762
term services certificate or community-based long-term care 19763

services contract or grant to the self-employed provider; 19764

(b) A revocation or termination of the self-employed 19765
provider's community-based long-term care services certificate 19766
or community-based long-term care services contract or grant; 19767

(c) A civil or criminal action regarding a program the 19768
department of aging administers. 19769

(5) Pursuant to a lawful subpoena or valid court order, 19770
any necessary individual not identified in division (G) (4) of 19771
this section who is involved in a case dealing with any issue, 19772
matter, or action described in division (G) (4) (a), (b), or (c) 19773
of this section. 19774

(H) In a tort or other civil action for damages that is 19775
brought as the result of an injury, death, or loss to person or 19776
property caused by a self-employed provider, both of the 19777
following shall apply: 19778

(1) If the department of aging or its designee, in good 19779
faith and reasonable reliance on the report of a criminal 19780
records check requested under this section, issued or awarded a 19781
community-based long-term care services certificate or 19782
community-based long-term care services contract or grant to the 19783
self-employed provider or did not revoke or terminate the self- 19784
employed provider's certificate or contract or grant, the 19785
department and its designee shall not be found negligent solely 19786
because of its reliance on the report, even if the information 19787
in the report is determined later to have been incomplete or 19788
inaccurate. 19789

(2) If the department or its designee in good faith issued 19790
or awarded a community-based long-term care services certificate 19791
or community-based long-term care services contract or grant to 19792

the self-employed provider or did not revoke or terminate the 19793
self-employed provider's certificate or contract or grant 19794
because the self-employed provider meets standards specified in 19795
rules adopted under this section, the department and its 19796
designee shall not be found negligent solely because the self- 19797
employed provider has been convicted of, pleaded guilty to, or 19798
been found eligible for intervention in lieu of conviction for a 19799
disqualifying offense. 19800

(I) The director of aging shall adopt rules in accordance 19801
with Chapter 119. of the Revised Code to implement this section. 19802

(1) The rules may do the following: 19803

(a) Require self-employed providers who have been issued 19804
or awarded community-based long-term care services certificates 19805
or community-based long-term care services contracts or grants 19806
to undergo database reviews and criminal records checks under 19807
this section; 19808

(b) If the rules require self-employed providers who have 19809
been issued or awarded community-based long-term care services 19810
certificates or community-based long-term care services 19811
contracts or grants to undergo database reviews and criminal 19812
records checks under this section, exempt one or more classes of 19813
such self-employed providers from the requirements; 19814

(c) For the purpose of division (E) (7) of this section, 19815
specify other databases that are to be checked as part of a 19816
database review conducted under this section. 19817

(2) The rules shall specify all of the following: 19818

(a) The procedures for conducting database reviews under 19819
this section; 19820

(b) If the rules require self-employed providers who have 19821
been issued or awarded community-based long-term care services 19822
certificates or community-based long-term care services 19823
contracts or grants to undergo database reviews and criminal 19824
records checks under this section, the times at which the 19825
database reviews and criminal records checks are to be 19826
conducted; 19827

(c) If the rules specify other databases to be checked as 19828
part of the database reviews, the circumstances under which the 19829
department of aging or its designee is required to refuse to 19830
issue or award a community-based long-term care services 19831
certificate or community-based long-term care services contract 19832
or grant to a self-employed provider or to revoke or terminate a 19833
self-employed provider's certificate or contract or grant when 19834
the self-employed provider is found by a database review to be 19835
included in one or more of those databases; 19836

(d) Standards that a self-employed provider must meet for 19837
the department or its designee to be permitted to issue or award 19838
a community-based long-term care services certificate or 19839
community-based long-term care services contract or grant to the 19840
self-employed provider or not to revoke or terminate the self- 19841
employed provider's certificate or contract or grant if the 19842
self-employed provider is found by a criminal records check 19843
required by this section to have been convicted of, pleaded 19844
guilty to, or been found eligible for intervention in lieu of 19845
conviction for a disqualifying offense. 19846

Sec. 173.391. (A) Subject to section 173.381 of the 19847
Revised Code and except as provided in division (I) of this 19848
section, the department of aging or its designee shall do all of 19849
the following in accordance with Chapter 119. of the Revised 19850

Code: 19851

(1) Certify a provider to provide services, including 19852
community-based long-term care services, under a program the 19853
department administers if the provider satisfies the 19854
requirements for certification established by rules adopted 19855
under division (B) of this section and pays the fee, if any, 19856
established by rules adopted under division (G) of this section; 19857

(2) When required to do so by rules adopted under division 19858
(B) of this section, take one or more of the following 19859
disciplinary actions against a provider certified under division 19860
(A) (1) of this section: 19861

(a) Issue a written warning; 19862

(b) Require the submission of both of the following: a 19863
plan of correction ~~or~~ and evidence of compliance with 19864
requirements identified by the department; 19865

(c) Suspend referrals; 19866

(d) Remove clients; 19867

(e) Impose a fiscal sanction such as a civil monetary 19868
penalty or an order that unearned funds be repaid; 19869

(f) Suspend the certification; 19870

(g) Revoke the certification; 19871

(h) Impose another sanction. 19872

(3) Except as provided in division (E) of this section, 19873
hold hearings when there is a dispute between the department or 19874
its designee and a provider concerning actions the department or 19875
its designee takes regarding a decision not to certify the 19876
provider under division (A) (1) of this section or a disciplinary 19877

action under divisions (A) (2) (e) to (h) of this section. 19878

(B) The director of aging shall adopt rules in accordance 19879
with Chapter 119. of the Revised Code establishing certification 19880
requirements and standards for determining which type of 19881
disciplinary action to take under division (A) (2) of this 19882
section in individual situations. The rules shall establish 19883
procedures for all of the following: 19884

(1) Ensuring that providers comply with sections 173.38 19885
and 173.381 of the Revised Code; 19886

(2) Evaluating the services provided by the providers to 19887
ensure that the services are provided in a quality manner 19888
advantageous to the individual receiving the services; 19889

(3) In a manner consistent with section 173.381 of the 19890
Revised Code, determining when to take disciplinary action under 19891
division (A) (2) of this section and which disciplinary action to 19892
take; 19893

(4) Determining what constitutes another sanction for 19894
purposes of division (A) (2) (h) of this section. 19895

(C) The procedures established in rules adopted under 19896
division (B) (2) of this section shall require that all of the 19897
following be considered as part of an evaluation described in 19898
division (B) (2) of this section: 19899

(1) The provider's experience and financial 19900
responsibility; 19901

(2) The provider's ability to comply with standards for 19902
the services, including community-based long-term care services, 19903
that the provider provides under a program the department 19904
administers; 19905

(3) The provider's ability to meet the needs of the individuals served; 19906
19907

(4) Any other factor the director considers relevant. 19908

(D) The rules adopted under division (B) (3) of this section shall specify that the reasons disciplinary action may be taken under division (A) (2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served. 19909
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(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A) (3) of this section if any of the following conditions apply: 19916
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19918

(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case: 19919
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19921
19922
19923
19924

(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained. 19925
19926
19927

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted. 19928
19929
19930

(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons: 19931
19932
19933

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E) (2) (a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) ~~A~~—The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(f) The provider has failed to enter into or renew a provider agreement with either of the following: the department

or the PASSPORT administrative agency, as that term is defined 19963
in section 173.42 of the Revised Code, that administers programs 19964
on behalf of the department of aging in the region of the state 19965
in which the provider is certified to provide services. 19966

(g) The provider has not billed or otherwise submitted a 19967
claim to the department for payment under the medicaid program 19968
in at least two years. 19969

(h) The provider denied or failed to provide the 19970
department or its designee access to the provider's facilities 19971
during the provider's normal business hours for purposes of 19972
conducting an audit or structural compliance review. 19973

(i) The provider has ceased doing business. 19974

(j) The provider has voluntarily relinquished its 19975
certification for any reason. 19976

(3) The provider's provider agreement with the department 19977
of medicaid has been suspended under section 5164.36 of the 19978
Revised Code. 19979

(4) The provider's provider agreement with the department 19980
of medicaid is denied or revoked because the provider or its 19981
owner, officer, authorized agent, associate, manager, or 19982
employee has been convicted of an offense that caused the 19983
provider agreement to be suspended under section 5164.36 of the 19984
Revised Code. 19985

(F) If the department does not hold hearings when any 19986
condition described in division (E) of this section applies, the 19987
department shall send a notice to the provider describing a 19988
decision not to certify the provider under division (A) (1) of 19989
this section or the disciplinary action the department is taking 19990
under divisions (A) (2) (e) to (h) of this section. The notice 19991

shall be sent to the provider's address that is on record with 19992
the department and may be sent by regular or electronic mail. 19993

(G) The director of aging may adopt rules in accordance 19994
with Chapter 119. of the Revised Code establishing a fee to be 19995
charged by the department of aging or its designee for 19996
certification issued under division (A) of this section. 19997

(H) Any amounts collected by the department or its 19998
designee under this section shall be deposited in the state 19999
treasury to the credit of the provider certification fund, which 20000
is hereby created. Money credited to the fund shall be used to 20001
pay for services, including community-based long-term care 20002
services, to pay for administrative costs associated with 20003
provider certification under this section, and to pay for 20004
administrative costs related to the publication of the Ohio 20005
long-term care consumer guide. 20006

(I) The director shall certify a provider in accordance 20007
with Chapter 4796. of the Revised Code if either of the 20008
following applies: 20009

(1) The provider is licensed or certified in another 20010
state. 20011

(2) The provider has satisfactory work experience, a 20012
government certification, or a private certification as 20013
described in that chapter as a provider of community-based long- 20014
term care services under a state program in a state that does 20015
not issue that license or certificate. 20016

Sec. 173.50. (A) Pursuant to a contract entered into with 20017
the department of medicaid as an interagency agreement under 20018
section 5162.35 of the Revised Code, the department of aging 20019
shall carry out the day-to-day administration of the component 20020

of the medicaid program known as the program of all-inclusive 20021
care for the elderly or PACE. The department of aging shall 20022
carry out its PACE administrative duties in accordance with the 20023
provisions of the interagency agreement and all applicable 20024
federal laws, including the "Social Security Act," section 1934, 20025
42 U.S.C. 1396u-4. 20026

(B) To the extent authorized by rules authorized by 20027
section 5162.021 of the Revised Code, the director of aging may 20028
adopt rules in accordance with Chapter 119. of the Revised Code 20029
regarding the PACE program, including rules establishing 20030
priorities for enrolling in the program pursuant to ~~section~~ 20031
sections 173.501 and 173.503 of the Revised Code. The rules 20032
shall address only those issues that are not addressed in rules 20033
adopted by the medicaid director for the PACE program. 20034

Sec. 173.502. (A) As used in this section: 20035

(1) "CMS" means the United States Centers for Medicare and 20036
Medicaid Services. 20037

(2) "Entity" has the same meaning as in 42 C.F.R. 460.10. 20038

(3) "PACE center," "PACE organization," "participant," and 20039
"state administering agency" have the same meanings as in 42 20040
C.F.R. 460.6. 20041

(B) (1) Not later than ~~one hundred twenty days after the~~ 20042
~~effective date of this section~~ July 1, 2026, the Department of 20043
Aging shall issue a request for proposals from any entity 20044
interested in becoming a PACE organization, ~~including for~~ 20045
~~service areas in the counties, or contiguous zip codes within~~ 20046
~~the counties, or extending from the counties, of Franklin,~~ 20047
~~Hamilton, Montgomery, Lorain, Lucas, and Summit~~ located in a 20048
county of this state not served by the PACE program on the 20049

effective date of this amendment. Proposals shall be submitted 20050
to the Department not later than ninety days after the date the 20051
Department issues the request for proposals. 20052

(2) Division (B)(1) of this section does not prevent the 20053
Department from expanding the PACE program outside of the 20054
process required by that division, including by issuing other 20055
requests for proposals. 20056

(C) To be eligible for approval by the Department to 20057
become a PACE organization, an entity that submits a proposal 20058
pursuant to division (B)(1) of this section shall meet all of 20059
the following requirements: 20060

(1) The entity provides a feasibility study of its 20061
proposed service area to the Department. 20062

(2) The entity has a current, valid provider agreement, as 20063
defined in section 5164.01 of the Revised Code, or will be 20064
eligible to enter into a provider agreement by the time that the 20065
entity will begin providing services under the PACE program. 20066

(3) The entity meets all federal requirements applicable 20067
to PACE organizations. 20068

(4) The entity demonstrates to the satisfaction of the 20069
Department that the organization has experience providing health 20070
care services to frail older adults and that each member of the 20071
entity's staff, including employees and contractors, complies 20072
with 42 C.F.R. 460.64. 20073

(5) The entity has a facility suitable to be a PACE 20074
center, or plans to acquire, build, or expand a facility 20075
suitable to be a PACE center prior to beginning services, in its 20076
proposed service area, as described in the request for proposals 20077
process. 20078

(6) The entity meets any additional requirements in rules 20079
adopted by the Department pursuant to division (G) of this 20080
section. 20081

(D) The Department shall review all proposals submitted in 20082
accordance with division (B)(1) of this section. ~~For at least~~ 20083
~~each of the six service areas identified in division (C) of this~~ 20084
~~section, the~~ The Department shall determine from the proposals 20085
which entities it considers qualified to become PACE 20086
organizations for each service area. The determination shall be 20087
made not later than ~~nine months after the date the Department~~ 20088
~~issues the request for proposals~~ December 31, 2026. 20089

(E) An entity considered by the Department as qualified to 20090
become a PACE organization may apply to CMS to become a PACE 20091
organization. The Department shall provide support to any such 20092
organization that applies to CMS, by complying with federal 20093
requirements. 20094

(F) Each entity approved to become a PACE organization by 20095
CMS shall begin providing services to participants not later 20096
than two years after the entity receives notice of its approval 20097
from CMS, consistent with federal financial participation. 20098

(G) The Director of Aging may adopt rules to implement 20099
this section. The rules shall be adopted in accordance with 20100
Chapter 119. of the Revised Code. 20101

Sec. 173.503. The department of aging shall seek to 20102
implement a presumptive eligibility component to the PACE 20103
program, under which applicants for PACE may receive services 20104
under the program during a temporary period, to begin 20105
immediately upon application and a finding of presumptive 20106
eligibility, while a PACE organization conducts a full 20107

eligibility determination on behalf of the individual. If the 20108
individual is determined to be ineligible for PACE, the PACE 20109
organization that found the individual presumptively eligible 20110
shall be responsible for the costs of PACE services provided to 20111
the individual during the presumptive eligibility period. 20112

Sec. 173.525. (A) (1) In addition to any other eligibility 20113
requirement of this chapter, to be eligible to serve as a 20114
personal care aide under the PASSPORT program, an individual 20115
must successfully complete thirty hours of pre-service training 20116
acceptable to the department of aging. 20117

To maintain eligibility, each personal care aide must 20118
successfully complete six hours of in-service training 20119
acceptable to the department. Such training must be completed 20120
every twelve months. 20121

(2) In administering the PASSPORT program, the department 20122
shall not require a personal care aide to do ~~either~~ any of the 20123
following: 20124

(a) Complete more than thirty hours of pre-service 20125
training; 20126

(b) Complete more than six hours of in-service training in 20127
a twelve-month period.— 20128

~~(B) The department shall not require an individual serving~~ 20129
~~as a home health aide under the PASSPORT program to complete;~~ 20130

(c) Complete more hours of pre-service training or annual 20131
in-service training than required by federal law. 20132

~~(C)~~ (B) Only the following may supervise a ~~home health aide~~ 20133
~~or~~ personal care aide under the PASSPORT program: 20134

(1) A registered nurse; 20135

(2) A licensed practical nurse under the direction of a 20136
chiropractor, dentist, optometrist, physician, physician 20137
assistant, podiatrist, or registered nurse. 20138

Sec. 174.02. (A) The low- and moderate-income housing 20139
trust fund is hereby created in the state treasury. The fund 20140
consists of all appropriations made to the fund, ~~housing trust~~ 20141
~~fund fees collected by county recorders pursuant to section~~ 20142
~~317.36 of the Revised Code and deposited into the fund pursuant~~ 20143
~~to section 319.63 of the Revised Code,~~ and all grants, gifts, 20144
loan repayments, and contributions of money made from any source 20145
to the department of development for deposit in the fund. All 20146
investment earnings of the fund shall be credited to the fund. 20147
The director of development shall allocate a portion of the 20148
money in the fund to an account of the Ohio housing finance 20149
agency. The department shall administer the fund. The Ohio 20150
housing finance agency shall use money allocated to it for 20151
implementing and administering its programs and duties under 20152
sections 174.03 and 174.05 of the Revised Code, and the 20153
department shall use the remaining money in the fund for 20154
implementing and administering its programs and duties under 20155
sections 174.03 to 174.06 of the Revised Code. Use of all money 20156
drawn from the fund is subject to the following restrictions: 20157

(1) (a) Not more than five per cent of the current year 20158
appropriation authority for the fund shall be allocated between 20159
grants to community development corporations for the community 20160
development corporation grant program and grants and loans to 20161
the Ohio community development finance fund, a private nonprofit 20162
corporation. 20163

(b) In any year in which the amount in the fund exceeds 20164
one hundred thousand dollars and at least that much is allocated 20165

for the uses described in this section, not less than one 20166
hundred thousand dollars shall be used to provide training, 20167
technical assistance, and capacity building assistance to 20168
nonprofit development organizations. 20169

(2) Not more than ten per cent of any current year 20170
appropriation authority for the fund shall be used for the 20171
emergency shelter housing grants program to make grants to 20172
private, nonprofit organizations and municipal corporations, 20173
counties, and townships for emergency shelter housing for the 20174
homeless and emergency shelter facilities serving unaccompanied 20175
youth seventeen years of age and younger. The grants shall be 20176
distributed pursuant to rules the director adopts and qualify as 20177
matching funds for funds obtained pursuant to the McKinney Act, 20178
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 20179

(3) In any fiscal year in which the amount in the fund 20180
exceeds the amount awarded pursuant to division (A) (1) (b) of 20181
this section by at least two hundred fifty thousand dollars, at 20182
least two hundred fifty thousand dollars from the fund shall be 20183
provided to the department of aging for the resident services 20184
coordinator program as established in section 173.08 of the 20185
Revised Code. 20186

(4) Of all current year appropriation authority for the 20187
fund, not more than five per cent shall be used for 20188
administration. 20189

(5) Not less than forty-five per cent of the funds awarded 20190
during any one fiscal year shall be for grants and loans to 20191
nonprofit organizations under section 174.03 of the Revised 20192
Code. 20193

(6) Not less than fifty per cent of the funds awarded 20194

during any one fiscal year, excluding the amounts awarded 20195
pursuant to divisions (A) (1), (2), and (7) of this section, 20196
shall be for grants and loans for activities that provide 20197
housing and housing assistance to families and individuals in 20198
rural areas and small cities that are not eligible to 20199
participate as a participating jurisdiction under the "HOME 20200
Investment Partnerships Act," 104 Stat. 4094 (1990), 42 U.S.C. 20201
12701 note, 12721. 20202

(7) No money in the fund shall be used to pay for any 20203
legal services other than the usual and customary legal services 20204
associated with the acquisition of housing. 20205

(8) Money in the fund may be used as matching money for 20206
federal funds received by the state, counties, municipal 20207
corporations, and townships for the activities listed in section 20208
174.03 of the Revised Code. 20209

(B) If, after the second quarter of any year, it appears 20210
to the director that the full amount of the money in the fund 20211
designated in that year for activities that provide housing and 20212
housing assistance to families and individuals in rural areas 20213
and small cities under division (A) of this section will not be 20214
used for that purpose, the director may reallocate all or a 20215
portion of that amount for other housing activities. In 20216
determining whether or how to reallocate money under this 20217
division, the director may consult with and shall receive advice 20218
from the housing trust fund advisory committee. 20219

Sec. 175.16. (A) As used in this section: 20220

(1) "Federal credit" means the tax credit authorized under 20221
section 42 of the Internal Revenue Code. 20222

(2) "Credit period," "qualified low-income building," and 20223

"qualified basis" have the same meanings as in section 42 of the Internal Revenue Code.

(3) "Qualified project" means a qualified low-income building that is located in Ohio, is placed in service on or after July 1, 2023, and for which the director reserves a tax credit under division (B) of this section before July 1, 2027.

(4) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

(5) "Project owner" means a person holding a fee simple interest or a leasehold interest pursuant to a ground lease in the land on which a qualified project sits.

(6) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent to each owner of a qualified project under division (B) of this section.

(7) "Annual credit amount" means the amount computed by the director under division (D) of this section prior to issuing an eligibility certificate.

(8) "Equity owner" means a direct or indirect owner of a project owner, provided the project owner is a pass-through entity, as determined under applicable state law governing such an entity.

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

(10) "Eligibility certificate" means a certificate issued by the director to each owner of a qualified project under division (D) of this section stating the amount of credit that may be claimed for each year of the credit period.

(11) "Qualified allocation plan" means the plan developed

by the Ohio housing finance agency, as required under section 20252
175.06 of the Revised Code, for evaluating and selecting 20253
projects for the federal credit pursuant to the mandates and 20254
requirements within section 42 of the Internal Revenue Code. 20255

(12) "Internal Revenue Code" has the same meaning as in 20256
section 5747.01 of the Revised Code. 20257

(13) "Designated reporter" means the project owner or one 20258
of the project owner's equity owners designated pursuant to 20259
division (I)(1) of this section. 20260

(14) "Director" means the executive director of the Ohio 20261
housing finance agency. 20262

(B) Except as otherwise provided by this division, the 20263
director, upon allocating a federal credit and issuing a binding 20264
reservation or letter of eligibility, pursuant to the Ohio 20265
housing finance agency's qualified allocation plan, for a 20266
qualified low-income building that is located in this state and 20267
placed in service on or after July 1, 2023, may reserve a tax 20268
credit under this section for the project owners so long as 20269
doing so will not result in exceeding the annual credit cap 20270
prescribed by division (C) of this section. The director shall 20271
not reserve a tax credit under this section after June 30, 2027. 20272

The director shall send written notice of the reservation 20273
to each project owner. The notice shall state the aggregate 20274
credit amount reserved for all years of the qualified project's 20275
credit period and stipulate that receipt of the credit is 20276
contingent upon issuance of an eligibility certificate and 20277
filing the information described in division (I) of this 20278
section. Upon receipt of that notice, the owner shall provide 20279
the identity of the owner's designated reporter to the director. 20280

The director shall determine the credit amount reserved 20281
for each qualified project. The reserved credit amount shall not 20282
exceed the amount necessary, when combined with the federal 20283
credit, to ensure the financial feasibility of the qualified 20284
project. 20285

The director shall reserve credits in a manner that 20286
ensures that a qualified project is creating additional housing 20287
units that would not have otherwise been created with other 20288
state, federal, or private financing. The director may assess 20289
application, processing, and reporting fees to cover the cost of 20290
administering the tax credit authorized under this section. 20291

(C) The aggregate amount of credits reserved by the 20292
director under division (B) of this section in a fiscal year 20293
shall not exceed the sum of (1) one hundred million dollars, (2) 20294
the amount, if any, by which the credit cap prescribed by this 20295
division for the preceding fiscal year exceeds the credits 20296
reserved by the director in that year, and (3) the amount of tax 20297
credits recaptured or otherwise disallowed under division (G) of 20298
this section in the preceding fiscal year. 20299

For the purpose of computing and determining compliance 20300
with the credit cap prescribed by this division, the credit 20301
amount reserved for the project owners of a qualified project is 20302
the full amount for all years of the qualified project's credit 20303
period. 20304

(D) Immediately after approving the final cost 20305
certification for a qualified project for which a tax credit 20306
under this section is reserved, or upon otherwise determining 20307
the qualified basis of the qualified project and the date it was 20308
placed into service as required by section 42(m) of the Internal 20309
Revenue Code, the director shall compute the annual credit 20310

amount and issue an eligibility certificate to each project 20311
owner. The director shall send copies of all eligibility 20312
certificates issued each calendar year to the tax commissioner 20313
and the superintendent of insurance. 20314

The annual credit amount shall equal the lesser of the 20315
following: 20316

(1) The amount of the federal credit that would be awarded 20317
to the project owners for the first year of the credit period if 20318
not for the adjustment required under section 42(f)(2) of the 20319
Internal Revenue Code; 20320

(2) One-tenth of the reserved credit amount stated in the 20321
notice issued under division (B) of this section. 20322

(E) Each eligibility certificate shall state the annual 20323
credit amount, the years that comprise the credit period, the 20324
name, address, and taxpayer identification number of each 20325
project owner, each owner's designated reporter, the date the 20326
certificate is issued, a unique identifying number, and any 20327
additional information prescribed by a rule adopted under 20328
division (H) of this section. A project owner, if the project 20329
owner is a pass-through entity, shall provide a copy of the 20330
eligibility certificate and any information described in 20331
division (I) of this section to each equity owner that has been 20332
allocated a credit under division (F)(2) of this section, if 20333
requested. 20334

(F)(1) For each year of a qualified project's credit 20335
period, the project owner or an equity owner may claim a 20336
nonrefundable credit against the tax imposed by section 5725.18, 20337
5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal 20338
to all or a portion of the annual credit amount stated on the 20339

eligibility certificate. The credit shall be claimed in the 20340
manner prescribed by section 5725.36, 5726.58, 5729.19, or 20341
5747.83 of the Revised Code, as applicable. 20342

(2) If a project owner is a pass-through entity, the 20343
annual credit amount for any year of a qualified project's 20344
credit period may be allocated by the project owner among one or 20345
more equity owners and may be applied by those equity owners 20346
against more than one tax, but the total credits claimed in 20347
connection with that year of the qualified project's credit 20348
period by all project owners and equity owners against all taxes 20349
shall not exceed the annual credit amount stated on the 20350
eligibility certificate. 20351

(3) A project owner or equity owner may claim the credit 20352
authorized by this section after the date the qualified project 20353
is placed into service but not before the director issues the 20354
project owner an eligibility certificate under division (D) of 20355
this section and the applicable report required by division (I) 20356
of this section is filed by the designated reporter. 20357

(4) A project owner or equity owner that claims a tax 20358
credit under division (F)(1) of this section shall submit a copy 20359
of the eligibility certificate with the project owner's or 20360
equity owner's tax return or report. Upon request of the tax 20361
commissioner or the superintendent of insurance, any project 20362
owner or equity owner claiming a tax credit under this section 20363
shall provide the commissioner or superintendent other 20364
documentation that may be necessary to verify that the project 20365
owner or equity owner is entitled to claim the credit. 20366

(5) A project owner that is a pass-through entity may 20367
allocate the credit authorized by this section to its equity 20368
owners under division (F)(2) of this section in any manner 20369

agreed to by such persons regardless of whether such equity 20370
owners are eligible for an allocation of the federal credit, 20371
whether the allocation of the credit under the terms of the 20372
agreement has substantial economic effect within the meaning of 20373
section 704(b) of the Internal Revenue Code, and whether any 20374
such person is deemed a partner of the project owner or equity 20375
owner for federal income tax purposes as long as the equity 20376
owner acquired its ownership interest prior to claiming the 20377
credit. The allocation shall be allowed without regard to any 20378
provision of the Internal Revenue Code, or regulation 20379
promulgated pursuant to it, that may be interpreted as contrary 20380
to the allocation, including, without limitation, the treatment 20381
of the allocation as a disguised sale. 20382

An equity owner may assign all or any part of its interest 20383
in a qualified project, including its interest in the tax 20384
credits authorized by this section, to one or more other equity 20385
owners, and each assignee shall be able to claim the credit so 20386
long as its interest is acquired prior to the filing of its tax 20387
return or report or amended tax return or report claiming the 20388
credit and the assignee's ownership interest is identified in 20389
the report required by division (I) of this section. 20390

(6) Nothing in this section or section 5725.36, 5726.58, 20391
5729.19, or 5747.83 of the Revised Code allows the assignment or 20392
transfer of any carryforward of the credit authorized under this 20393
section once the annual credit amount is claimed. 20394

(G) If any portion of the federal credit allocated to a 20395
qualified project is recaptured under section 42(j) of the 20396
Internal Revenue Code or is otherwise disallowed, the director 20397
shall recapture a proportionate amount of the tax credit claimed 20398
pursuant to this section in connection with the same qualified 20399

project. 20400

If the director determines to recapture such a tax credit, 20401
the director shall certify the name of each project owner and 20402
the amount to be recaptured to the tax commissioner and to the 20403
superintendent of insurance. The commissioner or superintendent 20404
shall determine the taxpayer or taxpayers that claimed the 20405
credit, the tax against which the credit was claimed, and the 20406
amount to be recaptured and make an assessment against the 20407
taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 20408
5747. of the Revised Code, as applicable, for the amount of the 20409
tax credit to be recaptured. The time limitations on assessments 20410
under those chapters do not bar an assessment made under this 20411
division. 20412

(H) The director, in consultation with the tax 20413
commissioner and superintendent of insurance, shall adopt any 20414
rules necessary to implement this section in accordance with 20415
Chapter 119. of the Revised Code. 20416

(I) (1) For each calendar year, a designated reporter shall 20417
provide the tax commissioner ~~and the superintendent of~~ 20418
~~insurance,~~ in the form prescribed by the tax commissioner in 20419
consultation with the superintendent of insurance, all of the 20420
following: 20421

(a) The name, address, and taxpayer identification number 20422
of each project owner and equity owner that has been allocated a 20423
portion of the annual credit awarded on the eligibility 20424
certificate for that year; 20425

(b) The amount of the annual credit allocated to each such 20426
project owner and equity owner for such year and the tax against 20427
which the credit will be claimed; 20428

(c) The total of the amounts listed for each project owner 20429
and equity owner under division (I) (1) (b) of this section, 20430
demonstrating that the total does not exceed the amount listed 20431
on the eligibility certificate for that year. 20432

(2) A designated reporter shall notify the tax 20433
~~commissioner and the superintendent of insurance~~ of any changes 20434
to the information reported in division (I) (1) of this section 20435
in the time and manner prescribed by the commissioner ~~and~~ 20436
~~superintendent~~. 20437

(3) No credit allocated under this section may be claimed 20438
by a project owner or equity owner for a year unless that owner 20439
and the amount of the credit allocated to that owner appear on 20440
the report required by division (I) (1) of this section for that 20441
year. 20442

The tax commissioner shall provide a copy of the report, 20443
and any subsequent changes to the report, submitted by the 20444
designated reporter under division (I) of this section to the 20445
superintendent of insurance in the time and manner agreed to by 20446
the commissioner and superintendent. 20447

Sec. 175.17. (A) As used in this section: 20448

(1) "Qualified project" means a project to develop single- 20449
family dwellings in this state that satisfies any qualifications 20450
established by the director under division (I) of this section. 20451

(2) "Pass-through entity" has the same meaning as in 20452
section 5733.04 of the Revised Code. 20453

(3) "Reserved credit amount" means the amount determined 20454
by the director and stipulated in the notice sent under division 20455
(B) of this section. 20456

(4) "Annual credit amount" means the amount computed by 20457
the director under division (D) of this section before issuing 20458
an eligibility certificate. 20459

(5) "Equity owner" means any person who directly or 20460
indirectly, through one or more pass-through entities, is a 20461
member, partner, or shareholder of a pass-through entity. 20462

(6) "Person" has the same meaning as in section 5701.01 of 20463
the Revised Code. 20464

(7) "Eligibility certificate" means a certificate issued 20465
by the director to a project development owner under division 20466
(D) of this section. 20467

(8) "Project development owner" means a unit of government 20468
that owns a qualified project. 20469

(9) "Affordability period" means the period that commences 20470
on the date of sale of a single-family dwelling constructed as 20471
part of a qualified project to the initial qualified buyer and 20472
continues through subsequent qualified buyers for ten years. 20473

(10) "Designated reporter" means the project development 20474
owner or one of the owner's direct or indirect partners, 20475
members, or shareholders, as selected by the owner under 20476
division (B) of this section. 20477

(11) "Project development investor" means any person that 20478
contributes capital to a qualified project in exchange for an 20479
allocation of a tax credit under this section. 20480

(12) "Credit period" means the ten-year period that begins 20481
in the year the eligibility certificate is issued. 20482

(13) "Director" means the executive director of the Ohio 20483
housing finance agency. 20484

(14) "Unit of government" means a county, township, 20485
municipal corporation, regional planning commission, community 20486
improvement corporation, economic development corporation, or 20487
county land reutilization corporation organized under Chapter 20488
1724. of the Revised Code, or port authority. 20489

(15) "Project development team" means the group of 20490
entities that develops, constructs, reports, appraises, 20491
finances, and services the associated properties of a qualified 20492
project in partnership with the project development owner. 20493

(B)(1) A project development owner may submit an 20494
application to the director for a credit reservation under this 20495
section on a form and in a manner that the director shall 20496
prescribe. On the application, the project development owner 20497
shall provide all of the following: 20498

(a) The name and address of the project development 20499
owner's designated reporter; 20500

(b) The names and addresses of all members of the project 20501
development team; 20502

(c) An estimate of the qualified project's development 20503
costs; 20504

(d) Any other information as the director may require 20505
pursuant to division (I) of this section. 20506

The director shall competitively evaluate and approve 20507
applications and award tax credit reservations under this 20508
section for a qualified project in accordance with the plan 20509
adopted under division (I)(1) of this section. The director 20510
shall determine the credit amount reserved for each qualified 20511
project, which shall not exceed the difference between the total 20512
estimated development costs included with the application and 20513

the appraised market value of all homes in the finished project, 20514
as estimated by the director. The director shall not reserve a 20515
credit under this section if doing so would exceed the annual 20516
limit prescribed by division (B) (3) of this section. 20517

(2) The director shall send written notice of the tax 20518
credit reservation to the project development owner of an 20519
approved qualified project. The notice shall state the aggregate 20520
credit amount reserved for all years of the qualified project's 20521
credit period and stipulate that receipt of the credit is 20522
contingent upon issuance of an eligibility certificate and 20523
filing the information required by division (H) of this section. 20524

(3) The amount of credits reserved by the director under 20525
division (B) of this section in a fiscal year shall not exceed 20526
the sum of (a) fifty million dollars, (b) the amount, if any, by 20527
which the credit allocation prescribed by this division for the 20528
preceding fiscal year exceeds the credits reserved by the 20529
director in that year, and (c) the amount of tax credits 20530
recaptured, assessed, and collected by the tax commissioner or 20531
superintendent of insurance, and disallowed or subject to 20532
reduction under this section in the preceding fiscal year. For 20533
the purpose of computing and determining compliance with the 20534
credit allocation prescribed by division (B) (3) of this section, 20535
the credit amount reserved for the project development owner is 20536
the full amount for all years of the qualified project's credit 20537
period. 20538

(4) The director shall not reserve a tax credit under this 20539
section after June 30, 2027. 20540

(C) The project development owner shall maintain ownership 20541
of a qualified project and associated single-family dwellings 20542
until the dwellings are sold to qualified buyers. The project 20543

development team shall service the associated properties of a 20544
qualified project for the duration of the applicable 20545
affordability period. 20546

The qualified buyer of a single-family home constructed as 20547
part of a qualified project for which a tax credit was reserved 20548
under this section shall occupy the home as the buyer's primary 20549
residence during the affordability period. 20550

(D) Upon completion of a qualified project for which a tax 20551
credit was reserved under this section, the project development 20552
owner shall notify the director and provide a final development 20553
cost certification for approval. After receipt of this notice, 20554
the director shall appraise the project's dwellings. Immediately 20555
after approving the final cost certification, the director shall 20556
compute the amount of the tax credit that may be claimed in each 20557
year and issue an eligibility certificate to the project 20558
development owner. That annual amount, which shall be stated on 20559
the certificate, shall equal one-tenth of the reserved credit 20560
amount stated in the notice issued under division (B) of this 20561
section, subject to any reduction or increase as the result of 20562
the approval of the final cost certification and the appraisal 20563
conducted under this division. 20564

(E) Each eligibility certificate shall state the annual 20565
credit amount, the years that comprise the credit period, the 20566
name, address, and the taxpayer identification number of the 20567
project development owner, the project development owner's 20568
designated reporter, and all members of the project development 20569
team along with the date the certificate is issued, a unique 20570
identifying number, and any additional information the director 20571
may require by rule. The director shall certify a copy of each 20572
eligibility certificate to the tax commissioner and the 20573

superintendent of insurance. 20574

(F) (1) For each year of a qualified project's credit 20575
period, a project development owner may claim a nonrefundable 20576
credit against the tax imposed by section 5725.18, 5726.02, 20577
5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or 20578
a portion of the annual credit amount listed on the eligibility 20579
certificate. The credit shall be claimed in the manner 20580
prescribed by section 5725.37, 5726.60, 5729.20, or 5747.84 of 20581
the Revised Code. 20582

(2) A project development owner may or, if the owner is 20583
not subject to any tax against which the credit authorized under 20584
this section may be claimed, shall allocate all or a portion of 20585
the annual credit amount for any year of a qualified project's 20586
credit period among one or more project development investors. 20587
Such allocated credits may be applied by those project 20588
development investors or the equity owners of such an investor 20589
that is a pass-through entity against more than one tax, as 20590
applicable, but the total credits claimed for that year of the 20591
qualified project's credit period by all project development 20592
investors and equity owners shall not exceed the annual credit 20593
amount stated on the eligibility certificate. 20594

(3) A project development investor or the equity owner of 20595
such an investor that is a pass-through entity may claim the 20596
credit authorized by this section after the date the director 20597
issues an eligibility certificate under division (D) of this 20598
section and the applicable annual report required by division 20599
(H) of this section is filed by the designated reporter. 20600

(4) A project development investor or equity owner that 20601
claims a tax credit under division (F) (2) of this section shall 20602
submit a copy of the eligibility certificate with the investor's 20603

or equity owner's tax return. Upon request of the tax 20604
commissioner or the superintendent of insurance, any project 20605
development investor or equity owner claiming a tax credit under 20606
that division shall provide the tax commissioner or 20607
superintendent other documentation that may be necessary to 20608
verify that the project development investor or equity owner is 20609
entitled to claim the credit. 20610

(G) The director may disallow or recapture any portion of 20611
a credit if the project development owner or the project 20612
development owner's qualified project does not or ceases to 20613
qualify for the credit. If the director determines to recapture 20614
such a tax credit, the director shall certify the name of the 20615
project development owner, and the amount to be recaptured to 20616
the tax commissioner and to the superintendent of insurance. The 20617
tax commissioner or superintendent shall determine the taxpayer 20618
or taxpayers that claimed the credit, the tax against which the 20619
credit was claimed, and the amount to be recaptured and make an 20620
assessment against the taxpayer or taxpayers under Chapter 20621
5725., 5726., 5729., or 5747. of the Revised Code, as 20622
applicable, for the amount to be recaptured. The time 20623
limitations on assessments under those chapters do not bar an 20624
assessment made under this division. 20625

(H) For each calendar year, a designated reporter shall 20626
provide the following information to the ~~director tax~~ 20627
commissioner on a form prescribed by the ~~director commissioner~~ 20628
in consultation with ~~the tax commissioner and~~ the superintendent 20629
of insurance: 20630

(1) A list of each project development investor or equity 20631
owner that has been allocated a portion of the annual credit 20632
awarded in an eligibility certificate for that year, including 20633

the investor or owner's name, address, taxpayer identification 20634
number, and the tax against which the credit will be claimed by 20635
each. 20636

(2) For each project development investor or equity owner, 20637
the amount of annual credit that has been allocated for that 20638
year. 20639

(3) An aggregate list of the credit amount allocated for a 20640
qualified project demonstrating that the aggregate annual amount 20641
of the credits allocated does not exceed the aggregate annual 20642
credit awarded in the eligibility certificate. 20643

A designated reporter shall notify the ~~director-tax~~ 20644
commissioner of any changes to the information reported under 20645
division (H) of this section in the time and manner prescribed 20646
by the ~~director~~commissioner. The ~~director~~commissioner shall 20647
provide a copy of the report, and any subsequent changes to the 20648
report, submitted by the designated reporter under division (H) 20649
of this section to ~~the tax commissioner and the~~ superintendent 20650
of insurance in the time and manner ~~prescribed~~ agreed to by the 20651
commissioner and superintendent. 20652

No credits allocated under this section may be claimed 20653
unless the credits are listed on the report required by division 20654
(H) of this section. 20655

(I) (1) The director shall adopt a plan for competitively 20656
awarding tax credits under this section. The plan shall 20657
establish the criteria and metrics under which projects will be 20658
assessed for qualification and may allocate tax credits in a 20659
pooled manner. 20660

(2) The director may assess application, processing, and 20661
reporting fees to cover the cost of administering this section. 20662

(3) The director, in consultation with the tax 20663
commissioner and the superintendent of insurance, shall adopt 20664
any rules necessary to implement this section in accordance with 20665
Chapter 119. of the Revised Code. Such rules may include all of 20666
the following: 20667

(a) Supplementary definitions as may be necessary to 20668
administer this section. 20669

(b) Underwriting criteria to assess the risk associated 20670
with any application and determine appropriate criteria to deny 20671
an application based upon risk. 20672

(c) Criteria by which a project development owner shall be 20673
responsible for any or all risk associated with a qualified 20674
project such as homeowner abandonment, default, foreclosure, or 20675
other such risks. 20676

(d) Criteria to maintain the affordability of each of a 20677
qualified project's single-family dwellings during the 20678
affordability period, which may include a deed restriction held 20679
by the project development owner for some or all of the amount 20680
of the tax credit or any appreciated value of the property. 20681

(e) Requirements that the project development owner 20682
provide certain capital assets or other investments that 20683
contribute to the affordability of the project. 20684

(f) Criteria to be used in determining whether an 20685
individual is a qualified buyer. 20686

(g) Criteria regarding the purchase, ownership, and sale 20687
of completed qualified project single-family dwellings. 20688

(h) The manner of determining the project's development 20689
costs and the appraised market value of qualified project 20690

single-family dwellings. 20691

(i) Any other qualifications a project must meet to 20692
qualify as a qualified project. 20693

Sec. 305.02. (A) If a vacancy in the office of county 20694
commissioner, prosecuting attorney, county auditor, county 20695
treasurer, clerk of the court of common pleas, sheriff, county 20696
recorder, or county engineer, ~~or coroner~~ occurs more than forty 20697
days before the next general election for state and county 20698
officers, a successor shall be elected at such election for the 20699
unexpired term unless such term expires within one year 20700
immediately following the date of such general election. 20701

In either event, the vacancy shall be filled as provided 20702
in this section and the appointee shall hold office until a 20703
successor is elected and qualified. 20704

(B) If a vacancy occurs from any cause in any of the 20705
offices named in division (A) of this section, then not later 20706
than forty-five days after the vacancy occurs, a person shall be 20707
appointed to hold the office and to perform the duties thereof 20708
until a successor is elected and has qualified. The appointment 20709
shall be made as follows: 20710

(1) If the last occupant of the office was elected as a 20711
partisan candidate, the county central committee of the 20712
political party that nominated the last occupant of the office 20713
for the current term shall make the appointment. However, if 20714
such vacancy occurs because of the death, resignation, or 20715
inability to take the office of an officer-elect whose term has 20716
not yet begun, and the officer-elect was elected as a partisan 20717
candidate, an appointment to take such office at the beginning 20718
of the term shall be made by the central committee of the 20719

political party that nominated the officer-elect as a candidate 20720
for that office for that term. 20721

A county central committee that makes an appointment under 20722
division (B)(1) of this section shall meet for that purpose not 20723
less than five nor more than forty-five days after the vacancy 20724
occurs. Not less than four days before the date of such meeting 20725
the chairperson or secretary of such central committee shall 20726
send by first class mail to every member of such central 20727
committee a written notice which shall state the time and place 20728
of such meeting and the purpose thereof. A majority of the 20729
members of the central committee present at such meeting may 20730
make the appointment. 20731

(2) If the last occupant of the office or the officer- 20732
elect was elected to serve the current term as an independent 20733
candidate, the board of county commissioners shall make the 20734
appointment, except where the vacancy is in the office of county 20735
commissioner, in which case the prosecuting attorney and the 20736
remaining commissioners or a majority of them shall make the 20737
appointment. 20738

(C) Appointments made under this section shall be 20739
certified by the appointing county central committee or by the 20740
board of county commissioners to the county board of elections 20741
and to the secretary of state, and the persons so appointed and 20742
certified shall be entitled to all remuneration provided by law 20743
for the offices to which they are appointed. 20744

(D) The board of county commissioners may appoint a person 20745
to hold any of the offices named in division (A) of this section 20746
as an acting officer and to perform the duties thereof between 20747
the occurrence of the vacancy and the time when the officer 20748
appointed under division (B) of this section qualifies and takes 20749

the office. 20750

(E) A person appointed prosecuting attorney or assistant 20751
prosecuting attorney shall give bond and take the oath of office 20752
prescribed by section 309.03 of the Revised Code for the 20753
prosecuting attorney. 20754

Sec. 305.021. (A) When there is a vacancy in the county 20755
engineer's office as a result of death or resignation and the 20756
vacancy cannot be filled by election or appointment as provided 20757
in section 305.02 of the Revised Code, or if no one runs for the 20758
office of county engineer and, for that reason, the office is 20759
vacant, the board of county commissioners may contract with 20760
another county's county engineer to exercise the powers and 20761
perform the acts, duties, or functions of the county engineer. 20762
Notwithstanding any contrary provision of the Revised Code or 20763
the common law, the same person may serve as the county engineer 20764
of more than one county, including adjacent counties, under this 20765
section. 20766

(B) A county engineer with whom the board contracts shall 20767
receive supplemental compensation for services rendered under 20768
the contract in an amount equal to that is not less than eighty 20769
per cent nor more than one hundred per cent of the compensation 20770
specified in sections 325.14 and 325.18 of the Revised Code for 20771
the population range of the county in which the engineer is 20772
contracted to perform services, prorated for the duration of the 20773
contract. The supplemental compensation shall have no effect on 20774
the compensation a county engineer receives for serving as 20775
county engineer in the county in which the engineer holds 20776
office. The duration of the contract shall not extend beyond the 20777
last day of the term for which there was a vacancy. 20778

Sec. 305.03. ~~(A) (1) (A)~~ Whenever any county officer, ~~except~~ 20779

~~the county auditor or county treasurer,~~ fails to perform the 20780
duties of office for ~~ninety~~ thirty consecutive days, except in 20781
case of sickness or injury as provided in divisions (B) and (C) 20782
of this section, the office shall be deemed vacant. Performing 20783
the duties of office includes a county officer appearing in 20784
person at the officer's principal office location on at least 20785
one out of thirty consecutive days. 20786

~~(2) Whenever any county auditor or county treasurer fails~~ 20787
~~to perform the duties of office for thirty consecutive days,~~ 20788
~~except in case of sickness or injury as provided in divisions~~ 20789
~~(B) and (C) of this section, the office shall be deemed vacant.~~ 20790

(B) Whenever any county officer is absent because of 20791
sickness or injury, the officer shall cause to be filed with the 20792
board of county commissioners a certificate from a physician, 20793
certified nurse-midwife, clinical nurse specialist, or certified 20794
nurse practitioner of the officer's sickness or injury. If the 20795
certificate is not filed with the board within ten days after 20796
the expiration of thirty consecutive days, ~~in the case of a~~ 20797
~~county auditor or county treasurer, or within ten days after the~~ 20798
~~expiration of ninety consecutive days of absence, in the case of~~ 20799
~~all other county officers,~~ the office shall be deemed vacant. 20800

(C) Whenever a county officer files a certificate under 20801
division (B) of this section, but continues to be absent for an 20802
additional thirty days commencing immediately after the last day 20803
on which this certificate may be filed under division (B) of 20804
this section, the office shall be deemed vacant. 20805

(D) If at any time two county commissioners in a county 20806
are absent and have filed a certificate under division (B) of 20807
this section, the county ~~coroner~~ auditor, in addition to 20808
performing the duties of ~~coroner~~ auditor, shall serve as county 20809

commissioner until at least one of the absent commissioners 20810
returns to office or until the office of at least one of the 20811
absent commissioners is deemed vacant under this section and the 20812
vacancy is filled. If the ~~coroner~~-auditor so requests, the 20813
~~coroner~~-auditor shall be paid a per diem rate for the ~~coroner's~~- 20814
auditor's service as a commissioner. That per diem rate shall be 20815
the annual salary specified by law for a county commissioner of 20816
that county whose term of office began in the same year as the 20817
coroner's term of office began, divided by the number of days in 20818
the year. 20819

While the ~~coroner~~-auditor is serving as a county 20820
commissioner, the ~~coroner~~-auditor shall be considered an acting 20821
county commissioner and shall perform the duties of the office 20822
of county commissioner until at least one of the absent 20823
commissioners returns to office or until the office of at least 20824
one of the absent commissioners is deemed vacant. Before 20825
assuming the office of acting county commissioner, the ~~coroner~~- 20826
auditor shall take an oath of office as provided in sections 20827
3.22 and 3.23 of the Revised Code. The ~~coroner's~~-auditor's 20828
service as an acting county commissioner does not constitute the 20829
holding of an incompatible public office or employment in 20830
violation of any statutory or common law prohibition against the 20831
simultaneous holding of more than one public office or 20832
employment. 20833

The ~~coroner~~-auditor shall give a new bond in the same 20834
amount and signed and approved as provided in section 305.04 of 20835
the Revised Code. The bond shall be conditioned for the faithful 20836
discharge of the ~~coroner's~~-auditor's duties as acting county 20837
commissioner and for the payment of any loss or damage that the 20838
county may sustain by reason of the ~~coroner's~~-auditor's failure 20839
in those duties. The bond, along with the oath of office and 20840

approval of the probate judge indorsed on it, shall be deposited 20841
and paid for as provided for the bonds in section 305.04 of the 20842
Revised Code. 20843

(E) Any vacancy declared under this section shall be 20844
filled in the manner provided by section 305.02 of the Revised 20845
Code. 20846

(F) This section shall not apply to a county officer while 20847
in the active military service of the United States. 20848

Sec. 307.05. As used in this section, "emergency medical 20849
service organization" has the same meaning as in section 4765.01 20850
of the Revised Code. 20851

A board of county commissioners may operate an ambulance 20852
service organization or emergency medical service organization, 20853
or, in counties with a population of ~~forty~~sixty thousand or 20854
less, may operate a nonemergency patient transport service 20855
organization, or may enter into a contract with one or more 20856
counties, townships, municipal corporations, nonprofit 20857
corporations, joint emergency medical services districts, fire 20858
and ambulance districts, or private ambulance owners, regardless 20859
of whether such counties, townships, municipal corporations, 20860
nonprofit corporations, joint emergency medical services 20861
districts, fire and ambulance districts, or private ambulance 20862
owners are located within or without the state, in order to 20863
furnish or obtain the services of ambulance service 20864
organizations, to furnish or obtain additional services from 20865
ambulance service organizations in times of emergency, to 20866
furnish or obtain the services of emergency medical service 20867
organizations, or, in counties with a population of ~~forty~~sixty 20868
thousand or less, to furnish or obtain services of nonemergency 20869
patient transport service organizations, or may enter into a 20870

contract with any such entity to furnish or obtain the 20871
interchange of services from ambulance or emergency medical 20872
service organizations, or, within counties with a population of 20873
~~forty-sixty~~ thousand or less, to furnish or obtain the 20874
interchange of services from nonemergency patient transport 20875
service organizations, within the territories of the contracting 20876
subdivisions. Except in the case of a contract with a joint 20877
emergency medical services district to obtain the services of 20878
emergency medical service organizations, such contracts shall 20879
not be entered into with a public agency or nonprofit 20880
corporation that receives more than half of its operating funds 20881
from governmental entities with the intention of directly 20882
competing with the operation of other ambulance service 20883
organizations, nonemergency patient transport service 20884
organizations, or emergency medical service organizations in the 20885
county unless the public agency or nonprofit corporation is 20886
awarded the contract after submitting the lowest and best bid to 20887
the board of county commissioners. Any county wishing to 20888
commence operation of a nonemergency patient transport service 20889
organization or wishing to enter into a contract for the first 20890
time to furnish or obtain services from a nonemergency patient 20891
transport service organization on or after March 1, 1993, 20892
including a county in which a private provider has been 20893
providing the service, shall demonstrate the need for public 20894
funding for the service to, and obtain approval from, the state 20895
board of emergency medical, fire, and transportation services or 20896
its immediate successor board prior to operating or funding the 20897
organization. 20898

When such an organization is operated by the board, the 20899
organization may be administered by the board, by the county 20900
sheriff, or by another county officer or employee designated by 20901

the board. All rules, including the determining of reasonable 20902
rates, necessary for the establishment, operation, and 20903
maintenance of such an organization shall be adopted by the 20904
board. 20905

A contract for services of an ambulance service, 20906
nonemergency patient transport service, or emergency medical 20907
service organization shall include the terms, conditions, and 20908
stipulations as agreed to by the parties to the contract. It may 20909
provide for a fixed annual charge to be paid at the times agreed 20910
upon and stipulated in the contract, or for compensation based 20911
upon a stipulated price for each run, call, or emergency or the 20912
number of persons or pieces of apparatus employed, or the 20913
elapsed time of service required in such run, call, or 20914
emergency, or any combination thereof. 20915

Sec. 307.86. Anything to be purchased, leased, leased with 20916
an option or agreement to purchase, or constructed, including, 20917
but not limited to, any product, structure, construction, 20918
reconstruction, improvement, maintenance, repair, or service, 20919
except the services of an accountant, architect, attorney at 20920
law, physician, professional engineer, construction project 20921
manager, consultant, surveyor, or appraiser, by or on behalf of 20922
the county or contracting authority, as defined in section 20923
307.92 of the Revised Code, at a cost in excess of the amount 20924
specified in section 9.17 of the Revised Code, except as 20925
otherwise provided in division (D) of section 713.23 and in 20926
sections 9.48, 125.04, ~~125.60 to 125.601~~125.601, 307.022, 20927
307.041, 307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 20928
5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, 20929
shall be obtained through competitive bidding. No purchase, 20930
lease, project, or other transaction subject to this section 20931
shall be divided into component parts, separate projects, or 20932

separate items of work in order to avoid the requirements of 20933
this section. However, competitive bidding is not required when 20934
any of the following applies: 20935

(A) The board of county commissioners, by a unanimous vote 20936
of its members, makes a determination that a real and present 20937
emergency exists, and that determination and the reasons for it 20938
are entered in the minutes of the proceedings of the board, when 20939
any of the following applies: 20940

(1) The estimated cost is less than one hundred twenty- 20941
five thousand dollars. 20942

(2) There is actual physical disaster to structures, radio 20943
communications equipment, or computers. 20944

(3) The product to be purchased is personal protective 20945
equipment and the purchase is completed during the period of the 20946
emergency declared by Executive Order 2020-01D, issued on March 20947
9, 2020. 20948

For purposes of this division: 20949

"Personal protective equipment" means equipment worn to 20950
minimize exposure to hazards that cause workplace injuries and 20951
illnesses. 20952

"Unanimous vote" means all three members of a board of 20953
county commissioners when all three members are present, or two 20954
members of the board if only two members, constituting a quorum, 20955
are present. 20956

Whenever a contract of purchase, lease, or construction is 20957
exempted from competitive bidding under division (A)(1) of this 20958
section because the estimated cost is less than one hundred 20959
twenty-five thousand dollars, but the estimated cost is the 20960

amount specified in section 9.17 of the Revised Code or more, 20961
the county or contracting authority shall solicit informal 20962
estimates from no fewer than three persons who could perform the 20963
contract, before awarding the contract. With regard to each such 20964
contract, the county or contracting authority shall maintain a 20965
record of such estimates, including the name of each person from 20966
whom an estimate is solicited. The county or contracting 20967
authority shall maintain the record for the longer of at least 20968
one year after the contract is awarded or the amount of time the 20969
federal government requires. 20970

(B) (1) The purchase consists of supplies or a replacement 20971
or supplemental part or parts for a product or equipment owned 20972
or leased by the county, and the only source of supply for the 20973
supplies, part, or parts is limited to a single supplier. 20974

(2) The purchase consists of services related to 20975
information technology, such as programming services, that are 20976
proprietary or limited to a single source. 20977

(C) The purchase is from the federal government, the 20978
state, another county or contracting authority of another 20979
county, or a board of education, educational service center, 20980
township, or municipal corporation. 20981

(D) The purchase is made by a county department of job and 20982
family services under section 329.04 of the Revised Code and 20983
consists of family services duties or workforce development 20984
activities or is made by a county board of developmental 20985
disabilities under section 5126.05 of the Revised Code and 20986
consists of program services, such as direct and ancillary 20987
client services, child care, case management services, 20988
residential services, and family resource services. 20989

(E) The purchase consists of criminal justice services, 20990
social services programs, family services, or workforce 20991
development activities by the board of county commissioners from 20992
nonprofit corporations or associations under programs funded by 20993
the federal government or by state grants. 20994

(F) The purchase consists of any form of an insurance 20995
policy or contract authorized to be issued under Title XXXIX of 20996
the Revised Code or any form of health care plan authorized to 20997
be issued under Chapter 1751. of the Revised Code, or any 20998
combination of such policies, contracts, plans, or services that 20999
the contracting authority is authorized to purchase, and the 21000
contracting authority does all of the following: 21001

(1) Determines that compliance with the requirements of 21002
this section would increase, rather than decrease, the cost of 21003
the purchase; 21004

(2) Requests issuers of the policies, contracts, plans, or 21005
services to submit proposals to the contracting authority, in a 21006
form prescribed by the contracting authority, setting forth the 21007
coverage and cost of the policies, contracts, plans, or services 21008
as the contracting authority desires to purchase; 21009

(3) Negotiates with the issuers for the purpose of 21010
purchasing the policies, contracts, plans, or services at the 21011
best and lowest price reasonably possible. 21012

(G) The purchase consists of computer hardware, software, 21013
or consulting services that are necessary to implement a 21014
computerized case management automation project administered by 21015
the Ohio prosecuting attorneys association and funded by a grant 21016
from the federal government. 21017

(H) Child care services are purchased for provision to 21018

county employees. 21019

(I) (1) Property, including land, buildings, and other real 21020
property, is leased for offices, storage, parking, or other 21021
purposes, and all of the following apply: 21022

(a) The contracting authority is authorized by the Revised 21023
Code to lease the property. 21024

(b) The contracting authority develops requests for 21025
proposals for leasing the property, specifying the criteria that 21026
will be considered prior to leasing the property, including the 21027
desired size and geographic location of the property. 21028

(c) The contracting authority receives responses from 21029
prospective lessors with property meeting the criteria specified 21030
in the requests for proposals by giving notice in a manner 21031
substantially similar to the procedures established for giving 21032
notice under section 307.87 of the Revised Code. 21033

(d) The contracting authority negotiates with the 21034
prospective lessors to obtain a lease at the best and lowest 21035
price reasonably possible considering the fair market value of 21036
the property and any relocation and operational costs that may 21037
be incurred during the period the lease is in effect. 21038

(2) The contracting authority may use the services of a 21039
real estate appraiser to obtain advice, consultations, or other 21040
recommendations regarding the lease of property under this 21041
division. 21042

(J) The purchase is made pursuant to section 5139.34 or 21043
sections 5139.41 to 5139.46 of the Revised Code and is of 21044
programs or services that provide case management, treatment, or 21045
prevention services to any felony or misdemeanor delinquent, 21046
unruly youth, or status offender under the supervision of the 21047

juvenile court, including, but not limited to, community 21048
residential care, day treatment, services to children in their 21049
home, or electronic monitoring. 21050

(K) The purchase is made by a public children services 21051
agency pursuant to section 307.92 or 5153.16 of the Revised Code 21052
and consists of family services, programs, or ancillary services 21053
that provide case management, prevention, or treatment services 21054
for children at risk of being or alleged to be abused, 21055
neglected, or dependent children. 21056

(L) The purchase is to obtain the services of emergency 21057
medical service organizations under a contract made by the board 21058
of county commissioners pursuant to section 307.05 of the 21059
Revised Code with a joint emergency medical services district. 21060

(M) The county contracting authority determines that the 21061
use of competitive sealed proposals would be advantageous to the 21062
county and the contracting authority complies with section 21063
307.862 of the Revised Code. 21064

(N) The purchase consists of used supplies and is made at 21065
a public auction. 21066

Any issuer of policies, contracts, plans, or services 21067
listed in division (F) of this section and any prospective 21068
lessor under division (I) of this section may have the issuer's 21069
or prospective lessor's name and address, or the name and 21070
address of an agent, placed on a special notification list to be 21071
kept by the contracting authority, by sending the contracting 21072
authority that name and address. The contracting authority shall 21073
send notice to all persons listed on the special notification 21074
list. Notices shall state the deadline and place for submitting 21075
proposals. The contracting authority shall mail the notices at 21076

least six weeks prior to the deadline set by the contracting 21077
authority for submitting proposals. Every five years the 21078
contracting authority may review this list and remove any person 21079
from the list after mailing the person notification of that 21080
action. 21081

Any contracting authority that negotiates a contract under 21082
division (F) of this section shall request proposals and 21083
negotiate with issuers in accordance with that division at least 21084
every three years from the date of the signing of such a 21085
contract, unless the parties agree upon terms for extensions or 21086
renewals of the contract. Such extension or renewal periods 21087
shall not exceed six years from the date the initial contract is 21088
signed. 21089

Any real estate appraiser employed pursuant to division 21090
(I) of this section shall disclose any fees or compensation 21091
received from any source in connection with that employment. 21092

As used in division (N) of this section, "supplies" means 21093
any personal property including equipment, materials, and other 21094
tangible assets. 21095

Sec. 307.985. Each board of county commissioners shall 21096
develop a written transportation work plan that establishes 21097
policies regarding the transportation needs of low income 21098
residents of the county seeking or striving to retain 21099
employment. In developing the transportation work plan, the 21100
board shall consult with all of the following: 21101

(A) The county department of job and family services; 21102

(B) If a regional transit authority created under section 21103
306.32 of the Revised Code serves the county, the regional 21104
transit authority; 21105

(C) If a community action agency, as defined in section 21106
~~122.66~~ 5101.311 of the Revised Code, serves the county, the 21107
community action agency; 21108

(D) As designated by the board of county commissioners, 21109
representatives of private ~~non-profit~~ nonprofit and government 21110
entities that work with issues related to economic development, 21111
employment, and persons with physical disabilities; 21112

(E) Other individuals designated by the board of county 21113
commissioners. 21114

Sec. 313.01. (A) A coroner shall be ~~elected~~ appointed 21115
quadrennially in each county, ~~who~~ by the board of county 21116
commissioners and shall hold office for a term of four years, 21117
beginning on the first Monday of January ~~next~~ after 21118
~~election~~ appointment. 21119

(B) As used in the Revised Code, unless the context 21120
otherwise requires: 21121

(1) "Coroner" means the coroner or medical examiner of the 21122
county in which death occurs or the dead human body is found. 21123

(2) "Deputy coroner" means the deputy coroner or deputy 21124
medical examiner of the county in which death occurs or the dead 21125
human body is found. 21126

Sec. 313.02. (A) (1) Except as provided in division (A) (2) 21127
of this section, to be eligible to the office of coroner, a 21128
person shall be a physician who is licensed under Chapter 4731. 21129
of the Revised Code to practice medicine and surgery or 21130
osteopathic medicine and surgery, and who is in good standing in 21131
the person's profession. For a county other than a charter 21132
county, the person also shall have been licensed under Chapter 21133
4731. of the Revised Code to practice medicine and surgery or 21134

osteopathic medicine and surgery for a period of at least two 21135
years immediately preceding ~~election or~~ appointment as coroner. 21136

(2) Division (A)(1) of this section does not prohibit a 21137
person elected to the office of coroner who holds that office on 21138
~~the effective date of this amendment~~ April 9, 2025, but who does 21139
not meet the eligibility conditions described in that division, 21140
from doing any of the following after that date: 21141

(a) Continuing to hold the office of coroner of that 21142
county until the person's term of office expires; 21143

(b) Seeking ~~reelection~~ appointment as coroner of that 21144
county for one or more subsequent terms of office and, if 21145
~~reelected~~ appointed, continuing to hold the office for the 21146
duration of any subsequent term. 21147

(B)(1) ~~Beginning in calendar year 2000 and in each fourth-~~ 21148
~~year thereafter, each~~ Each newly elected appointed coroner, 21149
~~after the general election but~~ prior to commencing the term of 21150
office to which ~~elected~~ appointed, shall attend and successfully 21151
complete sixteen hours of continuing education at programs 21152
sponsored by the Ohio state coroners association. Within ninety 21153
days after appointment to the office of coroner under section 21154
~~305.02-313.04~~ of the Revised Code, the newly appointed coroner 21155
shall attend and successfully complete sixteen hours of 21156
continuing education at programs sponsored by the association. 21157
Hours of continuing education completed under the requirement 21158
described in division (B)(1) of this section shall not be 21159
counted toward fulfilling the continuing education requirement 21160
described in division (B)(2) of this section. 21161

As used in division (B)(1) of this section, "newly ~~elected~~ 21162
appointed coroner" means a person who did not hold the office of 21163

coroner on the date the person was ~~elected~~appointed coroner. 21164

(2) Except as otherwise provided in division (B) (2) of 21165
this section, beginning in calendar year 2001, each coroner, 21166
during the coroner's four-year term, shall attend and 21167
successfully complete thirty-two hours of continuing education 21168
at programs sponsored by the Ohio state coroners association. 21169
Except as otherwise provided in division (B) (2) of this section, 21170
each coroner shall attend and successfully complete twenty-four 21171
of these thirty-two hours at statewide meetings, and eight of 21172
these thirty-two hours at regional meetings, sponsored by the 21173
association. The association may approve attendance at 21174
continuing education programs it does not sponsor but, if 21175
attendance is approved, successful completion of hours at these 21176
programs shall be counted toward fulfilling only the twenty- 21177
four-hour requirement described in division (B) (2) of this 21178
section. 21179

(3) Upon successful completion of a continuing education 21180
program required by division (B) (1) or (2) of this section, the 21181
person who successfully completes the program shall receive from 21182
the association or the sponsoring organization a certificate 21183
indicating that the person successfully completed the program. 21184

Sec. 313.04. (A) When the coroner is absent temporarily 21185
from the county, or when on duty with the armed services of the 21186
United States, the state militia, or the American red cross, or 21187
when unable to discharge the duties of the office of coroner, 21188
such coroner may appoint a person with the necessary 21189
qualifications to act as coroner during such absence, service, 21190
or disability. 21191

~~When there is a~~ (B) If a vacancy occurs in the coroner's 21192
office for any cause, the board of county commissioners shall 21193

appoint a successor to hold the office and to perform the duties 21194
for the remainder of the term. 21195

(C) For the period of time between the occurrence of the 21196
vacancy in the coroner's office as a result of death or 21197
resignation and the vacancy cannot be filled by election or 21198
appointment as provided in and the time when a coroner is 21199
appointed under division (B) of this section 21200
305.02 of the 21201
Revised Code, or if no one runs for the office of coroner and, 21202
for that reason, the office is vacant, the board of county 21203
commissioners may contract with another county's coroner to 21204
exercise the powers and perform the acts, duties, or functions 21205
of the coroner. In addition to the applicable amounts of 21206
compensation specified in sections 325.15 and 325.18 of the 21207
Revised Code, the coroner with whom the board contracts may 21208
receive a supplemental payment for services rendered. The 21209
duration of the contract shall not extend beyond the last day of 21210
the term for which there was a vacancy.

Sec. 317.36. (A) The county recorder shall collect the 21211
low- and moderate-income housing trust fund fee as specified in 21212
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 21213
4509.60, 5164.56, 5310.15, 5703.93, 5719.07, 5727.56, 5733.22, 21214
6101.09, and 6115.09 of the Revised Code. The amount of any 21215
housing trust fund fee the recorder is authorized to collect is 21216
equal to the amount of any base fee the recorder is authorized 21217
to collect for services. The housing trust fund fee shall be 21218
collected in addition to the base fee. 21219

(B) The recorder shall certify the amounts collected as 21220
housing trust fund fees pursuant to division (A) of this section 21221
into the county treasury as housing trust fund fees to be paid- 21222
to the treasurer of state pursuant to used in accordance with 21223

section 319.63 of the Revised Code. 21224

(C) The document preservation surcharge collected under 21225
section 317.32 of the Revised Code is not a base fee under this 21226
section. 21227

Sec. 319.54. (A) On all moneys collected by the county 21228
treasurer on any tax duplicate of the county, other than estate 21229
tax duplicates, on all property tax relief reimbursements paid 21230
to the county under sections 323.156 and 4503.068 and divisions 21231
(F) and (I) of section 321.24 of the Revised Code, and on all 21232
moneys received as advance payments of personal property and 21233
classified property taxes, the county auditor, on settlement 21234
with the treasurer and tax commissioner, on or before the date 21235
prescribed by law for such settlement or any lawful extension of 21236
such date, shall be allowed as compensation for the county 21237
auditor's services the following percentages: 21238

(1) On the first one hundred thousand dollars, two and 21239
one-half per cent; 21240

(2) On the next two million dollars, eight thousand three 21241
hundred eighteen ten-thousandths of one per cent; 21242

(3) On the next two million dollars, six thousand six 21243
hundred fifty-five ten-thousandths of one per cent; 21244

(4) On all further sums, one thousand six hundred sixty- 21245
three ten-thousandths of one per cent. 21246

If any settlement is not made on or before the date 21247
prescribed by law for such settlement or any lawful extension of 21248
such date, the aggregate compensation allowed to the auditor 21249
shall be reduced one per cent for each day such settlement is 21250
delayed after the prescribed date. No penalty shall apply if the 21251
auditor and treasurer grant all requests for advances up to 21252

ninety per cent of the settlement pursuant to section 321.34 of 21253
the Revised Code. The compensation allowed in accordance with 21254
this section on settlements made before the dates prescribed by 21255
law, or the reduced compensation allowed in accordance with this 21256
section on settlements made after the date prescribed by law or 21257
any lawful extension of such date, shall be apportioned ratably 21258
by the auditor and deducted from the shares or portions of the 21259
revenue payable to the state as well as to the county, 21260
townships, municipal corporations, and school districts. 21261

(B) For the purpose of reimbursing county auditors for the 21262
expenses associated with the increased number of applications 21263
for reductions in real property taxes under sections 323.152 and 21264
4503.065 of the Revised Code that result from the amendment of 21265
those sections by Am. Sub. H.B. 119 of the 127th general 21266
assembly, there shall be paid from the state's general revenue 21267
fund to the county treasury, to the credit of the real estate 21268
assessment fund created by section 325.31 of the Revised Code, 21269
an amount equal to one per cent of the total annual amount of 21270
property tax relief reimbursement paid to that county under 21271
sections 323.156 and 4503.068 of the Revised Code for the 21272
preceding tax year. Payments made under this division shall be 21273
made at the same times and in the same manner as payments made 21274
under section 323.156 of the Revised Code. 21275

(C) From all moneys collected by the county treasurer on 21276
any tax duplicate of the county, other than estate tax 21277
duplicates, on all property tax relief reimbursements paid to 21278
the county under sections 323.156 and 4503.068 and divisions (F) 21279
and (I) of section 321.24 of the Revised Code, and on all moneys 21280
received as advance payments of personal property and classified 21281
property taxes, there shall be paid into the county treasury to 21282
the credit of the real estate assessment fund created by section 21283

325.31 of the Revised Code, an amount to be determined by the 21284
county auditor, which shall not exceed the percentages 21285
prescribed in divisions (C) (1) and (2) of this section. 21286

(1) For payments made after June 30, 2007, and before 21287
2011, the following percentages: 21288

(a) On the first five hundred thousand dollars, four per 21289
cent; 21290

(b) On the next five million dollars, two per cent; 21291

(c) On the next five million dollars, one per cent; 21292

(d) On all further sums not exceeding one hundred fifty 21293
million dollars, three-quarters of one per cent; 21294

(e) On amounts exceeding one hundred fifty million 21295
dollars, five hundred eighty-five thousandths of one per cent. 21296

(2) For payments made in or after 2011, the following 21297
percentages: 21298

(a) On the first five hundred thousand dollars, four per 21299
cent; 21300

(b) On the next ten million dollars, two per cent; 21301

(c) On amounts exceeding ten million five hundred thousand 21302
dollars, three-fourths of one per cent. 21303

Such compensation shall be apportioned ratably by the 21304
auditor and deducted from the shares or portions of the revenue 21305
payable to the state as well as to the county, townships, 21306
municipal corporations, and school districts. 21307

(D) Each county auditor shall receive four per cent of the 21308
amount of tax collected and paid into the county treasury, on 21309
property omitted and placed by the county auditor on the tax 21310

duplicate. 21311

(E) On all estate tax moneys collected by the county 21312
treasurer, the county auditor, on settlement annually with the 21313
tax commissioner, shall be allowed, as compensation for the 21314
auditor's services under Chapter 5731. of the Revised Code, two 21315
per cent of the amount collected and reported that year in 21316
excess of refunds distributed, for the use of the general fund 21317
of the county. 21318

(F) On all cigarette license moneys collected by the 21319
county treasurer, the county auditor, on settlement semiannually 21320
with the treasurer, shall be allowed as compensation for the 21321
auditor's services in the issuing of such licenses one-half of 21322
one per cent of such moneys, to be apportioned ratably and 21323
deducted from the shares of the revenue payable to the county 21324
and subdivisions, for the use of the general fund of the county. 21325

(G) The county auditor shall charge and receive fees as 21326
follows: 21327

(1) For deeds of land sold for taxes to be paid by the 21328
purchaser, five dollars; 21329

(2) For the transfer or entry of land, lot, or part of 21330
lot, or the transfer or entry on or after January 1, 2000, of a 21331
used manufactured home or mobile home as defined in section 21332
5739.0210 of the Revised Code, fifty cents for each transfer or 21333
entry, to be paid by the person requiring it; 21334

(3) For receiving statements of value and administering 21335
section 319.202 of the Revised Code, one dollar, or ten cents 21336
for each one hundred dollars or fraction of one hundred dollars, 21337
whichever is greater, of the value of the real property 21338
transferred or, for sales occurring on or after January 1, 2000, 21339

the value of the used manufactured home or used mobile home, as 21340
defined in section 5739.0210 of the Revised Code, transferred, 21341
except no fee shall be charged when the transfer is made: 21342

(a) To or from the United States, this state, or any 21343
instrumentality, agency, or political subdivision of the United 21344
States or this state; 21345

(b) Solely in order to provide or release security for a 21346
debt or obligation; 21347

(c) To confirm or correct a deed previously executed and 21348
recorded, or when a current owner is changing the current owner 21349
name listed on any record made available to the general public 21350
on the internet, or a publicly accessible database, and the 21351
general tax list of real and public utility property, and the 21352
general duplicate of real and public utility property, to the 21353
initials of the current owner as prescribed in division (C) (1) 21354
of section 319.28 of the Revised Code; 21355

(d) To evidence a gift, in trust or otherwise and whether 21356
revocable or irrevocable, between husband and wife, or parent 21357
and child or the spouse of either; 21358

(e) On sale for delinquent taxes or assessments; 21359

(f) Pursuant to court order, to the extent that such 21360
transfer is not the result of a sale effected or completed 21361
pursuant to such order; 21362

(g) Pursuant to a reorganization of corporations or 21363
unincorporated associations or pursuant to the dissolution of a 21364
corporation, to the extent that the corporation conveys the 21365
property to a stockholder as a distribution in kind of the 21366
corporation's assets in exchange for the stockholder's shares in 21367
the dissolved corporation; 21368

(h) By a subsidiary corporation to its parent corporation 21369
for no consideration, nominal consideration, or in sole 21370
consideration of the cancellation or surrender of the 21371
subsidiary's stock; 21372

(i) By lease, whether or not it extends to mineral or 21373
mineral rights, unless the lease is for a term of years 21374
renewable forever; 21375

(j) When the value of the real property or the 21376
manufactured or mobile home or the value of the interest that is 21377
conveyed does not exceed one hundred dollars; 21378

(k) Of an occupied residential property, including a 21379
manufactured or mobile home, being transferred to the builder of 21380
a new residence or to the dealer of a new manufactured or mobile 21381
home when the former residence is traded as part of the 21382
consideration for the new residence or new manufactured or 21383
mobile home; 21384

(l) To a grantee other than a dealer in real property or 21385
in manufactured or mobile homes, solely for the purpose of, and 21386
as a step in, the prompt sale of the real property or 21387
manufactured or mobile home to others; 21388

(m) To or from a person when no money or other valuable 21389
and tangible consideration readily convertible into money is 21390
paid or to be paid for the real estate or manufactured or mobile 21391
home and the transaction is not a gift; 21392

(n) Pursuant to division (B) of section 317.22 of the 21393
Revised Code, or section 2113.61 of the Revised Code, between 21394
spouses or to a surviving spouse pursuant to section 5302.17 of 21395
the Revised Code as it existed prior to April 4, 1985, between 21396
persons pursuant to section 5302.17 or 5302.18 of the Revised 21397

Code on or after April 4, 1985, to a person who is a surviving,	21398
survivorship tenant pursuant to section 5302.17 of the Revised	21399
Code on or after April 4, 1985, or pursuant to section 5309.45	21400
of the Revised Code;	21401
(o) To a trustee acting on behalf of minor children of the	21402
deceased;	21403
(p) Of an easement or right-of-way when the value of the	21404
interest conveyed does not exceed one thousand dollars;	21405
(q) Of property sold to a surviving spouse pursuant to	21406
section 2106.16 of the Revised Code;	21407
(r) To or from an organization exempt from federal income	21408
taxation under section 501(c)(3) of the "Internal Revenue Code	21409
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided	21410
such transfer is without consideration and is in furtherance of	21411
the charitable or public purposes of such organization;	21412
(s) Among the heirs at law or devisees, including a	21413
surviving spouse, of a common decedent, when no consideration in	21414
money is paid or to be paid for the real property or	21415
manufactured or mobile home;	21416
(t) To a trustee of a trust, when the grantor of the trust	21417
has reserved an unlimited power to revoke the trust;	21418
(u) To the grantor of a trust by a trustee of the trust,	21419
when the transfer is made to the grantor pursuant to the	21420
exercise of the grantor's power to revoke the trust or to	21421
withdraw trust assets;	21422
(v) To the beneficiaries of a trust if the fee was paid on	21423
the transfer from the grantor of the trust to the trustee or if	21424
the transfer is made pursuant to trust provisions which became	21425

irrevocable at the death of the grantor; 21426

(w) To a corporation for incorporation into a sports 21427
facility constructed pursuant to section 307.696 of the Revised 21428
Code; 21429

(x) Between persons pursuant to section 5302.18 of the 21430
Revised Code; 21431

(y) From a county land reutilization corporation organized 21432
under Chapter 1724. of the Revised Code, or its wholly owned 21433
subsidiary, to a third party; 21434

(z) To a mobile park operator under section 1923.12, 21435
1923.13, or 1923.14 of the Revised Code. 21436

(4) For the cost of publishing the delinquent manufactured 21437
home tax list, the delinquent tax list, and the delinquent 21438
vacant land tax list, a flat fee, as determined by the county 21439
auditor, to be charged to the owner of a home on the delinquent 21440
manufactured home tax list or the property owner of land on the 21441
delinquent tax list or the delinquent vacant land tax list. 21442

The auditor shall compute and collect the fee. The auditor 21443
shall maintain a numbered receipt system, as prescribed by the 21444
tax commissioner, and use such receipt system to provide a 21445
receipt to each person paying a fee. The auditor shall deposit 21446
the receipts of the fees on conveyances in the county treasury 21447
daily to the credit of the general fund of the county, except 21448
that fees charged and received under division (G) (3) of this 21449
section for a transfer of real property to a county land 21450
reutilization corporation shall be credited to the county land 21451
reutilization corporation fund established under section 321.263 21452
of the Revised Code. 21453

The real property transfer fee provided for in division 21454

(G) (3) of this section shall be applicable to any conveyance of 21455
real property presented to the auditor on or after January 1, 21456
1968, regardless of its time of execution or delivery. 21457

The transfer fee for a used manufactured home or used 21458
mobile home shall be computed by and paid to the county auditor 21459
of the county in which the home is located immediately prior to 21460
the transfer. 21461

Sec. 319.63. (A) ~~During the first thirty days of each~~ 21462
~~calendar quarter, the~~ The county auditor shall pay to the 21463
~~treasurer of state all amounts that the county recorder~~ 21464
~~collected as housing trust fund fees pursuant to section 317.36~~ 21465
~~of the Revised Code during the previous calendar quarter. If~~ 21466
~~payment is made to the treasurer of state within the first~~ 21467
~~thirty days of the quarter, the county auditor may retain an~~ 21468
administrative fee of one per cent of the amount of the trust 21469
fund fees collected ~~during the previous calendar quarter~~ 21470
pursuant to section 317.36 of the Revised Code. 21471

~~(B) The treasurer of state shall deposit the housing trust~~ 21472
~~fund fees received each year pursuant to this section into the~~ 21473
~~low- and moderate-income housing trust fund created under~~ 21474
~~section 174.02 of the Revised Code.~~ 21475

~~(C) The county auditor shall deposit the administrative~~ 21476
~~fee that the auditor is permitted to retain pursuant to division~~ 21477
~~(A) of this section~~ into the county general fund for the county 21478
recorder to use in administering the trust fund fee. 21479

(B) All remaining trust fund fees collected pursuant to 21480
section 317.36 of the Revised Code shall be used for housing- 21481
related purposes in the county as determined by the board of 21482
county commissioners. 21483

Sec. 323.131. (A) Each tax bill prepared and mailed or 21484
delivered under section 323.13 of the Revised Code shall be in 21485
the form and contain the information required by the tax 21486
commissioner. The commissioner may prescribe different forms for 21487
each county and may authorize the county auditor to make up tax 21488
bills and tax receipts to be used by the county treasurer. For 21489
any county in which the board of county commissioners has 21490
granted a partial property tax exemption on homesteads under 21491
section 323.158 of the Revised Code, the commissioner shall 21492
require that the tax bills for those homesteads include a notice 21493
of the amount of the tax reduction that results from the partial 21494
exemption. In addition to the information required by the 21495
commissioner, each tax bill shall contain the following 21496
information: 21497

(1) The taxes levied and the taxes charged and payable 21498
against the property; 21499

(2) The effective tax rate. The words "effective tax rate" 21500
shall appear in boldface type. 21501

(3) The following notices: 21502

(a) "Notice: If the taxes are not paid within sixty days 21503
from the date they are certified delinquent, the property is 21504
subject to foreclosure for tax delinquency." Failure to provide 21505
such notice has no effect upon the validity of any tax 21506
foreclosure to which a property is subjected. 21507

(b) "Notice: If the taxes charged against this parcel have 21508
been reduced by the 2-1/2 per cent tax reduction for residences 21509
occupied by the owner but the property is not a residence 21510
occupied by the owner, the owner must notify the county 21511
auditor's office not later than March 31 of the year following 21512

the year for which the taxes are due. Failure to do so may 21513
result in the owner being convicted of a fourth degree 21514
misdemeanor, which is punishable by imprisonment up to 30 days, 21515
a fine up to \$250, or both, and in the owner having to repay the 21516
amount by which the taxes were erroneously or illegally reduced, 21517
plus any interest that may apply. 21518

If the taxes charged against this parcel have not been 21519
reduced by the 2-1/2 per cent tax reduction and the parcel 21520
includes a residence occupied by the owner, the parcel may 21521
qualify for the tax reduction. To obtain an application for the 21522
tax reduction or further information, the owner may contact the 21523
county auditor's office at _____ (insert the address and 21524
telephone number of the county auditor's office). 21525

(4) For a tract or lot on the real property tax suspension 21526
list under section 319.48 of the Revised Code, the following 21527
notice: "Notice: The taxes shown due on this bill are for the 21528
current year only. Delinquent taxes, penalties, and interest 21529
also are due on this property. Contact the county treasurer to 21530
learn the total amount due." 21531

(5) For a property, the tax liability of which has been 21532
reduced under section 5705.316 of the Revised Code for the 21533
current tax year, the following notice: "Notice: The school 21534
district taxes shown due on this bill are reduced only for the 21535
current year due to the school district's excess carry-over 21536
balance." 21537

The tax bill shall not contain or be mailed or delivered 21538
with any information or material that is not required by this 21539
section or that is not authorized by section 321.45 of the 21540
Revised Code or by the tax commissioner. 21541

(B) If the property is residential rental property, the 21542
tax bill shall contain a statement that the owner of the 21543
residential rental property shall file with the county auditor 21544
the information required under division (A) or (C) of section 21545
5323.02 of the Revised Code. 21546

(C) Each county auditor and treasurer shall post on their 21547
respective web sites, or on the county's web site, the 21548
percentage of property taxes charged by each taxing unit and, in 21549
the case of the county as a taxing unit, the percentage of taxes 21550
charged by the county for each of the county purposes for which 21551
taxes are charged. 21552

(D) As used in this section, "residential rental property" 21553
has the same meaning as in section 5323.01 of the Revised Code. 21554

Sec. 325.18. (A) As used in this section, "consumer price 21555
index" has the same meaning as in section 141.04 of the Revised 21556
Code. 21557

(B) (1) The salary amounts under sections 325.06 and 325.11 21558
of the Revised Code shall be increased as follows: 21559

(a) Beginning in calendar year 2020 and in each calendar 21560
year thereafter through calendar year 2028~~2025, the salary~~ 21561
~~amounts under sections 325.06 and 325.11 of the Revised Code~~ 21562
~~shall be increased by one and three-quarters per cent;~~ 21563

(b) Beginning in calendar year 2026 and in each calendar 21564
year thereafter through calendar year 2029, by five per cent; 21565

(c) Beginning in calendar year 2030 and in each calendar 21566
year thereafter, by the percentage increase, if any, in the 21567
consumer price index over the twelve-month period that ends on 21568
the thirtieth day of September of the immediately preceding 21569
year, rounded to the nearest one-tenth of one per cent, not to 21570

exceed three per cent.

21571

~~(B)~~ (2) The salary amounts under sections 325.03, 325.04, 325.08, 325.09, 325.10, 325.14, and 325.15 of the Revised Code shall be increased as follows:

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21573

21574

(a) Beginning in calendar year 2021 and in each calendar year thereafter through calendar year 2024~~2025, the salary amounts under sections 325.03, 325.04, 325.08, 325.09, 325.10, 325.14, and 325.15 of the Revised Code shall be increased by one and three-quarters per cent;~~

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(b) Beginning in calendar year 2026 and in each calendar year thereafter through calendar year 2029, by five per cent;

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(c) Beginning in calendar year 2030 and in each calendar year thereafter, by the percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent, not to exceed three per cent.

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(C) Notwithstanding this section and sections 325.06, 325.11, 325.14, and 325.15 of the Revised Code, when computing a salary for any elected county officer under any of those sections, if the population range for the class under which the officer is to be compensated is not the same as the population range for that class for any other such elected county office, the class at which the officer's salary is determined shall be the highest class at which any officer from that same county is compensated under the population range applicable to that officer.

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Sec. 325.25. ~~Upon~~ (A) Subject to division (B) of this section, upon notifying the board of county commissioners, any

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appointing authority of a county office, department, commission, 21600
board, or body, or of a common pleas court, county court, or 21601
county-operated municipal court as defined in section 1901.03 of 21602
the Revised Code, may establish a program to recognize 21603
outstanding employee performance. The program may include, but 21604
is not limited to, cash awards, additional paid leave, or other 21605
additional benefits as the appointing authority considers 21606
appropriate, ~~so long as the~~. 21607

(B) (1) The costs of the program ~~do~~ shall not exceed the 21608
total amount of compensation fixed by the board of county 21609
commissioners for the office, department, commission, board, or 21610
body or for the common pleas court, county court, or county- 21611
operated municipal court. 21612

(2) Unless authorized in writing by the board of county 21613
commissioners, the total amount of cash awards shall not exceed, 21614
per employee in any calendar year, ten per cent of the 21615
compensation the employee receives that calendar year. 21616

Sec. 340.01. (A) As used in this chapter: 21617

(1) "Addiction," "addiction services," "alcohol and drug 21618
addiction services," "alcohol use disorder," "certifiable 21619
services and supports," "community addiction services provider," 21620
"community mental health services provider," "drug addiction," 21621
"gambling addiction services," "included opioid and co-occurring 21622
drug addiction services and recovery supports," "mental health 21623
services," "mental illness," "recovery housing residence," and 21624
"recovery supports" have the same meanings as in section 5119.01 21625
of the Revised Code. 21626

(2) "Medication-assisted treatment" means alcohol and drug 21627
addiction services that are accompanied by medication approved 21628

by the United States food and drug administration for the 21629
treatment of alcohol use disorder or drug addiction, prevention 21630
of relapse, or both. 21631

(B) An alcohol, drug addiction, and mental health service 21632
district shall be established in any county or combination of 21633
counties having a population of at least fifty thousand. With 21634
the approval of the director of ~~mental-behavioral health-and-~~ 21635
~~addiction-services~~, any county or combination of counties having 21636
a population of less than fifty thousand may establish such a 21637
district. Districts comprising more than one county shall be 21638
known as joint-county districts. 21639

The board of county commissioners of any county 21640
participating in a joint-county district may submit a resolution 21641
requesting withdrawal from the district together with a 21642
comprehensive plan or plans that are in compliance with rules 21643
adopted by the director of ~~mental-behavioral health and-~~ 21644
~~addiction-services~~ under section 5119.22 of the Revised Code to 21645
the board of alcohol, drug addiction, and mental health 21646
services, to the boards of county commissioners of each county 21647
in the district, and to the director. The plan or plans shall 21648
include all of the following: proposed bylaws for the operation 21649
of the newly established district; a list of potential board 21650
members; a list of the behavioral health services available in 21651
the newly established district, including inpatient, outpatient, 21652
prevention, and housing services; equitable adjustment and 21653
division of all services, assets, property, debts, and 21654
obligations of the former joint-county district; a plan ensuring 21655
no disruption in behavioral health services in the newly 21656
established district; and provision for the employment of an 21657
executive director of the newly established district. 21658

The director shall approve the plan not later than one 21659
year after the date the resolution was adopted by the board of 21660
county commissioners. No county participating in a joint-county 21661
district may withdraw from the district without the consent of 21662
the director of ~~mental-behavioral health and addiction services~~ 21663
nor earlier than one year after the submission of such 21664
resolution unless all of the participating counties agree to an 21665
earlier withdrawal. 21666

Any county withdrawing from a joint-county district shall 21667
continue to have levied against its tax list and duplicate any 21668
tax levied by the district during the period in which the county 21669
was a member of the district until such time as the levy expires 21670
or is renewed or replaced. 21671

(C) For any tax levied under section 5705.19 of the 21672
Revised Code by a board of a joint-county district formed on or 21673
after April 3, 2023, revenue from the tax shall only be expended 21674
for the benefit of the residents of the county from which the 21675
revenue is derived. For the purpose of this division, a joint- 21676
county district is not formed by virtue of a county joining or 21677
withdrawing from a district or if a joint-county service 21678
district merges with another joint-county district. 21679

Sec. 340.011. (A) This chapter shall be interpreted to 21680
accomplish all of the following: 21681

(1) Establish a unified system of treatment for persons 21682
with mental illnesses and persons with addictions; 21683

(2) Establish a community support system available for 21684
every alcohol, drug addiction, and mental health service 21685
district; 21686

(3) Protect the personal liberty of persons with mental 21687

illnesses so that they may be treated in the least restrictive 21688
environment; 21689

(4) Encourage the development of high quality, cost 21690
effective, and comprehensive services, including culturally 21691
sensitive services; 21692

(5) Foster the development of comprehensive community 21693
mental health services, based on recognized local needs, 21694
especially for persons with severe mental disabilities; 21695

(6) Ensure that services provided meet minimum standards 21696
established by the director of ~~mental behavioral health and~~ 21697
~~addiction services~~; 21698

(7) Promote the delivery of high quality and cost- 21699
effective addiction and mental health services; 21700

(8) Promote the participation of persons receiving mental 21701
health services and addiction services in the planning, 21702
delivery, and evaluation of these services. 21703

(B) Nothing in Chapter 340., 5119., or 5122. of the 21704
Revised Code shall be construed as requiring a board of county 21705
commissioners to provide resources beyond the total amount set 21706
forth in a budget and list of addiction services, mental health 21707
services, and recovery supports required by section 340.08 of 21708
the Revised Code and approved by the department of ~~mental~~ 21709
~~behavioral health and addiction services~~ under section 5119.22 21710
of the Revised Code. 21711

Sec. 340.02. (A) For each alcohol, drug addiction, and 21712
mental health service district, there shall be appointed a board 21713
of alcohol, drug addiction, and mental health services. As 21714
provided in this section, the board shall consist of eighteen 21715
members, fifteen members, fourteen members, twelve members, or 21716

nine members. 21717

In a single-county district, the size of the board shall 21718
be determined by the board of county commissioners representing 21719
the county that constitutes the district. In a joint-county 21720
district, the size of the board shall be determined jointly by 21721
all of the boards of county commissioners representing the 21722
counties that constitute the district. 21723

The determination of board size shall be made by selecting 21724
one of the options described in division (B) of this section. 21725
After an option is selected and implemented, a subsequent 21726
determination of board size may be made, except that subsequent 21727
determinations shall not occur more frequently than once every 21728
four calendar years. 21729

If a selected option would result in a change in board 21730
size, before the option may be implemented the board of county 21731
commissioners or boards of county commissioners, as the case may 21732
be, shall send a representative to a meeting of the board of 21733
alcohol, drug addiction, and mental health services to solicit 21734
feedback about the matter. After considering any feedback 21735
received, the board or boards of county commissioners may 21736
proceed with implementing the change in board size. If the 21737
change results in a reduction of board members, the reduction 21738
shall be implemented by not filling vacancies as they occur. 21739

To implement a selected option that would result in the 21740
establishment of a new board of alcohol, drug addiction, and 21741
mental health services or in a change in size of an existing 21742
board, the board or boards of county commissioners, as the case 21743
may be, shall adopt a resolution specifying the board size that 21744
has been selected. The board or boards of county commissioners 21745
also shall notify the department of ~~mental~~ behavioral health ~~and~~ 21746

~~addiction services~~ of the board size that has been selected. 21747

(B) (1) In the case of a board of alcohol, drug addiction, 21748
and mental health services that is established on or after ~~the~~ 21749
~~effective date of this amendment~~ October 3, 2023, any of the 21750
following options may be selected for purposes of division (A) 21751
of this section: 21752

(a) To establish the board as an eighteen-member board; 21753

(b) To establish the board as a fifteen-member board; 21754

(c) To establish the board as a fourteen-member board; 21755

(d) To establish the board as a twelve-member board; 21756

(e) To establish the board as a nine-member board; 21757

(f) To change the board's size after it has been 21758
established by selecting a number of members that is eighteen, 21759
fifteen, fourteen, twelve, or nine, as the case may be. 21760

(2) In the case of a board of alcohol, drug addiction, and 21761
mental health services that existed immediately prior to ~~the~~ 21762
~~effective date of this amendment~~ October 3, 2023, either of the 21763
following options may be selected for purposes of division (A) 21764
of this section: 21765

(a) To continue the board's operation as an eighteen- 21766
member or fourteen-member board, as a board of that size was 21767
authorized prior to ~~the effective date of this amendment~~ October 21768
3, 2023, in which case no further action is required; 21769

(b) To change the board's size by selecting a number of 21770
members that is eighteen, fifteen, fourteen, twelve, or nine as 21771
the case may be. 21772

(C) All members shall be residents of the service 21773

district. The membership shall, as nearly as possible, reflect 21774
the composition of the population of the service district as to 21775
race and sex. 21776

The director of ~~mental-behavioral health and addiction-~~ 21777
~~services~~ shall appoint one-third of the members of the board and 21778
the board of county commissioners shall appoint two-thirds of 21779
the members. In a joint-county district, the board of county 21780
commissioners of each participating county shall appoint members 21781
in as nearly as possible the same proportion as that county's 21782
population bears to the total population of the district, except 21783
that at least one member shall be appointed from each 21784
participating county. 21785

The director of ~~mental-behavioral health and addiction-~~ 21786
~~services~~ shall ensure that at least one member of the board is a 21787
clinician with experience in the delivery of mental health 21788
services, at least one member of the board is a person who has 21789
received or is receiving mental health services, at least one 21790
member of the board is a parent or other relative of such a 21791
person, at least one member of the board is a clinician with 21792
experience in the delivery of addiction services, at least one 21793
member of the board is a person who has received or is receiving 21794
addiction services, and at least one member of the board is a 21795
parent or other relative of such a person. A single member who 21796
meets both qualifications may fulfill the requirement for a 21797
clinician with experience in the delivery of mental health 21798
services and a clinician with experience in the delivery of 21799
addiction services. 21800

No member or employee of a board of alcohol, drug 21801
addiction, and mental health services shall serve as a member of 21802
the board of any provider with which the board of alcohol, drug 21803

addiction, and mental health services has entered into a 21804
contract for the provision of services or facilities. No member 21805
of a board of alcohol, drug addiction, and mental health 21806
services shall be an employee of any provider with which the 21807
board has entered into a contract for the provision of services 21808
or facilities. No person shall be an employee of a board and 21809
such a provider unless the board and provider both agree in 21810
writing. 21811

No person shall serve as a member of the board of alcohol, 21812
drug addiction, and mental health services whose spouse, child, 21813
parent, brother, sister, grandchild, stepparent, stepchild, 21814
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 21815
law, daughter-in-law, brother-in-law, or sister-in-law serves as 21816
a member of the board of any provider with which the board of 21817
alcohol, drug addiction, and mental health services has entered 21818
into a contract for the provision of services or facilities. No 21819
person shall serve as a member or employee of the board whose 21820
spouse, child, parent, brother, sister, stepparent, stepchild, 21821
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 21822
law, daughter-in-law, brother-in-law, or sister-in-law serves as 21823
a county commissioner of a county or counties in the alcohol, 21824
drug addiction, and mental health service district. 21825

Each year each board member shall attend at least one 21826
inservice training session provided or approved by the 21827
department of ~~mental behavioral health and addiction services~~. 21828

Each member shall be appointed for a term of four years, 21829
commencing the first day of July, except that when a board is 21830
established on or after ~~the effective date of this amendment~~ 21831
October 3, 2023, the initial appointments shall be staggered 21832
among the members as equally as possible with terms of two 21833

years, three years, and four years. 21834

No member shall serve more than two consecutive four-year 21835
terms under the same appointing authority. A member may serve 21836
for three consecutive terms under the same appointing authority 21837
only if one of the terms is for less than two years. A member 21838
who has served two consecutive four-year terms or three 21839
consecutive terms totaling less than ten years is eligible for 21840
reappointment by the same appointing authority one year 21841
following the end of the second or third term, respectively. 21842

When a vacancy occurs, appointment for the expired or 21843
unexpired term shall be made in the same manner as an original 21844
appointment. The board shall notify the appointing authority 21845
either by certified mail or, if the board has record of an 21846
internet identifier of record associated with the authority, by 21847
ordinary mail and by that internet identifier of record of any 21848
vacancy and shall fill the vacancy within sixty days following 21849
that notice. As used in this paragraph, "internet identifier of 21850
record" has the same meaning as in section 9.312 of the Revised 21851
Code. 21852

Any member of the board may be removed from office by the 21853
appointing authority at will. Before a member may be removed at 21854
will, the member shall be informed in writing of the proposed 21855
removal and afforded an opportunity for a public hearing. Upon 21856
the absence of a member within one year from either four board 21857
meetings or from two board meetings without prior notice, the 21858
board shall notify the appointing authority, which may vacate 21859
the appointment and appoint another person to complete the 21860
member's term. 21861

Members of the board shall serve without compensation, but 21862
shall be reimbursed for actual and necessary expenses incurred 21863

in the performance of their official duties, as defined by rules 21864
of the department of ~~mental behavioral health and addiction~~ 21865
~~services.~~ 21866

Sec. 340.021. (A) In an alcohol, drug addiction, and 21867
mental health service district where the board of county 21868
commissioners has established an alcohol and drug addiction 21869
services board, the community mental health board established 21870
under former section 340.02 of the Revised Code shall serve as 21871
the entity responsible for providing mental health services in 21872
the county. A community mental health board has all the powers, 21873
duties, and obligations of a board of alcohol, drug addiction, 21874
and mental health services with regard to mental health 21875
services. An alcohol and drug addiction services board has all 21876
the powers, duties, and obligations of a board of alcohol, drug 21877
addiction, and mental health services with regard to addiction 21878
services. Any provision of the Revised Code that refers to a 21879
board of alcohol, drug addiction, and mental health services 21880
with regard to mental health services also refers to a community 21881
mental health board and any provision that refers to a board of 21882
alcohol, drug addiction, and mental health services with regard 21883
to alcohol and drug addiction services also refers to an alcohol 21884
and drug addiction services board. 21885

An alcohol and drug addiction services board shall consist 21886
of eighteen members or fourteen members, at the election of the 21887
board. Not later than January 1, 2014, each alcohol and drug 21888
addiction services board shall notify the department of ~~mental~~ 21889
~~behavioral health and addiction services~~ of its election to 21890
operate as an eighteen-member board or to operate as a fourteen- 21891
member board. The election shall be final. Failure to provide 21892
notice of its election to the department on or before January 1, 21893
2014, shall constitute an election to continue to operate as an 21894

eighteen-member board. If an existing board provides timely 21895
notice of its election to operate as a fourteen-member board, 21896
the number of board members may decline from eighteen to 21897
fourteen by attrition as current members' terms expire. However, 21898
the composition of the board must reflect the requirements set 21899
forth in this section and in applicable provisions of section 21900
340.02 of the Revised Code for fourteen-member boards. For 21901
boards operating as eighteen-member boards, six members shall be 21902
appointed by the director of mental-behavioral health and 21903
~~addiction services~~ and twelve members shall be appointed by the 21904
board of county commissioners. The director of mental-behavioral 21905
~~health and addiction services~~ shall ensure that at least one 21906
member of the board is a person who has received or is receiving 21907
services for alcohol, drug, or gambling addiction, at least one 21908
member is a parent or relative of such a person, and at least 21909
one member is a clinician with experience in the delivery of 21910
addiction services. The membership of the board shall, as nearly 21911
as possible, reflect the composition of the population of the 21912
service district as to race and sex. Members shall be residents 21913
of the service district and shall be interested in alcohol, 21914
drug, or gambling addiction services. Requirements for 21915
membership, including prohibitions against certain family and 21916
business relationships, and terms of office shall be the same as 21917
those for members of boards of alcohol, drug addiction, and 21918
mental health services. 21919

A community mental health board shall consist of eighteen 21920
members or fourteen members, at the election of the board. Not 21921
later than January 1, 2014, each community mental health board 21922
shall notify the department of mental-behavioral health and 21923
~~addiction services~~ of its election to operate as an eighteen- 21924
member board or to operate as a fourteen-member board. The 21925

election shall be final. Failure to provide notice of its 21926
election to the department on or before January 1, 2014, shall 21927
constitute an election to continue to operate as an eighteen- 21928
member board. If an existing board provides timely notice of its 21929
election to operate as a fourteen-member board, the number of 21930
board members may decline from eighteen to fourteen by attrition 21931
as current members' terms expire. However, the composition of 21932
the board must reflect the requirements set forth in this 21933
section and in applicable provisions of section 340.02 of the 21934
Revised Code for fourteen-member boards. For boards operating as 21935
eighteen-member boards, six members shall be appointed by the 21936
director of mental-behavioral health and addiction services and 21937
twelve members shall be appointed by the board of county 21938
commissioners. The director of mental-behavioral health and 21939
~~addiction services~~ shall ensure that at least one member of the 21940
board is a person who has received or is receiving mental health 21941
services, at least one member is a parent or relative of such a 21942
person, and at least one member is a clinician with experience 21943
in the delivery of mental health services. The membership of the 21944
board as nearly as possible shall reflect the composition of the 21945
population of the service district as to race and sex. Members 21946
shall be residents of the service district and shall be 21947
interested in mental health services. Requirements for 21948
membership, including prohibitions against certain family and 21949
business relationships, and terms of office shall be the same as 21950
those for members of boards of alcohol, drug addiction, and 21951
mental health services. 21952

(B) (1) If a board of county commissioners subject to 21953
division (A) of this section did not adopt a final resolution 21954
providing for a board of alcohol, drug addiction, and mental 21955
health services on or before July 1, 2007, the board of county 21956

commissioners may establish a board of alcohol, drug addiction, 21957
and mental health services on or after September 23, 2008. To 21958
establish the board, the board of county commissioners shall 21959
adopt a resolution providing for the board's establishment. The 21960
composition of the board, the procedures for appointing members, 21961
and all other matters related to the board and its members are 21962
subject to section 340.02 of the Revised Code, with the 21963
following exceptions: 21964

(a) For initial appointments to the board, the county's 21965
community mental health board and alcohol and drug addiction 21966
services board shall jointly recommend members of those boards 21967
for reappointment and shall submit the recommendations to the 21968
board of county commissioners and the director of ~~mental~~ 21969
behavioral health and addiction services. 21970

(b) The appointing authorities shall appoint the initial 21971
members from among the members jointly recommended under 21972
division (B)(1)(a) of this section unless the appointment is 21973
otherwise prohibited by law. 21974

(2) If a board of alcohol, drug addiction, and mental 21975
health services is established pursuant to division (B)(1) of 21976
this section, the board has the same rights, privileges, 21977
immunities, powers, and duties that were possessed by the 21978
county's community mental health board and alcohol and drug 21979
addiction services board. When the board is established, all 21980
property and obligations of the community mental health board 21981
and alcohol and drug addiction services board shall be 21982
transferred to the board of alcohol, drug addiction, and mental 21983
health services. 21984

Sec. 340.022. Notwithstanding the procedures established 21985
by section 340.02 of the Revised Code for determining the size 21986

of a board of alcohol, drug addiction, and mental health 21987
services, the size of a board shall be determined in accordance 21988
with this section in both of the following circumstances: 21989

(A) (1) If the director of ~~mental-behavioral health and~~ 21990
~~addiction services~~ during the period beginning January 1, 2021, 21991
and ending December 31, 2022, grants approval to a board of 21992
county commissioners of a county with a population of at least 21993
seventy thousand but not more than eighty thousand, according to 21994
data from the 2010 federal census, to withdraw from a joint- 21995
county alcohol, drug addiction, and mental health service 21996
district pursuant to section 340.01 of the Revised Code, the 21997
size of the board shall be determined by the board of county 21998
commissioners representing the county that constitutes the 21999
single-county alcohol, drug addiction, and mental health service 22000
district created as a result of the withdrawal. The 22001
determination shall be made from among the options that may be 22002
selected under division (A) (2) of this section. Once an option 22003
is selected, the board of county commissioners shall adopt a 22004
resolution specifying the selection that has been made and shall 22005
notify the department of ~~mental-behavioral health and addiction~~ 22006
~~services~~. After the resolution is adopted and the department is 22007
notified, the determination of size is final. 22008

(2) In the case of a board of alcohol, drug addiction, and 22009
mental health services that is established on or after the date 22010
the director grants the approval to withdraw described in 22011
division (A) (1) of this section, either of the following options 22012
may be selected by the board of county commissioners when making 22013
the determination required under that division: 22014

(a) To establish the board as an eighteen-member board; 22015

(b) To establish the board as a fourteen-member board. 22016

(3) When a board is established on or after September 30, 22017
2021, the initial appointments shall be staggered among the 22018
members as equally as possible with terms of two years, three 22019
years, and four years. 22020

(B) (1) If a county with a population of at least thirty- 22021
five thousand but not more than forty-five thousand, according 22022
to data from the 2010 federal census, joins an existing alcohol, 22023
drug addiction, and mental health service district during the 22024
period beginning on June 30, 2021, and ending June 30, 2023, the 22025
existing board of alcohol, drug addiction, and mental health 22026
services serving that district may elect to expand its 22027
membership to eighteen members if the existing board has 22028
fourteen members. 22029

(2) The option to expand the board, as provided in 22030
division (B) (1) of this section, is available only during the 22031
twelve-month period beginning on the date the county with a 22032
population of at least thirty-five thousand but not more than 22033
forty-five thousand joins the alcohol, drug addiction, and 22034
mental health service district served by the board. The 22035
additional members shall be appointed in the manner specified in 22036
section 340.02 of the Revised Code. 22037

Sec. 340.03. (A) Subject to rules issued by the director 22038
of ~~mental-behavioral health and addiction services~~ after 22039
consultation with relevant constituencies as required by 22040
division (A) (10) of section 5119.21 of the Revised Code, each 22041
board of alcohol, drug addiction, and mental health services 22042
shall: 22043

(1) Serve as the community addiction and mental health 22044
planning agency for the county or counties under its 22045
jurisdiction, and in so doing it shall: 22046

(a) Evaluate the need for facility services, addiction 22047
services, mental health services, and recovery supports; 22048

(b) In cooperation with other local and regional planning 22049
and funding bodies and with relevant ethnic organizations, 22050
evaluate strengths and challenges and set priorities for 22051
addiction services, mental health services, and recovery 22052
supports. A board shall include treatment and prevention 22053
services when setting priorities for addiction services and 22054
mental health services. When a board sets priorities for 22055
addiction services, the board shall consult with the county 22056
commissioners of the counties in the board's service district 22057
regarding the services described in section 340.15 of the 22058
Revised Code and shall give priority to those services, except 22059
that those services shall not have a priority over services 22060
provided to pregnant women under programs developed in relation 22061
to the mandate established in section 5119.17 of the Revised 22062
Code. 22063

(c) In accordance with guidelines issued by the director 22064
of ~~mental-behavioral health and addiction services~~ under 22065
division (F) of section 5119.22 of the Revised Code, annually 22066
develop and submit to the department of ~~mental-behavioral health~~ 22067
~~and addiction services~~ a community addiction and mental health 22068
plan that addresses both of the following: 22069

(i) The needs of all residents of the service district 22070
currently receiving inpatient services in state-operated 22071
hospitals, the needs of other populations as required by state 22072
or federal law or programs, and the needs of all children 22073
subject to a determination made pursuant to section 121.38 of 22074
the Revised Code; 22075

(ii) The department's priorities for facility services, 22076

addiction services, mental health services, and recovery 22077
supports during the period for which the plan will be in effect. 22078
The department shall inform all of the boards of the 22079
department's priorities in a timely manner that enables the 22080
boards to know the department's priorities before the boards 22081
develop and submit the plans. 22082

In alcohol, drug addiction, and mental health service 22083
districts that have separate alcohol and drug addiction services 22084
and community mental health boards, the alcohol and drug 22085
addiction services board shall submit a community addiction plan 22086
and the community mental health board shall submit a community 22087
mental health plan. Each board shall consult with its 22088
counterpart in developing its plan and address the interaction 22089
between the local addiction and mental health systems and 22090
populations with regard to needs and priorities in developing 22091
its plan. 22092

The department shall approve or disapprove the plan, in 22093
whole or in part, in accordance with division (G) of section 22094
5119.22 of the Revised Code. Eligibility for state and federal 22095
funding shall be contingent upon an approved plan or relevant 22096
part of a plan. 22097

If a board determines that it is necessary to amend an 22098
approved plan, the board shall submit a proposed amendment to 22099
the director. The director shall approve or disapprove all or 22100
part of the amendment in accordance with division (H) of section 22101
5119.22 of the Revised Code. 22102

The board shall operate in accordance with the plan 22103
approved by the department. 22104

(d) Promote, arrange, and implement working agreements 22105

with social service agencies, both public and private, and with 22106
judicial agencies. 22107

(2) Investigate, or request another agency to investigate, 22108
any complaint alleging abuse or neglect of any person receiving 22109
addiction services, mental health services, or recovery supports 22110
from a community addiction services provider or community mental 22111
health services provider or alleging abuse or neglect of a 22112
resident receiving addiction services or with mental illness or 22113
severe mental disability residing in a residential facility 22114
licensed under section 5119.34 of the Revised Code. If the 22115
investigation substantiates the charge of abuse or neglect, the 22116
board shall take whatever action it determines is necessary to 22117
correct the situation, including notification of the appropriate 22118
authorities. Upon request, the board shall provide information 22119
about such investigations to the department. 22120

(3) For the purpose of section 5119.36 of the Revised 22121
Code, cooperate with the director of ~~mental-behavioral~~ health 22122
~~and addiction services~~ in visiting and evaluating whether the 22123
certifiable services and supports of a community addiction 22124
services provider or community mental health services provider 22125
satisfy the certification standards established by rules adopted 22126
under that section. In addition, a board may provide input and 22127
recommendations to the department when an application for 22128
certification or the renewal of a certification has been 22129
submitted by a provider or when a provider is being investigated 22130
by the department, if the board, in either of those 22131
circumstances, is aware of information that would be beneficial 22132
to the department's consideration of the matter. 22133

(4) In accordance with criteria established under division 22134
(D) of section 5119.22 of the Revised Code, conduct program 22135

audits that review and evaluate the quality, effectiveness, and 22136
efficiency of addiction services, mental health services, and 22137
recovery supports provided by community addiction services 22138
providers and community mental health services providers under 22139
contract with the board and submit the board's findings and 22140
recommendations to the department of ~~mental-behavioral health-~~ 22141
~~and addiction services;~~ 22142

(5) In accordance with section 5119.34 of the Revised 22143
Code, review an application for a residential facility license 22144
and provide to the department of ~~mental-behavioral health and-~~ 22145
~~addiction services~~ any information about the applicant or 22146
facility that the board would like the department to consider in 22147
reviewing the application; 22148

(6) Audit, in accordance with rules adopted by the auditor 22149
of state pursuant to section 117.20 of the Revised Code, at 22150
least annually all programs, addiction services, mental health 22151
services, and recovery supports provided under contract with the 22152
board. In so doing, the board may contract for or employ the 22153
services of private auditors. A copy of the fiscal audit report 22154
shall be provided to the director of ~~mental-behavioral health-~~ 22155
~~and addiction services~~, the auditor of state, and the county 22156
auditor of each county in the board's district. 22157

(7) Recruit and promote local financial support for 22158
addiction services, mental health services, and recovery 22159
supports from private and public sources; 22160

(8) In accordance with guidelines issued by the department 22161
as necessary to comply with state and federal laws pertaining to 22162
financial assistance, approve fee schedules and related charges 22163
or adopt a unit cost schedule or other methods of payment for 22164
addiction services, mental health services, and recovery 22165

supports provided by community addiction services providers and 22166
community mental health services providers that have contracted 22167
with the board under section 340.036 of the Revised Code; 22168

(9) Submit to the director and the county commissioners of 22169
the county or counties served by the board, and make available 22170
to the public, an annual report of the addiction services, 22171
mental health services, and recovery supports under the 22172
jurisdiction of the board, including a fiscal accounting; 22173

(10) Establish a method for evaluating referrals for 22174
court-ordered treatment and affidavits filed pursuant to section 22175
5122.11 of the Revised Code in order to assist the probate 22176
division of the court of common pleas in determining whether 22177
there is probable cause that a respondent is subject to court- 22178
ordered treatment and whether alternatives to hospitalization 22179
are available and appropriate; 22180

(11) Designate the treatment services, provider, facility, 22181
or other placement for each person involuntarily committed to 22182
the board pursuant to Chapter 5122. of the Revised Code. The 22183
board shall provide the least restrictive and most appropriate 22184
alternative that is available for any person involuntarily 22185
committed to it and shall assure that the list of addiction 22186
services, mental health services, and recovery supports 22187
submitted and approved in accordance with division (B) of 22188
section 340.08 of the Revised Code are available to persons with 22189
severe mental disabilities residing within its service district. 22190
The board shall establish the procedure for authorizing payment 22191
for the services and supports, which may include prior 22192
authorization in appropriate circumstances. In accordance with 22193
section 340.037 of the Revised Code, the board may provide 22194
addiction services and mental health services directly to a 22195

person with a severe mental disability when life or safety is 22196
endangered and when no community addiction services provider or 22197
community mental health services provider is available to 22198
provide the service. 22199

(12) Ensure that housing built, subsidized, renovated, 22200
rented, owned, or leased by the board or a community addiction 22201
services provider or community mental health services provider 22202
has been approved as meeting minimum fire safety standards and 22203
that persons residing in the housing have access to appropriate 22204
and necessary services, including culturally relevant services, 22205
from a community addiction services provider or community mental 22206
health services provider. This division does not apply to 22207
residential facilities licensed pursuant to section 5119.34 of 22208
the Revised Code. 22209

(13) Establish a mechanism for obtaining advice and 22210
involvement of persons receiving addiction services, mental 22211
health services, or recovery supports on matters pertaining to 22212
services and supports in the alcohol, drug addiction, and mental 22213
health service district; 22214

(14) Perform the duties required by rules adopted under 22215
section 5119.22 of the Revised Code regarding referrals by the 22216
board or community mental health services providers under 22217
contract with the board of individuals with mental illness or 22218
severe mental disability to class two residential facilities 22219
licensed under section 5119.34 of the Revised Code and effective 22220
arrangements for ongoing mental health services for the 22221
individuals. The board is accountable in the manner specified in 22222
the rules for ensuring that the ongoing mental health services 22223
are effectively arranged for the individuals. 22224

(B) Each board of alcohol, drug addiction, and mental 22225

health services shall establish such rules, operating 22226
procedures, standards, and bylaws, and perform such other duties 22227
as may be necessary or proper to carry out the purposes of this 22228
chapter. 22229

(C) A board of alcohol, drug addiction, and mental health 22230
services may receive by gift, grant, devise, or bequest any 22231
moneys, lands, or property for the benefit of the purposes for 22232
which the board is established, and may hold and apply it 22233
according to the terms of the gift, grant, or bequest. All money 22234
received, including accrued interest, by gift, grant, or bequest 22235
shall be deposited in the treasury of the county, the treasurer 22236
of which is custodian of the alcohol, drug addiction, and mental 22237
health services funds to the credit of the board and shall be 22238
available for use by the board for purposes stated by the donor 22239
or grantor. 22240

(D) No member or employee of a board of alcohol, drug 22241
addiction, and mental health services shall be liable for injury 22242
or damages caused by any action or inaction taken within the 22243
scope of the member's official duties or the employee's 22244
employment, whether or not such action or inaction is expressly 22245
authorized by this section or any other section of the Revised 22246
Code, unless such action or inaction constitutes willful or 22247
wanton misconduct. Chapter 2744. of the Revised Code applies to 22248
any action or inaction by a member or employee of a board taken 22249
within the scope of the member's official duties or employee's 22250
employment. For the purposes of this division, the conduct of a 22251
member or employee shall not be considered willful or wanton 22252
misconduct if the member or employee acted in good faith and in 22253
a manner that the member or employee reasonably believed was in 22254
or was not opposed to the best interests of the board and, with 22255
respect to any criminal action or proceeding, had no reasonable 22256

cause to believe the conduct was unlawful. 22257

(E) The meetings held by any committee established by a 22258
board of alcohol, drug addiction, and mental health services 22259
shall be considered to be meetings of a public body subject to 22260
section 121.22 of the Revised Code. 22261

(F) (1) A board of alcohol, drug addiction, and mental 22262
health services may establish a rule, operating procedure, 22263
standard, or bylaw to allow the executive director of the board 22264
to execute both of the following types of contracts valued at 22265
twenty-five thousand dollars or less, as determined by the 22266
board, on behalf of the board without the board's prior 22267
approval: 22268

(a) Emergency contracts for clinical services or recovery 22269
support services; 22270

(b) Standard service contracts pertaining to the board's 22271
operations. 22272

(2) If a board establishes a rule, operating procedure, 22273
standard, or bylaw under division (F) (1) of this section, both 22274
of the following shall be the case: 22275

(a) The board shall define the scope of contracts 22276
described in divisions (F) (1) (a) and (b) of this section in that 22277
rule, operating procedure, standard, or bylaw. 22278

(b) The board shall disclose the existence of a contract 22279
executed pursuant to the rule, operating procedure, standard, or 22280
bylaw at the first board meeting that occurs after the contract 22281
was executed and ensure that a record of that disclosure is 22282
included in the written minutes of that meeting. 22283

Sec. 340.032. Subject to rules adopted by the director of 22284

~~mental-behavioral health and addiction services~~ after 22285
consultation with relevant constituencies as required by 22286
division (A) (10) of section 5119.21 of the Revised Code, each 22287
board of alcohol, drug addiction, and mental health services 22288
shall do all of the following: 22289

(A) Establish, to the extent resources are available, a 22290
community-based continuum of care that includes all of the 22291
following as essential elements: 22292

(1) Prevention and wellness management services; 22293

(2) At least both of the following outreach and engagement 22294
activities: 22295

(a) Locating persons in need of addiction services and 22296
persons in need of mental health services to inform them of 22297
available addiction services, mental health services, and 22298
recovery supports; 22299

(b) Helping persons who receive addiction services and 22300
persons who receive mental health services obtain services 22301
necessary to meet basic human needs for food, clothing, shelter, 22302
medical care, personal safety, and income. 22303

(3) Assessment services; 22304

(4) Care coordination; 22305

(5) Residential services; 22306

(6) At least the following outpatient services: 22307

(a) Nonintensive; 22308

(b) Intensive, such as partial hospitalization and 22309
assertive community treatment; 22310

(c) Withdrawal management; 22311

(d) Emergency and crisis.	22312
(7) Where appropriate, at least the following inpatient services:	22313 22314
(a) Psychiatric care;	22315
(b) Medically managed alcohol or drug treatment.	22316
(8) At least all of the following recovery supports:	22317
(a) Peer support;	22318
(b) A wide range of housing and support services, including recovery housing residences;	22319 22320
(c) Employment, vocational, and educational opportunities;	22321
(d) Assistance with social, personal, and living skills;	22322
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	22323 22324
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	22325 22326 22327
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	22328 22329 22330
(10) Any additional elements the department of mental-behavioral health-and-addiction services , pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.	22331 22332 22333 22334
(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;	22335 22336
(C) Ensure that persons receiving any elements of the	22337

community-based continuum of care are able to utilize grievance 22338
procedures applicable to the elements. 22339

Sec. 340.034. All of the following apply to recovery 22340
housing residences required by section 340.033 of the Revised 22341
Code to be part of included opioid and co-occurring drug 22342
addiction services and recovery supports: 22343

(A) A recovery housing residence shall comply with the 22344
requirements of being monitored by the department of ~~mental~~ 22345
behavioral health ~~and addiction services~~ under sections 5119.39 22346
to 5119.396 of the Revised Code and any rules adopted under 22347
section 5119.397 of the Revised Code, but the residence is not 22348
subject to residential facility licensure by the department 22349
under section 5119.34 of the Revised Code. 22350

(B) A recovery housing residence shall not be operated by 22351
a board of alcohol, drug addiction, and mental health services 22352
unless any of the following applies: 22353

(1) The board operated the recovery housing residence on 22354
July 1, 2017. 22355

(2) The board utilizes local funds in the development or 22356
operation of the recovery housing residence. 22357

(3) The board determines that there is a need for the 22358
board to assume operation of the recovery housing residence, 22359
such as when an existing operator of the residence goes out of 22360
business and the board considers the assumption of operation of 22361
the residence to be in the best interest of the community. 22362

(C) A recovery housing residence shall have protocols for 22363
all of the following: 22364

(1) Administrative oversight; 22365

(2) Quality standards;	22366
(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere.	22367 22368
(D) Family members of a resident of a recovery housing residence may reside in the residence to the extent permitted by protocols of the residence.	22369 22370 22371
(E) A recovery housing residence shall not limit a resident's duration of stay to an arbitrary or fixed amount of time. Instead, each resident's duration of stay shall be determined by the resident's needs, progress, and willingness to abide by the residence's protocols, in collaboration with the residence's operator, and, if appropriate, in consultation and integration with a community addiction services provider.	22372 22373 22374 22375 22376 22377 22378
(F) A recovery housing residence may permit its residents to receive medication-assisted treatment.	22379 22380
(G) A resident of a recovery housing residence may receive addiction services that are certified by the department under section 5119.36 of the Revised Code.	22381 22382 22383
Sec. 340.036. (A) Subject to division (B) of this section and rules adopted by the director of mental - <u>behavioral</u> health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall enter into contracts with all of the following:	22384 22385 22386 22387 22388 22389 22390
(1) Public and private facilities for the operation of facility services;	22391 22392
(2) Community addiction services providers for addiction	22393

services and recovery supports; 22394

(3) Community mental health services providers for mental 22395
health services and recovery supports. 22396

(B) No board shall do any of the following: 22397

(1) Contract with a residential facility required to be 22398
licensed under section 5119.34 of the Revised Code unless the 22399
facility is so licensed; 22400

(2) Contract with a community addiction services provider 22401
or community mental health services provider for certifiable 22402
services and supports unless the certifiable services and 22403
supports are certified under section 5119.36 of the Revised 22404
Code; 22405

(3) Contract with a community addiction services provider 22406
or community mental health services provider for recovery 22407
supports that are required by the director to meet quality 22408
criteria or core competencies unless the recovery supports meet 22409
the criteria or competencies. 22410

(C) When a board contracts with a community addiction 22411
services provider or community mental health services provider 22412
for addiction services, mental health services, or recovery 22413
supports, all of the following apply: 22414

(1) The board shall consider both of the following: 22415

(a) The cost effectiveness and quality of the provider's 22416
services and supports; 22417

(b) Continuity of care. 22418

(2) The board may review cost elements, including salary 22419
costs, of the services and supports. 22420

(3) The board may establish, in a way that is most 22421
effective and efficient in meeting local needs, a utilization 22422
review process as part of the contract. 22423

(4) The board may contract with a government entity, for- 22424
profit entity, or nonprofit entity. Any such entity may be 22425
faith-based. 22426

(D) If a party to a contract entered into under this 22427
section proposes not to renew the contract or proposes 22428
substantial changes in contract terms, the other party shall be 22429
given written notice at least one hundred twenty days before the 22430
expiration date of the contract. During the first sixty days of 22431
this one-hundred-twenty-day period, both parties shall attempt 22432
to resolve any dispute through good faith collaboration and 22433
negotiation in order to continue to provide services and 22434
supports to persons in need. If the dispute has not been 22435
resolved sixty days before the expiration date of the contract, 22436
either party may notify the director of the unresolved dispute. 22437
The director may require both parties to submit the dispute to 22438
another entity with the cost to be shared by the parties. Not 22439
later than twenty days before the expiration date of the 22440
contract or a later date to which both parties agree, the other 22441
entity shall issue to the parties and director recommendations 22442
on how the dispute may be resolved. The director shall adopt 22443
rules establishing the procedures of this dispute resolution 22444
process. 22445

(E) Section 307.86 of the Revised Code does not apply to 22446
contracts entered into under this section. 22447

Sec. 340.037. (A) Subject to division (B) of this section 22448
and rules adopted by the director of ~~mental~~ behavioral health 22449
~~and addiction services~~ after consultation with relevant 22450

constituencies as required by division (A) (10) of section 22451
5119.21 of the Revised Code, a board of alcohol, drug addiction, 22452
and mental health services may operate a facility or provide an 22453
addiction service or mental health service if both of the 22454
following apply: 22455

(1) The director gives the board prior approval; 22456

(2) There is no other qualified private or public 22457
facility, community addiction services provider, or community 22458
mental health services provider that is immediately available 22459
and willing to operate such a facility or provide the service. 22460

(B) (1) In an emergency situation, a board may operate a 22461
facility or provide an addiction service or mental health 22462
service in order to provide essential services for the duration 22463
of the emergency. 22464

(2) In a service district with a population of at least 22465
one hundred thousand but less than five hundred thousand, a 22466
board may operate a facility or provide an addiction service or 22467
mental health service for not longer than one year. 22468

(3) In a service district with a population of less than 22469
one hundred thousand, a board may operate a facility or provide 22470
an addiction service or mental health service for not longer 22471
than one year, except that the board may operate a facility or 22472
provide an addiction service or mental health service for more 22473
than one year with the prior approval of both of the following: 22474

(a) The director; 22475

(b) The board of county commissioners with jurisdiction 22476
over the service district or, if the service district is a 22477
joint-county district, a majority of the boards of county 22478
commissioners with jurisdiction over the district. 22479

- (C) The director shall not do any of the following: 22480
- (1) Except in an emergency situation, give a board 22481
approval to operate a facility or provide an addiction service 22482
or mental health service unless the director determines that it 22483
is not feasible to have the department operate the facility or 22484
provide the service; 22485
- (2) Give a board that serves a service district with a 22486
population of less than one hundred thousand approval to operate 22487
a facility or provide an addiction service or mental health 22488
service unless the director determines that the board will 22489
provide greater administrative efficiency and more or better 22490
services than would be available if the board contracted with a 22491
private or public facility, community addiction services 22492
provider, or community mental health services provider; 22493
- (3) Give a board approval to operate a facility previously 22494
operated by a person or other government entity unless the board 22495
has established to the director's satisfaction that the person 22496
or other government entity cannot effectively operate the 22497
facility or that the person or other government entity has 22498
requested the board to take over operation of the facility; 22499
- (4) Give a board approval to provide an addiction service 22500
or mental health service previously provided by a community 22501
addiction services provider or community mental health services 22502
provider unless the board has established to the director's 22503
satisfaction that the provider cannot effectively provide the 22504
service or that the provider has requested the board to take 22505
over providing the service. 22506
- (D) The director shall review and evaluate a board's 22507
operation of a facility and provision of addiction services or 22508

mental health services under this section. 22509

(E) Nothing in this section authorizes a board to 22510
administer or direct the daily operation of any facility, 22511
community addiction services provider, or community mental 22512
health services provider. However, a facility or provider may 22513
contract with a board to receive administrative services or 22514
staff direction from the board under the direction of the 22515
governing body of the facility or provider. 22516

Sec. 340.038. (A) The department of behavioral health and 22517
the department of medicaid, in collaboration with boards of 22518
alcohol, drug addiction, and mental health services, shall 22519
develop a three-way data-sharing agreement for the exchange of, 22520
and the provision of access to, data and other information 22521
regarding clients receiving addiction services, mental health 22522
services, or both types of services, including information that 22523
exists at the level of claims for medicaid and other payments 22524
for the services. The agreement shall specify data-sharing and 22525
integration procedures that enable the departments and the 22526
boards to exchange, and have access to, on a mutual basis, all 22527
client data and other information necessary to ensure that each 22528
board's continuum of care is available, as appropriate, to 22529
persons seeking or receiving addiction services, mental health 22530
services, or both types of services. 22531

(B) Each data-sharing agreement developed under this 22532
section shall address all of the following: 22533

(1) Information regarding clients with severe mental 22534
illness, as identified by clinical diagnoses; the number of 22535
services provided to those clients, expressed according to 22536
discrete service groups; the length of time in treatment; and 22537
other relevant factors; 22538

(2) Information regarding clients who are incarcerated, 22539
including information about their medicaid eligibility status 22540
before and after incarceration, for the purpose of coordinating 22541
services upon each client's release; 22542

(3) Information regarding clients who participate in 22543
housing assistance programs, to assist with coordinating 22544
services between housing and treatment providers; 22545

(4) Information regarding claims for payment, including 22546
medicaid payment, for all addiction services and mental health 22547
services provided to clients, based on the alcohol, drug 22548
addiction, and mental health service district in which they 22549
reside. 22550

Sec. 340.04. Each board of alcohol, drug addiction, and 22551
mental health services shall employ a qualified mental health or 22552
addiction services professional with experience in 22553
administration or a professional administrator with experience 22554
in mental health services or addiction services to serve as 22555
executive director of the board and shall prescribe the 22556
director's duties. 22557

The board shall fix the compensation of the executive 22558
director. In addition to such compensation, the director shall 22559
be reimbursed for actual and necessary expenses incurred in the 22560
performance of the director's official duties. The board, by 22561
majority vote of the full membership, may remove the director 22562
for cause at any time, contingent upon any written contract 22563
between the board and the executive director, upon written 22564
charges, after an opportunity has been afforded the director for 22565
a hearing before the board on request. 22566

The board may delegate to its executive director the 22567

authority to act in its behalf in the performance of its 22568
administrative duties. 22569

As used in this section, "mental health professional" and 22570
"addiction services professional" mean an individual who is 22571
qualified to work with persons with mental illnesses or persons 22572
receiving addiction services, pursuant to standards established 22573
by the director of ~~mental-behavioral health and addiction-~~ 22574
~~services~~ under Chapter 5119. of the Revised Code. 22575

Sec. 340.041. In addition to such other duties as may be 22576
lawfully imposed, the executive director of a board of alcohol, 22577
drug addiction, and mental health services shall: 22578

(A) Serve as executive officer of the board and, subject 22579
to the prior approval of the board for each contract, except 22580
contracts, if any, to which division (F) of section 340.03 of 22581
the Revised Code applies, execute contracts on its behalf; 22582

(B) Supervise addiction services, mental health services, 22583
recovery supports, and facilities provided, operated, 22584
contracted, or supported by the board to the extent of 22585
determining that services, supports, and facilities are being 22586
administered in conformity with this chapter and rules of the 22587
director of ~~mental-behavioral health-and addiction-services;~~ 22588

(C) Provide consultation to community addiction services 22589
providers and community mental health services providers; 22590

(D) Recommend to the board the changes necessary to 22591
increase the effectiveness of addiction services, mental health 22592
services, and recovery supports and other matters necessary or 22593
desirable to carry out this chapter; 22594

(E) Employ and remove from office such employees and 22595
consultants in the classified civil service and, subject to the 22596

approval of the board, employ and remove from office such other 22597
employees and consultants as may be necessary for the work of 22598
the board, and fix their compensation and reimbursement within 22599
the limits set by the salary schedule and the budget approved by 22600
the board; 22601

(F) Encourage the development and expansion of preventive, 22602
treatment, and consultative services, as well as recovery 22603
supports, in the fields of addiction services and mental health 22604
services with emphasis on continuity of care; 22605

(G) Prepare for board approval an annual report of the 22606
addiction services, mental health services, recovery supports, 22607
and facilities under the jurisdiction of the board, including a 22608
fiscal accounting of all services and supports; 22609

(H) Conduct such studies as may be necessary and 22610
practicable for the promotion of mental health, promotion of 22611
addiction services, and the prevention of mental illness, 22612
emotional disorders, and addiction; 22613

(I) Authorize the county auditor, or in a joint-county 22614
district the county auditor designated as the auditor for the 22615
district, to issue warrants for the payment of board obligations 22616
approved by the board, provided that all payments from funds 22617
distributed to the board by the department of ~~mental-behavioral~~ 22618
health ~~and addiction services~~ are in accordance with the budget 22619
submitted pursuant to section 340.08 of the Revised Code, as 22620
approved by the department of ~~mental-behavioral~~ health ~~and~~ 22621
~~addiction services~~. 22622

Sec. 340.05. If a community addiction services provider or 22623
community mental health services provider receives a complaint 22624
alleging abuse or neglect of an individual with mental illness 22625

or severe mental disability, or an individual receiving 22626
addiction services, who resides in a residential facility 22627
licensed under section 5119.34 of the Revised Code, the provider 22628
shall report the complaint to the board of alcohol, drug 22629
addiction, and mental health services serving the alcohol, drug 22630
addiction, and mental health service district in which the 22631
residential facility is located. A board of alcohol, drug 22632
addiction, and mental health services that receives such a 22633
report from a community addiction services provider or community 22634
mental health services provider of such a complaint shall report 22635
the complaint to the director of ~~mental-behavioral health and~~ 22636
~~addiction services~~ for the purpose of the director conducting an 22637
investigation under section 5119.34 of the Revised Code. The 22638
board may enter the facility with or without the director and, 22639
if the health and safety of a resident is in immediate danger, 22640
take any necessary action to protect the resident. The board's 22641
action shall not violate any resident's rights specified in 22642
rules adopted by the department of ~~mental-behavioral health and~~ 22643
~~addiction services~~ under section 5119.34 of the Revised Code. 22644
The board shall immediately report to the director regarding the 22645
board's actions under this section. 22646

Sec. 340.07. The board of county commissioners of any 22647
county participating in an alcohol, drug addiction, and mental 22648
health service district or joint-county district, upon receipt 22649
from the board of alcohol, drug addiction, and mental health 22650
services of a resolution so requesting, may appropriate money to 22651
such board for the operation, lease, acquisition, construction, 22652
renovation, and maintenance of community addiction services 22653
providers, community mental health services providers, and 22654
facilities in accordance with the budget required by section 22655
340.08 of the Revised Code and approved by the department of 22656

~~mental-behavioral health and addiction services~~ pursuant to 22657
section 5119.22 of the Revised Code. 22658

Sec. 340.08. In accordance with rules or guidelines issued 22659
by the director of ~~mental-behavioral health and addiction~~ 22660
~~services~~, each board of alcohol, drug addiction, and mental 22661
health services shall do all of the following: 22662

(A) Submit to the department of ~~mental-behavioral health~~ 22663
~~and addiction services~~ a proposed budget of receipts and 22664
expenditures for all federal, state, and local moneys the board 22665
expects to receive. 22666

(1) The proposed budget shall identify funds the board has 22667
available for included opioid and co-occurring drug addiction 22668
services and recovery supports. 22669

(2) The proposed budget shall identify funds the board and 22670
public children services agencies in the board's service 22671
district have available to fund jointly the services described 22672
in section 340.15 of the Revised Code. 22673

(3) The board's proposed budget for expenditures of state 22674
and federal funds distributed to the board by the department 22675
shall be deemed an application for funds, and the department 22676
shall approve or disapprove the budget for these expenditures in 22677
whole or in part in accordance with division (G) of section 22678
5119.22 of the Revised Code. 22679

If a board determines that it is necessary to amend an 22680
approved budget, the board shall submit a proposed amendment to 22681
the director. The director shall approve or disapprove all or 22682
part of the amendment in accordance with division (H) of section 22683
5119.22 of the Revised Code. 22684

(B) Submit to the department a proposed list of addiction 22685

services, mental health services, and recovery supports the 22686
board intends to make available. The board shall include the 22687
services and supports required by section 340.032 of the Revised 22688
Code to be included in the community-based continuum of care and 22689
the services required by section 340.15 of the Revised Code. The 22690
board shall explain the manner in which the board intends to 22691
make such services and supports available. The list shall be 22692
compatible with the budget submitted pursuant to division (A) of 22693
this section. The department shall approve or disapprove the 22694
list in whole or in part in accordance with division (G) of 22695
section 5119.22 of the Revised Code. 22696

If a board determines that it is necessary to amend an 22697
approved list, the board shall submit a proposed amendment to 22698
the director. The director shall approve or disapprove all or 22699
part of the amendment in accordance with division (H) of section 22700
5119.22 of the Revised Code. 22701

(C) Enter into a continuity of care agreement with the 22702
state institution operated by the department of ~~mental~~ 22703
behavioral health and addiction services and designated as the 22704
institution serving the district encompassing the board's 22705
service district. The continuity of care agreement shall outline 22706
the department's and the board's responsibilities to plan for 22707
and coordinate with each other to address the needs of board 22708
residents who are patients in the institution, with an emphasis 22709
on managing appropriate hospital bed day use and discharge 22710
planning. The continuity of care agreement shall not require the 22711
board to provide addiction services, mental health services, or 22712
recovery supports other than those on the list of services and 22713
supports submitted by the board pursuant to division (B) of this 22714
section and approved by the department in accordance with 22715
division (G) of section 5119.22 of the Revised Code. 22716

(D) In conjunction with the department, operate a 22717
coordinated system for tracking and monitoring persons found not 22718
guilty by reason of insanity and committed pursuant to section 22719
2945.40 of the Revised Code who have been granted a conditional 22720
release and persons found incompetent to stand trial and 22721
committed pursuant to section 2945.39 of the Revised Code who 22722
have been granted a conditional release. The system shall do all 22723
of the following: 22724

(1) Centralize responsibility for the tracking of those 22725
persons; 22726

(2) Provide for uniformity in monitoring those persons; 22727

(3) Provide a mechanism to allow prompt rehospitalization, 22728
reinstitutionalization, or detention when a violation of the 22729
conditional release or decompensation occurs. 22730

(E) Submit to the department a report summarizing all of 22731
the following: 22732

(1) Complaints and grievances received by the board 22733
concerning the rights of persons seeking or receiving addiction 22734
services, mental health services, or recovery supports; 22735

(2) Investigations of the complaints and grievances; 22736

(3) Outcomes of the investigations. 22737

(F) Provide to the department information to be submitted 22738
to the community behavioral health information system or systems 22739
established by the department under Chapter 5119. of the Revised 22740
Code. 22741

(G) Annually, and upon any change in membership, submit to 22742
the department a list of all current members of the board of 22743
alcohol, drug addiction, and mental health services, including 22744

the appointing authority for each member, and the member's 22745
specific qualification for appointment pursuant to section 22746
340.02 or 340.021 of the Revised Code, if applicable. 22747

(H) Submit to the department other information as is 22748
reasonably required for purposes of the department's operations, 22749
service evaluation, reporting activities, research, system 22750
administration, and oversight. 22751

(I) Annually update and publish on the board's web site a 22752
list of all opioid treatment programs licensed under section 22753
5119.37 of the Revised Code that are operating within the 22754
board's district, based on information obtained from any of the 22755
following: 22756

(1) The federal substance abuse and mental health services 22757
administration's opioid treatment program directory; 22758

(2) A resource directory created by the department of 22759
~~mental-behavioral health and addiction services~~; 22760

(3) The list maintained by the department of ~~mental-~~ 22761
~~behavioral health and addiction services~~ pursuant to division 22762
(P) of section 5119.37 of the Revised Code. 22763

Sec. 340.09. (A) Using funds the general assembly 22764
appropriates for these purposes, the department of ~~mental-~~ 22765
~~behavioral health and addiction services~~ shall provide any 22766
county assistance for one or more of the following: 22767

(1) The operation of the board of alcohol, drug addiction, 22768
and mental health services serving the county; 22769

(2) The provision of addiction services, mental health 22770
services, and recovery supports included in the board's list of 22771
services and supports required by section 340.08 of the Revised 22772

Code and approved by the department under section 5119.22 of the Revised Code; 22773
22774

(3) The provision of approved support functions; 22775

(4) The partnership in, or support for, approved community-based continuum of care-related activities. 22776
22777

(B) Support functions may include the following: 22778

(1) Consultation; 22779

(2) Research; 22780

(3) Administrative; 22781

(4) Referral and information; 22782

(5) Training; 22783

(6) Service and program evaluation. 22784

Sec. 340.12. As used in this section, "disability" has the same meaning as in section 4112.01 of the Revised Code. 22785
22786

No board of alcohol, drug addiction, and mental health services or any community addiction services provider or community mental health services provider under contract with such a board shall discriminate in the provision of addiction services, mental health services, or recovery supports under its authority, in employment, or under a contract on the basis of race, color, religion, ancestry, military status, sex, age, national origin, or disability. 22787
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Each board, community addiction services provider, and community mental health services provider shall have a written affirmative action program. The affirmative action program shall include goals for the employment and effective utilization of, including contracts with, members of economically disadvantaged 22795
22796
22797
22798
22799

groups as defined in division (E) (1) of section 122.71 of the Revised Code in percentages reflecting as nearly as possible the composition of the alcohol, drug addiction, and mental health service district served by the board. Each board and provider shall file a description of the affirmative action program and a progress report on its implementation with the department of mental behavioral health and addiction services.

Sec. 340.13. (A) As used in this section:

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(2) "EDGE business enterprise" has the same meaning as in section 122.922 of the Revised Code.

(B) Any minority business enterprise that desires to bid on a contract under division (C) of this section shall first apply to the department of development for certification as a minority business enterprise. Any EDGE business enterprise that desires to bid on a contract under division (D) of this section shall first apply to the department of development for certification as an EDGE business enterprise. The director of development shall approve the application of any minority business enterprise or EDGE business enterprise that complies with the rules adopted under section 122.71 or 122.922 of the Revised Code, respectively. The director shall prepare and maintain a list of minority business enterprises and EDGE business enterprises certified under those sections.

(C) From the contracts to be awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under section 340.036 of the Revised Code, each board of alcohol, drug addiction, and mental health

services shall select a number of contracts with an aggregate 22829
value of approximately fifteen per cent of the total estimated 22830
value of contracts to be awarded in the current fiscal year. The 22831
board shall set aside the contracts so selected for bidding by 22832
minority business enterprises only. The bidding procedures for 22833
such contracts shall be the same as for all other contracts 22834
awarded under section 307.86 of the Revised Code, except that 22835
only minority business enterprises certified and listed pursuant 22836
to division (B) of this section shall be qualified to submit 22837
bids. 22838

(D) To the extent that a board is authorized to enter into 22839
contracts for construction, the board shall strive to attain a 22840
yearly contract dollar procurement goal the aggregate value of 22841
which equals approximately five per cent of the aggregate value 22842
of construction contracts for the current fiscal year for EDGE 22843
business enterprises only. 22844

(E) (1) In the case of contracts set aside under division 22845
(C) of this section, if no bid is submitted by a minority 22846
business enterprise, the contract shall be awarded according to 22847
normal bidding procedures. The board shall from time to time set 22848
aside such additional contracts as are necessary to replace 22849
those contracts previously set aside on which no minority 22850
business enterprise bid. 22851

(2) If a board, after having made a good faith effort, is 22852
unable to comply with the goal of procurement for contracting 22853
with EDGE business enterprises pursuant to division (D) of this 22854
section, the board may apply in writing, on a form prescribed by 22855
the department of administrative services, to the director of 22856
~~mental-behavioral health and addiction services~~ for a waiver or 22857
modification of the goal. 22858

(F) This section does not preclude any minority business 22859
enterprise or EDGE business enterprise from bidding on any other 22860
contract not specifically set aside for minority business 22861
enterprises or subject to procurement goals for EDGE business 22862
enterprises. 22863

(G) Within ninety days after the beginning of each fiscal 22864
year, each board shall file a report with the department of 22865
~~mental-behavioral health and addiction services~~ that shows for 22866
that fiscal year the name of each minority business enterprise 22867
and EDGE business enterprise with which the board entered into a 22868
contract, the value and type of each such contract, the total 22869
value of contracts awarded under divisions (C) and (D) of this 22870
section, the total value of contracts awarded for the purchases 22871
of equipment, materials, supplies, or services, other than 22872
contracts entered into under section 340.036 of the Revised 22873
Code, and the total value of contracts entered into for 22874
construction. 22875

(H) Any person who intentionally misrepresents self as 22876
owning, controlling, operating, or participating in a minority 22877
business enterprise or an EDGE business enterprise for the 22878
purpose of obtaining contracts or any other benefits under this 22879
section shall be guilty of theft by deception as provided for in 22880
section 2913.02 of the Revised Code. 22881

Sec. 340.16. The department of ~~mental-behavioral health~~ 22882
~~and addiction services~~ and the department of medicaid shall 22883
adopt rules that establish requirements and procedures for prior 22884
notification and service coordination between public children 22885
services agencies and boards of alcohol, drug addiction, and 22886
mental health services when a public children services agency 22887
refers a child in its custody to a board for services funded by 22888

the board. The rules shall be adopted in accordance with Chapter 22889
119. of the Revised Code. 22890

Sec. 505.24. (A) In calendar year 2018, each township 22891
trustee is entitled to compensation in an amount for each day of 22892
service in the business of the township, to be paid from the 22893
township treasury as follows: 22894

(1) In townships having a budget of two hundred fifty 22895
thousand dollars or less, forty dollars and forty-one cents per 22896
day for not more than two hundred days; 22897

(2) In townships having a budget of more than two hundred 22898
fifty thousand but not more than five hundred thousand dollars, 22899
forty-six dollars and eighty cents per day for not more than two 22900
hundred days; 22901

(3) In townships having a budget of more than five hundred 22902
thousand but not more than seven hundred fifty thousand dollars, 22903
forty-nine dollars and sixty-three cents per day for not more 22904
than two hundred days; 22905

(4) In townships having a budget of more than seven 22906
hundred fifty thousand but not more than one million five 22907
hundred thousand dollars, fifty-six dollars and seventy-one 22908
cents per day for not more than two hundred days; 22909

(5) In townships having a budget of more than one million 22910
five hundred thousand but not more than three million five 22911
hundred thousand dollars, sixty-two dollars and thirty-nine 22912
cents per day for not more than two hundred days; 22913

(6) In townships having a budget of more than three 22914
million five hundred thousand but not more than six million 22915
dollars, sixty-eight dollars and six cents per day for not more 22916
than two hundred days; 22917

(7) In townships having a budget of more than six million 22918
but not more than ten million dollars, eighty-eight dollars and 22919
nineteen cents per day for not more than two hundred days; 22920

(8) In townships having a budget of more than ten million 22921
dollars, one hundred thirteen dollars and thirty-eight cents per 22922
day for not more than two hundred days. 22923

(B) The amounts paid as specified in division (A) of this 22924
section shall be increased as follows: 22925

(1) In calendar year 2019 and in each calendar year 22926
thereafter through calendar year 2028~~2025~~, the amounts paid as 22927
specified in division (A) of this section shall be increased by 22928
one and three-quarters per cent; 22929

(2) In calendar year 2026 and in each calendar year 22930
thereafter through calendar year 2029, by five per cent; 22931

(3) In calendar year 2030 and in each calendar year 22932
thereafter, by the percentage increase, if any, in the consumer 22933
price index as defined in section 141.04 of the Revised Code 22934
over the twelve-month period that ends on the thirtieth day of 22935
September of the immediately preceding year, rounded to the 22936
nearest one-tenth of one per cent, not to exceed three per cent. 22937

(C) Whenever members of a board of township trustees are 22938
compensated per diem and not by annual salary, the board shall 22939
establish, by resolution, a method by which each member of the 22940
board shall periodically notify the township fiscal officer of 22941
the number of days spent in the service of the township and the 22942
kinds of services rendered on those days. The per diem 22943
compensation shall be paid from the township general fund or 22944
from other township funds in such proportions as the kinds of 22945
services performed may require. The notice shall be filed with 22946

the township fiscal officer and preserved for inspection by any 22947
persons interested. 22948

By unanimous vote, a board of township trustees may adopt 22949
a method of compensation consisting of an annual salary to be 22950
paid in equal monthly payments. If the office of trustee is held 22951
by more than one person during any calendar year, each person 22952
holding the office shall receive payments for only those months, 22953
and any fractions of those months, during which the person holds 22954
the office. The amount of the annual salary approved by the 22955
board shall be no more than the maximum amount that could be 22956
received annually by a trustee if the trustee were paid on a per 22957
diem basis as specified in this division, and shall be paid from 22958
the township general fund or from other township funds in such 22959
proportions as the board may specify by resolution. Each trustee 22960
shall certify the percentage of time spent working on matters to 22961
be paid from the township general fund and from other township 22962
funds in such proportions as the kinds of services performed. A 22963
board of township trustees that has adopted a salary method of 22964
compensation may return to a method of compensation on a per 22965
diem basis as specified in this division by a majority vote. Any 22966
change in the method of compensation shall be effective on the 22967
first day of January of the year following the year during which 22968
the board has voted to change the method of compensation. 22969

Sec. 507.09. (A) In calendar year 2018, the township 22970
fiscal officer shall be entitled to compensation as follows: 22971

(1) In townships having a budget of two hundred fifty 22972
thousand dollars or less, ten thousand nine hundred eighteen 22973
dollars; 22974

(2) In townships having a budget of more than two hundred 22975
fifty thousand but not more than five hundred thousand dollars, 22976

fourteen thousand thirty-nine dollars; 22977

(3) In townships having a budget of more than five hundred 22978
thousand but not more than seven hundred fifty thousand dollars, 22979
fifteen thousand five hundred ninety-seven dollars; 22980

(4) In townships having a budget of more than seven 22981
hundred fifty thousand but not more than one million five 22982
hundred thousand dollars, eighteen thousand seven hundred 22983
seventeen dollars; 22984

(5) In townships having a budget of more than one million 22985
five hundred thousand but not more than three million five 22986
hundred thousand dollars, twenty-one thousand eight hundred 22987
thirty-six dollars; 22988

(6) In townships having a budget of more than three 22989
million five hundred thousand but not more than six million 22990
dollars, twenty-three thousand three hundred ninety-six dollars; 22991

(7) In townships having a budget of more than six million 22992
but not more than ten million dollars, twenty-six thousand eight 22993
hundred fifty-two dollars; 22994

(8) In townships having a budget of more than ten million 22995
dollars, thirty-one thousand sixty-four dollars. 22996

(B) The compensation determined under division (A) of this 22997
section shall be increased as follows: 22998

(1) In calendar year 2019 and in each calendar year 22999
thereafter through calendar year 202823000
2025, the compensation
determined under division (A) of this section shall be increased 23001
by one and three-quarters per cent; 23002

(2) In calendar year 2026 and in each calendar year 23003
thereafter through calendar year 2029, by five per cent; 23004

(3) In calendar year 2030 and in each calendar year 23005
thereafter, by the percentage increase, if any, in the consumer 23006
price index as defined in section 141.04 of the Revised Code 23007
over the twelve-month period that ends on the thirtieth day of 23008
September of the immediately preceding year, rounded to the 23009
nearest one-tenth of one per cent, not to exceed three per cent. 23010

(C) Any township fiscal officer may elect to receive less 23011
than the compensation the fiscal officer is entitled to under 23012
this section. Any township fiscal officer electing to do this 23013
shall so notify the board of township trustees in writing, and 23014
the board shall include this notice in the minutes of its next 23015
board meeting. 23016

(D) The compensation of the township fiscal officer shall 23017
be paid in equal monthly payments. If the office of township 23018
fiscal officer is held by more than one person during any 23019
calendar year, each person holding the office shall receive 23020
payments for only those months, and any fractions of those 23021
months, during which the person holds the office. 23022

A township fiscal officer may be compensated from the 23023
township general fund or from other township funds based on the 23024
proportion of time the township fiscal officer spends providing 23025
services related to each fund. A township fiscal officer must 23026
document the amount of time the township fiscal officer spends 23027
providing services related to each fund by certification 23028
specifying the percentage of time spent working on matters to be 23029
paid from the township general fund or from other township funds 23030
in such proportions as the kinds of services performed. 23031

Sec. 519.12. (A)(1) Amendments to the zoning resolution 23032
may be initiated by motion of the township zoning commission, by 23033
the passage of a resolution by the board of township trustees, 23034

or by the filing of an application by one or more of the owners 23035
or lessees of property within the area proposed to be changed or 23036
affected by the proposed amendment with the township zoning 23037
commission. The board of township trustees may require that the 23038
owner or lessee of property filing an application to amend the 23039
zoning resolution pay a fee to defray the cost of advertising, 23040
mailing, filing with the county recorder, and other expenses. If 23041
the board of township trustees requires such a fee, it shall be 23042
required generally, for each application. The board of township 23043
trustees, upon the passage of such a resolution, shall certify 23044
it to the township zoning commission. 23045

(2) Upon the adoption of a motion by the township zoning 23046
commission, the certification of a resolution by the board of 23047
township trustees to the commission, or the filing of an 23048
application by property owners or lessees as described in 23049
division (A)(1) of this section with the commission, the 23050
commission shall set a date for a public hearing, which date 23051
shall not be less than twenty nor more than forty days from the 23052
date of the certification of such a resolution, the date of 23053
adoption of such a motion, or the date of the filing of such an 23054
application. Notice of the hearing shall be given by the 23055
commission by one publication at least ten days before the date 23056
of the hearing using at least one of the following methods: 23057

(a) In the print or digital edition of one or more 23058
newspapers of general circulation in the township; 23059

(b) On the official public notice web site established 23060
under section 125.182 of the Revised Code; 23061

(c) On the web site and social media account of the 23062
township. 23063

(B) If the proposed amendment intends to rezone or 23064
redistrict ten or fewer parcels of land, as listed on the county 23065
auditor's current tax list, written notice of the hearing shall 23066
be mailed by the township zoning commission, by first class 23067
mail, at least ten days before the date of the public hearing to 23068
all owners of property within and contiguous to and directly 23069
across the street from the area proposed to be rezoned or 23070
redistricted to the addresses of those owners appearing on the 23071
county auditor's current tax list. The failure of delivery of 23072
that notice shall not invalidate any such amendment. 23073

(C) If the proposed amendment intends to rezone or 23074
redistrict ten or fewer parcels of land as listed on the county 23075
auditor's current tax list, the published and mailed notices 23076
shall set forth the time, date, and place of the public hearing 23077
and include all of the following: 23078

(1) The name of the township zoning commission that will 23079
be conducting the hearing; 23080

(2) A statement indicating that the motion, resolution, or 23081
application is an amendment to the zoning resolution; 23082

(3) A list of the addresses of all properties to be 23083
rezoned or redistricted by the proposed amendment and of the 23084
names of owners of those properties, as they appear on the 23085
county auditor's current tax list; 23086

(4) The present zoning classification of property named in 23087
the proposed amendment and the proposed zoning classification of 23088
that property; 23089

(5) The time and place where the motion, resolution, or 23090
application proposing to amend the zoning resolution will be 23091
available for examination for a period of at least ten days 23092

prior to the hearing; 23093

(6) The name of the person responsible for giving notice 23094
of the hearing by publication, by mail, or by both publication 23095
and mail; 23096

(7) A statement that, after the conclusion of the hearing, 23097
the matter will be submitted to the board of township trustees 23098
for its action; 23099

(8) Any other information requested by the commission. 23100

(D) If the proposed amendment alters the text of the 23101
zoning resolution, or rezones or redistricts more than ten 23102
parcels of land as listed on the county auditor's current tax 23103
list, the published notice shall set forth the time, date, and 23104
place of the public hearing and include all of the following: 23105

(1) The name of the township zoning commission that will 23106
be conducting the hearing on the proposed amendment; 23107

(2) A statement indicating that the motion, application, 23108
or resolution is an amendment to the zoning resolution; 23109

(3) The time and place where the text and maps of the 23110
proposed amendment will be available for examination for a 23111
period of at least ten days prior to the hearing; 23112

(4) The name of the person responsible for giving notice 23113
of the hearing by publication; 23114

(5) A statement that, after the conclusion of the hearing, 23115
the matter will be submitted to the board of township trustees 23116
for its action; 23117

(6) Any other information requested by the commission. 23118

(E) (1) (a) Except as provided in division (E) (1) (b) of this 23119

section, within five days after the adoption of the motion 23120
described in division (A) of this section, the certification of 23121
the resolution described in division (A) of this section, or the 23122
filing of the application described in division (A) of this 23123
section, the township zoning commission shall transmit a copy of 23124
it together with text and map pertaining to it to the county or 23125
regional planning commission, if there is such a commission, for 23126
approval, disapproval, or suggestions. 23127

The county or regional planning commission shall recommend 23128
the approval or denial of the proposed amendment or the approval 23129
of some modification of it and shall submit its recommendation 23130
to the township zoning commission. The recommendation shall be 23131
considered at the public hearing held by the township zoning 23132
commission on the proposed amendment. 23133

(b) The township zoning commission of a township that has 23134
adopted a limited home rule government under Chapter 504. of the 23135
Revised Code is not subject to division (E)(1)(a) of this 23136
section but may choose to comply with division (E)(1)(a) of this 23137
section. 23138

(2) The township zoning commission, within thirty days 23139
after the hearing, shall recommend the approval or denial of the 23140
proposed amendment, or the approval of some modification of it, 23141
and submit that recommendation together with the motion, 23142
application, or resolution involved, the text and map pertaining 23143
to the proposed amendment, and the recommendation of the county 23144
or regional planning commission on it to the board of township 23145
trustees. 23146

(3) The board of township trustees, upon receipt of that 23147
recommendation, shall set a time for a public hearing on the 23148
proposed amendment, which date shall not be more than thirty 23149

days from the date of the receipt of that recommendation. Notice 23150
of the hearing shall be given by the board by one publication at 23151
least ten days before the date of the hearing using at least one 23152
of the following methods: 23153

(a) In the print or digital edition of one or more 23154
newspapers of general circulation in the township; 23155

(b) On the official public notice web site established 23156
under section 125.182 of the Revised Code; 23157

(c) On the web site and social media account of the 23158
township. 23159

(F) If the proposed amendment intends to rezone or 23160
redistrict ten or fewer parcels of land as listed on the county 23161
auditor's current tax list, the published notice shall set forth 23162
the time, date, and place of the public hearing and include all 23163
of the following: 23164

(1) The name of the board of township trustees that will 23165
be conducting the hearing; 23166

(2) A statement indicating that the motion, application, 23167
or resolution is an amendment to the zoning resolution; 23168

(3) A list of the addresses of all properties to be 23169
rezoned or redistricted by the proposed amendment and of the 23170
names of owners of those properties, as they appear on the 23171
county auditor's current tax list; 23172

(4) The present zoning classification of property named in 23173
the proposed amendment and the proposed zoning classification of 23174
that property; 23175

(5) The time and place where the motion, application, or 23176
resolution proposing to amend the zoning resolution will be 23177

available for examination for a period of at least ten days 23178
prior to the hearing; 23179

(6) The name of the person responsible for giving notice 23180
of the hearing by publication, by mail, or by both publication 23181
and mail; 23182

(7) Any other information requested by the board. 23183

(G) If the proposed amendment alters the text of the 23184
zoning resolution, or rezones or redistricts more than ten 23185
parcels of land as listed on the county auditor's current tax 23186
list, the published notice shall set forth the time, date, and 23187
place of the public hearing and include all of the following: 23188

(1) The name of the board of township trustees that will 23189
be conducting the hearing on the proposed amendment; 23190

(2) A statement indicating that the motion, application, 23191
or resolution is an amendment to the zoning resolution; 23192

(3) The time and place where the text and maps of the 23193
proposed amendment will be available for examination for a 23194
period of at least ten days prior to the hearing; 23195

(4) The name of the person responsible for giving notice 23196
of the hearing by publication; 23197

(5) Any other information requested by the board. 23198

(H) Within twenty days after its public hearing, the board 23199
of township trustees shall either adopt or deny the 23200
recommendations of the township zoning commission or adopt some 23201
modification of them. If the board denies or modifies the 23202
commission's recommendations, a majority vote of the board shall 23203
be required. 23204

~~The~~ Except as provided in division (J) of this section, 23205
the proposed amendment, if adopted by the board, shall become 23206
effective in thirty days after the date of its adoption, unless, 23207
within thirty days after the adoption, there is presented to the 23208
board of township trustees a petition, signed by a number of 23209
registered electors residing in the unincorporated area of the 23210
township or part of that unincorporated area included in the 23211
zoning plan equal to not less than fifteen per cent of the total 23212
vote cast for all candidates for governor in that area at the 23213
most recent general election at which a governor was elected, 23214
requesting the board of township trustees to submit the 23215
amendment to the electors of that area for approval or rejection 23216
at a special election to be held on the day of the next primary 23217
or general election that occurs at least ninety days after the 23218
petition is filed. Each part of this petition shall contain the 23219
number and the full and correct title, if any, of the zoning 23220
amendment resolution, motion, or application, furnishing the 23221
name by which the amendment is known and a brief summary of its 23222
contents. In addition to meeting the requirements of this 23223
section, each petition shall be governed by the rules specified 23224
in section 3501.38 of the Revised Code. 23225

The form of a petition calling for a zoning referendum and 23226
the statement of the circulator shall be substantially as 23227
follows: 23228

"PETITION FOR ZONING REFERENDUM 23229

(if the proposal is identified by a particular name or 23230
number, or both, these should be inserted here) 23231

_____ 23232

A proposal to amend the zoning map of the unincorporated 23233
area of _____ Township, _____ County, Ohio, 23234

adopted _____ (date) _____ (followed by brief summary of the
proposal) .

To the Board of Township Trustees of _____
Township, _____ County, Ohio:

We, the undersigned, being electors residing in the
unincorporated area of _____ Township,
included within the _____ Township Zoning Plan, equal to
not less than fifteen per cent of the total vote cast for all
candidates for governor in the area at the preceding general
election at which a governor was elected, request the Board of
Township Trustees to submit this amendment of the zoning
resolution to the electors of _____ Township
residing within the unincorporated area of the township included
in the _____ Township Zoning Resolution, for
approval or rejection at a special election to be held on the
day of the primary or general election to be held on
_____ (date) _____, pursuant to section 519.12 of the Revised
Code.

Street Address	Date of
Signature or R.F.D.	Township Precinct County Signing
_____	_____
_____	_____

STATEMENT OF CIRCULATOR

I, _____ (name of circulator) _____, declare
under penalty of election falsification that I am an elector of
the state of Ohio and reside at the address appearing below my
signature; that I am the circulator of the foregoing part
petition containing _____ (number) _____ signatures; that I
have witnessed the affixing of every signature; that all signers

were to the best of my knowledge and belief qualified to sign; 23264
and that every signature is to the best of my knowledge and 23265
belief the signature of the person whose signature it purports 23266
to be or of an attorney in fact acting pursuant to section 23267
3501.382 of the Revised Code. 23268

23269

(Signature of circulator) 23270

23271

(Address of circulator's permanent 23272

residence in this state) 23273

23274

(City, village, or township, 23275

and zip code) 23276

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 23277
FELONY OF THE FIFTH DEGREE." 23278

The petition shall be filed with the board of township 23279
trustees and shall be accompanied by an appropriate map of the 23280
area affected by the zoning proposal. Within two weeks after 23281
receiving a petition filed under this section, the board of 23282
township trustees shall certify the petition to the board of 23283
elections. A petition filed under this section shall be 23284
certified to the board of elections not less than ninety days 23285
prior to the election at which the question is to be voted upon. 23286

The board of elections shall determine the sufficiency and 23287
validity of each petition certified to it by a board of township 23288
trustees under this section. If the board of elections 23289
determines that a petition is sufficient and valid, the question 23290

shall be voted upon at a special election to be held on the day 23291
of the next primary or general election that occurs at least 23292
ninety days after the date the petition is filed with the board 23293
of township trustees, regardless of whether any election will be 23294
held to nominate or elect candidates on that day. 23295

No amendment for which such a referendum vote has been 23296
requested shall be put into effect unless a majority of the vote 23297
cast on the issue is in favor of the amendment. Upon 23298
certification by the board of elections that the amendment has 23299
been approved by the voters, it shall take immediate effect. 23300

(I) Within five working days after an amendment's 23301
effective date, the board of township trustees shall file the 23302
text and maps of the amendment in the office of the county 23303
recorder and with the county or regional planning commission, if 23304
one exists. 23305

The failure to file any amendment, or any text and maps, 23306
or duplicates of any of these documents, with the office of the 23307
county recorder or the county or regional planning commission as 23308
required by this section does not invalidate the amendment and 23309
is not grounds for an appeal of any decision of the board of 23310
zoning appeals. 23311

(J) Notwithstanding any contrary provision of the Revised 23312
Code, a decision of the board of township trustees to adopt a 23313
proposed amendment to the zoning text or map to rezone, 23314
redistrict, or otherwise make an amendment related to, any 23315
property involved in a megaproject as defined in section 122.17 23316
of the Revised Code shall take effect immediately upon adoption 23317
and is exempt from the referendum procedures in division (H) of 23318
this section. 23319

Sec. 703.331. (A) Not later than the last day of the year 23320
that is immediately after the year the results of a federal 23321
decennial census are released, the county auditor, county 23322
treasurer, and one member of the board of county commissioners 23323
selected by the board of county commissioners, jointly shall 23324
evaluate each village located within the county to determine if, 23325
over the approximate ten year period beginning the day the 23326
results of the preceding federal decennial census were released 23327
and ending the day the most recent federal decennial census 23328
results were released, both of the following are true: 23329

(1) The village itself provided, the village contracted 23330
with a private nongovernmental entity to provide, or the village 23331
contracted with a regional council of governments as defined in 23332
section 167.01 of the Revised Code that includes three or more 23333
political subdivisions at least two of which are municipal 23334
corporations to provide, at least five of the following 23335
services: 23336

- (a) Police protection; 23337
- (b) Fire-fighting services; 23338
- (c) Garbage collection; 23339
- (d) Water service; 23340
- (e) Sewer service; 23341
- (f) Emergency medical services; 23342
- (g) Road maintenance; 23343
- (h) Park services or other recreation services; 23344
- (i) Human services; 23345
- (j) A public library established and operated solely by 23346

the village; 23347

(k) Electric service. 23348

(2) At each election at which an elected village position 23349
was voted upon, at least one candidate appeared on the ballot 23350
for each elected village position. 23351

If a village is located in more than one county, the 23352
village shall be evaluated only by the county officials of the 23353
county wherein the largest portion of the population of the 23354
village resides. 23355

(B) Before beginning the evaluation, the county officials 23356
shall request, in writing, information from each village to 23357
assist the officials in making their determination. The request 23358
shall indicate the applicable evaluation period. Each village 23359
shall submit the information, in the manner requested by the 23360
county officials, not later than thirty days after receiving the 23361
request. The village shall include information about the 23362
services provided over the evaluation period, the manner by 23363
which such services were provided, a copy of the final 23364
appropriation budget or budgets applicable to the evaluation 23365
period, information on candidates on the ballot for village 23366
elected offices during the evaluation period, any documentation 23367
regarding the matters in division (A) of this section during the 23368
evaluation period, and any other information specifically 23369
requested by the county officials. After receiving the 23370
information, if necessary, the county officials may request 23371
additional information, which the village shall provide not 23372
later than ten days after receiving the request. The county 23373
officials shall base their finding on the information provided 23374
from the village. 23375

(C) The county officials shall notify the legislative 23376
authority of the village of the county officials' finding not 23377
later than the last day of the year that is immediately after 23378
the year the results of a federal decennial census are released. 23379

(D) If the county officials find a village failed to 23380
provide services or field candidates as specified in division 23381
(A) of this section, the county officials shall file the finding 23382
with the board of elections of the county in which the largest 23383
portion of the population of the village resides. The board of 23384
elections shall submit the question "Shall the village of 23385
_____ surrender its corporate powers?" for the approval or 23386
rejection of the electors of the village at the next general 23387
election, in any year, occurring after the period ending ninety 23388
days after the filing of the finding with the board. If the 23389
result of the election is in favor of the surrender, the board 23390
of elections shall certify the results to the secretary of 23391
state, the auditor of state, and the county recorder, who shall 23392
record it in their respective offices. 23393

(E) The procedure in this section is in addition to the 23394
procedure under section 703.33 of the Revised Code for the 23395
dissolution of a village. 23396

Sec. 715.016. (A) As used in this section: 23397

(1) "Business" means a sole proprietorship, a corporation 23398
for profit, a pass-through entity as defined in section 5733.04 23399
of the Revised Code, the federal government, the state, a 23400
political subdivision, a nonprofit organization, or a school 23401
district. 23402

(2) "Eligible municipal corporation" means a municipal 23403
corporation wholly or partly located in a county having a 23404

population greater than one million. 23405

(3) "Fiscal officer" means the city auditor, village clerk, or other municipal officer having the duties and functions of a city auditor or village clerk. 23406
23407
23408

(4) "Major sports facility" and "transformational major sports facility mixed-use project" have the same meanings as in section 123.28 of the Revised Code. 23409
23410
23411

(5) "Operates within the proposed district" means a business if the business would be subject to a tax levied in the proposed tourism development district pursuant to division (C) of section 5739.101 of the Revised Code. 23412
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23414
23415

(6) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with the authority to make decisions legally binding upon a business. 23416
23417
23418
23419
23420

(7) "Signature" means, for a business, the signature of any owner of the business. 23421
23422

(8) "Territory of a transformational major sports facility mixed-use project district" means all of the area included within the territorial boundaries of a transformational major sports facility mixed-use project district. 23423
23424
23425
23426

(9) "Transformational major sports facility mixed-use project district" means a district designated by a municipal corporation under this section. 23427
23428
23429

(B) (1) The legislative authority of an eligible municipal corporation, by resolution or ordinance, may declare an area of the municipal corporation to be a transformational major sports 23430
23431
23432

facility mixed-use project district, and to be a public purpose, 23433
for the purpose of fostering and developing a major sports 23434
facility and economic development in the transformational major 23435
sports facility mixed-use project district if all of the 23436
following criteria are met: 23437

(a) All territory in the district is contiguous. 23438

(b) Before adopting the resolution or ordinance, the 23439
legislative authority holds at least two public hearings 23440
concerning the creation of the transformational major sports 23441
facility mixed-use project district. 23442

(c) Before adopting the resolution or ordinance, the 23443
legislative authority receives a petition with the signature of 23444
every owner of a parcel of real property located in the proposed 23445
transformational major sports facility mixed-use project 23446
district and the owner of every business that operates in the 23447
proposed district. 23448

(d) The legislative authority determines that a 23449
transformational major sports facility mixed-use project will be 23450
located on territory of the proposed transformational major 23451
sports facility mixed-use project district. 23452

(2) A legislative authority shall not declare more than 23453
one area of the municipal corporation to be a transformational 23454
major sports facility mixed-use project district under this 23455
section. 23456

(3) The legislative authority shall certify the resolution 23457
or ordinance to the tax commissioner within five days after its 23458
adoption or passage, along with a description of the boundaries 23459
of the transformational major sports facility mixed-use project 23460
district authorized in the resolution or ordinance. That 23461

description shall include sufficient information for the 23462
commissioner to determine if the address of a business or owner 23463
is within the boundaries of the district. 23464

(4) Subject to division (B) (1) (a) of this section, the 23465
legislative authority of an eligible municipal corporation may 23466
enlarge the territory of an existing transformational major 23467
sports facility mixed-use project district in the manner 23468
prescribed for the creation of a district under divisions (B) (1) 23469
to (3) of this section, except that the petition described in 23470
division (B) (1) (c) of this section shall be signed by every 23471
owner of a parcel of real property located in the area proposed 23472
to be added to the district. 23473

(C) Every record owner of a parcel of real property 23474
located in the proposed transformational major sports facility 23475
mixed-use project district shall be required to provide, or 23476
cause every person that enters into a lease, license, or use or 23477
operating agreement for all or a portion of the building and 23478
facilities located in that parcel, the governmental agency that 23479
owns or has an ownership interest in a major sports facility or 23480
the site of a major sports facility with the information 23481
described in division (J) of section 123.281 of the Revised 23482
Code. Compliance with this requirement may be evidenced by an 23483
instrument that has been duly recorded with the county recorder. 23484

(D) On or before the first day of each January and July 23485
beginning after the designation of a transformational major 23486
sports facility mixed-use project district, the fiscal officer 23487
shall certify to the tax commissioner a list of businesses 23488
located within the transformational major sports facility mixed- 23489
use project district. 23490

Sec. 718.01. Any term used in this chapter that is not 23491

otherwise defined in this chapter has the same meaning as when 23492
used in a comparable context in laws of the United States 23493
relating to federal income taxation or in Title LVII of the 23494
Revised Code, unless a different meaning is clearly required. 23495
Except as provided in section 718.81 of the Revised Code, if a 23496
term used in this chapter that is not otherwise defined in this 23497
chapter is used in a comparable context in both the laws of the 23498
United States relating to federal income tax and in Title LVII 23499
of the Revised Code and the use is not consistent, then the use 23500
of the term in the laws of the United States relating to federal 23501
income tax shall control over the use of the term in Title LVII 23502
of the Revised Code. 23503

Except as otherwise provided in section 718.81 of the 23504
Revised Code, as used in this chapter: 23505

(A) (1) "Municipal taxable income" means the following: 23506

(a) For a person other than an individual, income 23507
apportioned or situated to the municipal corporation under 23508
section 718.02 of the Revised Code, as applicable, reduced by 23509
any pre-2017 net operating loss carryforward available to the 23510
person for the municipal corporation. 23511

(b) (i) For an individual who is a resident of a municipal 23512
corporation other than a qualified municipal corporation, income 23513
reduced by exempt income to the extent otherwise included in 23514
income, then reduced as provided in division (A) (2) of this 23515
section, and further reduced by any pre-2017 net operating loss 23516
carryforward available to the individual for the municipal 23517
corporation. 23518

(ii) For an individual who is a resident of a qualified 23519
municipal corporation, Ohio adjusted gross income reduced by 23520

income exempted, and increased by deductions excluded, by the 23521
qualified municipal corporation from the qualified municipal 23522
corporation's tax. If a qualified municipal corporation, on or 23523
before December 31, 2013, exempts income earned by individuals 23524
who are not residents of the qualified municipal corporation and 23525
net profit of persons that are not wholly located within the 23526
qualified municipal corporation, such individual or person shall 23527
have no municipal taxable income for the purposes of the tax 23528
levied by the qualified municipal corporation and may be 23529
exempted by the qualified municipal corporation from the 23530
requirements of section 718.03 of the Revised Code. 23531

(c) For an individual who is a nonresident of a municipal 23532
corporation, income reduced by exempt income to the extent 23533
otherwise included in income and then, as applicable, 23534
apportioned or situated to the municipal corporation under 23535
section 718.02 of the Revised Code, then reduced as provided in 23536
division (A)(2) of this section, and further reduced by any 23537
pre-2017 net operating loss carryforward available to the 23538
individual for the municipal corporation. 23539

(2) In computing the municipal taxable income of a 23540
taxpayer who is an individual, the taxpayer may subtract, as 23541
provided in division (A)(1)(b)(i) or (c) of this section, the 23542
amount of the individual's employee business expenses reported 23543
on the individual's form 2106 that the individual deducted for 23544
federal income tax purposes for the taxable year, subject to the 23545
limitation imposed by section 67 of the Internal Revenue Code. 23546
For the municipal corporation in which the taxpayer is a 23547
resident, the taxpayer may deduct all such expenses allowed for 23548
federal income tax purposes. For a municipal corporation in 23549
which the taxpayer is not a resident, the taxpayer may deduct 23550
such expenses only to the extent the expenses are related to the 23551

taxpayer's performance of personal services in that nonresident 23552
municipal corporation. 23553

(B) "Income" means the following: 23554

(1) (a) For residents, all income, salaries, qualifying 23555
wages, commissions, and other compensation from whatever source 23556
earned or received by the resident, including the resident's 23557
distributive share of the net profit of pass-through entities 23558
owned directly or indirectly by the resident and any net profit 23559
of the resident, except as provided in division (D) (5) of this 23560
section. 23561

(b) For the purposes of division (B) (1) (a) of this 23562
section: 23563

(i) Any net operating loss of the resident incurred in the 23564
taxable year and the resident's distributive share of any net 23565
operating loss generated in the same taxable year and 23566
attributable to the resident's ownership interest in a pass- 23567
through entity shall be allowed as a deduction, for that taxable 23568
year and the following five taxable years, against any other net 23569
profit of the resident or the resident's distributive share of 23570
any net profit attributable to the resident's ownership interest 23571
in a pass-through entity until fully utilized, subject to 23572
division (B) (1) (d) of this section; 23573

(ii) The resident's distributive share of the net profit 23574
of each pass-through entity owned directly or indirectly by the 23575
resident shall be calculated without regard to any net operating 23576
loss that is carried forward by that entity from a prior taxable 23577
year and applied to reduce the entity's net profit for the 23578
current taxable year. 23579

(c) Division (B) (1) (b) of this section does not apply with 23580

respect to any net profit or net operating loss attributable to 23581
an ownership interest in an S corporation unless shareholders' 23582
distributive shares of net profits from S corporations are 23583
subject to tax in the municipal corporation as provided in 23584
division (C) (14) (b) or (c) of this section. 23585

(d) Any amount of a net operating loss used to reduce a 23586
taxpayer's net profit for a taxable year shall reduce the amount 23587
of net operating loss that may be carried forward to any 23588
subsequent year for use by that taxpayer. In no event shall the 23589
cumulative deductions for all taxable years with respect to a 23590
taxpayer's net operating loss exceed the original amount of that 23591
net operating loss available to that taxpayer. 23592

(2) In the case of nonresidents, all income, salaries, 23593
qualifying wages, commissions, and other compensation from 23594
whatever source earned or received by the nonresident for work 23595
done, services performed or rendered, or activities conducted in 23596
the municipal corporation, including any net profit of the 23597
nonresident, but excluding the nonresident's distributive share 23598
of the net profit or loss of only pass-through entities owned 23599
directly or indirectly by the nonresident. 23600

(3) For taxpayers that are not individuals, net profit of 23601
the taxpayer; 23602

(4) Lottery, sweepstakes, gambling and sports winnings, 23603
winnings from games of chance, and prizes and awards. If the 23604
taxpayer is a professional gambler for federal income tax 23605
purposes, the taxpayer may deduct related wagering losses and 23606
expenses to the extent authorized under the Internal Revenue 23607
Code and claimed against such winnings. 23608

(C) "Exempt income" means all of the following: 23609

(1) The military pay or allowances of members of the armed 23610
forces of the United States or members of their reserve 23611
components, including the national guard of any state~~r~~. As used 23612
in division (C) (1) of this section, "armed forces" has the same 23613
meaning as in 10 U.S.C. 101. 23614

(2) (a) Except as provided in division (C) (2) (b) of this 23615
section, intangible income; 23616

(b) A municipal corporation that taxed any type of 23617
intangible income on March 29, 1988, pursuant to Section 3 of 23618
S.B. 238 of the 116th general assembly, may continue to tax that 23619
type of income if a majority of the electors of the municipal 23620
corporation voting on the question of whether to permit the 23621
taxation of that type of intangible income after 1988 voted in 23622
favor thereof at an election held on November 8, 1988. 23623

(3) Social security benefits, railroad retirement 23624
benefits, unemployment compensation, pensions, retirement 23625
benefit payments, payments from annuities, and similar payments 23626
made to an employee or to the beneficiary of an employee under a 23627
retirement program or plan, disability payments received from 23628
private industry or local, state, or federal governments or from 23629
charitable, religious or educational organizations, and the 23630
proceeds of sickness, accident, or liability insurance policies. 23631
As used in division (C) (3) of this section, "unemployment 23632
compensation" does not include supplemental unemployment 23633
compensation described in section 3402(o) (2) of the Internal 23634
Revenue Code. 23635

(4) The income of religious, fraternal, charitable, 23636
scientific, literary, or educational institutions to the extent 23637
such income is derived from tax-exempt real estate, tax-exempt 23638
tangible or intangible property, or tax-exempt activities. 23639

(5) Compensation paid under section 3501.28 or 3501.36 of 23640
the Revised Code to a person serving as a precinct election 23641
official to the extent that such compensation does not exceed 23642
one thousand dollars for the taxable year. Such compensation in 23643
excess of one thousand dollars for the taxable year may be 23644
subject to taxation by a municipal corporation. A municipal 23645
corporation shall not require the payer of such compensation to 23646
withhold any tax from that compensation. 23647

(6) Dues, contributions, and similar payments received by 23648
charitable, religious, educational, or literary organizations or 23649
labor unions, lodges, and similar organizations; 23650

(7) Alimony and child support received; 23651

(8) Compensation for personal injuries or for damages to 23652
property from insurance proceeds or otherwise, excluding 23653
compensation paid for lost salaries or wages or compensation 23654
from punitive damages; 23655

(9) Income of a public utility when that public utility is 23656
subject to the tax levied under section 5727.24 or 5727.30 of 23657
the Revised Code. Division (C) (9) of this section does not apply 23658
for purposes of Chapter 5745. of the Revised Code. 23659

(10) Gains from involuntary conversions, interest on 23660
federal obligations, items of income subject to a tax levied by 23661
the state and that a municipal corporation is specifically 23662
prohibited by law from taxing, and income of a decedent's estate 23663
during the period of administration except such income from the 23664
operation of a trade or business; 23665

(11) Compensation or allowances excluded from federal 23666
gross income under section 107 of the Internal Revenue Code; 23667

(12) Employee compensation that is not qualifying wages as 23668

defined in division (R) of this section; 23669

(13) Compensation paid to a person employed within the 23670
boundaries of a United States air force base under the 23671
jurisdiction of the United States air force that is used for the 23672
housing of members of the United States air force and is a 23673
center for air force operations, unless the person is subject to 23674
taxation because of residence or domicile. If the compensation 23675
is subject to taxation because of residence or domicile, tax on 23676
such income shall be payable only to the municipal corporation 23677
of residence or domicile. 23678

(14) (a) Except as provided in division (C) (14) (b) or (c) 23679
of this section, an S corporation shareholder's distributive 23680
share of net profits of the S corporation, other than any part 23681
of the distributive share of net profits that represents wages 23682
as defined in section 3121(a) of the Internal Revenue Code or 23683
net earnings from self-employment as defined in section 1402(a) 23684
of the Internal Revenue Code. 23685

(b) If, pursuant to division (H) of former section 718.01 23686
of the Revised Code as it existed before March 11, 2004, a 23687
majority of the electors of a municipal corporation voted in 23688
favor of the question at an election held on November 4, 2003, 23689
the municipal corporation may continue after 2002 to tax an S 23690
corporation shareholder's distributive share of net profits of 23691
an S corporation. 23692

(c) If, on December 6, 2002, a municipal corporation was 23693
imposing, assessing, and collecting a tax on an S corporation 23694
shareholder's distributive share of net profits of the S 23695
corporation to the extent the distributive share would be 23696
allocated or apportioned to this state under divisions (B) (1) 23697
and (2) of section 5733.05 of the Revised Code if the S 23698

corporation were a corporation subject to taxes imposed under 23699
Chapter 5733. of the Revised Code, the municipal corporation may 23700
continue to impose the tax on such distributive shares to the 23701
extent such shares would be so allocated or apportioned to this 23702
state only until December 31, 2004, unless a majority of the 23703
electors of the municipal corporation voting on the question of 23704
continuing to tax such shares after that date voted in favor of 23705
that question at an election held November 2, 2004. If a 23706
majority of those electors voted in favor of the question, the 23707
municipal corporation may continue after December 31, 2004, to 23708
impose the tax on such distributive shares only to the extent 23709
such shares would be so allocated or apportioned to this state. 23710

(d) A municipal corporation shall be deemed to have 23711
elected to tax S corporation shareholders' distributive shares 23712
of net profits of the S corporation in the hands of the 23713
shareholders if a majority of the electors of a municipal 23714
corporation voted in favor of a question at an election held 23715
under division (C) (14) (b) or (c) of this section. The municipal 23716
corporation shall specify by resolution or ordinance that the 23717
tax applies to the distributive share of a shareholder of an S 23718
corporation in the hands of the shareholder of the S 23719
corporation. 23720

(15) The income of individuals under eighteen years of 23721
age. 23722

(16) (a) Except as provided in divisions (C) (16) (b), (c), 23723
and (d) of this section, qualifying wages described in division 23724
(B) (1) or (E) of section 718.011 of the Revised Code to the 23725
extent the qualifying wages are not subject to withholding for 23726
the municipal corporation under either of those divisions. 23727

(b) The exemption provided in division (C) (16) (a) of this 23728

section does not apply with respect to the municipal corporation 23729
in which the employee resided at the time the employee earned 23730
the qualifying wages. 23731

(c) The exemption provided in division (C)(16)(a) of this 23732
section does not apply to qualifying wages that an employer 23733
elects to withhold under division (D)(2) of section 718.011 of 23734
the Revised Code. 23735

(d) The exemption provided in division (C)(16)(a) of this 23736
section does not apply to qualifying wages if both of the 23737
following conditions apply: 23738

(i) For qualifying wages described in division (B)(1) of 23739
section 718.011 of the Revised Code, the employee's employer 23740
withholds and remits tax on the qualifying wages to the 23741
municipal corporation in which the employee's principal place of 23742
work is situated, or, for qualifying wages described in division 23743
(E) of section 718.011 of the Revised Code, the employee's 23744
employer withholds and remits tax on the qualifying wages to the 23745
municipal corporation in which the employer's fixed location is 23746
located; 23747

(ii) The employee receives a refund of the tax described 23748
in division (C)(16)(d)(i) of this section on the basis of the 23749
employee not performing services in that municipal corporation. 23750

(17)(a) Except as provided in division (C)(17)(b) or (c) 23751
of this section, compensation that is not qualifying wages paid 23752
to a nonresident individual for personal services performed in 23753
the municipal corporation on not more than twenty days in a 23754
taxable year. 23755

(b) The exemption provided in division (C)(17)(a) of this 23756
section does not apply under either of the following 23757

circumstances: 23758

(i) The individual's base of operation is located in the 23759
municipal corporation. 23760

(ii) The individual is a professional athlete, 23761
professional entertainer, or public figure, and the compensation 23762
is paid for the performance of services in the individual's 23763
capacity as a professional athlete, professional entertainer, or 23764
public figure. For purposes of division (C)(17)(b)(ii) of this 23765
section, "professional athlete," "professional entertainer," and 23766
"public figure" have the same meanings as in section 718.011 of 23767
the Revised Code. 23768

(c) Compensation to which division (C)(17) of this section 23769
applies shall be treated as earned or received at the 23770
individual's base of operation. If the individual does not have 23771
a base of operation, the compensation shall be treated as earned 23772
or received where the individual is domiciled. 23773

(d) For purposes of division (C)(17) of this section, 23774
"base of operation" means the location where an individual owns 23775
or rents an office, storefront, or similar facility to which the 23776
individual regularly reports and at which the individual 23777
regularly performs personal services for compensation. 23778

(18) Compensation paid to a person for personal services 23779
performed for a political subdivision on property owned by the 23780
political subdivision, regardless of whether the compensation is 23781
received by an employee of the subdivision or another person 23782
performing services for the subdivision under a contract with 23783
the subdivision, if the property on which services are performed 23784
is annexed to a municipal corporation pursuant to section 23785
709.023 of the Revised Code on or after March 27, 2013, unless 23786

the person is subject to such taxation because of residence. If 23787
the compensation is subject to taxation because of residence, 23788
municipal income tax shall be payable only to the municipal 23789
corporation of residence. 23790

(19) In the case of a tax administered, collected, and 23791
enforced by a municipal corporation pursuant to an agreement 23792
with the board of directors of a joint economic development 23793
district under section 715.72 of the Revised Code, the net 23794
profits of a business, and the income of the employees of that 23795
business, exempted from the tax under division (Q) of that 23796
section. 23797

(20) All of the following: 23798

(a) Income derived from disaster work conducted in this 23799
state by an out-of-state disaster business during a disaster 23800
response period pursuant to a qualifying solicitation received 23801
by the business; 23802

(b) Income of a qualifying employee described in division 23803
(A) (14) (a) of section 5703.94 of the Revised Code, to the extent 23804
such income is derived from disaster work conducted in this 23805
state by the employee during a disaster response period pursuant 23806
to a qualifying solicitation received by the employee's 23807
employer; 23808

(c) Income of a qualifying employee described in division 23809
(A) (14) (b) of section 5703.94 of the Revised Code, to the extent 23810
such income is derived from disaster work conducted in this 23811
state by the employee during a disaster response period on 23812
critical infrastructure owned or used by the employee's 23813
employer. 23814

(21) Income the taxation of which is prohibited by the 23815

constitution or laws of the United States. 23816

Any item of income that is exempt income of a pass-through 23817
entity under division (C) of this section is exempt income of 23818
each owner of the pass-through entity to the extent of that 23819
owner's distributive or proportionate share of that item of the 23820
entity's income. 23821

(D) (1) "Net profit" for a person who is an individual 23822
means the individual's net profit required to be reported on 23823
schedule C, schedule E, or schedule F reduced by any net 23824
operating loss carried forward. For the purposes of division (D) 23825
(1) of this section, the net operating loss carried forward 23826
shall be calculated and deducted in the same manner as provided 23827
in division (D) (3) of this section. 23828

(2) "Net profit" for a person other than an individual 23829
means adjusted federal taxable income reduced by any net 23830
operating loss incurred by the person in a taxable year 23831
beginning on or after January 1, 2017, subject to the 23832
limitations of division (D) (3) of this section. 23833

(3) (a) The amount of such net operating loss shall be 23834
deducted from net profit to the extent necessary to reduce 23835
municipal taxable income to zero, with any remaining unused 23836
portion of the net operating loss carried forward to not more 23837
than five consecutive taxable years following the taxable year 23838
in which the loss was incurred, but in no case for more years 23839
than necessary for the deduction to be fully utilized. 23840

(b) No person shall use the deduction allowed by division 23841
(D) (3) of this section to offset qualifying wages. 23842

(c) (i) For taxable years beginning in 2018, 2019, 2020, 23843
2021, or 2022, a person may not deduct, for purposes of an 23844

income tax levied by a municipal corporation that levies an 23845
income tax before January 1, 2016, more than fifty per cent of 23846
the amount of the deduction otherwise allowed by division (D) (3) 23847
of this section. 23848

(ii) For taxable years beginning in 2023 or thereafter, a 23849
person may deduct, for purposes of an income tax levied by a 23850
municipal corporation that levies an income tax before January 23851
1, 2016, the full amount allowed by division (D) (3) of this 23852
section without regard to the limitation of division (D) (3) (c) 23853
(i) of this section. 23854

(d) Any pre-2017 net operating loss carryforward deduction 23855
that is available may be utilized before a taxpayer may deduct 23856
any amount pursuant to division (D) (3) of this section. 23857

(e) Nothing in division (D) (3) (c) (i) of this section 23858
precludes a person from carrying forward, for use with respect 23859
to any return filed for a taxable year beginning after 2018, any 23860
amount of net operating loss that was not fully utilized by 23861
operation of division (D) (3) (c) (i) of this section. To the 23862
extent that an amount of net operating loss that was not fully 23863
utilized in one or more taxable years by operation of division 23864
(D) (3) (c) (i) of this section is carried forward for use with 23865
respect to a return filed for a taxable year beginning in 2019, 23866
2020, 2021, or 2022, the limitation described in division (D) (3) 23867
(c) (i) of this section shall apply to the amount carried 23868
forward. 23869

(4) For the purposes of this chapter, and notwithstanding 23870
division (D) (2) of this section, net profit of a disregarded 23871
entity shall not be taxable as against that disregarded entity, 23872
but shall instead be included in the net profit of the owner of 23873
the disregarded entity. 23874

(5) For the purposes of this chapter, and notwithstanding
any other provision of this chapter, the net profit of a
publicly traded partnership that makes the election described in
division (D) (5) of this section shall be taxed as if the
partnership were a C corporation, and shall not be treated as
the net profit or income of any owner of the partnership.

A publicly traded partnership that is treated as a
partnership for federal income tax purposes and that is subject
to tax on its net profits in one or more municipal corporations
in this state may elect to be treated as a C corporation for
municipal income tax purposes. The publicly traded partnership
shall make the election in every municipal corporation in which
the partnership is subject to taxation on its net profits. The
election shall be made on the annual tax return filed in each
such municipal corporation. The publicly traded partnership
shall not be required to file the election with any municipal
corporation in which the partnership is not subject to taxation
on its net profits, but division (D) (5) of this section applies
to all municipal corporations in which an individual owner of
the partnership resides.

(E) "Adjusted federal taxable income," for a person
required to file as a C corporation, or for a person that has
elected to be taxed as a C corporation under division (D) (5) of
this section, means a C corporation's federal taxable income
before net operating losses and special deductions as determined
under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in
federal taxable income. The deduction shall be allowed
regardless of whether the intangible income relates to assets
used in a trade or business or assets held for the production of

income. 23905

(2) Add an amount equal to five per cent of intangible 23906
income deducted under division (E) (1) of this section, but 23907
excluding that portion of intangible income directly related to 23908
the sale, exchange, or other disposition of property described 23909
in section 1221 of the Internal Revenue Code; 23910

(3) Add any losses allowed as a deduction in the 23911
computation of federal taxable income if the losses directly 23912
relate to the sale, exchange, or other disposition of an asset 23913
described in section 1221 or 1231 of the Internal Revenue Code; 23914

(4) (a) Except as provided in division (E) (4) (b) of this 23915
section, deduct income and gain included in federal taxable 23916
income to the extent the income and gain directly relate to the 23917
sale, exchange, or other disposition of an asset described in 23918
section 1221 or 1231 of the Internal Revenue Code; 23919

(b) Division (E) (4) (a) of this section does not apply to 23920
the extent the income or gain is income or gain described in 23921
section 1245 or 1250 of the Internal Revenue Code. 23922

(5) Add taxes on or measured by net income allowed as a 23923
deduction in the computation of federal taxable income; 23924

(6) In the case of a real estate investment trust or 23925
regulated investment company, add all amounts with respect to 23926
dividends to, distributions to, or amounts set aside for or 23927
credited to the benefit of investors and allowed as a deduction 23928
in the computation of federal taxable income; 23929

(7) Deduct, to the extent not otherwise deducted or 23930
excluded in computing federal taxable income, any income derived 23931
from a transfer agreement or from the enterprise transferred 23932
under that agreement under section 4313.02 of the Revised Code; 23933

(8) Deduct exempt income to the extent not otherwise 23934
deducted or excluded in computing adjusted federal taxable 23935
income. 23936

(9) Deduct any net profit of a pass-through entity owned 23937
directly or indirectly by the taxpayer and included in the 23938
taxpayer's federal taxable income unless an affiliated group of 23939
corporations includes that net profit in the group's federal 23940
taxable income in accordance with division (E) (3) (b) of section 23941
718.06 of the Revised Code. 23942

(10) Add any loss incurred by a pass-through entity owned 23943
directly or indirectly by the taxpayer and included in the 23944
taxpayer's federal taxable income unless an affiliated group of 23945
corporations includes that loss in the group's federal taxable 23946
income in accordance with division (E) (3) (b) of section 718.06 23947
of the Revised Code. 23948

If the taxpayer is not a C corporation, is not a 23949
disregarded entity that has made the election described in 23950
division (L) (2) of this section, is not a publicly traded 23951
partnership that has made the election described in division (D) 23952
(5) of this section, and is not an individual, the taxpayer 23953
shall compute adjusted federal taxable income under this section 23954
as if the taxpayer were a C corporation, except guaranteed 23955
payments and other similar amounts paid or accrued to a partner, 23956
former partner, shareholder, former shareholder, member, or 23957
former member shall not be allowed as a deductible expense 23958
unless such payments are a pension or retirement benefit payment 23959
paid to a retired partner, retired shareholder, or retired 23960
member or are in consideration for the use of capital and 23961
treated as payment of interest under section 469 of the Internal 23962
Revenue Code or United States treasury regulations. Amounts paid 23963

or accrued to a qualified self-employed retirement plan with 23964
respect to a partner, former partner, shareholder, former 23965
shareholder, member, or former member of the taxpayer, amounts 23966
paid or accrued to or for health insurance for a partner, former 23967
partner, shareholder, former shareholder, member, or former 23968
member, and amounts paid or accrued to or for life insurance for 23969
a partner, former partner, shareholder, former shareholder, 23970
member, or former member shall not be allowed as a deduction. 23971

Nothing in division (E) of this section shall be construed 23972
as allowing the taxpayer to add or deduct any amount more than 23973
once or shall be construed as allowing any taxpayer to deduct 23974
any amount paid to or accrued for purposes of federal self- 23975
employment tax. 23976

(F) "Schedule C" means internal revenue service schedule C 23977
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 23978
Code. 23979

(G) "Schedule E" means internal revenue service schedule E 23980
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 23981
Code. 23982

(H) "Schedule F" means internal revenue service schedule F 23983
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 23984
Code. 23985

(I) "Internal Revenue Code" has the same meaning as in 23986
section 5747.01 of the Revised Code. 23987

(J) "Resident" means an individual who is domiciled in the 23988
municipal corporation as determined under section 718.012 of the 23989
Revised Code. 23990

(K) "Nonresident" means an individual that is not a 23991
resident. 23992

(L) (1) "Taxpayer" means a person subject to a tax levied 23993
on income by a municipal corporation in accordance with this 23994
chapter. "Taxpayer" does not include a grantor trust or, except 23995
as provided in division (L) (2) (a) of this section, a disregarded 23996
entity. 23997

(2) (a) A single member limited liability company that is a 23998
disregarded entity for federal tax purposes may be a separate 23999
taxpayer from its single member in all Ohio municipal 24000
corporations in which it either filed as a separate taxpayer or 24001
did not file for its taxable year ending in 2003, if all of the 24002
following conditions are met: 24003

(i) The limited liability company's single member is also 24004
a limited liability company. 24005

(ii) The limited liability company and its single member 24006
were formed and doing business in one or more Ohio municipal 24007
corporations for at least five years before January 1, 2004. 24008

(iii) Not later than December 31, 2004, the limited 24009
liability company and its single member each made an election to 24010
be treated as a separate taxpayer under division (L) of this 24011
section as this section existed on December 31, 2004. 24012

(iv) The limited liability company was not formed for the 24013
purpose of evading or reducing Ohio municipal corporation income 24014
tax liability of the limited liability company or its single 24015
member. 24016

(v) The Ohio municipal corporation that was the primary 24017
place of business of the sole member of the limited liability 24018
company consented to the election. 24019

(b) For purposes of division (L) (2) (a) (v) of this section, 24020
a municipal corporation was the primary place of business of a 24021

limited liability company if, for the limited liability 24022
company's taxable year ending in 2003, its income tax liability 24023
was greater in that municipal corporation than in any other 24024
municipal corporation in Ohio, and that tax liability to that 24025
municipal corporation for its taxable year ending in 2003 was at 24026
least four hundred thousand dollars. 24027

(M) "Person" includes individuals, firms, companies, joint 24028
stock companies, business trusts, estates, trusts, partnerships, 24029
limited liability partnerships, limited liability companies, 24030
associations, C corporations, S corporations, governmental 24031
entities, and any other entity. 24032

(N) "Pass-through entity" means a partnership not treated 24033
as an association taxable as a C corporation for federal income 24034
tax purposes, a limited liability company not treated as an 24035
association taxable as a C corporation for federal income tax 24036
purposes, an S corporation, or any other class of entity from 24037
which the income or profits of the entity are given pass-through 24038
treatment for federal income tax purposes. "Pass-through entity" 24039
does not include a trust, estate, grantor of a grantor trust, or 24040
disregarded entity. 24041

(O) "S corporation" means a person that has made an 24042
election under subchapter S of Chapter 1 of Subtitle A of the 24043
Internal Revenue Code for its taxable year. 24044

(P) "Single member limited liability company" means a 24045
limited liability company that has one direct member. 24046

(Q) "Limited liability company" means a limited liability 24047
company formed under former Chapter 1705. of the Revised Code as 24048
that chapter existed prior to February 11, 2022, Chapter 1706. 24049
of the Revised Code, or the laws of another state. 24050

(R) "Qualifying wages" means wages, as defined in section 24051
3121(a) of the Internal Revenue Code, without regard to any wage 24052
limitations, adjusted as follows: 24053

(1) Deduct the following amounts: 24054

(a) Any amount included in wages if the amount constitutes 24055
compensation attributable to a plan or program described in 24056
section 125 of the Internal Revenue Code. 24057

(b) Any amount included in wages if the amount constitutes 24058
payment on account of a disability related to sickness or an 24059
accident paid by a party unrelated to the employer, agent of an 24060
employer, or other payer. 24061

(c) Any amount attributable to a nonqualified deferred 24062
compensation plan or program described in section 3121(v) (2) (C) 24063
of the Internal Revenue Code if the compensation is included in 24064
wages and the municipal corporation has, by resolution or 24065
ordinance adopted before January 1, 2016, exempted the amount 24066
from withholding and tax. 24067

(d) Any amount included in wages if the amount arises from 24068
the sale, exchange, or other disposition of a stock option, the 24069
exercise of a stock option, or the sale, exchange, or other 24070
disposition of stock purchased under a stock option and the 24071
municipal corporation has, by resolution or ordinance adopted 24072
before January 1, 2016, exempted the amount from withholding and 24073
tax. 24074

(e) Any amount included in wages that is exempt income. 24075

(2) Add the following amounts: 24076

(a) Any amount not included in wages solely because the 24077
employee was employed by the employer before April 1, 1986. 24078

(b) Any amount not included in wages because the amount 24079
arises from the sale, exchange, or other disposition of a stock 24080
option, the exercise of a stock option, or the sale, exchange, 24081
or other disposition of stock purchased under a stock option and 24082
the municipal corporation has not, by resolution or ordinance, 24083
exempted the amount from withholding and tax adopted before 24084
January 1, 2016. Division (R) (2) (b) of this section applies only 24085
to those amounts constituting ordinary income. 24086

(c) Any amount not included in wages if the amount is an 24087
amount described in section 401(k), 403(b), or 457 of the 24088
Internal Revenue Code. Division (R) (2) (c) of this section 24089
applies only to employee contributions and employee deferrals. 24090

(d) Any amount that is supplemental unemployment 24091
compensation benefits described in section 3402(o) (2) of the 24092
Internal Revenue Code and not included in wages. 24093

(e) Any amount received that is treated as self-employment 24094
income for federal tax purposes in accordance with section 24095
1402(a) (8) of the Internal Revenue Code. 24096

(f) Any amount not included in wages if all of the 24097
following apply: 24098

(i) For the taxable year the amount is employee 24099
compensation that is earned outside of the United States and 24100
that either is included in the taxpayer's gross income for 24101
federal income tax purposes or would have been included in the 24102
taxpayer's gross income for such purposes if the taxpayer did 24103
not elect to exclude the income under section 911 of the 24104
Internal Revenue Code; 24105

(ii) For no preceding taxable year did the amount 24106
constitute wages as defined in section 3121(a) of the Internal 24107

Revenue Code; 24108

(iii) For no succeeding taxable year will the amount 24109
constitute wages; and 24110

(iv) For any taxable year the amount has not otherwise 24111
been added to wages pursuant to either division (R) (2) of this 24112
section or section 718.03 of the Revised Code, as that section 24113
existed before the effective date of H.B. 5 of the 130th general 24114
assembly, March 23, 2015. 24115

(S) "Intangible income" means income of any of the 24116
following types: income yield, interest, capital gains, 24117
dividends, or other income arising from the ownership, sale, 24118
exchange, or other disposition of intangible property including, 24119
but not limited to, investments, deposits, money, or credits as 24120
those terms are defined in Chapter 5701. of the Revised Code, 24121
and patents, copyrights, trademarks, tradenames, investments in 24122
real estate investment trusts, investments in regulated 24123
investment companies, and appreciation on deferred compensation. 24124
"Intangible income" does not include prizes, awards, or other 24125
income associated with any lottery winnings, gambling winnings, 24126
or other similar games of chance. 24127

(T) "Taxable year" means the corresponding tax reporting 24128
period as prescribed for the taxpayer under the Internal Revenue 24129
Code. 24130

(U) (1) "Tax administrator" means, subject to division (U) 24131
(2) of this section, the individual charged with direct 24132
responsibility for administration of an income tax levied by a 24133
municipal corporation in accordance with this chapter, and also 24134
includes the following: 24135

(a) A municipal corporation acting as the agent of another 24136

municipal corporation; 24137

(b) A person retained by a municipal corporation to 24138
administer a tax levied by the municipal corporation, but only 24139
if the municipal corporation does not compensate the person in 24140
whole or in part on a contingency basis; 24141

(c) The central collection agency or the regional income 24142
tax agency or their successors in interest, or another entity 24143
organized to perform functions similar to those performed by the 24144
central collection agency and the regional income tax agency. 24145

(2) "Tax administrator" does not include the tax 24146
commissioner. 24147

(3) A private individual or entity serving in any position 24148
described in division (U) (1) (b) or (c) of this section shall 24149
have no access to criminal history record information. 24150

(V) "Employer" means a person that is an employer for 24151
federal income tax purposes. 24152

(W) "Employee" means an individual who is an employee for 24153
federal income tax purposes. 24154

(X) "Other payer" means any person, other than an 24155
individual's employer or the employer's agent, that pays an 24156
individual any amount included in the federal gross income of 24157
the individual. "Other payer" includes casino operators and 24158
video lottery terminal sales agents. 24159

(Y) "Calendar quarter" means the three-month period ending 24160
on the last day of March, June, September, or December. 24161

(Z) "Form 2106" means internal revenue service form 2106 24162
filed by a taxpayer pursuant to the Internal Revenue Code. 24163

(AA) "Municipal corporation" includes a joint economic 24164
development district or joint economic development zone that 24165
levies an income tax under section 715.691, 715.70, 715.71, or 24166
715.72 of the Revised Code. 24167

(BB) "Disregarded entity" means a single member limited 24168
liability company, a qualifying subchapter S subsidiary, or 24169
another entity if the company, subsidiary, or entity is a 24170
disregarded entity for federal income tax purposes. 24171

(CC) "Generic form" means an electronic or paper form that 24172
is not prescribed by a particular municipal corporation and that 24173
is designed for reporting taxes withheld by an employer, agent 24174
of an employer, or other payer, estimated municipal income 24175
taxes, or annual municipal income tax liability or for filing a 24176
refund claim. 24177

(DD) "Tax return preparer" means any individual described 24178
in section 7701(a)(36) of the Internal Revenue Code and 26 24179
C.F.R. 301.7701-15. 24180

(EE) "Ohio business gateway" means the online computer 24181
network system created under section 125.30 of the Revised Code 24182
or any successor electronic filing and payment system. 24183

(FF) "Local board of tax review" and "board of tax review" 24184
mean the entity created under section 718.11 of the Revised 24185
Code. 24186

(GG) "Net operating loss" means a loss incurred by a 24187
person in the operation of a trade or business. "Net operating 24188
loss" does not include unutilized losses resulting from basis 24189
limitations, at-risk limitations, or passive activity loss 24190
limitations. 24191

(HH) "Casino operator" and "casino facility" have the same 24192

meanings as in section 3772.01 of the Revised Code. 24193

(II) "Video lottery terminal" has the same meaning as in 24194
section 3770.21 of the Revised Code. 24195

(JJ) "Video lottery terminal sales agent" means a lottery 24196
sales agent licensed under Chapter 3770. of the Revised Code to 24197
conduct video lottery terminals on behalf of the state pursuant 24198
to section 3770.21 of the Revised Code. 24199

(KK) "Postal service" means the United States postal 24200
service. 24201

(LL) "Certified mail," "express mail," "United States 24202
mail," "postal service," and similar terms include any delivery 24203
service authorized pursuant to section 5703.056 of the Revised 24204
Code. 24205

(MM) "Postmark date," "date of postmark," and similar 24206
terms include the date recorded and marked in the manner 24207
described in division (B) (3) of section 5703.056 of the Revised 24208
Code. 24209

(NN) "Related member" means a person that, with respect to 24210
the taxpayer during all or any portion of the taxable year, is 24211
either a related entity, a component member as defined in 24212
section 1563(b) of the Internal Revenue Code, or a person to or 24213
from whom there is attribution of stock ownership in accordance 24214
with section 1563(e) of the Internal Revenue Code except, for 24215
purposes of determining whether a person is a related member 24216
under this division, "twenty per cent" shall be substituted for 24217
"5 percent" wherever "5 percent" appears in section 1563(e) of 24218
the Internal Revenue Code. 24219

(OO) "Related entity" means any of the following: 24220

(1) An individual stockholder, or a member of the 24221
stockholder's family enumerated in section 318 of the Internal 24222
Revenue Code, if the stockholder and the members of the 24223
stockholder's family own directly, indirectly, beneficially, or 24224
constructively, in the aggregate, at least fifty per cent of the 24225
value of the taxpayer's outstanding stock; 24226

(2) A stockholder, or a stockholder's partnership, estate, 24227
trust, or corporation, if the stockholder and the stockholder's 24228
partnerships, estates, trusts, or corporations own directly, 24229
indirectly, beneficially, or constructively, in the aggregate, 24230
at least fifty per cent of the value of the taxpayer's 24231
outstanding stock; 24232

(3) A corporation, or a party related to the corporation 24233
in a manner that would require an attribution of stock from the 24234
corporation to the party or from the party to the corporation 24235
under division (00) (4) of this section, provided the taxpayer 24236
owns directly, indirectly, beneficially, or constructively, at 24237
least fifty per cent of the value of the corporation's 24238
outstanding stock; 24239

(4) The attribution rules described in section 318 of the 24240
Internal Revenue Code apply for the purpose of determining 24241
whether the ownership requirements in divisions (00) (1) to (3) 24242
of this section have been met. 24243

(PP) (1) "Assessment" means a written finding by the tax 24244
administrator that a person has underpaid municipal income tax, 24245
or owes penalty and interest, or any combination of tax, 24246
penalty, or interest, to the municipal corporation that 24247
commences the person's time limitation for making an appeal to 24248
the local board of tax review pursuant to section 718.11 of the 24249
Revised Code, and has "ASSESSMENT" written in all capital 24250

letters at the top of such finding. 24251

(2) "Assessment" does not include an informal notice 24252
denying a request for refund issued under division (B) (3) of 24253
section 718.19 of the Revised Code, a billing statement 24254
notifying a taxpayer of current or past-due balances owed to the 24255
municipal corporation, a tax administrator's request for 24256
additional information, a notification to the taxpayer of 24257
mathematical errors, or a tax administrator's other written 24258
correspondence to a person or taxpayer that does not meet the 24259
criteria prescribed by division (PP) (1) of this section. 24260

(QQ) "Taxpayers' rights and responsibilities" means the 24261
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 24262
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 24263
Revised Code and the responsibilities of taxpayers to file, 24264
report, withhold, remit, and pay municipal income tax and 24265
otherwise comply with Chapter 718. of the Revised Code and 24266
resolutions, ordinances, and rules adopted by a municipal 24267
corporation for the imposition and administration of a municipal 24268
income tax. 24269

(RR) "Qualified municipal corporation" means a municipal 24270
corporation that, by resolution or ordinance adopted on or 24271
before December 31, 2011, adopted Ohio adjusted gross income, as 24272
defined by section 5747.01 of the Revised Code, as the income 24273
subject to tax for the purposes of imposing a municipal income 24274
tax. 24275

(SS) (1) "Pre-2017 net operating loss carryforward" means 24276
any net operating loss incurred in a taxable year beginning 24277
before January 1, 2017, to the extent such loss was permitted, 24278
by a resolution or ordinance of the municipal corporation that 24279
was adopted by the municipal corporation before January 1, 2016, 24280

to be carried forward and utilized to offset income or net 24281
profit generated in such municipal corporation in future taxable 24282
years. 24283

(2) For the purpose of calculating municipal taxable 24284
income, any pre-2017 net operating loss carryforward may be 24285
carried forward to any taxable year, including taxable years 24286
beginning in 2017 or thereafter, for the number of taxable years 24287
provided in the resolution or ordinance or until fully utilized, 24288
whichever is earlier. 24289

(TT) "Small employer" means any employer that had total 24290
revenue of less than five hundred thousand dollars during the 24291
preceding taxable year. For purposes of this division, "total 24292
revenue" means receipts of any type or kind, including, but not 24293
limited to, sales receipts; payments; rents; profits; gains, 24294
dividends, and other investment income; compensation; 24295
commissions; premiums; money; property; grants; contributions; 24296
donations; gifts; program service revenue; patient service 24297
revenue; premiums; fees, including premium fees and service 24298
fees; tuition payments; unrelated business revenue; 24299
reimbursements; any type of payment from a governmental unit, 24300
including grants and other allocations; and any other similar 24301
receipts reported for federal income tax purposes or under 24302
generally accepted accounting principles. "Small employer" does 24303
not include the federal government; any state government, 24304
including any state agency or instrumentality; any political 24305
subdivision; or any entity treated as a government for financial 24306
accounting and reporting purposes. 24307

(UU) "Audit" means the examination of a person or the 24308
inspection of the books, records, memoranda, or accounts of a 24309
person for the purpose of determining liability for a municipal 24310

income tax. 24311

(VV) "Publicly traded partnership" means any partnership, 24312
an interest in which is regularly traded on an established 24313
securities market. A "publicly traded partnership" may have any 24314
number of partners. 24315

(WW) "Tax commissioner" means the tax commissioner 24316
appointed under section 121.03 of the Revised Code. 24317

(XX) "Out-of-state disaster business," "qualifying 24318
solicitation," "qualifying employee," "disaster work," "critical 24319
infrastructure," and "disaster response period" have the same 24320
meanings as in section 5703.94 of the Revised Code. 24321

(YY) "Pension" means a retirement benefit plan, regardless 24322
of whether the plan satisfies the qualifications described under 24323
section 401(a) of the Internal Revenue Code, including amounts 24324
that are taxable under the "Federal Insurance Contributions 24325
Act," Chapter 21 of the Internal Revenue Code, excluding 24326
employee contributions and elective deferrals, and regardless of 24327
whether such amounts are paid in the same taxable year in which 24328
the amounts are included in the employee's wages, as defined by 24329
section 3121(a) of the Internal Revenue Code. 24330

(ZZ) "Retirement benefit plan" means an arrangement 24331
whereby an entity provides benefits to individuals either on or 24332
after their termination of service because of retirement or 24333
disability. "Retirement benefit plan" does not include wage 24334
continuation payments, severance payments, or payments made for 24335
accrued personal or vacation time. 24336

Sec. 718.031. As used in this section, "sports gaming 24337
facility" and "type B sports gaming proprietor" have the same 24338
meanings as in section 3775.01 of the Revised Code and ~~"lottery"~~ 24339

~~sports gaming" has "~~video lottery terminal~~" and "video lottery~~
sales agent" have the same meaning-meanings as in section
~~3770.23~~3770.10 of the Revised Code.

(A) A municipal corporation shall require the following
persons to withhold and remit municipal income tax with respect
to amounts other than qualifying wages as provided in this
section:

(1) A casino facility or a casino operator, as defined in
Section 6(C)(9) of Article XV, Ohio Constitution, and section
3772.01 of the Revised Code, respectively;

(2) A video lottery sales agent conducting video lottery
terminals on behalf of the state;

(3) A type B sports gaming proprietor offering sports
gaming at a sports gaming facility.

(B) If a person's winnings at a casino facility or sports
gaming facility are an amount for which reporting to the
internal revenue service of the amount is required by section
6041 of the Internal Revenue Code, as amended, a casino operator
or sports gaming proprietor shall deduct and withhold municipal
income tax from the person's winnings at the rate of the tax
imposed by the municipal corporation in which the casino
facility or sports gaming facility is located.

(C) Amounts deducted and withheld by a casino operator or
sports gaming proprietor are held in trust for the benefit of
the municipal corporation to which the tax is owed.

(1) On or before the tenth day of each month, the casino
operator or sports gaming proprietor shall file a return
electronically with the tax administrator of the municipal
corporation, providing the name, address, and social security

number of the person from whose winnings amounts were deducted 24369
and withheld, the amount of each such deduction and withholding 24370
during the preceding calendar month, the amount of the winnings 24371
from which each such amount was withheld, the type of casino 24372
gaming or sports gaming that resulted in such winnings, and any 24373
other information required by the tax administrator. With this 24374
return, the casino operator or sports gaming proprietor shall 24375
remit electronically to the municipal corporation all amounts 24376
deducted and withheld during the preceding month. 24377

(2) Annually, on or before the thirty-first day of 24378
January, a casino operator or sports gaming proprietor shall 24379
file an annual return electronically with the tax administrator 24380
of the municipal corporation in which the casino facility or 24381
sports gaming facility is located, indicating the total amount 24382
deducted and withheld during the preceding calendar year. The 24383
casino operator or sports gaming proprietor shall remit 24384
electronically with the annual return any amount that was 24385
deducted and withheld and that was not previously remitted. If 24386
the name, address, or social security number of a person or the 24387
amount deducted and withheld with respect to that person was 24388
omitted on a monthly return for that reporting period, that 24389
information shall be indicated on the annual return. 24390

(3) Annually, on or before the thirty-first day of 24391
January, a casino operator or sports gaming proprietor shall 24392
issue an information return to each person with respect to whom 24393
an amount has been deducted and withheld during the preceding 24394
calendar year. The information return shall show the total 24395
amount of municipal income tax deducted from the person's 24396
winnings during the preceding year. The casino operator or 24397
sports gaming proprietor shall provide to the tax administrator 24398
a copy of each information return issued under this division. 24399

The administrator may require that such copies be transmitted 24400
electronically. 24401

(4) A casino operator or sports gaming proprietor that 24402
fails to file a return and remit the amounts deducted and 24403
withheld shall be personally liable for the amount withheld and 24404
not remitted. Such personal liability extends to any penalty and 24405
interest imposed for the late filing of a return or the late 24406
payment of tax deducted and withheld. 24407

(5) If a casino operator or sports gaming proprietor sells 24408
the casino facility or sports gaming facility, or otherwise 24409
quits the casino or sports gaming business, the amounts deducted 24410
and withheld along with any penalties and interest thereon are 24411
immediately due and payable. The successor shall withhold an 24412
amount of the purchase money that is sufficient to cover the 24413
amounts deducted and withheld along with any penalties and 24414
interest thereon until the predecessor casino operator or sports 24415
gaming proprietor produces either of the following: 24416

(a) A receipt from the tax administrator showing that the 24417
amounts deducted and withheld and penalties and interest thereon 24418
have been paid; 24419

(b) A certificate from the tax administrator indicating 24420
that no amounts are due. 24421

If the successor fails to withhold purchase money, the 24422
successor is personally liable for the payment of the amounts 24423
deducted and withheld and penalties and interest thereon. 24424

(6) The failure of a casino operator or sports gaming 24425
proprietor to deduct and withhold the required amount from a 24426
person's winnings does not relieve that person from liability 24427
for the municipal income tax with respect to those winnings. 24428

(D) If a person's prize award from a video lottery 24429
~~terminal or from lottery sports gaming offered in a video~~ 24430
~~lottery terminal facility~~ is an amount for which reporting to 24431
the internal revenue service is required by section 6041 of the 24432
Internal Revenue Code, as amended, the video lottery sales agent 24433
shall deduct and withhold municipal income tax from the person's 24434
prize award at the rate of the tax imposed by the municipal 24435
corporation in which the video lottery terminal facility is 24436
located. 24437

(E) Amounts deducted and withheld by a video lottery sales 24438
agent are held in trust for the benefit of the municipal 24439
corporation to which the tax is owed. 24440

(1) The video lottery sales agent shall issue to a person 24441
from whose prize award an amount has been deducted and withheld 24442
a receipt for the amount deducted and withheld, and shall obtain 24443
from the person receiving a prize award the person's name, 24444
address, and social security number in order to facilitate the 24445
preparation of returns required by this section. 24446

(2) On or before the tenth day of each month, the video 24447
lottery sales agent shall file a return electronically with the 24448
tax administrator of the municipal corporation providing the 24449
names, addresses, and social security numbers of the persons 24450
from whose prize awards amounts were deducted and withheld, the 24451
amount of each such deduction and withholding during the 24452
preceding calendar month, the amount of the prize award from 24453
which each such amount was withheld, and any other information 24454
required by the tax administrator. With the return, the video 24455
lottery sales agent shall remit electronically to the tax 24456
administrator all amounts deducted and withheld during the 24457
preceding month. 24458

(3) A video lottery sales agent shall maintain a record of 24459
all receipts issued under division (E) of this section and shall 24460
make those records available to the tax administrator upon 24461
request. Such records shall be maintained in accordance with 24462
section 5747.17 of the Revised Code and any rules adopted 24463
pursuant thereto. 24464

(4) Annually, on or before the thirty-first day of 24465
January, each video lottery ~~terminal~~ sales agent shall file an 24466
annual return electronically with the tax administrator of the 24467
municipal corporation in which the facility is located 24468
indicating the total amount deducted and withheld during the 24469
preceding calendar year. The video lottery sales agent shall 24470
remit electronically with the annual return any amount that was 24471
deducted and withheld and that was not previously remitted. If 24472
the name, address, or social security number of a person or the 24473
amount deducted and withheld with respect to that person was 24474
omitted on a monthly return for that reporting period, that 24475
information shall be indicated on the annual return. 24476

(5) Annually, on or before the thirty-first day of 24477
January, a video lottery sales agent shall issue an information 24478
return to each person with respect to whom an amount has been 24479
deducted and withheld during the preceding calendar year. The 24480
information return shall show the total amount of municipal 24481
income tax deducted and withheld from the person's prize award 24482
by the video lottery sales agent during the preceding year. A 24483
video lottery sales agent shall provide to the tax administrator 24484
of the municipal corporation a copy of each information return 24485
issued under this division. The tax administrator may require 24486
that such copies be transmitted electronically. 24487

(6) A video lottery sales agent who fails to file a return 24488

and remit the amounts deducted and withheld is personally liable 24489
for the amount deducted and withheld and not remitted. Such 24490
personal liability extends to any penalty and interest imposed 24491
for the late filing of a return or the late payment of tax 24492
deducted and withheld. 24493

(F) If a video lottery sales agent ceases to operate video 24494
lottery terminals, the amounts deducted and withheld along with 24495
any penalties and interest thereon are immediately due and 24496
payable. The successor of the video lottery sales agent that 24497
purchases the video lottery terminals from the agent shall 24498
withhold an amount from the purchase money that is sufficient to 24499
cover the amounts deducted and withheld and any penalties and 24500
interest thereon until the predecessor video lottery sales agent 24501
operator produces either of the following: 24502

(1) A receipt from the tax administrator showing that the 24503
amounts deducted and withheld and penalties and interest thereon 24504
have been paid; 24505

(2) A certificate from the tax administrator indicating 24506
that no amounts are due. 24507

If the successor fails to withhold purchase money, the 24508
successor is personally liable for the payment of the amounts 24509
deducted and withheld and penalties and interest thereon. 24510

(G) The failure of a video lottery sales agent to deduct 24511
and withhold the required amount from a person's prize award 24512
does not relieve that person from liability for the municipal 24513
income tax with respect to that prize award. 24514

(H) If a casino operator, sports gaming proprietor, or 24515
video lottery sales agent files a return late, fails to file a 24516
return, remits amounts deducted and withheld late, or fails to 24517

remit amounts deducted and withheld as required under this 24518
section, the tax administrator of a municipal corporation may 24519
impose the following applicable penalty: 24520

(1) For the late remittance of, or failure to remit, tax 24521
deducted and withheld under this section, a penalty equal to 24522
fifty per cent of the tax deducted and withheld; 24523

(2) For the failure to file, or the late filing of, a 24524
monthly or annual return, a penalty of five hundred dollars for 24525
each return not filed or filed late. Interest shall accrue on 24526
past due amounts deducted and withheld at the rate prescribed in 24527
section 5703.47 of the Revised Code. 24528

(I) Amounts deducted and withheld on behalf of a municipal 24529
corporation shall be allowed as a credit against payment of the 24530
tax imposed by the municipal corporation and shall be treated as 24531
taxes paid for purposes of section 718.08 of the Revised Code. 24532
This division applies only to the person for whom the amount is 24533
deducted and withheld. 24534

(J) The tax administrator shall prescribe the forms of the 24535
receipts and returns required under this section. 24536

Sec. 718.12. (A) (1) (a) Civil actions to recover municipal 24537
income taxes and penalties and interest on municipal income 24538
taxes shall be brought within the later of: 24539

(i) Three years after the tax return, including any valid 24540
extension, was due or ~~the return was filed~~, whichever is later; 24541
or 24542

(ii) One year after the conclusion of the qualifying 24543
deferral period, if any. 24544

(b) The time limit described in division (A) (1) (a) of this 24545

section may be extended at any time if both the tax 24546
administrator and the employer, agent of the employer, other 24547
payer, or taxpayer consent in writing to the extension. Any 24548
extension shall also extend for the same period of time the time 24549
limit described in division (C) of this section. 24550

(2) As used in this section, "qualifying deferral period" 24551
means a period of time beginning and ending as follows: 24552

(a) Beginning on the date a person who is aggrieved by an 24553
assessment files with a local board of tax review the request 24554
described in section 718.11 of the Revised Code. That date shall 24555
not be affected by any subsequent decision, finding, or holding 24556
by any administrative body or court that the local board of tax 24557
review with which the aggrieved person filed the request did not 24558
have jurisdiction to affirm, reverse, or modify the assessment 24559
or any part of that assessment. 24560

(b) Ending the later of the sixtieth day after the date on 24561
which the final determination of the local board of tax review 24562
becomes final or, if any party appeals from the determination of 24563
the local board of tax review, the sixtieth day after the date 24564
on which the final determination of the local board of tax 24565
review is either ultimately affirmed in whole or in part or 24566
ultimately reversed and no further appeal of either that 24567
affirmation, in whole or in part, or that reversal is available 24568
or taken. 24569

(B) Prosecutions for an offense made punishable under a 24570
resolution or ordinance imposing an income tax shall be 24571
commenced within three years after the commission of the 24572
offense, provided that in the case of fraud, failure to file a 24573
return, or the omission of twenty-five per cent or more of 24574
income required to be reported, prosecutions may be commenced 24575

within six years after the commission of the offense. 24576

(C) A claim for a refund of municipal income taxes shall 24577
be brought within the time limitation provided in section 718.19 24578
of the Revised Code. 24579

(D) Interest shall be allowed and paid on any overpayment 24580
by a taxpayer of any municipal income tax obligation from the 24581
date of the overpayment until the date of the refund of the 24582
overpayment, except that if any overpayment is refunded within 24583
ninety days after the final filing date of the annual return or 24584
ninety days after the completed return is filed, whichever is 24585
later, no interest shall be allowed on the refund. For the 24586
purpose of computing the payment of interest on amounts 24587
overpaid, no amount of tax for any taxable year shall be 24588
considered to have been paid before the date on which the return 24589
on which the tax is reported is due, without regard to any 24590
extension of time for filing that return. Interest shall be paid 24591
at the interest rate described in division (A) (5) of section 24592
718.27 of the Revised Code. 24593

(E) Within sixty days after the final determination of any 24594
federal or state tax liability affecting the taxpayer's 24595
municipal tax liability, that taxpayer shall make and file an 24596
amended municipal return showing income subject to the municipal 24597
income tax based upon such final determination of federal or 24598
state tax liability, and pay any additional municipal income tax 24599
shown due thereon or make a claim for refund of any overpayment, 24600
unless the tax or overpayment is less than ten dollars. 24601

(F) (1) Notwithstanding the fact that an appeal is pending, 24602
the petitioner may pay all or a portion of the assessment that 24603
is the subject of the appeal. The acceptance of a payment by the 24604
municipal corporation does not prejudice any claim for refund 24605

upon final determination of the appeal. 24606

(2) If upon final determination of the appeal an error in 24607
the assessment is corrected by the tax administrator, upon an 24608
appeal so filed or pursuant to a final determination of the 24609
local board of tax review created under section 718.11 of the 24610
Revised Code, of the Ohio board of tax appeals, or any court to 24611
which the decision of the Ohio board of tax appeals has been 24612
appealed, so that the amount due from the party assessed under 24613
the corrected assessment is less than the amount paid, there 24614
shall be issued to the appellant or to the appellant's assigns 24615
or legal representative a refund in the amount of the 24616
overpayment as provided by section 718.19 of the Revised Code, 24617
with interest on that amount as provided by division (D) of this 24618
section. 24619

(G) No civil action to recover municipal income tax or 24620
related penalties or interest shall be brought during either of 24621
the following time periods: 24622

(1) The period during which a taxpayer has a right to 24623
appeal the imposition of that tax or interest or those 24624
penalties; 24625

(2) The period during which an appeal related to the 24626
imposition of that tax or interest or those penalties is 24627
pending. 24628

Sec. 718.19. (A) Upon receipt of a request for a refund, 24629
the tax administrator of a municipal corporation, in accordance 24630
with this section, shall refund to employers, agents of 24631
employers, other payers, or taxpayers, with respect to any 24632
income or withholding tax levied by the municipal corporation: 24633

(1) Overpayments of more than ten dollars; 24634

(2) Amounts paid erroneously if the refund requested 24635
exceeds ten dollars. 24636

(B) (1) Except as otherwise provided in this chapter, 24637
requests for refund shall be filed with the tax administrator, 24638
on the form prescribed by the tax administrator within three 24639
years after the tax return, including any valid extension, was 24640
~~due or paid, whichever is later.~~ The tax administrator may 24641
require the requestor to file with the request any documentation 24642
that substantiates the requestor's claim for a refund. 24643

(2) On filing of the refund request, the tax administrator 24644
shall determine the amount of refund due and certify such amount 24645
to the appropriate municipal corporation official for payment. 24646
Except as provided in division (B) (3) of this section, the 24647
administrator shall issue an assessment to any taxpayer whose 24648
request for refund is fully or partially denied. The assessment 24649
shall state the amount of the refund that was denied, the 24650
reasons for the denial, and instructions for appealing the 24651
assessment. 24652

(3) If a tax administrator denies in whole or in part a 24653
refund request included within the taxpayer's originally filed 24654
annual income tax return, the tax administrator shall notify the 24655
taxpayer, in writing, of the amount of the refund that was 24656
denied, the reasons for the denial, and instructions for 24657
requesting an assessment that may be appealed under section 24658
718.11 of the Revised Code. 24659

(C) A request for a refund that is received after the last 24660
day for filing specified in division (B) of this section shall 24661
be considered to have been filed in a timely manner if any of 24662
the following situations exist: 24663

(1) The request is delivered by the postal service, and 24664
the earliest postal service postmark on the cover in which the 24665
request is enclosed is not later than the last day for filing 24666
the request. 24667

(2) The request is delivered by the postal service, the 24668
only postmark on the cover in which the request is enclosed was 24669
affixed by a private postal meter, the date of that postmark is 24670
not later than the last day for filing the request, and the 24671
request is received within seven days of such last day. 24672

(3) The request is delivered by the postal service, no 24673
postmark date was affixed to the cover in which the request is 24674
enclosed or the date of the postmark so affixed is not legible, 24675
and the request is received within seven days of the last day 24676
for making the request. 24677

(D) As used in this section, "withholding tax" has the 24678
same meaning as in section 718.27 of the Revised Code. 24679

Sec. 718.85. (A) (1) For each taxable year, every taxpayer 24680
shall file an annual return. Such return, along with the amount 24681
of tax shown to be due on the return less the amount paid for 24682
the taxable year under section 718.88 of the Revised Code, shall 24683
be submitted to the tax commissioner, on a form and in the 24684
manner prescribed by the commissioner, on or before the 24685
fifteenth day of the fourth month following the end of the 24686
taxpayer's taxable year. 24687

(2) The remittance shall be made payable to the treasurer 24688
of state and in the form prescribed by the tax commissioner. If 24689
the amount payable with the tax return is ten dollars or less, 24690
no remittance is required. 24691

(B) The tax commissioner shall immediately forward to the 24692

treasurer of state all amounts the commissioner receives 24693
pursuant to sections 718.80 to 718.95 of the Revised Code. The 24694
treasurer shall credit such amounts to the municipal net profit 24695
tax fund which is hereby created in the state treasury. 24696

(C) (1) Each return required to be filed under this section 24697
shall contain the signature of the taxpayer or the taxpayer's 24698
duly authorized agent and of the person who prepared the return 24699
for the taxpayer, and shall include the taxpayer's 24700
identification number. Each return shall be verified by a 24701
declaration under penalty of perjury. 24702

(2) (a) The tax commissioner may require a taxpayer to 24703
include, with each annual tax return, amended return, or request 24704
for refund filed with the commissioner under sections 718.80 to 24705
718.95 of the Revised Code, copies of any relevant documents or 24706
other information. 24707

(b) A taxpayer that files an annual tax return 24708
electronically through the Ohio business gateway or in another 24709
manner as prescribed by the tax commissioner shall either submit 24710
the documents required under this division electronically as 24711
prescribed at the time of filing or, if electronic submission is 24712
not available, mail the documents to the tax commissioner. The 24713
department of taxation shall publish a method of electronically 24714
submitting the documents required under this division on or 24715
before January 1, 2019. 24716

(3) After a taxpayer files a tax return, the tax 24717
commissioner may request, and the taxpayer shall provide, any 24718
information, statements, or documents required to determine and 24719
verify the taxpayer's municipal income tax. 24720

(D) (1) (a) Any taxpayer that has duly requested an 24721

automatic extension for filing the taxpayer's federal income tax 24722
return shall automatically receive an extension for the filing 24723
of a tax return with the commissioner under this section. The 24724
extended due date of the return shall be the fifteenth day of 24725
the eleventh month after the last day of the taxable year to 24726
which the return relates. 24727

(b) A taxpayer that has not requested or received a six- 24728
month extension for filing the taxpayer's federal income tax 24729
return may request that the commissioner grant the taxpayer a 24730
~~six-month~~ seven-month extension of the date for filing the 24731
taxpayer's tax return. If the commissioner receives the request 24732
on or before the date the tax return is due, the commissioner 24733
shall grant the taxpayer's extension request. 24734

(c) An extension of time to file under division (D) (1) of 24735
this section is not an extension of the time to pay any tax due 24736
unless the tax commissioner grants an extension of that date. 24737

(2) If the commissioner considers it necessary in order to 24738
ensure payment of a tax imposed in accordance with section 24739
718.04 of the Revised Code, the commissioner may require 24740
taxpayers to file returns and make payments otherwise than as 24741
provided in this section, including taxpayers not otherwise 24742
required to file annual returns. 24743

(3) If a taxpayer receives an extension for the filing of 24744
a tax return under division (D) (1) or (2) of this section, the 24745
commissioner shall not make any inquiry or send any notice to 24746
the taxpayer with regard to the return on or before the date the 24747
taxpayer files the return or on or before the extended due date 24748
to file the return, whichever occurs first. 24749

Division (D) (3) of this section does not apply to an 24750

extension received under division (D) (1) of this section if the 24751
commissioner has actual knowledge that the taxpayer failed to 24752
file for a federal extension as required to receive the 24753
extension under division (D) (1) (a) of this section or failed to 24754
file for an extension under division (D) (1) (b) of this section. 24755

(E) Each return required to be filed in accordance with 24756
this section shall include a box that the taxpayer may check to 24757
authorize another person, including a tax return preparer who 24758
prepared the return, to communicate with the tax commissioner 24759
about matters pertaining to the return. The return or 24760
instructions accompanying the return shall indicate that by 24761
checking the box the taxpayer authorizes the commissioner to 24762
contact the preparer or other person concerning questions that 24763
arise during the examination or other review of the return and 24764
authorizes the preparer or other person only to provide the 24765
commissioner with information that is missing from the return, 24766
to contact the commissioner for information about the 24767
examination or other review of the return or the status of the 24768
taxpayer's refund or payments, and to respond to notices about 24769
mathematical errors, offsets, or return preparation that the 24770
taxpayer has received from the commissioner and has shown to the 24771
preparer or other person. 24772

(F) When income tax returns or other documents require the 24773
signature of a tax return preparer, the tax commissioner shall 24774
accept a facsimile or electronic version of such a signature in 24775
lieu of a manual signature. 24776

Sec. 718.88. (A) As used in this section: 24777

(1) "Combined tax liability" means the total amount of a 24778
taxpayer's income tax liabilities to all municipal corporations 24779
in this state for a taxable year. 24780

(2) "Estimated taxes" means the amount that the taxpayer
reasonably estimates to be the taxpayer's combined tax liability
for the current taxable year.

(B) (1) Except as provided in division (B) (4) of this
section, every taxpayer shall make a declaration of estimated
taxes for the current taxable year, on the form prescribed by
the tax commissioner, if the amount payable as estimated taxes
is at least two hundred dollars.

(2) Except as provided in division (B) (4) of this section,
a taxpayer having a taxable year of less than twelve months
shall make a declaration under rules prescribed by the
commissioner.

(3) The declaration of estimated taxes shall be filed on
or before the fifteenth day of the fourth month after the
beginning of the taxable year or on or before the fifteenth day
of the fourth month after the taxpayer becomes subject to tax
for the first time.

(4) The tax commissioner may waive the requirement for
filing a declaration of estimated taxes for any class of
taxpayers after finding that the waiver is reasonable and proper
in view of administrative costs and other factors.

(C) Each taxpayer shall file the declaration of estimated
taxes with, and remit estimated taxes to, the tax commissioner
at the times and in the amounts prescribed in division (C) (1) of
this section. Remitted taxes shall be made payable to the
treasurer of state.

(1) The required portion of the combined tax liability for
the taxable year that shall be paid through estimated taxes
shall be as follows:

(a) On or before the fifteenth day of the fourth month 24810
after the beginning of the taxable year, twenty-two and one-half 24811
per cent of the combined tax liability for the taxable year; 24812

(b) On or before the fifteenth day of the sixth month 24813
after the beginning of the taxable year, forty-five per cent of 24814
the combined tax liability for the taxable year; 24815

(c) On or before the fifteenth day of the ninth month 24816
after the beginning of the taxable year, sixty-seven and one- 24817
half per cent of the combined tax liability for the taxable 24818
year; 24819

(d) On or before the fifteenth day of the twelfth month of 24820
the taxable year, ninety per cent of the combined tax liability 24821
for the taxable year. 24822

(2) If the taxpayer determines that its declaration of 24823
estimated taxes will not accurately reflect the taxpayer's tax 24824
liability for the taxable year, the taxpayer shall increase or 24825
decrease, as appropriate, its subsequent payments in equal 24826
installments to result in a more accurate payment of estimated 24827
taxes. 24828

(3) (a) Each taxpayer shall report on the declaration of 24829
estimated taxes the portion of the remittance that the taxpayer 24830
estimates that it owes to each municipal corporation for the 24831
taxable year. 24832

(b) Upon receiving a payment of estimated taxes under this 24833
section, the commissioner shall immediately forward the payment 24834
to the treasurer of state. The treasurer shall credit the 24835
payment in the same manner as in division (B) of section 718.85 24836
of the Revised Code. 24837

(D) (1) In the case of any underpayment of estimated taxes, 24838

~~there shall be added~~ the tax commissioner may add to the taxes 24839
an amount determined at the rate per annum prescribed by section 24840
5703.47 of the Revised Code upon the amount of underpayment for 24841
the period of underpayment, unless the underpayment is due to 24842
reasonable cause as described in division (E) of this section. 24843
The amount of the underpayment shall be determined as follows: 24844

(a) For the first payment of estimated taxes each year, 24845
twenty-two and one-half per cent of the combined tax liability, 24846
less the amount of taxes paid by the date prescribed for that 24847
payment; 24848

(b) For the second payment of estimated taxes each year, 24849
forty-five per cent of the combined tax liability, less the 24850
amount of taxes paid by the date prescribed for that payment; 24851

(c) For the third payment of estimated taxes each year, 24852
sixty-seven and one-half per cent of the combined tax liability, 24853
less the amount of taxes paid by the date prescribed for that 24854
payment; 24855

(d) For the fourth payment of estimated taxes each year, 24856
ninety per cent of the combined tax liability, less the amount 24857
of taxes paid by the date prescribed for that payment. 24858

(2) The period of the underpayment shall run from the day 24859
the estimated payment was required to be made to the date on 24860
which the payment is made. For purposes of this section, a 24861
payment of estimated taxes on or before any payment date shall 24862
be considered a payment of any previous underpayment only to the 24863
extent the payment of estimated taxes exceeds the amount of the 24864
payment presently due. 24865

(3) All amounts collected under this section shall be 24866
considered as taxes collected under sections 718.80 to 718.95 of 24867

the Revised Code and shall be credited and distributed to 24868
municipal corporations in accordance with section 718.83 of the 24869
Revised Code. 24870

(E) An underpayment of any portion of a combined tax 24871
liability shall be due to reasonable cause and the penalty 24872
imposed by this section shall not be added to the taxes for the 24873
taxable year if any of the following apply: 24874

(1) The amount of estimated taxes that were paid equals at 24875
least ninety per cent of the combined tax liability for the 24876
current taxable year, determined by annualizing the income 24877
received during the year up to the end of the month immediately 24878
preceding the month in which the payment is due. 24879

(2) The amount of estimated taxes that were paid equals at 24880
least one hundred per cent of the tax liability shown on the 24881
return of the taxpayer for the preceding taxable year, provided 24882
that the immediately preceding taxable year reflected a period 24883
of twelve months and the taxpayer filed a municipal income tax 24884
return for that year. 24885

Sec. 718.89. (A) In addition to any other penalty imposed 24886
by sections 718.80 to 718.95 or Chapter 5703. of the Revised 24887
Code, the following penalties shall apply: 24888

(1) If a taxpayer required to file a tax return under 24889
sections 718.80 to 718.95 of the Revised Code fails to make and 24890
file the return within the time prescribed, including any 24891
extensions of time granted by the tax commissioner, the 24892
commissioner may impose a penalty not exceeding twenty-five 24893
dollars, except that the commissioner shall abate or refund the 24894
penalty assessed on a taxpayer's first failure to timely file a 24895
return after the taxpayer files that return. 24896

(2) If a person required to file a tax return 24897
electronically under sections 718.80 to 718.95 of the Revised 24898
Code fails to do so, the commissioner may impose a penalty not 24899
to exceed the following: 24900

(a) For each of the first two failures, five per cent of 24901
the amount required to be reported on the return; 24902

(b) For the third and any subsequent failure, ten per cent 24903
of the amount required to be reported on the return. 24904

(3) If a taxpayer that has made the election allowed under 24905
section 718.80 of the Revised Code fails to timely pay an amount 24906
of tax required to be paid under this chapter, the commissioner 24907
may impose a penalty equal to fifteen per cent of the amount not 24908
timely paid. 24909

(4) If a taxpayer files what purports to be a tax return 24910
required by sections 718.80 to 718.95 of the Revised Code that 24911
does not contain information upon which the substantial 24912
correctness of the return may be judged or contains information 24913
that on its face indicates that the return is substantially 24914
incorrect, and the filing of the return in that manner is due to 24915
a position that is frivolous or a desire that is apparent from 24916
the return to delay or impede the administration of sections 24917
718.80 to 718.95 of the Revised Code, a penalty of up to five 24918
hundred dollars may be imposed. 24919

(5) If a taxpayer makes a fraudulent attempt to evade the 24920
reporting or payment of the tax required to be shown on any 24921
return required under sections 718.80 to 718.95 of the Revised 24922
Code, a penalty may be imposed not exceeding the greater of one 24923
thousand dollars or one hundred per cent of the tax required to 24924
be shown on the return. 24925

(6) If any person makes a false or fraudulent claim for a refund under section 718.91 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under this division, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 718.90 of the Revised Code without regard to any time limitation for the assessment imposed by division (A) of that section.

(B) For purposes of this section, the tax required to be shown on a tax return shall be reduced by the amount of any part of the tax paid on or before the date, including any extensions of the date, prescribed for filing the return.

(C) Each penalty imposed under this section shall be in addition to any other penalty imposed under this section. ~~All or part of any penalty imposed under this section may be abated by the tax commissioner. The commissioner may adopt rules governing the imposition and abatement of such penalties.~~

(D) All amounts collected under this section shall be considered as taxes collected under sections 718.80 to 718.95 of the Revised Code and shall be credited and distributed to municipal corporations in the same proportion as the underlying tax liability is required to be distributed to such municipal corporations under section 718.83 of the Revised Code.

Sec. 718.90. (A) If any taxpayer required to file a return under section 718.80 to 718.95 of the Revised Code fails to file the return within the time prescribed, files an incorrect return, or fails to remit the full amount of the tax due for the period covered by the return, the tax commissioner may make an assessment against the taxpayer for any deficiency for the

period for which the return or tax is due, based upon any 24956
information in the commissioner's possession. 24957

The tax commissioner shall not make or issue an assessment 24958
against a taxpayer more than three years after the later of the 24959
date the return subject to assessment was required to be filed 24960
or the date the return was filed. Such time limit may be 24961
extended if both the taxpayer and the commissioner consent in 24962
writing to the extension. Any such extension shall extend the 24963
three-year time limit in section 718.91 of the Revised Code for 24964
the same period of time. There shall be no bar or limit to an 24965
assessment against a taxpayer that fails to file a return 24966
subject to assessment as required by sections 718.80 to 718.95 24967
of the Revised Code, or that files a fraudulent return. The 24968
commissioner shall give the taxpayer assessed written notice of 24969
the assessment as provided in section 5703.37 of the Revised 24970
Code. With the notice, the commissioner shall provide 24971
instructions on how to petition for reassessment and request a 24972
hearing on the petition. 24973

(B) Unless the taxpayer assessed files with the tax 24974
commissioner within sixty days after service of the notice of 24975
assessment, ~~either personally or by certified mail,~~ a written 24976
petition for reassessment signed by the authorized agent of the 24977
taxpayer assessed having knowledge of the facts, the assessment 24978
becomes final, and the amount of the assessment is due and 24979
payable from the taxpayer to the treasurer of state. The 24980
petition shall indicate the taxpayer's objections, but 24981
additional objections may be raised in writing if received by 24982
the commissioner prior to the date shown on the final 24983
determination. If the petition has been properly filed, the 24984
commissioner shall proceed under section 5703.60 of the Revised 24985
Code. 24986

(C) After an assessment becomes final, if any portion of 24987
the assessment remains unpaid, including accrued interest, a 24988
certified copy of the tax commissioner's entry making the 24989
assessment final may be filed in the office of the clerk of the 24990
court of common pleas in the county in which the taxpayer has an 24991
office or place of business in this state, the county in which 24992
the taxpayer's statutory agent is located, or Franklin county. 24993

Immediately upon the filing of the entry, the clerk shall 24994
enter a judgment against the taxpayer assessed in the amount 24995
shown on the entry. The judgment may be filed by the clerk in a 24996
loose-leaf book entitled "special judgments for municipal income 24997
taxes," and shall have the same effect as other judgments. 24998
Execution shall issue upon the judgment upon the request of the 24999
tax commissioner, and all laws applicable to sales on execution 25000
shall apply to sales made under the judgment. 25001

If the assessment is not paid in its entirety within sixty 25002
days after the day the assessment was issued, the portion of the 25003
assessment consisting of tax due shall bear interest at the rate 25004
per annum prescribed by section 5703.47 of the Revised Code from 25005
the day the commissioner issues the assessment until the 25006
assessment is paid or until it is certified to the attorney 25007
general for collection under section 131.02 of the Revised Code, 25008
whichever comes first. If the unpaid portion of the assessment 25009
is certified to the attorney general for collection, the entire 25010
unpaid portion of the assessment shall bear interest at the rate 25011
per annum prescribed by section 5703.47 of the Revised Code from 25012
the date of certification until the date it is paid in its 25013
entirety. Interest shall be paid in the same manner as the tax 25014
and may be collected by issuing an assessment under this 25015
section. 25016

(D) (1) Except as provided in division (D) (2) of this 25017
section, all money collected under this section shall be 25018
credited to the municipal net profit tax fund and distributed to 25019
the municipal corporation to which the money is owed based on 25020
the assessment issued under this section. 25021

(2) The attorney general may assess collection costs as 25022
authorized under section 109.08, 109.081, or 131.02 of the 25023
Revised Code on amounts collected under this section, which 25024
shall be credited to the attorney general claims fund created 25025
under section 109.081 of the Revised Code. 25026

(E) If the tax commissioner believes that collection of 25027
the tax will be jeopardized unless proceedings to collect or 25028
secure collection of the tax are instituted without delay, the 25029
commissioner may issue a jeopardy assessment against the 25030
taxpayer liable for the tax. Immediately upon the issuance of 25031
the jeopardy assessment, the commissioner shall file an entry 25032
with the clerk of the court of common pleas in the manner 25033
prescribed by division (C) of this section. Notice of the 25034
jeopardy assessment shall be served on the taxpayer assessed or 25035
the taxpayer's legal representative in the manner provided in 25036
section 5703.37 of the Revised Code within five days of the 25037
filing of the entry with the clerk. The total amount assessed is 25038
immediately due and payable, unless the taxpayer assessed files 25039
a petition for reassessment in accordance with division (B) of 25040
this section and provides security in a form satisfactory to the 25041
commissioner and in an amount sufficient to satisfy the unpaid 25042
balance of the assessment. Full or partial payment of the 25043
assessment does not prejudice the commissioner's consideration 25044
of the petition for reassessment. 25045

(F) Notwithstanding the fact that a petition for 25046

reassessment is pending, the taxpayer may pay all or a portion 25047
of the assessment that is the subject of the petition. The 25048
acceptance of a payment by the treasurer of state does not 25049
prejudice any claim for refund upon final determination of the 25050
petition. 25051

If upon final determination of the petition an error in 25052
the assessment is corrected by the tax commissioner, upon 25053
petition so filed or pursuant to a decision of the board of tax 25054
appeals or any court to which the determination or decision has 25055
been appealed, so that the amount due from the taxpayer under 25056
the corrected assessment is less than the portion paid, there 25057
shall be issued to the taxpayer, its assigns, or legal 25058
representative a refund in the amount of the overpayment as 25059
provided by section 718.91 of the Revised Code, with interest on 25060
that amount as provided by that section. 25061

Sec. 718.91. (A) An application to refund to a taxpayer 25062
amounts that were overpaid, paid illegally or erroneously, or 25063
paid on an illegal or erroneous assessment pursuant to sections 25064
718.80 to 718.95 of the Revised Code shall be filed with the tax 25065
commissioner within three years after the date, including any 25066
valid extension, of the illegal, erroneous, or excessive 25067
payment, or within any additional period allowed by division (A) 25068
of section 718.90 of the Revised Code. The application shall be 25069
filed in the form prescribed by the tax commissioner. 25070

(B) (1) On the filing of a refund application, the tax 25071
commissioner shall determine the amount of refund to which the 25072
applicant is entitled. The amount determined shall be based on 25073
the amount overpaid per return or assessment. If the amount is 25074
greater than ten dollars and not less than that claimed, the 25075
commissioner shall certify that amount to the director of budget 25076

and management and the treasurer of state for payment from the 25077
tax refund fund created in section 5703.052 of the Revised Code. 25078
If the amount is greater than ten dollars but less than that 25079
claimed, the commissioner shall proceed in accordance with 25080
section 5703.70 of the Revised Code. 25081

(2) Upon issuance of a refund under this section, the 25082
commissioner shall notify each municipal corporation of the 25083
amount refunded to the taxpayer attributable to that municipal 25084
corporation, which shall be deducted from the municipal 25085
corporation's next distribution under section 718.83 of the 25086
Revised Code. 25087

(C) Any portion of a refund determined under division (B) 25088
of this section that is not issued within ninety days after such 25089
determination shall bear interest at the rate per annum 25090
prescribed by section 5703.47 of the Revised Code from the 25091
ninety-first day after such determination until the day the 25092
refund is paid or credited. On an illegal or erroneous 25093
assessment, interest shall be paid at that rate from the date of 25094
payment on the illegal or erroneous assessment until the day the 25095
refund is paid or credited. 25096

Sec. 731.14. All contracts made by the legislative 25097
authority of a village shall be executed in the name of the 25098
village and signed on its behalf by the mayor and clerk. Except 25099
where the contract is for equipment, services, materials, or 25100
supplies to be purchased under division (D) of section 713.23 or 25101
section 125.04 or 5513.01 of the Revised Code, available from a 25102
qualified nonprofit agency pursuant to sections 4115.31 to 25103
4115.35 of the Revised Code, or required to be purchased from a 25104
qualified nonprofit agency under ~~sections 125.60 to 125.6012~~ 25105
section 125.601 of the Revised Code, when any expenditure, other 25106

than the compensation of persons employed in the village, 25107
exceeds the amount specified in section 9.17 of the Revised 25108
Code, such contracts shall be in writing and made with the 25109
lowest and best bidder after advertising once a week for not 25110
less than two consecutive weeks in a newspaper of general 25111
circulation within the village. The legislative authority may 25112
also cause notice to be inserted in trade papers or other 25113
publications designated by it or to be distributed by electronic 25114
means, including posting the notice on the legislative 25115
authority's internet web site. If the legislative authority 25116
posts the notice on its web site, it may eliminate the second 25117
notice otherwise required to be published in a newspaper of 25118
general circulation within the village, provided that the first 25119
notice published in such newspaper meets all of the following 25120
requirements: 25121

(A) It is published at least two weeks before the opening 25122
of bids. 25123

(B) It includes a statement that the notice is posted on 25124
the legislative authority's internet web site. 25125

(C) It includes the internet address of the legislative 25126
authority's internet web site. 25127

(D) It includes instructions describing how the notice may 25128
be accessed on the legislative authority's internet web site. 25129

The bids shall be opened and shall be publicly read by the 25130
clerk of the village or a person designated by the clerk at the 25131
time, date, and place specified in the advertisement to bidders 25132
or specifications. The time, date, and place of bid openings may 25133
be extended to a later date by the legislative authority of the 25134
village, provided that written or oral notice of the change 25135

shall be given to all persons who have received or requested 25136
specifications no later than ninety-six hours prior to the 25137
original time and date fixed for the opening. This section does 25138
not apply to those villages that have provided for the 25139
appointment of a village administrator under section 735.271 of 25140
the Revised Code. 25141

As used in this section, "personal protective equipment" 25142
means equipment worn to minimize exposure to hazards that cause 25143
workplace injuries and illnesses. 25144

Sec. 731.141. In those villages that have established the 25145
position of village administrator, as provided by section 25146
735.271 of the Revised Code, the village administrator shall 25147
make contracts, purchase supplies and materials, and provide 25148
labor for any work under the administrator's supervision 25149
involving not more than the amount specified in section 9.17 of 25150
the Revised Code. When an expenditure, other than the 25151
compensation of persons employed by the village, exceeds the 25152
amount specified in section 9.17 of the Revised Code, the 25153
expenditure shall first be authorized and directed by ordinance 25154
of the legislative authority of the village. When so authorized 25155
and directed, except where the contract is for equipment, 25156
services, materials, or supplies to be purchased under division 25157
(D) of section 713.23 or section 125.04 or 5513.01 of the 25158
Revised Code, available from a qualified nonprofit agency 25159
pursuant to sections 4115.31 to 4115.35 of the Revised Code, or 25160
required to be purchased from a qualified nonprofit agency under 25161
~~sections 125.60 to 125.6012~~ section 125.601 of the Revised Code, 25162
the village administrator shall make a written contract with the 25163
lowest and best bidder after advertisement for not less than two 25164
nor more than four consecutive weeks in a newspaper of general 25165
circulation within the village or as provided in section 7.16 of 25166

the Revised Code. The bids shall be opened and shall be publicly 25167
read by the village administrator or a person designated by the 25168
village administrator at the time, date, and place as specified 25169
in the advertisement to bidders or specifications. The time, 25170
date, and place of bid openings may be extended to a later date 25171
by the village administrator, provided that written or oral 25172
notice of the change shall be given to all persons who have 25173
received or requested specifications no later than ninety-six 25174
hours prior to the original time and date fixed for the opening. 25175
All contracts shall be executed in the name of the village and 25176
signed on its behalf by the village administrator and the clerk. 25177
No expenditure subject to this section shall be divided into 25178
component parts, separate projects, or separate items of work in 25179
order to avoid the requirements of this section. 25180

The legislative authority of a village may provide, by 25181
ordinance, for central purchasing for all offices, departments, 25182
divisions, boards, and commissions of the village, under the 25183
direction of the village administrator, who shall make 25184
contracts, purchase supplies or materials, and provide labor for 25185
any work of the village in the manner provided by this section. 25186

Sec. 742.044. ~~The secretary of state, or any person acting~~ 25187
~~on personal knowledge and subject to the penalties of perjury,~~ 25188
~~may file a~~ A complaint with the Ohio elections commission 25189
~~alleging a violation of section 742.043 of the Revised Code~~ may 25190
be filed in accordance with section 3517.14 of the Revised Code. 25191
~~The complaint shall be made on a form prescribed and provided by~~ 25192
~~the commission.~~ 25193

~~On receipt of a complaint under this section, the~~ 25194
~~commission shall hold a hearing open to the public to determine~~ 25195
~~whether the violation alleged in the complaint has occurred. The~~ 25196

~~commission may administer oaths and issue subpoenas to any~~ 25197
~~person in the state compelling the attendance of witnesses and~~ 25198
~~the production of relevant papers, books, accounts, and reports.~~ 25199
~~On the refusal of any person to obey a subpoena or to be sworn~~ 25200
~~or to answer as a witness, the commission may apply to the court~~ 25201
~~of common pleas of Franklin county under section 2705.03 of the~~ 25202
~~Revised Code. The court shall hold contempt proceedings in~~ 25203
~~accordance with Chapter 2705. of the Revised Code.~~ 25204

~~The commission shall provide the person accused of the~~ 25205
~~violation at least seven days prior notice of the time, date,~~ 25206
~~and place of the hearing. The accused may be represented by an~~ 25207
~~attorney and shall have an opportunity to present evidence, call~~ 25208
~~witnesses, and cross-examine witnesses.~~ 25209

~~At the hearing, the commission shall determine whether the~~ 25210
~~violation alleged in the complaint has occurred. If the~~ 25211
~~commission determines that a violation of division (A) of~~ 25212
~~section 742.043 of the Revised Code has occurred, the commission~~ 25213
~~shall either impose a fine under section 742.99 of the Revised~~ 25214
~~Code or enter a finding that good cause has been shown not to~~ 25215
~~impose the fine. If the commission determines that a violation~~ 25216
~~of division (B) of section 742.043 of the Revised Code has~~ 25217
~~occurred, the commission shall impose the fine described in~~ 25218
~~section 742.99 of the Revised Code, refer the matter to the~~ 25219
~~appropriate prosecutor, or enter a finding that good cause has~~ 25220
~~been shown not to impose a fine or refer the matter to a~~ 25221
~~prosecutor.~~ 25222

Sec. 742.99. (A) Whoever violates section 742.043 of the 25223
Revised Code shall be fined not more than one hundred dollars 25224
for each day of the violation. 25225

(B) Whoever violates division (B) of section 742.043 of 25226

the Revised Code shall be imprisoned for not more than six 25227
months or fined not more than five thousand dollars, or both. 25228

~~(C) Fines imposed by the Ohio elections commission under 25229
this section shall be paid into the Ohio elections commission 25230
fund created under section 3513.10 of the Revised Code. 25231~~

Sec. 901.43. (A) As used in this section, "certificate of 25232
free sale" means a document issued by the director of 25233
agriculture that certifies to states and countries receiving the 25234
listed product that the product being exported is freely 25235
marketed without restriction in the United States. 25236

(B) The director of agriculture may authorize any 25237
department of agriculture laboratory to perform a laboratory 25238
service for any person, organization, political subdivision, 25239
state agency, federal agency, or other entity, whether public or 25240
private. The director shall adopt and enforce rules to provide 25241
for the rendering of a laboratory service. 25242

~~(B)~~ (C) The director may charge a reasonable fee for the 25243
performance of a laboratory service, except when the service is 25244
performed on an official sample taken by the director acting 25245
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 25246
Revised Code; by a board of health acting as the licensor of 25247
retail food establishments or food service operations under 25248
Chapter 3717. of the Revised Code; or by the director of health 25249
acting as the licensor of food service operations under Chapter 25250
3717. of the Revised Code. The director of agriculture shall 25251
adopt rules specifying what constitutes an official sample. 25252

The director shall publish a list of laboratory services 25253
offered, together with the fee for each service. 25254

~~(C)~~ (D) The director may enter into a contract with any 25255

person, organization, political subdivision, state agency, 25256
federal agency, or other entity for the provision of a 25257
laboratory service. 25258

~~(D) (1)~~ (E) (1) The director may adopt rules establishing 25259
standards for accreditation of laboratories and laboratory 25260
services and in doing so may adopt by reference existing or 25261
recognized standards or practices. 25262

(2) The director may inspect and accredit laboratories and 25263
laboratory services, and may charge a reasonable fee for the 25264
inspections and accreditation. 25265

~~(E) (1)~~ (F) (1) There is hereby created in the state treasury 25266
the animal and consumer protection laboratory fund. Moneys from 25267
the following sources shall be deposited into the state treasury 25268
to the credit of the fund: all moneys collected by the director 25269
under this section that are from fees generated by a laboratory 25270
service performed by the department and related to the diseases 25271
of animals, all moneys so collected that are from fees generated 25272
for the inspection and accreditation of laboratories and 25273
laboratory services related to the diseases of animals, all 25274
moneys collected by the director under this section that are 25275
from fees generated by a laboratory service performed by the 25276
consumer protection laboratory, all moneys so collected that are 25277
from fees generated for the inspection and accreditation of 25278
laboratories and laboratory services not related to weights and 25279
measures, money received by the director under sections 947.01 25280
to 947.06 of the Revised Code, and all moneys collected under 25281
~~Chapters 943. and Chapter~~ 953. of the Revised Code that are not 25282
credited to the animal and consumer protection fund created in 25283
section 943.26 of the Revised Code. The director may use the 25284
moneys held in the fund to pay the expenses necessary to operate 25285

the animal industry laboratory and the consumer protection 25286
laboratory, including the purchase of supplies and equipment. 25287

(2) All moneys collected by the director under this 25288
section that are from fees generated by a laboratory service 25289
performed by the weights and measures laboratory, and all moneys 25290
so collected that are from fees generated for the inspection and 25291
accreditation of laboratories and laboratory services related to 25292
weights and measures, shall be deposited in the state treasury 25293
to the credit of the weights and measures laboratory fund, which 25294
is hereby created in the state treasury. The moneys held in the 25295
fund may be used to pay the expenses necessary to operate the 25296
division of weights and measures, including the purchase of 25297
supplies and equipment. 25298

(G) (1) The director may authorize any department of 25299
agriculture division or program to issue a certificate of free 25300
sale to any person, organization, political subdivision, state 25301
agency, federal agency, or other entity, whether public or 25302
private. The director may charge a fee of fifty dollars for 25303
issuance of a certificate of free sale. The director shall adopt 25304
and enforce rules in accordance with Chapter 119. of the Revised 25305
Code to provide for the issuance of the certificates of free 25306
sale. 25307

(2) All money collected by the director under this section 25308
that is from fees related to the issuance of certificates of 25309
free sale shall be credited to the appropriate program fund 25310
administered by the department. 25311

Sec. 904.02. (A) There is hereby created the Ohio 25312
livestock care standards board consisting of the following 25313
members: 25314

(1) The director of agriculture, who shall be the	25315
chairperson of the board;	25316
(2) Ten members appointed by the governor with the advice	25317
and consent of the senate. The ten members shall be residents of	25318
this state and shall include the following:	25319
(a) One member representing family farms;	25320
(b) One member who is knowledgeable about food safety in	25321
this state;	25322
(c) Two members representing statewide organizations that	25323
represent farmers;	25324
(d) One member who is a veterinarian licensed under	25325
Chapter 4741. of the Revised Code;	25326
(e) The state veterinarian in the department of	25327
agriculture;	25328
(f) The dean of the agriculture department of a college or	25329
university located in this state;	25330
(g) Two members of the public representing consumers in	25331
this state;	25332
(h) One member representing a county humane society	25333
organized under Chapter 1717. of the Revised Code.	25334
(3) One member appointed by the speaker of the house of	25335
representatives who shall be a family farmer;	25336
(4) One member appointed by the president of the senate	25337
who shall be a family farmer.	25338
Not more than seven members appointed to the board at any	25339
given time shall be of the same political party.	25340

(B) (1) The governor, the speaker of the house of 25341
representatives, and the president of the senate shall make 25342
appointments to the board not later than forty-five days after 25343
~~the effective date of this section~~ March 31, 2010. 25344

(2) The following initial members of the board appointed 25345
by the governor shall be appointed for a term ending January 25, 25346
2011: 25347

(a) The member representing family farmers; 25348

(b) The dean of the agriculture department of a college or 25349
university located in this state; 25350

(c) The member who is a veterinarian licensed under 25351
Chapter 4741. of the Revised Code; 25352

(d) One of the members of the public representing 25353
consumers in this state. 25354

(3) The following initial members of the board shall be 25355
appointed for a term ending January 15, 2012: 25356

(a) The member appointed by the speaker of the house of 25357
representatives who is a family farmer; 25358

(b) One of the members representing a statewide 25359
organization that represents farmers; 25360

(c) The member representing a county humane society 25361
organized under Chapter 1717. of the Revised Code; 25362

(d) The member who is knowledgeable about food safety in 25363
this state. 25364

(4) The following initial members of the board shall be 25365
appointed for a term ending January 15, 2013: 25366

(a) The member appointed by the president of the senate 25367

who is a family farmer; 25368

(b) One of the members of the public representing 25369
consumers in this state; 25370

(c) One of the members representing a statewide 25371
organization that represents farmers. 25372

(C) After the initial terms served in accordance with 25373
division (B) of this section, terms of office shall be for three 25374
years with each term ending on the same day of the same month as 25375
did the term that it succeeds. However, the terms for the 25376
director of agriculture and the state veterinarian shall 25377
coincide with the length of time that the person holds the 25378
position of director or state veterinarian, as applicable. If 25379
the director or the state veterinarian resigns or that person's 25380
employment is terminated, the director or state veterinarian, as 25381
applicable, shall cease to serve on the board, and the successor 25382
of the director or state veterinarian shall then serve on the 25383
board in accordance with this section. Every other member shall 25384
hold office from the date of the member's appointment until the 25385
end of the term for which the member was appointed. 25386

Vacancies on the board shall be filled in the manner 25387
provided for original appointments. Any member appointed to fill 25388
a vacancy occurring prior to the expiration of the term for 25389
which the member's predecessor was appointed shall hold office 25390
for the remainder of that term. A member shall continue in 25391
office subsequent to the expiration date of the member's term 25392
until the member's successor takes office, or until a period of 25393
one hundred eighty days has elapsed, whichever occurs first. A 25394
member may be reappointed upon the expiration of the member's 25395
term. 25396

(D) The board shall hold at least three regular meetings 25397
each year and may hold additional meetings at times that the 25398
chairperson or a majority of the board members considers 25399
appropriate. At the three regular meetings held by the board 25400
each year, the board shall conduct a review of the rules 25401
governing the care and well-being of livestock that have been or 25402
are proposed to be adopted under section 904.03 of the Revised 25403
Code. 25404

At the first meeting of the board in each calendar year, 25405
the director shall designate one member of the board to serve as 25406
its vice-chairperson. A majority of the board constitutes a 25407
quorum. The board may act only if a quorum is present and only 25408
by majority vote of that quorum. A vacancy on the board does not 25409
impair the right of the other members to exercise all of the 25410
board's powers. 25411

(E) Serving as an appointed member of the board does not 25412
constitute holding a public office or position of employment 25413
under the laws of this state and does not constitute grounds for 25414
removal of public officers or employees from their offices or 25415
positions of employment. 25416

(F) Appointed members of the board shall receive no 25417
compensation for their services. Members shall be reimbursed for 25418
their actual and necessary expenses incurred in the performance 25419
of their duties as members. The expenses shall be paid from the 25420
~~Ohio livestock care standards animal and consumer protection~~ 25421
fund created in section ~~904.06~~ 943.26 of the Revised Code. The 25422
expenses shall be paid in accordance with the rules and 25423
requirements adopted by the department of administrative 25424
services that are applicable to state employees. 25425

(G) The board may create committees that it considers 25426

appropriate to make recommendations to the board. Committees may 25427
include non-board members. 25428

Sec. 904.04. (A) In order to assist the Ohio livestock 25429
care standards board in the administration and enforcement of 25430
this chapter, the director of agriculture shall do all of the 25431
following: 25432

(1) Hire all employees of the board, including an 25433
executive director. Employees of the board shall be in the 25434
unclassified civil service, serve at the pleasure of the 25435
director of agriculture, and be compensated with money from the 25436
~~Ohio livestock care standards~~ animal and consumer protection 25437
fund created in section ~~904.06~~ 943.26 of the Revised Code. 25438

(2) Enter into contracts on behalf of the board; 25439

(3) Do all of the following with regard to rules governing 25440
the care and well-being of livestock adopted by the board under 25441
section 904.03 of the Revised Code: 25442

(a) Process and submit the rules to the joint committee on 25443
agency rule review pursuant to Chapter 119. of the Revised Code; 25444

(b) Contract for surveys and analyses; 25445

(c) Perform any other activities that assist the board in 25446
adopting the rules. 25447

(4) Publish and distribute information related to 25448
livestock care, including educational materials, to livestock 25449
producers and members of the public; 25450

(5) Investigate complaints regarding violations of the 25451
rules adopted under section 904.03 of the Revised Code in 25452
accordance with the authority granted by this chapter, sections 25453
901.25 to 901.29 of the Revised Code, and rules adopted under 25454

this chapter and section 901.03 of the Revised Code; 25455

(6) Enforce the rules adopted under section 904.03 of the 25456
Revised Code and levy the civil penalties established by those 25457
rules. The director may apply to a court of competent 25458
jurisdiction for a temporary or permanent injunction or other 25459
appropriate relief for violations of this chapter and rules 25460
adopted under it. For purposes of this division, the court of 25461
competent jurisdiction shall be either the court of common pleas 25462
of Licking county or the court of common pleas of the county 25463
where the violation is occurring. Money collected from civil 25464
penalties levied under division (A) (6) of this section shall be 25465
deposited in the state treasury to the credit of the general 25466
revenue fund. 25467

(7) Perform any other duties necessary to assist the board 25468
in the administration and enforcement of this chapter. 25469

(B) With the consent of the premises owner and, if the 25470
premises owner is different from the livestock owner, the 25471
livestock owner, the director or the director's authorized 25472
representative may enter at all reasonable times on any premises 25473
for the purpose of determining compliance with the rules adopted 25474
under section 904.03 of the Revised Code. If the director or the 25475
director's authorized representative is denied access to the 25476
premises and the director or the director's authorized 25477
representative suspects that those rules are not being complied 25478
with, the director may apply for a search warrant authorizing 25479
access from a court of competent jurisdiction. The court shall 25480
issue the search warrant if there is probable cause. Probable 25481
cause may be based on hearsay, provided that there is 25482
substantial basis for believing the source is credible and there 25483
is factual basis for the information. 25484

Upon entry on premises in accordance with this division, 25485
the director or the director's authorized representative shall 25486
observe biosecurity measures in order to prevent spreading 25487
disease and infecting livestock. 25488

Sec. 905.32. (A) No person shall manufacture or distribute 25489
in this state any type of fertilizer until a license to 25490
manufacture or distribute has been obtained by the manufacturer 25491
or distributor from the department of agriculture upon payment 25492
of a ~~five-dollar~~ fifty-dollar fee: 25493

(1) For each fixed (permanent) location at which 25494
fertilizer is manufactured in this state; 25495

(2) For each mobile unit used to manufacture fertilizer in 25496
this state; 25497

(3) For each location out of the state from which 25498
fertilizer is distributed into this state; 25499

(4) For each location in this state from which fertilizer 25500
is distributed in this state. 25501

All licenses shall be valid for one year beginning on the 25502
first day of December of a calendar year through the thirtieth 25503
day of November of the following calendar year. A renewal 25504
application for a license shall be submitted no later than the 25505
thirtieth day of November each year. A person who submits a 25506
renewal application for a license after the thirtieth day of 25507
November shall include with the application a late filing fee of 25508
~~ten~~ twenty-five dollars. 25509

(B) An application for a license shall include: 25510

(1) The name and address of the licensee; 25511

(2) The name and address of each bulk distribution point 25512

in the state, not licensed for fertilizer manufacture and 25513
distribution. 25514

The name and address shown on the license shall be shown 25515
on all labels, pertinent invoices, and bulk storage for 25516
fertilizers distributed by the licensee in this state. 25517

(C) The licensee shall inform the director of agriculture 25518
in writing of additional distribution points established during 25519
the period of the license. 25520

(D) All money collected under this section shall be 25521
credited to the pesticide, fertilizer, and lime program fund 25522
created in section 921.22 of the Revised Code. 25523

Sec. 905.57. ~~(A) All information furnished to or procured-~~ 25524
~~by the director of agriculture under section 905.56 of the~~ 25525
~~Revised Code is for the exclusive use and information of the~~ 25526
~~director in the discharge of his official duties and is not open~~ 25527
~~to the public nor to be used in any court in any action or~~ 25528
~~proceeding therein unless the director is a party to such action~~ 25529
~~or proceeding, but such information may be consolidated in~~ 25530
~~statistical tables and published by the director in statistical~~ 25531
~~form, without disclosing details of information furnished by any~~ 25532
~~particular person.~~ 25533

~~(B)~~ No person shall willfully divulge any information 25534
secured while in the employ of the department of agriculture, 25535
with respect to the transactions, property, files, records, or 25536
papers of the department, or with respect to the business of any 25537
manufacturer, seller, or distributor of agricultural liming 25538
material to any person other than the director or the superior 25539
of such employee, or when called upon to testify in an action or 25540
proceeding to which the director is a party. 25541

Sec. 907.13. No person shall label agricultural, 25542
vegetable, or flower seed that is intended for sale in this 25543
state unless the person holds a valid seed labeler permit that 25544
has been issued by the director of agriculture in accordance 25545
with this section. 25546

A person who wishes to obtain a seed labeler permit shall 25547
file an application with the director on a form that the 25548
director provides and shall submit a permit fee in the amount of 25549
~~ten~~fifty dollars. Such a person who labels seed under more than 25550
one name or at more than one address shall obtain a separate 25551
seed labeler permit and pay a separate permit fee for each name 25552
and address. 25553

The applicant shall include the applicant's full name and 25554
address on the application together with any additional 25555
information that the director requires by rules adopted under 25556
section 907.10 of the Revised Code. If the applicant's address 25557
is not within this state or it does not represent a location in 25558
this state where the director can collect samples of the 25559
applicant's seed for analysis, then the applicant shall include 25560
on the application an address within this state where samples of 25561
the applicant's seed may be collected for those purposes or 25562
shall agree to provide the director or the director's authorized 25563
representative with seeds for sampling upon request. 25564

Upon receipt of a complete application accompanied by the 25565
~~ten-dollar~~fifty-dollar permit fee, the director shall issue a 25566
seed labeler's permit to the applicant. All seed labeler permits 25567
that are issued under this section shall expire on the thirty- 25568
first day of ~~December~~January of each year regardless of the 25569
date on which a permit was issued during ~~that year~~the previous 25570
one-year period. 25571

Each person who obtains a seed labeler permit shall label 25572
the seed that the person intends for sale in this state in 25573
accordance with the requirements established in sections 907.01 25574
to 907.17 of the Revised Code. Each person who holds a valid 25575
seed labeler permit shall keep the permit posted in a 25576
conspicuous place in the principal seed room from which the 25577
person sells seed and shall comply with the reporting and fee 25578
requirements that are established in section 907.14 of the 25579
Revised Code. 25580

All money collected under this section shall be credited 25581
to the commercial feed and seed fund created in section 923.46 25582
of the Revised Code. 25583

Sec. 907.14. (A) A person who holds a valid seed labeler 25584
permit issued under section 907.13 of the Revised Code shall 25585
report to the director of agriculture concerning the amount of 25586
seed that the person sells in this state. The report shall be 25587
made ~~semiannually~~annually on a form that the director 25588
prescribes and provides. ~~One semiannual~~The report shall be 25589
filed with the director prior to the first day of February of 25590
each year with respect to all sales that the person made during 25591
the period from the first day of ~~July~~January to the thirty- 25592
first day of December of the ~~preceding~~previous year. ~~The second~~ 25593
~~semiannual report shall be filed prior to the first day of~~ 25594
~~August of each year with respect to all sales that the person~~ 25595
~~made during the period from the first day of January to the~~ 25596
~~thirtieth day of June of that year.~~ 25597

(B) A person who holds a valid seed labeler permit shall 25598
include with each ~~semiannual~~annual report a seed fee based on 25599
the amount of the seed that the person sold during that 25600
reporting period as follows: 25601

(1) For soybeans and small grains, including barley, oats,
rye, wheat, triticale, and spelt, four cents per one hundred
pounds;

(2) For corn and grain sorghum, five cents per one hundred
pounds;

(3) (a) For any of the following seed sold at wholesale or
retail or on consignment or commission, two per cent of the
wholesale value of the containers of seed or, if the seed is not
sold wholesale, two per cent of the retail value of the
containers of seed:

(i) Vegetable and flower seed sold in containers, other
than hermetically sealed containers, of eight ounces or less;

(ii) Flower seed sold in hermetically sealed containers
that contain fewer than three hundred seeds;

(iii) Vegetable seed sold in hermetically sealed
containers that contain fewer than one thousand seeds.

(b) The fees established pursuant to divisions (B) (3) (a)
(ii) and (iii) of this section apply to both of the following:

(i) Seed sold in hermetically sealed containers that
contain the amount of seeds specified in division (B) (3) (a) (ii)
or (iii) of this section, as applicable;

(ii) Seed sold in hermetically sealed containers that do
not clearly state the number of seeds that they contain.

(c) Except as otherwise provided in division (B) (3) (b) (ii)
of this section, if the weight of seed in a container, or the
quantity of seed in a container, exceeds the applicable weight
or quantity specified in division (B) (3) (a) (i), (ii), or (iii)
of this section, the fee established in division (B) (4) of this

section applies. 25630

(4) For alfalfa, clover, grass, native grass, mixtures 25631
containing any of these, and all agricultural, vegetable, and 25632
flower seeds not specified in divisions (B) (1) to (3) of this 25633
section, ten cents per one hundred pounds. 25634

If the total amount of the seed fee that is due is less 25635
than ~~five-fifty~~ dollars, the person shall pay ~~the minimum seed~~ 25636
no fee, ~~which is five dollars.~~ 25637

(C) For each failure to report in full the amount of seed 25638
sold or to submit the required seed fees in full by the due 25639
date, a person who holds a valid seed labeler permit shall pay a 25640
penalty of ten per cent of the amount due or fifty dollars, 25641
whichever is greater. Failure to pay either the fee or the 25642
penalty within thirty days after the due date is cause for 25643
suspension or revocation by the director of the seed labeler 25644
permit or refusal, without a hearing, to issue a subsequent seed 25645
labeler permit for which the person applies. 25646

(D) This section does not apply to governmental entities 25647
that donate seed for conservation purposes. 25648

(E) All money collected under this section shall be 25649
credited to the commercial feed and seed fund created in section 25650
923.46 of the Revised Code. 25651

Sec. 909.01. As used in sections 909.01 to 909.18 of the 25652
Revised Code: 25653

(A) "Person" includes corporations, companies, societies, 25654
associations, partnerships, any individual or combination of 25655
individuals, or any institution, park, or other public agency 25656
administered by the state or by any district, county, municipal 25657
corporation, or other governmental subdivision thereof. When 25658

construing or enforcing such sections, the act, omission, or 25659
failure of any officer, agent, servant, or other individual 25660
acting for or employed by any person as above defined within the 25661
scope of ~~his~~ the person's employment or office is deemed to be 25662
the act, omission, or failure of such person, as well as that of 25663
the officer, agent, servant, or other employee. 25664

(B) "Bees" means any stage of any species of the genus 25665
Apis. 25666

(C) "Bee diseases" means any infectious or contagious 25667
disease that is pathogenic or parasitic and affects the eggs, or 25668
the larval, pupal, or adult stages, of bees. 25669

(D) "Apiary" means any place where one or more colonies or 25670
nuclei of bees are kept. 25671

(E) "Queen rearing apiaries" means any apiary in which 25672
~~queen bees~~ queens are reared-raised or purchased for sale, trade, 25673
or gift; or otherwise distributed or used to create, for sale, 25674
trade or gift, nucs, packages, or colonies. 25675

(F) "Hive" means any modern frame hive, box hive, box, 25676
barrel, log gum, skep, or any other natural or artificial 25677
receptacle, or any part thereof, that may be used as a domicile 25678
for bees. 25679

(G) "Equipment" means any used hives or parts thereof, 25680
used frames, used honey houses, used tools, used machines, or 25681
used devices employed in the handling or manipulation of bees, 25682
honey, or beeswax, or any used container for honey or beeswax 25683
that may be used in any apiary. 25684

(H) "Serious bee diseases" means any bee disease the 25685
director of agriculture determines to be a threat to the 25686
beekeeping industry within the state. 25687

(I) "Africanized honey bees" means any bees identified by 25688
the United States department of agriculture by approved 25689
identification methods to be classified as *Apis mellifera* 25690
scutellata. 25691

(J) "Swarm" means a population of bees that is not 25692
permanently established. 25693

(K) "Colony" means the hive and its equipment, including 25694
bees, combs, and brood. 25695

(L) "Compliance agreement" means a written agreement 25696
between the department of agriculture and any person engaged in 25697
queen rearing in which the person agrees to comply with 25698
stipulated requirements. 25699

(M) "Nuc" means a small colony of bees in a hive box to 25700
which all of the following applies: 25701

(1) The hive box contains three to five frames. 25702

(2) The hive box contains a laying queen bee and the 25703
queen's progeny in egg, larval, pupa, and adult stages. 25704

(3) The small colony has honey and a viable population 25705
sufficient enough to develop into a full-sized colony. 25706

Sec. 909.02. Any person owning or possessing bees shall on 25707
or before the first day of June of each year, or thereafter 25708
within ~~ten~~ thirty days after coming into ownership or possession 25709
of bees, or upon moving bees into this state from outside the 25710
state, file with the director of agriculture an application for 25711
registration setting forth the exact location of ~~his~~ the 25712
person's apiaries and ~~the number of colonies of bees in each~~ 25713
~~apiary, together with~~ such other information as is required by 25714
the director, ~~and accompanied by a registration fee of five~~ 25715

dollars for each separate apiary owned or possessed by him at 25716
time of registration. Any person who submits his application 25717
after the dates specified by this section, or after the dates 25718
specified in rules adopted by the director, shall be subject to 25719
a ten-dollar late filing fee in addition to the five-dollar 25720
registration fee. Upon acceptance of the application, the 25721
director shall issue to such person a certificate of 25722
registration. All certificates registrations issued in 25723
accordance with this section expire on the following thirty- 25724
first day of May ~~next following date of issuance or renewal~~, and 25725
shall be renewed according to the standard renewal procedure of 25726
sections 4745.01 to 4745.03 of the Revised Code. 25727

No person shall maintain an apiary ~~located on premises~~ 25728
~~other than that of his residence unless such the~~ apiary is 25729
registered under this section and identifiable by an apiary name 25730
or identification number assigned to such person by the 25731
director. Such identification number shall be posted in a 25732
conspicuous location in the apiary. The moving, raising, and 25733
production of bees, beeswax, honey, and honey products shall be 25734
deemed an agricultural pursuit. 25735

Sec. 909.07. The board of county commissioners may 25736
~~appropriate such funds as it deems sufficient for the inspection~~ 25737
~~of apiaries in its county. It may appoint __ a deputy apiarist~~ 25738
~~with the consent and concurrence of the director of agriculture,~~ 25739
~~said deputy to serve during the pleasure of said board except as~~ 25740
~~specified in this section~~appoint, with the consent and 25741
concurrence of the director of agriculture, deputy apiarists. 25742
Such Except as otherwise specified in this section, a deputy 25743
serves at the pleasure of the applicable board of county 25744
commissioners. A deputy apiarist shall be paid such a salary as 25745
the board of county commissioners determine for each day, or for 25746

~~each half day of~~ determines for inspection work actually done, 25747
~~together with such and other~~ expenses as are necessarily 25748
~~incurred in the doing of the~~ directly related to inspection 25749
work. Before the board approves ~~said the~~ salary and expenses for 25750
payment, ~~such the~~ deputy apiarist shall submit the same to the 25751
director for ~~his approval~~ review. ~~Such~~ 25752

A deputy apiarist shall work under the direction of the 25753
director and shall be responsible ~~to him for the enforcement of~~ 25754
~~sections 909.01 to 909.18, inclusive, of the Revised~~ 25755
~~Code~~ inspection of apiaries in assigned counties prescribed by 25756
the department of agriculture and for the administration and 25757
enforcement of this chapter. ~~The~~ 25758

The director may terminate the appointment of any deputy 25759
~~upon submitting to the board a statement that such deputy has~~ 25760
~~shown himself to be~~ apiarist if there is evidence that the 25761
deputy has been unethical, negligent, incompetent, inefficient, 25762
or untrustworthy in the discharge of ~~his~~ official duties. ~~Such A~~ 25763
deputy apiarist shall furnish to the director ~~such~~ reports as 25764
are required ~~and upon blanks furnished by him~~ the director. A- 25765
~~duplicate of such reports shall be presented to the board each~~ 25766
~~time that a statement of salary and expense is presented for~~ 25767
~~payment.~~ 25768

Sec. 909.08. Each person within the state ~~engaged in the~~ 25769
~~rearing of~~ that intends to sell, trade, gift, or otherwise 25770
distribute queen bees ~~for sale or gift, before the first day of~~ 25771
~~April of each year,~~ packaged bees, nucs, or colonies shall file 25772
with the ~~director~~ department of agriculture a request for the 25773
~~inspection of his~~ certification of all of the person's queen 25774
rearing apiaries ~~where queen bees are reared~~ for which 25775
certification is requested. Each request shall be accompanied by 25776

a certification fee of fifty dollars or an amount specified in 25777
rules adopted by the director of agriculture. The director ~~shall~~ 25778
may require all queen rearing apiaries to be inspected as 25779
specified in rules adopted by the director at least once each 25780
year. If the inspection results in the diagnosis of any serious 25781
bee disease or pest or indicates the presence of Africanized 25782
honey bees, the owner thereof shall not ~~ship, sell, or give away~~ 25783
~~any queen~~ sell, trade, gift, or otherwise distribute any bees 25784
until ~~he has the diagnosed problem~~ has been controlled or 25785
~~eradicated the disease or bees~~ to the satisfaction of the 25786
director. 25787

When such serious bee diseases or ~~bees pests~~ have been 25788
controlled or eradicated in the queen rearing apiary, or if no 25789
serious bee disease or pest is diagnosed or Africanized honey 25790
bees are found, the director ~~shall~~ may issue a an official 25791
~~certificate, signed by the state apiarist, a copy of which. A~~ 25792
copy of the certificate shall be attached to each package or 25793
~~shipment of~~ included with each queen bees mailed or shipped, nuc, 25794
or colony provided by the producer. The certificate shall ~~be~~ 25795
~~valid for, but not to exceed, one year~~ expire on the thirty-first 25796
day of May of the following year and may be renewed annually. 25797
The use of tags or other devices bearing an invalid or altered 25798
certificate and the misuse of any valid certificate is 25799
prohibited. 25800

Sec. 909.09. No person shall sell, offer for sale, give, 25801
~~offer to give, barter, or offer to barter~~ trade, or otherwise 25802
distribute any bees, honeycombs, or used beekeeping equipment 25803
~~without a permit from the director of agriculture that contains a~~ 25804
serious bee disease or pest. Upon request, the state or a deputy 25805
apiarist may issue a transfer permit if, upon inspection, the 25806
item is determined to be apparently free from serious bee 25807

diseases and pests. The permit, or a copy of it, ~~shall~~ may 25808
accompany any such transfer of ownership. The director may 25809
refuse to issue the permit until ~~he finds it~~ it is found by 25810
inspection that any ~~africanized honey bees are eradicated from~~ 25811
~~and any serious bee diseases and pests~~ are controlled or 25812
eradicated from the bees, honeycombs, or used beekeeping 25813
equipment. 25814

This section does not apply to the transfer of ownership 25815
of honeycomb for human consumption. 25816

Sec. 909.13. The director of agriculture, in accordance 25817
with sections 119.01 to 119.13, ~~inclusive,~~ of the Revised Code, 25818
may suspend or revoke any registration, certificate, or permit 25819
issued under ~~sections 909.01 to 909.18, inclusive, of the~~ 25820
~~Revised Code~~ this chapter, or a compliance agreement entered into 25821
under this chapter, for cause, including any violation of ~~such~~ 25822
~~sections this chapter~~ or nonconformity with any rule or order 25823
promulgated under ~~such sections in accordance with sections~~ 25824
~~119.01 to 119.13, inclusive, of the Revised Code~~ this chapter. 25825
There shall be no revocation of a compliance agreement, 25826
registration, certificate, or permit until the compliance 25827
agreement holder, registrant, or certificate or permit holder 25828
first is given an opportunity for a hearing by the director in 25829
regard thereto in accordance with sections 119.01 to 119.13, ~~—~~ 25830
~~inclusive,~~ of the Revised Code. An appeal may be taken from the 25831
action of the director in revocation of a compliance agreement, 25832
registration, certificate, or permit to the court of common 25833
pleas as provided in section 119.12 of the Revised Code. 25834

Sec. 911.02. Each person, firm, partnership, or 25835
corporation that owns or operates a bakery shall register each 25836
bakery that it owns or operates with the director of 25837

agriculture. For the registration, the owner or operator of each 25838
bakery shall pay an annual fee of ~~thirty dollars for a~~ 25839
~~production capacity of one thousand pounds of bakery product per~~ 25840
~~hour or less and an annual fee of thirty dollars for each one~~ 25841
~~thousand pounds of bakery product per hour capacity, or part~~ 25842
~~thereof, in excess of one thousand pounds of bakery product per~~ 25843
~~hour~~ two hundred dollars. 25844

Any person who owns or operates a home bakery with only 25845
one oven, in a stove of ordinary home kitchen design and located 25846
in a home, used for the baking of baked goods to be sold, shall 25847
pay a sum of ten dollars annually for registration regardless of 25848
the capacity of the home bakery oven. The registration shall be 25849
renewed annually by the thirtieth day of September and shall be 25850
renewed according to the standard renewal procedure of Chapter 25851
4745. of the Revised Code. The registration of the bakery shall 25852
show the location, including municipal corporation, street, and 25853
number, the name of the owner, and the name of the operator. The 25854
application for registration shall be made on a form prescribed 25855
and provided by the director. All moneys received from 25856
registration fees and fines collected under sections 911.01 to 25857
911.20 of the Revised Code shall be deposited with the treasurer 25858
of state to the credit of the food safety fund created in 25859
section 915.24 of the Revised Code. All annual renewal 25860
registration fees required by this section shall be paid by the 25861
applicant for the renewal to the treasurer of state for deposit 25862
into the food safety fund. 25863

No bakery product that is manufactured in an out-of-state 25864
bakery shall be sold or offered for sale within this state 25865
unless the bakery is in compliance with sections 911.01 to 25866
911.20 of the Revised Code, and is registered, having paid the 25867
annual registration fee. 25868

Registration of out-of-state bakeries is not required if a 25869
reciprocal agreement is in effect whereby a bakery located in 25870
this state is not subject to a license or registration fee by 25871
the receiving state or a political subdivision thereof. 25872

Sec. 913.23. (A) The director of agriculture may issue 25873
licenses as required by sections 913.22 to 913.28 of the Revised 25874
Code, may make the inspections and registrations required by 25875
those sections, and may prescribe the form of application to be 25876
filed under this section. 25877

(B) No person shall manufacture or bottle for sale within 25878
this state any soft drink in closed containers unless the person 25879
has a license issued by the director. Upon receipt of an 25880
application for such a license, the director shall examine the 25881
products and the place of manufacture where the business is to 25882
be conducted, to determine whether the products and place comply 25883
with sections 913.22 to 913.28 of the Revised Code. Upon finding 25884
there is compliance, and upon payment of a license fee of two 25885
hundred dollars, the director shall issue a license authorizing 25886
the applicant to manufacture or bottle for sale such soft 25887
drinks, subject to sections 913.22 to 913.28 of the Revised 25888
Code. The license shall expire on the last day of March of each 25889
year unless renewed. 25890

(C) No soft drink that is manufactured or bottled out of 25891
the state shall be sold or offered for sale within this state 25892
unless the soft drink and the plant in which the soft drink is 25893
manufactured or bottled are found by the director to comply with 25894
sections 913.22 to 913.28 of the Revised Code, and are 25895
registered by the director, which shall be upon a like 25896
application as provided in division (B) of this section. 25897

An annual registration fee of two hundred dollars shall be 25898

paid to the director by each applicant under this division. The 25899
registration shall be renewed annually, and the registration fee 25900
paid with the application for annual renewal. 25901

Registration of out-of-state soft drink manufacturers or 25902
bottlers or syrup and extract manufacturers is not required if a 25903
reciprocal agreement is in effect whereby a soft drink 25904
manufacturer or bottler or syrup and extract manufacturer 25905
located in this state is not subject to a license or 25906
registration fee by another state or a political subdivision 25907
thereof. 25908

~~(D) No person, other than a manufacturer or bottler~~ 25909
~~holding a soft drink plant license under this section, shall~~ 25910
~~sell, offer for sale, use, or have in the person's possession~~ 25911
~~with intent to sell, any soda water syrup or extract or soft~~ 25912
~~drink syrup, to be used in making, drawing, or dispensing soda~~ 25913
~~water or other soft drinks, without first registering the~~ 25914
~~person's name and address, the name and address of the~~ 25915
~~manufacturer of the syrup or extract, the number and variety of~~ 25916
~~such syrups or extracts intended to be sold, and the trade name~~ 25917
~~or brand of those products, with the director, together with~~ 25918
~~such samples of the syrups or extracts as the director requests~~ 25919
~~for analysis. The person also shall pay to the department of~~ 25920
~~agriculture at the time of making registration a license fee of~~ 25921
~~one hundred dollars. No license shall be granted by the director~~ 25922
~~unless the director determines that the syrup or extract is free~~ 25923
~~from all harmful drugs and other ingredients that, as used, may~~ 25924
~~be injurious to health. The registration shall be renewed~~ 25925
~~annually upon like terms. If any manufacturer, bottler, agent,~~ 25926
~~or seller is licensed or has registered the manufacturer's,~~ 25927
~~bottler's, agent's, or seller's name and product as required by~~ 25928
~~this section and has paid the manufacturer's, bottler's,~~ 25929

~~agent's, or seller's fee, the manufacturer's, bottler's,~~ 25930
~~agent's, or seller's distributor, retail agent, or retail seller~~ 25931
~~using the products shall not be required to pay that fee. This~~ 25932
~~section does not apply to local sellers of soft drinks as to~~ 25933
~~syrops and extracts made by themselves for their own use~~ 25934
~~exclusively.~~ 25935

~~(E)~~ All moneys received under sections 913.22 to 913.28 of 25936
the Revised Code shall be deposited with the treasurer of state 25937
to the credit of the food safety fund created in section 915.24 25938
of the Revised Code. 25939

~~(F)~~ (E) The director may revoke any license or registration 25940
issued under sections 913.22 to 913.28 of the Revised Code, 25941
whenever the director determines that those sections have been 25942
violated. When a license has been revoked, the licensee shall 25943
discontinue the manufacture and sale of soft drinks or other 25944
products for which the license was issued. When a registration 25945
has been revoked, the registrant shall discontinue the sale 25946
within this state of the registrant's products until those 25947
sections have been complied with and a new license or 25948
registration has been issued. The director may suspend any such 25949
license or registration temporarily, pending compliance with 25950
such conditions required by those sections as the director 25951
prescribes. 25952

Sec. 915.16. The license fee for an establishment is ~~fifty~~ 25953
two hundred dollars. Any operator operating in connection with a 25954
cold-storage warehouse holding a license under section 915.02 of 25955
the Revised Code is not required to secure an additional license 25956
under section 915.15 of the Revised Code so long as the operator 25957
continues to be licensed as a cold-storage warehouse; but the 25958
operator shall comply with sections 915.14 to 915.24 of the 25959

Revised Code, and all rules and regulations promulgated 25960
thereunder. The license issued shall be in such form as the 25961
department of agriculture prescribes. Licenses shall be valid 25962
until the last day of November following initial issuance or 25963
renewal and shall become invalid on that date unless renewed. 25964
The original license or a certified copy thereof shall be 25965
conspicuously displayed by the operator in the establishment. 25966

Sec. 915.24. (A) There is hereby created in the state 25967
treasury the food safety fund. All of the following moneys shall 25968
be credited to the fund: 25969

(1) Bakery registration fees and fines received under 25970
sections 911.02 to 911.20 of the Revised Code; 25971

(2) Cannery license fees and renewal fees received under 25972
sections 913.01 to 913.05 of the Revised Code; 25973

(3) Moneys received under sections 913.22 to 913.28 of the 25974
Revised Code; 25975

(4) License fees, fines, and penalties recovered for the 25976
violation of sections 915.01 to 915.12 of the Revised Code; 25977

(5) License fees collected under sections 915.14 to 915.23 25978
of the Revised Code; 25979

(6) License fees, other fees, and fines collected by or 25980
for the director of agriculture under Chapter 3717. of the 25981
Revised Code; 25982

(7) Fees collected under section 3715.04 of the Revised 25983
Code for the issuance of certificates of health and freesale; 25984

(8) Registration fees and other fees collected by the 25985
director of agriculture under section 3715.041 of the Revised 25986
Code; 25987

(9) Money received from contracts or cooperative 25988
agreements with any agency of the United States government, or 25989
any other public or private agency or organization, for either 25990
of the following: 25991

(a) The performance of the prescribed duties of the 25992
department of agriculture under this chapter and Chapters 911., 25993
913., 925., 3715., and 3717. of the Revised Code; 25994

(b) Accomplishing cooperative projects within the scope of 25995
such duties. 25996

(B) The director of agriculture shall use the moneys 25997
deposited into the food safety fund to administer and enforce 25998
the laws pursuant to which the moneys were collected. 25999

Sec. 921.01. As used in this chapter: 26000

(A) "Active ingredient" means any ingredient that will 26001
prevent, destroy, kill, repel, control, or mitigate any pest, or 26002
that will act as a plant regulator, defoliant, or desiccant. 26003

(B) "Adulterated" shall apply to any pesticide if its 26004
strength or purity is less than or greater than the professed 26005
standard or quality as expressed on its labeling or under which 26006
it is sold, if any substance has been substituted wholly or in 26007
part for the pesticide, or if any valuable constituent of the 26008
pesticide has been wholly or in part abstracted. 26009

(C) "Agricultural commodity" means any plant or part 26010
thereof or animal or animal product, produced for commercial use 26011
by a person, including farmers, ranchers, vineyardists, plant 26012
propagators, Christmas tree growers, aquaculturists, 26013
floriculturists, orchardists, foresters, or other comparable 26014
persons, primarily for the sale, consumption, propagation, or 26015
other use, by humans or animals. 26016

(D) "Aircraft" means any device used or designed for navigation or flight in the air, except a parachute or other device used primarily as safety equipment.

(E) "Animal" means all vertebrate and invertebrate species, including, but not limited to, humans and other mammals, birds, fish, and shellfish.

(F) "Authorized diagnostic inspection" means a diagnostic inspection conducted by a commercial applicator in the pesticide-use category in which the commercial applicator is licensed under this chapter.

(G) "Beneficial insects" means those insects that, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial.

(H) "Brand" means any word, name, symbol, device, or combination thereof, that serves to distinguish the pesticide manufactured or distributed by one person from that manufactured or distributed by any other person.

(I) "Pesticide applicator" means a commercial applicator or a private applicator.

(J) "Private applicator" means an individual who is licensed under section 921.11 of the Revised Code.

(K) "Commercial applicator" means an individual who is licensed under section 921.06 of the Revised Code to apply pesticides or to conduct authorized diagnostic inspections.

(L) "Competent" means properly qualified as evidenced by passing the general examination and each applicable pesticide-use category examination for the pesticide-use categories in which a person applies pesticides and, in the case of a person

who is a commercial applicator, conducts diagnostic inspections 26045
and by meeting any other criteria established by rule. 26046

(M) "Federal act" means the "Federal Insecticide, 26047
Fungicide and Rodenticide Act," 61 Stat. 163 (1947), 7 U.S.C.A. 26048
136, as amended. 26049

(N) "Defoliant" means any substance or mixture of 26050
substances intended for causing the leaves or foliage to drop 26051
from a plant, with or without causing abscission. 26052

(O) "Desiccant" means any substance or mixture of 26053
substances intended for artificially accelerating the drying of 26054
plant tissue. 26055

(P) "Device" means any instrument or contrivance, other 26056
than a firearm, that is intended for trapping, destroying, 26057
repelling, or mitigating any pest or any other form of plant or 26058
animal life, other than human beings and other than bacteria, 26059
virus, or other microorganism on or in living human beings or 26060
other living animals. "Device" does not include equipment used 26061
for the application of pesticides when sold separately 26062
therefrom. 26063

(Q) "Direct supervision" means ~~either of the following, as~~ 26064
~~applicable:~~ 26065

~~(1) Unless, unless~~ otherwise prescribed by its labeling, 26066
a general use pesticide is considered to be applied under the 26067
direct supervision of a commercial applicator, if it is applied 26068
by a trained serviceperson acting under the instructions and 26069
control of a commercial applicator. 26070

~~(2) Unless otherwise prescribed by its labeling, a~~ 26071
~~restricted use pesticide is considered to be applied under the~~ 26072
~~direct supervision of a private applicator, if it is applied by~~ 26073

~~an immediate family member or a subordinate employee of that~~ 26074
~~private applicator acting under the instructions and control of~~ 26075
~~the private applicator, who is responsible for the actions of~~ 26076
~~that immediate family member or subordinate employee and who is~~ 26077
~~available when needed, even though the private applicator is not~~ 26078
~~physically present at the time and place the restricted use~~ 26079
~~pesticide application is occurring.~~ 26080

(R) "Directly supervise" means providing direct 26081
supervision under division ~~(Q) (1) or (2) or both of those~~ 26082
~~divisions (Q) of this section, as applicable.~~ 26083

(S) "Distribute" means to offer or hold for sale, sell, 26084
barter, ship, deliver for shipment, or receive and, having so 26085
received, to deliver or offer to deliver, pesticides in this 26086
state. "Distribute" does not mean to hold for use, apply, or use 26087
pesticides or dilutions of pesticides, except when a pesticide 26088
dealer holds for use, applies, or uses pesticides or dilutions 26089
of pesticides in the course of business with a commercial 26090
applicator who is employed by that pesticide dealer. 26091

(T) "Environment" includes water, air, land, and all 26092
plants and human beings and other animals living therein, and 26093
the interrelationships that exist among them. 26094

(U) "Fungus" means any nonchlorophyll-bearing thallophyte, 26095
which is any nonchlorophyll-bearing plant of a lower order than 26096
mosses and liverworts, as for example, rust, smut, mildew, mold, 26097
yeast, and bacteria, except those on or in living human beings 26098
or other animals, or processed food, beverages, or 26099
pharmaceuticals. 26100

(V) "General use pesticide" means a pesticide that is 26101
classified for general use under the federal act. 26102

(W) "Ground equipment" means any device, other than 26103
aircraft, used on land or water to apply pesticides in any form. 26104

~~(X) "Immediate family" means a person's spouse residing in 26105
the person's household, brothers and sisters of the whole or of 26106
the half blood, children, including adopted children, parents, 26107
and grandparents. 26108~~

~~(Y)~~ "Incidental use" or "incidentally use" means the 26109
application of a general use pesticide on an occasional, 26110
isolated, site-specific basis in order to avoid immediate 26111
personal harm. "Incidental use" or "incidentally use" does not 26112
mean regular, routine, or maintenance application of a general 26113
use pesticide. 26114

~~(Z)~~ (Y) "Inert ingredient" means an ingredient that is not 26115
active. 26116

~~(AA)~~ (Z) "Ingredient statement" means a statement of the 26117
name and percentage of each active ingredient, together with the 26118
total percentage of inert ingredients. When the pesticide 26119
contains arsenic in any form, the ingredient statement shall 26120
include percentages of total and water soluble arsenic, each 26121
calculated as elemental arsenic. 26122

~~(BB)~~ (AA) "Insect" means any of the numerous small 26123
invertebrate animals generally having the body more or less 26124
obviously segmented, for the most part belonging to the class 26125
insecta, including, but not limited to, beetles, bugs, bees, and 26126
flies, and to other allied classes of arthropods, including, but 26127
not limited to, spiders, mites, ticks, centipedes, and wood 26128
lice. 26129

~~(CC)~~ (BB) "Integrated pest management" means a sustainable 26130
approach to managing pests by combining biological, cultural, 26131

physical, and chemical tools in a way that minimizes economic, 26132
health, and environmental risks. 26133

~~(DD)~~ (CC) "Label" means the written, printed, or graphic 26134
matter on, or attached to the pesticide or device, or any of its 26135
containers or wrappers. 26136

~~(EE)~~ (DD) "Labeling" means all labels and other written, 26137
printed, or graphic matter: 26138

(1) Accompanying the pesticide product or device at any 26139
time; 26140

(2) To which reference is made on the label or in 26141
literature accompanying the pesticide product or device, except 26142
when accurate, nonmisleading reference is made to current 26143
official publications of the United States environmental 26144
protection agency, the United States department of agriculture 26145
or interior, the United States department of health and human 26146
services, state experiment stations, state agricultural 26147
colleges, or other similar federal or state institutions or 26148
official agencies, authorized by law to conduct research in the 26149
field of pesticides; 26150

(3) Including all brochures, technical and sales 26151
bulletins, and all advertising material. 26152

~~(FF)~~ (EE) "Licensure" includes certification as used in the 26153
federal act. 26154

~~(GG)~~ (FF) "Misbranded" applies, if the conditions of either 26155
division ~~(GG)~~ (1) ~~(FF)~~ (1) or (2) of this section are satisfied as 26156
follows: 26157

(1) To any pesticide or device, if at least one of the 26158
following occurs: 26159

(a) Its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients that is false or misleading in any particular.

(b) It is an imitation of or is distributed under the name of another pesticide or device.

(c) Any word, statement, or other information required to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or graphic matter in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(2) To any pesticide, if at least one of the following occurs:

(a) The labeling of a restricted use pesticide does not contain a statement that it is a restricted use pesticide.

(b) The labeling accompanying it does not contain directions for use that are necessary for effecting the purpose for which the pesticide is intended and, if complied with, together with any requirements imposed by the federal act, that are adequate to protect the environment.

(c) The label does not bear all of the following:

(i) The name, brand, or trademark under which the pesticide is distributed;

(ii) An ingredient statement on the part of the immediate container and on the outside container and wrapper of the retail package, if any, through which the ingredient statement on the immediate container cannot be clearly read, which is presented

or displayed under customary conditions of purchase, provided 26188
that the ingredient statement may appear prominently on another 26189
part of the container as permitted by the amended federal act or 26190
by the director; 26191

(iii) A warning or caution statement that may be necessary 26192
and that, if complied with together with any requirement imposed 26193
under the federal act, would be adequate to protect the 26194
environment; 26195

(iv) The net weight or measure of the contents, subject to 26196
such reasonable variations as the administrator of the United 26197
States environmental protection agency or the director of 26198
agriculture may permit; 26199

(v) The name and address of the manufacturer, registrant, 26200
or person for whom manufactured; 26201

(vi) The United States environmental protection agency 26202
registration number assigned to each establishment in which the 26203
pesticide was produced and the agency registration number 26204
assigned to it, as required by regulations under the federal 26205
act. 26206

(d) The pesticide contains any substance or substances in 26207
quantities highly toxic to human beings unless the label bears, 26208
in addition to other label requirements, all of the following: 26209

(i) The skull and crossbones; 26210

(ii) The word "poison" in red prominently displayed on a 26211
background of distinctly contrasting color; 26212

(iii) A statement of an antidote or a practical or 26213
emergency medical treatment, first aid or otherwise, in case of 26214
poisoning by the pesticide. 26215

(e) It is contained in a package or other container or 26216
wrapping that does not conform to the standard established by 26217
the administrator of the United States environmental protection 26218
agency. 26219

~~(HH)~~ (GG) "Nematodes" means invertebrate animals of the 26220
phylum nemathelminthes and class nematoda, which are 26221
unsegmented, round worms with elongated, fusiform, or sac-like 26222
bodies covered with cuticle, and that inhabit soil, water, 26223
plants, or plant parts and also may be called nema or eel-worms. 26224

~~(II)~~ (HH) "Pest" means a harmful, destructive, or nuisance 26225
insect, fungus, rodent, nematode, bacterium, bird, snail, weed, 26226
or parasitic plant or a harmful or destructive form of plant or 26227
animal life or virus, or any plant or animal species that the 26228
director declares to be a pest, except viruses, bacteria, or 26229
other microorganisms on or in living animals, including human 26230
beings. 26231

~~(JJ)~~ (II) "Pesticide" means any substance or mixture of 26232
substances intended for either of the following: 26233

(1) Preventing, destroying, repelling, or mitigating any 26234
pest; 26235

(2) Use as a plant regulator, defoliant, or desiccant. 26236

"Pesticide" includes a pest monitoring system designated 26237
by rule. 26238

~~(KK)~~ (JJ) "Pesticide dealer" means any person who 26239
distributes restricted use pesticides or pesticides whose uses 26240
or distribution are further restricted by the director to the 26241
ultimate user or to a commercial applicator who is employed by 26242
that pesticide dealer. 26243

~~(LL)~~ (KK) "Pesticide business" means a person who performs 26244
pesticide business activities. 26245

~~(MM)~~ (LL) "Pesticide business activities" means any of the 26246
following: 26247

(1) The application of pesticides to the property of 26248
another for hire; 26249

(2) The solicitation to apply pesticides; 26250

(3) The conducting of authorized diagnostic inspections. 26251

~~(NN) "Pesticide business registered location" means a 26252
location at which pesticide business activities are conducted 26253
and that is registered through the issuance of a license to a 26254
pesticide business under section 921.09 of the Revised Code. 26255~~

~~(OO)~~ (MM) "Pesticide-use category" means a specialized 26256
field of pesticide application or of diagnostic inspection as 26257
defined by rule. 26258

~~(PP)~~ (NN) "Plant regulator" means any substance or mixture 26259
of substances, intended, through physiological action, for 26260
accelerating or retarding the growth or rate of maturation, or 26261
for otherwise altering the behavior of plants or the produce 26262
thereof, but does not include substances to the extent that they 26263
are intended as plant nutrients, trace elements, nutritional 26264
chemicals, plant inoculants, or soil amendments. 26265

~~(OO)~~ (OO) "Product name" means a coined or specific 26266
designation applied to an individual pesticide of a fixed 26267
combination and derivation. 26268

~~(RR)~~ (PP) "Registrant" means a person who has registered a 26269
pesticide under this chapter. 26270

~~(SS)~~ (QQ) "Restricted use pesticide" means any pesticide or
pesticide use classified by the administrator of the United
States environmental protection agency for use only by a
pesticide applicator ~~or by an individual working under the~~
~~direct supervision of a pesticide applicator.~~

~~(TT)~~ (RR) "Rule" means a rule adopted under section 921.16
of the Revised Code.

~~(UU)~~ (SS) "Sell or sale" means exchange of ownership or
transfer of custody.

~~(VV)~~ (TT) "State restricted use pesticide" means any
pesticide or pesticides classified by the director subsequent to
a hearing held in accordance with Chapter 119. of the Revised
Code for use only by pesticide applicators ~~or individuals~~
~~working under their direct supervision.~~

~~(WW)~~ (UU) "Unreasonable adverse effects on the environment"
means any unreasonable risk to human beings or the environment
taking into account the economic, social, and environmental
benefits and costs of the use of any pesticide.

~~(XX)~~ (VV) "Trained serviceperson" means an employee of a
pesticide business, other business, agency of the United States
government, state agency, or political subdivision who has been
trained to apply general use pesticides while under the direct
supervision of a commercial applicator.

~~(YY)~~ (WW) "Weed" means any plant that grows where not
wanted.

~~(ZZ)~~ (XX) "Wildlife" means all living things that are
neither human, domesticated, or pests, including, but not
limited to, mammals, birds, and aquatic life.

~~(AAA)~~ (YY) "Trade secret" and "confidential business
information" mean any formula, plan, pattern, process, tool,
mechanism, compound, procedure, production date, or compilation
of information that is not patented, that is known only to
certain individuals within a commercial concern, and that gives
its user an opportunity to obtain a business advantage over
competitors who do not know or use it.

Sec. 921.02. (A) No person shall distribute a pesticide
within this state unless the pesticide is registered with the
director of agriculture under this chapter. Registrations shall
be issued for a period of time established by rule and shall be
renewed in accordance with deadlines established by rule.
Registration is not required if a pesticide is shipped from one
plant or warehouse to another plant or warehouse operated by the
same person and used solely at that plant or warehouse as a
constituent part to make a pesticide that is registered under
this chapter, or if the pesticide is distributed under the
provisions of an experimental use permit issued under section
921.03 of the Revised Code or an experimental use permit issued
by the United States environmental protection agency.

(B) The applicant for registration of a pesticide shall
file a statement with the director on a form provided by the
director, which shall include all of the following:

(1) The name and address of the applicant and the name and
address of the person whose name will appear on the label, if
other than the applicant's name;

(2) The brand and product name of the pesticide;

(3) Any necessary information required for completion of
the department of agriculture's application for registration,

including the agency registration number; 26328

(4) A complete copy of the labeling accompanying the 26329
pesticide and a statement of all claims to be made for it, 26330
including the directions for use and the use classification as 26331
provided for in the federal act. 26332

(C) The director, when the director considers it necessary 26333
in the administration of this chapter, may require the 26334
submission of the complete formula of any pesticide including 26335
the active and inert ingredients. 26336

(D) The director may require a full description of the 26337
tests made and the results thereof upon which the claims are 26338
based for any pesticide. The director shall not consider any 26339
data submitted in support of an application, without permission 26340
of the applicant, in support of any other application for 26341
registration unless the other applicant first has offered to pay 26342
reasonable compensation for producing the test data to be relied 26343
upon and the data are not protected from disclosure by section 26344
921.04 of the Revised Code. In the case of a renewal of 26345
registration, a statement shall be required only with respect to 26346
information that is different from that furnished when the 26347
pesticide was registered or last registered. 26348

(E) The director may require any other information to be 26349
submitted with an application. 26350

Any applicant may designate any portion of the required 26351
registration information as a trade secret or confidential 26352
business information. Upon receipt of any required registration 26353
information designated as a trade secret or confidential 26354
business information, the director shall consider the designated 26355
information as confidential and shall not reveal or cause to be 26356

revealed any such designated information without the consent of 26357
the applicants, except to persons directly involved in the 26358
registration process described in this section or as required by 26359
law. 26360

(F) ~~Beginning January 1, 2007, each~~ Each applicant shall 26361
pay a nonrefundable registration and inspection fee of ~~one-two~~ 26362
hundred fifty dollars for each product name and brand registered 26363
for the company whose name appears on the label. If an applicant 26364
files for a renewal of registration after the deadline 26365
established by rule, the applicant shall pay a penalty fee of 26366
~~seventy-five~~ one hundred twenty-five dollars for each product 26367
name and brand registered for the applicant. The penalty fee 26368
shall be added to the original fee and paid before the renewal 26369
registration is issued. In addition to any other remedy 26370
available under this chapter, if a pesticide that is not 26371
registered pursuant to this section is distributed within this 26372
state, the person required to register the pesticide shall do so 26373
and shall pay a penalty fee of ~~seventy-five~~ one hundred twenty- 26374
five dollars for each product name and brand registered for the 26375
applicant. The penalty fee shall be added to the original fee of 26376
~~one-two~~ hundred fifty dollars and paid before the registration 26377
is issued. 26378

(G) Provided that the state is authorized by the 26379
administrator of the United States environmental protection 26380
agency to register pesticides to meet special local needs, the 26381
director shall require the information set forth under divisions 26382
(B), (C), (D), and (E) of this section and shall register any 26383
such pesticide after determining that all of the following 26384
conditions are met: 26385

(1) Its composition is such as to warrant the proposed 26386

claims for it. 26387

(2) Its labeling and other material required to be 26388
submitted comply with the requirements of the federal act and of 26389
this chapter, and rules adopted thereunder. 26390

(3) It will perform its intended function without 26391
unreasonable adverse effects on the environment. 26392

(4) When used in accordance with widespread and commonly 26393
recognized practice, it will not generally cause unreasonable 26394
adverse effects on the environment. 26395

(5) The classification for general or restricted use is in 26396
conformity with the federal act. 26397

The director shall not make any lack of essentiality a 26398
criterion for denying the registration of any pesticide. When 26399
two pesticides meet the requirements of division (G) of this 26400
section, the director shall not register one in preference to 26401
the other. 26402

(H) (1) The director may refuse to register a pesticide if 26403
the application for registration fails to comply with this 26404
section. 26405

(2) The director may suspend or revoke a pesticide 26406
registration after a hearing in accordance with Chapter 119. of 26407
the Revised Code for a pesticide that fails to meet the claims 26408
made for it on its label. 26409

(3) The director may immediately suspend a pesticide 26410
registration, prior to a hearing, when the director believes 26411
that the pesticide poses an immediate hazard to human or animal 26412
health or a hazard to the environment. Not later than fifteen 26413
days after suspending the registration, the director shall 26414

determine whether the pesticide poses such a hazard. If the 26415
director determines that no hazard exists, the director shall 26416
lift the suspension of the registration. If the director 26417
determines that a hazard exists, the director shall revoke the 26418
registration in accordance with Chapter 119. of the Revised 26419
Code. 26420

(I) All money collected under this section shall be 26421
credited to the pesticide, fertilizer, and lime program fund 26422
created in section 921.22 of the Revised Code. 26423

Sec. 921.06. (A) (1) No individual shall do any of the 26424
following without having a commercial applicator license issued 26425
by the director of agriculture: 26426

(a) Apply pesticides for a pesticide business without 26427
direct supervision; 26428

(b) Apply pesticides as part of the individual's duties 26429
while acting as an employee of the United States government, a 26430
state, county, township, or municipal corporation, or a park 26431
district, port authority, or sanitary district created under 26432
Chapter 1545., 4582., or 6115. of the Revised Code, 26433
respectively; 26434

(c) Apply restricted use pesticides. Division (A) (1) (c) of 26435
this section does not apply to a private applicator ~~or an~~ 26436
~~immediate family member or a subordinate employee of a private~~ 26437
~~applicator who is acting under the direct supervision of that~~ 26438
~~private applicator.~~ 26439

(d) If the individual is the owner of a business other 26440
than a pesticide business or an employee of such an owner, apply 26441
pesticides at any of the following publicly accessible sites 26442
that are located on the property: 26443

(i) Food service operations that are licensed under	26444
Chapter 3717. of the Revised Code;	26445
(ii) Retail food establishments that are licensed under	26446
Chapter 3717. of the Revised Code;	26447
(iii) Golf courses;	26448
(iv) Rental properties of more than four apartment units	26449
at one location;	26450
(v) Hospitals or medical facilities as defined in section	26451
3701.01 of the Revised Code;	26452
(vi) Child care centers or licensed school child programs	26453
as defined in section 5104.01 of the Revised Code;	26454
(vii) Facilities owned or operated by a school district	26455
established under Chapter 3311. of the Revised Code, including	26456
an educational service center, a community school established	26457
under Chapter 3314. of the Revised Code, or a chartered or	26458
nonchartered nonpublic school that meets minimum standards	26459
established by the director of education and workforce;	26460
(viii) State institutions of higher education as defined	26461
in section 3345.011 of the Revised Code, nonprofit institutions	26462
holding a certificate of authorization pursuant to Chapter 1713.	26463
of the Revised Code, institutions holding a certificate of	26464
registration from the state board of career colleges and schools	26465
and program authorization for an associate or bachelor's degree	26466
program issued under section 3332.05 of the Revised Code, and	26467
private institutions exempt from regulation under Chapter 3332.	26468
of the Revised Code as prescribed in section 3333.046 of the	26469
Revised Code;	26470
(ix) Food processing establishments as defined in section	26471

3715.021 of the Revised Code; 26472

(x) Any other site designated by rule. 26473

(e) Conduct authorized diagnostic inspections. 26474

(2) Divisions (A) (1) (a) to (d) of this section do not 26475
apply to an individual who is acting as a trained serviceperson 26476
under the direct supervision of a commercial applicator. 26477

(3) Licenses shall be issued for a period of time 26478
established by rule and shall be renewed in accordance with 26479
deadlines established by rule. The fee for each such license 26480
shall be established by rule. If a license is not issued or 26481
renewed, the application fee shall be retained by the state as 26482
payment for the reasonable expense of processing the 26483
application. The director shall by rule classify by pesticide- 26484
use category licenses to be issued under this section. A single 26485
license may include more than one pesticide-use category. No 26486
individual shall be required to pay an additional license fee if 26487
the individual is licensed for more than one category. 26488

The fee for each license or renewal does not apply to an 26489
applicant who is an employee of the department of agriculture 26490
whose job duties require licensure as a commercial applicator as 26491
a condition of employment. 26492

(B) Application for a commercial applicator license shall 26493
be made on a form prescribed by the director. Each application 26494
for a license shall state the pesticide-use category or 26495
categories of license for which the applicant is applying and 26496
other information that the director determines essential to the 26497
administration of this chapter. 26498

(C) (1) Except as provided in division (C) (2) of this 26499
section, if the director finds that the applicant is competent 26500

to apply pesticides and conduct diagnostic inspections and that 26501
the applicant has passed both the general examination and each 26502
applicable pesticide-use category examination as required under 26503
division (A) of section 921.12 of the Revised Code, the director 26504
shall issue a commercial applicator license limited to the 26505
pesticide-use category or categories for which the applicant is 26506
found to be competent. If the director rejects an application, 26507
the director may explain why the application was rejected, 26508
describe the additional requirements necessary for the applicant 26509
to obtain a license, and return the application. The applicant 26510
may resubmit the application without payment of any additional 26511
fee. 26512

(2) The director shall issue a commercial applicator 26513
license in accordance with Chapter 4796. of the Revised Code to 26514
an individual if either of the following applies: 26515

(a) The individual holds a commercial applicator license 26516
in another state. 26517

(b) The individual has satisfactory work experience, a 26518
government certification, or a private certification as 26519
described in that chapter as a commercial applicator in a state 26520
that does not issue that license. 26521

A license issued under this division shall be limited to 26522
the pesticide-use category or categories for which the applicant 26523
is licensed in another state or has satisfactory work 26524
experience, a government certification, or a private 26525
certification in that state. 26526

(D) (1) A person who is a commercial applicator shall be 26527
deemed to hold a private applicator's license for purposes of 26528
applying pesticides on agricultural commodities that are 26529

produced by the commercial applicator. 26530

(2) A commercial applicator shall apply pesticides only in 26531
the pesticide-use category or categories in which the applicator 26532
is licensed under this chapter. 26533

(E) All money collected under this section shall be 26534
credited to the pesticide, fertilizer, and lime program fund 26535
created in section 921.22 of the Revised Code. 26536

Sec. 921.09. (A) (1) No person shall own or operate a 26537
pesticide business without obtaining a license from the director 26538
of agriculture. Licenses shall be issued for a period of time 26539
established by rule and shall be renewed in accordance with 26540
deadlines established by rule. 26541

(2) A person applying for a pesticide business license 26542
shall ~~register~~obtain a license for each location that is owned 26543
by the person and used for the purpose of engaging in the 26544
pesticide business. 26545

(B) Any person who owns or operates a pesticide business 26546
outside of this state, but engages in the business of applying 26547
pesticides to properties of another for hire in this state, 26548
shall obtain a license for the person's principal out-of-state 26549
location from the director. In addition, the person shall 26550
~~register~~obtain a license for each location that is owned by the 26551
person in this state and used for the purpose of engaging in the 26552
pesticide business. 26553

(C) (1) The person applying for a pesticide business 26554
license shall file a statement with the director, on a form 26555
provided by the director, that shall include all of the 26556
following: 26557

(a) The address of the principal place of business of the 26558

pesticide business; 26559

(b) The address of each location ~~that~~ concerning which the 26560
person intends to ~~register~~ obtain a license under division (A) 26561
(2) or (B) of this section; 26562

(c) Any other information that the director determines 26563
necessary and that the director requires by rule. 26564

(2) Each applicant shall pay a license fee established by 26565
rule for the ~~pesticide~~ principal place of business plus an 26566
additional fee established by rule for each pesticide business 26567
~~registered~~ location specified in the application. The license 26568
may be renewed upon payment of a renewal fee for the principal 26569
place of business established by rule plus an additional fee 26570
established by rule for each pesticide business ~~registered~~ 26571
location. A copy of the license shall be maintained and 26572
conspicuously displayed at each ~~such~~ pesticide business 26573
location. 26574

(3) The issuance of a pesticide business license 26575
constitutes ~~registration~~ licensure of any pesticide business 26576
location identified in the application under division (C) (1) of 26577
this section. 26578

(4) The owner or operator of a pesticide business shall 26579
notify the director not later than fifteen days after any change 26580
occurs in the information required under division (C) (1) (a) or 26581
(b) of this section. 26582

(D) The owner or operator of a pesticide business shall 26583
employ at least one commercial applicator for each pesticide 26584
business ~~registered~~ location the owner or operator owns or 26585
operates. 26586

(E) The owner or operator of a pesticide business is 26587

responsible for the acts of each employee in the handling, 26588
application, and use of pesticides and in the conducting of 26589
diagnostic inspections. The pesticide business license is 26590
subject to denial, modification, suspension, or revocation after 26591
a hearing for any violation of this chapter or any rule adopted 26592
or order issued under it. The director may levy against the 26593
owner or operator any civil penalties authorized by division (B) 26594
of section 921.16 of the Revised Code for any violation of this 26595
chapter or any rule adopted or order issued under it that is 26596
committed by the owner or operator or by the owner's or 26597
operator's officer, employee, or agent. 26598

(F) The director may modify a license issued under this 26599
section by one of the following methods: 26600

(1) Revoking a licensee's authority to operate out of a 26601
particular pesticide business ~~registered~~-location listed under 26602
division (C) (1) (b) of this section; 26603

(2) Preventing a licensee from operating within a specific 26604
pesticide-use category. 26605

(G) The director may deny a pesticide business license to 26606
any person whose pesticide business license has been revoked 26607
within the previous thirty-six months. 26608

(H) Each pesticide business ~~registered~~-location that is 26609
owned by a pesticide business is subject to inspection by the 26610
director. 26611

(I) All money collected under this section shall be 26612
credited to the pesticide, fertilizer, and lime program fund 26613
created in section 921.22 of the Revised Code. 26614

Sec. 921.11. ~~(A)(1)~~ (A) As used in this section, "use" 26615
means any of the following: 26616

(1) Performing pre-application activities involving mixing 26617
and loading the pesticide; 26618

(2) Applying the pesticide by a commercial applicator or 26619
private applicator; 26620

(3) Performing other pesticide-related activities, 26621
including transporting or storing pesticide containers that have 26622
been opened, cleaning equipment, and disposing of excess 26623
pesticides, spray mix, equipment wash waters, pesticide 26624
containers, and other pesticide-containing materials. 26625

(B) No individual shall ~~apply~~ use restricted use 26626
pesticides unless the individual is one of the following: 26627

~~(a) (1) Licensed under section 921.06 of the Revised Code;~~ 26628

~~(b) (2) Licensed under division ~~(B)~~ (C) of this section;~~ 26629

~~(c) A trained serviceperson who is acting under the direct~~ 26630
~~supervision of a commercial applicator;~~ 26631

~~(d) An immediate family member or a subordinate employee~~ 26632
~~of a private applicator who is acting under the direct~~ 26633
~~supervision of that private applicator.~~ 26634

~~(2) No individual shall directly supervise the application~~ 26635
~~of a restricted use pesticide unless the individual is one of~~ 26636
~~the following:~~ 26637

~~(a) Licensed under section 921.06 of the Revised Code;~~ 26638

~~(b) Licensed under division (B) of this section.~~ 26639

~~(B) (1) (C) (1)~~ (1) Subject to division ~~(B) (2) (C) (2)~~ of this 26640
section, the director of agriculture shall adopt rules to 26641
establish standards and procedures for the licensure of private 26642
applicators. An individual shall apply for a private applicator 26643

license to the director, on forms prescribed by the director. 26644
The individual shall include in the application the pesticide- 26645
use category or categories of the license for which the 26646
individual is applying and any other information that the 26647
director determines is essential to the administration of this 26648
chapter. The fee for each license shall be established by rule. 26649
Licenses shall be issued for a period of time established by 26650
rule and shall be renewed in accordance with deadlines 26651
established by rule. If a license is not issued or renewed, the 26652
state shall retain any fee submitted as payment for reasonable 26653
expenses of processing the application. 26654

(2) The director shall issue a private applicator license 26655
in accordance with Chapter 4796. of the Revised Code to an 26656
individual if either of the following applies: 26657

(a) The individual holds a private applicator license in 26658
another state. 26659

(b) The individual has satisfactory work experience, a 26660
government certification, or a private certification as 26661
described in that chapter as a private applicator in a state 26662
that does not issue that license. 26663

A license issued under this division shall be limited to 26664
the pesticide-use category or categories for which the applicant 26665
is licensed in another state or has satisfactory work 26666
experience, a government certification, or a private 26667
certification in that state. 26668

~~(C)~~ (D) An individual who is licensed under this section 26669
shall use ~~or directly supervise the use of a~~ restricted use 26670
pesticide only for the purpose of producing agricultural 26671
commodities on property that is owned or rented by the 26672

individual or the individual's employer. 26673

~~(D)~~(E) All money collected under this section shall be 26674
credited to the pesticide, fertilizer, and lime program fund 26675
created in section 921.22 of the Revised Code. 26676

Sec. 921.12. ~~(A)~~(A) (1) The director of agriculture shall 26677
require each applicant for a license by examination under 26678
section 921.06 or 921.11 of the Revised Code to be examined on 26679
the applicant's knowledge and competency in each of the 26680
following: 26681

~~(1)~~(a) This chapter and rules adopted under it; 26682

~~(2)~~(b) The proper use, handling, and application of 26683
pesticides and, if the applicant is applying for a license under 26684
section 921.06 of the Revised Code, in the conducting of 26685
diagnostic inspections in the pesticide-use categories for which 26686
the applicant has applied. 26687

(2) The director may establish an examination fee by rule 26688
to be paid by applicants. 26689

(B) Each application for renewal of a license provided for 26690
in section 921.06 of the Revised Code shall be filed prior to 26691
the deadline established by rule. If filed after the deadline, a 26692
penalty of fifty per cent shall be assessed and added to the 26693
original fee and shall be paid by the applicant before the 26694
renewal license is issued. However, if a license issued under 26695
section 921.06 or 921.11 of the Revised Code is not renewed 26696
within one hundred eighty days after the date of expiration, the 26697
licensee shall be required to take another examination on this 26698
chapter and rules adopted under it and on the proper use, 26699
handling, and application of pesticides and, if applicable, the 26700
proper conducting of diagnostic inspections in the pesticide-use 26701

categories for which the licensee has been licensed. 26702

(C) A person who fails to pass an examination under 26703
division (A) or (B) of this section is not entitled to an 26704
adjudication under Chapter 119. of the Revised Code for that 26705
failure. 26706

(D) The holder of a commercial applicator license may 26707
renew the license within one hundred eighty days after the date 26708
of expiration without re-examination unless the director 26709
determines that a new examination is necessary to insure that 26710
the holder continues to meet the requirements of changing 26711
technology and to assure a continuing level of competence and 26712
ability to use pesticides safely and properly. 26713

(E) The holder of a private applicator license may renew 26714
the license within one hundred eighty days after the date of 26715
expiration without re-examination unless the director determines 26716
that a new examination is necessary to insure that the holder 26717
continues to meet the requirements of changing technology and to 26718
assure a continuing level of competence and ability to use 26719
pesticides safely and properly. 26720

(F) Instead of requiring a commercial applicator or 26721
private applicator to complete re-examination successfully under 26722
division (D) or (E) of this section, the director may require, 26723
in accordance with criteria established by rule, the commercial 26724
applicator or private applicator to participate in training 26725
programs that are designed to foster knowledge of new technology 26726
and to ensure a continuing level of competence and ability to 26727
use pesticides safely and properly. The director or the 26728
director's representative may provide the training or may 26729
authorize a third party to do so. In order for such 26730
authorization to occur, the third party and its training program 26731

shall comply with standards and requirements established by 26732
rule. 26733

Sec. 921.13. (A) Any person who is acting in the capacity 26734
of a pesticide dealer or who advertises or assumes to act as a 26735
pesticide dealer at any time shall obtain a pesticide dealer 26736
license from the director of agriculture. Licenses shall be 26737
issued for a period of time established by rule and shall be 26738
renewed in accordance with deadlines established by rule. A 26739
license is required for each location or outlet within this 26740
state from which the person distributes pesticides. 26741

Any pesticide dealer who has no pesticide dealer outlets 26742
in this state and who distributes restricted use pesticides 26743
directly into this state shall obtain a pesticide dealer license 26744
from the director for the pesticide dealer's principal out-of- 26745
state location or outlet and for each sales person operating in 26746
the state. 26747

The applicant shall include a license fee established by 26748
rule with the application for a license. The application shall 26749
be made on a form prescribed by the director. 26750

Each pesticide dealer shall ~~submit~~ maintain records ~~to the~~ 26751
~~director~~ of all of the restricted use pesticides the pesticide 26752
dealer has distributed, as specified by the director, and 26753
~~duplicate the~~ records shall be retained by the pesticide dealer 26754
for a period of time established by rules. 26755

(B) This section does not apply to any federal, state, 26756
county, or municipal agency that provides pesticides for its own 26757
programs. 26758

(C) Each licensed pesticide dealer is responsible for the 26759
acts of each employee in the solicitation and sale of pesticides 26760

and all claims and recommendations for use of pesticides. The 26761
pesticide dealer's license is subject to denial, suspension, or 26762
revocation after a hearing for any violation of this chapter 26763
whether committed by the pesticide dealer or by the pesticide 26764
dealer's officer, agent, or employee. 26765

(D) All money collected under this section shall be 26766
credited to the pesticide, fertilizer, and lime program fund 26767
created in section 921.22 of the Revised Code. 26768

Sec. 921.14. (A) Each commercial applicator shall keep a 26769
record of both of the following: 26770

(1) All diagnostic inspections conducted to determine 26771
infestations of pests as required by rules adopted under 26772
division (C) of section 921.16 of the Revised Code; 26773

(2) All pesticide applications made by the applicator and 26774
by any trained serviceperson ~~acting under the applicator's~~ 26775
~~direct supervision~~ as required by rules adopted under division 26776
(C) of section 921.16 of the Revised Code. 26777

Each commercial applicator shall submit copies of the 26778
records required under division (A) of this section to the 26779
pesticide business, other business, state agency, or political 26780
subdivision that employs the commercial applicator. 26781

(B) Each pesticide business, other business, state agency, 26782
or political subdivision that receives copies of records under 26783
division (A) of this section shall retain them for a period of 26784
time established by rule. 26785

(C) Each private applicator shall keep a record of all 26786
restricted use pesticide applications made by the applicator or 26787
under the applicator's direct supervision as required by rules 26788
adopted under division (C) of section 921.16 of the Revised 26789

Code. In addition, each private applicator shall maintain the 26790
record for a period of three years from the date of the 26791
restricted use pesticide application to which that record refers 26792
or for any longer period that the director of agriculture 26793
determines necessary. 26794

Sec. 921.16. (A) The director of agriculture shall adopt 26795
rules the director determines necessary for the effective 26796
enforcement and administration of this chapter. The rules may 26797
relate to, but are not limited to, the time, place, manner, and 26798
methods of application, materials, and amounts and 26799
concentrations of application of pesticides, may restrict or 26800
prohibit the use of pesticides in designated areas during 26801
specified periods of time, and shall encompass all reasonable 26802
factors that the director determines necessary to minimize or 26803
prevent damage to the environment. In addition, the rules shall 26804
establish the deadlines and time periods for registration, 26805
registration renewal, late registration renewal, and failure to 26806
register under section 921.02 of the Revised Code; the fees for 26807
registration, registration renewal, late registration renewal, 26808
and failure to register under section 921.02 of the Revised Code 26809
that shall apply until the fees that are established under that 26810
section take effect on January 1, 2007; and the fees, deadlines, 26811
and time periods for licensure and license renewal under 26812
sections 921.06, 921.09, 921.11, and 921.13 of the Revised Code. 26813

(B) The director shall adopt rules that establish a 26814
schedule of civil penalties for violations of this chapter, or 26815
any rule or order adopted or issued under it, provided that the 26816
civil penalty for a first violation shall not exceed five 26817
thousand dollars and the civil penalty for each subsequent 26818
violation shall not exceed ten thousand dollars. In determining 26819
the amount of a civil penalty for a violation, the director 26820

shall consider factors relevant to the severity of the 26821
violation, including past violations and the amount of actual or 26822
potential damage to the environment or to human beings. All 26823
money collected under this division shall be credited to the 26824
pesticide, fertilizer, and lime program fund created in section 26825
921.22 of the Revised Code. 26826

(C) The director shall adopt rules that set forth the 26827
conditions under which the director: 26828

(1) Requires that notice or posting be given of a proposed 26829
application of a pesticide; 26830

(2) Requires inspection, condemnation, or repair of 26831
equipment used to apply a pesticide; 26832

(3) Will suspend, revoke, or refuse to issue any pesticide 26833
registration for a violation of this chapter; 26834

(4) Requires safe handling, transportation, storage, 26835
display, distribution, and disposal of pesticides and their 26836
containers; 26837

(5) Ensures the protection of the health and safety of 26838
agricultural workers storing, handling, or applying pesticides, 26839
and all residents of agricultural labor camps, as that term is 26840
defined in section 3733.41 of the Revised Code, who are living 26841
or working in the vicinity of pesticide-treated areas; 26842

(6) Requires a record to be kept of all pesticide 26843
applications made by each commercial applicator and of all 26844
general use applications made by any trained serviceperson 26845
acting under the commercial applicator's direct supervision and 26846
of all restricted use pesticide applications made by each 26847
private applicator ~~and by any immediate family member or~~ 26848
~~subordinate employee of that private applicator who is acting~~ 26849

~~under the private applicator's direct supervision as required~~ 26850
under section 921.14 of the Revised Code; 26851

(7) Determines the pesticide-use categories of diagnostic 26852
inspections that must be conducted by a commercial applicator; 26853

(8) Requires a record to be kept of all diagnostic 26854
inspections conducted by each commercial applicator and by any 26855
trained service person. 26856

(D) The director shall prescribe standards for the 26857
licensure of applicators of pesticides consistent with those 26858
prescribed by the federal act and the regulations adopted under 26859
it or prescribe standards that are more restrictive than those 26860
prescribed by the federal act and the regulations adopted under 26861
it. The standards may relate to the use of a pesticide or to an 26862
individual's pesticide-use category. 26863

The director shall take into consideration standards of 26864
the United States environmental protection agency. 26865

(E) The director may adopt rules setting forth the 26866
conditions under which the director will: 26867

(1) Collect and examine samples of pesticides or devices; 26868

(2) Specify classes of devices that shall be subject to 26869
this chapter; 26870

(3) Prescribe other necessary registration information. 26871

(F) The director may adopt rules that do either or both of 26872
the following: 26873

(1) Designate, in addition to those restricted uses so 26874
classified by the administrator of the United States 26875
environmental protection agency, restricted uses of pesticides 26876

for the state or for designated areas within the state and, if 26877
the director considers it necessary, to further restrict such 26878
use; 26879

(2) Define what constitutes "acting under the instructions 26880
and control of a commercial applicator" as used in the 26881
definition of "direct supervision" in division ~~(Q) (1)~~ (Q) of 26882
section 921.01 of the Revised Code. In adopting a rule under 26883
division (F) (2) of this section, the director shall consider the 26884
factors associated with the use of pesticide in the various 26885
pesticide-use categories. Based on consideration of the factors, 26886
the director may define "acting under the instructions and 26887
control of a commercial applicator" to include communications 26888
between a commercial applicator and a trained serviceperson that 26889
are conducted via landline telephone or a means of wireless 26890
communication. Any rules adopted under division (F) (2) of this 26891
section shall be drafted in consultation with representatives of 26892
the pesticide industry. 26893

(G) Except as provided in division (D) of this section, 26894
the director shall not adopt any rule under this chapter that is 26895
inconsistent with the requirements of the federal act and 26896
regulations adopted thereunder. 26897

(H) The director, after notice and opportunity for 26898
hearing, may declare as a pest any form of plant or animal life, 26899
other than human beings and other than bacteria, viruses, and 26900
other microorganisms on or in living human beings or other 26901
living animals, that is injurious to health or the environment. 26902

(I) The director may make reports to the United States 26903
environmental protection agency, in the form and containing the 26904
information the agency may require. 26905

(J) The director shall adopt rules for the application, 26906
use, storage, and disposal of pesticides if, in the director's 26907
judgment, existing programs of the United States environmental 26908
protection agency necessitate such rules or pesticide labels do 26909
not sufficiently address issues or situations identified by the 26910
department of agriculture or interested state agencies. 26911

(K) The director shall adopt rules establishing all of the 26912
following: 26913

(1) Standards, requirements, and procedures for the 26914
examination and re-examination of commercial applicators and 26915
private applicators; 26916

(2) With respect to training programs that the director 26917
may require commercial applicators and private applicators to 26918
complete: 26919

(a) Standards and requirements that a training program 26920
must satisfy in order to be offered by the director or the 26921
director's representative or in order to be approved by the 26922
director if a third party wishes to offer it; 26923

(b) Eligibility standards and requirements that must be 26924
satisfied by third parties who wish to provide the training 26925
programs; 26926

(c) Procedures that third parties must follow in order to 26927
submit a proposed training program to the director for approval; 26928

(d) Criteria that the director must consider when 26929
determining whether to authorize a commercial applicator or 26930
private applicator to participate in a training program instead 26931
of being required to pass a re-examination. 26932

(3) Training requirements for a trained serviceperson. 26933

(L) The director shall adopt all rules under this chapter 26934
in accordance with Chapter 119. of the Revised Code. 26935

Sec. 921.23. (A) Except as provided in division (B) of 26936
this section, the director of agriculture may suspend, prior to 26937
a hearing, for not longer than ~~ten~~thirty days, and after the 26938
opportunity for a hearing may deny, suspend, revoke, refuse to 26939
renew, or modify any provision of any license, permit, or 26940
registration issued pursuant to this chapter if the director 26941
finds that the applicant or the holder of a license, permit, or 26942
registration is no longer qualified, has violated any provision 26943
of this chapter or rules adopted under it, has entered into an 26944
administrative or judicial settlement under the federal act, has 26945
been found guilty of violating the federal act, or has been 26946
convicted of a misdemeanor involving moral turpitude or of a 26947
felony. 26948

(B) The director shall not deny a license, permit, or 26949
registration issued pursuant to this chapter because an 26950
applicant was convicted of or pleaded guilty to an offense 26951
unless the refusal is in accordance with section 9.79 of the 26952
Revised Code. 26953

Sec. 921.24. No person shall do any of the following: 26954

(A) Apply, use, directly supervise such application or 26955
use, or recommend a pesticide for use inconsistent with the 26956
pesticide's labeling, treatment standards, or other restrictions 26957
imposed by the director of agriculture; 26958

(B) Act as a commercial applicator without being licensed 26959
to do so; 26960

(C) Use any restricted use pesticide, unless the person is 26961
licensed to do so, ~~is a trained serviceperson acting under the~~ 26962

~~direct supervision of a commercial applicator, or is an~~ 26963
~~immediate family member or a subordinate employee of a private~~ 26964
~~applicator under the direct supervision of that private~~ 26965
~~applicator~~ under this chapter; 26966

(D) Refuse or fail to keep or maintain records required by 26967
the director in rules adopted under this chapter, or to make 26968
reports when and as required by the director in rules adopted 26969
under this chapter; 26970

(E) Falsely or fraudulently represent the effect of 26971
pesticides or methods to be utilized; 26972

(F) Apply known ineffective or improper materials; 26973

(G) Operate in a negligent manner, which includes the 26974
operation of faulty or unsafe equipment; 26975

(H) Impersonate any federal, state, county, or municipal 26976
official; 26977

(I) Make false or fraudulent records, invoices, or 26978
reports; 26979

(J) Fail to provide training to trained servicepersons in 26980
the application of general use pesticides; 26981

(K) Fail to provide direct supervision as specified in 26982
rules adopted under division (C) of section 921.16 of the 26983
Revised Code; 26984

(L) Distribute a misbranded or adulterated pesticide; 26985

(M) Use fraud or misrepresentation in making application 26986
for a license or registration or renewal of a license or 26987
registration; 26988

(N) Refuse, fail, or neglect to comply with any limitation 26989

or restriction of a license or registration issued under this	26990
chapter or rules adopted thereunder;	26991
(O) Aid or abet a licensee or another person in violating	26992
this chapter or rules adopted thereunder;	26993
(P) Make a false or misleading statement in an inspection	26994
concerning any infestation of pests or the use of pesticides;	26995
(Q) Refuse or fail to comply with this chapter, the rules	26996
adopted thereunder, or any lawful order of the director;	26997
(R) Distribute restricted use pesticides to the ultimate	26998
user without a pesticide dealer's license;	26999
(S) Except as provided in division (F) of section 921.26	27000
of the Revised Code, distribute restricted use pesticides to an	27001
ultimate user who is not licensed under section 921.06 or 921.11	27002
of the Revised Code and rules adopted under this chapter;	27003
(T) Use any pesticide that is under an experimental use	27004
permit contrary to the provisions of the permit;	27005
(U) Engage in fraudulent business practices;	27006
(V) Dispose of any pesticide product or container in such	27007
a manner as to have unreasonable adverse effects on the	27008
environment;	27009
(W) Display any pesticide in any manner to produce	27010
unreasonable adverse effects on the environment, or to	27011
contaminate adjacent food, feed, or other products;	27012
(X) Apply any pesticide by aircraft without being licensed	27013
as a commercial applicator;	27014
(Y) Distribute a pesticide that is not registered with the	27015
director;	27016

(Z) Fail to properly supervise a trained serviceperson.

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Sec. 923.42. (A) No person who manufactures commercial
feed or customer-formula feed, or whose name appears on the
label of any commercial feed or customer-formula feed as a
distributor shall distribute in this state any type of
commercial feed unless ~~he~~the person is registered ~~with the~~
~~director of agriculture on a form provided by the director that~~
~~identifies the manufacturer's or distributor's name, place of~~
~~business, and location of each manufacturing facility in this~~
~~state~~in accordance with this section.

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A manufacturer and distributor shall annually register, on
a form prescribed by the director of agriculture, and pay a
registration fee of fifty dollars. The person shall file the
registration not later than February first of each year. A
registration expires January thirty-first of the following year.

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~~(B) The director shall assign to each manufacturer or~~
~~distributor registered under division (A) of this section a~~
~~permanent registration number.~~

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~~(C)~~ The director may revoke or suspend a registration or
refuse to register a person upon a finding that the
manufacturer, distributor, or person violated any provision of
sections 923.41 to 923.55 of the Revised Code or any rule
adopted under those sections.

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No registration shall be revoked, suspended, or refused
until the manufacturer, distributor, or person has an
opportunity to appear at an adjudication hearing conducted in
accordance with Chapter 119. of the Revised Code.

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(C) For purposes of this section, "manufacturer" includes
an exempt buyer.

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Sec. 923.44. (A) (1) Except as otherwise provided in 27046
divisions (A) (2), (3), and (4) of this section, the first 27047
distributor of a commercial feed shall pay the director of 27048
agriculture ~~a semiannual~~ an annual inspection fee at the rate of 27049
twenty-five cents per ton, ~~with a minimum payment of twenty-five~~ 27050
~~dollars,~~ on all commercial feeds distributed by the first 27051
distributor in this state. The department of agriculture shall 27052
not collect inspection fees on the first two hundred tons of 27053
commercial feed sold in a calendar year. 27054

(2) The ~~semiannual~~ annual inspection fee required under 27055
division (A) (1) of this section shall not be paid by the first 27056
distributor of a commercial feed if the distribution is made to 27057
an exempt buyer who shall be responsible for the fee. The 27058
director shall establish an exempt list consisting of those 27059
buyers who are responsible for the fee. 27060

(3) The ~~semiannual~~ annual inspection fee shall not be paid 27061
on a commercial feed if the fee has been paid by a previous 27062
distributor. 27063

(4) The ~~semiannual~~ annual inspection fee shall not be paid 27064
on customer-formula feed if the fee has been paid on the 27065
commercial feeds that are used as components in that customer- 27066
formula feed. 27067

(B) Each distributor or exempt buyer who is required to 27068
pay a fee under division (A) (1) or (2) of this section shall 27069
file ~~a semiannual~~ an annual statement with the director that 27070
includes the number of net tons of commercial feed distributed 27071
by the distributor or exempt buyer in this state, ~~within thirty~~ 27072
~~days after the thirtieth day of June and within thirty days~~ 27073
~~after the thirty-first day of December, respectively, of each~~ 27074
for the previous calendar year. The distributor or exempt buyer 27075

shall file the statement with the distributor's or exempt 27076
buyer's registration required under section 923.42 of the 27077
Revised Code. 27078

The inspection fee at the rate stated in division (A) (1) 27079
of this section shall accompany the statement. For a tonnage 27080
report that is not filed or payment of inspection fees that is 27081
not made ~~within fifteen days after by~~ the due date established 27082
in section 923.42 of the Revised Code, a penalty of ten per cent 27083
of the amount due, ~~with a minimum penalty of~~ or fifty dollars, 27084
whichever is greater, shall be assessed against the distributor 27085
or exempt buyer. The amount of fees due, plus penalty, shall 27086
constitute a debt and become the basis of a judgment against the 27087
distributor or exempt buyer. 27088

(C) No information furnished under this section shall be 27089
disclosed by an employee of the department of agriculture in 27090
such a way as to divulge the operation of any person required to 27091
make such a report. 27092

(D) All money collected under this section shall be 27093
credited to the commercial feed and seed fund created in section 27094
923.46 of the Revised Code. 27095

Sec. 923.51. No person shall commit any of the following 27096
acts or cause to be committed any of the following acts: 27097

(A) Adulterate commercial feed or distribute adulterated 27098
commercial feed; 27099

(B) Adulterate pet food or distribute adulterated pet 27100
food; 27101

(C) Misbrand commercial feed or distribute misbranded 27102
commercial feed; 27103

(D) Adulterate any agricultural commodity such as whole 27104
seed, hay, straw, stover, silage, cobs, husks, or hulls and feed 27105
it to animals or distribute any such commodity that is 27106
adulterated; 27107

(E) Remove or dispose of a commercial feed in violation of 27108
a withdrawal from distribution order or a condemnation and 27109
confiscation order issued under section 923.52 or 923.53 of the 27110
Revised Code or any rules adopted under those sections; 27111

(F) Use for the person's own advantage, or reveal except 27112
to the director of agriculture or the director's agent or to the 27113
courts when relevant in any judicial proceeding under sections 27114
923.41 to 923.55 of the Revised Code or any rules adopted under 27115
those sections, any information acquired under the authority of 27116
those sections of the Revised Code or rules adopted under those 27117
sections that as a trade secret is entitled to protection; 27118

(G) Fail or refuse to register as required under section 27119
923.42 of the Revised Code or any rule adopted under that 27120
section; 27121

(H) Fail to pay inspection fees or file ~~semiannual~~ annual 27122
reports as required under section 923.44 of the Revised Code or 27123
any rule adopted under that section. 27124

Sec. 924.212. (A) The pork marketing program is 27125
established. Except as provided under divisions (B) and (C) of 27126
this section, the procedures, requirements, and other provisions 27127
that are established under sections 924.20 to 924.30 of the 27128
Revised Code and rules that apply to the grain marketing program 27129
apply to the pork marketing program. For purposes of that 27130
application, references in those sections to "grain" are deemed 27131
to be replaced with references to "pork." 27132

(B) The pork marketing program operating committee 27133
consists of the following ten members: 27134

(1) Four members appointed by the director of agriculture 27135
who are pork producers. When making such appointments, the 27136
director shall give consideration to Ohio pork producers who are 27137
representatives on the national pork board. 27138

(2) Six members elected in accordance with section 924.22 27139
of the Revised Code, except that the elections shall occur by 27140
district, with one member elected from each district. The 27141
districts are as follows: 27142

(a) District one: Allen, Defiance, Fulton, Henry, 27143
Paulding, Putnam, Van Wert, and Williams counties; 27144

(b) District two: Crawford, Erie, Hancock, Huron, Lucas, 27145
Marion, Ottawa, Richland, Sandusky, Seneca, Wood, and Wyandot 27146
counties; 27147

(c) District three: Auglaize, Mercer, Hardin, Logan, and 27148
Shelby counties; 27149

(d) District four: Ashland, Ashtabula, Carroll, 27150
Columbiana, Coshocton, Cuyahoga, Delaware, Geauga, Harrison, 27151
Holmes, Jefferson, Knox, Lake, Licking, Lorain, Mahoning, 27152
Medina, Morrow, Portage, Stark, Summit, Tuscarawas, Trumbull, 27153
Union, and Wayne counties; 27154

(e) District five: Butler, Darke, Hamilton, Miami, 27155
Montgomery, and Preble counties; 27156

(f) District six: Adams, Athens, Belmont, Brown, 27157
Champaign, Clark, Clermont, Clinton, Fairfield, Fayette, 27158
Franklin, Gallia, Greene, Guernsey, Highland, Hocking, Jackson, 27159
Lawrence, Madison, Meigs, Monroe, Morgan, Muskingum, Noble, 27160

Perry, Pickaway, Pike, Ross, Scioto, Vinton, Warren, and 27161
Washington counties. 27162

All ten members of the pork marketing program operating 27163
committee are voting members. 27164

(C) (1) With regard to the levying of assessments under 27165
section 924.26 of the Revised Code, the assessment on pork shall 27166
be thirty-five cents per one hundred dollars of value at the 27167
first point of sale. However, if assessments are levied under 27168
the national pork checkoff program created by the "Pork 27169
Promotion, Research, and Consumer Information Act of 1985," 7 27170
U.S.C. 4801 et seq., no assessments shall be levied for purposes 27171
of the pork marketing program established under this section. 27172

(2) The operating committee shall not refund to a producer 27173
any assessments that it collects from the producer. 27174

Sec. 924.51. (A) There is hereby created the Ohio grape 27175
industries committee consisting of ~~nine~~ten members. The members 27176
shall be the director of agriculture or the director's designee, 27177
who shall chair the committee, the superintendent of liquor 27178
control or the superintendent's designee, ~~the chief of the~~ 27179
~~division of markets of the department of agriculture,~~ the 27180
viticulture extension specialist of the Ohio agricultural 27181
research and development center, who shall be a nonvoting 27182
member, and ~~five~~seven members who shall be residents of this 27183
state and appointed by the director of agriculture in accordance 27184
with division (B) of this section. At no time shall the director 27185
appoint more than ~~five~~seven members to the committee. 27186

(B) Of the ~~five~~seven members of the committee appointed 27187
by the director of agriculture, not less than ~~two~~three, but not 27188
more than ~~three~~four shall be persons who receive income from 27189

the production of grapes or grape products. Not less than 27190
~~two~~three, but not more than ~~three~~four members shall be persons 27191
who receive income from the production of wine from raw grape or 27192
fruit products in either raw fruit or fresh juice form. The 27193
terms for each appointed member of the committee shall be for 27194
three years, commencing on the first day of January and ending 27195
on the thirty-first day of December. No appointed member shall 27196
serve more than two consecutive terms. The director may remove 27197
any appointed member for cause. 27198

(C) Members shall be appointed to fill vacancies caused by 27199
death, resignation, or removal in the same manner prescribed for 27200
regular appointment to the committee. Any member appointed to 27201
fill a vacancy occurring prior to the expiration of the term for 27202
which the member's predecessor was appointed shall hold office 27203
for the remainder of the term. Any member shall continue in 27204
office subsequent to the expiration date of that member's term 27205
until that member's successor takes office, or until a period of 27206
one hundred eighty days has elapsed, whichever occurs first. 27207

(D) All members of the committee are entitled to their 27208
actual and necessary expenses incurred in the performance of 27209
their duties as members, payable from moneys received from the 27210
Ohio grape industries fund created under section 924.54 of the 27211
Revised Code. 27212

(E) A majority of the committee constitutes a quorum. 27213

Sec. 927.53. (A) Each collector or dealer who sells, 27214
offers, or exposes for sale, or distributes nursery stock within 27215
this state, or ships nursery stock to other states, shall pay an 27216
annual license fee of one hundred twenty-five dollars to the 27217
director of agriculture for each place of business the collector 27218
or dealer operates. 27219

(B) (1) Each dealer shall furnish the director, annually, 27220
an affidavit that the dealer will buy and sell only nursery 27221
stock which has been inspected and certified by an official 27222
state or federal inspector. 27223

(2) Each dealer's license expires on the thirty-first day 27224
of December of each year. Each licensed dealer shall apply for 27225
renewal of the dealer's license prior to the first day of 27226
January of each year and in accordance with the standard renewal 27227
procedure of sections 4745.01 to 4745.03 of the Revised Code. 27228

(C) Each licensed nurseryperson shall post conspicuously 27229
in the nurseryperson's principal place of business, the 27230
certificate which is issued to the nurseryperson in accordance 27231
with section 927.61 of the Revised Code. 27232

(D) Each licensed nurseryperson, or dealer, shall post 27233
conspicuously in each place of business, each certificate or 27234
license which is issued to the nurseryperson or dealer in 27235
compliance with this section or section 927.61 of the Revised 27236
Code. 27237

(E) (1) Each nurseryperson who produces, sells, offers for 27238
sale, or distributes woody nursery stock within the state, or 27239
ships woody nursery stock to other states, shall pay to the 27240
director an annual inspection fee of ~~one~~two hundred dollars 27241
plus ~~eleven~~fifteen dollars per acre, or fraction thereof, of 27242
growing nursery stock in intensive production areas and ~~seven~~ 27243
ten dollars per acre, or fraction thereof, of growing nursery 27244
stock in nonintensive production areas, as applicable. 27245

(2) Each nurseryperson who limits production and sales of 27246
nursery stock to brambles, herbaceous, perennial, and other 27247
nonwoody plants, shall pay to the director an inspection fee of 27248

one hundred dollars, plus eleven dollars per acre, or fraction thereof, of growing nursery stock in intensive and nonintensive production areas. 27249
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(F) The fees collected under this section shall be 27252
credited to the plant pest program fund created in section 27253
927.54 of the Revised Code. 27254

Sec. 928.02. (A) (1) The director of agriculture ~~shall~~ may 27255
establish a program to monitor and regulate hemp cultivation and 27256
shall establish a program to monitor and regulate hemp 27257
processing in this state. ~~Under the~~ 27258

(2) If the director establishes a program to monitor and 27259
regulate hemp cultivation in this state and subsequently intends 27260
to transfer authority to the United States department of 27261
agriculture to monitor and regulate hemp cultivation in this 27262
state, the director shall take whatever actions necessary to 27263
effectuate such transfer. 27264

(3) If the director implements a program to monitor and 27265
regulate hemp cultivation under division (A) (1) of this section, 27266
the director shall issue hemp cultivation licenses ~~and hemp~~ 27267
~~processing licenses~~ in accordance with rules adopted under 27268
section 928.03 of the Revised Code. 27269

~~(2) As~~ (4) If the director implements a program to monitor 27270
and regulate hemp cultivation under division (A) (1) of this 27271
section and as authorized by the director, the department of 27272
agriculture or a university may cultivate ~~or process~~ hemp 27273
without a hemp cultivation license ~~or hemp processing license~~ 27274
for research purposes. 27275

(5) As authorized by the director, the department of 27276
agriculture or a university may process hemp without a hemp 27277

processing license for research purposes. 27278

(B) ~~Except~~ If the director implements a program to monitor 27279
and regulate hemp cultivation under division (A) (1) of this 27280
section and except as authorized under division ~~(A) (2)~~ (A) (4) or 27281
(E) of this section, any person that wishes to cultivate hemp 27282
shall apply for and obtain a hemp cultivation license from the 27283
director in accordance with rules adopted under section 928.03 27284
of the Revised Code. ~~Except as authorized under division (A) (2)~~ 27285
(A) (5) or (E) of this section, any person that wishes to process 27286
hemp shall apply for and obtain a hemp processing license from 27287
the director in accordance with those rules. Such licenses are 27288
valid for three years unless earlier suspended or revoked by the 27289
director. 27290

(C) The department, a university, or any person may, 27291
without a hemp cultivation license or hemp processing license, 27292
possess, buy, or sell hemp or a hemp product. 27293

(D) Notwithstanding any other provision of the Revised 27294
Code to the contrary, the addition of hemp or a hemp product to 27295
any other product does not adulterate that other product. 27296

(E) ~~The~~ If the director implements a program to monitor 27297
and regulate hemp cultivation under division (A) (1) of this 27298
section, the director shall issue a hemp cultivation license ~~or~~ 27299
~~hemp processing license~~ in accordance with Chapter 4796. of the 27300
Revised Code to an individual if either of the following 27301
applies: 27302

(1) The individual holds the applicable license in another 27303
state. 27304

(2) The individual has satisfactory work experience, a 27305
government certification, or a private certification as 27306

described in that chapter as a hemp cultivator ~~or hemp processor~~ 27307
in a state that does not issue the applicable license. 27308

(F) The director shall issue a hemp processing license in 27309
accordance with Chapter 4796. of the Revised Code to an 27310
individual if either of the following applies: 27311

(1) The individual holds the applicable license in another 27312
state. 27313

(2) The individual has satisfactory work experience, a 27314
government certification, or a private certification as 27315
described in that chapter as a hemp processor in a state that 27316
does not issue the applicable license. 27317

Sec. 928.03. The director of agriculture, in consultation 27318
with the governor and attorney general, shall adopt rules in 27319
accordance with Chapter 119. of the Revised Code establishing 27320
standards and procedures for the regulation of hemp processing. 27321
The director also shall adopt such rules, in consultation with 27322
the governor and attorney general, regarding hemp cultivation 27323
and processing if the director implements a program to monitor 27324
and regulate hemp cultivation under division (A) (1) of section 27325
928.02 of the Revised Code. The rules shall include all of the 27326
following: 27327

(A) The form of an application for a hemp cultivation 27328
license and hemp processing license and the information required 27329
to be included in each license application; 27330

(B) The amount of an initial application fee that an 27331
applicant shall submit along with an application for a hemp 27332
cultivation license or a hemp processing license, and the amount 27333
of an annual license fee that a licensee shall submit for a hemp 27334
cultivation license or a hemp processing license. In adopting 27335

rules under division (B) of this section, the director shall 27336
ensure both of the following: 27337

(1) That the amount of the application fee and annual 27338
license fee does not exceed an amount sufficient to cover the 27339
costs incurred by the department of agriculture to administer 27340
and enforce this chapter; 27341

(2) That there is one uniform application fee and one 27342
uniform annual license fee that applies to all applicants for a 27343
hemp cultivation license. 27344

(C) Requirements and procedures concerning background 27345
investigations of each applicant for a hemp cultivation license 27346
and each applicant for a hemp processing license. The director 27347
shall include both of the following in the rules adopted under 27348
this division: 27349

(1) A requirement that each applicant comply with sections 27350
4776.01 to 4776.04 of the Revised Code; 27351

(2) Provisions that prohibit the director from issuing a 27352
hemp cultivation license or hemp processing license to an 27353
applicant that has not complied with those sections. 27354

(D) Requirements regarding the experience, equipment, 27355
facilities, or land necessary to obtain a hemp cultivation 27356
license; 27357

(E) Requirements and procedures regarding standards of 27358
financial responsibility for each applicant for a hemp 27359
processing license. 27360

(F) Procedures and requirements for the issuance, renewal, 27361
denial, suspension, and revocation of a hemp cultivation license 27362
and hemp processing license, including providing for a hearing 27363

under Chapter 119. of the Revised Code with regard to such a 27364
denial, suspension, or revocation; 27365

(G) Grounds for the denial, suspension, and revocation of 27366
a hemp cultivation license and of a hemp processing license, 27367
including a requirement that the director revoke a hemp 27368
cultivation license or hemp processing license, for a period of 27369
ten years, of any person who pleads guilty to or is convicted of 27370
a felony relating to a controlled substance; 27371

(H) A requirement that the director shall not issue a hemp 27372
cultivation license or hemp processing license to any person who 27373
has pleaded guilty to or been convicted of a felony relating to 27374
a controlled substance in the ten years immediately prior to the 27375
submission of the application for a license; 27376

(I) A requirement that any person that materially 27377
falsifies information in an application for a hemp cultivation 27378
license or hemp processing license is ineligible to receive 27379
either license; 27380

(J) A practice for maintaining relevant information 27381
regarding land on which hemp is cultivated by hemp cultivation 27382
licensees, including a legal description of the land, in 27383
accordance with applicable federal law; 27384

(K) Requirements prohibiting a hemp cultivation licensee 27385
and a hemp processing licensee from cultivating or processing 27386
marihuana; 27387

(L) A procedure for testing, using post-decarboxylation or 27388
other similarly reliable methods, delta-9 tetrahydrocannabinol 27389
concentration levels of plants and products for purposes of 27390
determining compliance with this chapter and rules adopted under 27391
it; 27392

(M) Requirements and procedures for the issuance, 27393
administration, and enforcement of corrective action plans 27394
issued under this chapter; 27395

(N) A procedure for conducting annual inspections of, at a 27396
minimum, a random sample of hemp cultivation license holders to 27397
verify that plants are not being cultivated in violation of this 27398
chapter or rules adopted under it; 27399

(O) A procedure for conducting annual inspections of, at a 27400
minimum, a random sample of hemp processing license holders to 27401
verify that such license holders are not operating in violation 27402
of this chapter or rules adopted under it; 27403

(P) A procedure for complying with enforcement procedures 27404
required under federal law; 27405

(Q) A procedure for the effective disposal of all of the 27406
following: 27407

(1) Plants, whether growing or not, cultivated in 27408
violation of this chapter or rules adopted under it; 27409

(2) Products derived from plants cultivated in violation 27410
of this chapter or rules adopted under it; 27411

(3) Products produced in violation of this chapter or 27412
rules adopted under it. 27413

(R) Requirements and procedures governing the production, 27414
storage, and disposal of hemp byproducts. 27415

For the purposes of this chapter and notwithstanding any 27416
provision of law to the contrary, "hemp product" includes a 27417
byproduct, produced as a result of processing hemp, that 27418
contains a delta-9 tetrahydrocannabinol concentration of more 27419
than three-tenths per cent, provided that the byproduct is 27420

produced, stored, and disposed of in accordance with rules 27421
adopted under division (R) of this section. 27422

(S) Procedures for sharing information regarding hemp 27423
cultivation license holders with the secretary of the USDA; 27424

(T) A setback distance requirement that specifies the 27425
distance that a hemp cultivation license holder shall locate 27426
hemp plants from a location where medical marijuana is being 27427
cultivated. The requirement does not apply to a hemp cultivation 27428
license holder with regard to a medical marijuana cultivator 27429
that locates medical marijuana within the established setback 27430
distance requirement after the hemp cultivation license holder 27431
begins operation. 27432

(U) Annual reporting requirements and procedures for hemp 27433
cultivation license holders and hemp processing license holders; 27434

(V) Recordkeeping and documentation maintenance 27435
requirements and procedures for hemp cultivation license holders 27436
and hemp processing license holders; 27437

(W) Fees for the laboratory testing of plants and 27438
products; 27439

(X) Standards for the testing and labeling of hemp and 27440
hemp products; 27441

(Y) Requirements prohibiting the processing of hemp in a 27442
building used as a personal residence or on land that is zoned 27443
for residential use; 27444

(Z) Production standards and manufacturing practices for 27445
processing hemp; 27446

(AA) Procedures and requirements for the transportation 27447
and storage of both hemp and hemp products; 27448

(BB) Any other requirements or procedures necessary to 27449
administer and enforce this chapter. 27450

Sec. 928.04. (A) Except as authorized under division ~~(A)~~ 27451
~~(2)~~ (A) (4) or (5) of section 928.02 of the Revised Code, no 27452
person shall cultivate hemp without a hemp cultivation license 27453
issued by the director of agriculture under this chapter, if the 27454
director implements a program to monitor and regulate hemp 27455
cultivation under division (A) (1) of section 928.02 of the 27456
Revised Code, or process hemp without a hemp processing license 27457
issued by the director of agriculture under this chapter. 27458

(B) No person who holds a hemp cultivation license or hemp 27459
processing license issued by the director under this chapter 27460
shall violate this chapter or rules adopted under it. 27461

(C) No person subject to a corrective action plan issued 27462
by the director of agriculture under section 928.05 of the 27463
Revised Code shall fail to comply with the plan. 27464

(D) No person shall transport hemp or a hemp product in 27465
violation of rules adopted under section 928.03 of the Revised 27466
Code. 27467

Sec. 935.06. (A) Not later than ninety days after receipt 27468
of an application under section 935.05 of the Revised Code, the 27469
director of agriculture shall issue or deny a wildlife shelter 27470
permit. The director shall issue a permit to an applicant only 27471
if all of the following apply: 27472

(1) The applicant is eighteen years of age or older. 27473

(2) The applicant has registered the dangerous wild animal 27474
or animals that are the subject of the application under section 27475
935.04 of the Revised Code. 27476

(3) The applicant is in compliance with the standards of 27477
care established in rules adopted under division (A) (2) of 27478
section 935.17 of the Revised Code. 27479

(4) The applicant has sterilized each male dangerous wild 27480
animal that is possessed by the applicant. However, a dangerous 27481
wild animal is not required to be sterilized if a veterinarian 27482
that is qualified to provide veterinary care to the dangerous 27483
wild animal determines that the sterilization is medically 27484
contraindicated and the applicant has submitted a copy of the 27485
veterinarian's written determination with the applicant's 27486
application. 27487

(5) The applicant has signed an affidavit attesting that 27488
the applicant will not allow members of the public to be in 27489
physical contact with a dangerous wild animal possessed by the 27490
applicant. Division (A) (5) of this section does not apply to an 27491
employee of the applicant or a volunteer who has entered into a 27492
written agreement with the applicant to work for or volunteer 27493
for the applicant and assists in the care of a dangerous wild 27494
animal or animals specified in division (C) (20) of section 27495
935.01 of the Revised Code possessed by the applicant if the 27496
care is provided under the direction of the applicant. 27497

(6) The applicant has not been convicted of or pleaded 27498
guilty to a a disqualifying offense as determined in accordance 27499
with section 9.79 of the Revised Code and a criminal records 27500
check performed in accordance with division (B) of this section. 27501

(7) The facility at which a dangerous wild animal or 27502
dangerous wild animals will be maintained under the permit 27503
consists of at least one acre. Division (A) (7) of this section 27504
does not apply to either of the following: 27505

(a) Dangerous wild animals specified in division (C) (20) 27506
of section 935.01 of the Revised Code; 27507

(b) An applicant to whom the director issues a written 27508
waiver stating that the acreage requirement does not apply to 27509
the applicant. 27510

(8) The applicant has signed an affidavit attesting that 27511
the facility at which a dangerous wild animal or dangerous wild 27512
animals will be maintained under the permit and the conditions 27513
in which each dangerous wild animal will be kept in that 27514
facility are in compliance with this chapter and rules. 27515

(9) The applicant has submitted a complete application 27516
that meets the requirements established in section 935.05 of the 27517
Revised Code. 27518

(10) The applicant has submitted the applicable fee under 27519
section 935.05 of the Revised Code. 27520

If a permit is issued, the director shall assign a unique 27521
identification number to the permit. 27522

(B) Prior to issuing or denying a wildlife shelter permit, 27523
the director shall submit a request to the bureau of criminal 27524
identification and investigation in the office of the attorney 27525
general for a criminal records check of the applicant for the 27526
permit. Upon receipt of a request, the superintendent of the 27527
bureau shall conduct a criminal records check in the manner 27528
described in division (B) of section 109.572 of the Revised Code 27529
to determine whether any information exists that indicates that 27530
the applicant previously has been convicted of or pleaded guilty 27531
to any of the following: 27532

(1) A felony drug abuse offense; 27533

(2) An offense of violence that is a felony; 27534

(3) A violation of section 959.13 or 959.131 of the 27535
Revised Code or of section 2927.21 of the Revised Code as that 27536
section existed prior to its repeal by S.B. 310 of the 129th 27537
general assembly. 27538

The applicant is responsible for paying all costs 27539
associated with the criminal records check. 27540

(C) If a permit application is denied, two hundred fifty 27541
dollars of the permit application fee shall be retained by the 27542
director as payment for the reasonable expense of processing the 27543
application, and the remainder of the fee shall be returned to 27544
the applicant. 27545

(D) Not later than the first day of December of each year, 27546
a permit holder shall apply to the director, on a form 27547
prescribed and provided by the director, for a renewal of the 27548
permit if the permit holder intends to retain possession of the 27549
dangerous wild animal or animals that are identified in the 27550
permit. Not later than thirty days after receipt of an 27551
application for renewal, the director shall renew or deny the 27552
renewal of the permit. The director shall renew the permit if 27553
the permit holder complies with this chapter and rules and pays 27554
a renewal fee in the same amount as the fee established for the 27555
initial permit in section 935.05 of the Revised Code. If a 27556
renewal permit is denied, two hundred fifty dollars of the 27557
renewal fee shall be retained by the director as payment for the 27558
reasonable expense of processing the application, and the 27559
remainder of the renewal fee shall be returned to the applicant. 27560

(E) If the director denies an application for a permit or 27561
a renewal of a permit, the director shall notify the person of 27562

the denial, the grounds for the denial, and the person's right 27563
to an adjudication under Chapter 119. of the Revised Code. 27564

(F) If a person does not appeal the determination of the 27565
director to deny an application for a permit or a renewal of a 27566
permit or if the determination of the director is affirmed under 27567
Chapter 119. of the Revised Code, not later than thirty days 27568
after the decision not to appeal or after the determination is 27569
affirmed, as applicable, the person shall transfer the dangerous 27570
wild animal or animals that the person possesses to a humane 27571
society, wildlife sanctuary, rescue facility, facility that is 27572
an accredited member of either the association of zoos and 27573
aquariums or the zoological association of America, or facility 27574
that is located in another state and that complies with that 27575
state's applicable laws. After the transfer has occurred, the 27576
person shall submit proof to the director that the dangerous 27577
wild animal or animals were transferred and shall specify the 27578
society, sanctuary, or facility to which the animal or animals 27579
were transferred. 27580

The person is responsible for all costs associated with 27581
the transfer of the dangerous wild animal or animals. 27582

(G) If a person that has been issued a wildlife shelter 27583
permit under this section or a wildlife propagation permit under 27584
section 935.07 of the Revised Code dies, the person's next of 27585
kin shall do one of the following: 27586

(1) If the next of kin wishes to possess the dangerous 27587
wild animal or animals, obtain a wildlife shelter permit under 27588
this section or a wildlife propagation permit under section 27589
935.07 of the Revised Code, as applicable. That next of kin 27590
shall comply with this chapter and rules, except that, with 27591
respect to the next of kin's initial permit, the person need not 27592

pay the applicable permit application fee. 27593

(2) If the deceased person has a last will and testament 27594
that specifies that the dangerous wild animal or animals 27595
possessed by the person are to be transferred to another person 27596
that has been issued a wildlife shelter permit, wildlife 27597
propagation permit, or rescue facility permit issued under this 27598
chapter, transfer the dangerous wild animal or animals to the 27599
applicable permit holder; 27600

(3) Transfer the dangerous wild animal or animals that 27601
were possessed by the deceased person in accordance with 27602
division (F) of this section. 27603

(H) All fees collected under this section shall be 27604
credited to the ~~dangerous and restricted animal~~ and consumer 27605
protection fund created in section ~~935.25~~ 943.26 of the Revised 27606
Code. 27607

Sec. 935.07. (A) A person that possesses a registered 27608
dangerous wild animal in this state on October 1, 2013, that 27609
wishes to continue to possess the dangerous wild animal on and 27610
after January 1, 2014, and that intends to propagate the animal 27611
solely for the purposes of a species survival program that 27612
complies with rules shall apply for a wildlife propagation 27613
permit under this section. An applicant need apply for only one 27614
permit regardless of the number of dangerous wild animals that 27615
the applicant possesses. 27616

(B) Except as otherwise provided in this section, an 27617
applicant for a wildlife propagation permit shall comply with 27618
the requirements and procedures established in sections 935.05 27619
and 935.06 of the Revised Code. The application fee for a 27620
wildlife propagation permit shall be one of the following, as 27621

applicable: 27622

(1) One thousand dollars if the applicant possesses not 27623
more than fifty dangerous wild animals; 27624

(2) Three thousand dollars if the applicant possesses more 27625
than fifty dangerous wild animals. 27626

(C) The facility at which a dangerous wild animal or 27627
dangerous wild animals will be maintained under a wildlife 27628
propagation permit shall consist of at least two acres. Division 27629
(C) of this section does not apply to either of the following: 27630

(1) Dangerous wild animals specified in division (C) (20) 27631
of section 935.01 of the Revised Code; 27632

(2) An applicant to whom the director of agriculture 27633
issues a written waiver stating that the acreage requirement 27634
does not apply to the applicant. 27635

(D) All fees collected under this section shall be 27636
credited to the ~~dangerous and restricted animal~~ and consumer 27637
protection fund created in section ~~935.25~~ 943.26 of the Revised 27638
Code. 27639

(E) Division (A) (4) of section 935.06 of the Revised Code 27640
does not apply to an applicant for a wildlife propagation 27641
permit. 27642

Sec. 935.09. (A) Not later than ninety days after receipt 27643
of an application under section 935.08 of the Revised Code, the 27644
director of agriculture shall issue or deny a restricted snake 27645
possession permit. The director shall issue a permit to an 27646
applicant only if all of the following apply: 27647

(1) The applicant is eighteen years of age or older. 27648

(2) The applicant has signed an affidavit attesting that 27649
the applicant will not allow members of the public to be in 27650
physical contact with a restricted snake possessed by the 27651
applicant. Division (A) (2) of this section does not apply to 27652
either of the following: 27653

(a) An applicant that displays a restricted snake or 27654
snakes specified in division (L) (1) of section 935.01 of the 27655
Revised Code to a primary or secondary school age student; 27656

(b) An employee of the applicant or a volunteer who has 27657
entered into a written agreement with the applicant to work for 27658
or volunteer for the applicant and assists in the care of a 27659
restricted snake or snakes possessed by the applicant if the 27660
care is provided under the direction of the applicant. 27661

(3) The applicant has not been convicted of or pleaded 27662
guilty to a felony drug abuse offense, an offense of violence 27663
that is a felony, or a violation of section 959.13 or 959.131 of 27664
the Revised Code or of section 2927.21 of the Revised Code as 27665
that section existed prior to its repeal by S.B. 310 of the 27666
129th general assembly, as determined by a criminal records 27667
check performed in accordance with division (B) of this section. 27668

(4) The applicant has signed an affidavit attesting that 27669
the facility at which a restricted snake or snakes will be 27670
maintained under the permit and the conditions in which each 27671
restricted snake will be kept in that facility are in compliance 27672
with this chapter and rules. 27673

(5) The applicant has submitted a complete application 27674
that meets the requirements established in section 935.08 of the 27675
Revised Code. 27676

(6) The applicant has submitted the application fee 27677

established in section 935.08 of the Revised Code. 27678

If a permit is issued, the director shall assign a unique 27679
identification number to the permit. 27680

(B) Prior to issuing or denying a restricted snake 27681
possession permit, the director shall submit a request to the 27682
bureau of criminal identification and investigation in the 27683
office of the attorney general for a criminal records check of 27684
the applicant for the permit. Upon receipt of a request, the 27685
superintendent of the bureau shall conduct a criminal records 27686
check in the manner described in division (B) of section 109.572 27687
of the Revised Code to determine whether any information exists 27688
that indicates that the applicant previously has been convicted 27689
of or pleaded guilty to any of the following: 27690

(1) A felony drug abuse offense; 27691

(2) An offense of violence that is a felony; 27692

(3) A violation of section 959.13 or 959.131 of the 27693
Revised Code or of section 2927.21 of the Revised Code as that 27694
section existed prior to its repeal by S.B. 310 of the 129th 27695
general assembly. 27696

The applicant is responsible for paying all costs 27697
associated with the criminal records check. 27698

(C) If a permit application is denied, seventy-five 27699
dollars of the permit application fee shall be retained by the 27700
director as payment for the reasonable expense of processing the 27701
application, and the remainder of the fee shall be returned to 27702
the applicant. 27703

(D) Not later than the first day of December of each year, 27704
a permit holder shall apply to the director, on a form 27705

prescribed and provided by the director, for a renewal of the 27706
permit if the permit holder intends to retain possession of the 27707
restricted snake or snakes that are identified in the permit. 27708
Not later than thirty days after receipt of an application for 27709
renewal, the director shall renew or deny the renewal of the 27710
permit. The director shall renew the permit if the permit holder 27711
complies with this chapter and rules and pays a renewal fee in 27712
the same amount as the fee established for the initial permit in 27713
section 935.08 of the Revised Code. If a renewal permit is 27714
denied, seventy-five dollars of the renewal fee shall be 27715
retained by the director as payment for the reasonable expense 27716
of processing the application, and the remainder of the renewal 27717
fee shall be returned to the applicant. 27718

(E) If the director denies an application for a permit or 27719
a renewal of a permit, the director shall notify the person of 27720
the denial, the grounds for the denial, and the person's right 27721
to an adjudication under Chapter 119. of the Revised Code. 27722

(F) If a person does not appeal the determination of the 27723
director to deny an application for a permit or a renewal of a 27724
permit or if the determination of the director is affirmed under 27725
Chapter 119. of the Revised Code, not later than thirty days 27726
after the decision not to appeal or after the determination is 27727
affirmed, as applicable, the person shall transfer the 27728
restricted snake or snakes that the person possesses to a humane 27729
society, wildlife sanctuary, facility that is an accredited 27730
member of either the association of zoos and aquariums or the 27731
zoological association of America, or facility that is located 27732
in another state and that complies with that state's applicable 27733
laws. After the transfer has occurred, the person shall submit 27734
proof to the director that the restricted snake or snakes were 27735
transferred and shall specify the society, sanctuary, or 27736

facility to which the snake or snakes were transferred. 27737

The person is responsible for all costs associated with 27738
the transfer of the restricted snake or snakes. 27739

(G) If a person that has been issued a restricted snake 27740
possession permit under this section or a restricted snake 27741
propagation permit under section 935.10 of the Revised Code 27742
dies, the person's next of kin shall do one of the following: 27743

(1) If the next of kin wishes to possess the restricted 27744
snake or snakes, obtain a restricted snake possession permit 27745
under this section or a restricted snake propagation permit 27746
under section 935.10 of the Revised Code, as applicable. That 27747
next of kin shall comply with this chapter and rules, except 27748
that, with respect to the next of kin's initial permit, the 27749
person need not pay the applicable permit application fee. 27750

(2) If the deceased person has a last will and testament 27751
that specifies that the restricted snake or snakes possessed by 27752
the person are to be transferred to another person that has been 27753
issued a restricted snake possession permit under this section 27754
or a restricted snake propagation permit issued under section 27755
935.10 of the Revised Code, transfer the restricted snake or 27756
snakes to the applicable permit holder; 27757

(3) Transfer the restricted snake or snakes that were 27758
possessed by the deceased person in accordance with division (F) 27759
of this section. 27760

(H) All fees collected under this section shall be 27761
credited to the ~~dangerous and restricted animal~~ and consumer 27762
protection fund created in section ~~935.25~~ 943.26 of the Revised 27763
Code. 27764

Sec. 935.10. (A) (1) A person that possesses a restricted 27765

snake in this state prior to January 1, 2014, that wishes to 27766
continue to possess the restricted snake on and after that date, 27767
and that intends to propagate, sell, trade, or otherwise 27768
transfer the snake shall obtain a restricted snake propagation 27769
permit under this section not later than January 1, 2014. 27770

(2) A person that acquires a restricted snake in this 27771
state on or after January 1, 2014, and that intends to 27772
propagate, sell, trade, or otherwise transfer the snake shall 27773
obtain a restricted snake propagation permit under this section 27774
not later than one hundred twenty days after acquiring the 27775
snake. 27776

(3) An applicant need apply for only one permit regardless 27777
of the number of restricted snakes that the applicant possesses. 27778

(B) Except as otherwise provided in this section, an 27779
applicant for a restricted snake propagation permit shall comply 27780
with the requirements and procedures established in sections 27781
935.08 and 935.09 of the Revised Code. The application fee for a 27782
restricted snake propagation permit shall be three hundred 27783
dollars. 27784

(C) If a permit application is denied, one hundred fifty 27785
dollars of the permit application fee shall be retained by the 27786
director of agriculture as payment for the reasonable expense of 27787
processing the application, and the remainder of the fee shall 27788
be returned to the applicant. 27789

(D) All fees collected under this section shall be 27790
credited to the ~~dangerous and restricted animal~~ and consumer 27791
protection fund created in section ~~935.25~~ 943.26 of the Revised 27792
Code. 27793

Sec. 935.16. (A) If a dangerous wild animal or restricted 27794

snake escapes, the person that possesses the animal or snake 27795
immediately shall notify both of the following: 27796

(1) The sheriff of the county and the chief law 27797
enforcement officer of the township or municipal corporation 27798
where the escape occurred; 27799

(2) The division of animal health in the department of 27800
agriculture by means of the twenty-four-hour telephone number 27801
that is maintained by the division. 27802

(B) (1) A law enforcement officer or natural resources law 27803
enforcement officer may destroy a dangerous wild animal or 27804
restricted snake that has escaped and that poses a threat to 27805
public safety. 27806

(2) A law enforcement officer or natural resources law 27807
enforcement officer that destroys an escaped dangerous wild 27808
animal or restricted snake pursuant to division (B) (1) of this 27809
section is not liable for damages in a civil action for any 27810
injury, death, or loss to person or property that allegedly 27811
arises from the destruction of the animal or snake. 27812

(C) The person that possesses a dangerous wild animal or 27813
restricted snake that escapes is responsible for all reasonable 27814
costs associated with the capture or destruction of the animal 27815
or snake. The person shall reimburse the political subdivision 27816
that employs the law enforcement officer who captured or 27817
destroyed the dangerous wild animal or restricted snake for the 27818
costs incurred in capturing or destroying the animal or snake. 27819
However, if the law enforcement officer is a state highway 27820
patrol trooper or if a natural resources law enforcement officer 27821
captured or destroyed the dangerous wild animal or restricted 27822
snake, the person shall reimburse the state highway patrol or 27823

department of natural resources, as applicable, for those costs. 27824

(D) (1) Except as provided in division (D) (2) of this 27825
section, money collected under division (C) of this section 27826
shall be credited to a special fund, which is hereby created in 27827
the applicable political subdivision. Money in the special fund 27828
shall be used exclusively for the administration and enforcement 27829
of this chapter and rules. 27830

(2) Money collected under division (C) of this section for 27831
costs incurred by a state highway patrol trooper or a natural 27832
resources law enforcement officer under this section shall be 27833
deposited in the state treasury to the credit of the ~~dangerous-~~ 27834
~~and restricted~~ animal and consumer protection fund created in 27835
section ~~935.25~~ 943.26 of the Revised Code. 27836

(3) If law enforcement officers from more than one 27837
jurisdiction assist in the capture or destruction of a dangerous 27838
wild animal or restricted snake, the money collected shall be 27839
proportionally distributed to each political subdivision's 27840
special fund and the dangerous and restricted animal fund, if 27841
applicable. 27842

Sec. 935.17. The director of agriculture shall adopt rules 27843
in accordance with Chapter 119. of the Revised Code that 27844
establish all of the following: 27845

(A) Both of the following concerning the registration of 27846
dangerous wild animals under section 935.04 of the Revised Code: 27847

(1) Any additional information that must be included with 27848
a registration; 27849

(2) Standards for the care and housing of registered 27850
dangerous wild animals, including standards for the proper care 27851
of each species of dangerous wild animal and caging and fencing 27852

of the animals. 27853

The director shall adopt rules under division (A) of this 27854
section not later than ninety days after ~~the effective date of~~ 27855
~~this section~~ September 5, 2012. 27856

(B) Standards for the care and well-being of dangerous 27857
wild animals specified in divisions (C) (1) to (19) of section 27858
935.01 of the Revised Code that are possessed by the holders of 27859
wildlife shelter permits and wildlife propagation permits issued 27860
under this chapter. The standards shall govern at least 27861
sanitation for, provision of health care for, and feeding, 27862
caging, housing, and fencing of dangerous wild animals. In 27863
adopting rules under this division, the director shall consider 27864
the following factors: 27865

(1) Best management practices for the care and well-being 27866
of dangerous wild animals; 27867

(2) Public health and safety; 27868

(3) Biosecurity; 27869

(4) The prevention of disease; 27870

(5) Animal morbidity and mortality data; 27871

(6) Generally accepted veterinary medical practices; 27872

(7) Standards adopted by the association of zoos and 27873
aquariums; 27874

(8) Standards adopted by the zoological association of 27875
America; 27876

(9) Standards established in the federal animal welfare 27877
act; 27878

(10) Ethical standards established by the American 27879

veterinary medical association; 27880

(11) Any other factors that the director considers 27881
necessary for the proper care and well-being of dangerous wild 27882
animals in this state. 27883

(C) Standards for the housing of dangerous wild animals 27884
specified in division (C) (20) of section 935.01 of the Revised 27885
Code that are possessed by the holders of wildlife shelter 27886
permits and wildlife propagation permits issued under this 27887
chapter; 27888

(D) All of the following concerning applications for 27889
permits issued under sections 935.06 and 935.07 of the Revised 27890
Code: 27891

(1) Any additional information that must be included with 27892
a permit application; 27893

(2) Criteria for determining what constitutes a species 27894
survival program for the purposes of division (A) of section 27895
935.07 of the Revised Code and requirements and procedures that 27896
are necessary to determine if a program meets those criteria; 27897

(3) The content of the examination specified in division 27898
(B) (6) of section 935.05 of the Revised Code. The rules shall 27899
require the examination to test an applicant's knowledge on 27900
topics that include proper diet, health care, exercise needs, 27901
and housing of the species of dangerous wild animal or animals 27902
that are the subject of the application. 27903

(4) Procedures and requirements concerning the 27904
administration of the examination specified in division (B) (6) 27905
of section 935.05 of the Revised Code. 27906

(E) All of the following concerning applications for 27907

permits issued under sections 935.09 and 935.10 of the Revised	27908
Code:	27909
(1) Any additional information that must be included with	27910
a permit application;	27911
(2) The content of the examination specified in division	27912
(B) (5) of section 935.08 of the Revised Code. The rules shall	27913
require the examination to test an applicant's knowledge on	27914
topics that include proper diet, health care, and housing of the	27915
species of restricted snake or snakes that are the subject of	27916
the application.	27917
(3) Procedures and requirements concerning the	27918
administration of the examination specified in division (B) (5)	27919
of section 935.08 of the Revised Code.	27920
(F) Both of the following concerning applications for	27921
permits issued under section 935.101 of the Revised Code:	27922
(1) Information that must be included in a permit	27923
application;	27924
(2) Criteria and procedures for the issuance or denial of	27925
a permit.	27926
(G) Standards for the care and well-being of dangerous	27927
wild animals that are possessed by the holders of permits issued	27928
under section 935.101 of the Revised Code. The standards shall	27929
govern at least sanitation for, provision of health care for,	27930
and feeding, caging, housing, and fencing of dangerous wild	27931
animals. In adopting the rules, the director may consider the	27932
standards of care and housing established in rules adopted under	27933
division (B) of this section and section 935.12 of the Revised	27934
Code.	27935

(H) Procedures and requirements governing the maintenance 27936
of records under section 935.15 of the Revised Code; 27937

(I) Standards for signs that are required to be posted and 27938
displayed in accordance with section 935.18 of the Revised Code; 27939

(J) The amount of civil penalties that may be assessed 27940
under section 935.24 of the Revised Code; 27941

~~(K) Procedures and requirements governing the distribution 27942
of money under division (B) (4) of section 935.25 of the Revised 27943
Code from the dangerous and restricted animal fund created in 27944
that section; 27945~~

~~(L) Any other provisions necessary to administer and 27946
enforce this chapter. 27947~~

Sec. 935.20. (A) On and after January 1, 2014, the 27948
director of agriculture immediately shall cause an investigation 27949
to be conducted if the director has reason to believe that one 27950
of the following may be occurring: 27951

(1) A dangerous wild animal is possessed by a person who 27952
has not been issued a wildlife shelter permit, wildlife 27953
propagation permit, or rescue facility permit under this 27954
chapter. 27955

(2) A restricted snake is possessed by a person that has 27956
not been issued a restricted snake possession permit or 27957
restricted snake propagation permit under this chapter. 27958

(3) A dangerous wild animal or restricted snake is being 27959
treated or kept in a manner that is in violation of this chapter 27960
or rules. 27961

For purposes of the investigation, the director or the 27962
director's designee may order the animal or snake that is the 27963

subject of the notification to be quarantined or may order the 27964
transfer of the animal or snake to a facility that is on the 27965
list maintained by the director under this section. If the 27966
director's designee orders the animal or snake to be quarantined 27967
or transferred, the designee shall provide a copy of the order 27968
to the director. 27969

(B) The director shall attempt to notify the person owning 27970
or possessing an animal or snake that has been ordered to be 27971
quarantined or transferred under division (A) of this section. 27972
The notice shall be delivered in person or by certified mail. 27973
The director also may post a copy of a quarantine order at two 27974
conspicuous locations on the premises where the animal or snake 27975
is quarantined. The director shall maintain a copy of an order 27976
issued under this section and evidence that the director 27977
attempted to notify the person owning or possessing the animal 27978
or snake. 27979

(C) A quarantine or transfer order issued under this 27980
section shall contain all of the following: 27981

(1) The name and address of the person owning or 27982
possessing the animal or snake, if known; 27983

(2) A description of the quarantined or transferred animal 27984
or snake; 27985

(3) A description of the premises affected by the 27986
quarantine or transfer; 27987

(4) The reason for the quarantine or transfer; 27988

(5) Any terms and conditions of the quarantine or 27989
transfer; 27990

(6) A notice that a person adversely affected by the order 27991

may request a hearing to review the order. 27992

(D) A person that is adversely affected by a quarantine or 27993
transfer order pertaining to a dangerous wild animal or 27994
restricted snake owned or possessed by the person, within thirty 27995
days after the order is issued, may request in writing an 27996
adjudication in accordance with Chapter 119. of the Revised 27997
Code. A request for an adjudication does not stay a quarantine 27998
or transfer order. 27999

(E) The owner of or person possessing a dangerous wild 28000
animal or restricted snake that was quarantined or transferred 28001
under division (A) of this section shall be responsible for all 28002
reasonable costs associated with the quarantine or transfer, 28003
including the costs of transportation, housing, food, and 28004
veterinary care for the animal or snake. If such an owner or 28005
person is unable to pay for the reasonable costs, the director 28006
shall certify the costs to the county auditor to be assessed 28007
against any property of the owner or person and thereby made a 28008
lien upon it and collected as other taxes. All money from the 28009
collection of liens under this division shall be credited in 28010
accordance with division (J) of this section. 28011

(F) If the state veterinarian determines that a dangerous 28012
wild animal or restricted snake that was quarantined or 28013
transferred under division (A) of this section is infected with 28014
or exposed to a dangerously contagious or infectious disease or 28015
is seriously injured, the state veterinarian shall so notify the 28016
director. The director may order the animal or snake to be 28017
humanely euthanized by a veterinarian if the state veterinarian 28018
has indicated that euthanization is medically necessary. 28019

(G) A quarantine or transfer order issued under this 28020
section shall remain in effect until one of the following 28021

occurs: 28022

(1) The director, after reviewing the results of the 28023
investigation conducted under division (A) of this section, 28024
issues a written notice of release. 28025

(2) A court of competent jurisdiction orders the 28026
quarantine or transfer order to be terminated in a proceeding 28027
conducted under division (H) of this section. 28028

(3) A court of competent jurisdiction orders the seizure 28029
of the dangerous wild animal or restricted snake in a proceeding 28030
conducted under division (H) of this section. 28031

(H) If, after reviewing the results of an investigation 28032
concerning a dangerous wild animal or restricted snake conducted 28033
under division (A) of this section and after resolution of any 28034
proceeding conducted under division (D) of this section, the 28035
director determines that a circumstance described in division 28036
(A) (1), (2), or (3) of this section is or was occurring, the 28037
director shall initiate, in a court of competent jurisdiction, a 28038
proceeding for the permanent seizure of the animal or snake, as 28039
applicable. If the court affirms the director's determination 28040
that a circumstance described in division (A) (1), (2), or (3) of 28041
this section is or was occurring, the court shall order the 28042
animal or snake seized and shall order the method of disposition 28043
of the animal or snake. The court may order the person owning or 28044
possessing the animal or snake to pay all reasonable costs 28045
associated with the seizure and, if applicable, the costs 28046
associated with the quarantine or transfer of the animal or 28047
snake, including the costs of transportation, housing, food, and 28048
veterinary care of the animal or snake. If the court does not 28049
affirm the director's determination, the court shall order the 28050
quarantine or transfer order to be terminated and the animal or 28051

snake to be returned to the person owning or possessing it, if 28052
applicable. 28053

(I) The director may authorize any of the following to 28054
conduct an investigation and order the quarantine or transfer of 28055
a dangerous wild animal or restricted snake under division (A) 28056
of this section: 28057

(1) Employees of the department of agriculture; 28058

(2) Natural resources law enforcement officers with the 28059
consent of the director of natural resources; 28060

(3) Employees of the department of health with the consent 28061
of the director of health; 28062

(4) Employees of a board of health with the consent of the 28063
board; 28064

(5) Humane society agents appointed under section 1717.06 28065
of the Revised Code with the consent of the humane society; 28066

(6) Law enforcement officers with the consent of the 28067
sheriff of the county or the chief law enforcement officer of 28068
the township or municipal corporation, as applicable, by whom 28069
the law enforcement officers are employed; 28070

(7) Law enforcement officers who are state highway patrol 28071
troopers with the consent of the superintendent of the state 28072
highway patrol. 28073

(J) Money collected for reimbursement of costs associated 28074
with the quarantine or transfer of dangerous wild animals and 28075
restricted snakes under this section shall be credited to one of 28076
the following funds, as applicable: 28077

(1) If the animal or snake was quarantined or transferred 28078

by an employee of the department of agriculture or the 28079
department of health, a natural resources law enforcement 28080
officer, or a law enforcement officer who is a state highway 28081
patrol trooper, the ~~dangerous and restricted animal~~ and consumer 28082
protection fund created in section ~~935.25~~ 943.26 of the Revised 28083
Code; 28084

(2) If the animal or snake was quarantined or transferred 28085
by an employee of a board of health, a special fund, which is 28086
hereby created in each health district, that shall be used 28087
exclusively for the administration and enforcement of this 28088
chapter and rules; 28089

(3) If the animal or snake was quarantined or transferred 28090
by a humane society agent, a special fund, which is hereby 28091
created in each county that has a humane society, that shall be 28092
used exclusively for the administration and enforcement of this 28093
chapter and rules; 28094

(4) If the animal or snake was quarantined or transferred 28095
by a law enforcement officer who is not a state highway patrol 28096
trooper, the special fund that is created in the political 28097
subdivision that employs the law enforcement officer in division 28098
(D) of section 935.16 of the Revised Code. 28099

(K) The director shall maintain a list of facilities 28100
inside and outside the state that the director determines are 28101
eligible to accept dangerous wild animals and restricted snakes 28102
for the purposes of this section. 28103

Sec. 935.24. (A) The attorney general, upon request of the 28104
director of agriculture, shall bring an action for injunction 28105
against any person who has violated, is violating, or is 28106
threatening to violate this chapter or rules. The court of 28107

common pleas in which an action for injunction is filed has 28108
jurisdiction to and shall grant preliminary and permanent 28109
injunctive relief upon a showing that the person against whom 28110
the action is brought has violated, is violating, or is 28111
threatening to violate this chapter or rules. 28112

(B) (1) The director may assess a civil penalty against any 28113
person that the director determines is not in compliance with 28114
this chapter or rules. 28115

(2) The director shall afford the person an opportunity 28116
for an adjudication under Chapter 119. of the Revised Code to 28117
challenge the director's determination that the person is not in 28118
compliance with this chapter or rules. However, the person may 28119
waive the right to an adjudication. 28120

(3) If the opportunity for an adjudication is waived or 28121
if, after an adjudication, the director determines that a 28122
violation has occurred or is occurring, the director may issue 28123
an order and assess a civil penalty in an amount established in 28124
rules against the violator. The order and the assessment of the 28125
civil penalty may be appealed in accordance with section 119.12 28126
of the Revised Code. 28127

(C) Notwithstanding any other section of the Revised Code, 28128
money resulting from any action taken under this section shall 28129
be credited to the ~~dangerous and restricted animal~~ and consumer 28130
protection fund created in section ~~935.25~~ 943.26 of the Revised 28131
Code. 28132

Sec. 943.01. As used in this chapter: 28133

(A) "Animals" or "livestock" means horses, mules, and 28134
other equidae, cattle, sheep, and goats and other bovidae, swine 28135
and other suidae, poultry, alpacas, and llamas, ~~and monitored~~ 28136

~~captive deer, captive deer with status, or captive deer with~~ 28137
~~certified chronic wasting disease status.~~ 28138

(B) "Dealer" or "broker" means any person found by the 28139
department of agriculture buying, receiving, selling, 28140
slaughtering, with the exception of those persons designated by 28141
division (B) (1) of section 918.10 of the Revised Code, 28142
exchanging, negotiating, or soliciting the sale, resale, 28143
exchange, or transfer of any animals in an amount of more than 28144
two hundred fifty head of cattle, horses, or other equidae or 28145
five hundred head of sheep, goats, or other bovidae, swine and 28146
other suidae, poultry, alpacas, or llamas, ~~or monitored captive~~ 28147
~~deer, captive deer with status, or captive deer with certified~~ 28148
~~chronic wasting disease status~~ during any one year. "Dealer" or 28149
"broker" does not mean any of the following: 28150

(1) Any railroad or other carrier transporting animals 28151
either interstate or intrastate; 28152

(2) Any person who by dispersal sale is permanently 28153
discontinuing the business of farming, dairying, breeding, 28154
raising, or feeding animals; 28155

(3) Any person who sells livestock that has been raised 28156
from birth on the premises of the person; 28157

(4) Any person who buys or receives animals for grazing or 28158
feeding purposes at a premises owned or controlled by the person 28159
and sells or disposes of the animals after the minimum grazing 28160
or feeding period of thirty days; 28161

(5) Any person who places livestock in facilities other 28162
than the person's own pursuant to a written agreement for 28163
feeding or finishing, provided that the person retains legal and 28164
equitable title to the livestock during the term of the 28165

agreement. 28166

The exemptions set forth in divisions (B)(1) to (5) of 28167
this section are exclusive of those activities requiring 28168
licensure under sections 943.01 to 943.18 of the Revised Code, 28169
so that a person shall be deemed to be a dealer or broker or 28170
subject to divisions (B)(1) to (5) of this section, but shall 28171
not be, or be subject to, both. No person who is a licensed 28172
dealer or broker and whose license is suspended shall have 28173
livestock or animals exempted pursuant to divisions (B)(1) to 28174
(5) of this section. 28175

(C) "Employee" means any person employed by a dealer or 28176
broker to act in the dealer's or broker's behalf to buy, sell, 28177
exchange, negotiate, or solicit sale or resale of animals in the 28178
dealer's or broker's name. 28179

(D) "Small dealer" means any person found by the 28180
department buying, receiving, selling, slaughtering, with the 28181
exception of those persons designated by division (B)(1) of 28182
section 918.10 of the Revised Code, exchanging, negotiating, or 28183
soliciting the sale, resale, exchange, or transfer of any 28184
animals in an amount of two hundred fifty head or less of 28185
cattle, horses, or other equidae or five hundred head or less of 28186
sheep, goats, or other bovidae, swine or other suidae, poultry, 28187
alpaca, or llamas, ~~or monitored captive deer, captive deer with~~ 28188
~~status, or captive deer with certified chronic wasting disease~~ 28189
~~status~~ during any one year. 28190

~~(E) "Captive whitetail deer licensee" means a person who~~ 28191
~~has been issued a license under section 943.03 or 943.031 of the~~ 28192
~~Revised Code and a license under section 1533.71 or 1533.721 of~~ 28193
~~the Revised Code regarding monitored captive deer, captive deer~~ 28194
~~with status, or captive deer with certified chronic wasting~~ 28195

disease status. 28196

~~(F) "Chronic wasting disease" has the same meaning as in 9 28197~~
~~C.F.R. 55.1. 28198~~

~~(G) "Captive deer with status" means captive white-tailed- 28199~~
~~deer that have been legally acquired or their offspring, are 28200~~
~~part of a herd that is monitored and tested for disease in 28201~~
~~accordance with rules, and are privately owned primarily for the 28202~~
~~purposes of agriculture, propagation, or providing captive deer 28203~~
~~to a wild animal hunting preserve licensed under section 28204~~
~~1533.721 of the Revised Code. 28205~~

~~(H) "Captive deer with certified chronic wasting disease- 28206~~
~~status" means captive white-tailed deer that have been legally 28207~~
~~acquired or their offspring, are part of a herd that has been 28208~~
~~monitored and tested for disease in accordance with rules, 28209~~
~~including tested for chronic wasting disease for at least five 28210~~
~~consecutive years in accordance with rules, are privately owned 28211~~
~~primarily for the purposes of agriculture, propagation, or 28212~~
~~providing deer to a wild animal hunting preserve licensed under 28213~~
~~section 1533.721 of the Revised Code, and are certified "with 28214~~
~~status" in accordance with rules. 28215~~

~~(I) "Monitored captive deer" means whitetail deer that 28216~~
~~have been legally acquired or their offspring, are tested for 28217~~
~~chronic wasting disease in accordance with rules, and are held 28218~~
~~in private ownership for agricultural or personal purposes or in 28219~~
~~a wild animal hunting preserve licensed under section 1533.721- 28220~~
~~of the Revised Code. 28221~~

~~(J) "Rule" means a rule adopted under section 943.24 of 28222~~
~~the Revised Code. 28223~~

Sec. 943.04. (A) Fees for the initial issuance of any 28224

license issued pursuant to sections 943.02, 943.03, and 943.031 28225
of the Revised Code, shall be paid to the department of 28226
agriculture. 28227

(B) All annual renewal fees for the licenses shall be paid 28228
by the applicant for the renewal of a license on or before the 28229
thirty-first day of March of each year to the treasurer of 28230
state. Except for license fees for small dealers, the fees ~~shall~~ 28231
~~be based on the number of head of livestock purchased, sold, or~~ 28232
~~exchanged, in this state, whichever is the greatest, during the~~ 28233
~~preceding calendar year. Those fees for dealers or brokers shall~~ 28234
~~be as follows:~~ 28235

~~Less than 1,000 head _____ \$50.00 per annum;~~ 28236

~~For 1,001 to 10,000 head _____ \$125.00 per annum;~~ 28237

~~For more than 10,000 head _____ \$250.00 per annum.~~ 28238

In the event a dealer or broker operates more than one 28239
place where livestock is purchased, sold, or exchanged, a fee 28240
shall be paid for each place, but only the original purchase, 28241
sale, or exchange shall be counted in computing the amount of 28242
the fee to be paid for each place operated by the dealer or 28243
broker. Shipment between yards owned or operated by the dealer 28244
or broker shall be exempt. 28245

A late fee of one hundred dollars shall be paid for each 28246
dealer or broker license renewal application that is received 28247
after the thirty-first day of March each year. 28248

(C) (1) A fee of ~~twenty-five~~ fifty dollars shall be paid by 28249
each small dealer. 28250

If a small dealer operates more than one place where 28251
livestock is purchased, sold, or exchanged, a fee shall be paid 28252

for each place, but only the original purchase, sale, or 28253
exchange shall be counted in computing the amount of fee to be 28254
paid for each place operated by the small dealer. Shipment 28255
between yards owned or operated by the small dealer shall be 28256
exempt. 28257

(2) A late fee of ~~twenty-five~~ one hundred dollars shall be 28258
paid for each small dealer license renewal application that is 28259
received after the thirty-first day of March each year. 28260

(D) A fee of ~~twenty~~ thirty dollars shall be paid by each 28261
licensed weigher and each employee that is appointed by a small 28262
dealer, dealer, or broker as provided in section 943.02 of the 28263
Revised Code. 28264

(E) ~~A fee of ten dollars shall be paid by each licensed~~ 28265
~~weigher.~~ 28266

~~(F)~~ All money collected under section 943.03 of the 28267
Revised Code and under this section shall be credited to the 28268
animal and consumer protection ~~laboratory~~ fund created in 28269
section ~~901.43~~ 943.26 of the Revised Code. 28270

Sec. 943.16. All fines imposed and collected under section 28271
943.99 of the Revised Code shall be credited to the animal and 28272
consumer protection ~~laboratory~~ fund created in section ~~901.43~~ 28273
943.26 of the Revised Code. 28274

Sec. 943.26. The animal and consumer protection fund is 28275
created in the state treasury. ~~Notwithstanding section 943.04 of~~ 28276
~~the Revised Code,~~ The fund shall consist of livestock dealer or 28277
broker fees and civil penalties collected under this chapter, 28278
all money collected through the issuance of licenses ~~to captive~~ 28279
~~whitetail deer licensees under this chapter and all money~~ 28280
~~collected under section 942.04 of the Revised Code shall be~~ 28281

~~credited to the animal and consumer protection fund, which is~~ 28282
~~hereby created in the state treasury~~ 28283
~~under Chapter 944. of the~~ 28284
~~Revised Code, and any other money credited to it under the~~ 28285
~~Revised Code. The director of agriculture shall use money in the~~ 28286
~~fund to administer Chapter 942. and sections 943.20 to 943.26 of~~ 28287
~~the Revised Code and rules~~ 28288
~~this chapter and Chapters 935., 942.,~~ 28289
~~and 944. of the Revised Code and rules adopted under those~~
~~chapters.~~

Sec. 943.27. (A) The director of agriculture, after 28290
providing an opportunity for an adjudication hearing under 28291
Chapter 119. of the Revised Code, may assess a civil penalty 28292
against a person who has violated or is in violation of sections 28293
943.01 to 943.10 and 943.12 to 943.17 of the Revised Code. If 28294
the director assesses a civil penalty, the director shall do so 28295
as follows: 28296

(1) In an amount not exceeding five hundred dollars if, 28297
within five years of the violation, the director has not 28298
previously assessed a civil penalty against the person under 28299
this section; 28300

(2) In an amount not exceeding two thousand five hundred 28301
dollars if, within five years of the violation, the director has 28302
previously assessed one civil penalty against the person under 28303
this section; 28304

(3) In an amount not exceeding ten thousand dollars if, 28305
within five years of the violation, the director has previously 28306
assessed two or more civil penalties against the person under 28307
this section. 28308

(B) Money collected under division (A) of this section 28309
shall be deposited in the state treasury to the credit of the 28310

animal and consumer protection fund created in section 943.26 of 28311
the Revised Code. 28312

Sec. 943.99. ~~(A)~~ Whoever violates section 943.11 of the 28313
Revised Code is guilty of a felony of the fifth degree. 28314

~~(B) Whoever violates sections 943.01 to 943.10 and 943.12~~ 28315
~~to 943.17 of the Revised Code is guilty of a misdemeanor of the~~ 28316
~~first degree.~~ 28317

Sec. 944.01. As used in this chapter: 28318

"Captive cervid with certified chronic wasting disease 28319
status" means captive cervid that have been legally acquired or 28320
their offspring, are part of a herd that has been monitored and 28321
tested for disease in accordance with rules, including tested 28322
for chronic wasting disease for at least five consecutive years 28323
in accordance with rules, are privately owned primarily for the 28324
purposes of agriculture, propagation, or providing cervid to a 28325
wild animal hunting preserve licensed under section 1533.721 of 28326
the Revised Code, and are certified "with status" in accordance 28327
with rules. 28328

"Captive cervid with status" means captive cervid that 28329
have been legally acquired or their offspring, are part of a 28330
herd that is monitored and tested for disease in accordance with 28331
rules, and are privately owned primarily for the purposes of 28332
agriculture, propagation, or providing captive cervid to a wild 28333
animal hunting preserve licensed under section 1533.721 of the 28334
Revised Code. 28335

"Captive cervid facility" means a fenced premise where one 28336
or more cervid are housed or kept. 28337

"Captive whitetail cervid licensee" means a person who has 28338
been issued a license under section 944.02 of the Revised Code 28339

and a license under section 1533.71 or 1533.721 of the Revised 28340
Code regarding monitored captive cervid, captive cervid with 28341
status, or captive cervid with certified chronic wasting disease 28342
status. 28343

"Cervid" means all members of the family Cervidae and 28344
their hybrids, including deer, elk, or moose in the genera 28345
Odocoileus, Cervus, and Alces, and their hybrids. 28346

"Chronic wasting disease" means a transmissible spongiform 28347
encephalopathy of cervids with clinical signs in affected 28348
animals that include, but are not limited to, loss of body 28349
condition, behavioral changes, excessive salivation, increased 28350
drinking and urination, depression, and eventual death. 28351

"Monitored captive cervid" means cervid that have been 28352
legally acquired or their offspring, are tested for chronic 28353
wasting disease in accordance with rules, and are held in 28354
private ownership for agricultural or personal purposes or in a 28355
wild animal hunting preserve licensed under section 1533.721 of 28356
the Revised Code. 28357

"Rule" means a rule adopted under section 944.07 of the 28358
Revised Code. 28359

Sec. 944.02. (A) A person that owns or operates a facility 28360
that contains one or more cervid shall apply for an annual 28361
captive cervid facility license on a form and in a manner 28362
provided by the director of agriculture. 28363

(B) (1) Prior to issuing a license, the director shall 28364
inspect the applicant's facility. If, after an initial 28365
inspection, the director finds that the facility's premise is in 28366
compliance with this chapter and rules adopted under it, the 28367
director shall notify the applicant and, upon receipt of the 28368

complete application and required license fee, the director 28369
shall so issue the license. 28370

(2) However, if after inspection the director finds that a 28371
facility is not in compliance with this chapter and rules 28372
adopted under it, the director shall deny the license 28373
application. An applicant may appeal the denial of the license 28374
application in accordance with Chapter 119. of the Revised Code. 28375

(C) A license issued under this section expires annually 28376
on the thirty-first day of March each year and, if the director 28377
finds that the facility is in compliance with this chapter and 28378
rules adopted under it, shall be renewed according to procedures 28379
established by the director or prescribed in rules. 28380

(D) The annual license fee for each facility licensed 28381
under this section, or a renewal thereof, is fifty dollars. All 28382
fees collected under this section shall be deposited into the 28383
animal and consumer protection fund created in section 943.26 of 28384
the Revised Code. 28385

Sec. 943.20 944.03. (A) No person shall operate a captive 28386
cervid facility without first obtaining a license in accordance 28387
with section 944.02 of the Revised Code. 28388

(B) A person who wishes to own or propagate captive deer 28389
cervid with status or captive deer-cervid with certified chronic 28390
wasting disease status shall obtain a license under section 28391
943.03 or 943.031-944.02 of the Revised Code in addition to a 28392
captive white-tailed deer propagation license issued under 28393
section 1533.71 of the Revised Code. 28394

~~(B)~~ (C) A person who wishes to operate a wild animal 28395
hunting preserve as defined in section 1531.01 of the Revised 28396
Code on which monitored captive deer-cervid, captive deer-cervid 28397

with status, or captive ~~deer~~-cervid with certified chronic 28398
wasting disease status are released and hunted shall obtain a 28399
license under section ~~943.03 or 943.031~~-944.02 of the Revised 28400
Code in addition to a wild animal hunting preserve license 28401
issued under section 1533.721 of the Revised Code. 28402

Sec. ~~943.21~~ 944.04. (A) A captive whitetail ~~deer~~-cervid 28403
licensee shall have monitored captive ~~deer~~-cervid, captive ~~deer~~- 28404
cervid with status, and captive ~~deer~~-cervid with certified 28405
chronic wasting disease status in the licensee's herd tested for 28406
disease in accordance with rules. 28407

(B) A captive whitetail ~~deer~~-cervid licensee shall provide 28408
the results of all testing required under this section to the 28409
director of agriculture. 28410

Sec. ~~943.22~~ 944.05. The director of agriculture shall take 28411
actions that the director determines are necessary to mitigate 28412
or eliminate the presence of chronic wasting disease or other 28413
disease at a facility owned by a captive whitetail ~~deer~~-cervid 28414
licensee regarding monitored captive ~~deer~~-cervid, captive ~~deer~~- 28415
cervid with status, or captive ~~deer~~-cervid with certified 28416
chronic wasting disease status if the director is notified of a 28417
positive result from a test for chronic wasting disease or other 28418
disease for a monitored captive ~~deer~~-cervid, captive ~~deer~~-cervid 28419
with status, or captive ~~deer~~-cervid with certified chronic 28420
wasting disease status at the facility. 28421

Sec. ~~943.23~~ 944.06. (A) A captive whitetail ~~deer~~-cervid 28422
licensee shall comply with the requirements established in 28423
~~sections 943.20 to 943.26 of the Revised Code~~ this chapter and 28424
in rules. The director of agriculture may suspend or revoke a 28425
license issued under ~~section 943.03 or 943.031 of the Revised~~ 28426
~~Code~~ this chapter regarding monitored captive ~~deer~~-cervid, 28427

captive ~~deer~~-cervid with status, or captive ~~deer~~-cervid with 28428
certified chronic wasting disease status if the licensee fails 28429
to comply with those requirements. 28430

(B) (1) The director, after providing an opportunity for an 28431
adjudication hearing under Chapter 119. of the Revised Code, may 28432
assess a civil penalty against a person who has violated or is 28433
in violation of section ~~943.20~~-944.03 of the Revised Code. If 28434
the director assesses a civil penalty, the director shall do so 28435
as follows: 28436

(a) If, within five years of the violation, the director 28437
has not previously assessed a civil penalty against the person 28438
under this section, in an amount not exceeding five hundred 28439
dollars; 28440

(b) If, within five years of the violation, the director 28441
has previously assessed one civil penalty against the person 28442
under this section, in an amount not exceeding two thousand five 28443
hundred dollars; 28444

(c) If, within five years of the violation, the director 28445
has previously assessed two or more civil penalties against the 28446
person under this section, in an amount not exceeding ten 28447
thousand dollars. 28448

(2) Money collected under division (B) (1) of this section 28449
shall be deposited in the state treasury to the credit of the 28450
animal and consumer protection fund created in section 943.26 of 28451
the Revised Code. 28452

Sec. ~~943.24~~ 944.07. The director of agriculture shall 28453
adopt rules in accordance with Chapter 119. of the Revised Code 28454
that establish all of the following: 28455

(A) Requirements governing health monitoring and disease 28456

testing of monitored captive ~~deer~~cervid, captive ~~deer~~cervid 28457
with status, and captive ~~deer~~cervid with certified chronic 28458
wasting disease status, which testing may include, but is not 28459
limited to, testing for chronic wasting disease, brucellosis, 28460
and tuberculosis of such ~~deer~~cervid that are held at a facility 28461
licensed under section 1533.71 or 1533.721 of the Revised Code; 28462

(B) Requirements governing captive whitetail ~~deer~~cervid 28463
licensees, including record-keeping requirements related to 28464
health monitoring and disease testing of monitored captive 28465
~~deer~~cervid, captive ~~deer~~cervid with status, and captive ~~deer~~cervid 28466
cervid with certified chronic wasting disease status; 28467

(C) Requirements and procedures that are necessary to 28468
preserve the health, safety, and welfare of monitored captive 28469
~~deer~~cervid, captive ~~deer~~cervid with status, or captive ~~deer~~cervid 28470
cervid with certified chronic wasting disease status; 28471

(D) Requirements and procedures governing the transfer of 28472
living game and nonnative wildlife, as defined in section 28473
1531.01 of the Revised Code, from one wild animal hunting 28474
preserve licensed under section 1533.721 of the Revised Code to 28475
another such wild animal hunting preserve; 28476

(E) Tagging requirements for captive ~~deer~~cervid with 28477
status and captive ~~deer~~cervid with certified chronic wasting 28478
disease status for such ~~deer~~cervid that are propagated pursuant 28479
to a captive white-tailed deer propagation license issued under 28480
section 1533.71 of the Revised Code; 28481

(F) Requirements governing the certification of captive 28482
~~deer~~cervid with certified chronic wasting disease status; 28483

(G) Any other requirements or procedures that are 28484
necessary to administer and enforce ~~sections 943.20 to 943.26 of~~ 28485

~~the Revised Code~~this chapter. 28486

Sec. ~~943.25~~ 944.08. The director of agriculture or the 28487
director's authorized representative may enter at reasonable 28488
times on the premises of a captive whitetail ~~deer~~cervid 28489
licensee to conduct investigations and inspections or to 28490
otherwise execute duties that are necessary for the 28491
administration and enforcement of ~~sections 943.20 to 943.26 of~~ 28492
~~the Revised Code~~this chapter and rules. 28493

Sec. 956.07. (A) A person who is applying for an annual 28494
license to operate a high volume breeder or to act as or perform 28495
the functions of a dog broker under section 956.04 or 956.05 of 28496
the Revised Code, as applicable, shall include with the 28497
application for a license a nonrefundable license application 28498
fee. The application fees are as follows: 28499

(1) For a high volume breeder: 28500

(a) One hundred fifty dollars if the high volume breeder 28501
annually sells at least forty, but not more than sixty puppies 28502
to the public; 28503

(b) Two hundred fifty dollars if the high volume breeder 28504
annually sells at least sixty-one, but not more than one hundred 28505
fifty puppies to the public; 28506

(c) Three hundred fifty dollars if the high volume breeder 28507
annually sells at least one hundred fifty-one, but not more than 28508
two hundred fifty puppies to the public; 28509

(d) Five hundred dollars if the high volume breeder 28510
annually sells at least two hundred fifty-one, but not more than 28511
three hundred fifty puppies to the public; 28512

(e) Seven hundred fifty dollars if the high volume breeder 28513

annually sells three hundred fifty-one or more puppies to the 28514
public; 28515

(f) If divisions (A)(1)(a) to (e) of this section do not 28516
apply, one hundred and fifty dollars if either of the following 28517
applies: 28518

(i) The high volume breeder sells five or more adult dogs 28519
or puppies to a dog broker or pet store. 28520

(ii) The high volume breeder keeps, houses, and maintains, 28521
at any given time in a calendar year, more than forty puppies 28522
that are under four months of age, that have been bred on the 28523
premises of the establishment, and that have been primarily 28524
kept, housed, and maintained from birth on the premises of the 28525
establishment. 28526

(2) For a dog broker, five hundred dollars. 28527

(B) Money collected by the director of agriculture from 28528
each application fee submitted under this section shall be 28529
deposited in the state treasury to the credit of the ~~high volume~~ 28530
~~breeder kennel control license~~ commercial dog breeding fund 28531
created in section 956.18 of the Revised Code. The director 28532
shall use fifty dollars of the application fee submitted by a 28533
high volume breeder under this section or an amount equal to the 28534
fee charged for the registration of a kennel under section 28535
955.14 of the Revised Code in the county in which the high 28536
volume breeder is located or will be located, whichever is 28537
greater, to reimburse that county. The county auditor shall 28538
deposit the transferred money into that county's dog and kennel 28539
fund created under section 955.20 of the Revised Code. 28540

Sec. 956.10. (A)(1) At least once annually, the director 28541
of agriculture or the director's authorized representative shall 28542

inspect a high volume breeder that is subject to licensure under 28543
this chapter and rules adopted under section 956.03 of the 28544
Revised Code to ensure compliance with this chapter and rules 28545
adopted under it, including the standards of care established in 28546
rules adopted under that section. 28547

(2) The director or the director's authorized 28548
representative shall inspect a boarding kennel when the director 28549
or the director's authorized representative has received 28550
information that the boarding kennel is breeding dogs and may be 28551
subject to licensure under this chapter and rules adopted under 28552
section 956.03 of the Revised Code. 28553

(B) The director or the director's authorized 28554
representative may do any of the following: 28555

(1) Upon receiving a complaint, inspect a high volume 28556
breeder that is subject to licensure under this chapter and 28557
rules adopted under section 956.03 of the Revised Code to ensure 28558
compliance with this chapter and rules adopted under it; 28559

(2) Upon the request of a member of the public, a public 28560
official, or an animal shelter for dogs, inspect any facility at 28561
which a person is acting as or performing the functions of a dog 28562
broker to ensure such compliance; 28563

(3) Upon receiving a complaint, inspect an animal rescue 28564
for dogs to ensure compliance with section 956.06 of the Revised 28565
Code and applicable rules adopted under section 956.03 of the 28566
Revised Code; 28567

(4) Conduct an inspection under this section during 28568
regular business hours without providing notice in advance. 28569

(C) Inspections shall be conducted in accordance with 28570
rules adopted under section 956.03 of the Revised Code. A record 28571

of each inspection shall be made by the director or the 28572
director's authorized representative who is responsible for the 28573
inspection in accordance with those rules. 28574

(D) The director or the director's authorized 28575
representative, upon proper identification and upon stating the 28576
purpose and necessity of an inspection, may enter at reasonable 28577
times on any public or private property, real or personal, to 28578
inspect or investigate and to examine or copy records in order 28579
to determine compliance with this chapter and rules adopted 28580
under it. The director, the director's authorized 28581
representative, or the attorney general upon the request of the 28582
director may apply to the appropriate court in the county in 28583
which inspection will occur for an appropriate court order or 28584
search warrant as necessary to achieve the purposes of this 28585
chapter and rules adopted under it. 28586

(E) No owner or operator of a high volume breeder, person 28587
acting as or performing the functions of a dog broker, owner or 28588
operator of a boarding kennel, or owner or operator of an animal 28589
rescue for dogs shall interfere with an inspection or refuse to 28590
allow the director or the director's authorized representative 28591
full access to all areas where dogs are kept or cared for. If 28592
entry is refused or inspection or investigation is refused, 28593
hindered, or thwarted by a high volume breeder or dog broker, 28594
the director may suspend or revoke the breeder's or broker's 28595
license in accordance with this chapter. 28596

(F) (1) The director may enter into a contract or agreement 28597
with a veterinarian to conduct inspections under this section. 28598
The veterinarian shall be considered the director's authorized 28599
representative for the purposes of this section. 28600

(2) A veterinarian with whom the director has entered into 28601

a contract or agreement under division (F) (1) of this section 28602
may inspect a high volume breeder with whom the veterinarian has 28603
established a veterinary-client-patient relationship as 28604
described in section 4741.04 of the Revised Code only every 28605
other year. 28606

(3) If the director determines that a veterinarian with 28607
whom the director has entered into a contract or agreement under 28608
division (F) (1) of this section has falsified any information 28609
submitted to the director pursuant to an inspection, the 28610
director shall inform the veterinary medical licensing board 28611
created by Chapter 4741. of the Revised Code of the 28612
falsification. 28613

(G) (1) If entry that is authorized by division (D) of this 28614
section is refused or if an inspection or investigation is 28615
refused, hindered, or thwarted by intimidation or otherwise and 28616
if the director, an authorized representative of the director, 28617
or the attorney general applies for and obtains a court order or 28618
a search warrant under division (D) of this section to conduct 28619
the inspection or investigation, the owner or operator of the 28620
premises where entry was refused or inspection or investigation 28621
was refused, hindered, or thwarted, if found guilty of violating 28622
this chapter or rules adopted under it, is liable to the 28623
director for all of the following: 28624

(a) The reasonable costs incurred by the director for the 28625
regular salaries and fringe benefit costs of personnel assigned 28626
to conduct the inspection or investigation from the time the 28627
court order or search warrant was issued until the court order 28628
or search warrant is executed; 28629

(b) The salary, fringe benefits, and travel expenses of 28630
the director, an authorized representative of the director, or 28631

the attorney general incurred in obtaining the court order or 28632
search warrant; and 28633

(c) Expenses necessarily incurred for the assistance of 28634
local law enforcement officers in executing the court order or 28635
search warrant. 28636

(2) In the application for a court order or a search 28637
warrant, the director, the director's authorized representative, 28638
or the attorney general may request and the court, in its order 28639
granting the court order or search warrant, may order the owner 28640
or operator of the premises, if found guilty of violating this 28641
chapter or rules adopted under it, to reimburse the director for 28642
any of the costs described in division (G)(1) of this section 28643
that the court finds reasonable. From money recovered under this 28644
division, the director shall do all of the following: 28645

(a) Reimburse the attorney general for the costs incurred 28646
by the attorney general in connection with proceedings for 28647
obtaining the court order or search warrant; 28648

(b) Reimburse the political subdivision in which the 28649
premises is located for the assistance of its law enforcement 28650
officers in executing the court order or search warrant; 28651

(c) Deposit the remainder in the state treasury to the 28652
credit of the ~~high volume breeder kennel control license~~ 28653
commercial dog breeding fund created in section 956.18 of the 28654
Revised Code. 28655

(H) A dog warden appointed under Chapter 955. of the 28656
Revised Code or an agent of a humane society entering on public 28657
or private property to make investigations and inspections in 28658
accordance with Chapter 955. or 1717. of the Revised Code, as 28659
applicable, shall report any violations of this chapter and 28660

rules adopted under it to the director or the director's 28661
authorized representative. 28662

Sec. 956.13. (A) The director of agriculture, after 28663
providing an opportunity for an adjudication hearing under 28664
Chapter 119. of the Revised Code, may assess a civil penalty 28665
against a person who has violated or is violating sections 28666
956.01 to 956.18 of the Revised Code or rules adopted under 28667
section 956.03 of the Revised Code. 28668

(B) A person who is assessed a civil penalty under this 28669
section is liable for a civil penalty of not more than two 28670
thousand five hundred dollars for a first violation, not more 28671
than five thousand dollars for a second violation, and not more 28672
than ten thousand dollars for a third or subsequent violation. 28673

Each day that a violation continues constitutes a separate 28674
violation. 28675

(C) Any person assessed a civil penalty under this section 28676
shall pay the amount prescribed to the department of 28677
agriculture. The department shall remit all money collected 28678
under this section to the treasurer of state for deposit in the 28679
~~high volume breeder kennel control license~~ commercial dog
breeding fund created under section 956.18 of the Revised Code. 28680
28681

Sec. 956.16. The director of agriculture, the director's 28682
authorized representative, or the attorney general may require 28683
the attendance of witnesses and the production of books, 28684
records, papers, and dogs that are needed either by the director 28685
or the attorney general or by any party to a hearing before the 28686
director and for that purpose may issue a subpoena for any 28687
witness or a subpoena duces tecum to compel the production of 28688
any books, records, papers, or dogs. The subpoena shall be 28689

served by personal service or by certified mail. If the subpoena 28690
is returned because of inability to deliver, or if no return is 28691
received within thirty days after the date of mailing, the 28692
subpoena may be served by ordinary mail. If no return of 28693
ordinary mail is received within thirty days after the date of 28694
mailing, service shall be deemed to have been made. If the 28695
subpoena is returned because of inability to deliver, the 28696
director or the attorney general may designate a person or 28697
persons to effect either personal or residence service on the 28698
witness. The person designated to effect personal or residence 28699
service under this section may be the sheriff of the county in 28700
which the witness resides or may be found or any other duly 28701
designated person. The fees and mileage of the person serving 28702
the subpoena shall be the same as those allowed by the courts of 28703
common pleas in criminal cases and shall be paid from the funds 28704
of the department of agriculture. Fees and mileage for the 28705
witness shall be the same as those allowed for witnesses by the 28706
courts of common pleas in criminal cases and, upon request of 28707
the witness following the hearing, shall be paid from the money 28708
in the ~~high volume breeder kennel control license commercial dog~~ 28709
breeding fund created in section 956.18 of the Revised Code. 28710

Sec. 956.18. (A) All money collected by the director of 28711
agriculture from ~~late renewal fees under section 956.06, license~~ 28712
~~fees under section 956.07, and civil penalties assessed under~~ 28713
~~section 956.13 of the Revised Code~~ fees and civil penalties 28714
under this chapter shall be deposited in the state treasury to 28715
the credit of the ~~high volume breeder kennel control license~~ 28716
commercial dog breeding fund, which is hereby created. The fund 28717
shall also consist of money appropriated to it. 28718

(B) The director shall use the money in the fund for the 28719
purpose of administering ~~sections 956.01 to 956.18 of the~~ 28720

~~Revised Code this chapter and rules adopted under section 956.03~~ 28721
~~of the Revised Code that apply to those sections it.~~ 28722

Sec. 956.21. (A) The director of agriculture may issue a 28723
pet store license to an owner or operator of a pet store when 28724
the owner or operator does all of the following: 28725

(1) Applies for a license in accordance with this section 28726
and rules adopted under section 956.03 of the Revised Code; 28727

(2) Affirms in writing that the owner or operator will 28728
maintain compliance with the applicable requirements established 28729
under section 959.20 of the Revised Code; 28730

(3) Submits with the application for a pet store license a 28731
fee of five hundred dollars. 28732

(B) The director of agriculture may deny, suspend, or 28733
revoke a license issued under this section for a violation of 28734
division (A), (B), or (C) of section 956.20 of the Revised Code 28735
or rules adopted under section 956.03 of the Revised Code. The 28736
denial, suspension, or revocation of a license is not effective 28737
until the licensee is given written notice of the violation, a 28738
reasonable amount of time to correct the violation, if possible, 28739
and an opportunity for a hearing. 28740

The director also may refuse to issue a license under 28741
division (B) of this section if the applicant has violated 28742
division (A), (B), or (C) of section 956.20 of the Revised Code 28743
or the rules adopted under section 956.03 of the Revised Code 28744
during the thirty-six-month period prior to submitting an 28745
application for the license. 28746

(C) Any license issued under this section is valid for a 28747
period of one year from the date of issuance. A pet store 28748
license must be renewed annually in the manner provided in rules 28749

adopted under section 956.03 of the Revised Code. 28750

(D) Money collected by the director of agriculture from 28751
each application fee submitted under this section shall be 28752
deposited in the state treasury to the credit of the ~~pet store~~ 28753
~~license-commercial dog breeding~~ fund created in section ~~956.181~~ 28754
956.18 of the Revised Code. 28755

(E) No owner, operator, or manager of a pet store shall 28756
negligently display, offer for sale, deliver, barter, auction, 28757
broker, give away, transfer, or sell any live dog from a pet 28758
store in this state unless a license has been issued for the pet 28759
store by the director of agriculture in accordance with this 28760
section and rules adopted under section 956.03 of the Revised 28761
Code. 28762

Sec. 956.22. (A) The director of agriculture, after 28763
providing an opportunity for an adjudication hearing under 28764
Chapter 119. of the Revised Code, may assess a civil penalty 28765
against a person who has violated or is violating division (A), 28766
(B), or (C) of section 956.20 of the Revised Code or division 28767
(E) of section 956.21 of the Revised Code. 28768

(B) The person who is assessed a civil penalty under this 28769
section is liable for a civil penalty of not more than two 28770
thousand five hundred dollars for a first violation, not more 28771
than five thousand dollars for a second violation, and not more 28772
than ten thousand dollars for a third or subsequent violation. 28773

(C) Any person assessed a civil penalty under this section 28774
shall pay the amount prescribed to the department of 28775
agriculture. The department shall remit all money collected 28776
under this section to the treasurer of state for deposit in the 28777
~~pet store license-commercial dog breeding~~ fund created under 28778

section ~~956.181~~956.18 of the Revised Code. 28779

Sec. 956.23. The regulation of pet stores is a matter of 28780
general statewide interest that requires statewide regulation. 28781
Sections ~~956.181~~956.19 to 956.23 of the Revised Code and 28782
section 956.99 of the Revised Code constitute a comprehensive 28783
plan with respect to all aspects of the regulation of pet 28784
stores. Accordingly, it is the intent of the general assembly to 28785
preempt any local ordinance, resolution, or other law adopted to 28786
regulate the sale, delivery, barter, auction, broker, or 28787
transfer of a dog to a person from a pet store. 28788

Sec. 993.01. As used in this chapter: 28789

(A) "Amusement ride" means any mechanical, aquatic, or 28790
inflatable device, or combination of those devices that carries 28791
or conveys passengers on, along, around, over, or through a 28792
fixed or restricted course or within a defined area for the 28793
purpose of providing amusement, pleasure, or excitement. 28794
"Amusement ride" includes carnival rides, bungee jumping 28795
facilities, and fair rides, but does not include passenger 28796
tramways as defined in section 4169.01 of the Revised Code, 28797
manufactured rock climbing walls in climbing facilities 28798
regulated under Chapter 4175. of the Revised Code, or amusement 28799
rides operated solely at trade shows for a limited period of 28800
time. For purposes of this division, "trade show" means a place 28801
of exhibition not open to the general public where amusement 28802
ride manufacturers display, promote, operate, and sell amusement 28803
rides to prospective purchasers. 28804

(B) "Temporary amusement ride" means an amusement ride 28805
that is relocated at least once per year with or without 28806
disassembly. 28807

(C) "Permanent amusement ride" means an amusement ride 28808
that is erected to remain a lasting part of the premises. 28809

(D) "Owner" means any person who owns or leases and 28810
controls or manages the operation of an amusement ride, and 28811
includes individuals, partnerships, corporations, both profit 28812
and nonprofit, and the state and any of its political 28813
subdivisions and their departments or agencies. 28814

(E) "Operation" means the use or operation, or both, of an 28815
amusement ride with riders. 28816

(F) "Rider" means any person who sits, stands, or is 28817
otherwise conveyed or carried as a passenger on an amusement 28818
ride, but does not include employees or agents of the owner of 28819
the amusement ride. 28820

(G) "Amusement ride operator" means any person causing the 28821
amusement ride to go, stop, or perform its function. 28822

(H) "Reassembly" means the installation, erection, or 28823
reconstruction of the main mechanical, safety, electrical, or 28824
electronic components of an amusement ride following 28825
transportation or storage and prior to operation. Replacement of 28826
mechanical, safety, electrical, or electronic components of an 28827
amusement ride for the purpose of repair or maintenance is not 28828
reassembly. 28829

(I) "Repair" means to restore an amusement ride to a 28830
condition equal to or better than original design 28831
specifications. 28832

(J) "Maintenance" means the preservation and upkeep of an 28833
amusement ride for the purpose of maintaining its designed 28834
operational capability. 28835

(K) "Inspection" means a physical examination of an 28836
amusement ride by an inspector for the purpose of approving the 28837
application for a permit. "Inspection" includes a reinspection. 28838

(L) "Accident" means an occurrence during the operation of 28839
an amusement ride that results in death or injury requiring 28840
immediate hospital admission. 28841

(M) "Serious injury" means an injury that does not require 28842
immediate hospital admission but does require medical treatment, 28843
other than first aid, by a physician. 28844

(N) "First aid" means the one-time treatment or subsequent 28845
observation of scratches, cuts not requiring stitches, burns, 28846
splinters, and contusions or a diagnostic procedure, including 28847
examinations and x-rays, that does not ordinarily require 28848
medical treatment even though provided by a physician or other 28849
licensed professional personnel. 28850

(O) "Advisory council" means the advisory council on 28851
amusement ride safety created by section 993.02 of the Revised 28852
Code. 28853

(P) "Safe operation" means, except as provided in section 28854
993.10 of the Revised Code, the practical application of 28855
maintenance, inspection, and operational processes, as indicated 28856
by the manufacturer, owner, or advisory council, that secures a 28857
rider from threat of physical danger, harm, or loss. 28858

(Q) "Private facility" means any facility that is 28859
accessible only to members of the facility and not accessible to 28860
the general public, even upon payment of a fee or charge, and 28861
that requires approval for membership by a membership committee 28862
representing the current members who have a policy requiring 28863
monetary payment to belong to the facility. 28864

(R) "Bungee jumping" means a fall or jump from a height by
an individual who is attached to an elastic cord that prevents
the individual from hitting the ground, water, or other solid,
semi-solid, liquid, or elastic surface.

(S) "Bungee jumping facility" means a device or structure
utilized for bungee jumping.

(T) ~~"Kiddie ride" means an amusement ride designed for use
by children under thirteen years of age who are unaccompanied by
another person. "Kiddie ride" includes a roller coaster that is
not more than forty feet in elevation at any point on the ride.~~

~~(U)~~ "Climbing facility" has the same meaning as in section
4175.01 of the Revised Code.

Sec. 993.04. (A) (1) No person shall operate an amusement
ride within the state without a permit issued by the director of
agriculture under division (A) (2) of this section. The owner of
an amusement ride, whether the ride is a temporary amusement
ride or a permanent amusement ride, who desires to operate the
amusement ride within the state shall, prior to the operation of
the amusement ride and annually thereafter, submit to the
department of agriculture an application for a permit, together
with the appropriate permit and inspection fee, on a form to be
furnished by the department. Prior to issuing any permit the
department shall, within thirty days after the date on which it
receives the application, inspect each amusement ride described
in the application. The owner of an amusement ride shall have
the amusement ride ready for inspection not later than two hours
after the time that is requested by the person for the
inspection.

(2) For each amusement ride found to comply with the rules

adopted by the director under division (B) of this section and 28894
division (B) of section 993.08 of the Revised Code, the director 28895
shall issue an annual permit, provided that evidence of 28896
liability insurance coverage for the amusement ride as required 28897
by section 993.06 of the Revised Code is on file with the 28898
department. 28899

(3) The director shall issue with each permit a decal 28900
indicating that the amusement ride has been issued the permit. 28901
The owner of the amusement ride shall affix the decal on the 28902
ride at a location where the decal is easily visible to the 28903
patrons of the ride. A copy of the permit shall be kept on file 28904
at the same address as the location of the amusement ride 28905
identified on the permit, and shall be made available for 28906
inspection, upon reasonable demand, by any person. An owner may 28907
operate an amusement ride prior to obtaining a permit, provided 28908
that the operation is for the purpose of testing the amusement 28909
ride or training amusement ride operators and other employees of 28910
the owner and the amusement ride is not open to the public. 28911

(B)(1) The director, in accordance with Chapter 119. of 28912
the Revised Code, shall adopt rules providing for both of the 28913
following: 28914

(a) A schedule of fines, with no fine exceeding five 28915
thousand dollars, for violations of this chapter or any rules 28916
adopted under this division; 28917

(b) The classification of amusement rides and rules for 28918
the safe operation and inspection of all amusement rides as are 28919
necessary for amusement ride safety and for the protection of 28920
the general public. The classification of amusement rides must 28921
identify those rides that need more comprehensive inspection and 28922
testing in addition to regular state inspections, taking into 28923

account hidden components integral to the safety of the ride. 28924

(2) (a) Rules adopted by the director for the safe 28925
operation and inspection of amusement rides shall be reasonable 28926
and shall be based upon generally accepted engineering standards 28927
and practices. The rules shall establish a minimum number of 28928
inspections to be conducted on each ride depending on the size, 28929
complexity, nature of the ride, and the number of days the ride 28930
is in operation during the year for which the applicable permit 28931
is valid. The rules also shall require the minimum number of 28932
inspectors assigned to inspect a ride or rides to be reasonable 28933
and adequate given the number, size, complexity, and nature of 28934
the ride or rides. 28935

(b) In adopting rules under this section, the director may 28936
adopt by reference, in whole or in part, the national fire code 28937
or the national electrical code (NEC) prepared by the national 28938
fire protection association or the American national standards 28939
institute (ANSI), or any other principles, tests, or standards 28940
of nationally recognized technical or scientific authorities. 28941

(c) In adopting rules under this section, the director 28942
shall adopt, by reference, the following chapters of the 28943
American society for testing and materials (ASTM) international 28944
regarding amusement ride safety standards and any other 28945
equivalent national standard: 28946

(i) ASTM F1193-18; 28947

(ii) ASTM F770-18; 28948

(iii) ASTM F2291-18. 28949

(d) Insofar as is practicable and consistent with this 28950
chapter, rules adopted under this division shall be consistent 28951
with the rules of other states. 28952

(3) The department shall cause this chapter and the rules 28953
adopted in accordance with this division and division (B) of 28954
section 993.08 of the Revised Code to be published in pamphlet 28955
form and a copy to be furnished without charge to each owner of 28956
an amusement ride who holds a current permit or is an applicant 28957
therefor. 28958

(C) With respect to an application for a permit for an 28959
amusement ride, an owner may apply to the director for a waiver 28960
or modification of any rule adopted under division (B) of this 28961
section if there are practical difficulties or unnecessary 28962
hardships for the amusement ride to comply with the rules. Any 28963
application shall set forth the reasons for the request. The 28964
director, with the approval of the advisory council on amusement 28965
ride safety, may waive or modify the application of a rule to 28966
any amusement ride if the public safety is secure. Any 28967
authorization by the director under this division shall be in 28968
writing and shall set forth the conditions under which the 28969
waiver or modification is authorized, and the department shall 28970
retain separate records of all proceedings under this division. 28971

(D) (1) The director shall employ and provide for training 28972
of a chief inspector and additional inspectors and employees as 28973
may be necessary to administer and enforce this chapter. The 28974
director may appoint or contract with other persons to perform 28975
inspections of amusement rides, provided that the persons meet 28976
the qualifications for inspectors established by rules adopted 28977
under division (B) of this section and are not owners, or 28978
employees of owners, of any amusement ride subject to inspection 28979
under this chapter. When employing a new chief inspector or an 28980
additional inspector after November 6, 2019, the director shall 28981
give preference to the following: 28982

(a) An individual holding a level one or higher inspector certification from either the national association of amusement ride safety officials (NAARSO), the amusement industry manufacturers and suppliers (AIMS) international, or another substantially equivalent organization as determined by the director; and

(b) An individual who intends, within one year of being hired as an inspector, to complete the requirements for issuance of a level one or higher inspector certification from NAARSO, AIMS International, or another substantially equivalent organization as determined by the director.

(2) No person shall inspect an amusement ride who, within six months prior to the date of inspection, was an employee of the owner of the ride.

(3) Before the director contracts with other persons to inspect amusement rides, the director shall seek the advice of the advisory council on amusement ride safety on whether to contract with those persons. The advice shall not be binding upon the director. After having received the advice of the council, the director may proceed to contract with inspectors in accordance with the procedures specified in division (E) (2) of section 1711.11 of the Revised Code.

(4) With the advice and consent of the advisory council on amusement ride safety, the director may employ a special consultant to conduct an independent investigation of an amusement ride accident. This consultant need not be in the civil service of the state, but shall have qualifications to conduct the investigation acceptable to the council.

(E) (1) Except as otherwise provided in division (E) (1) of

this section, the department shall charge the following 29012
amusement ride fees: 29013

29014

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A	Permit, <u>non-inflatable ride</u>	\$225
B	<u>Permit, inflatable ride</u>	<u>\$100</u>
C	Annual inspection and reinspection per ride:	
D	Kiddie rides	\$100
E	<u>Family rides</u>	<u>\$200</u>
F	<u>Major rides</u>	<u>\$300</u>
G	<u>Spectacular rides</u>	<u>\$400</u>
H	<u>Family/portable roller coasters</u>	<u>\$1,200</u>
I	<u>Tower rides</u>	<u>\$1,800</u>
J	Roller coaster <u>Large roller coasters</u>	<u>\$1,200</u> <u>\$4,000</u>
K	Aerial lifts or bungee jumping facilities	<u>\$450</u>
L	Go karts, per kart	\$5
M	<u>Inflatable rides, three or fewer that are inspected at the same time at the same location and that are owned by the same</u>	<u>\$100 per inflatable ride</u>

	<u>owner</u>	
N	<u>Inflatable rides, four to ten that are</u> <u>inspected at the same time at the same</u> <u>location and that are owned by the same</u> <u>owner</u>	<u>\$75 per inflatable</u> <u>ride</u>
O	<u>Inflatable rides, eleven or more that are</u> <u>inspected at the same time at the same</u> <u>location and that are owned by the same</u> <u>owner</u>	<u>\$50 per inflatable</u> <u>ride</u>
P	Other rides	\$160
Q	Midseason operational inspection per ride	\$25
R	Expedited inspection per ride	\$100
S	Failure to cancel scheduled inspection per ride	\$100
T	Failure to have amusement ride ready for inspection per ride	\$100

The go kart inspection fee is in addition to the 29015
inspection fee for the go kart track. 29016

~~The director shall adopt rules in accordance with Chapter~~ 29017
~~119. of the Revised Code establishing an annual fee that is less~~ 29018
~~than one hundred five dollars for an inspection and reinspection~~ 29019
~~of an inflatable ride. In adopting the rules, the director shall~~ 29020
~~ensure that the fee reasonably reflects the costs of inspection~~ 29021
~~and reinspection of an inflatable ride. If the director issues a~~ 29022
~~permit for an inflatable ride for a time period of less than one~~ 29023

~~year, the director shall charge a prorated fee for the permit— 29024~~
~~equal to one-twelfth of the annual permit fee multiplied by the— 29025~~
~~number of full months for which the permit is issued.— 29026~~

The fees for an expedited inspection, failure to cancel a 29027
scheduled inspection, and failure to have an amusement ride 29028
ready for inspection do not apply to go karts. 29029

As used in division (E) (1) of this section, "expedited 29030
inspection" means an inspection of an amusement ride by the 29031
department not later than ten days after the owner of the 29032
amusement ride files an application for a permit under this 29033
section. 29034

(2) All fees and fines collected by the department under 29035
this chapter shall be deposited in the state treasury to the 29036
credit of the amusement ride inspection fund, which is hereby 29037
created, and shall be used only for the purpose of administering 29038
and enforcing section 1711.11 of the Revised Code and this 29039
chapter. 29040

(3) The owner of an amusement ride shall be required to 29041
pay a reinspection fee only if the reinspection is required by 29042
division (B) (2) of this section or rules adopted under that 29043
division, if the reinspection was conducted at the owner's 29044
request under division (F) of this section, if the reinspection 29045
is required by division (F) of this section because of an 29046
accident, or if the reinspection is required by division (F) of 29047
section 993.07 of the Revised Code. If a reinspection is 29048
conducted at the request of the chief officer of a fair, 29049
festival, or event where the ride is operating, the reinspection 29050
fee shall be charged to the fair, festival, or event. 29051

(4) The rules adopted under division (B) of this section 29052

shall define "roller coaster," "aerial lifts," "inflatable ride," 29053
"go karts," and "other rides" "kiddie ride," "family ride," 29054
"major ride," "spectacular ride," "family/portable roller 29055
coaster," "tower ride," and "large roller coaster" for purposes 29056
of determining the fees under division (E) of this section. ~~The~~ 29057
~~rules shall define "other rides" to include go kart tracks.~~ 29058

(F) A reinspection of an amusement ride shall take place 29059
if an accident occurs, if the owner of the ride or the chief 29060
officer of the fair, festival, or event where the ride is 29061
operating requests a reinspection, if the chief inspector 29062
determines reinspection is necessary in accordance with section 29063
993.042 of the Revised Code, or if the reinspection is required 29064
by division (F) of section 993.07 of the Revised Code. 29065

(G) As a supplement to its annual inspection of a 29066
temporary amusement ride, the department may inspect the ride 29067
during each scheduled event, as listed in the schedule of events 29068
provided to the department by the owner pursuant to division (C) 29069
of section 993.07 of the Revised Code, at which the ride is 29070
operated in this state. These supplemental inspections are in 29071
addition to any other inspection or reinspection of the ride as 29072
may be required under this chapter or rules adopted under it, 29073
and the owner of the temporary amusement ride is not required to 29074
pay an inspection or reinspection fee for this supplemental 29075
inspection unless the supplemental inspection is being conducted 29076
pursuant to division (B) (2) of this section or rules adopted 29077
under that division. Nothing in this division shall be construed 29078
to prohibit the owner of a temporary amusement ride having a 29079
valid permit to operate in this state from operating the ride at 29080
a scheduled event before the department conducts a supplemental 29081
inspection. 29082

(H) The department may annually conduct a midseason
operational inspection of every amusement ride upon which it
conducts an annual inspection pursuant to division (A) of this
section. The midseason operational inspection is in addition to
any other inspection or reinspection of the amusement ride as
may be required pursuant to this chapter. The owner of an
amusement ride shall submit to the department, at the time
determined by the department, the midseason operational
inspection fee specified in division (E) of this section. The
director, in accordance with Chapter 119. of the Revised Code,
shall adopt rules specifying the time period during which the
department will conduct midseason operational inspections.

Sec. 1311.04. (A) (1) Prior to the performance of any labor
or work or the furnishing of any materials for an improvement on
real property which may give rise to a mechanics' lien under
sections 1311.01 to 1311.22 of the Revised Code, the owner, part
owner, or lessee who contracts for the labor, work, or materials
shall record in the office of the county recorder for each
county in which the real property to be improved is located a
notice of commencement in substantially the form specified in
division (B) of this section.

(2) Only one notice of commencement is required to be
filed for a single improvement and if more than one notice of
commencement is filed for a single improvement, all notices
filed after the original notice shall be deemed to be amendments
to the original notice. If an owner, part owner, or lessee
contracts with additional original contractors, lenders, or
sureties not identified in the original notice of commencement
filed for the improvement, the owner, part owner, or lessee
shall amend the original notice of commencement to identify the
additional original contractors, lenders, and sureties. The date

of the filing of the amended notice is the date of the filing of 29114
the original notice of commencement. 29115

(B) The notice of commencement required under division (A) 29116
of this section shall contain, in affidavit form, all of the 29117
following information: 29118

(1) The legal description of the real property on which 29119
the improvement is to be made. For purposes of this division, a 29120
description sufficient to describe the real property for the 29121
purpose of conveyance, or contained in the instrument by which 29122
the owner, part owner, or lessee took title, is a legal 29123
description. 29124

(2) A brief description of the improvement to be performed 29125
on the property containing sufficient specificity to permit lien 29126
claimants to identify the improvement; 29127

(3) The name, address, and capacity of the owner, part 29128
owner, or lessee of the real property contracting for the 29129
improvement; 29130

(4) The name and address of the fee owner of the real 29131
property, if the person contracting for the improvement is a 29132
land contract vendee or lessee; 29133

(5) The name and address of the owner's, part owner's, or 29134
lessee's designee, if any; 29135

(6) The name and address of all original contractors, 29136
except that if the notice of commencement is recorded for an 29137
improvement involving a single- or double-family dwelling and if 29138
more than one original contractor is involved, instead of 29139
listing each original contractor, the owner shall state that 29140
multiple original contractors are involved in the improvement; 29141

(7) The date the owner, part owner, or lessee first 29142
executed a contract with an original contractor for the 29143
improvement; 29144

(8) The name and address of all lending institutions which 29145
provide financing for the improvements, if any; 29146

(9) The name and address of all sureties on any bond which 29147
guarantee payment of the original contractor's obligations under 29148
the contract for the improvement, if any; 29149

(10) The following statement: 29150

"To Lien Claimants and Subsequent Purchasers: 29151

Take notice that labor or work is about to begin on or 29152
materials are about to be furnished for an improvement to the 29153
real property described in this instrument. A person having a 29154
mechanics' lien may preserve the lien by providing a notice of 29155
furnishing to the above-named designee and the above-named 29156
designee's original contractor, if any, and by timely recording 29157
an affidavit pursuant to section 1311.06 of the Revised Code. 29158

A copy of this notice may be obtained upon making a 29159
written request by certified mail to the above-named owner, part 29160
owner, lessee, designee, or the person with whom you have 29161
contracted." 29162

(11) The name and address of the person preparing the 29163
notice; 29164

(12) The following statement: 29165

"The expiration date for this notice of commencement is 29166
four years from the date of recording unless a different date is 29167
specified herein." 29168

~~(12)~~—(13) An affidavit of the owner, part owner, or lessee 29169
or the agent of the owner, part owner, or lessee which verifies 29170
the notice. 29171

(C) If the notice of commencement furnished by or for an 29172
owner, part owner, or lessee contains incorrect information, the 29173
owner, part owner, or lessee is liable for any loss of lien 29174
rights of a lien claimant and any actual expenses incurred by 29175
the lien claimant in maintaining lien rights, including 29176
attorney's fees, if the loss and expenses incurred are a direct 29177
result of the lien claimant's reliance on the incorrect 29178
information. 29179

Any lien claimant who has included incorrect information 29180
in the claimant's affidavit for a lien under section 1311.06 of 29181
the Revised Code, as a result of incorrect information contained 29182
in the notice of commencement, may file for record an amended 29183
affidavit for a lien. The amended affidavit shall contain all of 29184
the information required by section 1311.06 of the Revised Code 29185
for an original affidavit. The lien claimant shall serve a copy 29186
of the amended affidavit on the owner, part owner, or lessee as 29187
provided in section 1311.07 of the Revised Code. The lien 29188
claimant may file the amended affidavit for record at any time 29189
during the time that the lien acquired by the original affidavit 29190
continues in effect under section 1311.13 of the Revised Code. 29191
In no event shall the amended affidavit extend such time period. 29192
The filing of an amended affidavit does not constitute a waiver 29193
of the rights granted by this division. 29194

(D) Within ten days after the date a subcontractor, 29195
material supplier, or laborer serves a written request upon the 29196
owner, part owner, or lessee, or designee for a copy of the 29197
notice of commencement, the owner, part owner, lessee, or 29198

designee shall serve a copy of the notice of commencement to the 29199
requesting subcontractor, material supplier, or laborer. 29200

(E) Within ten days after the date a subcontractor, 29201
material supplier, or laborer serves a written request for a 29202
copy of the notice of commencement upon the original contractor 29203
who has been provided with a notice of commencement from the 29204
owner, part owner, or lessee, or designee and with whom the 29205
subcontractor, material supplier, or laborer has a direct 29206
contract, the original contractor shall serve a copy of the 29207
notice of commencement to the requesting subcontractor, material 29208
supplier, or laborer. 29209

(F) Within ten days after the date a subcontractor, 29210
material supplier, or laborer serves a written request for a 29211
copy of the notice of commencement upon the subcontractor who 29212
has been provided with a notice of commencement from the owner, 29213
part owner, lessee, designee, or original contractor and with 29214
whom the subcontractor, material supplier, or laborer has a 29215
direct contract, the subcontractor shall serve a copy of the 29216
notice of commencement upon the requesting subcontractor, 29217
material supplier, or laborer. 29218

(G) (1) Except as provided in division (G) (2) of this 29219
section, the owner, part owner, lessee, or designee shall post 29220
and maintain posted a copy of the notice of commencement in a 29221
conspicuous place on the real property described in the notice 29222
during the course of the actual physical improvement to the real 29223
property. 29224

(2) No owner, part owner, lessee, or designee, has to post 29225
a copy of the notice of commencement on the real property 29226
described in the notice for an improvement that is the subject 29227
of a home purchase contract. 29228

(H) The owner, part owner, lessee, or designee shall serve 29229
a copy of the notice of commencement upon the original 29230
contractor. If the owner, part owner, lessee, or designee fails 29231
to serve a copy of the notice of commencement upon the original 29232
contractor, the owner, part owner, or lessee is liable to the 29233
original contractor for all actual expenses incurred by the 29234
original contractor in obtaining the information otherwise 29235
provided by the notice of commencement. 29236

(I) If the owner, part owner, lessee, or designee fails to 29237
record the notice of commencement in accordance with this 29238
section, the time within which a subcontractor or material 29239
supplier may serve a notice of furnishing as required by section 29240
1311.05 of the Revised Code is extended until twenty-one days 29241
after the notice of commencement has been recorded. A 29242
subcontractor or material supplier need not serve a notice of 29243
furnishing to preserve lien rights for the period before the 29244
notice of commencement is recorded. 29245

(J) If the owner, part owner, lessee, or designee fails to 29246
serve, upon written request, the notice of commencement in 29247
accordance with this section, the time within which a 29248
subcontractor or material supplier may serve a notice of 29249
furnishing as required by section 1311.05 of the Revised Code is 29250
extended until twenty-one days after the notice of commencement 29251
actually has been served to the subcontractor or material 29252
supplier. The owner, part owner, or lessee who fails to serve 29253
the notice pursuant to this section is liable to any 29254
subcontractor or material supplier who becomes a lien claimant 29255
for all actual expenses incurred by the lien claimant in 29256
obtaining the information that would have been contained in the 29257
notice. 29258

(K) If an owner, part owner, lessee, or designee fails to 29259
post or maintain a copy of the notice of commencement as 29260
required by division (G) (1) of this section, the owner, part 29261
owner, or lessee is liable to a subcontractor, material 29262
supplier, or laborer who becomes a lien claimant for all actual 29263
expenses incurred by the lien claimant in obtaining the 29264
information otherwise provided by the posting. 29265

(L) If an original contractor or subcontractor who has 29266
been provided with a notice of commencement fails to serve a 29267
copy of the notice of commencement to any subcontractor, 29268
material supplier, or laborer who requests it, the original 29269
contractor or subcontractor who fails to serve the copy of the 29270
notice is liable to the subcontractor, material supplier, or 29271
laborer who made the request for all costs incurred by the 29272
subcontractor, material supplier, or laborer in obtaining the 29273
information contained in the notice of commencement, provided 29274
that an original contractor or subcontractor who fails to 29275
provide the notice upon request is not liable under this 29276
division to any subcontractor, material supplier, or laborer 29277
with whom the original contractor or subcontractor is not in 29278
direct privity of contract. 29279

(M) (1) If after the first work, labor, or material has 29280
been performed on or furnished to the improvement, the owner, 29281
part owner, lessee, or designee fails to serve, record, or post 29282
a notice of commencement as required by this section, the 29283
original contractor may, in writing, request the owner, part 29284
owner, lessee, or designee to serve, record, or post the notice. 29285
If an owner, part owner, lessee, or the designee of an owner, 29286
part owner, or lessee fails or refuses to serve, record, or post 29287
a notice of commencement within ten days of receipt of a 29288
request, the owner, part owner, or lessee is liable for the 29289

owner's, part owner's, or lessee's failure or refusal and for 29290
the designee's failure or refusal, without recourse to the 29291
original contractor for all damages, costs, and expenses which 29292
result from the filing of a valid mechanics' lien to the extent 29293
that the lien, damages, costs, and expenses could have been 29294
avoided through proper payment. 29295

(2) Nothing in this division shall be interpreted as to 29296
either of the following: 29297

(a) Relieving an original contractor from the duty to pay 29298
the original contractor's subcontractors, material suppliers, 29299
and laborers for labor or work performed or materials furnished 29300
pursuant to a contract directly with the original contractor; 29301

(b) Obligating an owner, part owner, or lessee to pay for 29302
work or labor performed or materials furnished by 29303
subcontractors, material suppliers, or laborers pursuant to 29304
direct contracts with the original contractor. 29305

(N) (1) If the owner, part owner, or lessee fails to record 29306
a notice of commencement or an amended notice, any person 29307
holding a mortgage on the real property to be improved may 29308
record a notice of commencement or an amended notice on behalf 29309
of the owner, part owner, or lessee. If the owner, part owner, 29310
or lessee fails to record a notice of commencement or an amended 29311
notice within the later of ten days after the performance of any 29312
labor or work or the furnishing of any material for an 29313
improvement on real property which gives rise to a mechanics' 29314
lien under sections 1311.01 to 1311.22 of the Revised Code or 29315
three days after service of a demand to record the notice or 29316
amended notice by the original contractor, the original 29317
contractor may record a notice of commencement or an amended 29318
notice on behalf of the owner, part owner, or lessee. 29319

(2) If the original contractor or a mortgage holder has 29320
recorded a notice of commencement or an amended notice on behalf 29321
of the owner, part owner, or lessee, the owner, part owner, or 29322
lessee is liable to the original contractor or mortgage holder 29323
for all costs and expenses incurred in obtaining the information 29324
contained in the notice of commencement or an amended notice and 29325
all costs incurred in the preparation and recording of the 29326
notice of commencement or an amended notice. 29327

(3) Unless required to file the notice of commencement or 29328
an amended notice on behalf of the owner, part owner, or lessee, 29329
the party filing a written notice of commencement or amended 29330
notice on behalf of the owner, part owner, or lessee is not 29331
liable to the owner, part owner, or lessee for any errors 29332
contained in the notice of commencement or amended notice. 29333

(4) If a mortgage holder or an original contractor records 29334
a notice of commencement or amended notice on behalf of an 29335
owner, part owner, or lessee, such fact must be included on the 29336
notice or amended notice. 29337

(O) This section does not apply to a home construction 29338
contract as defined in section 1311.011 of the Revised Code, 29339
except that when a lending institution as defined in division 29340
(A) (3) of section 1311.011 of the Revised Code requires that a 29341
notice of commencement be recorded as part of the financing for 29342
a home construction contract, which is secured in whole or in 29343
part by a mortgage on real estate upon which the improvements 29344
are to be constructed, the owner, part owner, or lessee may file 29345
a notice of commencement pursuant to this section by recording 29346
the notice of commencement in the county recorder's office of 29347
the county where the owner, part owner, or lessee's property is 29348
located. If the property is located in more than one county, the 29349

owner, part owner, or lessee shall record the notice of 29350
commencement in the county recorders' office of each county in 29351
which the property is located. 29352

If the owner, part owner, or lessee files a notice of 29353
commencement pursuant to this division, the attachment, 29354
continuance, and priority provisions of section 1311.13 of the 29355
Revised Code apply to that improvement, but the notice of 29356
furnishing requirements specified in section 1311.05 of the 29357
Revised Code do not apply to that improvement. 29358

(P) The county recorder of the county where a notice of 29359
commencement is filed for record shall endorse the date and hour 29360
of its filing and cause it to be recorded as mechanics' liens 29361
are recorded, and collect the same fees for recording the notice 29362
of commencement as are provided in section 317.32 of the Revised 29363
Code. The recorder shall index the real property described in 29364
the notice of commencement and shall index the names of all 29365
owners, part owners, lessees, and land contract vendees in the 29366
direct index and the names of all original contractors in the 29367
reverse index as provided for in section 317.18 of the Revised 29368
Code. 29369

(Q) Notwithstanding this section, if the owner, part 29370
owner, or lessee is a telephone company, an electric light 29371
company, a gas company, a water works company, all as defined in 29372
section 4905.03 of the Revised Code, or a subsidiary or 29373
affiliate thereof, the owner, part owner, or lessee may, but is 29374
not required to, record a notice of commencement pursuant to 29375
division (A) of this section, and is not required to serve, 29376
post, and provide copies of a notice of commencement pursuant to 29377
divisions (D), (G), and (H) of this section unless such owner, 29378
part owner, or lessee elects to record the notice of 29379

commencement. If the owner, part owner, or lessee elects to 29380
record the notice of commencement and the improvement extends 29381
beyond one parcel of real property or one county, the owner, 29382
part owner, or lessee may, in lieu of using the legal 29383
description required in division (B)(1) of this section, use a 29384
description which reasonably describes the real property on 29385
which the improvement is to be made. Any description used other 29386
than the description specified in division (B)(1) of this 29387
section shall refer to the township and county in which the 29388
improvement is located, the name and route number of any local, 29389
state, or federal highway near the improvement, if any, the post 29390
office address of the real property, if any, and the name by 29391
which the owner, part owner, or lessee refers to the 29392
improvement. 29393

If an owner, part owner, or lessee elects not to record, 29394
serve, post, or provide copies of a notice of commencement 29395
pursuant to divisions (A), (D), (G)(1), and (H) of this section, 29396
the owner, part owner, or lessee is subject to all applicable 29397
liabilities pursuant to divisions (C), (H), (J), (K), (M), and 29398
(N) of this section. 29399

(R) If an owner, part owner, lessee, or designee fails to 29400
record a notice of commencement in accordance with this section, 29401
no subcontractor or material supplier who performs labor or work 29402
upon or furnishes material in furtherance of that improvement 29403
has to serve a notice of furnishing in accordance with section 29404
1311.05 of the Revised Code in order to preserve the 29405
subcontractor's or material supplier's lien rights. 29406

(S) A notice of commencement filed as provided herein 29407
expires ~~six~~four years after its filing date unless the notice 29408
of commencement or amendments made to the notice of commencement 29409

specify otherwise. 29410

(T) (1) An owner, part owner, or lessee of real property 29411
who contracts for an improvement, or that person's agent may, 29412
upon completion of the improvement, submit an affidavit to the 29413
office of the county recorder for each county in which the real 29414
property that was improved is located stating all of the 29415
following: 29416

(a) The name, address, and capacity of the owner, part 29417
owner, or lessee, or the agent of the owner, part owner, or 29418
lessee of the real property; 29419

(b) The recording reference for the previously filed 29420
notice of commencement; 29421

(c) That the improvement is complete. 29422

(2) Upon receipt of an affidavit described in division (T) 29423
(1) of this section, the county recorder of the county where the 29424
affidavit is submitted shall indicate in the official records 29425
that the notice of commencement has expired. 29426

(3) The owner, part owner, or lessee of the real property 29427
who contracted for the improvement shall serve a copy of the 29428
recorded affidavit submitted pursuant to division (T) (1) of this 29429
section, by regular mail, upon the original contractor as well 29430
as any subcontractor or lower tier project participant that 29431
served a notice of furnishing pursuant to section 1311.05 of the 29432
Revised Code. 29433

(4) Service, lack of service, or a deficiency in service 29434
of the recorded affidavit under division (T) (3) of this section 29435
does not: 29436

(a) Affect the expiration of the notice of commencement; 29437

(b) Extend the rights of any party seeking to file an 29438
affidavit of mechanic's lien; 29439

(c) Affect any time periods or other rights, requirements, 29440
or limitations that are set forth in this chapter. 29441

(U) The expiration of a notice of commencement pursuant to 29442
division (S) or (T) (2) of this section does not affect the 29443
attachment, continuance, or priority of any lien under sections 29444
1311.13, 1311.14, and 1311.15 of the Revised Code. 29445

Sec. 1311.252. (A) Prior to the performance of any labor 29446
or work or the furnishing of any materials in furtherance of a 29447
public improvement, the public authority shall prepare a notice 29448
of commencement in substantially the form specified in division 29449
(B) of this section which shall be made readily available to the 29450
public upon request. 29451

(B) The notice of commencement required under division (A) 29452
of this section shall contain ~~in affidavit form~~ all of the 29453
following information: 29454

(1) The name, location, and a number, if any, used by the 29455
public authority to identify the public improvement sufficient 29456
to permit the public improvement to be identified; 29457

(2) The name and address of the public authority; 29458

(3) The name, address, and trade of all principal 29459
contractors; 29460

(4) The date the public authority first executed a 29461
contract with a principal contractor for the public improvement; 29462

(5) The name and address of the sureties for all principal 29463
contractors; 29464

(6) The name and address of the representative of the 29465
public authority upon whom service shall be made for the 29466
purposes of serving an affidavit pursuant to section 1311.26 of 29467
the Revised Code. 29468

(C) If the notice of commencement is not made available to 29469
the public prior to the commencement of work on the public 29470
improvement or if the notice of commencement furnished by the 29471
public authority contains incorrect information which the 29472
claimant relies upon to ~~his~~ the claimant's detriment, the 29473
unavailability of the notice or the incorrect notice shall not 29474
adversely affect the rights of any claimant under sections 29475
1311.25 to 1311.32 of the Revised Code. 29476

Sec. 1320.01. As used in this chapter: 29477

(A) "Certificate" means a certificate of registration 29478
issued under this chapter. 29479

(B) "Company" means a business entity other than an 29480
individual or sole proprietorship, including a firm, business 29481
trust, partnership, limited liability company, association, 29482
corporation, or general partnership. 29483

(C) "Consumer" means any individual who resides in this 29484
state and has accrued earned but unpaid income. A provider may 29485
use the mailing address or state of residence provided by a 29486
consumer to determine the consumer's state of residence for 29487
purposes of this chapter. 29488

(D) "Consumer-directed wage access services" means the 29489
business of delivering to consumers access to earned but unpaid 29490
income based on the consumer's representation, and the 29491
provider's reasonable determination, of the consumer's earned 29492
but unpaid income. 29493

(E) "Earned but unpaid income" means salary, wages, compensation, or other income that an individual or an employer has represented, and that a provider has reasonably determined, has been earned or has accrued to the benefit of the individual in exchange for the individual's provision of services to the employer or on behalf of the employer, including services provided on an hourly, project-based, piecework, or other basis, and where the individual acts as an independent contractor of the employer, for which the individual has not been paid by the employer at the time of the payment of proceeds.

(F) "Earned wage access services" means the business of providing consumer-directed wage access services, employer-integrated wage access services, or both.

(G) (1) "Employer" means a person that employs a consumer, or any other person who is contractually obligated to pay a consumer earned but unpaid income in exchange for a consumer's provision of services to the employer or on behalf of the employer, including services provided on an hourly, project-based, piecework, or other basis and where the consumer acts as an independent contractor with respect to the employer.

(2) "Employer" does not mean a customer of an employer or any other person whose obligation to make a payment of salary, wages, compensation, or other income to a consumer is not based on the provision of services by that consumer for or on behalf of such person.

(H) "Employer-integrated wage access services" means the business of delivering to consumers access to earned but unpaid income that is based on employment, income, and attendance data obtained directly or indirectly from an employer.

<u>(I) "Fee" means any of the following:</u>	29523
<u>(1) An amount charged by a provider for delivery or</u>	29524
<u>expedited delivery of proceeds to a consumer;</u>	29525
<u>(2) A subscription or membership charge imposed by a</u>	29526
<u>provider for a bona fide group of services that includes earned</u>	29527
<u>wage access services;</u>	29528
<u>(3) An amount paid by an employer to a provider on a</u>	29529
<u>consumer's behalf, which entitles the consumer to receive</u>	29530
<u>proceeds at reduced or no cost to the consumer.</u>	29531
<u>(J) "Key officer" means a chief executive officer, chief</u>	29532
<u>financial officer, or chief compliance officer.</u>	29533
<u>(K) "Outstanding proceeds" means a payment of proceeds to</u>	29534
<u>a consumer by a provider that has not yet been repaid to that</u>	29535
<u>provider.</u>	29536
<u>(L) "Proceeds" means a payment of money to a consumer by a</u>	29537
<u>provider pursuant to an agreement to provide earned wage access</u>	29538
<u>services to that consumer.</u>	29539
<u>(M) "Provider" means a company who is in the business of</u>	29540
<u>offering and providing earned wage access services to consumers.</u>	29541
<u>(N) "Registrant" means a company to whom one or more</u>	29542
<u>certificates of registration have been issued under this</u>	29543
<u>chapter.</u>	29544
<u>(O) "Superintendent of financial institutions" includes</u>	29545
<u>the deputy superintendent for consumer finance as provided in</u>	29546
<u>section 1181.21 of the Revised Code.</u>	29547
<u>Sec. 1320.02. (A) No person shall offer or provide earned</u>	29548
<u>wage access services in this state without having a valid</u>	29549

certificate of registration under this chapter. Each company 29550
issued a certificate of registration is subject to all 29551
provisions of this chapter and any associated rules. 29552

(B) For the purpose of registering companies under and 29553
requiring compliance with this chapter, the superintendent of 29554
financial institutions may do both of the following: 29555

(1) Require any company registered, or applying for 29556
registration, under this chapter to do both of the following: 29557

(a) Utilize the nationwide multistate licensing system for 29558
application, renewal, amendment, or surrender of a certificate 29559
of registration or for any other activity as the superintendent 29560
may require; 29561

(b) Pay all applicable charges to utilize the nationwide 29562
multistate licensing system. 29563

(2) Establish requirements as necessary for the use of the 29564
nationwide multistate licensing system to meet the purposes of 29565
these sections, including: 29566

(a) Background checks of key officers for any of the 29567
following: 29568

(i) Criminal history through fingerprint or other 29569
databases; 29570

(ii) Civil or administrative records; 29571

(iii) Credit history; 29572

(iv) Any other information considered necessary by the 29573
nationwide multistate licensing system or the superintendent. 29574

(b) Payment of fees to apply for or renew registrations 29575
through the nationwide multistate licensing system; 29576

<u>(c) Setting or resetting of renewal or reporting dates;</u>	29577
<u>(d) Requirements for amending or surrendering a</u>	29578
<u>registration or any other such activities as the superintendent</u>	29579
<u>considers necessary for participation in the nationwide</u>	29580
<u>multistate licensing system.</u>	29581
 <u>Sec. 1320.03. (A) (1) An application for a certificate of</u>	29582
<u>registration under this chapter shall be in writing, under oath,</u>	29583
<u>and in the form prescribed by the division of financial</u>	29584
<u>institutions. The application shall include an affirmation that</u>	29585
<u>the applicant will abide by this chapter and shall contain any</u>	29586
<u>information that the division may require. The division shall</u>	29587
<u>not issue or renew a certificate of registration under this</u>	29588
<u>chapter for an applicant that is a foreign corporation unless</u>	29589
<u>that applicant first obtains and maintains a license pursuant to</u>	29590
<u>Chapter 1703. of the Revised Code.</u>	29591
 <u>(2) Upon the filing of the application and the payment by</u>	29592
<u>the applicant of a nonrefundable two-hundred-dollar</u>	29593
<u>investigation fee and a nonrefundable three-hundred-dollar</u>	29594
<u>annual registration fee, the division shall investigate the</u>	29595
<u>applicant. If the application involves investigation outside</u>	29596
<u>this state, and it appears that the actual expenses of the</u>	29597
<u>investigation will exceed two hundred dollars, the division may</u>	29598
<u>require the applicant to advance sufficient funds to pay for</u>	29599
<u>those actual expenses. The division shall furnish to the</u>	29600
<u>applicant an itemized statement of any expenses in excess of the</u>	29601
<u>standard two-hundred-dollar investigation fee which the</u>	29602
<u>applicant is required to pay. The division shall not issue a</u>	29603
<u>certificate unless all the required fees have been submitted to</u>	29604
<u>the division.</u>	29605
 <u>(3) The investigation required by this section shall</u>	29606

include both a civil and criminal records check of the key 29607
officers of the applicant and any individual whose identity is 29608
required to be disclosed in the application. Where the applicant 29609
is a business entity, the superintendent of financial 29610
institutions may require a civil and criminal background check 29611
of any persons that the superintendent determines have the 29612
authority to direct and control the operations of the applicant. 29613

(4) (a) Notwithstanding division (L) of section 121.08 of 29614
the Revised Code, the superintendent shall obtain a criminal 29615
history records check and, as part of that records check, 29616
request that criminal record information from the federal bureau 29617
of investigation be obtained. To fulfill this requirement, the 29618
superintendent of financial institutions shall request the 29619
superintendent of the bureau of criminal identification and 29620
investigation, or a vendor approved by the bureau, to conduct a 29621
criminal records check based on the applicant's fingerprints or, 29622
if the fingerprints are unreadable, based on the applicant's 29623
social security number, in accordance with section 109.572 of 29624
the Revised Code. 29625

(b) Any fee required under division (C) (3) of section 29626
109.572 of the Revised Code shall be paid by the applicant. 29627

(5) If an application for a certificate of registration 29628
does not contain all of the information required under division 29629
(A) of this section, and if such information is not submitted to 29630
the division within ninety days after the superintendent of 29631
financial institutions requests the information in writing, 29632
including by electronic transmission or facsimile, the 29633
superintendent may consider the application withdrawn. 29634

(6) If the division finds that the financial 29635
responsibility, experience, and general fitness of the applicant 29636

command the confidence of the public and warrant the belief that 29637
the business will be operated honestly and fairly in compliance 29638
with the purposes of this chapter and the rules adopted 29639
thereunder, and that the applicant has the applicable net worth 29640
and assets required by division (D) of this section, the 29641
division shall issue a certificate of registration to the 29642
applicant. The superintendent shall not use a credit score as 29643
the sole basis for denying registration under this chapter. 29644

(7) Certificates of registration annually expire on the 29645
last day of December, unless renewed by the filing of a renewal 29646
application and payment of a three-hundred-dollar nonrefundable 29647
annual registration fee on or before that date. 29648

(8) Registrants shall timely file renewal applications on 29649
forms prescribed by the division and provide any further 29650
information that the division may require. If a renewal 29651
application does not contain all of the information required 29652
under this section, and if that information is not submitted to 29653
the division within ninety days after the superintendent 29654
requests the information in writing, including by electronic 29655
transmission or facsimile, the superintendent may consider the 29656
application withdrawn. 29657

(9) The superintendent shall not grant a renewal if the 29658
applicant's certificate of registration is subject to an order 29659
of suspension, revocation, or an unpaid and past due fine or 29660
assessment imposed by the superintendent. 29661

(10) If the division finds the applicant does not meet the 29662
conditions set forth in this section, the division shall issue 29663
notice to the applicant of the denial, the grounds for the 29664
denial, and the applicant's reasonable opportunity to be heard 29665
on the action in accordance with Chapter 119. of the Revised 29666

Code. 29667

(11) If there is a change of five per cent or more in the 29668
ownership of a registrant, the division may make any 29669
investigation necessary to determine whether any fact or 29670
condition exists that, if it had existed at the time of the 29671
original application for a certificate of registration, the fact 29672
or condition would have warranted the division to deny the 29673
application under division (A) (6) of this section. If such a 29674
fact or condition is found, the division may, in accordance with 29675
Chapter 119. of the Revised Code, revoke the registrant's 29676
certificate. 29677

(B) (1) If the annual registration fees collected by the 29678
superintendent pursuant to division (A) of this section are less 29679
than the estimated expenditures of the consumer finance section 29680
of the division of financial institutions in administering this 29681
chapter for the following fiscal year, as determined by the 29682
superintendent, the superintendent may assess each registrant an 29683
additional fee at a rate sufficient to equal in the aggregate 29684
the difference between the renewal fees billed and the estimated 29685
expenditures. 29686

(2) Each registrant shall pay the assessed amount to the 29687
superintendent prior to the last day of June. 29688

(3) In no case shall the assessment exceed ten cents for 29689
each one hundred dollars of fees, tips, gratuities, and 29690
donations received by that registrant during the previous 29691
calendar year. 29692

(4) Subject to division (B) (3) of this section, the 29693
assessment shall not be less than two hundred fifty dollars per 29694
registrant and shall not exceed two thousand dollars per 29695

registrant. 29696

(C) Notwithstanding any contrary provision of division (A) 29697
of this section, the division shall issue a certificate of 29698
registration in accordance with Chapter 4796. of the Revised 29699
Code to an applicant if the applicant holds a license or 29700
registration to offer earned wage access services in another 29701
state. Issuance of a license to such an applicant is contingent 29702
upon the applicant's payment of the three-hundred-dollar annual 29703
registration fee and any assessment charged under division (B) 29704
of this section. 29705

(D) Each registrant that offers or provides earned wage 29706
access services under this chapter shall maintain both of the 29707
following: 29708

(1) A net worth of at least fifty thousand dollars; 29709

(2) For each certificate of registration, assets of at 29710
least fifty thousand dollars either in use or readily available 29711
for use in the conduct of the business. 29712

(E) A registrant may operate in this state online or at 29713
one or more physical places of business. Not more than one place 29714
of business shall be maintained under the same certificate, but 29715
the division may issue additional certificates to the same 29716
registrant. No change in the place of business of a registrant 29717
to a location outside the original municipal corporation or 29718
township shall be permitted under the same certificate without 29719
the approval of a new application, the payment of the 29720
registration fee, and, if required by the superintendent, the 29721
payment of an investigation fee of two hundred dollars. When a 29722
registrant wishes to change its place of business within the 29723
same municipal corporation or township, it shall give written 29724

notice of the change in advance to the division, which shall 29725
provide a certificate for the new address without cost. If a 29726
registrant changes its name, prior to offering or providing 29727
earned wage access services under the new name, it shall give 29728
written notice of the change to the division, which shall 29729
provide a certificate in the new name without cost. This chapter 29730
does not limit the services of any registrant to residents of 29731
the municipal corporation or township in which the registrant's 29732
place of business is situated. A registrant that operates online 29733
shall post evidence of its registration on its internet web 29734
site. A registrant that operates at one or more physical places 29735
of business shall conspicuously post its registration in its 29736
places of business. Registrations are not transferable or 29737
assignable. 29738

(F) This chapter does not apply to any entities chartered 29739
and lawfully doing business under the authority of any law of 29740
this state, another state, or the United States as a bank, 29741
savings bank, trust company, savings and loan association, or 29742
credit union, or a subsidiary of any such entity, which 29743
subsidiary is regulated by a federal banking agency and is owned 29744
and controlled by such a depository institution. 29745

(G) Neither the state nor any political subdivision of the 29746
state shall require a registrant to pay any fee or assessment, 29747
other than those expressly authorized by this section, as a 29748
condition of providing earned wage access services in this 29749
state. 29750

Sec. 1320.04. As often as the superintendent of financial 29751
institutions considers it necessary, the superintendent may 29752
examine the records of a registrant. 29753

Sec. 1320.05. A provider subject to this chapter shall do 29754

all of the following: 29755

(A) Develop and implement policies and procedures to 29756
respond to questions raised by consumers and address complaints 29757
from consumers in an expedient manner; 29758

(B) Offer to consumers at least one reasonable option to 29759
obtain proceeds at no cost and clearly explain how to elect that 29760
no-cost option; 29761

(C) Before entering into an agreement with a consumer for 29762
the provision of earned wage access services, do both of the 29763
following: 29764

(1) Inform the consumer of the consumer's rights under the 29765
agreement; 29766

(2) Fully and clearly disclose all fees associated with 29767
the earned wage access services. 29768

(D) Inform the consumer of any material changes to the 29769
terms and conditions of the earned wage access services before 29770
implementing those changes for that consumer; 29771

(E) Allow the consumer to cancel use of the provider's 29772
earned wage access services at any time, without incurring a 29773
cancellation fee or penalty imposed by the provider; 29774

(F) Comply with all applicable local, state, and federal 29775
privacy and information security laws; 29776

(G) If a provider solicits, charges, or receives a tip, 29777
gratuity, or other donation from a consumer, both of the 29778
following: 29779

(1) Clearly and conspicuously disclose to the consumer 29780
immediately prior to each transaction that a tip, gratuity, or 29781

other donation amount may be zero and is voluntary; 29782

(2) Clearly and conspicuously disclose in its service 29783
contract with the consumer and elsewhere that tips, gratuities, 29784
or donations are voluntary and that the offering of earned wage 29785
access services, including the amount of proceeds a consumer is 29786
eligible to request and the frequency with which proceeds are 29787
provided to a consumer, is not contingent on whether the 29788
consumer pays any tip, gratuity, or other donation or on the 29789
size of the tip, gratuity, or other donation. 29790

(H) Provide proceeds to a consumer by any means mutually 29791
agreed upon by the consumer and the provider; 29792

(I) If the provider will seek repayment of outstanding 29793
proceeds or payment of fees or other amounts owed in connection 29794
with the activities covered by this chapter, including voluntary 29795
tips, gratuities, or other donations, from a consumer's 29796
depository institution, including by means of electronic funds 29797
transfer, do both of the following: 29798

(1) Comply with applicable provisions of the "Electronic 29799
Funds Transfer Act," 15 U.S.C. 1693 to 1693r, and regulations 29800
adopted under that act; 29801

(2) Reimburse the consumer for the full amount of any 29802
overdraft or nonsufficient funds fees imposed on a consumer by 29803
the consumer's depository institution that were caused by the 29804
provider attempting to seek payment of any outstanding proceeds, 29805
fees, or other payments in connection with the activities 29806
covered by this chapter, including voluntary tips, gratuities, 29807
or other donations, on a date before, or in an incorrect amount 29808
from, the date or amount disclosed to the consumer. The provider 29809
is not subject to the requirements of division (I)(2) of this 29810

section with respect to payments of outstanding amounts or fees 29811
incurred by a consumer through fraudulent or other unlawful 29812
means. 29813

Sec. 1320.06. A provider subject to this chapter shall not 29814
do any of the following: 29815

(A) Share with an employer a portion of any fees, 29816
voluntary tips, gratuities, or other donations that were 29817
received from or charged to a consumer for earned wage access 29818
services; 29819

(B) Require a consumer's credit report or credit score 29820
provided or issued by a consumer reporting agency to determine a 29821
consumer's eligibility for earned wage access services; 29822

(C) Accept payment of outstanding proceeds, fees, 29823
voluntary tips, gratuities, or other donations from a consumer 29824
by means of a credit card or charge card; 29825

(D) Charge a late fee, deferral fee, interest, or any 29826
other penalty or charge for failure to pay outstanding proceeds, 29827
fees, voluntary tips, gratuities, or other donations; 29828

(E) Report to a consumer reporting agency or debt 29829
collector any information about a consumer regarding the 29830
consumer's inability to repay outstanding proceeds, fees, 29831
voluntary tips, gratuities, or other donations to a provider; 29832

(F) (1) Compel or attempt to compel payment by a consumer 29833
of outstanding proceeds, fees, voluntary tips, gratuities, or 29834
other donations to the provider through any of the following 29835
means: 29836

(a) An action against the consumer in a court of competent 29837
jurisdiction; 29838

(b) Use of a third party to pursue collection from the 29839
consumer on the provider's behalf; 29840

(c) Sale of outstanding amounts to a third-party debt 29841
collector or debt buyer for collection from the consumer. 29842

(2) Nothing in this section shall be interpreted as doing 29843
either of the following: 29844

(a) Precluding the use by a provider of any of the methods 29845
described in division (F) (1) of this section to compel payment 29846
of outstanding proceeds or fees incurred by a consumer through 29847
fraudulent or other unlawful means; 29848

(b) Precluding a provider from pursuing an employer for 29849
breach of its contractual obligations to the provider. 29850

(G) If the provider solicits, charges, or receives tips, 29851
gratuities, or other donations from a consumer, mislead or 29852
deceive consumers about the voluntary nature of the tips, 29853
gratuities, or donations or make representations that tips, 29854
gratuities, or other donations will benefit any specific 29855
individuals. 29856

Sec. 1320.07. (A) Every registered provider shall keep and 29857
use in the provider's business such books, accounts, and records 29858
as will enable the division of financial institutions to 29859
determine whether the provider is complying with this chapter 29860
and with the orders and rules made by the division under this 29861
chapter. Such books, accounts, and records shall be segregated 29862
from those pertaining to transactions that are not subject to 29863
this chapter. Every provider shall preserve the books, accounts, 29864
and records pertaining to earned wage access services 29865
transactions made under this chapter for at least two years 29866
after extending proceeds to a consumer. Accounting systems 29867

maintained in whole or in part by mechanical or electronic data 29868
processing methods that provide information equivalent to that 29869
otherwise required are acceptable for the purposes of this 29870
division. 29871

(B) (1) Each registered provider shall file with the 29872
division of financial institutions each year a report under oath 29873
or affirmation, on forms supplied by the division, concerning 29874
the business and its operations for the preceding calendar year. 29875
If a provider has more than one place of business in this state, 29876
the provider shall furnish a report for each location. 29877

(2) The division shall annually publish and make available 29878
to the public an analysis of the information reported under 29879
division (B) (1) of this section, but the individual reports are 29880
not public records for the purposes of Chapter 149. of the 29881
Revised Code and shall not be open to public inspection. 29882

(3) The published analysis shall include all of the 29883
following: 29884

(a) Gross revenue attributable to earned wage access 29885
services; 29886

(b) The total number of transactions in which proceeds 29887
were remitted to consumers; 29888

(c) The total number of unique consumers to whom proceeds 29889
were remitted; 29890

(d) The total dollar amount of proceeds remitted to 29891
consumers; 29892

(e) The total dollar amount of fees, tips, gratuities, and 29893
donations received from consumers; 29894

(f) The total number of transactions in which proceeds 29895

were remitted to consumers for which providers did not receive 29896
repayment of any outstanding proceeds; 29897

(g) The total dollar amount of transactions described in 29898
division (B) (3) (f) of this section; 29899

(h) The total number of transactions in which proceeds 29900
were remitted to consumers, for which providers received partial 29901
repayment of outstanding proceeds; 29902

(i) The total dollar amount of transactions described in 29903
division (B) (3) (h) of this section and the total dollar amount 29904
of unpaid, outstanding proceeds attributable to those 29905
transactions; 29906

(j) The total number of transactions in which outstanding 29907
proceeds were repaid after the original, scheduled repayment 29908
date; 29909

(k) The total dollar amount of transactions described in 29910
division (B) (3) (j) of this section; 29911

(l) Any other nonprivate information required by the 29912
superintendent. 29913

Sec. 1320.08. (A) The superintendent of financial 29914
institutions shall, in accordance with Chapter 119. of the 29915
Revised Code, suspend or revoke a certificate of registration 29916
issued pursuant to this chapter if the superintendent determines 29917
that either of the following apply: 29918

(1) The registrant has failed to comply with any order 29919
issued by the superintendent pursuant to section 1320.10 of the 29920
Revised Code; 29921

(2) Any fact or condition exists that, if it had existed 29922
or had been known to exist at the time the original or renewal 29923

certificate of registration was issued, the fact or condition 29924
clearly would have warranted the superintendent to refuse to 29925
issue a certificate of registration. 29926

(B) The superintendent may make any investigation and 29927
conduct any hearing the superintendent considers necessary to 29928
determine whether any company or individual has violated this 29929
chapter or any rule or order adopted in accordance with this 29930
chapter, or has otherwise engaged in conduct that would justify 29931
the suspension, revocation, or refusal of an original or renewal 29932
certificate of registration, or the imposition of a fine. The 29933
superintendent may impose a monetary fine of not more than one 29934
thousand dollars for each such violation. 29935

(C) In making any investigation or conducting any hearing 29936
pursuant to this section, the superintendent, or any person 29937
designated by the superintendent, at any time may compel by 29938
subpoena witnesses, may take depositions of witnesses residing 29939
within this state in the manner provided for in civil actions, 29940
pay any witnesses the fees and mileage for their attendance 29941
provided under section 119.094 of the Revised Code, and 29942
administer oaths. The superintendent also may compel by order or 29943
subpoena duces tecum the production of, and examine, all 29944
relevant books, records, accounts, and other documents. If a 29945
company or individual does not comply with a subpoena or 29946
subpoena duces tecum, the superintendent may apply to the court 29947
of common pleas of Franklin county for an order compelling the 29948
company or individual to comply with the subpoena or subpoena 29949
duces tecum or, for failure to do so, an order to be held in 29950
contempt of court. 29951

(D) In connection with any investigation under this 29952
section, the superintendent may file an action in the court of 29953

common pleas of Franklin county or the court of common pleas of 29954
the county in which the company or individual who is the subject 29955
of the investigation resides, or is engaging in or proposing to 29956
engage in actions in violation of this chapter, to obtain an 29957
injunction, temporary restraining order, or other appropriate 29958
relief. 29959

Sec. 1320.09. (A) (1) Earned wage access services provided 29960
by a registrant in accordance with this chapter shall not be 29961
considered to be any of the following: 29962

(a) A loan or other form of credit or debit; 29963

(b) A money transmission; 29964

(c) A violation of, or noncompliant with, any other 29965
provision of the Revised Code governing the sale or assignment 29966
of, or an order for, earned but unpaid income. 29967

(2) A registrant providing earned wage access services in 29968
accordance with this chapter shall not be considered to be a 29969
creditor, debt collector, lender, or money transmitter. 29970

(B) Notwithstanding any contrary provision of the Revised 29971
Code, earned wage access services offered or provided by a 29972
provider in accordance with this chapter are not subject to 29973
Chapter 1315., 1319., or 1321. of the Revised Code. 29974

(C) Notwithstanding any contrary provision of the Revised 29975
Code, fees, voluntary tips, gratuities, or other donations paid 29976
by a consumer to a registrant in accordance with this chapter 29977
are not interest or finance charges. 29978

(D) If there is a conflict between the provisions of this 29979
chapter and any other provision of the Revised Code, the 29980
provisions of this chapter control. 29981

Sec. 1320.10. (A) The division of financial institutions 29982
shall administer this chapter. Neither the superintendent of 29983
financial institutions nor any deputy, assistant, clerk, 29984
examiner, or other person employed by the division to assist in 29985
the administration of this chapter shall be interested, directly 29986
or indirectly, in a business registered under this chapter. Any 29987
person so interested or who becomes so interested shall not be 29988
eligible to hold or retain such position. 29989

(B) The superintendent of financial institutions, in 29990
accordance with Chapter 119. of the Revised Code, may adopt 29991
rules and issue specific orders to enforce and carry out the 29992
purposes of this chapter. 29993

(C) Notwithstanding any provision of section 121.95 of the 29994
Revised Code to the contrary, a regulatory restriction contained 29995
in a rule adopted under this section is not subject to sections 29996
121.95 to 121.953 of the Revised Code. 29997

Sec. 1321.21. All fees, charges, penalties, and 29998
forfeitures collected under Chapters 1320., 1321., 1322., 4712., 29999
4727., and 4728., sections 1315.21 to 1315.30, and sections 30000
1349.25 to 1349.37 of the Revised Code shall be paid to the 30001
superintendent of financial institutions and shall be deposited 30002
by the superintendent into the state treasury to the credit of 30003
the consumer finance fund, which is hereby created. The fund may 30004
be expended or obligated by the superintendent for the 30005
defrayment of the costs of administration of Chapters 1320., 30006
1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 30007
1315.30, and sections 1349.25 to 1349.37 of the Revised Code by 30008
the division of financial institutions. All actual and necessary 30009
expenses incurred by the superintendent, including any services 30010
rendered by the department of commerce for the division's 30011

administration of Chapters 1320., 1321., 1322., 4712., 4727., 30012
and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 30013
1349.37 of the Revised Code, shall be paid from the fund. The 30014
fund shall be assessed a proportionate share of the 30015
administrative costs of the department and the division. The 30016
proportionate share of the administrative costs of the division 30017
of financial institutions shall be determined in accordance with 30018
procedures prescribed by the superintendent. Such assessment 30019
shall be paid from the consumer finance fund to the division of 30020
administration fund or the financial institutions fund. 30021

~~Periodically, in accordance with a schedule the director~~ 30022
~~establishes by rule, but at least once every three months, the~~ 30023
~~director of budget and management shall transfer five per cent~~ 30024
~~of all charges, penalties, and forfeitures received into the~~ 30025
~~consumer finance fund to the financial literacy education fund~~ 30026
~~created under section 121.085 of the Revised Code.~~ 30027

Sec. 1347.08. (A) Every state or local agency that 30028
maintains a personal information system, upon the request and 30029
the proper identification of any person who is the subject of 30030
personal information in the system, shall: 30031

(1) Inform the person of the existence of any personal 30032
information in the system of which the person is the subject; 30033

(2) Except as provided in divisions (C) and (E) (2) of this 30034
section, permit the person, the person's legal guardian, or an 30035
attorney who presents a signed written authorization made by the 30036
person, to inspect all personal information in the system of 30037
which the person is the subject; 30038

(3) Inform the person about the types of uses made of the 30039
personal information, including the identity of any users 30040

usually granted access to the system. 30041

(B) Any person who wishes to exercise a right provided by 30042
this section may be accompanied by another individual of the 30043
person's choice. 30044

(C) (1) A state or local agency, upon request, shall 30045
disclose medical, psychiatric, or psychological information to a 30046
person who is the subject of the information or to the person's 30047
legal guardian, unless one of the following determines for the 30048
agency that the disclosure of the information is likely to have 30049
an adverse effect on the person: a physician, including such a 30050
person who specializes as a psychiatrist; an advanced practice 30051
registered nurse, including such a person who specializes as a 30052
psychiatric-mental health nurse practitioner or psychiatric 30053
clinical nurse specialist; or a psychologist. If such a 30054
determination is made, the information shall be released to one 30055
of the following who is designated by the person or by the 30056
person's legal guardian: a physician, including such a person 30057
who specializes as a psychiatrist; an advanced practice 30058
registered nurse, including such a person who specializes as a 30059
psychiatric-mental health nurse practitioner or psychiatric 30060
clinical nurse specialist; or a psychologist. 30061

(2) Upon the signed written request of a licensed attorney 30062
at law, a licensed physician, or an advanced practice registered 30063
nurse designated by the inmate, together with the signed written 30064
request of an inmate of a correctional institution under the 30065
administration of the department of rehabilitation and 30066
correction, the department shall disclose medical information to 30067
the designated attorney, physician, or advanced practice 30068
registered nurse as provided in division (C) of section 5120.21 30069
of the Revised Code. 30070

(D) If an individual who is authorized to inspect personal 30071
information that is maintained in a personal information system 30072
requests the state or local agency that maintains the system to 30073
provide a copy of any personal information that the individual 30074
is authorized to inspect, the agency shall provide a copy of the 30075
personal information to the individual. Each state and local 30076
agency may establish reasonable fees for the service of copying, 30077
upon request, personal information that is maintained by the 30078
agency. 30079

(E) (1) This section regulates access to personal 30080
information that is maintained in a personal information system 30081
by persons who are the subject of the information, but does not 30082
limit the authority of any person, including a person who is the 30083
subject of personal information maintained in a personal 30084
information system, to inspect or have copied, pursuant to 30085
section 149.43 of the Revised Code, a public record as defined 30086
in that section. 30087

(2) This section does not provide a person who is the 30088
subject of personal information maintained in a personal 30089
information system, the person's legal guardian, or an attorney 30090
authorized by the person, with a right to inspect or have 30091
copied, or require an agency that maintains a personal 30092
information system to permit the inspection of or to copy, a 30093
confidential law enforcement investigatory record or trial 30094
preparation record, as defined in divisions (A) (2) and (4) of 30095
section 149.43 of the Revised Code. 30096

(F) This section does not apply to any of the following: 30097

(1) The contents of an adoption file maintained by the 30098
department of health under sections 3705.12 to 3705.124 of the 30099
Revised Code; 30100

(2) Information contained in the putative father registry 30101
established by section 3107.062 of the Revised Code, regardless 30102
of whether the information is held by the department of ~~job and~~ 30103
~~family services~~ children and youth or, pursuant to section 30104
3111.69 of the Revised Code, the office of child support in the 30105
department of job and family services or a child support 30106
enforcement agency; 30107

(3) Papers, records, and books that pertain to an adoption 30108
and that are subject to inspection in accordance with section 30109
3107.17 of the Revised Code; 30110

(4) Records specified in division (A) of section 3107.52 30111
of the Revised Code; 30112

(5) Records that identify an individual described in 30113
division (A)(1) of section 3721.031 of the Revised Code, or that 30114
would tend to identify such an individual; 30115

(6) Files and records that have been expunged under 30116
division (D)(1) or (2) of section 3721.23 of the Revised Code; 30117

(7) Records that identify an individual described in 30118
division (A)(1) of section 3721.25 of the Revised Code, or that 30119
would tend to identify such an individual; 30120

(8) Records that identify an individual described in 30121
division (A)(1) of section 5165.88 of the Revised Code, or that 30122
would tend to identify such an individual; 30123

(9) Test materials, examinations, or evaluation tools used 30124
in an examination for licensure as a nursing home administrator 30125
that the board of executives of long-term services and supports 30126
administers under section 4751.15 of the Revised Code or 30127
contracts under that section with a private or government entity 30128
to administer; 30129

(10) Information contained in a database established and 30130
maintained pursuant to section ~~5101.13~~ 5180.40 of the Revised 30131
Code; 30132

(11) Information contained in a database established and 30133
maintained pursuant to section 5101.631 of the Revised Code. 30134

Sec. 1349.10. (A) (1) "Cable service provider" has the same 30135
meaning as in section 1332.01 of the Revised Code. 30136

(2) "Cloud service provider" means a third-party company 30137
offering a cloud-based platform, infrastructure, application, or 30138
storage services. 30139

(3) "Direct-to-home satellite service" has the same 30140
meaning as in 47 U.S.C. 303, as amended. 30141

(4) "Identifying information" means photo identification 30142
or public or private transactional data. 30143

(5) "Interactive computer service" has the same meaning as 30144
in the "Telecommunications Act of 1996," 47 U.S.C. 230, as 30145
amended. 30146

(6) "Internet provider" means a provider of internet 30147
service, including all of the following: 30148

(a) Broadband service, however defined or classified by 30149
the federal communications commission; 30150

(b) Information service or telecommunications service, 30151
both as defined in the "Telecommunications Act of 1996," 47 30152
U.S.C. 153, as amended; 30153

(c) Internet protocol-enabled services, as defined in 30154
section 4927.01 of the Revised Code. 30155

(7) "Mobile service" and "telecommunications carrier" have 30156

the same meanings as in the "Telecommunications Act of 1996," 47 30157
U.S.C. 153, as amended. 30158

(8) "Organization" means both of the following: 30159

(a) A commercial establishment that, for any form of 30160
consideration, has as a significant or substantial portion of 30161
its stock-in-trade in, derives a significant or substantial 30162
portion of its revenues from, devotes a significant or 30163
substantial portion of its content or advertising to, or 30164
maintains a substantial section of its sales or online content 30165
display space for the sale, rental, or viewing of materials that 30166
are obscene or harmful to juveniles; 30167

(b) A commercial establishment as defined in section 30168
2907.38 of the Revised Code. An establishment may have other 30169
principal business purposes that do not involve selling, 30170
delivering, furnishing, disseminating, providing, exhibiting, or 30171
presenting any material or performance that is obscene or 30172
harmful to juveniles on the internet and still be categorized as 30173
an organization subject to this section. The existence of other 30174
principal business purposes does not exempt an establishment 30175
from being categorized as an organization subject to this 30176
section, so long as one of its principal business purposes 30177
involves selling, delivering, furnishing, disseminating, 30178
providing, exhibiting, or presenting any material or performance 30179
that is obscene or harmful to juveniles on the internet. 30180

(9) "Photo identification" has the same meaning as in 30181
section 3501.01 of the Revised Code and includes any government- 30182
issued identification issued by another state, district, 30183
country, or sovereignty. 30184

(10) "Reasonable age verification methods" means the 30185

following: 30186

(a) Verifying that the person attempting to access the 30187
material or performance that is obscene or harmful to juveniles 30188
is eighteen years of age or older through the use of a 30189
commercial age verification system that uses photo 30190
identification or public or private transactional data to verify 30191
the person's age; 30192

(b) Using third-party and governmental databases that use 30193
a commercial age verification system that uses photo 30194
identification or public or private transactional data to verify 30195
the person's age. 30196

(11) "Transactional data" means a sequence of information 30197
that documents an exchange, agreement, or transfer between a 30198
person, organization, or third party for the purpose of 30199
satisfying a request or event. "Transactional data" includes 30200
mortgage, educational, and employment records. 30201

(12) "Video service provider" has the same meaning as in 30202
section 1332.21 of the Revised Code. 30203

(B) An organization that sells, delivers, furnishes, 30204
disseminates, provides, exhibits, or presents any material or 30205
performance that is obscene or harmful to juveniles on the 30206
internet shall do all of the following: 30207

(1) Verify that any person attempting to access the 30208
material or performance that is obscene or harmful to juveniles 30209
is eighteen years of age or older through reasonable age 30210
verification methods; 30211

(2) Verify that any person creating an account or 30212
subscription to access any material or performance that is 30213
obscene or harmful to juveniles is eighteen years of age or 30214

older through reasonable age verification methods. The 30215
organization shall reverify the age of the person every two 30216
years thereafter. 30217

(3) (a) Utilize a geofence system maintained and monitored 30218
by a licensed location-based technology provider to dynamically 30219
monitor the geolocation of persons attempting to access or 30220
creating an account or subscription to access the material or 30221
performance that is obscene or harmful to juveniles; 30222

(b) The location-based technology provider shall perform a 30223
geolocation check to dynamically monitor the person attempting 30224
to access or creating an account or subscription to access the 30225
material or performance that is obscene or harmful to juveniles 30226
and the person's location. 30227

(c) If the location-based technology provider determines 30228
that a person is located in this state, the organization that 30229
sells, delivers, furnishes, disseminates, provides, exhibits, or 30230
presents any material or performance that is obscene or harmful 30231
to juveniles on the internet shall block that person until the 30232
person's age has been verified using reasonable age verification 30233
methods. 30234

(4) Implement a notification mechanism to alert persons 30235
attempting to access or creating an account or subscription to 30236
access the material or performance that is obscene or harmful to 30237
juveniles, of a geolocation check failure. 30238

(C) (1) (a) Except as otherwise provided in division (C) (1) 30239
(b) of this section, an organization that sells, delivers, 30240
furnishes, disseminates, provides, exhibits, or presents any 30241
material or performance that is obscene or harmful to juveniles 30242
on the internet and verifies the age of the person creating an 30243

account or subscription to access the material or performance 30244
that is obscene or harmful to juveniles on the internet shall do 30245
the following: 30246

(i) Immediately delete all information gathered for the 30247
purpose of age verification after the age verification is 30248
completed, except the information maintained for account and 30249
subscription access and for billing purposes; 30250

(ii) Upon the request of the account holder or subscriber, 30251
immediately delete the data maintained for user access to the 30252
account or subscription and for billing purposes; 30253

(iii) Develop and maintain a data privacy policy compliant 30254
with federal and state law and maintain data in a manner that is 30255
reasonably secure. 30256

(b) On the expiration of two years after the creation of 30257
the account or subscription, the organization shall immediately 30258
delete all information relative to the creation of the user's 30259
account or subscription and any information maintained for 30260
billing purposes, unless the account holder or subscriber renews 30261
the account or subscription. 30262

(2) An organization that sells, delivers, furnishes, 30263
disseminates, provides, exhibits, or presents any material or 30264
performance that is obscene or harmful to juveniles on the 30265
internet and verifies the age of the person attempting to access 30266
the material or performance that is obscene or harmful to 30267
juveniles on the internet shall do both of the following: 30268

(a) Immediately delete all information gathered for the 30269
purpose of age verification after age verification is completed; 30270

(b) Develop and maintain a data privacy policy compliant 30271
with federal and state law and maintain data in a manner that is 30272

reasonably secure.

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(3) An organization described in division (C) (1) or (2) of this section shall immediately delete any identifying information, except the information required for the purpose of granting a person access to the account or subscription and for billing the account or subscription, that is used for age verification of the person attempting to access or creating an account or subscription to access any material or performance on the internet that is obscene or harmful to juveniles after age verification is completed.

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(4) An organization as described in division (C) (1) or (2) of this section shall not transfer any information collected, except for the purpose of age verification. Any party who receives transferred information for age verification purposes shall immediately delete all information gathered for the purpose of age verification after age verification is completed.

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

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(1) A person who, while employed or contracted by a newspaper, magazine, press association, news agency, news wire service, radio or television station, or similar media, is gathering, processing, transmitting, compiling, editing, or disseminating information for the general public;

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(2) A provider of an interactive computer service;

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(3) A mobile service;

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(4) An internet provider;

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(5) A cable service provider;

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(6) A direct-to-home satellite service;

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(7) A video service provider; 30300

(8) A cloud service provider. 30301

Sec. 1349.101. (A) The attorney general may bring a civil 30302
action against an organization that sells, delivers, furnishes, 30303
disseminates, provides, exhibits, or presents any material or 30304
performance that is obscene or harmful to juveniles on the 30305
internet that fails to comply with the requirements under 30306
divisions (B) (1) or (2) or (C) (1) or (2) of section 1349.10 of 30307
the Revised Code and as a result of that failure a minor gains 30308
access to the material or performance. Before initiating such an 30309
enforcement action, the attorney general shall provide written 30310
notice to the organization identifying and explaining the basis 30311
for each instance of alleged violation. 30312

(B) Except as otherwise provided in division (D) of this 30313
section, the attorney general shall not commence an enforcement 30314
action if the organization, within forty-five days after notice 30315
of the alleged violation is sent, does both of the following: 30316

(1) Cures all violations described in the notice: 30317

(2) Provides the attorney general with a written statement 30318
indicating that the violations are cured and agreeing to refrain 30319
from further noncompliance of the requirements under divisions 30320
(B) (1) or (2) or (C) (1) or (2) of section 1349.10 of the Revised 30321
Code. 30322

(C) If the organization does not timely respond or 30323
continues to fail to comply with the requirements under 30324
divisions (B) (1) or (2) or (C) (1) or (2) of section 1349.10 of 30325
the Revised Code after receiving the notice, the attorney 30326
general may initiate the enforcement action and seek injunctive 30327
relief. 30328

(D) Division (B) of this section does not apply if the 30329
organization fails to timely comply with all of the requirements 30330
described in the notice or commits subsequent violations of the 30331
same type after curing the initial violation under that 30332
division. Notwithstanding division (C) of this section, if an 30333
organization commits a subsequent violation of the same type 30334
after reporting that the initial violation is cured, the 30335
attorney general may bring a civil action at any time after 30336
sending notice of the violation under division (A) of this 30337
section. 30338

(E) Nothing in this section shall be construed to provide 30339
a private right of action. The attorney general has the 30340
exclusive authority to enforce this section. 30341

Sec. 1501.46. Except as otherwise provided in federal law, 30342
in circumstances in which the department of natural resources 30343
conducts, or contracts with a third party to conduct, dredging 30344
operations in the waters of the state, no license, registration, 30345
or certification is required for an individual to operate the 30346
dredging equipment or watercraft associated with such 30347
operations. No state agency or other public body shall impose 30348
licensing, registration, or certification requirements on an 30349
individual operating such dredging equipment or watercraft. 30350

Sec. 1501.47. The program support fund is created in the 30351
state treasury. The fund shall consist of payments from 30352
divisions within the department of natural resources and any 30353
other payments received by the department related to the 30354
purposes of the fund. The director of natural resources shall 30355
use the money in the fund to support centralized service support 30356
offices of the department. 30357

Sec. 1509.02. There is hereby created in the department of 30358

natural resources the division of oil and gas resources 30359
management, which shall be administered by the chief of the 30360
division of oil and gas resources management. The division has 30361
sole and exclusive authority to regulate the permitting, 30362
location, and spacing of oil and gas wells and production 30363
operations within the state, excepting only those activities 30364
regulated under federal laws for which oversight has been 30365
delegated to the environmental protection agency and activities 30366
regulated under sections 6111.02 to 6111.028 of the Revised 30367
Code. The regulation of oil and gas activities is a matter of 30368
general statewide interest that requires uniform statewide 30369
regulation, and this chapter and rules adopted under it 30370
constitute a comprehensive plan with respect to all aspects of 30371
the locating, drilling, well stimulation, completing, and 30372
operating of oil and gas wells within this state, including site 30373
construction and restoration, permitting related to those 30374
activities, and the disposal of wastes from those wells. In 30375
order to assist the division in the furtherance of its sole and 30376
exclusive authority as established in this section, the chief 30377
may enter into cooperative agreements with other state agencies 30378
for advice and consultation, including visitations at the 30379
surface location of a well on behalf of the division. Such 30380
cooperative agreements do not confer on other state agencies any 30381
authority to administer or enforce this chapter and rules 30382
adopted under it. In addition, such cooperative agreements shall 30383
not be construed to dilute or diminish the division's sole and 30384
exclusive authority as established in this section. Nothing in 30385
this section affects the authority granted to the director of 30386
transportation and local authorities in section 723.01 or 30387
4513.34 of the Revised Code, provided that the authority granted 30388
under those sections shall not be exercised in a manner that 30389
discriminates against, unfairly impedes, or obstructs oil and 30390

gas activities and operations regulated under this chapter. 30391

The chief shall not hold any other public office, nor 30392
shall the chief be engaged in any occupation or business that 30393
might interfere with or be inconsistent with the duties as 30394
chief. 30395

Money collected by the chief pursuant to sections 1509.06, 30396
1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 30397
1509.28, 1509.34, 1509.50, and 5749.02 of the Revised Code, all 30398
civil penalties paid under section 1509.33 of the Revised Code, 30399
and, notwithstanding any section of the Revised Code relating to 30400
the distribution or crediting of fines for violations of the 30401
Revised Code, all fines imposed under divisions (A) and (B) of 30402
section 1509.99 of the Revised Code and fines imposed under 30403
divisions (C) and (D) of section 1509.99 of the Revised Code for 30404
all violations prosecuted by the attorney general and for 30405
violations prosecuted by prosecuting attorneys that do not 30406
involve the transportation of brine by vehicle shall be 30407
deposited into the state treasury to the credit of the oil and 30408
gas well fund, which is hereby created. Fines imposed under 30409
divisions (C) and (D) of section 1509.99 of the Revised Code for 30410
violations prosecuted by prosecuting attorneys that involve the 30411
transportation of brine by vehicle and penalties associated with 30412
a compliance agreement entered into pursuant to this chapter 30413
shall be paid to the county treasury of the county where the 30414
violation occurred. 30415

The fund shall be used solely and exclusively for the 30416
purposes enumerated in division (B) of section 1509.071 of the 30417
Revised Code, payments to the oil and gas resolution and 30418
remediation fund created in section 1509.075 of the Revised 30419
Code, for the expenses of the division associated with the 30420

administration of this chapter and Chapter 1571. of the Revised 30421
Code and rules adopted under them, and for expenses that are 30422
critical and necessary for the protection of human health and 30423
safety and the environment related to oil and gas production in 30424
this state. The expenses of the division in excess of the moneys 30425
available in the fund shall be paid from general revenue fund 30426
appropriations to the department. 30427

Sec. 1509.07. (A) (1) (a) Except as provided in division (A) 30428
(1) (b) or (A) (2) of this section, an owner of any well, except 30429
an exempt Mississippian well or an exempt domestic well, shall 30430
obtain liability insurance coverage from a company authorized or 30431
approved to do business in this state in an amount of not less 30432
than one million dollars bodily injury coverage and property 30433
damage coverage to pay damages for injury to persons or damage 30434
to property caused by the drilling, operation, or plugging of 30435
all the owner's wells in this state. However, if any well is 30436
located within an urbanized area, the owner shall obtain 30437
liability insurance coverage in an amount of not less than three 30438
million dollars for bodily injury coverage and property damage 30439
coverage to pay damages for injury to persons or damage to 30440
property caused by the drilling, operation, or plugging of all 30441
of the owner's wells in this state. 30442

(b) A board of county commissioners of a county that is an 30443
owner of a well or a board of township trustees of a township 30444
that is an owner of a well may elect to satisfy the liability 30445
coverage requirements specified in division (A) (1) (a) of this 30446
section by participating in a joint self-insurance pool in 30447
accordance with the requirements established under section 30448
2744.081 of the Revised Code. Nothing in division (A) (1) (b) of 30449
this section shall be construed to allow an entity, other than a 30450
county or township, to participate in a joint self-insurance 30451

pool to satisfy the liability coverage requirements specified in 30452
division (A) (1) (a) of this section. 30453

(2) An owner of a horizontal well shall obtain liability 30454
insurance coverage from an insurer authorized to write such 30455
insurance in this state or from an insurer approved to write 30456
such insurance in this state under section 3905.33 of the 30457
Revised Code in an amount of not less than five million dollars 30458
bodily injury coverage and property damage coverage to pay 30459
damages for injury to persons or damage to property caused by 30460
the production operations of all the owner's wells in this 30461
state. The insurance policy shall include a reasonable level of 30462
coverage available for an environmental endorsement. 30463

(3) An owner shall maintain the coverage required under 30464
division (A) (1) or (2) of this section until all the owner's 30465
wells are plugged and abandoned or are transferred to an owner 30466
who has obtained insurance as required under this section and 30467
who is not under a notice of material and substantial violation 30468
or under a suspension order. The owner shall provide proof of 30469
liability insurance coverage to the chief of the division of oil 30470
and gas resources management upon request. Upon failure of the 30471
owner to provide that proof when requested, the chief may order 30472
the suspension of any outstanding permits and operations of the 30473
owner until the owner provides proof of the required insurance 30474
coverage. 30475

(B) (1) Except as otherwise provided in this section, an 30476
owner of any well, before being issued a permit under section 30477
1509.06 of the Revised Code or before operating or producing 30478
from a well, shall execute and file with the division of oil and 30479
gas resources management a surety bond conditioned on compliance 30480
with the restoration requirements of section 1509.072, the 30481

plugging requirements of section 1509.12, the permit provisions 30482
of section 1509.13 of the Revised Code, and all rules and orders 30483
of the chief relating thereto, in an amount set by rule of the 30484
chief. 30485

(2) The owner may deposit with the chief, instead of a 30486
surety bond, cash in an amount equal to the surety bond as 30487
prescribed pursuant to this section or negotiable certificates 30488
of deposit or irrevocable letters of credit, issued by any bank 30489
organized or transacting business in this state, having a cash 30490
value equal to or greater than the amount of the surety bond as 30491
prescribed pursuant to this section. Cash or certificates of 30492
deposit shall be deposited upon the same terms as those upon 30493
which surety bonds may be deposited. If the owner deposits cash, 30494
the cash shall be credited to the performance cash bond refunds 30495
fund created in section 1501.16 of the Revised Code. If the 30496
owner deposits certificates of deposit, the chief shall require 30497
the bank that issued any such certificate to pledge securities 30498
of a cash value equal to the amount of the certificate that is 30499
in excess of the amount insured by the federal deposit insurance 30500
corporation. The securities shall be security for the repayment 30501
of the certificate of deposit. 30502

Upon a deposit of cash, certificates of deposit, or 30503
letters of credit with the chief, the chief shall hold them in 30504
trust for the purposes for which they have been deposited. 30505

(3) Instead of a surety bond, the chief may accept proof 30506
of financial responsibility consisting of a sworn financial 30507
statement showing a net financial worth within this state equal 30508
to twice the amount of the bond for which it substitutes and, as 30509
may be required by the chief, a list of producing properties of 30510
the owner within this state or other evidence showing ability 30511

and intent to comply with the law and rules concerning 30512
restoration and plugging that may be required by rule of the 30513
chief. The owner of an exempt Mississippian well is not required 30514
to file scheduled updates of the financial documents, but shall 30515
file updates of those documents if requested to do so by the 30516
chief. The owner of a nonexempt Mississippian well shall file 30517
updates of the financial documents in accordance with a schedule 30518
established by rule of the chief. The chief, upon determining 30519
that an owner for whom the chief has accepted proof of financial 30520
responsibility instead of bond cannot demonstrate financial 30521
responsibility, shall order that the owner execute and file a 30522
bond or deposit cash, certificates of deposit, or irrevocable 30523
letters of credit as required by this section for the wells 30524
specified in the order within ten days of receipt of the order. 30525
If the order is not complied with, all wells of the owner that 30526
are specified in the order and for which no bond is filed or 30527
cash, certificates of deposit, or letters of credit are 30528
deposited shall be plugged. No owner shall fail or refuse to 30529
plug such a well. Each day on which such a well remains 30530
unplugged thereafter constitutes a separate offense. 30531

(4) The surety bond provided for in this section shall be 30532
executed by a surety company authorized to do business in this 30533
state. 30534

The chief shall not approve any bond until it is 30535
personally signed and acknowledged by both principal and surety, 30536
or as to either by the principal's or surety's attorney in fact, 30537
with a certified copy of the power of attorney attached thereto. 30538
The chief shall not approve a bond unless there is attached a 30539
certificate of the superintendent of insurance that the company 30540
is authorized to transact a fidelity and surety business in this 30541
state. 30542

All bonds shall be given in a form to be prescribed by the 30543
chief and shall run to the state as obligee. 30544

(5) An owner of an exempt Mississippian well or an exempt 30545
domestic well, in lieu of filing a surety bond, cash in an 30546
amount equal to the surety bond, certificates of deposit, 30547
irrevocable letters of credit, or a sworn financial statement, 30548
may file a one-time fee of fifty dollars, which shall be 30549
deposited in the oil and gas ~~well plugging resolution and~~ 30550
remediation fund created in section ~~1509.071~~ 1509.075 of the 30551
Revised Code. 30552

(C) An owner, operator, producer, or other person shall 30553
not operate a well or produce from a well at any time if the 30554
owner, operator, producer, or other person has not satisfied the 30555
requirements established in this section. 30556

Sec. 1509.071. (A) When the chief of the division of oil 30557
and gas resources management finds that an owner has failed to 30558
comply with a final nonappealable order issued or compliance 30559
agreement entered into under section 1509.04, the restoration 30560
requirements of section 1509.072, plugging requirements of 30561
section 1509.12, or permit provisions of section 1509.13 of the 30562
Revised Code, or rules and orders relating thereto, the chief 30563
shall make a finding of that fact and declare any surety bond 30564
filed to ensure compliance with those sections and rules 30565
forfeited in the amount set by rule of the chief. The chief 30566
thereupon shall certify the total forfeiture to the attorney 30567
general, who shall proceed to collect the amount of the 30568
forfeiture. In addition, the chief may require an owner, 30569
operator, producer, or other person who forfeited a surety bond 30570
to post a new surety bond in the amount of fifteen thousand 30571
dollars for a single well, thirty thousand dollars for two 30572

wells, or fifty thousand dollars for three or more wells. 30573

In lieu of total forfeiture, the surety or owner, at the 30574
surety's or owner's option, may cause the well to be properly 30575
plugged and abandoned and the area properly restored or pay to 30576
the treasurer of state the cost of plugging and abandonment. 30577

(B) (1) All moneys collected because of forfeitures of 30578
bonds as provided in this section shall be deposited in the 30579
state treasury to the credit of the oil and gas well fund 30580
created in section 1509.02 of the Revised Code. 30581

For purposes of promoting the competent management and 30582
conservation of the state's oil and natural gas resources and 30583
the proper and lawful plugging of historic oil and gas wells for 30584
which there is no known responsible owner, the chief annually 30585
shall spend not less than thirty per cent of the revenue 30586
credited to the oil and gas well fund during the previous fiscal 30587
year for both of the following purposes: 30588

(a) In accordance with division (E) of this section, to 30589
plug orphaned wells or to restore the land surface properly as 30590
required in section 1509.072 of the Revised Code; 30591

(b) In accordance with division (F) of this section, to 30592
correct conditions that the chief reasonably has determined are 30593
causing imminent health or safety risks at an orphaned well or 30594
associated with a well for which the owner has not initiated a 30595
corrective action within a reasonable period of time as 30596
determined by the chief after the chief has attempted to notify 30597
the owner. 30598

(2) Expenditures from the oil and gas well fund and oil 30599
and gas resolution and remediation fund shall be made only for 30600
lawful purposes. ~~In addition~~ Except as otherwise provided in 30601

divisions (B) (2) and (D) of section 1509.075 of the Revised 30602
Code, expenditures from the fund those funds shall not be made 30603
to purchase real property or to remove a structure in order to 30604
access a well. 30605

~~The director of budget and management, in consultation~~ 30606
~~with the chief, shall establish an accounting code for purposes~~ 30607
~~of tracking expenditures made as required under this division.~~ 30608

(C) (1) If a landowner discovers a well on the landowner's 30609
real property and the landowner is not the owner of the well, 30610
the landowner may report the existence of the well in writing to 30611
the chief. 30612

(2) If the chief receives a written report from a 30613
landowner of the discovery of a well previously unknown to the 30614
division, the chief shall inspect the well not later than thirty 30615
days after the date of receipt of the landowner's report. 30616

(3) The chief shall establish a scoring matrix for use in 30617
determining the priority of plugging wells or restoring land 30618
surfaces at orphaned well sites for purposes of this section. 30619
The matrix shall include a classification system that 30620
categorizes orphaned wells as high priority, medium priority, 30621
and low priority. 30622

(4) The chief shall use the matrix developed under 30623
division (C) (3) of this section to prioritize plugging and land 30624
restoration projects under this section. The chief may add 30625
additional orphaned wells to a project regardless of 30626
classification. 30627

(D) (1) After determining that a well is an orphaned well, 30628
the chief shall do all of the following: 30629

(a) Make a reasonable attempt to determine from the 30630

records in the office of the county recorder of the county in 30631
which the well is located the identity of the current owner of 30632
the land on which the well is located, the identity of each 30633
person owning a right or interest in the oil or gas mineral 30634
interests, and the identities of the persons having a lien upon 30635
any of the equipment appurtenant to the well. For purposes of 30636
division (D) (1) (a) of this section, the chief is not required to 30637
review records in the office of the county recorder that are 30638
older than forty years from the date on which the chief made the 30639
determination that the well is an orphaned well. 30640

(b) Mail notice to each person identified in division (D) 30641
(1) (a) of this section; 30642

(c) Include in the notice to each person having a lien 30643
upon any equipment appurtenant to the well, a statement 30644
informing the person that the well is to be plugged and offering 30645
the person the opportunity to remove that equipment from the 30646
well site at the person's own expense in order to avoid 30647
forfeiture of the equipment to this state; 30648

(d) Publish notice in a newspaper of general circulation 30649
in the county where the well is located that the well is to be 30650
plugged or post the notice on the department of natural 30651
resources web site. 30652

(2) If the current address of a person identified in 30653
division (D) (1) (a) of this section cannot be determined, or if a 30654
notice provided by mail to a person under division (D) (1) (b) of 30655
this section is returned undeliverable, the notice published 30656
under division (D) (1) (d) of this section constitutes sufficient 30657
notice to the person. 30658

(3) If none of the persons described in division (D) (1) (a) 30659

of this section removes equipment from the well within thirty 30660
days after the mailing of the notice or publication or posting 30661
of notice described in division (D) (1) (d) of this section, 30662
whichever is later, all equipment appurtenant to the well is 30663
hereby declared to be forfeited to this state without 30664
compensation and without the necessity for any action by the 30665
state for use to defray the cost of plugging the well and 30666
restoring the land surface at the well site. 30667

(E) The chief may expend money from the oil and gas well 30668
fund and the oil and gas resolution and remediation fund for the 30669
purpose of division (B) (1) (a) of this section, and such 30670
expenditures shall be made in accordance with either of the 30671
following: 30672

(1) The chief may make expenditures pursuant to contracts 30673
entered into by either the chief or another agency of the state 30674
with persons who agree to furnish the materials, equipment, 30675
work, and labor as specified and provided in such a contract for 30676
activities associated with the restoration or plugging of an 30677
orphaned well as determined by the chief. If another agency of 30678
the state enters into the contract, the chief shall prepare the 30679
scope of work for the restoration or plugging of the well. The 30680
activities may include excavation to uncover a well, methods to 30681
locate a well, analyzing the well, stabilizing or other work 30682
conducted prior to plugging the well, drilling out or cleanout 30683
of wellbores to remove material from a well, plugging 30684
operations, installation of vault and vent systems, including 30685
associated engineering certifications and permits, removal of 30686
associated equipment, restoration of property, replugging of 30687
previously plugged orphaned wells or wells for which final 30688
restoration was completed under section 1509.072 of the Revised 30689
Code and rules adopted under it, and repair of damage to 30690

property that is caused by such activities. The chief may make 30691
expenditures for salaries, maintenance, equipment, or other 30692
administrative purposes, for costs directly attributed to 30693
locating, analyzing, stabilizing, designing, plugging, 30694
remediating, or restoring an orphaned well, and for determining 30695
if a well is an orphaned well. 30696

Agents or employees of persons contracting with the chief 30697
to locate, analyze, stabilize, design, plug, remediate, or 30698
restore a well may enter upon any land, public or private, on 30699
which the well is located, or on adjacent parcels needed for 30700
access, for the purpose of performing the work. Prior to such 30701
entry, the chief shall give to the following persons written 30702
notice of the existence of a contract to locate, analyze, 30703
stabilize, design, plug, remediate, or restore a well, the names 30704
of the persons with whom the contract is made, and the date that 30705
the project will commence: the owner of the well, the owner of 30706
the land upon which the well is located, the owner of the land 30707
of an adjacent parcel that will be entered upon, and, if the 30708
well is located in the same township as or in a township 30709
adjacent to the excavations and workings of a mine and the owner 30710
or lessee of that mine has provided written notice identifying 30711
those townships to the chief at any time during the immediately 30712
preceding three years, the owner or lessee of the mine. The 30713
chief may include in the notice to the owner or lessee of the 30714
mine additional information, such as authorization to plug an 30715
orphaned well under section 1509.151 of the Revised Code. 30716

(2) (a) The owner of the land on which at least one 30717
orphaned well is located who has received notice under division 30718
(D) (1) (b) of this section may plug any such orphaned well and be 30719
reimbursed by the division of oil and gas resources management 30720
for the reasonable cost of plugging such wells. In order to plug 30721

the orphaned wells, the landowner shall submit an application to 30722
the chief on a form prescribed by the chief and approved by the 30723
technical advisory council on oil and gas created in section 30724
1509.38 of the Revised Code. The application, at a minimum, 30725
shall require the landowner to provide the same information as 30726
is required to be included in the application for a permit to 30727
plug and abandon under section 1509.13 of the Revised Code. 30728

The application shall be accompanied by a copy of a 30729
proposed contract to plug and abandon the orphaned wells 30730
prepared by a contractor regularly engaged in the business of 30731
plugging oil and gas wells. The proposed contract shall require 30732
the contractor to furnish all of the materials, equipment, work, 30733
and labor necessary to plug the orphaned wells properly and 30734
restore the site including the removal of all associated 30735
equipment and shall specify the price for doing the work. The 30736
contractor shall be insured. 30737

Expenditures made under division (E) (2) (a) of this section 30738
shall be consistent with the expenditures for activities 30739
described in division (E) (1) of this section. In addition, 30740
expenditures made under division (E) (2) of this section are not 30741
subject to section 127.16 of the Revised Code. The application 30742
constitutes an application for a permit to plug the well for the 30743
purposes of section 1509.13 of the Revised Code ~~and the~~ 30744
~~applicant is not required to submit the fee otherwise required~~ 30745
~~under that section.~~ 30746

(b) Within thirty days after receiving an application and 30747
accompanying proposed contract under division (E) (2) (a) of this 30748
section, the chief shall determine whether the plugging would 30749
comply with the applicable requirements of this chapter and 30750
applicable rules adopted and orders issued under it and whether 30751

the cost of the plugging under the proposed contract is 30752
reasonable. If the chief determines that the proposed plugging 30753
would comply with those requirements and that the proposed cost 30754
of the plugging is reasonable, the chief shall notify the 30755
landowner of that determination and issue to the landowner a 30756
permit to plug the well under section 1509.13 of the Revised 30757
Code. The chief may disapprove an application submitted under 30758
division (E) (2) (a) of this section if the chief determines that 30759
the proposed plugging would not comply with the applicable 30760
requirements of this chapter and applicable rules adopted and 30761
orders issued under it, that the cost of the plugging under the 30762
proposed contract is unreasonable, or that the proposed contract 30763
is not a bona fide, arm's length contract. 30764

(c) After receiving the chief's notice of the approval of 30765
the application and permit to plug and abandon a well under 30766
division (E) (2) (b) of this section, the landowner may enter into 30767
the proposed contract to plug the well. 30768

(d) Upon determining that the plugging has been completed 30769
in compliance with the applicable requirements of this chapter 30770
and applicable rules adopted and orders issued under it, the 30771
chief shall pay the contractor for the cost of the plugging and 30772
restoration as set forth in the proposed contract approved by 30773
the chief and changes or costs approved by the chief. The 30774
payment shall be paid from the oil and gas well fund or the oil 30775
and gas resolution and remediation fund. The chief shall only 30776
make payments for purposes of division (E) (2) of this section 30777
pursuant to a proper invoice as defined under section 125.01 of 30778
the Revised Code. 30779

(e) If the chief determines that the plugging was not 30780
completed in accordance with the applicable requirements, the 30781

chief shall not pay the contractor or landowner for the cost of 30782
the plugging. 30783

(f) If any equipment was removed from the well during the 30784
plugging and sold, the chief shall deduct the sale amount of the 30785
equipment from the payment to the contractor. 30786

(g) Changes made to a contract executed under division (E) 30787
(2) of this section due to unanticipated conditions may be 30788
presented to the chief in the form of a written request for 30789
approval of the additional costs prior to completion of the 30790
work. The chief shall determine if the changes are necessary to 30791
comply with this chapter and rules adopted and orders issued 30792
under it and if the cost of the changes are reasonable. The 30793
chief shall provide to the contractor a written decision 30794
regarding the proposed changes. If the chief determines that the 30795
changes are not necessary or that the costs are not reasonable, 30796
the chief may either deny the request or establish the amount of 30797
the cost that the chief approves. Work completed prior to 30798
receipt of written approval from the chief is not eligible for 30799
payment, unless waived by the chief. 30800

(3) The chief may establish an annual limit on the number 30801
of wells that may be plugged under division (E) (2) of this 30802
section or an annual limit on the expenditures to be made under 30803
that division. The chief may reject an application submitted 30804
under division (E) (2) of this section if the chief determines 30805
that the plugging of other wells take priority. 30806

(4) As used in division (E) (2) of this section, "plug" and 30807
"plugging" include the plugging of the well, replugging of a 30808
previously plugged orphaned well or a well for which final 30809
restoration was completed under section 1509.072 of the Revised 30810
Code and rules adopted under it, drilling out or cleanout of a 30811

well bore to remove material from a well, installation of 30812
casings, installation of a vault and vent, restoration, and the 30813
restoration of the land surface disturbed by the plugging. 30814

(F) (1) Expenditures from the oil and gas well fund or the 30815
oil and gas resolution and remediation fund for the purpose of 30816
division (B) (1) (b) of this section may be made pursuant to 30817
contracts entered into by either the chief or another agency of 30818
the state with persons who agree to furnish the materials, 30819
equipment, work, and labor as specified and provided in such a 30820
contract. The competitive bidding requirements of Chapter 153. 30821
of the Revised Code do not apply if the chief reasonably 30822
determines that a situation exists requiring immediate action 30823
for the correction of the applicable health or safety risk. A 30824
contract or purchase of materials for purposes of addressing the 30825
emergency situation is not subject to division (B) of section 30826
127.16 of the Revised Code. The chief, designated 30827
representatives of the chief, and agents or employees of persons 30828
contracting with the chief to locate, analyze, stabilize, 30829
design, plug, remediate, or restore a well under this division 30830
may enter upon any land, public or private, on which the well is 30831
located, or on parcels needed for access, for the purpose of 30832
performing the work. 30833

(2) The chief shall issue an order that requires the owner 30834
of a well to pay the actual documented costs of a corrective 30835
action that is described in division (B) (1) (b) of this section 30836
concerning the well. The chief shall transmit the money so 30837
recovered to the treasurer of state who shall deposit the money 30838
in the ~~state treasury to the credit of the oil and gas well~~ 30839
resolution and remediation fund. 30840

(G) Contracts entered into by either the chief or another 30841

agency of the state under this section are not subject to any of 30842
the following: 30843

(1) Chapter 4115. of the Revised Code; 30844

(2) Chapter 153. of the Revised Code; 30845

(3) Section 4733.17 of the Revised Code. 30846

(H) The owner of land on which a well is located who has 30847
received notice under division (D) (1) (b) of this section, in 30848
lieu of plugging the well in accordance with division (E) (2) of 30849
this section, may cause ownership of the well to be transferred 30850
in accordance with section 1509.31 of the Revised Code. 30851

If a well is transferred, the owner to whom it is 30852
transferred shall comply with this chapter and rules adopted 30853
under it and shall take title to and possession of the equipment 30854
appurtenant to the well that has been identified by the chief as 30855
having been abandoned by the former owner of the well. 30856

(I) The chief may engage in cooperative projects under 30857
this section with any agency of this state, another state, or 30858
the United States; any other governmental agencies; any state 30859
university or college as defined in section 3345.27 of the 30860
Revised Code; or a nonprofit corporation that is exempt from 30861
federal income taxation under section 501(c) (3) of the "Internal 30862
Revenue Code of 1986," 26 U.S.C. 1, as amended. A contract 30863
entered into for purposes of a cooperative project is not 30864
subject to division (B) of section 127.16 of the Revised Code. 30865

(J) (1) On or before the close of each calendar quarter, 30866
the chief shall submit a written report to the technical 30867
advisory council established under section 1509.38 of the 30868
Revised Code describing the efforts of the division of oil and 30869
gas resources management to plug orphaned wells during the 30870

immediately preceding calendar quarter. The chief also shall 30871
include in the report all of the following information: 30872

(a) The total number of known orphaned wells in the state 30873
and the total number in each county of the state; 30874

(b) The total number of newly discovered orphaned wells 30875
during the immediately preceding calendar quarter; 30876

(c) The total number of wells plugged in accordance with 30877
this section during the immediately preceding calendar quarter; 30878

(d) The total number of wells plugged in accordance with 30879
this section and the estimated average and indirect costs of 30880
plugging activities conducted under this section prior to the 30881
date of the report; 30882

(e) The number of wells approved for plugging in 30883
accordance with this section and the estimated average and 30884
indirect costs of plugging activities conducted under this 30885
section during the immediately preceding calendar quarter. 30886

(2) Not later than the thirty-first day of March of each 30887
year, the chief and the technical advisory council shall jointly 30888
provide a report containing, at a minimum, the information 30889
required to be included in the quarterly reports during the 30890
previous one-year period to all of the following: 30891

(a) The speaker of the house of representatives; 30892

(b) The president of the senate; 30893

(c) The chair of the committee of the house of 30894
representatives responsible for energy and natural resources 30895
issues; 30896

(d) The chair of the committee of the senate responsible 30897

for energy and natural resources issues. 30898

Sec. 1509.075. (A) There is hereby created the oil and gas 30899
resolution and remediation fund, which shall be in the custody 30900
of the treasurer of state but shall not be part of the state 30901
treasury. The fund shall consist of moneys transferred to it 30902
from the oil and gas well fund and any money deposited into it 30903
under sections 1509.07 and 1509.071 of the Revised Code. 30904
Notwithstanding any provision of law to the contrary, at the 30905
beginning of each fiscal year, the treasurer of state shall 30906
transfer to the oil and gas resolution and remediation fund the 30907
amount of money in the oil and gas well fund that is in excess 30908
of the total amount appropriated to the oil and gas well fund 30909
for that fiscal year. 30910

(B) (1) Money in the oil and gas resolution and remediation 30911
fund shall be used by the chief of the division of oil and gas 30912
resources management for the plugging of orphaned wells under 30913
this chapter. 30914

(2) The chief may use money in the fund for expenses that 30915
are critical and necessary for the protection of human health 30916
and safety and the environment related to oil and gas production 30917
in this state. 30918

(3) The treasurer of state shall disburse moneys from the 30919
fund quarterly on order of the chief. 30920

(C) The treasurer of state may invest any portion of the 30921
oil and gas resolution and remediation fund not needed for 30922
immediate use in the same manner as, and subject to all 30923
provisions of law with respect to the investment of, state 30924
funds. 30925

(D) Interest earned on the fund shall be credited to the 30926

fund and reserved for use by the director of natural resources. 30927
The director may order the treasurer of state to disburse 30928
interest from the fund for any purpose of the department of 30929
natural resources, subject to the approval of the technical 30930
advisory council on oil and gas, as provided in section 1509.38 30931
of the Revised Code. The director shall provide the treasurer of 30932
state with written notice of the council's approval before the 30933
treasurer of state may disburse money from the fund. 30934

Sec. 1509.13. (A) (1) Except as otherwise provided in 30935
division (A) (2) of this section and division (E) (1) of section 30936
1509.071 of the Revised Code, no person shall plug and abandon a 30937
well without having a permit to do so issued by the chief of the 30938
division of oil and gas resources management. The permit shall 30939
be issued by the chief in accordance with this chapter and shall 30940
be valid for a period of twenty-four months from the date of 30941
issue. 30942

(2) The holder of a valid permit issued under section 30943
1509.06 of the Revised Code may receive approval from an oil and 30944
gas resources inspector to plug and abandon the well associated 30945
with that permit, without obtaining the permit required under 30946
division (A) of this section, if either of the following apply: 30947

(a) The well was drilled to total depth and the well 30948
cannot or will not be completed. 30949

(b) The well is a lost hole or dry hole. 30950

(3) A permit holder plugging a well pursuant to division 30951
(A) (2) (a) of this section shall plug the well within thirty days 30952
of receipt of approval from the oil and gas resources inspector. 30953

(4) A permit holder plugging a well pursuant to division 30954
(A) (2) (b) of this section shall plug the well immediately after 30955

determining that the well is a lost hole or dry hole in 30956
accordance with rules adopted under this chapter. 30957

(B) The application for a permit to plug and abandon shall 30958
be filed as many days in advance as will be necessary for an oil 30959
and gas resources inspector or, if the well is located in a coal 30960
bearing township, both a deputy mine inspector and an oil and 30961
gas resources inspector to be present at the plugging. The 30962
application shall be filed with the chief upon a form that the 30963
chief prescribes and shall contain the following information: 30964

(1) The name and address of the applicant; 30965

(2) The signature of the applicant or the applicant's 30966
authorized agent. When an authorized agent signs an application, 30967
it shall be accompanied by a certified copy of the appointment 30968
as that agent. 30969

(3) The location of the well identified by section or lot 30970
number, city, village, township, and county; 30971

(4) Designation of well by name and number; 30972

(5) The total depth of the well to be plugged; 30973

(6) The date and amount of last production from the well; 30974

(7) Other information that the chief may require. 30975

(C) ~~Except as otherwise provided in division (E) (2) (a) of~~ 30976
~~section 1509.071 of the Revised Code, the application shall be~~ 30977
~~accompanied by a nonrefundable fee of two hundred fifty dollars.~~ 30978
Unless waived by an oil and gas resources inspector, the owner 30979
of a well or the owner's authorized representative shall notify 30980
an oil and gas resources inspector at least twenty-four hours 30981
prior to the commencement of the plugging of a well. No well 30982
shall be plugged and abandoned without an oil and gas resources 30983

inspector present unless permission has been granted by the 30984
chief. The owner of a well that has produced oil or gas shall 30985
give written notice at the same time to the owner of the land 30986
upon which the well is located and to all lessors that receive 30987
gas from the well pursuant to an agreement. If the well 30988
penetrates or passes within one hundred feet of the excavations 30989
and workings of a mine, the owner of the well shall give written 30990
notice to the owner or lessee of that mine of the intention to 30991
abandon the well and of the time when the owner of the well will 30992
be prepared to commence plugging it. 30993

(D) An applicant may file a request with the chief for 30994
expedited review of an application for a permit to plug and 30995
abandon a well. The chief may refuse to accept a request for 30996
expedited review if, in the chief's judgment, acceptance of the 30997
request will prevent the issuance, within twenty-one days of 30998
filing, of permits for which applications filed under section 30999
1509.06 of the Revised Code are pending. In addition to a 31000
complete application for a permit that meets the requirements of 31001
this section ~~and the permit fee prescribed by this section, if~~ 31002
~~applicable,~~ a request for expedited review shall be accompanied 31003
by a nonrefundable filing fee of five hundred dollars unless the 31004
chief has ordered the applicant to plug and abandon the well. 31005
When a request for expedited review is filed, the chief shall 31006
immediately begin to process the application and shall issue a 31007
permit within seven days of the filing of the request unless the 31008
chief, by order, denies the application. 31009

(E) (1) Except as otherwise provided in division (E) (2) of 31010
this section, any person undertaking the plugging of a well for 31011
which a permit has been issued under this section shall obtain 31012
insurance for bodily injury coverage and property damage 31013
coverage in the amount established under section 1509.07 of the 31014

Revised Code to pay for damages or injury to property or person, 31015
including damages caused by the plugging of the well. The person 31016
shall electronically submit proof of insurance to the chief upon 31017
the chief's request. 31018

(2) Division (E)(1) of this section does not apply to a 31019
person already required to maintain an insurance policy under 31020
section 1509.07 of the Revised Code. 31021

(F) This section does not apply to a well plugged or 31022
abandoned in compliance with section 1571.05 of the Revised 31023
Code. 31024

Sec. 1509.38. (A) There is hereby created in the division 31025
of oil and gas resources management a technical advisory council 31026
on oil and gas, which shall consist of eight members to be 31027
appointed by the governor with the advice and consent of the 31028
senate. Three members shall be independent oil or gas producers, 31029
operators, or their representatives, operating and producing 31030
primarily in this state, three members shall be oil or gas 31031
producers, operators, or their representatives having 31032
substantial oil and gas producing operations in this state and 31033
at least one other state, one member shall represent the public, 31034
and one member shall represent persons having landowners' 31035
royalty interests in oil and gas production. All members shall 31036
be residents of this state, and all members, except the members 31037
representing the public and persons having landowners' royalty 31038
interests, shall have at least five years of practical or 31039
technical experience in oil or gas drilling and production. Not 31040
more than one member may represent any one company, producer, or 31041
operator. 31042

(B) Terms of office shall be for three years, commencing 31043
on the first day of February and ending on the thirty-first day 31044

of January. Each member shall hold office from the date of 31045
appointment until the end of the term for which the member was 31046
appointed. A vacancy in the office of a member shall be filled 31047
by the governor, with the advice and consent of the senate. Any 31048
member appointed to fill a vacancy occurring prior to the 31049
expiration of the term for which the member's predecessor was 31050
appointed shall hold office for the remainder of that term. Any 31051
member shall continue in office subsequent to the expiration 31052
date of the member's term until the member's successor takes 31053
office, or until a period of sixty days has elapsed, whichever 31054
occurs first. 31055

(C) The council shall select from among its members a 31056
chairperson, a vice-chairperson, and a secretary. All members 31057
are entitled to their actual and necessary expenses incurred in 31058
the performance of their duties as members, payable from the 31059
appropriations for the division. 31060

(D) The governor may remove any member for inefficiency, 31061
neglect of duty, or malfeasance in office. 31062

(E) The council shall hold at least one regular meeting in 31063
each quarter of a calendar year and shall keep a record of its 31064
proceedings. Special meetings may be called by the chairperson 31065
and shall be called by the chairperson upon receipt of a written 31066
request signed by two or more members of the council. A written 31067
notice of the time and place of each meeting shall be sent to 31068
each member of the council. Five members constitute a quorum, 31069
and no action of the council is valid unless five members 31070
concur. 31071

(F) The council, when requested by the chief of the 31072
division of oil and gas resources management, shall consult with 31073
and advise the chief and perform other duties that may be 31074

lawfully delegated to it by the chief. The council may 31075
participate in hearings held by the chief under this chapter and 31076
has powers of approval as provided in sections 1509.24 and 31077
1509.25 of the Revised Code. The council shall conduct the 31078
activities required, and exercise the authority granted, under 31079
Chapter 1510. of the Revised Code. 31080

(G) If the council receives a request from the director of 31081
natural resources to approve an expenditure from the oil and gas 31082
resolution and remediation fund for purposes of division (D) of 31083
section 1509.075 of the Revised Code, the council shall vote to 31084
approve or deny that expenditure. The council shall notify the 31085
director in writing of the approval or denial. 31086

(H) The council, upon receiving a request from the 31087
chairperson of the oil and gas commission under division (C) of 31088
section 1509.35 of the Revised Code, immediately shall prepare 31089
and provide to the chairperson a list of its members who may 31090
serve as temporary members of the oil and gas commission as 31091
provided in that division. 31092

Sec. 1513.371. The long-term abandoned mine reclamation 31093
fund is created in the state treasury. The fund shall be 31094
administered by the chief of the division of mineral resources 31095
management and consist of grants awarded by the United States 31096
secretary of the interior from the federal abandoned mine 31097
reclamation fund pursuant to the federal "Infrastructure 31098
Investment and Jobs Act," Pub. L. No. 177-58. All investment 31099
earnings of the fund shall be credited to the fund. 31100

The fund shall be used for abatement of the causes and 31101
treatment of the effects of acid mine drainage resulting from 31102
coal mine practices, including the following: 31103

(A) The costs of building, operating, maintaining, and 31104
rehabilitating acid mine drainage treatment systems; 31105

(B) The prevention, abatement, and control of subsidence; 31106

(C) The prevention, abatement, and control of coal mine 31107
fires. 31108

Sec. 1517.11. (A) There is hereby created in the state 31109
treasury the natural areas and preserves fund, which shall 31110
consist of moneys transferred into it under section 5747.113 of 31111
the Revised Code and of contributions made directly to it. Any 31112
person may contribute directly to the fund in addition to or 31113
independently of the income tax refund contribution system 31114
established in that section. 31115

(B) Moneys in the fund shall be disbursed pursuant to 31116
vouchers approved by the director of natural resources for use 31117
by the division of natural areas and preserves solely for the 31118
following purposes: 31119

~~(A)~~ (1) The acquisition of new or expanded natural areas 31120
and nature preserves and scenic river lands; 31121

~~(B)~~ (2) Facility development in natural areas and nature 31122
preserves and scenic river lands; 31123

~~(C)~~ (3) Special projects, including, but not limited to, 31124
biological inventories, research grants, and the production of 31125
interpretive material related to natural areas and nature 31126
preserves and scenic river lands; 31127

~~(D)~~ (4) Routine maintenance for health and safety purposes. 31128

(C) Money in the fund also may be used for the purposes of 31129
administering a system of wild, scenic, and recreational rivers, 31130
scenic river lands, and facilities or improvements associated 31131

with such rivers and lands. 31132

(D) Moneys appropriated from the fund shall not be used to 31133
fund salaries of permanent employees or administrative costs. 31134

(E) All investment earnings of the fund shall be credited 31135
to the fund. 31136

(F) The chief of the division of natural areas and 31137
preserves may sell any of the following: 31138

(1) Items related to or that promote Ohio's native plants 31139
and animals, unique ecology and geology, and general ecological 31140
preservation and conservation such as pins, apparel, stickers, 31141
books, bulletins, maps, publications, calendars, and other 31142
educational articles and division branded merchandise; 31143

(2) Items pertaining to Ohio's ecology including native 31144
plants and seeds of native plants. 31145

(G) All moneys received under division (F) of this section 31146
shall be paid into the state treasury to the credit of the 31147
natural areas and preserves fund created under this section. 31148

Sec. 1521.16. (A) Any person who owns a facility that has 31149
the capacity to withdraw waters of the state in an amount 31150
greater than one hundred thousand gallons per day from all 31151
sources and whose construction is completed before January 1, 31152
1990, shall register the facility by January 1, 1991, with the 31153
chief of the division of water resources, and any person who 31154
owns a facility that has the capacity to withdraw waters of the 31155
state in such an amount and whose construction is completed on 31156
or after January 1, 1990, shall register the facility with the 31157
chief within three months after the facility is completed. The 31158
person shall register the facility using a form prescribed by 31159
the chief that shall include, without limitation, the name and 31160

address of the registrant and date of registration; the 31161
locations and sources of the facility's water supply; the 31162
facility's withdrawal capacity per day and the amount withdrawn 31163
from each source; the uses made of the water, places of use, and 31164
places of discharge; and such other information as the chief may 31165
require by rule. 31166

The registration date of any facility whose construction 31167
was completed prior to January 1, 1990, and that is registered 31168
under this division prior to January 1, 1991, shall be January 31169
1, 1990. The registration date of any facility whose 31170
construction was completed prior to January 1, 1990, and that is 31171
required to register under this division prior to January 1, 31172
1991, but that is not registered prior to that date, and the 31173
registration date of any facility whose construction was 31174
completed after January 1, 1990, and that is required to 31175
register under this division shall be the date on which the 31176
registration is received by the chief. 31177

(B) In accordance with division (D) of this section, the 31178
chief shall adopt rules establishing standards and criteria for 31179
determining when an area of ground water is a ground water 31180
stress area, the geographic limits of such an area, and a 31181
threshold withdrawal capacity for the area below which 31182
registration under this division shall not be required. At any 31183
time following the adoption of those rules, the chief may by 31184
order designate an area of ground water as a ground water stress 31185
area and shall establish in any such order a threshold 31186
withdrawal capacity for the area below which registration under 31187
this division shall not be required. 31188

Following the designation of a ground water stress area, 31189
the chief immediately shall give notice by publication in a 31190

newspaper of general circulation in the designated area that 31191
shall include a map delineating the designated ground water 31192
stress area and a statement of the threshold withdrawal capacity 31193
established for the area below which registration under this 31194
division shall not be required. The notice shall not appear in 31195
the legal notices section of the newspaper. Any person who owns 31196
a facility in the designated ground water stress area that is 31197
not registered under division (A) of this section and that has 31198
the capacity to withdraw waters of the state in an amount 31199
greater than the threshold withdrawal capacity for the area from 31200
all sources shall register the facility with the chief not later 31201
than thirty days after publication of the notice. A person 31202
registering a facility under this division shall do so using a 31203
form prescribed by the chief. The form shall include the 31204
information specified in division (A) of this section. 31205

~~(C)~~ (C) (1) Any person who owns a facility registered under 31206
division (A) or (B) of this section shall file a report annually 31207
with the chief listing the amount of water withdrawn per day by 31208
the facility, the return flow per day, and any other information 31209
the chief may require by rule. 31210

(2) Any person who owns a facility registered under 31211
division (A) of this section shall pay an annual fee when filing 31212
the report under division (C) (1) of this section that is based 31213
on the registered withdrawal capacity of the facility in 31214
accordance with the following amounts: 31215

(a) For a facility with a registered capacity of one 31216
hundred thousand to two hundred forty-nine thousand, nine 31217
hundred ninety-nine gallons per day, seventy-five dollars; 31218

(b) For a facility with a registered capacity of two 31219
hundred fifty thousand to four hundred ninety-nine thousand, 31220

nine hundred ninety-nine gallons per day, one hundred dollars; 31221

(c) For a facility with a registered capacity of five 31222

hundred thousand to nine hundred ninety-nine thousand, nine 31223

hundred ninety-nine gallons per day, one hundred fifty dollars; 31224

(d) For a facility with a registered capacity of one 31225

million to nine million, nine hundred ninety-nine thousand, nine 31226

hundred ninety-nine gallons per day, two hundred fifty dollars; 31227

(e) For a facility with a registered capacity of ten 31228

million to forty nine million, nine hundred ninety-nine 31229

thousand, nine hundred ninety-nine gallons per day, five hundred 31230

fifty dollars; 31231

(f) For a facility with a registered capacity of fifty 31232

million gallons per day or greater, one thousand fifty dollars. 31233

(3) All fees collected under division (C) (2) of this 31234

section shall be credited to the water management fund created 31235

in section 1521.22 of the Revised Code. 31236

(D) The chief shall adopt, and may amend or rescind, rules 31237

in accordance with Chapter 119. of the Revised Code to carry out 31238

this section. 31239

(E) (1) No person knowingly shall fail to register a 31240

facility or file a report as required under this section. 31241

(2) No person shall file a false registration or report 31242

under this section. Violation of division (E) (2) of this section 31243

is falsification under section 2921.13 of the Revised Code. 31244

Sec. 1521.23. (A) Except as provided in divisions (D) and 31245

(E) of this section, no person shall allow a facility that the 31246

person owns or operates to withdraw waters of the state in an 31247

amount that would result in a new or increased consumptive use 31248

of more than an average of two million gallons of water per day 31249
in any thirty-day period without first obtaining a permit from 31250
the chief of the division of water resources under section 31251
1521.29 of the Revised Code. 31252

(B) Prior to developing a new or increased withdrawal or 31253
consumptive use capacity that would facilitate a withdrawal 31254
requiring a permit under section 1521.29 of the Revised Code, an 31255
owner or operator of a facility shall submit an application for 31256
a permit to the chief on a form the chief prescribes. The 31257
applicant shall declare and document all of the following in the 31258
application: 31259

(1) The facility's current withdrawal capacity per day if 31260
the withdrawal is to occur at a facility already in operation; 31261

(2) The total new or increased daily withdrawal capacity 31262
proposed for the facility; 31263

(3) The locations and sources of water proposed to be 31264
withdrawn; 31265

(4) The locations of proposed discharges or return flows; 31266

(5) The locations and nature of proposed consumptive uses; 31267

(6) The estimated average annual and monthly volumes and 31268
rates of withdrawal; 31269

(7) The estimated average annual and monthly volumes and 31270
rates of consumptive use; 31271

(8) The effects the withdrawal is anticipated to have with 31272
respect to existing uses of water resources; 31273

(9) A description of other ways the applicant's need for 31274
water may be satisfied if the application is denied or modified; 31275

(10) A description of the conservation practices the applicant intends to follow; 31276
31277

(11) All information required under sections 1521.24 to 1521.27 of the Revised Code if the sources of water for the proposed withdrawal are ground water; 31278
31279
31280

(12) Any other information the chief may require by rule. 31281

(C) Each application shall be accompanied by a nonrefundable fee of ~~one~~five thousand dollars, which shall be credited to the water management fund created under section 1521.22 of the Revised Code. 31282
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(D) A major utility facility that is subject to regulation under Chapter 4906. of the Revised Code, a facility that is subject to regulation under Chapter 1514. of the Revised Code, or a facility that is required to obtain a permit under sections 1522.10 to 1522.30 of the Revised Code need not obtain a permit under section 1521.29 of the Revised Code. 31286
31287
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(E) A public water system, as defined in section 6109.01 of the Revised Code, that withdraws waters of the state in an amount that would result in a new or increased consumptive use of more than two million gallons per day need not obtain a permit under section 1521.29 of the Revised Code if one of the following applies: 31292
31293
31294
31295
31296
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(1) The public water system was in operation on June 29, 1988, and no substantial changes in the design capacity are proposed for that system. 31298
31299
31300

(2) A public water system that is proposed to be constructed or installed, or an existing system for which changes are proposed, encompasses only water distribution facilities. 31301
31302
31303
31304

Sec. 1522.12. (A) For purposes of the compact, the owner 31305
or operator of a facility within the Lake Erie watershed that is 31306
not otherwise exempt under section 1522.14 of the Revised Code 31307
shall obtain a withdrawal and consumptive use permit from the 31308
chief of the division of water resources if the facility meets 31309
any of the following threshold criteria: 31310

(1) The facility has a new or increased capacity for 31311
withdrawals or consumptive uses from Lake Erie or a recognized 31312
navigation channel of at least two and one-half million gallons 31313
per day. 31314

(2) Except as provided in division (A) (3) of this section, 31315
the facility has a new or increased capacity for withdrawals or 31316
consumptive uses from any river or stream or from ground water 31317
in the Lake Erie watershed of at least one million gallons per 31318
day. 31319

(3) (a) Except as provided in division (A) (3) (b) of this 31320
section, the facility has a new or increased capacity for 31321
withdrawals or consumptive uses from any river or stream in the 31322
Lake Erie watershed that is a high quality water of at least one 31323
hundred thousand gallons per day. Division (A) (3) of this 31324
section does not apply to withdrawals and consumptive uses from 31325
outstanding state waters that are designated as such by the 31326
environmental protection agency due to their exceptional 31327
recreational values. 31328

(b) If a river or stream or segment thereof is designated 31329
as a high quality water as of September 4, 2012, the threshold 31330
established in division (A) (3) (a) of this section applies to the 31331
river or stream or segment thereof and the entire watershed 31332
upstream of that river, stream, or segment. If a river or stream 31333
or segment thereof is designated as a high quality water after 31334

September 4, 2012, the threshold established in division (A) (3) 31335
(a) of this section applies to the river or stream or segment 31336
thereof and the entire watershed upstream of that river, stream, 31337
or segment, provided that the director of environmental 31338
protection and the director of natural resources, or their 31339
designees, jointly determine that the proposed withdrawal or 31340
consumptive use would cause the high quality water to lose its 31341
designation as a high quality water. If the directors determine 31342
that the proposed withdrawal or consumptive use would not cause 31343
the high quality water to lose that designation, the threshold 31344
established in division (A) (2) of this section applies to the 31345
withdrawal or consumptive use at a point beginning one thousand 31346
feet upstream of the upstream end of the designated high quality 31347
water segment or at a point beginning two times the length of 31348
the river, stream, or segment that has been designated as a high 31349
quality water, whichever is greater. 31350

(B) An owner or operator of a facility that is not 31351
otherwise exempt under section 1522.14 of the Revised Code and 31352
that is subject to a threshold specified in division (A) of this 31353
section shall not install or operate the facility or equipment 31354
that will result in a new or increased withdrawal or consumptive 31355
use of water in the Lake Erie watershed without first obtaining 31356
a withdrawal and consumptive use permit. 31357

(C) Permits issued under this section shall be issued only 31358
for the amount of withdrawal or consumptive use capacity of a 31359
facility that meets or exceeds threshold amounts established in 31360
division (A) of this section. A permit shall not be required for 31361
the portion of the withdrawal and consumptive use capacity of 31362
the facility below that threshold amount. 31363

(D) An applicant for a permit shall submit an application 31364

to the chief on a form that the chief prescribes. The applicant 31365
shall include with the application all of the following: 31366

(1) The name, address, and telephone number of the 31367
applicant and of a contact person for the applicant; 31368

(2) The names, addresses, and other necessary contact 31369
information of any other owners and operators of the facility; 31370

(3) A description of all of the following: 31371

(a) The facility's current withdrawal capacity per day if 31372
the withdrawal is to occur at a facility already in operation; 31373

(b) The total new or increased daily withdrawal capacity 31374
proposed for the facility; 31375

(c) The locations and sources of water proposed to be 31376
withdrawn; 31377

(d) The locations of proposed discharges or return flows; 31378

(e) The locations and nature of proposed consumptive uses 31379
and the applicable consumptive use coefficient for the facility; 31380

(f) The estimated average annual and monthly volumes and 31381
rates of withdrawal; 31382

(g) The estimated average annual and monthly volumes and 31383
rates of consumptive use; 31384

(h) The environmentally sound and economically feasible 31385
water conservation measures to be undertaken by the applicant; 31386

(i) Other ways the applicant's need for water may be 31387
satisfied if the application is denied or modified; 31388

(4) All information required in sections 1522.121 to 31389
1522.124 of the Revised Code if the source of water for the 31390

proposed withdrawal is ground water; 31391

(5) Any other information the chief may require to 31392
adequately consider the application; 31393

(6) A nonrefundable application fee of ~~one~~five thousand 31394
dollars, the proceeds of which shall be credited to the water 31395
management fund created in section 1521.22 of the Revised Code. 31396

(E) Provided that a facility meets all applicable permit 31397
conditions, a permit for the facility is valid until the 31398
facility is the subject of facility abandonment. Once every five 31399
years, the owner or operator of a facility shall certify to the 31400
chief that the facility is in compliance with the permit that 31401
has been issued for the facility. 31402

(F) No person that is required to do so shall fail to 31403
apply for and receive a withdrawal and consumptive use permit. 31404

(G) A permit issued under this section shall include terms 31405
and conditions restricting the withdrawal and consumptive use by 31406
a facility to amounts not exceeding the capacity of the 31407
facility. 31408

(H) The chief shall issue or deny a permit not later than 31409
ninety days after receipt of a complete application. If 31410
applicable, the chief shall comply with the requirements 31411
regarding prior notice established in Section 4.6 of the 31412
compact. The chief shall issue or deny a permit through issuance 31413
of an order. The chief shall issue a permit if all applicable 31414
criteria for receiving the permit are met as provided in 31415
sections 1522.10 to 1522.30 of the Revised Code and neither of 31416
the following applies: 31417

(1) A withdrawal or consumptive use will result in a 31418
significant lowering of the water level within an aquifer, the 31419

overdrafting of an aquifer, a significant diminution in the 31420
amount of water available in existing wells, or the interruption 31421
of existing ground water supplies within the geographic area 31422
established by the chief pursuant to section 1522.125 of the 31423
Revised Code without a suitable replacement water supply source. 31424

(2) A withdrawal or consumptive use would cause 31425
irreparable material damage to an aquifer such that the aquifer 31426
could no longer yield the amount of water it did before the 31427
withdrawal or consumptive use proposed in the application. 31428

(I) If the facility for which a permit has been issued 31429
under this section withdraws ground water, the chief may require 31430
the continued monitoring and reporting of water levels in each 31431
aquifer via existing wells or new monitoring wells drilled by 31432
the permittee. 31433

Sec. 1533.10. (A) Except as provided in this section or 31434
division (A) (2) of section 1533.12 or section 1533.73 or 31435
1533.731 of the Revised Code, no person shall hunt any wild bird 31436
or wild quadruped without a hunting license. Each day that any 31437
person hunts within the state without procuring such a license 31438
constitutes a separate offense. 31439

(B) (1) Except as otherwise provided in this section, 31440
division (A) of section 1533.12 of the Revised Code, or in rules 31441
adopted under division (B) of that section, each applicant for a 31442
hunting license shall pay an annual fee for each annual license 31443
in accordance with the following schedule: 31444
31445

1

2

A Hunting license - resident

\$18.00

B	Hunting license - nonresident that is not a resident of a reciprocal state, ages 18 and older	\$174.00
C	Hunting license - nonresident that is a resident of a reciprocal state, ages 18 and older	\$18.00
D	Apprentice hunting license - resident	\$18.00
E	Apprentice hunting license - nonresident that is not a resident of a reciprocal state	\$174.00
F	Apprentice hunting license - nonresident that is a resident of a reciprocal state	\$18.00
G	Youth hunting license - resident and nonresident	\$9.00
H	Apprentice youth hunting license - resident	\$9.00
I	Senior hunting license - resident	\$9.00
J	Apprentice senior hunting license - resident	\$9.00

(2) Apprentice resident hunting licenses, apprentice youth hunting licenses, apprentice senior hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted under it.

(3) As used in division (B) (1) of this section:

(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a license.

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.

(c) "Reciprocal state" means a state that is a party to an 31456
agreement under section 1533.91 of the Revised Code. 31457

(C) A resident of this state who owns lands in the state 31458
and the owner's parents, children of any age, and grandchildren 31459
under eighteen years of age may hunt on the lands without a 31460
hunting license. A resident of any other state who owns real 31461
property in this state, and the spouse and children living with 31462
the property owner, may hunt on that property without a license, 31463
provided that the state of residence of the real property owner 31464
allows residents of this state owning real property in that 31465
state, and the spouse and children living with the property 31466
owner, to hunt without a license. If the owner of land in this 31467
state is a limited liability company or a limited liability 31468
partnership that consists of three or fewer individual members 31469
or partners, as applicable, an individual member or partner who 31470
is a resident of this state and the member's or partner's 31471
parents, children of any age, and grandchildren under eighteen 31472
years of age may hunt on the land owned by the limited liability 31473
company or limited liability partnership without a hunting 31474
license. In addition, if the owner of land in this state is a 31475
trust that has a total of three or fewer trustees and 31476
beneficiaries, an individual who is a trustee or beneficiary and 31477
who is a resident of this state and the individual's parents, 31478
children of any age, and grandchildren under eighteen years of 31479
age may hunt on the land owned by the trust without a hunting 31480
license. The tenant and children of the tenant, residing on 31481
lands in the state, may hunt on them without a hunting license. 31482

(D) The chief of the division of wildlife may issue a 31483
small game hunting license expiring three days from the 31484
effective date of the license to a nonresident of the state, the 31485
fee for which is thirty-nine dollars. No person shall take or 31486

possess deer, wild turkeys, fur-bearing animals, ducks, geese, 31487
brant, or any nongame animal while possessing only a small game 31488
hunting license. 31489

A small game hunting license or an apprentice nonresident 31490
hunting license does not authorize the taking or possessing of 31491
ducks, geese, or brant without having obtained, in addition to 31492
the small game hunting license or the apprentice nonresident 31493
hunting license, a wetlands habitat stamp as provided in section 31494
1533.112 of the Revised Code. A small game hunting license or an 31495
apprentice nonresident hunting license does not authorize the 31496
taking or possessing of deer, wild turkeys, or fur-bearing 31497
animals. A nonresident of the state who wishes to take or 31498
possess deer, wild turkeys, or fur-bearing animals in this state 31499
shall procure, respectively, a deer or wild turkey permit as 31500
provided in section 1533.11 of the Revised Code or a fur taker 31501
permit as provided in section 1533.111 of the Revised Code in 31502
addition to a nonresident hunting license, an apprentice 31503
nonresident hunting license, a special youth hunting license, or 31504
an apprentice youth hunting license, as applicable, as provided 31505
in this section. 31506

(E) No person shall procure or attempt to procure a 31507
hunting license by fraud, deceit, misrepresentation, or any 31508
false statement. 31509

(F) (1) This section does not authorize the taking and 31510
possessing of deer or wild turkeys without first having 31511
obtained, in addition to the hunting license required by this 31512
section, a deer or wild turkey permit as provided in section 31513
1533.11 of the Revised Code or the taking and possessing of 31514
ducks, geese, or brant without first having obtained, in 31515
addition to the hunting license required by this section, a 31516

wetlands habitat stamp as provided in section 1533.112 of the 31517
Revised Code. 31518

(2) This section does not authorize the hunting or 31519
trapping of fur-bearing animals without first having obtained, 31520
in addition to a hunting license required by this section, a fur 31521
taker permit as provided in section 1533.111 of the Revised 31522
Code. 31523

(G) (1) No hunting license shall be issued unless it is 31524
accompanied by a written explanation of the law in section 31525
1533.17 of the Revised Code and the penalty for its violation, 31526
including a description of terms of imprisonment and fines that 31527
may be imposed. 31528

(2) No hunting license, other than an apprentice hunting 31529
license, shall be issued unless the applicant presents to the 31530
agent authorized to issue the license a previously held hunting 31531
license or evidence of having held such a license in content and 31532
manner approved by the chief, a certificate of completion issued 31533
upon completion of a hunter education and conservation course 31534
approved by the chief, or evidence of equivalent training in 31535
content and manner approved by the chief. A previously held 31536
apprentice hunting license does not satisfy the requirement 31537
concerning the presentation of a previously held hunting license 31538
or evidence of it. 31539

(3) No person shall issue a hunting license, except an 31540
apprentice hunting license, to any person who fails to present 31541
the evidence required by this section. No person shall purchase 31542
or obtain a hunting license, other than an apprentice hunting 31543
license, without presenting to the issuing agent the evidence 31544
required by this section. Issuance of a hunting license in 31545
violation of the requirements of this section is an offense by 31546

both the purchaser of the illegally obtained hunting license and 31547
the clerk or agent who issued the hunting license. Any hunting 31548
license issued in violation of this section is void. 31549

(H) The chief, with approval of the wildlife council, 31550
shall adopt rules prescribing a hunter education and 31551
conservation course for first-time hunting license buyers, other 31552
than buyers of apprentice hunting licenses, and for volunteer 31553
instructors. The course shall consist of subjects including, but 31554
not limited to, hunter safety and health, use of hunting 31555
implements, hunting tradition and ethics, the hunter and 31556
conservation, the law in section 1533.17 of the Revised Code 31557
along with the penalty for its violation, including a 31558
description of terms of imprisonment and fines that may be 31559
imposed, and other law relating to hunting. Authorized personnel 31560
of the division or volunteer instructors approved by the chief 31561
shall conduct such courses with such frequency and at such 31562
locations throughout the state as to reasonably meet the needs 31563
of license applicants. The chief shall issue a certificate of 31564
completion to each person who successfully completes the course 31565
and passes an examination prescribed by the chief. 31566

Sec. 1533.11. (A) (1) Except as provided in this section or 31567
section 1533.731 of the Revised Code, no person shall hunt deer 31568
on lands of another without first obtaining an annual deer 31569
permit. Except as provided in this section, no person shall hunt 31570
wild turkeys on lands of another without first obtaining an 31571
annual wild turkey permit. A deer or wild turkey permit is valid 31572
during the hunting license year in which the permit is 31573
purchased. Except as provided in rules adopted under division 31574
(B) of section 1533.12 of the Revised Code, each applicant for a 31575
deer or wild turkey permit shall pay an annual fee for each 31576
permit in accordance with the following schedule: 31577

		31578
	1	2
A	Deer permit - resident	\$30.00
B	Deer permit - nonresident	\$74.00
		<u>\$210.00</u>
C	Youth deer permit - resident and nonresident	\$15.00
D	Senior deer permit - resident	\$11.00
E	Wild turkey permit - resident	\$30.00
F	Wild turkey permit - nonresident	\$37.00
G	Youth wild turkey permit - resident and nonresident	\$15.00
H	Senior wild turkey permit - resident	\$11.00
	(2) As used in division (A) (1) of this section:	31579
	(a) "Youth" means an applicant who is under the age of	31580
	eighteen years at the time of application for a permit.	31581
	(b) "Senior" means an applicant who is sixty-six years of	31582
	age or older at the time of application for a permit.	31583
	(3) The money received shall be paid into the state	31584
	treasury to the credit of the wildlife fund, created in section	31585
	1531.17 of the Revised Code, exclusively for the use of the	31586
	division of wildlife in the acquisition and development of land	31587
	for deer or wild turkey management, for investigating deer or	31588
	wild turkey problems, and for the stocking, management, and	31589
	protection of deer or wild turkey.	31590

(4) Every person, while hunting deer or wild turkey on 31591
lands of another, shall carry the person's deer or wild turkey 31592
permit and exhibit it to any enforcement officer so requesting. 31593
Failure to so carry and exhibit such a permit constitutes an 31594
offense under this section. 31595

(5) The chief of the division of wildlife shall adopt any 31596
additional rules the chief considers necessary to carry out this 31597
section and section 1533.10 of the Revised Code. 31598

(6) An owner who is a resident of this state or an owner 31599
who is exempt from obtaining a hunting license under section 31600
1533.10 of the Revised Code and the parents, children of any 31601
age, and grandchildren under eighteen years of age of the owner 31602
of lands in this state may hunt deer or wild turkey thereon 31603
without a deer or wild turkey permit. If the owner of land in 31604
this state is a limited liability company or a limited liability 31605
partnership that consists of three or fewer individual members 31606
or partners, as applicable, an individual member or partner who 31607
is a resident of this state and the member's or partner's_ 31608
parents, children of any age, and grandchildren under eighteen 31609
years of age may hunt deer or wild turkey on the land owned by 31610
the limited liability company or limited liability partnership 31611
without a deer or wild turkey permit. In addition, if the owner 31612
of land in this state is a trust that has a total of three or 31613
fewer trustees and beneficiaries, an individual who is a trustee 31614
or beneficiary and who is a resident of this state and the 31615
individual's parents, children of any age, and grandchildren 31616
under eighteen years of age may hunt deer or wild turkey on the 31617
land owned by the trust without a deer or wild turkey permit. 31618
The tenant and children of the tenant may hunt deer or wild 31619
turkey on lands where they reside without a deer or wild turkey 31620
permit. 31621

(B) A deer or wild turkey permit is not transferable. No 31622
person shall carry a deer or wild turkey permit issued in the 31623
name of another person. 31624

(C) The wildlife refunds fund is hereby created in the 31625
state treasury. The fund shall consist of money received from 31626
application fees for deer permits that are not issued. Money in 31627
the fund shall be used to make refunds of such application fees. 31628

(D) If the division establishes a system for the 31629
electronic submission of information regarding deer or wild 31630
turkey that are taken, the division shall allow the owner and 31631
the children of the owner of lands in this state to use the 31632
owner's name or address for purposes of submitting that 31633
information electronically via that system. 31634

Sec. 1533.111. (A) Except as provided in this section or 31635
division (A) (2) of section 1533.12 of the Revised Code, no 31636
person shall hunt or trap fur-bearing animals on land of another 31637
without first obtaining some type of an annual fur taker permit. 31638

(B) (1) Except as otherwise provided in rules adopted under 31639
division (B) of section 1533.12 of the Revised Code, each 31640
applicant for a fur taker permit or an apprentice fur taker 31641
permit shall pay an annual fee for each annual permit in 31642
accordance with the following schedule: 31643
31644

1

2

A	Fur taker permit	\$14.00
B	Apprentice fur taker permit	\$14.00
C	Senior fur taker permit - resident only	\$7.00

D	Apprentice senior fur taker permit - resident only	\$7.00
E	Special youth fur taker permit	\$7.00
F	Apprentice youth fur taker permit	\$7.00

(2) As used in division (B) (1) of this section: 31645

(a) "Youth" means an applicant who is under the age of 31646
eighteen years at the time of application for a permit. 31647

(b) "Senior" means an applicant who is sixty-six years of 31648
age or older at the time of application for a permit. 31649

(C) Each type of fur taker permit is valid during the 31650
hunting license year in which the permit is purchased. The money 31651
received shall be paid into the state treasury to the credit of 31652
the fund established in section 1533.15 of the Revised Code. 31653
Apprentice fur taker permits and apprentice youth fur taker 31654
permits are subject to the requirements established under 31655
section 1533.102 of the Revised Code and rules adopted pursuant 31656
to it. 31657

(D) (1) No person shall issue a fur taker permit to an 31658
applicant unless it is accompanied by a written explanation of 31659
the law in section 1533.17 of the Revised Code and the penalty 31660
for its violation, including a description of terms of 31661
imprisonment and fines that may be imposed. 31662

(2) No person shall issue a fur taker permit, other than 31663
an apprentice fur taker permit or an apprentice youth fur taker 31664
permit, to an applicant unless the applicant presents to the 31665
agent authorized to issue a fur taker permit a previously held 31666
hunting license or trapping or fur taker permit or evidence of 31667
having held such a license or permit in content and manner 31668

approved by the chief of the division of wildlife, a certificate 31669
of completion issued upon completion of a trapper education 31670
course approved by the chief, or evidence of equivalent training 31671
in content and manner approved by the chief. A previously held 31672
apprentice hunting license, apprentice fur taker permit, or 31673
apprentice youth fur taker permit does not satisfy the 31674
requirement concerning the presentation of a previously held 31675
hunting license or fur taker permit or evidence of such a 31676
license or permit. 31677

(3) No person shall issue a fur taker permit, other than 31678
an apprentice fur taker permit or an apprentice youth fur taker 31679
permit, to any person who fails to present the evidence required 31680
by this section. No person shall purchase or obtain a fur taker 31681
permit, other than an apprentice fur taker permit or an 31682
apprentice youth fur taker permit, without presenting to the 31683
issuing agent the evidence required by this section. Issuance of 31684
a fur taker permit in violation of the requirements of this 31685
section is an offense by both the purchaser of the illegally 31686
obtained permit and the clerk or agent who issued the permit. 31687
Any fur taker permit issued in violation of this section is 31688
void. 31689

(E) The chief, with approval of the wildlife council, 31690
shall adopt rules prescribing a trapper education course for 31691
first-time fur taker permit buyers, other than buyers of 31692
apprentice fur taker permits or apprentice youth fur taker 31693
permits, and for volunteer instructors. The course shall consist 31694
of subjects that include, but are not limited to, trapping 31695
techniques, animal habits and identification, trapping tradition 31696
and ethics, the trapper and conservation, the law in section 31697
1533.17 of the Revised Code along with the penalty for its 31698
violation, including a description of terms of imprisonment and 31699

finest that may be imposed, and other law relating to trapping. 31700
Authorized personnel of the division of wildlife or volunteer 31701
instructors approved by the chief shall conduct the courses with 31702
such frequency and at such locations throughout the state as to 31703
reasonably meet the needs of permit applicants. The chief shall 31704
issue a certificate of completion to each person who 31705
successfully completes the course and passes an examination 31706
prescribed by the chief. 31707

(F) Every person, while hunting or trapping fur-bearing 31708
animals on lands of another, shall carry the person's fur taker 31709
permit with the person's signature written on the permit. 31710
Failure to carry such a signed permit constitutes an offense 31711
under this section. The chief shall adopt any additional rules 31712
the chief considers necessary to carry out this section. 31713

(G) An owner who is a resident of this state or an owner 31714
who is exempt from obtaining a hunting license under section 31715
1533.10 of the Revised Code and the parents, children of any 31716
age, and grandchildren under eighteen years of age of the owner 31717
of lands in this state may hunt or trap fur-bearing animals 31718
thereon without a fur taker permit. If the owner of land in this 31719
state is a limited liability company or a limited liability 31720
partnership that consists of three or fewer individual members 31721
or partners, as applicable, an individual member or partner who 31722
is a resident of this state and the member's or partner's 31723
parents, children of any age, and grandchildren under eighteen 31724
years of age may hunt or trap fur-bearing animals on the land 31725
owned by the limited liability company or limited liability 31726
partnership without a fur taker permit. In addition, if the 31727
owner of land in this state is a trust that has a total of three 31728
or fewer trustees and beneficiaries, an individual who is a 31729
trustee or beneficiary and who is a resident of this state and 31730

the individual's parents, children of any age, and grandchildren 31731
under eighteen years of age may hunt or trap fur-bearing animals 31732
on the land owned by the trust without a fur taker permit. The 31733
tenant and children of the tenant may hunt or trap fur-bearing 31734
animals on lands where they reside without a fur taker permit. 31735

(H) A fur taker permit is not transferable. No person 31736
shall carry a fur taker permit issued in the name of another 31737
person. 31738

(I) A fur taker permit entitles a nonresident to take from 31739
this state fur-bearing animals taken and possessed by the 31740
nonresident as provided by law or division rule. 31741

Sec. 1533.131. The chief of the division of wildlife may 31742
sell gift certificates that may be used to obtain ~~hunting and~~ 31743
~~fishing~~, pay for, or purchase licenses, fur taker, deer, and 31744
~~wild turkey permits, and wetlands habitat stamps, user fees, and~~ 31745
conservation-related items provided for under this chapter or 31746
Chapter 1531. of the Revised Code. For the purposes of this 31747
~~section, the~~ The chief shall may adopt rules in accordance with 31748
section 1531.10 of the Revised Code ~~doing necessary to~~ 31749
administer this section, including all of the following: 31750

(A) ~~Providing that a gift certificate may be used to~~ 31751
~~obtain a resident or nonresident hunting license under section~~ 31752
~~1533.10 of the Revised Code, a resident or nonresident fishing~~ 31753
~~license under section 1533.32 of the Revised Code, a fur taker~~ 31754
~~permit under section 1533.111 of the Revised Code, a deer or~~ 31755
~~wild turkey permit under section 1533.11 of the Revised Code, a~~ 31756
~~wetlands habitat stamp under section 1533.112 of the Revised~~ 31757
~~Code, or a combination of those licenses, permits, and~~ 31758
~~stamps~~ Designating which licenses, permits, stamps, user fees, 31759
and conservation-related items may be obtained, paid for, or 31760

purchased with a gift certificate; 31761

(B) Prescribing the form for the gift certificates; 31762

(C) Authorizing persons who are designated and authorized 31763
under section 1533.13 of the Revised Code to sell licenses and 31764
permits under this chapter also to sell gift certificates under 31765
this section; 31766

~~(D) Establishing fees for the gift certificates, which 31767
shall equal the total of the fee for a resident or nonresident 31768
hunting license, a resident or nonresident fishing license, a 31769
fur taker permit, a deer or wild turkey permit, a wetlands 31770
habitat stamp, or a combination of those licenses, permits, and 31771
stamp, as applicable, and the fee established under section 31772
1533.13 of the Revised Code; 31773~~

~~(E) Requiring gift certificates to expire one year after 31774
the date of purchase. 31775~~

Nothing in this section or rules adopted under it relieves 31776
an individual who receives a gift certificate for a hunting 31777
license from complying with the requirement established under 31778
section 1533.10 of the Revised Code to present, when applying 31779
for the license, a previously held hunting license or evidence 31780
of having held such a license in content and manner approved by 31781
the chief, a certificate of completion issued upon completion of 31782
a hunter education and conservation course approved by the 31783
chief, or evidence of equivalent training in content and manner 31784
approved by the chief. 31785

Nothing in this section or rules adopted under it relieves 31786
an individual who receives a gift certificate for a fur taker 31787
permit from complying with the requirements established under 31788
section 1533.111 of the Revised Code to present, when applying 31789

for the permit, a previously held hunting license or trapping or 31790
fur taker permit or evidence of having held such a license or 31791
permit in content and manner approved by the chief, a 31792
certificate of completion issued upon completion of a trapper 31793
education course approved by the chief, or evidence of 31794
equivalent training in content and manner approved by the chief. 31795

Sec. 1533.32. (A) Except as provided in this section or 31796
division (A) (2) or (C) of section 1533.12 of the Revised Code or 31797
as exempted at the discretion of the chief of the division of 31798
wildlife, no person, including nonresidents, shall take or catch 31799
any fish by angling in any of the waters in the state or engage 31800
in fishing in those waters without a license. No person shall 31801
take or catch frogs or turtles without a valid fishing license, 31802
except as provided in this section. Persons fishing in privately 31803
owned ponds, lakes, or reservoirs to or from which fish are not 31804
accustomed to migrate are exempt from the license requirements 31805
set forth in this section. Persons fishing in privately owned 31806
ponds, lakes, or reservoirs that are open to public fishing 31807
through an agreement or lease with the division of wildlife 31808
shall comply with the license requirements set forth in this 31809
section. 31810

(B) (1) Except as otherwise provided in rules adopted under 31811
division (B) of section 1533.12 of the Revised Code, each 31812
applicant for a fishing license shall pay a fee for each license 31813
in accordance with the following schedule: 31814
31815

1

2

A	Annual fishing license - resident	\$24.00
B	Annual fishing license - nonresident that is	\$49.00

	not a resident of a reciprocal state	<u>\$74.00</u>
C	Annual fishing license - nonresident that is a resident of a reciprocal state	\$24.00
D	Annual senior fishing license - resident	\$9.00
E	Three-day tourist fishing license - nonresident that is not a resident of a reciprocal state	\$24.00 <u>\$50.00</u>
F	One-day fishing license <u>- resident</u>	\$13.00
G	<u>One-day fishing license - nonresident that is not a resident of a reciprocal state</u>	<u>\$26.00</u>
H	<u>One-day fishing license - nonresident that is a resident of a reciprocal state</u>	<u>\$13.00</u>

(2) As used in division (B) (1) of this section:	31816
(a) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.	31817 31818
(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.	31819 31820
(3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license.	31821 31822 31823
(C) (1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code.	31824 31825 31826 31827

(2) The chief shall adopt rules under section 1531.10 of 31828
the Revised Code providing for the issuance of a one-day fishing 31829
license to a resident of this state or of any other state. A 31830
one-day fishing license shall allow the holder to take or catch 31831
fish by angling in the waters in the state, engage in fishing in 31832
those waters, or take or catch frogs or turtles in those waters 31833
for one day without obtaining an annual license or a tourist's 31834
license under this section. At the request of a holder of a one- 31835
day fishing license who wishes to obtain an annual license, a 31836
clerk or agent authorized to issue licenses under section 31837
1533.13 of the Revised Code, not later than the last day on 31838
which the one-day license would be valid if it were an annual 31839
license, shall credit the amount of the fee paid for the one-day 31840
license toward the fee charged for the annual license if so 31841
authorized by the chief. The clerk or agent shall issue the 31842
annual license upon presentation of the one-day license and 31843
payment of a fee in an amount equal to the difference between 31844
the fee for the annual license and the fee for the one-day 31845
license. 31846

(3) Unless otherwise provided by division rule, each 31847
annual license shall begin on the date of issuance and expire a 31848
year from the date of issuance. 31849

(4) Unless otherwise provided by division rule, each 31850
multi-year license issued in accordance with section 1533.321 of 31851
the Revised Code shall begin on the date of issuance and expire 31852
three years, five years, or ten years from the date of issuance, 31853
as applicable. 31854

(5) No person shall alter a fishing license or possess a 31855
fishing license that has been altered. 31856

(6) No person shall procure or attempt to procure a 31857

fishing license by fraud, deceit, misrepresentation, or any 31858
false statement. 31859

(7) A resident of this state who owns land over, through, 31860
upon, or along which any water flows or stands, except where the 31861
land is in or borders on state parks or state-owned lakes, 31862
together with the members of the immediate families of such 31863
owners, may take frogs and turtles and may take or catch fish of 31864
the kind permitted to be taken or caught therefrom without 31865
procuring a license provided for in this section. This exemption 31866
extends to tenants actually residing upon such lands and to the 31867
members of the immediate families of the tenants. A resident of 31868
any other state who owns land in this state over, through, upon, 31869
or along which any water flows or stands, except where the land 31870
is in or borders on state parks or state-owned lakes, and the 31871
spouse and children living with the owner, may take frogs and 31872
turtles and may take or catch fish of the kind permitted to be 31873
taken or caught from that water without obtaining a license 31874
under this section, provided that the state of residence of the 31875
owner allows residents of this state owning real property in 31876
that state, and the spouse and children living with such a 31877
property owner, to take frogs and turtles and take or catch fish 31878
without a license. If the owner of such land in this state is a 31879
limited liability company or a limited liability partnership 31880
that consists of three or fewer individual members or partners, 31881
as applicable, an individual member or partner who is a resident 31882
of this state and the member's or partner's children of any age 31883
may take frogs and turtles and may take or catch fish of the 31884
kind permitted to be taken or caught therefrom without procuring 31885
a license provided for in this section. In addition, if the 31886
owner of such land in this state is a trust that has a total of 31887
three or fewer trustees and beneficiaries, an individual who is 31888

a trustee or beneficiary and who is a resident of this state and 31889
the individual's children of any age may take frogs and turtles 31890
and may take or catch fish of the kind permitted to be taken or 31891
caught therefrom without procuring a license provided for in 31892
this section. Residents of state or county institutions, 31893
charitable institutions, and military homes in this state may 31894
take frogs and turtles without procuring the required license, 31895
provided that a member of the institution or home has an 31896
identification card, which shall be carried on that person when 31897
fishing. 31898

(8) Every fisher required to be licensed, while fishing or 31899
taking or attempting to take frogs or turtles, shall carry the 31900
license and exhibit it to any person. Failure to so carry and 31901
exhibit the license constitutes an offense under this section. 31902

Sec. 1533.71. (A) Unless otherwise provided in this 31903
section or by division rule, any person desiring to engage in 31904
the business of raising and selling game birds, game quadrupeds, 31905
reptiles, amphibians, or fur-bearing animals in a wholly 31906
enclosed preserve of which the person is the owner or lessee, or 31907
to have game birds, game quadrupeds, reptiles, amphibians, or 31908
fur-bearing animals in captivity, shall submit an application to 31909
the division of wildlife for a license to do so. This section 31910
does not apply to a person who possesses wild animals under the 31911
authority of a license for a wild animal hunting preserve or a 31912
commercial bird shooting preserve. 31913

The division, when it appears that the application is made 31914
in good faith and the applicant is in compliance with division 31915
(B) of this section, if applicable, and upon the payment of the 31916
fee for each license, may issue to the applicant any of the 31917
following licenses that may be applied for: 31918

(1) "Commercial propagating license" permitting the 31919
licensee to propagate game birds, game quadrupeds except captive 31920
white-tailed deer, reptiles, amphibians, or fur-bearing animals 31921
in the wholly enclosed preserve the location of which is stated 31922
in the license and the application therefor, and to sell the 31923
propagated game birds, game quadrupeds except captive white- 31924
tailed deer, reptiles, amphibians, or fur-bearing animals and 31925
ship them from the state alive at any time, and permitting the 31926
licensee and the licensee's employees to kill the propagated 31927
game birds, game quadrupeds except captive white-tailed deer, or 31928
fur-bearing animals and sell the carcasses for food subject to 31929
sections 1533.71 to 1533.79 of the Revised Code. The fee for 31930
such a license is forty dollars per annum. 31931

(2) "Noncommercial propagating license" permitting the 31932
licensee to propagate game birds, game quadrupeds except captive 31933
white-tailed deer, reptiles, amphibians, or fur-bearing animals 31934
and to hold the animals in captivity. Game birds, game 31935
quadrupeds except captive white-tailed deer, reptiles, 31936
amphibians, and fur-bearing animals propagated or held in 31937
captivity by authority of a noncommercial propagating license 31938
are for the licensee's own use and shall not be sold. The fee 31939
for such a license is twenty-five dollars per annum. 31940

(3) "Captive white-tailed deer propagation license" 31941
permitting the licensee to propagate captive white-tailed deer, 31942
hold the animals in captivity, and sell the animals and 31943
carcasses. The fee for such a license is forty dollars. The 31944
license is valid until a licensee ceases to hold captive white- 31945
tailed deer or the license is revoked, whichever occurs earlier. 31946

(B) (1) A person who wishes to obtain a captive white- 31947
tailed deer propagation license, prior to applying for the 31948

license, shall construct an authorized enclosure that is 31949
surrounded by a fence that is eight feet in height with a 31950
minimal deviation not to exceed four per cent, is constructed in 31951
a manner that prevents ingress and egress of deer, and is 31952
constructed of materials that are approved by the chief of the 31953
division of wildlife in consultation with the animal and plant 31954
health inspection service in the United States department of 31955
agriculture, the department of agriculture, and representatives 31956
of the cervid industry in this state. 31957

(2) After constructing an authorized enclosure in 31958
accordance with division (B)(1) of this section and division 31959
rules, the person may submit an application for a captive white- 31960
tailed deer propagation license. 31961

(3) Not later than thirty days after the submission of the 31962
application, a representative from the division shall inspect 31963
the authorized enclosure to ensure compliance with division (B) 31964
(1) of this section and division rules. If the applicant's 31965
authorized enclosure is not in compliance with all of the 31966
applicable requirements, the representative shall inform the 31967
applicant in writing of the deficiencies not later than ten 31968
business days after the inspection. If the applicant corrects 31969
the deficiencies, the applicant shall request a reinspection. 31970
The reinspection shall be conducted in accordance with this 31971
division not later than thirty days after the request for 31972
reinspection. 31973

If the applicant's authorized enclosure complies with all 31974
of the applicable requirements, the chief shall review the 31975
application and shall issue or deny the license. If the chief 31976
denies the license, the chief shall return the application to 31977
the applicant with an explanation of the reasons for denial. The 31978

applicant may correct the deficiencies in the application and 31979
submit a revised application. If the applicant corrects the 31980
deficiencies, the chief shall issue the license as provided in 31981
this section. 31982

(4) Upon receipt of a captive white-tailed deer 31983
propagation license, receipt of a license under section ~~943.03~~ 31984
~~or 943.031~~ 944.02 of the Revised Code, and a demonstration to 31985
the chief or the chief's designee that each captive white-tailed 31986
deer held by the licensee was legally acquired, the licensee may 31987
place all of the licensee's deer in the authorized enclosure. 31988
The licensee thereafter shall comply with this chapter and 31989
Chapter 1531. of the Revised Code, division rules, ~~sections~~ 31990
~~943.20 to 943.26~~ and Chapter 944. of the Revised Code, and rules 31991
adopted under ~~section 943.24 of the Revised Code~~ it. 31992

(C) The division may inspect a facility to which a captive 31993
white-tailed deer propagation license has been issued only at 31994
reasonable times and when the inspection is in connection with a 31995
criminal investigation. 31996

(D) The chief, with the approval of the director of 31997
agriculture, may suspend or revoke a captive white-tailed deer 31998
propagation license issued to a person who also has been issued 31999
a valid license under section ~~943.03 or 943.031~~ 944.02 of the 32000
Revised Code for the same facility if the person fails to comply 32001
with this chapter and Chapter 1531. of the Revised Code, 32002
division rules, ~~sections 943.20 to 943.26~~ and Chapter 944. of 32003
the Revised Code, and rules adopted under ~~section 943.24 of the~~ 32004
~~Revised Code~~ it. 32005

(E) Except as provided by law, no person shall possess 32006
game birds, game quadrupeds, or fur-bearing animals in closed 32007
season, provided that municipal or governmental zoological parks 32008

are not required to obtain the licenses provided for in this 32009
section. 32010

(F) Except for a captive white-tailed deer propagation 32011
license, all licenses issued under this section shall expire on 32012
the fifteenth day of March of each year. 32013

(G) The chief shall pay all moneys received as fees for 32014
the issuance of licenses under this section into the state 32015
treasury to the credit of the fund created by section 1533.15 of 32016
the Revised Code for the use of the division in the purchase, 32017
preservation, and protection of wild animals and for the 32018
necessary clerical help and forms required by sections 1533.71 32019
to 1533.79 of the Revised Code. 32020

(H) This section does not authorize the taking or the 32021
release for taking of the following: 32022

(1) Game birds, without first obtaining a commercial bird 32023
shooting preserve license issued under section 1533.72 of the 32024
Revised Code; 32025

(2) Game or nonnative wildlife, without first obtaining a 32026
wild animal hunting preserve license issued under section 32027
1533.721 of the Revised Code. 32028

(I) A license shall not be issued under this section to 32029
raise or sell a dangerous wild animal or restricted snake as 32030
defined in section 935.01 of the Revised Code. 32031

Sec. 1533.721. (A) Except as otherwise provided by 32032
division rule, no person shall offer for hunting or hunt any 32033
nonnative wildlife except in a licensed wild animal hunting 32034
preserve. No person shall operate a wild animal hunting preserve 32035
without first obtaining a wild animal hunting preserve license 32036
issued by the chief of the division of wildlife under this 32037

section. 32038

(B) Application for a wild animal hunting preserve license 32039
shall be made on a form prescribed by the chief and shall be 32040
accompanied by a license application fee of one thousand 32041
dollars. The application shall contain a list of which species 32042
of game and nonnative wildlife are to be released for hunting in 32043
the preserve and any other information required by the chief. 32044

(C) The chief, upon payment of the application fee, shall 32045
issue to the applicant a wild animal hunting preserve license if 32046
all of the following conditions are met: 32047

(1) The operation of the wild animal hunting preserve does 32048
not conflict with a prior reasonable public interest. 32049

(2) The proposed wild animal hunting preserve meets the 32050
requirements established in division (A) of section 1533.731 of 32051
the Revised Code. 32052

(3) The applicant is the owner or lessee of the land 32053
described in the application and maintains that status as the 32054
owner or lessee of the land until the license expires. 32055

(4) The proposed wild animal hunting preserve has been 32056
inspected by a representative of the division of wildlife to 32057
ensure that all wild deer have been removed from the proposed 32058
wild animal hunting preserve before any game or nonnative 32059
wildlife are released into the preserve. 32060

(D) Prior to an inspection of a proposed wild animal 32061
hunting preserve for purposes of division (C) (4) of this 32062
section, an applicant for a wild animal hunting preserve license 32063
shall remove all wild deer from the proposed preserve using a 32064
method that is approved by the chief. All wild deer that cannot 32065
be removed from the proposed wild animal hunting preserve shall 32066

be killed, and the applicant shall submit a restitution fee in 32067
accordance with section 1531.201 of the Revised Code. 32068

(E) Inspection of a proposed wild animal hunting preserve 32069
shall be conducted and approval or disapproval of an initial 32070
license for such a preserve shall be made between the first day 32071
of January through the last day of March of the year in which 32072
the applicant first intends to operate the preserve. 32073

(F) Upon receipt of the initial license for a wild animal 32074
hunting preserve, receipt of a license under section ~~943.03 or~~ 32075
~~943.031-944.02~~ of the Revised Code, and a demonstration to the 32076
chief or the chief's designee that each captive white-tailed 32077
deer held by the licensee was legally acquired, the licensee may 32078
place all of the licensee's deer in the wild animal hunting 32079
preserve. A wild animal hunting preserve licensee holding 32080
captive white-tailed deer in the preserve shall comply with this 32081
chapter and Chapter 1531. of the Revised Code, division rules, 32082
~~sections 943.20 to 943.26 and Chapter 944.~~ of the Revised Code, 32083
and rules adopted under section ~~943.24-944.07~~ of the Revised 32084
Code. 32085

(G) (1) Except as otherwise provided in division (G) (2) of 32086
this section, all licenses issued under this section shall 32087
expire on the thirtieth day of April of each year. Any license 32088
holder wishing to own or operate a wild animal hunting preserve 32089
in the year following the expiration of the license shall submit 32090
a license renewal form prescribed by the chief and include an 32091
annual renewal fee of two hundred dollars. 32092

(2) A license issued under this section for a wild animal 32093
hunting preserve in which only captive white-tailed deer are 32094
kept does not expire unless the license is revoked by the chief 32095
under division (H) (2) of this section. 32096

(H) (1) Except as otherwise provided in division (H) (2) of 32097
this section, and in accordance with Chapter 119. of the Revised 32098
Code, the chief may suspend or revoke a wild animal hunting 32099
preserve license if the chief finds that the license holder has 32100
violated or is violating this chapter or Chapter 1531. of the 32101
Revised Code or any division rule. 32102

(2) The chief, with the approval of the director of 32103
agriculture, may suspend or revoke a wild animal hunting 32104
preserve license issued to a person who also has been issued a 32105
valid license for that preserve under section ~~943.03 or 943.031~~ 32106
944.02 of the Revised Code if the person fails to comply with 32107
this chapter and Chapter 1531. of the Revised Code, division 32108
rules, ~~sections 943.20 to 943.26 Chapter 944.~~ of the Revised 32109
Code, and rules adopted under ~~section 943.24 of the Revised~~ 32110
~~Code~~ it. 32111

(I) This section does not authorize the hunting of game 32112
birds in a licensed wild animal hunting preserve unless the 32113
licensee also possesses a valid commercial bird shooting 32114
preserve license issued under section 1533.72 of the Revised 32115
Code for the same land for which the wild animal hunting 32116
preserve license was issued. 32117

Sec. 1533.731. (A) No wild animal hunting preserve shall 32118
be less than eighty acres in area. Each such preserve shall be 32119
in one continuous block of land, except that the block of land 32120
may be intersected by highways or roads. No wild animal hunting 32121
preserve shall be located within one thousand five hundred feet 32122
of another such preserve. 32123

The boundaries of each wild animal hunting preserve shall 32124
be clearly defined by posting, at intervals of not more than 32125
four hundred feet, with signs prescribed by the division of 32126

wildlife. Each wild animal hunting preserve shall be surrounded 32127
by a fence at least eight feet in height, with a minimal 32128
deviation not to exceed four per cent, that is constructed of a 32129
woven wire mesh, or such other enclosure approved by the chief 32130
of the division of wildlife. 32131

(B) (1) Except as provided in divisions (B) (2), (3), and 32132
(4) of this section, game and nonnative wildlife that have been 32133
approved by the chief for such use and that have been legally 32134
acquired or propagated under the authority of a propagating 32135
license issued under section 1533.71 of the Revised Code or 32136
propagated within the confines of a licensed wild animal hunting 32137
preserve may be released and hunted within the confines of the 32138
licensed wild animal hunting preserve between one-half hour 32139
before sunrise and one-half hour after sunset, without regard to 32140
sex, bag limit, or open season, by hunters authorized by the 32141
holder of the wild animal hunting preserve license to hunt on 32142
those lands. The chief shall establish, by rule, the allowable 32143
methods of taking game and nonnative wildlife in a wild animal 32144
hunting preserve. 32145

(2) No game or nonnative wildlife on the federal 32146
endangered species list established in accordance with the 32147
"Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 32148
1531, as amended, or the state endangered species list 32149
established in rules adopted under section 1531.25 of the 32150
Revised Code, no bears native to North America, and no large 32151
carnivores of the family Felidae shall be released for hunting 32152
or hunted in any wild animal hunting preserve in this state. 32153

(3) No person shall release for hunting or hunt within a 32154
wild animal hunting preserve any game or nonnative wildlife not 32155
listed in the application for a license for that preserve. 32156

(4) No person shall knowingly release for hunting or hunt 32157
wild boar or feral swine in any wild animal hunting preserve in 32158
this state. 32159

(C) Unless otherwise specified by division rule, all game 32160
and nonnative wildlife released on a wild animal hunting 32161
preserve shall be identified with a tag that shall bear upon it 32162
a symbol identifying the preserve. 32163

(D) No person shall remove living game or nonnative 32164
wildlife from a wild animal hunting preserve unless the game or 32165
nonnative wildlife are being transferred to another wild animal 32166
hunting preserve in accordance with rules adopted by the 32167
director of agriculture under section ~~943.24~~ 944.07 of the 32168
Revised Code. 32169

(E) The holder of a wild animal hunting preserve license 32170
shall keep a record of all animals that have been released into 32171
the preserve. The record shall include all of the following: 32172

(1) The date on which each animal was released into the 32173
preserve; 32174

(2) The number of each species of animals; 32175

(3) The number of males and females of each species of 32176
animals; 32177

(4) The name and address of each person from whom each 32178
animal was obtained. 32179

The licensee shall record in a manner specified by the 32180
division the name and address of each person that takes any game 32181
or nonnative wildlife from the preserve. The licensee shall 32182
maintain those records for a period of two years and make them 32183
available for inspection by the division at all reasonable times 32184

in conjunction with an active criminal investigation. 32185

(F) In addition to complying with the requirements 32186
established by division (E) of this section, the holder of a 32187
wild animal hunting preserve license who has captive white- 32188
tailed deer in the preserve shall keep a record of all known 32189
escapes of those deer, deaths of those deer that were not a 32190
result of hunting, and laboratory results for testing for 32191
chronic wasting disease of those deer that is required by 32192
section ~~943.21~~ 944.04 of the Revised Code and rules adopted 32193
under section ~~943.24~~ 944.07 of the Revised Code. 32194

(G) For the purposes of division (B) of section 1533.02 of 32195
the Revised Code, the owner or operator of a wild animal hunting 32196
preserve shall furnish each person who takes any game or 32197
nonnative wildlife from the preserve a certificate bearing a 32198
description of the animal, the date the animal was taken, and 32199
the name of the preserve. 32200

(H) The holder of a wild animal hunting preserve license 32201
prominently shall display the license at the place of business 32202
that is specified in the license. 32203

(I) The chief shall adopt rules under section 1531.10 of 32204
the Revised Code that provide for the safety of the public and 32205
for the protection of the game and nonnative wildlife to be 32206
hunted in a wild animal hunting preserve prior to their release 32207
in the preserve. 32208

(J) No holder of a wild animal hunting preserve license 32209
shall violate this chapter or Chapter 1531. of the Revised Code 32210
or any division rule. 32211

(K) This section does not authorize the hunting of game 32212
birds in a licensed wild animal hunting preserve unless the 32213

licensee also possesses a valid commercial bird shooting 32214
preserve license issued under section 1533.72 of the Revised 32215
Code for the same land for which the wild animal hunting 32216
preserve license was issued. 32217

(L) A person may hunt game and nonnative wildlife in a 32218
licensed wild animal hunting preserve without obtaining a 32219
hunting license otherwise required by section 1533.10 of the 32220
Revised Code or a deer permit otherwise required by section 32221
1533.11 of the Revised Code. 32222

Sec. 1533.77. (A) Each holder of a noncommercial or 32223
commercial propagating license issued under section 1533.71 of 32224
the Revised Code shall keep the license prominently displayed at 32225
the place of business specified in the license, and shall keep 32226
accurate written records that shall include the total number of 32227
game birds, game quadrupeds, or fur-bearing animals possessed on 32228
the date of application for the license, the number subsequently 32229
propagated or acquired by purchase or gift, the number that 32230
escaped, the number that were released, the number that died, 32231
and the name and address of each person or corporation from whom 32232
or to whom game birds, game quadrupeds, or fur-bearing animals 32233
were received as a gift or given as a gift or purchased or sold 32234
alive or sold for food, and the date of each transaction. These 32235
records shall be kept permanently on the premises stated in the 32236
license, and shall be open for inspection by any authorized 32237
representative of the division of wildlife at all reasonable 32238
times. 32239

(B) Each holder of a captive white-tailed deer propagation 32240
license issued under section 1533.71 of the Revised Code shall 32241
maintain all records that are required in rules adopted under 32242
section ~~943.24~~ 944.07 of the Revised Code. The records shall be 32243

kept permanently on the premises stated in the license and shall 32244
be open for inspection by any authorized representative of the 32245
department of agriculture at all reasonable times and of the 32246
division of wildlife at all reasonable times in conjunction with 32247
an active criminal investigation. 32248

(C) The holder of a captive white-tailed deer propagation 32249
license shall not knowingly falsify any record or tag that is 32250
required in rules adopted under section ~~943.24~~ 944.07 of the 32251
Revised Code or in rules adopted under section 1531.10 of the 32252
Revised Code. 32253

Sec. 1545.05. (A) ~~Upon~~ Except as otherwise provided in 32254
division (C) of this section, upon the creation of a park 32255
district, the probate judge shall appoint three commissioners 32256
who shall take office immediately and whose terms shall expire 32257
one, two, and three years, respectively, from the first day of 32258
January next after the date of their appointment. Thereafter, 32259
their successors shall be appointed by the probate judge for 32260
terms of three years. Before entering upon the performance of 32261
the duties of the office, each commissioner shall take an oath 32262
to perform faithfully the duties of the office and, except as 32263
otherwise provided in section 3.061 of the Revised Code, shall 32264
give bond for that faithful performance in the sum of five 32265
thousand dollars. The bond shall be approved by and filed with 32266
the county auditor. The commissioners shall serve without 32267
compensation, but shall be allowed their actual and necessary 32268
expenses incurred in the performance of their duties. 32269

(B) Any board of park commissioners of a park district may 32270
elect to expand the membership of the board from three members 32271
to five members upon a majority vote of the board. Upon such a 32272
vote, the board shall certify to the probate judge a resolution 32273

requesting the judge to appoint two additional members to the 32274
board. The probate judge shall appoint those additional members, 32275
and they shall take office immediately upon their appointment. 32276
One member shall be appointed to a term that expires on the 32277
first day of January of the year following the year of that 32278
member's appointment, and one member shall be appointed to a 32279
term that expires on the first day of January of the second year 32280
following the year of that member's appointment. Thereafter, 32281
their successors shall be appointed by the probate judge for 32282
terms of three years. 32283

(C) (1) A park district that was a township park district 32284
created before the year 1892, and converted into a park district 32285
under section 1545.041 of the Revised Code on or before January 32286
1, 1989, shall have a board of park commissioners with members 32287
appointed by a majority vote of the board of county 32288
commissioners of the county in which the park district is 32289
located. The board of county commissioners shall appoint five 32290
commissioners, one of whom is a member of the city council of 32291
the most populous city in the park district, one of whom is a 32292
member of the village council of the most populous village in 32293
the park district, one of whom is a member of the board of 32294
township trustees of the most populous township in the park 32295
district, one of whom is a citizen who lives in the most 32296
populous township in the park district, and one of whom is a 32297
citizen who lives in the most populous city in the park 32298
district, who shall take office immediately and whose terms 32299
shall expire one, two, three, four, and five years, 32300
respectively, from the first day of January next after the date 32301
of their appointment. Thereafter, their successors shall be 32302
appointed by the board of county commissioners for terms of 32303
three years. 32304

(2) If a park district with members of a board of park 32305
commissioners appointed under division (C) (1) of this section 32306
does not contain a city, village, or township, the board of 32307
county commissioners shall appoint any remaining members that 32308
are otherwise unable to be appointed according to the 32309
requirements of division (C) (1) of this section in accordance 32310
with division (A) of this section. 32311

(3) Before entering upon the performance of the duties of 32312
the office, each commissioner shall take an oath to perform 32313
faithfully the duties of the office and, except as otherwise 32314
provided in section 3.061 of the Revised Code, shall give bond 32315
for that faithful performance in the sum of five thousand 32316
dollars. The bond shall be approved by and filed with the county 32317
auditor. The commissioners shall serve without compensation, but 32318
shall be allowed their actual and necessary expenses incurred in 32319
the performance of their duties. 32320

Sec. 1546.25. The park lodges, maintenance, and repair 32321
fund is created in the state treasury. The fund shall consist of 32322
money received from contractual agreements with service 32323
providers and concessionaires for state park lodges, 32324
restaurants, and marinas. The chief of the division of parks and 32325
watercraft shall use money in the fund to pay maintenance and 32326
repair costs for facilities operated by concessionaires and 32327
service providers at state park lodges, restaurants, and 32328
marinas. 32329

Sec. 1546.26. The parks and watercraft holding fund is 32330
created in the state treasury. The fund shall consist of money 32331
received by the division of parks and watercraft from gift card 32332
sales, credit card sales, and sales conducted at field 32333
locations. 32334

With regard to gift card sales, the chief of the division 32335
of parks and watercraft shall transfer money in the parks and 32336
watercraft holding fund to the appropriate fund after gift 32337
certificates and gift cards are redeemed. 32338

Sec. 1547.54. (A) (1) Except as otherwise provided in 32339
section 1547.542 of the Revised Code, the owner of every 32340
watercraft requiring registration under this chapter shall file 32341
an application for a triennial registration certificate with the 32342
chief of the division of parks and watercraft on forms that 32343
shall be provided by the chief or by an electronic means 32344
approved by the chief. The application shall be signed by the 32345
following: 32346

(a) If the watercraft is owned by two persons under joint 32347
ownership with right of survivorship established under section 32348
2131.12 of the Revised Code, by both of those persons as owners 32349
of the watercraft. The signatures may be done by electronic 32350
signature if the owners themselves are renewing the registration 32351
and there are no changes in the registration information since 32352
the issuance of the immediately preceding registration 32353
certificate. In all other instances, the signatures shall be 32354
done manually. 32355

(b) If the watercraft is owned by a minor, by the minor 32356
and a parent or legal guardian. The signatures may be done by 32357
electronic signature if the parent or legal guardian and the 32358
minor themselves are renewing the registration and there are no 32359
changes in the registration information since the issuance of 32360
the immediately preceding registration certificate. In all other 32361
instances, the signatures shall be done manually. 32362

(c) In all other cases, by the owner of the watercraft. 32363
The signature may be done by electronic signature if the owner 32364

is renewing the registration personally and there are no changes 32365
in the registration information since the issuance of the 32366
immediately preceding registration certificate. In all other 32367
instances, the signatures shall be done manually. 32368

(2) An application for a triennial registration of a 32369
watercraft filed under division (A)(1) of this section shall be 32370
accompanied by the following fee: 32371

(a) For canoes, rowboats, and inflatable watercraft that 32372
are numbered under section 1547.53 of the Revised Code, twelve 32373
dollars; 32374

(b) For canoes, row boats, and inflatable watercraft that 32375
are not numbered under section 1547.53 of the Revised Code, 32376
seventeen dollars; 32377

(c) For class A watercraft, including motorized 32378
canoes, thirty dollars; 32379

(d) For class 1 watercraft, forty-five dollars; 32380

(e) For class 2 watercraft, sixty dollars; 32381

(f) For class 3 watercraft, seventy-five dollars; 32382

(g) For class 4 watercraft, ninety dollars. 32383

(3) For the purpose of registration, any watercraft 32384
operated by means of power, sail, or any other mechanical or 32385
electrical means of propulsion, except motorized canoes, shall be 32386
registered by length as prescribed in this section. 32387

(4) If an application for registration is filed by two 32388
persons as owners under division (A)(1)(a) of this section, the 32389
person who is listed first on the title shall serve as and 32390
perform the duties of the "owner" and shall be considered the 32391

person "in whose name the watercraft is registered" for purposes 32392
of divisions (B) to (R) of this section and for purposes of all 32393
other sections in this chapter. 32394

(B) All registration certificates issued under this 32395
section are valid for three years and are renewable on a 32396
triennial basis unless sooner terminated or discontinued in 32397
accordance with this chapter. The renewal date shall be printed 32398
on the registration certificate. A registration certificate may 32399
be renewed by the owner in the manner prescribed by the chief. 32400
All fees shall be charged according to a proration of the time 32401
remaining in the registration cycle to the nearest year. 32402

(C) In addition to the fees set forth in this section, the 32403
chief, or any authorized agent, shall charge an additional 32404
writing fee of three dollars for any registration certificate 32405
the chief or authorized agent issues. When the registration 32406
certificate is issued by an authorized agent, the additional 32407
writing fee of three dollars shall be retained by the issuing 32408
agent. When the registration certificate is issued by the chief, 32409
the additional writing fee of three dollars shall be deposited 32410
to the credit of the waterways safety fund established in 32411
section 1547.75 of the Revised Code. 32412

(D) In addition to the fees established in this section, 32413
watercraft that are not powercraft shall be charged a waterways 32414
conservation assessment fee of five dollars. The fee shall be 32415
collected at the time of the issuance of a triennial watercraft 32416
registration under division (A) (2) of this section and deposited 32417
in the state treasury and credited to a distinct account in the 32418
waterways safety fund created in section 1547.75 of the Revised 32419
Code. 32420

(E) (1) Upon receipt of the application in approved form, 32421

the chief shall enter the same upon the records of the office of 32422
the division of parks and watercraft, assign a number to the 32423
watercraft if a number is required under section 1547.53 of the 32424
Revised Code, and issue to the applicant a registration 32425
certificate. If a number is assigned by the chief, it shall be 32426
set forth on the certificate. The registration certificate, in 32427
physical or digital form, shall be on the watercraft for which 32428
it is issued and available at all times for inspection whenever 32429
the watercraft is in operation, except that livery operators may 32430
retain the registration certificate at the livery where it shall 32431
remain available for inspection at all times and except as 32432
otherwise provided in division (E) (2) of this section. 32433

(2) A person who is operating on the waters of this state 32434
a canoe, kayak, rowboat, or inflatable watercraft meeting the 32435
definition of a paddlecraft that has not been numbered under 32436
section 1547.53 of the Revised Code and who is stopped by a law 32437
enforcement officer in the enforcement of this chapter or rules 32438
shall present to the officer, not later than seventy-two hours 32439
after being stopped, a registration certificate, in physical or 32440
digital form. The registration certificate shall have been 32441
obtained under this section for the canoe, kayak, rowboat, or 32442
inflatable watercraft meeting the definition of a paddlecraft 32443
prior to the time that it was stopped. Failure of the person to 32444
present the registration certificate within seventy-two hours 32445
constitutes prima-facie evidence of a violation of this section. 32446

(F) No person shall issue or be issued a registration 32447
certificate for a watercraft that is required to be issued a 32448
certificate of title under Chapter 1548. of the Revised Code 32449
except upon presentation of a certificate of title for the 32450
watercraft as provided in that chapter, proof of current 32451
documentation by the United States coast guard, a renewal 32452

registration form provided by the division of parks and 32453
watercraft, or a certificate of registration issued under this 32454
section that has expired if there is no change in the ownership 32455
or description of the watercraft. 32456

(G) Whenever the ownership of a watercraft changes, a new 32457
application form together with the prescribed fee shall be filed 32458
with the chief or the chief's agent and a new registration 32459
certificate shall be issued. The application shall be signed 32460
manually by the person or persons specified in divisions (A)(1) 32461
(a) to (c) of this section and shall be accompanied by a two- 32462
dollar transfer fee. Any remaining time on the registration 32463
shall be transferred. An authorized agent of the chief shall 32464
charge an additional writing fee of three dollars, which shall 32465
be retained by the issuing agent. If the certificate is issued 32466
by the chief, an additional writing fee of three dollars for 32467
each certificate issued shall be collected and deposited to the 32468
credit of the waterways safety fund. 32469

(H) If an agency of the United States has in force an 32470
overall system of identification numbering for watercraft or 32471
certain types of watercraft within the United States, the 32472
numbering system employed by the division shall be in conformity 32473
with that system. 32474

(I)(1) The chief may assign any registration certificates 32475
to any authorized agent for the assignment of the registration 32476
certificates. If a person accepts that authorization, the person 32477
may be assigned a block of numbers and certificates that upon 32478
assignment, in conformity with this chapter and Chapter 1548. of 32479
the Revised Code and with rules, shall be valid as if assigned 32480
directly by the division. Any person so designated as an agent 32481
by the chief shall post with the division security as may be 32482

required by the director of natural resources. The chief may 32483
issue an order temporarily or permanently restricting or 32484
suspending an agent's authorization without a hearing if the 32485
chief finds that the agent has violated this chapter or Chapter 32486
1548. of the Revised Code, rules, or any agreements prescribed 32487
by the chief. 32488

(2) A clerk of the court of common pleas may apply for 32489
designation as an authorized agent of the chief. The division 32490
shall accept the clerk's bond that is required under section 32491
2303.02 of the Revised Code for any security that is required 32492
for agents under this division, provided that the bond includes 32493
a rider or other provision specifically covering the clerk's 32494
duties as an authorized agent of the chief. 32495

(J) All records of the division made or kept pursuant to 32496
this section shall be public records. Those records shall be 32497
available for inspection at reasonable hours and in a manner 32498
compatible with normal operations of the division. 32499

(K) The owner shall furnish the division notice within 32500
fifteen days of the following: 32501

(1) The transfer, other than through the creation of a 32502
security interest in any watercraft, of all or any part of the 32503
owner's interest or, if the watercraft is owned by two persons 32504
under joint ownership with right of survivorship established 32505
under section 2131.12 of the Revised Code, of all or any part of 32506
the joint interest of either of the two persons. The transfer 32507
shall not terminate the registration certificate. 32508

(2) Any change in the address appearing on the 32509
certificate. As a part of the notification, the owner shall 32510
furnish the chief with the owner's new address. 32511

- (3) The destruction or abandonment of the watercraft. 32512
- (L) The chief may issue duplicate registration 32513
certificates or duplicate tags to owners of currently registered 32514
watercraft, the fee for which shall be four dollars. 32515
- (M) If the chief finds that a registration certificate 32516
previously issued to an owner is in error to a degree that would 32517
impair its basic purpose and use, the chief may issue a 32518
corrected certificate to the owner without charge. 32519
- (N) No authorized agent shall issue and no person shall 32520
receive or accept from an authorized agent a registration 32521
certificate assigned to the authorized agent under division (I) 32522
of this section unless the exact month, day, and year of issue 32523
are plainly written on the certificate by the agent. 32524
Certificates issued with incorrect dates of issue are void from 32525
the time they are issued. 32526
- (O) The chief, in accordance with Chapter 119. of the 32527
Revised Code, shall adopt rules governing the renewal of 32528
watercraft registrations by electronic means. 32529
- (P) As used in this section: 32530
- (1) "Disabled veteran" means a person who is included in 32531
either of the following categories: 32532
- (a) Because of a service-connected disability, has been or 32533
is awarded funds for the purchase of a motor vehicle under the 32534
"Disabled Veterans' and Servicemen's Automobile Assistance Act 32535
of 1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 32536
- (b) Has a service-connected disability rated at one 32537
hundred per cent by the veterans administration. 32538
- (2) "Prisoner of war" means any regularly appointed, 32539

enrolled, enlisted, or inducted member of the military forces of 32540
the United States who was captured, separated, and incarcerated 32541
by an enemy of the United States at any time, and any regularly 32542
appointed, enrolled, or enlisted member of the military forces 32543
of Great Britain, France, Australia, Belgium, Brazil, Canada, 32544
China, Denmark, Greece, the Netherlands, New Zealand, Norway, 32545
Poland, South Africa, or the republics formerly associated with 32546
the Union of Soviet Socialist Republics or Yugoslavia who was a 32547
citizen of the United States at the time of the appointment, 32548
enrollment, or enlistment, and was captured, separated, and 32549
incarcerated by an enemy of this country during World War II. 32550

(Q) Any disabled veteran, congressional medal of honor 32551
awardee, or prisoner of war may apply to the chief for a 32552
certificate of registration, or for a renewal of the certificate 32553
of registration, without the payment of any fee required by this 32554
section. The application for a certificate of registration shall 32555
be accompanied by evidence of disability or by documentary 32556
evidence in support of a congressional medal of honor that the 32557
chief requires by rule. The application for a certificate of 32558
registration by any person who has been a prisoner of war shall 32559
be accompanied by written evidence in the form of a record of 32560
separation, a letter from one of the armed forces of a country 32561
listed in division (P) (2) of this section, or other evidence 32562
that the chief may require by rule, that the person was 32563
honorably discharged or is currently residing in this state on 32564
active duty with one of the branches of the armed forces of the 32565
United States, or was a prisoner of war and was honorably 32566
discharged or received an equivalent discharge or release from 32567
one of the armed forces of a country listed in division (P) (2) 32568
of this section. 32569

(R) Annually by the fifteenth day of January, the director 32570

of natural resources shall determine the amount of fees that 32571
would have been collected in the prior calendar year for each 32572
certificate of registration issued or renewed pursuant to 32573
division (Q) of this section and shall certify the total amount 32574
of foregone revenue to the director of budget and management for 32575
reimbursement. The director of budget and management shall 32576
transfer the amount certified from the general revenue fund to 32577
the waterways safety fund. 32578

Sec. 1548.06. (A) (1) Application for a certificate of 32579
title for a watercraft or outboard motor shall be made upon a 32580
form prescribed by the chief of the division of parks and 32581
watercraft and shall be sworn to before a notary public or other 32582
officer empowered to administer oaths. The application shall be 32583
filed with the clerk of any court of common pleas. An 32584
application for a certificate of title may be filed 32585
electronically by any electronic means approved by the chief in 32586
any county with the clerk of the court of common pleas of that 32587
county. The application shall be accompanied by the fee 32588
prescribed in section 1548.10 of the Revised Code. The fee shall 32589
be retained by the clerk who issues the certificate of title and 32590
shall be distributed in accordance with that section. If a clerk 32591
of a court of common pleas, other than the clerk of the court of 32592
common pleas of an applicant's county of residence, issues a 32593
certificate of title to the applicant, the clerk shall transmit 32594
data related to the transaction to the automated title 32595
processing system. 32596

(2) If a certificate of title previously has been issued 32597
for the watercraft or outboard motor, the application for a 32598
certificate of title also shall be accompanied by the 32599
certificate of title duly assigned unless otherwise provided in 32600
this chapter. If a certificate of title previously has not been 32601

issued for the watercraft or outboard motor in this state, the 32602
application, unless otherwise provided in this chapter, shall be 32603
accompanied by a manufacturer's or importer's certificate; by a 32604
sworn statement of ownership if the watercraft or outboard motor 32605
was purchased by the applicant on or before October 9, 1963, or 32606
if the watercraft is less than fourteen feet long with a 32607
permanently affixed mechanical means of propulsion and was 32608
purchased by the applicant on or before January 1, 2000; or by a 32609
certificate of title, bill of sale, or other evidence of 32610
ownership required by the law of another state from which the 32611
watercraft or outboard motor was brought into this state. 32612
Evidence of ownership of a watercraft or outboard motor for 32613
which an Ohio certificate of title previously has not been 32614
issued and which watercraft or outboard motor does not have 32615
permanently affixed to it a manufacturer's serial number shall 32616
be accompanied by the certificate of assignment of a hull 32617
identification number assigned by the chief as provided in 32618
section 1548.07 of the Revised Code. 32619

(3) The clerk shall retain the evidence of title presented 32620
by the applicant and on which the certificate of title is 32621
issued, except that, if an application for a certificate of 32622
title is filed electronically, by a vendor on behalf of a 32623
purchaser of a watercraft or outboard motor, the clerk shall 32624
retain the completed electronic record to which the vendor 32625
converted the certificate of title application and other 32626
required documents. The chief, after consultation with the 32627
attorney general, shall adopt rules that govern the location at 32628
which, and the manner in which, are stored the actual 32629
application and all other documents relating to the sale of a 32630
watercraft or outboard motor when a vendor files the application 32631
for a certificate of title electronically on behalf of a 32632

purchaser. 32633

(B) The clerk shall use reasonable diligence in 32634
ascertaining whether the facts in the application are true by 32635
checking the application and documents accompanying it or the 32636
electronic record to which a vendor converted the application 32637
and accompanying documents with the records of watercraft and 32638
outboard motors in the clerk's office. If the clerk is satisfied 32639
that the applicant is the owner of the watercraft or outboard 32640
motor and that the application is in the proper form, the clerk 32641
shall issue a physical certificate of title over the clerk's 32642
signature and sealed with the clerk's seal unless the applicant 32643
specifically requests the clerk not to issue a physical 32644
certificate of title and instead to issue an electronic 32645
certificate of title. However, if the evidence indicates and an 32646
investigation shows that one or more Ohio titles already exist 32647
for the watercraft or outboard motor, the chief may cause the 32648
redundant title or titles to be canceled. 32649

(C) In the case of the sale of a watercraft or outboard 32650
motor by a vendor to a general purchaser or user, the 32651
certificate of title shall be obtained in the name of the 32652
purchaser by the vendor upon application signed by the 32653
purchaser. In all other cases, the certificate shall be obtained 32654
by the purchaser. In all cases of transfer of watercraft or 32655
outboard motors, the application for certificate of title shall 32656
be filed within thirty days after the later of the date of 32657
purchase or assignment of ownership of the watercraft or 32658
outboard motor. If the application for certificate of title is 32659
not filed within thirty days after the later of the date of 32660
purchase or assignment of ownership of the watercraft or 32661
outboard motor, the clerk shall charge a late penalty fee of 32662
five dollars in addition to the fee prescribed by section 32663

1548.10 of the Revised Code. The clerk shall retain the entire 32664
amount of each late penalty fee. 32665

(D) The clerk shall refuse to accept an application for 32666
certificate of title unless the applicant either tenders with 32667
the application payment of all taxes levied by or pursuant to 32668
Chapter 5739. or 5741. of the Revised Code based on the 32669
applicant's county of residence less, in the case of a sale by a 32670
vendor, any discount to which the vendor is entitled under 32671
section 5739.12 of the Revised Code, or submits any of the 32672
following: 32673

(1) A receipt issued by the tax commissioner or a clerk of 32674
courts showing payment of the tax; 32675

(2) A copy of the unit certificate of exemption completed 32676
by the purchaser at the time of sale as provided in section 32677
5739.03 of the Revised Code; 32678

(3) An exemption certificate, in a form prescribed by the 32679
tax commissioner, that specifies why the purchase is not subject 32680
to the tax imposed by Chapter 5739. or 5741. of the Revised 32681
Code. 32682

Payment of the tax shall be in accordance with rules 32683
issued by the tax commissioner, and the clerk shall issue a 32684
receipt in the form prescribed by the tax commissioner to any 32685
applicant who tenders payment of the tax with the application 32686
for the certificate of title. 32687

(E) (1) For receiving and disbursing the taxes paid to the 32688
clerk by a resident of the clerk's county, the clerk may retain 32689
a poundage fee of one and one one-hundredth per cent of the 32690
taxes collected, which shall be paid into the certificate of 32691
title administration fund created by section 325.33 of the 32692

Revised Code. The clerk shall not retain a poundage fee from 32693
payments of taxes by persons who do not reside in the clerk's 32694
county. 32695

(2) A clerk, however, may retain from the taxes paid to 32696
the clerk an amount equal to the poundage fees associated with 32697
certificates of title issued by other clerks of courts of common 32698
pleas to applicants who reside in the first clerk's county. The 32699
chief of the division of parks and watercraft, in consultation 32700
with the tax commissioner and the clerks of the courts of common 32701
pleas, shall develop a report from the automated title 32702
processing system that informs each clerk of the amount of the 32703
poundage fees that the clerk is permitted to retain from those 32704
taxes because of certificates of title issued by the clerks of 32705
other counties to applicants who reside in the first clerk's 32706
county. 32707

(F) In the case of casual sales of watercraft or outboard 32708
motors that are subject to the tax imposed by Chapter 5739. or 32709
5741. of the Revised Code, the purchase price for the purpose of 32710
determining the tax shall be the purchase price on an affidavit 32711
executed and filed with the clerk by the vendor on a form to be 32712
prescribed by the chief, which shall be prima-facie evidence of 32713
the price for the determination of the tax. In addition to the 32714
information required by section 1548.08 of the Revised Code, 32715
each certificate of title shall contain in bold lettering the 32716
following notification and statements: "WARNING TO TRANSFEROR 32717
AND TRANSFEREE (SELLER AND BUYER). You are required by law to 32718
state the true selling price. A false statement is a violation 32719
of section 2921.13 of the Revised Code and is punishable by six 32720
months imprisonment or a fine of up to one thousand dollars, or 32721
both. All transfers are audited by the department of taxation. 32722
The seller and buyer must provide any information requested by 32723

the department of taxation. The buyer may be assessed any 32724
additional tax found to be due." 32725

(G) Each county clerk of courts shall forward to the ~~tax-~~ 32726
~~commissioner~~ registrar of motor vehicles, in a manner prescribed 32727
by the tax commissioner, all sales and use tax collections 32728
resulting from sales of titled watercraft and outboard motors 32729
during a calendar week on or before the Friday following the 32730
close of that week. If, on any Friday, the offices of the clerk 32731
of courts or the state are not open for business, the tax shall 32732
be forwarded to the ~~commissioner~~ registrar on or before the next 32733
day on which the offices are open. Every remittance of tax under 32734
this division shall be accompanied by a remittance report in 32735
such form as the commissioner, in consultation with the director 32736
of public safety, prescribes. If the tax due for any week is not 32737
remitted by a clerk of courts as required under this division, 32738
the clerk shall forfeit the poundage fees for the sales made 32739
during that week. The commissioner may require the clerks of 32740
courts to transmit tax collections and remittance reports 32741
electronically. 32742

(H) For purposes of a transfer of a certificate of title, 32743
if the clerk is satisfied that a secured party has discharged a 32744
lien but has not canceled the lien notation with a clerk, the 32745
clerk may cancel the lien notation on the automated title 32746
processing system and notify the clerk of the county of origin. 32747

(I) Every clerk shall have the capability to transact by 32748
electronic means all procedures and transactions relating to the 32749
issuance of watercraft or outboard motor certificates of title 32750
that are described in the Revised Code as being accomplished by 32751
electronic means. 32752

Sec. 1561.13. The chief of the division of mineral 32753

resources management shall conduct examinations for offices and 32754
positions in the division of mineral resources management, and 32755
for mine forepersons, mine electricians, ~~shot firers, and~~ 32756
surface mine blasters, ~~and fire bosses,~~ as follows: 32757

(A) Division of mineral resources management: 32758

(1) Deputy mine inspectors of underground mines; 32759

(2) Deputy mine inspectors of surface mines; 32760

(3) Electrical inspectors; 32761

(4) Superintendent of rescue stations; 32762

(5) Assistant superintendents of rescue stations; 32763

(6) Mine chemists at a division laboratory if the chief 32764
chooses to operate a laboratory. 32765

(B) Mine forepersons: 32766

(1) Mine foreperson of gaseous mines; 32767

(2) Mine foreperson of nongaseous mines; 32768

(3) Mine foreperson of surface mines. 32769

(C) Forepersons: 32770

(1) Foreperson of gaseous mines; 32771

(2) Foreperson of nongaseous mines; 32772

(3) ~~Foreperson of surface maintenance facilities at~~ 32773
~~underground or surface mines;~~ 32774

~~(4) Foreperson of surface mines.~~ 32775

(D) ~~Fire bosses.~~ 32776

~~(E) Mine electricians.~~ 32777

~~(F)~~ (E) Surface mine blasters. 32778

~~(G) Shot firers.~~ 32779

The chief annually shall provide for the examination of 32780
candidates for appointment or promotion as deputy mine 32781
inspectors and such other positions and offices set forth in 32782
division (A) of this section as are necessary. Special 32783
examinations may be held whenever it becomes necessary to make 32784
appointments to any of those positions. 32785

The chief shall provide for the examination of persons 32786
seeking certificates of competency as mine forepersons, 32787
forepersons, mine electricians, ~~shot firers,~~ and surface mine 32788
~~blasters, and fire bosses quarterly or more often as required,~~ 32789
needed and at such times and places within the state as shall, 32790
in the judgment of the chief, afford the best facilities to the 32791
greatest number of applicants. ~~Public notice shall be given~~ 32792
~~through the press or otherwise, not less than ten days in~~ 32793
~~advance, announcing the time and place at which examinations~~ 32794
~~under this section are to be held.~~ 32795

The examinations provided for in this section shall be 32796
conducted under rules adopted under section 1561.05 of the 32797
Revised Code and conditions prescribed by the chief. Any rules 32798
that relate to particular candidates shall, upon application of 32799
any candidate, be furnished to the candidate by the chief; they 32800
shall also be of uniform application to all candidates in the 32801
several groups. 32802

Sec. 1561.16. (A) As used in this section and sections 32803
1561.17 to ~~1561.21~~ 1561.20 of the Revised Code, "actual 32804
practical experience" means previous employment that involved a 32805
person's regular presence in the type of mining operation in 32806

which the experience is required to exist; participation in 32807
functions relating to the hazards involved in and the 32808
utilization of equipment, tools, and work crews and individuals 32809
for that type of mining; and regular exposure to the methods, 32810
procedures, and safety laws applicable to that type of mining. 32811
Credit of up to one year for a portion of the required 32812
experience time may be given upon documentation to the chief of 32813
the division of mineral resources management of an educational 32814
degree in a field related to mining. Credit of up to two years 32815
of the required experience time may be given upon presentation 32816
to the chief of proof of graduation from an accredited school of 32817
mines or mining after a four-year course of study with 32818
employment in the mining industry during interim breaks during 32819
the school years. 32820

(B) Except as provided in division (G) of this section, a 32821
person who applies for a certificate as a mine foreperson of 32822
gaseous mines shall be able to read and write the English 32823
language; shall have had at least five years' actual practical 32824
experience in the underground workings of a gaseous mine or the 32825
equivalent thereof in the judgment of the chief; and shall have 32826
had practical experience obtained by actual contact with gas in 32827
mines and have knowledge of the dangers and nature of noxious 32828
and explosive gases and ventilation of gaseous mines. An 32829
applicant for a certificate as a foreperson of gaseous mines 32830
shall meet the same requirements, except that the applicant 32831
shall have had at least three years' actual practical experience 32832
in the underground workings of a gaseous mine or the equivalent 32833
thereof in the judgment of the chief. Each applicant for 32834
examination shall pay a fee established in rules adopted under 32835
this section to the chief on the first day of such examination. 32836

(C) A person who has been issued a certificate as a mine 32837

foreperson or a foreperson of a gaseous mine and who has not 32838
worked in an underground coal mine for a period of more than two 32839
calendar years shall apply for and obtain recertification from 32840
the chief in accordance with rules adopted under this section 32841
before performing the duties of a mine foreperson or a 32842
foreperson of a gaseous mine. An applicant for recertification 32843
shall pay a fee established in rules adopted under this section 32844
at the time of application for recertification. 32845

(D) A person who has been issued a certificate as a mine 32846
foreperson or a foreperson of a gaseous mine and who has not 32847
worked in an underground coal mine for a period of one or more 32848
calendar years shall successfully complete a retraining course 32849
in accordance with rules adopted under this section before 32850
performing the duties of a mine foreperson or a foreperson of a 32851
gaseous mine. 32852

(E) The chief, in consultation with a statewide 32853
association representing the coal mining industry and a 32854
statewide association representing employees of coal mines, 32855
shall adopt rules in accordance with Chapter 119. of the Revised 32856
Code that do all of the following: 32857

(1) Prescribe requirements, criteria, and procedures for 32858
the recertification of a mine foreperson or a foreperson of a 32859
gaseous mine who has not worked in an underground coal mine for 32860
a period of more than two calendar years; 32861

(2) Prescribe requirements, criteria, and procedures for 32862
the retraining of a mine foreperson or a foreperson of a gaseous 32863
mine who has not worked in an underground coal mine for a period 32864
of one or more calendar years; 32865

(3) Establish fees for the examination and recertification 32866

of mine forepersons or forepersons of gaseous mines under this 32867
section; 32868

(4) Prescribe any other requirements, criteria, and 32869
procedures that the chief determines are necessary to administer 32870
this section. 32871

(F) Any money collected under this section shall be paid 32872
into the state treasury to the credit of the mining regulation 32873
and safety fund created in section 1513.30 of the Revised Code. 32874

(G) The chief shall issue a certificate as a foreperson of 32875
gaseous mines in accordance with Chapter 4796. of the Revised 32876
Code to an applicant if either of the following applies: 32877

(1) The applicant holds a license or certificate in 32878
another state. 32879

(2) The applicant has satisfactory work experience, a 32880
government certification, or a private certification as 32881
described in that chapter as a foreperson of gaseous mines in a 32882
state that does not issue that license or certificate. 32883

Sec. 1561.23. (A) The chief of the division of mineral 32884
resources management shall issue the following certificates to 32885
those applicants who pass their examination: 32886

(1) Certificates for mine forepersons of gaseous mines; 32887

(2) Certificates for mine forepersons of nongaseous mines; 32888

(3) Certificates for forepersons of gaseous mines; 32889

(4) Certificates for forepersons of nongaseous mines; 32890

(5) ~~Certificates for forepersons of surface maintenance-~~ 32891
~~facilities of underground or surface mines;~~ 32892

~~(6)~~ Certificates for mine forepersons of surface mines; 32893

- ~~(7)~~ (6) Certificates for forepersons of surface mines; 32894
- ~~(8) Certificates for fire bosses;~~ 32895
- ~~(9)~~ (7) Certificates for mine electricians; 32896
- ~~(10)~~ (8) Certificates for surface mine blasters;— 32897
- ~~(11) Certificates for shot firers.~~ 32898

(B) Applicants for certificates shall make application to 32899
the chief, on a form provided by the chief, for examination. All 32900
applicants shall be able to read and write the English language 32901
intelligently, and shall furnish the chief with a certificate as 32902
to the length and description of their practical experience and 32903
satisfactory evidence of their ability to perform the duties of 32904
the position for which they make application for examination. 32905

(C) The chief may issue a certificate to an applicant for 32906
mine foreperson, foreperson, or mine electrician who holds a 32907
valid certification or other authorization from a state with 32908
which the department of natural resources has a reciprocal 32909
agreement for the certification or other authorization. However, 32910
the applicant shall pass an examination on this chapter and 32911
rules adopted under it or on any other relevant material that 32912
the chief determines to be appropriate. 32913

A mine foreperson, foreperson, or mine electrician who has 32914
been issued a temporary certificate under section 1565.06 of the 32915
Revised Code prior to ~~the effective date of this amendment~~ 32916
September 30, 2021, and who holds a valid certification or other 32917
authorization from a state with which the department has a 32918
reciprocal agreement for the certification or other 32919
authorization may continue to operate under the temporary 32920
certificate until it expires or the chief suspends or revokes 32921
it. 32922

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

Sec. 1561.46. Fees received by the chief of the division of mineral resources management under sections 1561.16 to ~~1561.22~~ 1561.20 of the Revised Code shall be paid by the chief into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code.

Sec. 1561.48. All money collected under sections 1561.14, 1561.16, 1561.17, ~~1561.18~~, 1561.19, 1561.20, ~~1561.21~~, ~~1561.22~~, 1561.45, and 1561.46 of the Revised Code shall be paid into the state treasury to the credit of the mining regulation and safety fund created by section 1513.30 of the Revised Code. The department of natural resources shall use the money in the fund to pay the operating expenses of the division of mineral resources management.

Sec. 1701.04. (A) Any person, singly or jointly with others, and without regard to residence, domicile, or state of incorporation, may form a corporation by signing and filing with the secretary of state articles of incorporation that shall set forth all of the following:

(1) The name of the corporation, which shall be in compliance with division (A) of section 1701.05 of the Revised Code;

(2) The place in this state where the principal office of the corporation is to be located;

(3) The authorized number and the par value per share of

shares with par value, and the authorized number of shares 32952
without par value, except that the articles of a banking, safe 32953
deposit, trust, or insurance corporation shall not authorize 32954
shares without par value; the express terms, if any, of the 32955
shares; and, if the shares are classified, the designation of 32956
each class, the authorized number and par value per share, if 32957
any, of the shares of each class, and the express terms of the 32958
shares of each class; 32959

(4) If the corporation is to have an initial stated 32960
capital, the amount of that stated capital. 32961

(B) The articles also may set forth any of the following: 32962

(1) The names of the individuals who are to serve as 32963
initial directors; 32964

(2) The purpose or purposes for which the corporation is 32965
formed, but in the absence of a statement of the purpose or 32966
purposes or except as expressly set forth in such statement, the 32967
purpose for which any corporation is formed is to engage in any 32968
lawful act or activity for which a corporation may be formed 32969
under this chapter, and all lawful acts and activities of the 32970
corporation are within the purposes of the corporation; 32971

(3) Any priority or other method for balancing the 32972
purposes for which the corporation is formed; 32973

(4) Any lawful provision for the purpose of defining, 32974
limiting, or regulating the exercise of the authority of the 32975
corporation, the incorporators, the directors, the officers, the 32976
shareholders, or the holders of any class of shares; 32977

(5) Any provision that may be set forth in the 32978
regulations; 32979

(6) A provision specifying the period of existence of the corporation if it is to be otherwise than perpetual; 32980
32981

(7) A provision eliminating the right of every shareholder to vote cumulatively in the election of directors; 32982
32983

(8) Any additional provision permitted by this chapter. 32984

(C) A written appointment of a statutory agent for the purposes set forth in section 1701.07 of the Revised Code shall be filed with the articles, unless the corporation belongs to one of the classes mentioned in division ~~(O)~~ (N) of that section. 32985
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(D) The legal existence of the corporation begins upon the filing of the articles or on a later date specified in the articles that is not more than ninety days after filing, and, unless the articles otherwise provide, its period of existence shall be perpetual. 32989
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32993

Sec. 1701.07. (A) Every corporation shall have and maintain an agent, sometimes referred to as the "statutory agent," upon whom any process, notice, or demand required or permitted by statute to be served upon a corporation may be served. The agent shall be one of the following: 32994
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(1) A natural person who is a resident of this state; 32999

(2) A domestic or foreign corporation, nonprofit corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited partnership association, professional association, business trust, or unincorporated nonprofit association that has a business address in this state. If the agent is an entity other than a domestic corporation, the agent shall meet the requirements of Title XVII of the Revised Code for an entity of the agent's type to transact business or exercise privileges in this state. 33000
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(B) The secretary of state shall not accept original 33009
articles for filing unless there is filed with the articles a 33010
written appointment of an agent that is signed by the 33011
incorporators of the corporation or a majority of them and a 33012
written acceptance of the appointment that is signed by the 33013
agent. In all other cases, the corporation shall appoint the 33014
agent and shall file in the office of the secretary of state a 33015
written appointment of the agent that is signed by any 33016
authorized officer of the corporation and a written acceptance 33017
of the appointment that is either the original acceptance signed 33018
by the agent or a photocopy, facsimile, or similar reproduction 33019
of the original acceptance signed by the agent. 33020

(C) (1) The written appointment of an agent shall set forth 33021
the name and address in this state of the agent, including the 33022
street and number of the agent's primary residence in this state 33023
or, if the agent is not a natural person, the agent's usual 33024
place of business in this state, and shall otherwise be in such 33025
form as the secretary of state prescribes. The secretary of 33026
state shall keep a record of the names of corporations, and the 33027
names and addresses of their respective agents. 33028

(2) As used in division (C) (1) of this section, "usual 33029
place of business" means a place in this state that is 33030
customarily open during normal business hours and where an 33031
individual is generally present who is authorized to perform the 33032
services of a registered agent, including accepting service of 33033
process and other notifications for the person serving as a 33034
statutory agent. "Usual place of business" does not include a 33035
post office box, regardless of whether that post office box has 33036
an associated street address. 33037

(D) If any agent dies, removes from the state, or resigns, 33038

the corporation shall forthwith appoint another agent and file 33039
with the secretary of state, on a form prescribed by the 33040
secretary of state, a written appointment of the agent. 33041

(E) If the agent changes the agent's address from that 33042
appearing upon the record in the office of the secretary of 33043
state, the corporation or the agent shall forthwith file with 33044
the secretary of state, on a form prescribed by the secretary of 33045
state, a written statement setting forth the new address. 33046

(F) An agent may resign by filing with the secretary of 33047
state, on a form prescribed by the secretary of state, a written 33048
notice to that effect that is signed by the agent and by sending 33049
a copy of the notice to the corporation at the current or last 33050
known address of its principal office on or prior to the date 33051
the notice is filed with the secretary of state. The notice 33052
shall set forth the name of the corporation, the name and 33053
current address of the agent, the current or last known address, 33054
including the street and number or other particular description, 33055
of the corporation's principal office, the resignation of the 33056
agent, and a statement that a copy of the notice has been sent 33057
to the corporation within the time and in the manner prescribed 33058
by this division. Upon the expiration of thirty days after the 33059
filing, the authority of the agent shall terminate. 33060

(G) A corporation may revoke the appointment of an agent 33061
by filing with the secretary of state, on a form prescribed by 33062
the secretary of state, a written appointment of another agent 33063
and a statement that the appointment of the former agent is 33064
revoked. 33065

(H) Any process, notice, or demand required or permitted 33066
by statute to be served upon a corporation may be served upon 33067
the corporation by delivering a copy of it to its agent, if a 33068

natural person, or by delivering a copy of it at the address of 33069
its agent in this state, as the address appears upon the record 33070
in the office of the secretary of state. If (1) the agent cannot 33071
be found, or (2) the agent no longer has that address, or (3) 33072
the corporation has failed to maintain an agent as required by 33073
this section, and if in any such case the party desiring that 33074
the process, notice, or demand be served, or the agent or 33075
representative of the party, shall have filed with the secretary 33076
of state an affidavit stating that one of the foregoing 33077
conditions exists and stating the most recent address of the 33078
corporation that the party after diligent search has been able 33079
to ascertain, then service of process, notice, or demand upon 33080
the secretary of state, as the agent of the corporation, may be 33081
initiated by delivering to the secretary of state or at the 33082
secretary of state's office quadruplicate copies of such 33083
process, notice, or demand and by paying to the secretary of 33084
state a fee of five dollars. The secretary of state shall 33085
forthwith give notice of the delivery to the corporation at its 33086
principal office as shown upon the record in the secretary of 33087
state's office and at any different address shown on its last 33088
franchise tax report filed in this state, or to the corporation 33089
at any different address set forth in the above mentioned 33090
affidavit, and shall forward to the corporation at said 33091
addresses, by certified mail, with request for return receipt, a 33092
copy of the process, notice, or demand; and thereupon service 33093
upon the corporation shall be deemed to have been made. 33094

(I) The secretary of state shall keep a record of each 33095
process, notice, and demand delivered to the secretary of state 33096
or at the secretary of state's office under this section or any 33097
other law of this state that authorizes service upon the 33098
secretary of state, and shall record the time of the delivery 33099

and the action thereafter with respect thereto. 33100

(J) This section does not limit or affect the right to 33101
serve any process, notice, or demand upon a corporation in any 33102
other manner permitted by law. 33103

~~(K) Every corporation shall state in each annual report~~ 33104
~~filed by it with the department of taxation the name and address~~ 33105
~~of its statutory agent.~~ 33106

~~(I)~~ Except when an original appointment of an agent is 33107
filed with the original articles, a written appointment of an 33108
agent or a written statement filed by a corporation with the 33109
secretary of state shall be signed by any authorized officer of 33110
the corporation or by the incorporators of the corporation or a 33111
majority of them if no directors have been elected. 33112

~~(M)~~ (L) For filing a written appointment of an agent other 33113
than one filed with original articles, and for filing a 33114
statement of change of address of an agent, the secretary of 33115
state shall charge and collect the fee specified in division (R) 33116
of section 111.16 of the Revised Code. 33117

~~(N)~~ (M) Upon the failure of a corporation to appoint 33118
another agent or to file a statement of change of address of an 33119
agent, the secretary of state shall give notice thereof by 33120
ordinary or electronic mail to the corporation at the electronic 33121
mail address provided to the secretary of state, or at the 33122
address set forth in the notice of resignation or on the last 33123
franchise tax return filed in this state by the corporation. 33124
Unless the default is cured within thirty days after the mailing 33125
by the secretary of state of the notice or within any further 33126
period of time that the secretary of state grants, upon the 33127
expiration of that period of time from the date of the mailing, 33128

the articles of the corporation shall be canceled without 33129
further notice or action by the secretary of state. The 33130
secretary of state shall make a notation of the cancellation on 33131
the secretary of state's records. 33132

A corporation whose articles have been canceled may be 33133
reinstated by filing, within two years of the cancellation, on a 33134
form prescribed by the secretary of state, an application for 33135
reinstatement and the required appointment of agent or required 33136
statement, and by paying the filing fee specified in division 33137
(Q) of section 111.16 of the Revised Code. The rights, 33138
privileges, and franchises of a corporation whose articles have 33139
been reinstated are subject to section 1701.922 of the Revised 33140
Code. The secretary of state shall furnish the tax commissioner 33141
a monthly list of all corporations canceled and reinstated under 33142
this division. 33143

~~(O)~~ (N) This section does not apply to banks, trust 33144
companies, insurance companies, or any corporation defined under 33145
the laws of this state as a public utility for taxation 33146
purposes. 33147

Sec. 1703.041. (A) Every foreign corporation for profit 33148
that is licensed to transact business in this state, and every 33149
foreign nonprofit corporation that is licensed to exercise its 33150
privileges in this state, shall have and maintain an agent, 33151
sometimes referred to as the "designated agent," upon whom 33152
process against the corporation may be served within this state. 33153
The agent shall be one of the following: 33154

- (1) A natural person who is a resident of this state; 33155
- (2) A domestic or foreign corporation, nonprofit 33156
corporation, limited liability company, partnership, limited 33157

partnership, limited liability partnership, limited partnership 33158
association, professional association, business trust, or 33159
unincorporated nonprofit association that has a business address 33160
in this state. If the agent is an entity other than a domestic 33161
corporation, the agent shall meet the requirements of Title XVII 33162
of the Revised Code for an entity of the agent's type to 33163
transact business or exercise privileges in this state. 33164

(B) (1) The written appointment of a designated agent shall 33165
set forth the name and address of the agent, including the 33166
street and number of the agent's primary residence in this state 33167
or, if the agent is not a natural person, the agent's usual 33168
place of business in this state, and shall otherwise be in such 33169
form as the secretary of state prescribes. The secretary of 33170
state shall keep a record of the names of such foreign 33171
corporations and the names and addresses of their respective 33172
agents. 33173

(2) As used in division (B) (1) of this section, "usual 33174
place of business" means a place in this state that is 33175
customarily open during normal business hours and where an 33176
individual is generally present who is authorized to perform the 33177
services of a registered agent, including accepting service of 33178
process and other notifications for the person serving as a 33179
statutory agent. "Usual place of business" does not include a 33180
post office box, regardless of whether that post office box has 33181
an associated street address. 33182

(C) If the designated agent dies, removes from the state, 33183
or resigns, the foreign corporation shall forthwith appoint 33184
another agent and file in the office of the secretary of state, 33185
on a form prescribed by the secretary of state, a written 33186
appointment of the new agent. 33187

(D) If the designated agent changes the agent's address 33188
from that appearing upon the record in the office of the 33189
secretary of state, the foreign corporation or the designated 33190
agent in its behalf shall forthwith file with the secretary of 33191
state, on a form prescribed by the secretary of state, a written 33192
statement setting forth the agent's new address. 33193

(E) A designated agent may resign by filing with the 33194
secretary of state, on a form prescribed by the secretary of 33195
state, a signed statement to that effect. The secretary of state 33196
shall forthwith mail a copy of the statement to the foreign 33197
corporation at its principal office as shown by the record in 33198
the secretary of state's office. Upon the expiration of sixty 33199
days after the filing, the authority of the agent shall 33200
terminate. 33201

(F) A foreign corporation may revoke the appointment of a 33202
designated agent by filing with the secretary of state, on a 33203
form prescribed by the secretary of state, a written appointment 33204
of another agent and a statement that the appointment of the 33205
former agent is revoked. 33206

(G) Process may be served upon a foreign corporation by 33207
delivering a copy of it to its designated agent, if a natural 33208
person, or by delivering a copy of it at the address of its 33209
agent in this state, as the address appears upon the record in 33210
the office of the secretary of state. 33211

(H) This section does not limit or affect the right to 33212
serve process upon a foreign corporation in any other manner 33213
permitted by law. 33214

~~(I) Every foreign corporation for profit shall state in 33215~~
~~each annual report filed by it with the department of taxation 33216~~

~~the name and address of its designated agent in this state.~~ 33217

Sec. 1707.37. (A) All fees and charges collected under 33218
this chapter shall be paid into the state treasury to the credit 33219
of the division of securities fund, which is hereby created. All 33220
expenses of the division of securities, other than those 33221
specified in division (B) of this section, shall be paid from 33222
the fund. 33223

The fund shall be assessed a proportionate share of the 33224
administrative costs of the department of commerce in accordance 33225
with procedures prescribed by the director of commerce. The 33226
assessments shall be paid from the division of securities fund 33227
to the division of administration fund. 33228

If moneys in the division of securities fund are 33229
determined by the director of budget and management and the 33230
director of commerce to be in excess of those necessary to 33231
defray all the expenses in any fiscal year, the director of 33232
budget and management shall transfer the excess to the general 33233
revenue fund. 33234

(B) There is hereby created in the state treasury the 33235
division of securities investor education and enforcement 33236
expense fund, which shall consist of all money received in 33237
settlement of any violation of this chapter and any cash 33238
transfers. Money in the fund shall be used to fund grants and 33239
pay expenses of the division of securities relating to education 33240
or enforcement for the protection of securities investors and 33241
the public. The division may adopt rules pursuant to section 33242
1707.20 of the Revised Code that establish what qualifies as 33243
such an expense and qualifications for grant funded programs. 33244

Sec. 1707.47. (A) As used in this section and section 33245

1707.471 of the Revised Code: 33246

(1) "Claimant" means a person that files an application 33247
for restitution assistance on behalf of a victim. 33248

(2) "Final order" means a final administrative order 33249
issued by the division of securities or a final court order in a 33250
civil or criminal proceeding initiated by the division. 33251

(3) "Victim" means a purchaser identified in a final order 33252
that has suffered a pecuniary loss as the result of a violation 33253
of this chapter or any rules adopted thereunder, or, in the case 33254
of a deceased purchaser so identified, the purchaser's surviving 33255
spouse or dependent children. 33256

(B) There is hereby created in the state treasury the Ohio 33257
investor recovery fund, which shall consist of all cash 33258
transfers from the division of securities fund, created in 33259
section 1707.37 of the Revised Code, ~~not to exceed an aggregate~~ 33260
~~total of two million five hundred thousand dollars in any fiscal~~ 33261
~~year.~~ Money in the Ohio investor recovery fund shall be used for 33262
the purposes identified in division (C) of this section. 33263

(C) The division shall use the Ohio investor recovery fund 33264
only to pay awards of restitution assistance and any expenses 33265
incurred in administering this section. 33266

(D) (1) If the Ohio investor recovery fund is reduced below 33267
two hundred fifty thousand dollars due to payment in full of 33268
restitution assistance awards that become final during a month, 33269
the division shall suspend payment of further claims that become 33270
final during that month and the following two months. 33271

(2) At the end of the suspension period described in 33272
division (D) (1) of this section, the division shall pay the 33273
suspended claims. If the Ohio investor recovery fund would be 33274

exhausted by payment in full of the suspended claims, the amount 33275
paid to each claimant shall be prorated according to the amount 33276
remaining in the Ohio investor recovery fund at the end of the 33277
suspension period. 33278

(E) The state shall not be liable for a determination made 33279
by the division under this section except to the extent that 33280
money is available in the Ohio investor recovery fund on the 33281
date the award is calculated. 33282

(F) The following victims are eligible for restitution 33283
assistance: 33284

(1) A natural person who is a resident of this state; 33285

(2) A person, other than a natural person, that is 33286
domiciled in Ohio. 33287

(G) The division shall not award restitution assistance as 33288
follows: 33289

(1) To more than one claimant per victim; 33290

(2) To a claimant on behalf of a victim that has received 33291
the full amount of restitution owed from the person ordered to 33292
pay restitution to the victim in the final order before the 33293
application for restitution assistance from the fund is filed; 33294

(3) To a claimant if the final order identifies no 33295
pecuniary loss to the victim on whose behalf the application is 33296
made; 33297

(4) To a claimant on behalf of a victim that assisted in 33298
the commission of the violation of this chapter; 33299

(5) If the portion of the final order giving rise to a 33300
restitution order or otherwise establishing a pecuniary loss to 33301

the victim is overturned on appeal. 33302

(H) If, after the division has made a restitution 33303
assistance award from the Ohio investor recovery fund under this 33304
section, the restitution award in the final order is overturned 33305
on appeal and all legal remedies have been exhausted, then the 33306
claimant shall forfeit the restitution assistance award. 33307

Sec. 1713.03. The chancellor of higher education shall 33308
establish standards for certificates of authorization to be 33309
issued to institutions as defined in section 1713.01 of the 33310
Revised Code, to private institutions exempt from regulation 33311
under Chapter 3332. of the Revised Code as prescribed in section 33312
3333.046 of the Revised Code, and to schools holding 33313
certificates of registration issued by the state board of career 33314
colleges and schools pursuant to division (C) of section 3332.05 33315
of the Revised Code. A certificate of authorization may permit 33316
an institution or school to award one or more types of degrees. 33317

The standards for a certificate of authorization may 33318
include, for various types of institutions, schools, or degrees, 33319
minimum qualifications for faculty, library, laboratories, and 33320
other facilities as adopted and published by the chancellor. The 33321
standards shall be adopted by the chancellor pursuant to Chapter 33322
119. of the Revised Code. 33323

An institution or school shall apply to the chancellor for 33324
a certificate of authorization on forms containing such 33325
information as is prescribed by the chancellor. Each institution 33326
or school with a certificate of authorization shall file an 33327
annual report with the chancellor in such form and containing 33328
such information as the chancellor prescribes. The annual report 33329
shall include disclosure of any online program manager, as 33330
defined in section 1713.032 of the Revised Code, the institution 33331

or school has contracted with to provide instruction to its 33332
students. 33333

The chancellor shall adopt a rule under Chapter 119. of 33334
the Revised Code establishing fees to pay the cost of reviewing 33335
an application for a certificate of authorization, which the 33336
institution or school shall pay when it applies for a 33337
certificate of authorization, and establishing fees, which an 33338
institution or school shall pay, for any further reviews the 33339
chancellor determines necessary upon examining an institution's 33340
or school's annual report. 33341

Sec. 1713.032. (A) As used in this section: 33342

(1) "Contractual agreement" means a contract in which an 33343
institution or school with a certificate of authorization, or 33344
seeking a certificate of authorization, grants an online program 33345
manager input on or authority over any of the following for an 33346
online academic program: 33347

(a) Curriculum development, design, or maintenance; 33348

(b) Student recruitment, assessment, and grading; 33349

(c) Course assessment; 33350

(d) Admissions requirements; 33351

(e) Appointment of faculty; 33352

(f) Faculty assessment; 33353

(g) Decision to award course credit or credential; 33354

(h) Institutional governance; 33355

(i) Instruction. 33356

(2) "Online program manager" means a for-profit entity in 33357

a contractual agreement with an institution or school with a 33358
certificate of authorization, or seeking a certificate of 33359
authorization, to develop or administer curriculum on behalf of 33360
the institution or school for online courses or programs. 33361

(B) To the extent practicable, an institution or school 33362
with a certificate of authorization, or seeking a certificate of 33363
authorization, that intends to enter into a contractual 33364
agreement for an academic program shall endeavor to provide to 33365
the chancellor of higher education a notification of intent at 33366
least thirty days before entering into a contractual agreement. 33367
Upon entering into a contractual agreement, an institution or 33368
school shall immediately provide a copy of the contractual 33369
agreement to the chancellor and any other documentation 33370
requested by the chancellor related to ensuring compliance with 33371
standards, rules, and laws. 33372

(C) The chancellor shall develop materials regarding the 33373
risks inherent in contractual agreements and implementation of 33374
such agreements that relate to compliance with standards, rules, 33375
and laws regarding program approval, including the consequences 33376
of offering an unapproved program. An institution or school 33377
shall attest to its review of the materials prior to entering 33378
into a contractual agreement with an online program manager. 33379

(D) Any contractual agreement executed after the effective 33380
date of this section shall include a provision that grants the 33381
institution the authority to invalidate the contract if the 33382
online program manager does not provide curricula that align 33383
with the institution's or school's approved program. The 33384
institution or school shall ensure that each such academic 33385
program is offered in the manner previously approved by the 33386
chancellor pursuant to section 3333.04 of the Revised Code or 33387

formally request approval of a significant change to the 33388
previously approved program or approval of a new academic 33389
program. 33390

(E) An institution or school that enters a contractual 33391
agreement shall post on its web site that the institution or 33392
school utilizes an online program manager. 33393

(F) The chancellor may prescribe the form and manner by 33394
which the requirements in this section may be satisfied, 33395
including standardized forms and timelines. 33396

(G) Contractual agreements for private nonprofit 33397
institutions under this section are not subject to the public 33398
records law. 33399

(H) A for-profit institution that holds a certificate of 33400
authorization from the chancellor shall comply with this section 33401
for any program or degree that is offered under the approval of 33402
the chancellor. 33403

Sec. 1713.033. Each institution or school with a 33404
certificate of authorization issued under this chapter annually 33405
shall certify to the chancellor of higher education, on a date 33406
and in the form and manner determined by the chancellor, a plan 33407
to preserve student records indefinitely if the institution or 33408
school was to cease operations. The plan shall include the 33409
designation and signed confirmation of an official custodian of 33410
student records. If the chancellor determines it necessary, the 33411
chancellor may require an institution or school to produce an 33412
executed agreement with the designated custodian of student 33413
records, paid in full, to ensure the institution's or school's 33414
plan can be implemented. 33415

The chancellor may consult with the higher learning 33416

commission, the state board of career colleges and schools, and 33417
other appropriate entities to establish plans, processes, and 33418
procedures for institutions and schools to provide indefinite 33419
access to student records. 33420

Sec. 1713.041. (A) Each institution or school authorized 33421
to offer courses or degrees under a certificate of authorization 33422
annually shall provide to the chancellor of higher education all 33423
of the following: 33424

(1) Verification of current accreditation status and a 33425
copy of the most recent institutional report from the 33426
institution's accrediting organization; 33427

(2) A plan to preserve student records indefinitely in the 33428
event of closure of the institution or discontinuation of 33429
service. The plan shall include a method by which students and 33430
alumni of the institution may retrieve student records by 33431
request. The plan also shall include a designation and signed 33432
confirmation of an official custodian of student records. 33433
Student records preserved under the plan shall include, but not 33434
be limited to: 33435

(a) Academic transcripts; 33436

(b) Financial aid documents; 33437

(c) International student forms; 33438

(d) Tax information. 33439

(3) The following program information: 33440

(a) A list of current degree programs offered by the 33441
institution in this state; 33442

(b) The results of any external degree program evaluations 33443

conducted in the last year; 33444

(c) A list of any degree programs that have been 33445
eliminated in the last year; 33446

(4) The latest financial statement for the most recent 33447
fiscal year compiled and audited by an independent certified 33448
public accountant, including any management letters provided by 33449
the independent auditor; 33450

(5) Any other information requested by the chancellor. 33451

(B) If an institution or school fails to submit the 33452
information required under division (A) of this section or if 33453
the chancellor finds that the information submitted under that 33454
division is insufficient, the chancellor may suspend, withdraw, 33455
or revoke an institution or school's institutional authorization 33456
or a program's authorization. 33457

(C) Each institution or school shall immediately notify 33458
the chancellor if the institution or school does any of the 33459
following: 33460

(1) Receives notice from the federal government or an 33461
institutional accrediting organization that the institution or 33462
school is subject to heightened reporting standards or special 33463
monitoring status, such as the United States department of 33464
education's heightened cash monitoring process; 33465

(2) Receives preliminary or final accreditation findings; 33466

(3) Becomes the subject of an investigation by a 33467
government agency related to the institution's academic quality, 33468
financial stability, or student consumer protection; 33469

(4) Fails to make any payments to applicable retirement 33470
systems; 33471

<u>(5) Fails to make any scheduled payroll payments;</u>	33472
<u>(6) Fails to make any payments to vendors when due as a</u>	33473
<u>result of a cash deficiency or a substantial deficiency in the</u>	33474
<u>payment processing system of the institution;</u>	33475
<u>(7) Fails to make any scheduled payment of principal or</u>	33476
<u>interest for short- or long-term debt;</u>	33477
<u>(8) Makes budget revisions resulting in a substantially</u>	33478
<u>reduced ending fund balance or larger deficit;</u>	33479
<u>(9) Becomes aware of significant negative variance between</u>	33480
<u>the most recently adopted annual budget and actual revenues or</u>	33481
<u>expenses as projected at the end of the fiscal year.</u>	33482
<u>(D) A document received by the chancellor under division</u>	33483
<u>(C) (1), (2), or (3) of this section that is confidential under</u>	33484
<u>federal law is not subject to release under a public record</u>	33485
<u>request until such time as the document is released publicly by</u>	33486
<u>the appropriate entity. Further, financial documentation of the</u>	33487
<u>institution or school received by the chancellor under this</u>	33488
<u>section is not a public record under section 149.43 of the</u>	33489
<u>Revised Code.</u>	33490
Sec. 1923.01. (A) As provided in this chapter, any judge	33491
of a county or municipal court or a court of common pleas,	33492
within the judge's proper area of jurisdiction, may inquire	33493
about persons who make unlawful and forcible entry into lands or	33494
tenements and detain them, and about persons who make a lawful	33495
and peaceable entry into lands or tenements and hold them	33496
unlawfully and by force. If, upon the inquiry, it is found that	33497
an unlawful and forcible entry has been made and the lands or	33498
tenements are detained, or that, after a lawful entry, lands or	33499
tenements are held unlawfully and by force, a judge shall cause	33500

the plaintiff in an action under this chapter to have 33501
restitution of the lands or tenements. 33502

(B) An action shall be brought under this chapter within 33503
two years after the cause of action accrues. 33504

(C) As used in this chapter: 33505

(1) "Tenant" means a person who is entitled under a rental 33506
agreement to the use or occupancy of premises, other than 33507
premises located in a manufactured home park, to the exclusion 33508
of others, except that as used in division (A) (6) of section 33509
1923.02 and section 1923.051 of the Revised Code, "tenant" 33510
includes a manufactured home park resident. 33511

(2) "Landlord" means the owner, lessor, or sublessor of 33512
premises, or the agent or person the landlord authorizes to 33513
manage premises or to receive rent from a tenant under a rental 33514
agreement, except, if required by the facts of the action to 33515
which the term is applied, "landlord" means a park operator. 33516

(3) "Resident" has the same meaning as in section 4781.01 33517
of the Revised Code. 33518

(4) "Residential premises" has the same meaning as in 33519
section 5321.01 of the Revised Code, except, if required by the 33520
facts of the action to which the term is applied, "residential 33521
premises" has the same meaning as in section 4781.01 of the 33522
Revised Code. 33523

(5) "Rental agreement" means any agreement or lease, 33524
written or oral, that establishes or modifies the terms, 33525
conditions, rules, or other provisions concerning the use or 33526
occupancy of premises by one of the parties to the agreement or 33527
lease, except that "rental agreement," as used in division (A) 33528
(13) of section 1923.02 of the Revised Code and where the 33529

context requires as used in this chapter, means a rental 33530
agreement as defined in division (D) of section 5322.01 of the 33531
Revised Code. 33532

(6) "Controlled substance" has the same meaning as in 33533
section 3719.01 of the Revised Code. 33534

(7) "School premises" has the same meaning as in section 33535
2925.01 of the Revised Code. 33536

(8) "Sexually oriented offense" and "child-victim oriented 33537
offense" have the same meanings as in section 2950.01 of the 33538
Revised Code. 33539

(9) ~~"Recreational vehicle" and "mobile home" have the same 33540
meanings as in section 4501.01 of the Revised Code.~~ 33541

~~(10)~~ "Manufactured home" has the same meaning as in 33542
section 3781.06 of the Revised Code. 33543

~~(11)~~ (10) "Manufactured home park" has the same meaning as 33544
in section 4781.01 of the Revised Code and also means any tract 33545
of land upon which one or two manufactured or mobile homes used 33546
for habitation are parked, either free of charge or for revenue 33547
purposes, pursuant to rental agreements between the owners of 33548
the manufactured or mobile homes and the owner of the tract of 33549
land. 33550

~~(12)~~ (11) "Park operator" has the same meaning as in 33551
section 4781.01 of the Revised Code and also means a landlord of 33552
premises upon which one or two manufactured or mobile homes used 33553
for habitation are parked, either free of charge or for revenue 33554
purposes, pursuant to rental agreements between the owners of 33555
the manufactured or mobile homes and a landlord who is not 33556
licensed as a manufactured home park operator pursuant to 33557
Chapter 4781. of the Revised Code. 33558

~~(13)~~ (12) "Personal property" means tangible personal 33559
property other than a manufactured home, or mobile home, ~~or~~ 33560
~~recreational vehicle~~ that is the subject of an action under this 33561
chapter. 33562

~~(14)~~ (13) "Preschool or child care center premises" has the 33563
same meaning as in section 2950.034 of the Revised Code. 33564

~~(15)~~ (14) "Minor tenant" means a tenant under eighteen 33565
years of age who is not emancipated. 33566

(15) "Titled owner" means a person or estate that owns a 33567
manufactured or mobile home located in a manufactured home park, 33568
regardless of whether the person or estate is entitled to occupy 33569
the lot under the rental agreement with the park operator. 33570

Sec. 1923.02. (A) Proceedings under this chapter may be 33571
had as follows: 33572

(1) Against tenants or manufactured home park residents 33573
holding over their terms; 33574

(2) Against tenants or manufactured home park residents in 33575
possession under an oral tenancy, who are in default in the 33576
payment of rent as provided in division (B) of this section; 33577

(3) In sales of real estate, on executions, orders, or 33578
other judicial process, when the judgment debtor was in 33579
possession at the time of the rendition of the judgment or 33580
decree, by virtue of which the sale was made; 33581

(4) In sales by executors, administrators, or guardians, 33582
and on partition, when any of the parties to the complaint were 33583
in possession at the commencement of the action, after the 33584
sales, so made on execution or otherwise, have been examined by 33585
the proper court and adjudged legal; 33586

(5) When the defendant is an occupier of lands or tenements, without color of title, and the complainant has the right of possession to them;

(6) In any other case of the unlawful and forcible detention of lands or tenements. For purposes of this division, in addition to any other type of unlawful and forcible detention of lands or tenements, such a detention may be determined to exist when both of the following apply:

(a) A tenant fails to vacate residential premises within three days after both of the following occur:

(i) The tenant's landlord has actual knowledge of or has reasonable cause to believe that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation of Chapter 2925. or 3719. of the Revised Code, or of a municipal ordinance that is substantially similar to any section in either of those chapters, which involves a controlled substance and which occurred in, is occurring in, or otherwise was or is connected with the premises, whether or not the tenant or other person has been charged with, has pleaded guilty to or been convicted of, or has been determined to be a delinquent child for an act that, if committed by an adult, would be a violation as described in this division. For purposes of this division, a landlord has "actual knowledge of or has reasonable cause to believe" that a tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation as described in this division if a search warrant was issued pursuant to Criminal Rule 41 or Chapter 2933. of the Revised Code; the affidavit presented to obtain the warrant named or

described the tenant or person as the individual to be searched 33617
and particularly described the tenant's premises as the place to 33618
be searched, named or described one or more controlled 33619
substances to be searched for and seized, stated substantially 33620
the offense under Chapter 2925. or 3719. of the Revised Code or 33621
the substantially similar municipal ordinance that occurred in, 33622
is occurring in, or otherwise was or is connected with the 33623
tenant's premises, and states the factual basis for the 33624
affiant's belief that the controlled substances are located on 33625
the tenant's premises; the warrant was properly executed by a 33626
law enforcement officer and any controlled substance described 33627
in the affidavit was found by that officer during the search and 33628
seizure; and, subsequent to the search and seizure, the landlord 33629
was informed by that or another law enforcement officer of the 33630
fact that the tenant or person has or presently is engaged in a 33631
violation as described in this division and it occurred in, is 33632
occurring in, or otherwise was or is connected with the tenant's 33633
premises. 33634

(ii) The landlord gives the tenant the notice required by 33635
division (C) of section 5321.17 of the Revised Code. 33636

(b) The court determines, by a preponderance of the 33637
evidence, that the tenant, any person in the tenant's household, 33638
or any person on the premises with the consent of the tenant 33639
previously has or presently is engaged in a violation as 33640
described in division (A) (6) (a) (i) of this section. 33641

(7) In cases arising out of Chapter 5313. of the Revised 33642
Code. In those cases, the court has the authority to declare a 33643
forfeiture of the vendee's rights under a land installment 33644
contract and to grant any other claims arising out of the 33645
contract. 33646

(8) Against tenants who have breached an obligation that 33647
is imposed by section 5321.05 of the Revised Code, other than 33648
the obligation specified in division (A) (9) of that section, and 33649
that materially affects health and safety. Prior to the 33650
commencement of an action under this division, notice shall be 33651
given to the tenant and compliance secured with section 5321.11 33652
of the Revised Code. 33653

(9) Against tenants who have breached an obligation 33654
imposed upon them by a written rental agreement; 33655

(10) Against manufactured home park residents who have 33656
defaulted in the payment of rent or breached the terms of a 33657
rental agreement with a park operator. Nothing in this division 33658
precludes the commencement of an action under division (A) (12) 33659
of this section when the additional circumstances described in 33660
that division apply. 33661

(11) Against manufactured home park residents who have 33662
committed two material violations of the rules of the 33663
manufactured home park, of the division of industrial compliance 33664
of the department of commerce, or of applicable state and local 33665
health and safety codes and who have been notified of the 33666
violations in compliance with section 4781.45 of the Revised 33667
Code; 33668

(12) Against a manufactured home park resident, or the 33669
estate of a manufactured home park resident, who as a result of 33670
death or otherwise has been absent from the manufactured home 33671
park for a period of thirty consecutive days prior to the 33672
commencement of an action under this division and whose 33673
manufactured home or mobile home, ~~or recreational vehicle that~~ 33674
~~is parked in the manufactured home park,~~ has been left 33675
unoccupied for that thirty-day period, without notice to the 33676

park operator and without payment of rent due under the rental 33677
agreement with the park operator; 33678

(13) Against occupants of self-service storage facilities, 33679
as defined in division (A) of section 5322.01 of the Revised 33680
Code, who have breached the terms of a rental agreement or 33681
violated section 5322.04 of the Revised Code; 33682

(14) Against any resident or occupant who, pursuant to a 33683
rental agreement, resides in or occupies residential premises 33684
located within one thousand feet of any school premises, 33685
preschool or child care center premises, children's crisis care 33686
facility premises, or residential infant care center premises 33687
and to whom both of the following apply: 33688

(a) The resident's or occupant's name appears on the state 33689
registry of sex offenders and child-victim offenders maintained 33690
under section 2950.13 of the Revised Code. 33691

(b) The state registry of sex offenders and child-victim 33692
offenders indicates that the resident or occupant was convicted 33693
of or pleaded guilty to a sexually oriented offense or a child- 33694
victim oriented offense in a criminal prosecution and was not 33695
sentenced to a serious youthful offender dispositional sentence 33696
for that offense. 33697

(15) Against any tenant who permits any person to occupy 33698
residential premises located within one thousand feet of any 33699
school premises, preschool or child care center premises, 33700
children's crisis care facility premises, or residential infant 33701
care center premises if both of the following apply to the 33702
person: 33703

(a) The person's name appears on the state registry of sex 33704
offenders and child-victim offenders maintained under section 33705

2950.13 of the Revised Code. 33706

(b) The state registry of sex offenders and child-victim 33707
offenders indicates that the person was convicted of or pleaded 33708
guilty to a sexually oriented offense or a child-victim oriented 33709
offense in a criminal prosecution and was not sentenced to a 33710
serious youthful offender dispositional sentence for that 33711
offense. 33712

(B) If a tenant or manufactured home park resident holding 33713
under an oral tenancy is in default in the payment of rent, the 33714
tenant or resident forfeits the right of occupancy, and the 33715
landlord may, at the landlord's option, terminate the tenancy by 33716
notifying the tenant or resident, as provided in section 1923.04 33717
of the Revised Code, to leave the premises, for the restitution 33718
of which an action may then be brought under this chapter. 33719

(C) (1) If a tenant or any other person with the tenant's 33720
permission resides in or occupies residential premises that are 33721
located within one thousand feet of any school premises, 33722
children's crisis care facility premises, or residential infant 33723
care center premises and is a resident or occupant of the type 33724
described in division (A) (14) of this section or a person of the 33725
type described in division (A) (15) of this section, the landlord 33726
for those residential premises, upon discovery that the tenant 33727
or other person is a resident, occupant, or person of that 33728
nature, may terminate the rental agreement or tenancy for those 33729
residential premises by notifying the tenant and all other 33730
occupants, as provided in section 1923.04 of the Revised Code, 33731
to leave the premises. 33732

(2) If a landlord is authorized to terminate a rental 33733
agreement or tenancy pursuant to division (C) (1) of this section 33734
but does not so terminate the rental agreement or tenancy, the 33735

landlord is not liable in a tort or other civil action in 33736
damages for any injury, death, or loss to person or property 33737
that allegedly result from that decision. 33738

(D) This chapter does not apply to a student tenant as 33739
defined by division (H) of section 5321.01 of the Revised Code 33740
when the college or university proceeds to terminate a rental 33741
agreement pursuant to section 5321.031 of the Revised Code. 33742

(E) The titled owner of the manufactured or mobile home 33743
shall be joined as a defendant in any proceeding under this 33744
chapter against a manufactured home park resident who is not the 33745
titled owner of the manufactured or mobile home. 33746

(F) As used in this section, "children's crisis care 33747
facility premises" and "residential infant care center premises" 33748
have the same meanings as in section 2950.034 of the Revised 33749
Code. 33750

Sec. 1923.04. (A) Except as provided in division (B) ~~or~~, 33751
(C), or (D) of this section, a party desiring to commence an 33752
action under this chapter shall notify the adverse party to 33753
leave the premises, for the possession of which the action is 33754
about to be brought, three or more days before beginning the 33755
action, by certified mail, return receipt requested, or by 33756
handing a written copy of the notice to the defendant in person, 33757
or by leaving it at the defendant's usual place of abode or at 33758
the premises from which the defendant is sought to be evicted. 33759

Every notice given under this section by a landlord to 33760
recover residential premises shall contain the following 33761
language printed or written in a conspicuous manner: "You are 33762
being asked to leave the premises. If you do not leave, an 33763
eviction action may be initiated against you. If you are in 33764

doubt regarding your legal rights and obligations as a tenant, 33765
it is recommended that you seek legal assistance." 33766

(B) The service of notice pursuant to section 5313.06 of 33767
the Revised Code constitutes compliance with the notice 33768
requirement of division (A) of this section. The service of the 33769
notice required by division (C) of section 5321.17 of the 33770
Revised Code constitutes compliance with the notice requirement 33771
of division (A) of this section. 33772

(C) If the adverse party in an action under this chapter 33773
is a deceased resident of a manufactured home park, the notice 33774
required by division (A) of this section shall be left at the 33775
premises from which the defendant is sought to be evicted and 33776
also shall be sent by ordinary mail to the following persons if 33777
their names and addresses are known to the park operator: 33778

(1) If a probate court has granted letters testamentary or 33779
of administration for the estate of the adverse party in 33780
accordance with Title XXI of the Revised Code, the executor or 33781
administrator appointed by the probate court; 33782

(2) The deceased resident's spouse and any other members 33783
of the deceased resident's immediate family. 33784

(D) If the adverse party in an action under this chapter 33785
is a titled owner, the notice required by division (A) of this 33786
section shall be left at the premises from which the defendant 33787
is sought to be evicted and also shall be sent by ordinary mail 33788
to the titled owner if the titled owner's name and address is 33789
known to the park operator. 33790

Sec. 1923.06. (A) Any summons in an action, including a 33791
claim for possession, pursuant to this chapter shall be issued, 33792
be in the form specified, and be served and returned as provided 33793

in this section. Such service shall be at least seven days 33794
before the day set for trial. 33795

(B) Every summons issued under this section to recover 33796
residential premises shall contain the following language 33797
printed in a conspicuous manner: "A complaint to evict you or 33798
the resident of your manufactured or mobile home has been filed 33799
with this court. No person shall be evicted unless the person's 33800
right to possession has ended and no person shall be evicted in 33801
retaliation for the exercise of the person's lawful rights. If 33802
you are depositing rent with the clerk of this court you shall 33803
continue to deposit such rent until the time of the court 33804
hearing. The failure to continue to deposit such rent may result 33805
in your eviction. You may request a trial by jury. You have the 33806
right to seek legal assistance. If you cannot afford a lawyer, 33807
you may contact your local legal aid or legal service office. If 33808
none is available, you may contact your local bar association." 33809

(C) The clerk of the court in which a complaint to evict 33810
is filed shall mail any summons by ordinary mail, along with a 33811
copy of the complaint, document, or other process to be served, 33812
to the defendant at the address set forth in the caption of the 33813
summons and to any address set forth in any written instructions 33814
furnished to the clerk. The mailing shall be evidenced by a 33815
certificate of mailing which the clerk shall complete and file. 33816

In addition to this ordinary mail service, the clerk also 33817
shall cause service of that process to be completed under either 33818
of the following: 33819

(1) Division (D) or (E) of this section or both, depending 33820
upon which of those two methods of service is requested by the 33821
plaintiff upon filing the complaint to evict; 33822

(2) Division (F) of this section if the action relates to 33823
a deceased manufactured home park resident. 33824

(D) (1) If requested, the clerk shall deliver sufficient 33825
copies of the summons, complaint, document, or other process to 33826
be served to, and service shall be made by, one of the following 33827
persons: 33828

(a) The sheriff of the county in which the premises are 33829
located when the process issues from a court of common pleas or 33830
county court; 33831

(b) The bailiff of the court for service when process 33832
issues from a municipal court; 33833

(c) Any person who is eighteen years of age or older, who 33834
is not a party, and who has been designated by order of the 33835
court to make service of process when process issues from any of 33836
the courts referred to in divisions (D) (1) (a) and (b) of this 33837
section. 33838

(2) The person serving process shall effect service at the 33839
premises that are the subject of the forcible entry and detainer 33840
action by one of the following means: 33841

(a) By locating the person to be served at the premises to 33842
tender a copy of the process and accompanying documents to that 33843
person; 33844

(b) By leaving a copy of the summons, complaint, document, 33845
or other process with a person of suitable age and discretion 33846
found at the premises if the person to be served cannot be found 33847
at the time the person making service attempts to serve the 33848
summons pursuant to division (D) (2) (a) of this section; 33849

(c) By posting a copy in a conspicuous place on the 33850

subject premises if service cannot be made pursuant to divisions 33851
(D) (2) (a) and (b) of this section. 33852

(3) Within five days after receiving the summons, 33853
complaint, document, or other process from the clerk for 33854
service, the person making service shall return the process to 33855
the clerk. The person shall indicate on the process which method 33856
described in division (D) (2) of this section was used to serve 33857
the summons. The clerk shall make the appropriate entry on the 33858
appearance docket. 33859

(E) If requested, the clerk shall mail by certified mail, 33860
return receipt requested, a copy of the summons, complaint, 33861
document, or other process to be served to the address set forth 33862
in the caption of the summons and to any address set forth in 33863
any written instructions furnished to the clerk. 33864

(F) (1) If the person to be evicted in an action pursuant 33865
to this chapter is a deceased manufactured home park resident, 33866
the plaintiff shall provide to the clerk the following 33867
information: 33868

(a) If the plaintiff knows that a probate court has 33869
granted letters testamentary or of administration for the estate 33870
of the deceased resident, the name and address of the probate 33871
court, the case number of the estate, and the name and address 33872
of the executor or administrator appointed by the probate court; 33873

(b) If the plaintiff knows that a probate court has not 33874
granted letters testamentary or of administration for the estate 33875
of the deceased resident or does not know whether or not a 33876
probate court has granted letters testamentary or of 33877
administration for the estate, the names and addresses of the 33878
deceased resident's spouse and any other members of the deceased 33879

resident's immediate family that are known to the plaintiff; 33880

(c) If the plaintiff does not possess the information set 33881
forth in division (F)(1)(a) or (b) of this section, an affidavit 33882
from the plaintiff stating that the plaintiff does not possess 33883
the information. 33884

(2)(a) Upon receipt from the plaintiff of the information 33885
set forth in division (F)(1)(a) of this section, the clerk shall 33886
mail by certified mail, return receipt requested, a copy of the 33887
summons, complaint, document, or other process to be served to 33888
the address of the executor or administrator appointed by the 33889
probate court. 33890

(b) Upon receipt from the plaintiff of the information set 33891
forth in division (F)(1)(b) or (c) of this section, the clerk 33892
shall do both of the following: 33893

(i) Mail by ordinary mail and by certified mail, return 33894
receipt requested, a copy of the summons, complaint, document, 33895
or other process to be served to the persons and addresses 33896
provided by the plaintiff, if any. The ordinary mail mailing 33897
shall be evidenced by a certificate of mailing that the clerk 33898
shall complete and file. 33899

(ii) Cause service of notice to be made by publication in 33900
a newspaper of general circulation in the county in which the 33901
complaint is filed. The publication shall set forth the name and 33902
address of the court, the case number, the name and address of 33903
the plaintiff or the plaintiff's attorney, and the name and 33904
address of the deceased manufactured home park resident. The 33905
publication shall describe the premises entered upon and 33906
detained, shall contain a summary statement of the object of the 33907
eviction complaint against the deceased resident, and shall 33908

state that the claim for restitution of the premises shall be 33909
scheduled for a hearing in accordance with local court rules, 33910
but in no event sooner than the seventh day from the date 33911
service is complete. The clerk shall cause the publication to be 33912
published at least once a week for two weeks. 33913

(G) Service of process shall be deemed complete on the 33914
date that any of the following has occurred: 33915

(1) Service is made pursuant to division (D) (2) (a) or (b) 33916
of this section. 33917

(2) Both ordinary mail service under division (C) and 33918
service by posting pursuant to division (D) (2) (c) of this 33919
section have been made. 33920

(3) For service performed pursuant to division (E) or (F) 33921
(2) (a) of this section, on the date of mailing, if on the date 33922
of the hearing either of the following applies: 33923

(a) The certified mail has not been returned for any 33924
reason other than refused or unclaimed. 33925

(b) The certified mail has not been endorsed, and the 33926
ordinary mail has not been returned. 33927

(4) For service performed under division (F) (2) (b) of this 33928
section, on the date of mailing under division (F) (2) (b) (i) of 33929
this section or on the date of the last publication under 33930
division (F) (2) (b) (ii) of this section, whichever is later, if 33931
on the date of the hearing, either of the following applies: 33932

(a) The certified mail has not been returned for any 33933
reason other than refused or unclaimed. 33934

(b) The certified mail has not been endorsed, and the 33935
ordinary mail has not been returned. 33936

(H) (1) The claim for restitution of the premises shall be 33937
scheduled for hearing in accordance with local court rules, but 33938
in no event sooner than the seventh day from the date service is 33939
complete. 33940

(2) Answer day for any other claims filed with the claim 33941
for possession shall be twenty-eight days from the date service 33942
is deemed complete under this section. 33943

(I) As used in this section, "immediate family" means a 33944
person's spouse, brothers and sisters of the whole or half 33945
blood, children, including adopted children and stepchildren, 33946
parents, and grandparents. 33947

Sec. 1923.09. (A) If an action under this chapter is not 33948
continued, the place of trial is not changed, and neither party 33949
demands a jury on the return day of the summons, a judge of the 33950
court shall try the cause. After hearing the evidence, if the 33951
judge concludes that the complaint is not true, the judge shall 33952
enter judgment against the plaintiff for costs. If the judge 33953
finds the complaint to be true, the judge shall render a general 33954
judgment against the defendant, in favor of the plaintiff, for 33955
restitution of the premises and costs of suit. If the judge 33956
finds the complaint true in part, the judge shall render a 33957
judgment for restitution of that part only, and the costs shall 33958
be taxed as the judge considers just. 33959

(B) If a judgment is entered under this section in favor 33960
of a plaintiff who is a park operator, and upon a subsequent 33961
entry for disposition of a manufactured home or mobile home, the 33962
judge shall include in the judgment entry authority for the 33963
plaintiff to permit, in accordance with section 1923.12 and 33964
division (B) of section 1923.13 and division (B) of section 33965
1923.14 of the Revised Code, the removal from the manufactured 33966

home park and potential sale, destruction, or transfer of 33967
ownership of the defendant's manufactured home, mobile home, or 33968
recreational vehicle. 33969

Sec. 1923.11. (A) The court shall enter the verdict 33970
rendered by a jury under section 1923.10 of the Revised Code 33971
upon the docket, and render judgment in the action as if the 33972
facts, authorizing the finding of the verdict, had been found by 33973
the court itself. 33974

(B) If a judgment is entered under this section in favor 33975
of a plaintiff who is a park operator, the judge shall include 33976
in the judgment entry authority for the plaintiff to permit, in 33977
accordance with section 1923.12 and division (B) of section 33978
1923.13 and division (B) of section 1923.14 of the Revised Code, 33979
the removal from the manufactured home park and potential sale, 33980
destruction, or transfer of ownership of the defendant's 33981
manufactured home, or mobile home, ~~or recreational vehicle.~~ 33982

Sec. 1923.12. (A) ~~If a resident or a resident's estate the~~ 33983
~~titled owner of a manufactured home or mobile home has been~~ 33984
evicted from a manufactured home park pursuant to a judgment 33985
entered under section 1923.09 or 1923.11 of the Revised Code and 33986
if the ~~resident~~ titled owner or the titled owner's estate has 33987
abandoned or otherwise left unoccupied the ~~resident's titled~~ 33988
owner's manufactured home, or mobile home, ~~or recreational~~ 33989
~~vehicle~~ on the residential premises of the manufactured home 33990
park for a period of three days following the entry of the 33991
judgment, the ~~operator of the manufactured home park~~ operator 33992
may provide to the titled owner ~~of the home or vehicle~~ a written 33993
notice to remove the manufactured home ~~or vehicle~~ or mobile home 33994
from the manufactured home park within fourteen days ~~from~~ after 33995
the date of the delivery of the notice. The park operator shall 33996

deliver or cause the delivery of the notice by ~~personal delivery~~ 33997
~~to~~ posting it to the door of the manufactured home or mobile 33998
home that is the subject of the ~~owner~~ notice or by ordinary mail 33999
sent to the last known address of the titled owner. Except as 34000
provided in ~~divisions~~ division (D) ~~and (E)~~ of this section, if 34001
the titled owner of the manufactured home, or mobile home, ~~or~~ 34002
~~recreational vehicle~~ does not remove it or cause it to be 34003
removed from the manufactured home park within fourteen days 34004
~~from~~ after the date of the delivery of the notice, the park 34005
operator may follow the procedures of division (B) of section 34006
1923.13 and division (B) of section 1923.14 of the Revised Code 34007
to permit the removal of the home ~~or vehicle~~ from the 34008
manufactured home park, and the potential sale, destruction, or 34009
transfer of ownership of the home ~~or vehicle~~, at the discretion 34010
of the manufactured home park operator. 34011

(B) Every notice provided to the titled owner of a 34012
manufactured home, or mobile home, ~~or recreational vehicle~~ under 34013
this section shall contain the following language printed in a 34014
conspicuous manner: "You are being asked to remove your 34015
manufactured home, or mobile home, ~~or recreational vehicle~~ from 34016
the residential premises of _____, a manufactured home 34017
park, in accordance with a judgment of eviction entered in 34018
_____ court on _____ against _____. If the 34019
manufactured home, or mobile home, ~~or recreational vehicle~~ is 34020
not removed from the manufactured home park within fourteen days 34021
~~from~~ after the date of delivery of this notice, the home ~~or~~ 34022
~~vehicle~~ may be sold or destroyed, or its title may be 34023
transferred to _____, pursuant to division (B) of both 34024
sections 1923.13 and 1923.14 of the Revised Code. If you are in 34025
doubt regarding your legal rights, it is recommended that you 34026
seek legal assistance." 34027

(C) (1) Before requesting ~~a writ of execution~~ an order of 34028
the court under division (B) of section 1923.13 of the Revised 34029
Code, the park operator shall conduct or cause to be conducted a 34030
search of the appropriate public records that relate to the 34031
manufactured home, or mobile home, ~~or recreational vehicle,~~ and 34032
make or cause to be made reasonably diligent inquiries, for the 34033
purpose of identifying any persons other than the titled owner 34034
who have an outstanding right, title, or interest in the home ~~or~~ 34035
~~vehicle.~~ The clerk of courts shall provide the title information 34036
upon a request made pursuant to this section. 34037

(2) If the search or inquiries pursuant to division (C) (1) 34038
of this section reveal any person other than the titled owner 34039
who has an outstanding right, title, or interest in the 34040
manufactured home, or mobile home, ~~or recreational vehicle,~~ the 34041
park operator shall provide by ordinary mail to the last known 34042
address of the person a written notice ~~to remove the home or~~ 34043
~~vehicle from the manufactured home park or arrange for the sale~~ 34044
~~of the home or vehicle within~~ that the person has twenty-one 34045
days ~~from~~ after the date of the delivery of the notice to 34046
preserve the person's ownership interest in the home by paying 34047
to the park owner any outstanding rent and storage fees. Such a 34048
person forfeits any further action on the title to the home 34049
following the twenty-first day after delivery of the notice 34050
unless rent and storage fees are paid to the manufactured home 34051
park operator. The notice shall also specify the amount of fees 34052
owed, the method by which to pay the fees, and information on 34053
how to contact the titled owner for the sale or removal of the 34054
home. 34055

The notice shall contain the following language printed in 34056
a conspicuous manner: "You are being asked to ~~remove~~ pay 34057
outstanding fees in the amount of _____ for the manufactured 34058

home, or mobile home, ~~or recreational vehicle~~ that you have an 34059
outstanding right, title, or interest in from the residential 34060
premises of _____, a manufactured home park, in accordance 34061
with a judgment of eviction entered in _____ court on 34062
_____ against _____. If outstanding fees related to 34063
the manufactured home, or mobile home, ~~or recreational vehicle~~ 34064
~~is are~~ not removed from the manufactured home park paid within 34065
twenty-one days from the date of delivery of this notice, the 34066
home ~~or vehicle~~ may be sold or destroyed, or its title may be 34067
transferred to _____, pursuant to division (B) of both 34068
sections 1923.13 and 1923.14 of the Revised Code. Outstanding 34069
fees may be paid to _____. The titled owner may be contacted 34070
at _____. If you are in doubt regarding your legal rights, 34071
it is recommended that you seek legal assistance." 34072

~~The park operator shall deliver or cause the delivery of~~ 34073
~~the notice by personal delivery to the person or by ordinary~~ 34074
~~mail sent to the last known address of the person. If a sale of~~ 34075
the home ~~or vehicle~~ is arranged by the person having an interest 34076
in the home other than the titled owner of the home, the person 34077
seller shall pay any rent due to the park operator during the 34078
pendency of the sale. If the person having an interest in the 34079
home does not remove the home ~~or vehicle~~ or arrange for its sale 34080
within twenty-one days from the date of the delivery of the 34081
notice, the park operator may follow the procedures of division 34082
(B) of section 1923.13 and division (B) of section 1923.14 of 34083
the Revised Code to permit the removal of the home ~~or vehicle~~ 34084
from the manufactured home park, and the potential sale, 34085
destruction, or transfer of ownership of the home ~~or vehicle~~. 34086

(3) If the search or inquiries reveal no person who has an 34087
outstanding right, title, or interest in the manufactured home, or 34088
or mobile home, ~~or recreational vehicle~~, the park operator may 34089

follow the procedures of division (B) of section 1923.13 and 34090
division (B) of section 1923.14 of the Revised Code to permit 34091
the removal of the home ~~or vehicle~~ from the manufactured home 34092
park, and the potential sale, destruction, or transfer of 34093
ownership of the home ~~or vehicle~~ at the discretion of the park 34094
operator without limitation by the court. 34095

~~(D)~~ (D) (1) If a probate court grants administration with 34096
respect to the titled owner's estate, and the executor or 34097
administrator does not pay rent or storage fees before the 34098
manufactured or mobile home is removed from the manufactured 34099
home park or sold by a person having an interest in the home in 34100
accordance with this section, the titled owner's estate forfeits 34101
its interest in the home. When a ~~deceased resident~~ titled owner 34102
or a ~~resident's~~ titled owner's estate has been evicted from a 34103
manufactured home park pursuant to a judgment entered under 34104
section 1923.09 or 1923.11 of the Revised Code, the removal from 34105
the park and potential sale, destruction, or transfer of 34106
ownership of the resident's manufactured home, or mobile home, 34107
~~or recreational vehicle~~ and any personal property abandoned on 34108
the residential premises shall be conducted in the manner 34109
prescribed by the probate court in which letters testamentary or 34110
of administration have been granted for the estate in accordance 34111
with Title XXI of the Revised Code. The park operator may store 34112
the resident's manufactured home, or mobile home, ~~or~~ 34113
~~recreational vehicle~~ at a storage facility or at another 34114
location within the manufactured home park during the 34115
administration of the estate. The park operator shall notify the 34116
executor or administrator of the ~~resident's~~ titled owner's 34117
estate where the manufactured home, or mobile home, ~~or~~ 34118
~~recreational vehicle~~ will be stored during the administration of 34119
the estate and of rent that continues to accrue. The costs for 34120

the removal and storage of the manufactured home, or mobile 34121
home, ~~or recreational vehicle~~ shall be a claim against the 34122
~~resident's~~ titled owner's estate without further presentation of 34123
the claim to the executor or administrator. 34124

~~(E) (1) When the resident who has been evicted from a~~ 34125
~~manufactured home park pursuant to a judgment entered under~~ 34126
~~section 1923.09 or 1923.11 of the Revised Code is the titled~~ 34127
~~owner of a manufactured home, mobile home, or recreational~~ 34128
~~vehicle and is or becomes deceased prior to the removal of the~~ 34129
~~home or vehicle from the manufactured home park, and (2) If no~~ 34130
probate court has granted administration with respect to the 34131
~~resident's~~ titled owner's estate within ~~ninety~~ twenty-one days 34132
~~of after the deceased's death~~ notification to remove the home is 34133
provided pursuant to division (A) of this section, the park 34134
operator may ~~store the home or vehicle at a storage facility or~~ 34135
~~at another location within the manufactured home park before and~~ 34136
~~after a probate court grants letters testamentary or of~~ 34137
~~administration with respect to the resident's estate pursuant to~~ 34138
~~Title XXI of the Revised Code~~ file a request for an order of the 34139
court for title to the home. 34140

~~(2) If a probate court grants administration with respect~~ 34141
~~to the resident's estate within ninety days of the date of the~~ 34142
~~eviction of the resident from the park, the removal of the~~ 34143
~~manufactured home, mobile home, or recreational vehicle from the~~ 34144
~~park and potential sale, destruction, or transfer of ownership~~ 34145
~~of the home or vehicle shall be conducted pursuant to division~~ 34146
~~(D) of this section.~~ 34147

~~(3) If no probate court grants administration with respect~~ 34148
~~to the resident's estate within ninety days of the date of the~~ 34149
~~eviction of the resident from the manufactured home park~~ 34150

~~pursuant to a judgment entered under section 1923.09 or 1923.11~~ 34151
~~of the Revised Code, the park operator shall conduct or cause to~~ 34152
~~be conducted a search of the appropriate public records that~~ 34153
~~relate to the manufactured home, mobile home, or recreational~~ 34154
~~vehicle, and make or cause to be made reasonably diligent~~ 34155
~~inquiries, for the purpose of identifying any persons who have~~ 34156
~~an outstanding right, title, or interest in the home or vehicle.~~ 34157

~~(a) If the search or inquiries pursuant to division (E) (3)~~ 34158
~~of this section reveal any person who has an outstanding right,~~ 34159
~~title, or interest in the manufactured home, mobile home, or~~ 34160
~~recreational vehicle, the park operator shall provide to the~~ 34161
~~person a written notice to remove the home or vehicle from the~~ 34162
~~manufactured home park or arrange for the sale of the home or~~ 34163
~~vehicle within twenty-one days from the date of the delivery of~~ 34164
~~the notice. The notice shall be in the form described in~~ 34165
~~division (C) (2) of this section. The park operator shall deliver~~ 34166
~~or cause the delivery of the notice by personal delivery to the~~ 34167
~~person or by ordinary mail sent to the last known address of the~~ 34168
~~person. If a sale of the home or vehicle is arranged, the person~~ 34169
~~shall pay any rent due to the park operator during the pendency~~ 34170
~~of the sale. If the person does not remove the home or vehicle~~ 34171
~~or arrange for its sale within twenty-one days from the date of~~ 34172
~~the delivery of the notice, the park operator may follow the~~ 34173
~~procedures of division (B) of section 1923.13 and division (B)~~ 34174
~~of section 1923.14 of the Revised Code to permit the removal of~~ 34175
~~the home or vehicle from the manufactured home park, and the~~ 34176
~~potential sale, destruction, or transfer of ownership of the~~ 34177
~~home or vehicle.~~ 34178

~~(b) If the search or inquiries reveal no person who has an~~ 34179
~~outstanding right, title, or interest in the manufactured home,~~ 34180
~~mobile home, or recreational vehicle~~ that the titled owner is 34181

deceased, the park operator shall publish notice of a petition 34182
for a ~~writ of execution court order~~ in a newspaper of general 34183
circulation in the county where the home ~~or vehicle~~ has been 34184
abandoned. The publication shall contain the name of the 34185
deceased and the last known address of the home ~~or vehicle~~ and 34186
shall run once a week for two consecutive weeks. The park 34187
operator shall provide to the clerk of the court written 34188
certification by the newspaper of the dates of the publication 34189
and an affidavit signed by the operator attesting to the 34190
publication. The park operator may then follow the procedures of 34191
division (B) of section 1923.13 and division (B) of section 34192
1923.14 of the Revised Code to permit the removal of the home ~~or~~ 34193
~~vehicle~~ from the manufactured home park, and the potential sale, 34194
destruction, or transfer of ownership of the home ~~or vehicle~~ at 34195
the discretion of the park operator without limitation by the 34196
court. 34197

(E) (1) A park operator that seeks to acquire title to an 34198
abandoned manufactured or mobile home under this section shall 34199
submit to the county auditor an affidavit stating that the home 34200
is abandoned, whether the home is valued at ten thousand dollars 34201
or less, the date of the eviction judgment, and all persons with 34202
an outstanding interest in the home other than the titled owner. 34203

(2) If the county auditor agrees with the stated value on 34204
the affidavit, the county auditor shall sign a certification of 34205
the original affidavit attesting to the agreement of the value 34206
of the manufactured home or mobile home and return the affidavit 34207
to the park operator within thirty days after receipt. 34208
Electronic submission to the county auditor by the park operator 34209
of the affidavit and certification is satisfactory for the 34210
purposes of this section. 34211

(3) If the county auditor disagrees with the stated value 34212
on the affidavit, the county auditor shall notify the park 34213
operator of the disagreement within thirty days after receipt of 34214
the affidavit. The park operator may submit additional materials 34215
in support of the stated value on the affidavit consistent with 34216
industry valuation standards within ten days after receipt of 34217
the notice of the disagreement. If the park operator submits 34218
additional materials in support of the stated value on the 34219
affidavit, then after reviewing the additional materials 34220
submitted, the county auditor shall do one of the following: 34221

(a) If the county auditor agrees with the stated value on 34222
the affidavit, the county auditor shall sign a certification 34223
attesting to the agreement of the value of the manufactured home 34224
or mobile home and return the original affidavit to the park 34225
operator within ten days after receipt of the additional 34226
materials. 34227

(b) If the county auditor continues to disagree with the 34228
stated value on the affidavit, the county auditor shall notify 34229
the park operator of the continued disagreement within ten days 34230
of receipt of the additional materials. The park operator may 34231
appeal to the court for a ruling on the disagreement pursuant to 34232
court rule. A hearing on the value of the manufactured or mobile 34233
home shall not require a certified appraiser. 34234

(4) A certification under this section by the county 34235
auditor respecting the value of a mobile home or manufactured 34236
home shall not be construed as an official appraisal of the home 34237
for tax purposes and is not admissible in any proceeding before 34238
a board of revision or board of tax appeals. 34239

(F) If the county auditor does not timely certify or 34240
respond to an affidavit of a park operator as required by this 34241

section, the park operator may submit the affidavit to the court 34242
with verification by the park operator that the county auditor 34243
has failed to respond to requests for certification, and the 34244
court shall proceed upon the sworn affidavit of the park 34245
operator without certification. 34246

(G) A park operator that knowingly falsifies information 34247
on the affidavit under this section is guilty of falsification 34248
under section 2921.13 of the Revised Code. 34249

Sec. 1923.13. (A) When a judgment of restitution is 34250
entered by a court in an action under this chapter, unless the 34251
plaintiff or the plaintiff's agent or attorney proceeds under 34252
division (B) of this section, at the request of the plaintiff or 34253
the plaintiff's agent or attorney, that court shall issue a ~~writ~~ 34254
~~of execution~~ restitution on the judgment, in the following form, 34255
as near as practicable: 34256

"The state of Ohio, _____ county: To 34257
any constable or police officer of _____ township, 34258
city, or village; or To the sheriff of 34259
_____ county; or To any authorized 34260
bailiff of the _____ (name of court): 34261

Whereas, in a certain action for the forcible entry and 34262
detention (or the forcible detention, as the case may be), of 34263
the following described premises, to wit: _____, lately 34264
tried before this court, wherein _____ was plaintiff, 34265
and _____ was defendant, _____ judgment was 34266
rendered on the _____ day of _____, _____, that 34267
the plaintiff have restitution of those premises; and also that 34268
the plaintiff recover costs in the sum of _____ You 34269
therefore are hereby commanded to cause the defendant to be 34270
forthwith removed from those premises, and the plaintiff to have 34271

restitution of them; also, that you levy of the goods and 34272
chattels of the defendant, and make the costs previously 34273
mentioned and all accruing costs, and of this writ make legal 34274
service and due return. 34275

Witness my hand, this _____ day of _____, _____ 34276
_____, Judge, _____ (Name of court)" 34277

~~(B)~~ (B) (1) When a judgment of restitution is entered by a 34278
court in any action under this chapter against a titled owner of 34279
an abandoned manufactured or mobile home park resident or the 34280
estate of a titled owner of an abandoned manufactured or mobile 34281
home park resident, at the request of the plaintiff or the 34282
plaintiff's agent or attorney if the manufactured or mobile home 34283
has a value of less than ten thousand dollars as determined by 34284
affidavit of the park operator and affirmed by certification of 34285
the county auditor, and if the park operator has met all notice 34286
requirements under section 1923.12 of the Revised Code, that 34287
court shall issue a writ of execution an order on the judgment, 34288
in the following form, as near as practicable: 34289

~~"The state of Ohio, _____ county; To any constable or~~ 34290
~~police officer of _____ township, city, or village; or To~~ 34291
~~the sheriff of _____ county; or To any authorized bailiff~~ 34292
~~of the _____ (name of court):~~ 34293

"To the clerk of courts, title division: 34294

Whereas, in a certain action for eviction of a ~~resident~~ 34295
titled owner or a ~~resident's~~ titled owner's estate from the 34296
following described residential premises of a manufactured home 34297
park on which the following described manufactured home, or 34298
mobile home, ~~or recreational vehicle~~ is located, to wit: 34299
_____, lately tried before this court, wherein _____ 34300

was plaintiff, and _____ was defendant, _____ judgment 34301
in forcible entry and detention was rendered on the _____ 34302
day of _____, _____, that the plaintiff have 34303
restitution of the premises ~~and also that the plaintiff recover~~ 34304
~~costs in the sum of _____ You therefore are hereby~~ 34305
~~authorized to cause the defendant to be removed and set out from~~ 34306
~~the residential premises, if the defendant holds over on the~~ 34307
~~premises subsequent to an eviction judgment against the~~ 34308
~~defendant. In accordance with division (A) of section 1923.12 of~~ 34309
~~the Revised Code, three days after the eviction judgment, the~~ 34310
~~plaintiff is hereby commanded to post a fourteen-day notice to~~ 34311
~~the defendant to sell or remove the manufactured home, mobile~~ 34312
~~home, or recreational vehicle from the premises, at the~~ 34313
~~defendant's costs. If the manufactured home, mobile home, or~~ 34314
~~recreational vehicle is not sold or removed by the defendant at~~ 34315
~~the expiration of the fourteen-day notice, it is hereby ordered~~ 34316
~~that the defendant forfeits the right to the manufactured home,~~ 34317
~~mobile home, or recreational vehicle and the plaintiff is hereby~~ 34318
~~authorized to exercise the rights set forth herein. Also, you~~ 34319
~~are to levy of the goods and chattels of the defendant, and make~~ 34320
~~the costs previously mentioned and all accruing costs, and of~~ 34321
~~this writ make legal service and due return.~~ 34322

~~Further, you are authorized to cause the manufactured~~ 34323
~~home, mobile home, or recreational vehicle, and all personal~~ 34324
~~property on the residential premises, to be retained at their~~ 34325
~~current location on the residential premises, until they are~~ 34326
~~disposed of in a manner authorized by this writ or the law of~~ 34327
~~this state.~~ 34328

~~If the manufactured home, mobile home, or recreational~~ 34329
~~vehicle has been abandoned by the defendant, the park operator~~ 34330
~~is hereby commanded to submit a notarized affidavit to the~~ 34331

~~county auditor of the county where the park is located listing~~ 34332
~~the titled owner, address, serial number, and the value of the~~ 34333
~~manufactured home, mobile home, or recreational vehicle. Within~~ 34334
~~fifteen days after receipt of the affidavit, the county auditor~~ 34335
~~is hereby commanded to confirm whether the county auditor agrees~~ 34336
~~or disagrees with the stated value on the affidavit. Either of~~ 34337
~~the following shall apply:~~ 34338

~~(1) If the county auditor agrees with the stated value on~~ 34339
~~the affidavit, the county auditor is hereby commanded to sign~~ 34340
~~the original affidavit attesting to the agreement of the value~~ 34341
~~of the manufactured home, mobile home, or recreational vehicle~~ 34342
~~and return the original affidavit to the park operator within~~ 34343
~~fifteen days after receipt of the affidavit from the park~~ 34344
~~operator.~~ 34345

~~(2) If the county auditor disagrees with the stated value~~ 34346
~~on the affidavit, the county auditor is hereby commanded to~~ 34347
~~notify the park operator of the disagreement within fifteen days~~ 34348
~~after receipt of the affidavit. The park operator is hereby~~ 34349
~~authorized to submit additional materials in support of the~~ 34350
~~stated value on the affidavit consistent with industry valuation~~ 34351
~~standards within ten days after receipt of the notice of the~~ 34352
~~disagreement. If the park operator submits additional materials~~ 34353
~~in support of the stated value on the affidavit, then after~~ 34354
~~reviewing the additional materials submitted, either of the~~ 34355
~~following shall apply:~~ 34356

~~(a) If the county auditor agrees with the stated value on~~ 34357
~~the affidavit, the county auditor is hereby commanded to sign~~ 34358
~~the original affidavit attesting to the agreement of the value~~ 34359
~~of the manufactured home, mobile home, or recreational vehicle~~ 34360
~~and return the original affidavit to the park operator within~~ 34361

~~ten days after receipt of the additional materials.~~ 34362

~~(b) If the county auditor continues to disagree with the~~ 34363
~~stated value on the affidavit, the county auditor is hereby~~ 34364
~~commanded to notify the park operator of the continued~~ 34365
~~disagreement within ten days of receipt of the additional~~ 34366
~~material and return the original affidavit to the park operator.~~ 34367
~~The park operator is hereby authorized to appeal to this court~~ 34368
~~for a ruling on the disagreement pursuant to court rule.~~ 34369

~~The park operator is hereby commanded to submit to this~~ 34370
~~court the affidavit signed by the county auditor stating the~~ 34371
~~value of the manufactured home, mobile home, or recreational~~ 34372
~~vehicle, which shall be deemed to be the park operator's sworn~~ 34373
~~testimony. If the park operator knowingly falsifies information~~ 34374
~~on the affidavit the park operator shall be guilty of~~ 34375
~~falsification under divisions (A) (1), (3), and (6) of section~~ 34376
~~2921.13 of the Revised Code.~~ 34377

~~If the manufactured home, mobile home, or recreational~~ 34378
~~vehicle has been so abandoned and has a value of more than three~~ 34379
~~thousand dollars, and the requirements of section 1923.12 of the~~ 34380
~~Revised Code have been satisfied, you are hereby authorized to~~ 34381
~~cause the sale of the home or vehicle and personal property in~~ 34382
~~the home or vehicle in accordance with division (B) (3) of~~ 34383
~~section 1923.14 of the Revised Code. If you are unable to sell~~ 34384
~~the manufactured home, mobile home, or recreational vehicle due~~ 34385
~~to a want of bidders, after it is offered for sale on two~~ 34386
~~occasions, you are hereby commanded to cause the presentation of~~ 34387
~~this writ to a clerk of the court of common pleas title division~~ 34388
~~for the issuance of a certificate of title transferring the~~ 34389
~~title of the home or vehicle to the plaintiff, free and clear of~~ 34390
~~all security interests, liens, and encumbrances, in accordance~~ 34391

~~with division (B) (3) of section 1923.14 of the Revised Code.~~ 34392

~~If the manufactured home, mobile home, or recreational~~ 34393
~~vehicle has been so abandoned and has a value of three thousand~~ 34394
~~dollars or less and if the requirements of section 1923.12 of~~ 34395
~~the Revised Code have been satisfied, you are hereby authorized~~ 34396
~~to cause the presentation of this writ to a clerk of the court~~ 34397
~~of common pleas title division for the issuance of a certificate~~ 34398
~~of title transferring the title of the home or vehicle to the~~ 34399
~~plaintiff, free and clear of all security interests, liens, and~~ 34400
~~encumbrances in accordance with division (B) (4) of section~~ 34401
~~1923.14 of the Revised Code.~~ 34402

~~Upon this writ's presentation by the levying officer to a~~ 34403
~~clerk of the court of common pleas title division under the~~ 34404
~~circumstances described in either of the two preceding~~ 34405
~~paragraphs and in accordance with division (B) (3) or (4) of~~ 34406
~~section 1923.14 of the Revised Code, as applicable, the clerk is~~ 34407
~~hereby commanded to issue a certificate of title transferring~~ 34408
~~the title of the manufactured home, mobile home, or recreational~~ 34409
~~vehicle to the plaintiff, free and clear of all security~~ 34410
~~interests, liens, and encumbrances, in the manner prescribed in~~ 34411
~~section 4505.10 of the Revised Code. Plaintiff has established~~ 34412
~~by sworn affidavit that all requirements of section 1923.12 of~~ 34413
~~the Revised Code have been met. The search for all parties of~~ 34414
~~interest has been reasonably completed and all notices given as~~ 34415
~~required by that section. Plaintiff has established just grounds~~ 34416
~~for the value of the manufactured or mobile home to be less than~~ 34417
~~ten thousand dollars, the value of which is affirmed by~~ 34418
~~certification of the county auditor. Plaintiff is authorized to~~ 34419
~~cause the manufactured or mobile home, and all personal property~~ 34420
~~and vehicles of the defendant on the residential premises, to~~ 34421
~~be, at the option of the plaintiff: (1) destroyed or removed~~ 34422

from the manufactured home park, (2) retained at its current 34423
location on the residential premises, or (3) sold by the 34424
plaintiff. If the manufactured or mobile home is destroyed by 34425
the plaintiff, the plaintiff shall submit to the county auditor 34426
a destroyed manufactured or mobile home form detailing the date 34427
of destruction and location of the manufactured or mobile home 34428
destroyed. If the manufactured or mobile home is retained at its 34429
current location or sold by the plaintiff, the plaintiff shall 34430
notify the county auditor and the clerk of courts, title 34431
division. 34432

To the clerk of courts, _____ county: 34433

You are hereby commanded to issue a certificate of title 34434
transferring the title of the manufactured or mobile home to 34435
plaintiff, free and clear of all liens, encumbrances, taxes, 34436
security interests, and other interests in the manner prescribed 34437
by section 4505.10 of the Revised Code. The manufactured or 34438
mobile home is described as a _____ (year, model) with a serial 34439
number of _____, title number _____. 34440

Witness my hand, this _____ day of _____, 34441
_____, _____ Judge, _____ (Name of court)." 34442

(2) When a judgment of restitution is entered by a court 34443
in any action under this chapter against a titled owner of an 34444
abandoned manufactured or mobile home or the estate of a titled 34445
owner of an abandoned manufactured or mobile home and if the 34446
manufactured or mobile home has a value exceeding ten thousand 34447
dollars, the manufactured or mobile home shall be sold at a 34448
public auction in the following manner: 34449

(a) The court shall use the services of a licensed 34450
auctioneer, a bailiff of the municipal court, or the county 34451

sheriff, the expense to be assessed as costs to be reimbursed 34452
out of the proceeds of any sale in accordance with division (G) 34453
of section 1923.14 of the Revised Code. 34454

(b) Plaintiff shall coordinate with the bailiff of the 34455
court, county sheriff, or court-appointed licensed auctioneer to 34456
schedule the sale. A bailiff of the court shall be present at 34457
auction to supervise and ensure proper procedures are followed 34458
and to receive any purchase money. Any purchase money received 34459
by the bailiff, sheriff, or court-appointed auctioneer shall be 34460
deposited with the clerk of courts, along with filing a return 34461
for the sale, as soon as practicable. 34462

(c) The plaintiff shall issue notice of the sale to any 34463
lienholders or persons with an outstanding interest in the 34464
abandoned manufactured or mobile home by certified mail, return 34465
receipt requested. The plaintiff shall file copy of the notice 34466
with clerk of the municipal court at least three days prior to 34467
sale. 34468

(d) In addition to the notices required by section 1923.12 34469
of the Revised Code, where the titled owner of the manufactured 34470
or mobile home is deceased, notice shall be published in a 34471
newspaper of general circulation in the county once a week for 34472
two weeks. The clerk of the municipal court is not required to 34473
send notice to the defendant regarding the defendant's right to 34474
an exemptions hearing in accordance with division (B) (3) of 34475
section 1923.14 of the Revised Code. 34476

(e) The manufactured or mobile home may be sold without an 34477
appraisal. The value of the manufactured or mobile home shall be 34478
determined based on an affidavit submitted by the plaintiff and 34479
certified by the county auditor. 34480

(f) If there are no bidders at the date of auction 34481
advertised, the bailiff shall file a return to the court 34482
reflecting that information. The court shall issue an order for 34483
the transfer of the certificate title of manufactured or mobile 34484
home to plaintiff. All further proceedings terminate when 34485
plaintiff accepts transfer of title. 34486

(g) The issuance of an order pursuant to this section for 34487
transfer of title shall be in the following form, as near as 34488
practicable: 34489

"To the clerk of courts, title division: 34490

Whereas, in a certain action for the eviction of a titled 34491
owner or a titled owner's estate from the following described 34492
premises of a manufactured home park on which the above- 34493
described manufactured or mobile home, is located, to wit: 34494

. Lately tried before this court, wherein 34495
was the plaintiff, and was the defendant. Judgment in 34496
forcible entry and detainer was rendered on that the 34497
plaintiff has restitution of the premises. Just grounds for the 34498
value of the manufactured or mobile home to be greater than ten 34499
thousand dollars, the value of which was established by 34500
affidavit of the plaintiff and certification by the county 34501
auditor, required the public auction of the manufactured or 34502
mobile home. All requirements for the sale of the abandoned 34503
manufactured or mobile home have been confirmed and, with no 34504
bidders, certificate of title is transferred to the plaintiff. 34505
Plaintiff is authorized to cause the manufactured or mobile 34506
home, and all personal property and vehicles of the defendant on 34507
the residential premises, to be, at the option of the plaintiff, 34508
either (1) destroyed or removed from the manufactured home park, 34509
or (2) retained at its current location on the residential 34510

premises or sold by plaintiff. If the manufactured or mobile 34511
home is retained at its current location by the plaintiff, the 34512
plaintiff shall notify the county auditor and the clerk of 34513
courts, title division, and the plaintiff is responsible for 34514
taxes that accrue after receiving title. 34515

To the clerk of courts, _____ county: 34516

You are hereby commanded to issue a certificate of title 34517
transferring the title of the manufactured or mobile home to the 34518
plaintiff, free and clear of all liens, encumbrances, taxes, 34519
security interests, and other interests in the manner prescribed 34520
by section 4505.10 of the Revised Code. The manufactured or 34521
mobile home is described as a _____ (year, model) with a 34522
serial number of _____, title number _____. 34523

Witness my hand, this _____ day of _____, _____ 34524
Judge _____ (name of court)." 34525

(3) If the manufactured or mobile home is sold to the 34526
highest bidder at the date of auction, the bailiff shall collect 34527
the purchase money from the highest bidder and deposit the money 34528
with the municipal clerk of courts as soon as practicable. The 34529
clerk of courts shall hold the funds on deposit until the court 34530
examines the proceedings in accordance with section 2329.32 of 34531
the Revised Code. The bailiff of the court shall file a return 34532
reflecting completion of the sale with the name of the 34533
purchaser, the purchase amount, and the sale date. 34534

(4) (a) The plaintiff shall file with the court a motion 34535
for order confirming sale and a proposed order for transfer of 34536
title in accordance with this section, which shall be supported 34537
with an itemization of amounts to be distributed in accordance 34538
with division (G) of section 1923.14 of the Revised Code. 34539

(b) Upon such motion, the court shall issue an order 34540
confirming the sale, ordering distribution of proceeds, and 34541
transferring title to the manufactured or mobile home, which may 34542
be presented to the common pleas title division. The clerk of 34543
courts shall distribute the sale proceeds in accordance with the 34544
order confirming the sale. 34545

(c) The issuance of an order for transfer of title to the 34546
successful bidder shall be in the following form, as near as 34547
practicable: 34548

"To the clerk of courts, title division: 34549

Whereas, in a certain action for eviction of a titled 34550
owner or titled owner's estate from the following described 34551
premises of a manufactured home park on which the above- 34552
described manufactured or mobile home is located, to wit: 34553

. Lately tried before this court, wherein 34554
was the plaintiff, and was the defendant. Judgment in 34555
forcible entry and detainer was rendered on that the 34556
plaintiff has restitution of the premises. Just grounds for the 34557
value of the manufactured or mobile home to be greater than ten 34558
thousand dollars, the value of which was established by 34559
affidavit of the plaintiff and certification by the county 34560
auditor, required the public auction of the manufactured or 34561
mobile home. All requirements for the sale of the abandoned 34562
manufactured or mobile home have been met and the certificate of 34563
title is transferred to , the successful bidder. If 34564
the manufactured home is retained at its current location by the 34565
successful bidder, the bidder shall notify the county auditor 34566
and the clerk of courts, title division. Proceeds of the sale 34567
shall be disbursed in accordance with division (G) of section 34568
1923.14 of the Revised Code. 34569

To the clerk of courts, _____ county:

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You are hereby commanded to issue a certificate of title
transferring the title of the manufactured or mobile home to
_____ , free and clear of all liens, encumbrances, taxes,
security interests, and other interests in the manner prescribed
by section 4505.10 of the Revised Code. The manufactured or
mobile home is described as a _____ (year, model) with a
serial number of _____ , title number _____ .

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Witness my hand, this _____ day of _____ , _____
Judge _____ (name of court)."

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Sec. 1923.14. ~~(A)~~ (A) (1) Except as otherwise provided in
this section, within ten days after receiving a ~~writ of~~
~~execution court order~~ described in division (A) or (B) of
section 1923.13 of the Revised Code, the sheriff, police
officer, constable, or bailiff shall execute it by restoring the
plaintiff to the possession of the premises, and shall levy and
collect reasonable costs, not to exceed the standard motion fee,
and make return, as upon other executions. If an appeal from the
judgment of restitution is filed and if, following the filing of
the appeal, a stay of execution is obtained and any required
bond is filed with the court of common pleas, municipal court,
or county court, the judge of that court immediately shall issue
an order to the sheriff, police officer, constable, or bailiff
commanding the delay of all further proceedings upon the
execution until the court's disposition. If the premises have
been restored to the plaintiff, the sheriff, police officer,
constable, or bailiff shall forthwith place the defendant in
possession of them, and return the writ with the sheriff's,
police officer's, constable's, or bailiff's proceedings and the
costs taxed on it.

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(2) The filing fee for a court order for title upon an 34600
abandoned manufactured or mobile home with the clerk of courts 34601
shall not exceed the court's standard motion fee. 34602

(B) (1) After a municipal court or county court issues a 34603
~~writ of execution~~ court order described in division (B) of 34604
section 1923.13 of the Revised Code, the clerk of the court 34605
shall send by regular mail, to the last known address of each 34606
person other than the titled owner of the manufactured home, or 34607
~~mobile home, or recreational vehicle~~ that is the subject of the 34608
~~writ~~ court order who is listed on the ~~writ~~ court order as having 34609
any outstanding right, title, or interest in the home, ~~vehicle,~~ 34610
or personal property and to the auditor and treasurer of the 34611
county in which the court is located, a written notice that the 34612
home ~~or vehicle~~ potentially may be sold, destroyed, or have its 34613
title transferred under the circumstances described in division 34614
(B) (3) ~~or (4)~~ of this section. A person having any outstanding 34615
right, title, or interest in the home, ~~vehicle,~~ or personal 34616
property is not required to consent to the notice required under 34617
this division in order for the ~~writ~~ court order to be executed. 34618

(2) Except as otherwise provided in this division, after 34619
causing the defendant to be removed from the residential 34620
premises of the manufactured home park, if necessary, by writ of 34621
restitution, and receiving a writ of execution described in 34622
division (B) of section 1923.13 of the Revised Code, in 34623
accordance with the writ, the sheriff, police officer, 34624
constable, or bailiff may cause the manufactured home, or mobile 34625
home, ~~or recreational vehicle~~ that is the subject of the 34626
~~writ~~ court order, and all personal property on the residential 34627
premises, to be retained at their current location on the 34628
residential premises, until they are claimed by the defendant or 34629
they are disposed of in a manner authorized by division (B) (3), ~~—~~ 34630

~~(4), or (6)~~ (G) (3) of this section or by another section of 34631
the Revised Code. 34632

The park operator shall not be liable for any damage 34633
caused by the park operator's removal of the manufactured home~~,~~ 34634
or mobile home~~, or recreational vehicle~~ or the removal of the 34635
personal property from the residential premises, or for any 34636
damage to the home~~, vehicle,~~ or personal property during the 34637
time the home~~, vehicle,~~ or property remains abandoned or stored 34638
in the manufactured home park, unless the damage is the result 34639
of acts that the park operator or the park operator's agents or 34640
employees performed with malicious purpose, in bad faith, or in 34641
a wanton or reckless manner. The reasonable costs for a removal 34642
of the manufactured home~~,~~ or mobile home~~, or recreational~~ 34643
~~vehicle~~ and personal property and, as applicable, the reasonable 34644
costs for its storage shall constitute a lien upon the home ~~or~~ 34645
~~vehicle~~ payable by the titled owner of the home ~~or vehicle~~ or 34646
payable pursuant to division ~~(B) (3)~~ (G) (1) of this section to 34647
the park operator. 34648

The sheriff, police officer, constable, ~~or bailiff, or~~ 34649
park operator shall not be liable for any damage caused by the 34650
park operator's removal of the manufactured home~~,~~ or mobile 34651
home, ~~or recreational vehicle~~ or the removal of the personal 34652
property from the residential premises, or for any damage to the 34653
home~~, vehicle,~~ or personal property during the time the home~~,~~ 34654
~~vehicle,~~ or property remains abandoned or stored in the 34655
manufactured home park. 34656

(3) Except as provided in ~~divisions (B) (4), (5), and (6)~~ 34657
~~of this section and~~ division (D) of section 1923.12 of the 34658
Revised Code, within sixty days after receiving a ~~writ of~~ 34659
~~execution~~ court order described in division (B) of section 34660

1923.13 of the Revised Code for a manufactured home, or mobile 34661
home, ~~or recreational vehicle~~, determined to have a value of 34662
more than ~~three~~ ten thousand dollars, the sheriff, police 34663
officer, constable, or bailiff shall commence proceedings for 34664
the sale of the manufactured home, or mobile home, ~~or~~ 34665
~~recreational vehicle~~ that is the subject of the writ, and the 34666
abandoned personal property on the residential premises, if the 34667
home ~~or vehicle~~ is determined to be abandoned in accordance with 34668
the procedures for the sale of goods on execution under Chapter 34669
2329. of the Revised Code. In addition to all notices required 34670
to be given under section 2329.13 of the Revised Code, the 34671
sheriff, police officer, constable, or bailiff shall serve at 34672
their respective last known addresses a written notice of the 34673
date, time, and place of the sale upon all persons who are 34674
listed on the writ of execution as having any outstanding right, 34675
title, or interest in the abandoned manufactured home, or mobile 34676
home, ~~or recreational vehicle~~ and the personal property and 34677
shall provide written notice to the auditor and the treasurer of 34678
the county in which the court issuing the writ is located. 34679

~~Unless the proceedings are governed by division (D) of~~ 34680
~~section 1923.12 of the Revised Code, notwithstanding~~ 34681
Notwithstanding any statutory provision to the contrary, 34682
including, ~~but not limited to~~, section 2329.66 of the Revised 34683
Code, there shall be no stay of execution or exemption from levy 34684
or sale on execution available to the titled owner of the 34685
abandoned manufactured home, or mobile home, ~~or recreational~~ 34686
~~vehicle~~ in relation to a sale under this division. Except as 34687
otherwise provided in sections 2113.031, 2117.25, and 5162.21 of 34688
the Revised Code in a case involving a deceased ~~resident~~ titled 34689
owner or resident's titled owner's estate, the sheriff, police 34690
officer, constable, or bailiff shall distribute the proceeds 34691

from the sale of an abandoned manufactured home, ~~or~~ mobile home, ~~or recreational vehicle~~ and any personal property under this
division in the ~~following~~ manner prescribed in division (G) of
this section.

(C) Upon the agreement of the county auditor and the park
operator that the value of the abandoned home is greater than
ten thousand dollars, the park operator shall file with the
clerk of court a praecipe for the sale of the manufactured home
or mobile home setting forth the description and location of the
home. The clerk of court shall deliver the praecipe to the
bailiff, sheriff, or officer conducting the sale to determine
the date for the sale. In addition to all notices required to be
given under section 2329.13 of the Revised Code, the sheriff,
police officer, constable, or bailiff shall serve at the last
known address of the titled owner a written notice of the date,
time, and place of the sale and upon all persons who are listed
on the writ of execution as having any outstanding right, title,
or interest in the abandoned manufactured home or mobile home
and the personal property and shall provide written notice to
the auditor and the treasurer of the county in which the court
issuing the writ is located.

(D) All bidders who intend to reside in the park after the
sale shall apply for residency with the park and be approved for
residency at least seven days prior to the date of the sale. Any
successful bidder intending to remove the manufactured home or
mobile home after the sale shall remove the home within ten days
after the sale and is liable to the park operator for any damage
to the lot as a result of the removal of the home.

(E) The successful bidder shall register title with the
clerk of courts, title division, not later than ten days after

the receipt of the court order to transfer title to the 34722
successful bidder. 34723

(F) After the sale of the manufactured home or mobile 34724
home, the park operator shall file with the clerk of courts a 34725
motion confirming the sale of the home, setting forth the date 34726
of the sale, the amount of the sale, the purchaser of the home, 34727
and the distribution of proceeds in accordance with division (G) 34728
of this section. If there is no purchaser after the sale has 34729
been conducted, the park operator shall file for a court order 34730
in conformance with division (B) (2) of section 1923.13 of the 34731
Revised Code. 34732

(G) (1) The court, upon motion to confirm the sale and the 34733
issuance of an order confirming the sale, shall order the 34734
proceeds be distributed as follows: 34735

(a) The sheriff, police officer, constable, or bailiff 34736
shall first pay the costs for any moving of and any storage 34737
outside the manufactured home park of the home ~~or vehicle~~ and 34738
any personal property pursuant to division (B) (2) of this 34739
section, the costs of the sale, any advertising expenses paid by 34740
the park operator for the sale of the manufactured home, or 34741
mobile home, ~~or recreational vehicle~~ under division (B) (3) of 34742
this section, and any unpaid court costs assessed against the 34743
defendant in the underlying action. 34744

(b) Following the payment required by division ~~(B) (3) (a)~~ 34745
(G) (1) (a) of this section, the sheriff, police officer, 34746
constable, or bailiff shall pay all outstanding tax liens on the 34747
home ~~or vehicle~~. 34748

(c) Following the payment required by division ~~(B) (3) (b)~~ 34749
(G) (1) (b) of this section, the sheriff, police officer, 34750

constable, or bailiff shall pay all other outstanding security 34751
interests, liens, or encumbrances on the home ~~or vehicle~~ by 34752
priority of filing or other priority. 34753

(d) Following the payment required by division ~~(B) (3) (e)~~ 34754
(G) (1) (c) of this section, the sheriff, police officer, 34755
constable, or bailiff shall pay any outstanding monetary 34756
judgment rendered under section 1923.09 or 1923.11 of the 34757
Revised Code in favor of the plaintiff and any costs associated 34758
with retaining the home ~~or vehicle~~ prior to the sale at its 34759
location on the residential premises within the manufactured 34760
home park pursuant to division (B) (2) of this section. 34761

(e) After complying with divisions ~~(B) (3) (a)~~ (G) (1) (a) to 34762
(d) of this section, the sheriff, police officer, constable, or 34763
bailiff shall report any remaining money as unclaimed funds 34764
pursuant to Chapter 169. of the Revised Code. 34765

~~Upon the return of any writ of execution for the~~ 34766
~~satisfaction of which an abandoned manufactured home, mobile~~ 34767
~~home, or recreational vehicle has been sold under this division,~~ 34768
~~on careful examination of the proceedings of the sheriff, police~~ 34769
~~officer, constable, or bailiff conducting the sale, if the court~~ 34770
~~that issued the writ finds that the sale was made, in all~~ 34771
~~respects, in conformity with this division, the court shall~~ 34772
~~direct the clerk of the court to make an entry on the journal~~ 34773
~~that the court is satisfied with the legality of the sale and~~ 34774
~~order the clerk of the court of common pleas title division to~~ 34775
~~issue a certificate of title, free and clear of all security~~ 34776
~~interests, liens, and encumbrances, to the purchaser of the home~~ 34777
~~or vehicle. If the manufactured home, mobile home, or~~ 34778
~~recreational vehicle sold under this division is located in a~~ 34779
~~manufactured home park, the purchaser of the home or vehicle~~ 34780

~~shall have no right to maintain the home or vehicle in the~~ 34781
~~manufactured home park without the park operator's consent and~~ 34782
~~the sheriff, police officer, constable, or bailiff conducting~~ 34783
~~the sale shall notify all prospective purchasers of this fact~~ 34784
~~prior to the commencement of the sale.~~ 34785

~~If, after it is offered for sale on two occasions under~~ 34786
~~this division, the abandoned manufactured home, mobile home, or~~ 34787
~~recreational vehicle cannot be sold due to a want of bidders,~~ 34788
~~the sheriff, police officer, constable, or bailiff shall present~~ 34789
~~the writ of execution unsatisfied to the clerk of the court of~~ 34790
~~common pleas title division, of the county in which the writ was~~ 34791
~~issued for the issuance by the clerk in the manner prescribed in~~ 34792
~~section 4505.10 of the Revised Code of a certificate of title~~ 34793
~~transferring the title of the home or vehicle to the plaintiff,~~ 34794
~~free and clear of all security interests, liens, and~~ 34795
~~encumbrances. If any taxes are owed on the home or vehicle at~~ 34796
~~this time, the county auditor shall remove the delinquent taxes~~ 34797
~~from the manufactured home tax list and the delinquent~~ 34798
~~manufactured home tax list and remit any penalties for late~~ 34799
~~payment of manufactured home taxes. Acceptance of the~~ 34800
~~certificate of title by the plaintiff terminates all further~~ 34801
~~proceedings under this section. In accordance with division (E)~~ 34802
~~(3) of section 4503.061 of the Revised Code, the plaintiff shall~~ 34803
~~notify the county auditor of the transfer of title. Pursuant to~~ 34804
~~section 4503.061 of the Revised Code, if the manufactured home,~~ 34805
~~mobile home, or recreational vehicle is destroyed or removed,~~ 34806
~~the plaintiff shall provide the county auditor with notice of~~ 34807
~~removal or destruction of the manufactured home, mobile home, or~~ 34808
~~recreational vehicle.~~ 34809

~~(4) Except as provided in division (B) (5) or (6) of this~~ 34810
~~section and division (D) of section 1923.12 of the Revised Code,~~ 34811

~~within thirty days after receiving a writ of execution described~~ 34812
~~in division (B) of section 1923.13 of the Revised Code, if the~~ 34813
~~manufactured home, mobile home, or recreational vehicle is~~ 34814
~~determined to be abandoned and to have a value of three thousand~~ 34815
~~dollars or less, the sheriff, police officer, constable, or~~ 34816
~~bailiff shall present the writ of execution to the clerk of the~~ 34817
~~court of common pleas title division, of the county in which the~~ 34818
~~writ was issued for the issuance by the clerk in the manner~~ 34819
~~prescribed in section 4505.10 of the Revised Code of a~~ 34820
~~certificate of title transferring the title of the home or~~ 34821
~~vehicle to the plaintiff, free and clear of all security~~ 34822
~~interests, liens, and encumbrances. If any taxes are owed on the~~ 34823
~~home or vehicle at this time, the county auditor shall remove~~ 34824
~~the delinquent taxes from the manufactured home tax list and the~~ 34825
~~delinquent manufactured home tax list and remit any penalties~~ 34826
~~for late payment of manufactured home taxes. Acceptance of the~~ 34827
~~certificate of title by the plaintiff terminates all further~~ 34828
~~proceedings under this section. In accordance with division (E)~~ 34829
~~(3) of section 4503.061 of the Revised Code, the plaintiff shall~~ 34830
~~notify the county auditor of the transfer of title. Pursuant to~~ 34831
~~section 4503.0611 of the Revised Code, if the manufactured home,~~ 34832
~~mobile home, or recreational vehicle is destroyed or removed,~~ 34833
~~the plaintiff shall provide the county auditor with notice of~~ 34834
~~removal or destruction of the manufactured home, mobile home, or~~ 34835
~~recreational vehicle.~~ 34836

~~(5)-(2)~~ At any time prior to the issuance of the ~~writ of~~ 34837
~~execution court order~~ described in division (B) of section 34838
1923.13 of the Revised Code, the titled owner of the 34839
manufactured home, or mobile home, ~~or recreational vehicle~~ that 34840
would be the subject of the ~~writ order~~ may remove the abandoned 34841
home ~~or vehicle~~ from the manufactured home park upon payment to 34842

the county auditor of all outstanding tax liens on the home ~~or~~ 34843
~~vehicle~~ and, unless the titled owner is indigent, payment to the 34844
clerk of court of all unpaid court costs assessed against the 34845
defendant in the underlying action. After the issuance of the 34846
~~writ of execution~~ court order, the titled owner of the home ~~or~~ 34847
~~vehicle~~ may remove the abandoned home ~~or vehicle~~ from the 34848
manufactured home park at any time up to the day before the 34849
scheduled sale, destruction, or transfer of the home ~~or vehicle~~ 34850
pursuant to division (B) (3) ~~or (4)~~ of this section upon payment 34851
of all of the following: 34852

(a) All costs incurred by the sheriff, police officer, 34853
constable, or bailiff; 34854

(b) All outstanding tax liens on the home ~~or vehicle~~; 34855

(c) Unless the titled owner is indigent, all unpaid court 34856
costs assessed against the defendant in the underlying action. 34857

~~(6)~~ (3) At any time after the issuance of the ~~writ of~~ 34858
~~execution~~ court order described in division (B) of section 34859
1923.13 of the Revised Code, the holder of any outstanding lien, 34860
right, title, or interest in the manufactured home, or mobile 34861
home, ~~or recreational vehicle~~, other than the titled owner of 34862
the home ~~or vehicle~~, may stop the sheriff, police officer, 34863
constable, or bailiff from proceeding with the sale under this 34864
division by doing both of the following: 34865

(a) Commencing a proceeding to repossess the home ~~or~~ 34866
~~vehicle~~ pursuant to Chapters 1309. and 1317. of the Revised 34867
Code; 34868

(b) Paying to the park operator all monthly rental 34869
payments for the lot on which the home ~~or vehicle~~ is located 34870
from the time of the issuance of the ~~writ of execution~~ court 34871

order until the time that the home ~~or vehicle~~ is sold pursuant 34872
to Chapters 1309. and 1317. of the Revised Code. 34873

~~(7)(a)~~ (4) (a) At any time prior to the day before the 34874
scheduled sale of the property pursuant to division (B) (3) of 34875
this section, the defendant may remove any personal property of 34876
the defendant from the abandoned home ~~or vehicle~~ or other place 34877
of storage. 34878

(b) If personal property owned by a person other than the 34879
defendant is abandoned on the residential premises and has not 34880
previously been removed, the owner of the personal property may 34881
remove the personal property from the abandoned home ~~or vehicle~~ 34882
or other place of storage up to the day before the scheduled 34883
sale of the property pursuant to division (B) (3) of this section 34884
upon presentation of proof of ownership of the property that is 34885
satisfactory to the sheriff, police officer, constable, or 34886
bailiff conducting the sale. 34887

(5) If the manufactured or mobile home is not sold at the 34888
scheduled sale, the clerk of the court of common pleas shall 34889
issue a certificate of title to the plaintiff. The certificate 34890
of title shall contain a notation that it is issued, free and 34891
clear of all liens and encumbrances, including any liens for 34892
delinquent or current manufactured home taxes, whether or not 34893
such taxes are yet due and payable. The county auditor shall 34894
also remove all such taxes from the manufactured home tax list 34895
and the delinquent manufactured home tax list and shall remit 34896
any tax penalties and interest charged against the property. The 34897
transfer of title to the home is exempt from conveyance fees 34898
imposed under sections 319.54 and 322.06 of the Revised Code. 34899
Acceptance of the certificate of title by the plaintiff 34900
terminates all further proceedings under this section. The 34901

plaintiff shall notify the county auditor of the transfer of 34902
title in accordance with division (E) (3) of section 4503.061 of 34903
the Revised Code, and the county auditor shall notify the county 34904
treasurer of the transfer of title. The plaintiff shall submit 34905
proof of registration with the auditor to the clerk of courts to 34906
effectuate the transfer of title. If the manufactured home or 34907
mobile home is destroyed or removed, the plaintiff shall provide 34908
the county auditor with notice of removal or destruction of the 34909
manufactured home or mobile home. 34910

(H) After the issuance of the order of sale by the court, 34911
the titled owner of the home may remove the abandoned home from 34912
the manufactured home park at any time up to the day before the 34913
scheduled sale, destruction, or transfer of the home pursuant to 34914
this section. 34915

Sec. 2101.16. (A) Except as provided in section 2101.164 34916
of the Revised Code, the fees enumerated in this division shall 34917
be charged and collected, if possible, by the probate judge and 34918
shall be in full for all services rendered in the respective 34919
proceedings: 34920

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A (1) Account, in addition to advertising charges

B _____ \$12.00

C Waivers and proof of notice of hearing on account, per
page, minimum one dollar

D _____ \$1.00

E (2) Account of distribution, in addition to advertising

	charges	
F	_____	\$7.00
G	(3) Adoption of child, petition for	
H	_____	\$20.00
I	(4) Alter or cancel contract for sale or purchase of real property, complaint to	
J	_____	\$20.00
K	(5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	
L	_____	\$5.00
M	(6) Appropriation suit, per day, hearing in	
N	_____	\$20.00
O	(7) Birth, application for registration of	
P	_____	\$7.00
Q	(8) Birth record, application to correct	
R	_____	\$5.00
S	(9) Bond, application for new or additional	
T	_____	\$5.00

U	(10) Bond, application for release of surety or reduction of	
V	_____	\$5.00
W	(11) Bond, receipt for securities deposited in lieu of	
X	_____	\$5.00
Y	(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	
Z	_____	\$1.00
AA	(13) Citation and issuing citation, application for	
AB	_____	\$5.00
AC	(14) Change of name, petition for	
AD	_____	\$20.00
AE	(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	
AF	_____	\$10.00
AG	(16) Claim, application to compromise or settle	
AH	_____	\$10.00
AI	(17) Claim, authority to present	
AJ	_____	\$10.00
AK	(18) Commissioner, appointment of	

AL	_____	\$5.00
AM	(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	
AN	_____	\$5.00
AO	(20) Competency, application to procure adjudication of	
AP	_____	\$20.00
AQ	(21) Complete contract, application to	
AR	_____	\$10.00
AS	(22) Concealment of assets, citation for	
AT	_____	\$10.00
AU	(23) Construction of will, complaint for	
AV	_____	\$20.00
AW	(24) Continue decedent's business, application to	
AX	_____	\$10.00
AY	Monthly reports of operation	
AZ	_____	\$5.00
BA	(25) Declaratory judgment, complaint for	
BB	_____	\$20.00
BC	(26) Deposit of will	

BD	_____	\$5.00
BE	(27) Designation of heir	
BF	_____	\$20.00
BG	(28) Distribution in kind, application, assent, and order for	
BH	_____	\$5.00
BI	(29) Distribution under section 2109.36 of the Revised Code, application for an order of	
BJ	_____	\$7.00
BK	(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	
BL	_____	\$15.00
BM	(31) Exceptions to any proceeding named in this section, contest of appointment or	
BN	_____	\$10.00
BO	(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	
BP	_____	\$10.00
BQ	(33) Election of surviving spouse under will	
BR	_____	\$5.00

BS	(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	
BT	_____	\$35.00
BU	(35) Foreign will, application to record	
BV	_____	\$10.00
BW	Record of foreign will, additional, per page	
BX	_____	\$1.00
BY	(36) Forms when supplied by the probate court, not to exceed	
BZ	_____	\$10.00
CA	(37) Heirship, complaint to determine	
CB	_____	\$20.00
CC	(38) Injunction proceedings	
CD	_____	\$20.00
CE	(39) Improve real property, petition to	
CF	_____	\$20.00
CG	(40) Inventory with appraisement	
CH	_____	\$10.00
CI	(41) Inventory without appraisement	

CJ	_____	\$7.00
CK	(42) Investment or expenditure of funds, application for	
CL	_____	\$10.00
CM	(43) Invest in real property, application to	
CN	_____	\$10.00
CO	(44) Lease for oil, gas, coal, or other mineral, petition to	
CP	_____	\$20.00
CQ	(45) Lease or lease and improve real property, petition to	
CR	_____	\$20.00
CS	(46) Marriage license	
CT	_____	\$10.00
CU	Certified abstract of each marriage	
CV	_____	\$2.00
CW	(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of	
CX	_____	\$10.00
CY	(48) Mortgage or mortgage and repair or improve real property, complaint to	
CZ	_____	\$20.00

DA	(49)	Newly discovered assets, report of	
DB		_____	\$7.00
DC	(50)	Nonresident executor or administrator to bar creditors' claims, proceedings by	
DD		_____	\$20.00
DE	(51)	Power of attorney or revocation of power, bonding company	
DF		_____	\$10.00
DG	(52)	Presumption of death, petition to establish	
DH		_____	\$20.00
DI	(53)	Probating will	
DJ		_____	\$15.00
DK		Proof of notice to beneficiaries	
DL		_____	\$5.00
DM	(54)	Purchase personal property, application of surviving spouse to	
DN		_____	\$10.00
DO	(55)	Purchase real property at appraised value, petition of surviving spouse to	
DP		_____	\$20.00

DQ	(56) Receipts in addition to advertising charges, application and order to record	
DR	_____	\$5.00
DS	Record of those receipts, additional, per page	
DT	_____	\$1.00
DU	(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	
DV	_____	\$1.00
DW	(58) Release of estate by mortgagee or other lienholder	
DX	_____	\$5.00
DY	(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	
DZ	_____	\$60.00
EA	(60) Removal of fiduciary, application for	
EB	_____	\$10.00
EC	(61) Requalification of executor or administrator	
ED	_____	\$10.00
EE	(62) Resignation of fiduciary	

EF	_____	\$5.00
EG	(63) Sale bill, public sale of personal property	
EH	_____	\$10.00
EI	(64) Sale of personal property and report, application for	
EJ	_____	\$10.00
EK	(65) Sale of real property, petition for	
EL	_____	\$25.00
EM	(66) Terminate guardianship, petition to	
EN	_____	\$10.00
EO	(67) Transfer of real property, application, entry, and certificate for	
EP	_____	\$7.00
EQ	(68) Unclaimed money, application to invest	
ER	_____	\$7.00
ES	(69) Vacate approval of account or order of distribution, motion to	
ET	_____	\$10.00
EU	(70) Writ of execution	
EV	_____	\$5.00

EW (71) Writ of possession

EX _____ \$5.00

EY (72) Wrongful death, application and settlement of claim for

EZ _____ \$20.00

FA (73) Year's allowance, petition to review

FB _____ \$7.00

FC (74) Guardian's report, filing and review of

FD _____ \$5.00

FE (75) Person with a mental illness subject to court order,
filing of affidavit and proceedings for

FF _____ \$25.00

(B) (1) In relation to an application for the appointment 34922
of a guardian or the review of a report of a guardian under 34923
section 2111.49 of the Revised Code, the probate court, pursuant 34924
to court order or in accordance with a court rule, may direct 34925
that the applicant or the estate pay any or all of the expenses 34926
of an investigation conducted pursuant to section 2111.041 or 34927
division (A) (2) of section 2111.49 of the Revised Code. If the 34928
investigation is conducted by a public employee or investigator 34929
who is paid by the county, the fees for the investigation shall 34930
be paid into the county treasury. If the court finds that an 34931
alleged incompetent or a ward is indigent, the court may waive 34932
the costs, fees, and expenses of an investigation. 34933

(2) In relation to the appointment or functioning of a 34934

guardian for a minor or the guardianship of a minor, the probate 34935
court may direct that the applicant or the estate pay any or all 34936
of the expenses of an investigation conducted pursuant to 34937
section 2111.042 of the Revised Code. If the investigation is 34938
conducted by a public employee or investigator who is paid by 34939
the county, the fees for the investigation shall be paid into 34940
the county treasury. If the court finds that the guardian or 34941
applicant is indigent, the court may waive the costs, fees, and 34942
expenses of an investigation. 34943

(3) In relation to the filing of an affidavit of mental 34944
illness for a person with a mental illness subject to court 34945
order, the court may waive the fee under division (A) (75) of 34946
this section if the court finds that the affiant is indigent or 34947
for good cause shown. 34948

(C) Thirty dollars of the thirty-five-dollar fee collected 34949
pursuant to division (A) (34) of this section and twenty dollars 34950
of the sixty-dollar fee collected pursuant to division (A) (59) 34951
of this section shall be deposited by the county treasurer in 34952
the indigent guardianship fund created pursuant to section 34953
2111.51 of the Revised Code. 34954

(D) The fees of witnesses, jurors, sheriffs, coroners, and 34955
constables for services rendered in the probate court or by 34956
order of the probate judge shall be the same as provided for 34957
similar services in the court of common pleas. 34958

(E) The probate court, by rule, may require an advance 34959
deposit for costs, not to exceed one hundred twenty-five 34960
dollars, at the time application is made for an appointment as 34961
executor or administrator or at the time a will is presented for 34962
probate. 34963

(F) (1) The "putative father registry fund" is hereby 34964
created in the state treasury. The department of ~~job and family~~ 34965
~~services~~ children and youth shall use the money in the fund to 34966
fund the department's costs of performing its duties related to 34967
the putative father registry established under section 3107.062 34968
of the Revised Code. 34969

(2) If the department determines that money in the 34970
putative father registry fund is more than is needed for its 34971
duties related to the putative father registry, the department 34972
may use the surplus moneys in the fund as permitted in division 34973
(D) of section 2151.3527 or section 5103.155 of the Revised 34974
Code. 34975

Sec. 2151.27. (A) (1) Subject to division (A) (2) of this 34976
section, any person having knowledge of a child who appears to 34977
have violated section 2151.87 of the Revised Code or to be a 34978
juvenile traffic offender or to be an unruly, abused, neglected, 34979
or dependent child may file a sworn complaint with respect to 34980
that child in the juvenile court of the county in which the 34981
child has a residence or legal settlement or in which the 34982
violation, unruliness, abuse, neglect, or dependency allegedly 34983
occurred. If an alleged abused, neglected, or dependent child is 34984
taken into custody pursuant to division (D) of section 2151.31 34985
of the Revised Code or is taken into custody pursuant to 34986
division (A) of section 2151.31 of the Revised Code without the 34987
filing of a complaint and placed into shelter care pursuant to 34988
division (C) of that section, a sworn complaint shall be filed 34989
with respect to the child before the end of the next day after 34990
the day on which the child was taken into custody. The sworn 34991
complaint may be upon information and belief, and, in addition 34992
to the allegation that the child committed the violation or is 34993
an unruly, abused, neglected, or dependent child, the complaint 34994

shall allege the particular facts upon which the allegation that 34995
the child committed the violation or is an unruly, abused, 34996
neglected, or dependent child is based. 34997

(2) Any person having knowledge of a child who appears to 34998
be an unruly child for being an habitual truant may file a sworn 34999
complaint with respect to that child and the parent, guardian, 35000
or other person having care of the child in the juvenile court 35001
of the county in which the child has a residence or legal 35002
settlement or in which the child is supposed to attend public 35003
school. The sworn complaint may be upon information and belief 35004
and shall contain the following allegations: 35005

(a) That the child is an unruly child for being an 35006
habitual truant and, in addition, the particular facts upon 35007
which that allegation is based; 35008

(b) That the parent, guardian, or other person having care 35009
of the child has failed to cause the child's attendance at 35010
school in violation of section 3321.38 of the Revised Code and, 35011
in addition, the particular facts upon which that allegation is 35012
based. 35013

(B) If a child, before arriving at the age of eighteen 35014
years, allegedly commits an act for which the child may be 35015
adjudicated an unruly child and if the specific complaint 35016
alleging the act is not filed or a hearing on that specific 35017
complaint is not held until after the child arrives at the age 35018
of eighteen years, the court has jurisdiction to hear and 35019
dispose of the complaint as if the complaint were filed and the 35020
hearing held before the child arrived at the age of eighteen 35021
years. 35022

(C) If the complainant in a case in which a child is 35023

alleged to be an abused, neglected, or dependent child desires 35024
permanent custody of the child or children, temporary custody of 35025
the child or children, whether as the preferred or an 35026
alternative disposition, or the placement of the child in a 35027
planned permanent living arrangement, the complaint shall 35028
contain a prayer specifically requesting permanent custody, 35029
temporary custody, or the placement of the child in a planned 35030
permanent living arrangement. 35031

(D) Any person with standing under applicable law may file 35032
a complaint for the determination of any other matter over which 35033
the juvenile court is given jurisdiction by section 2151.23 of 35034
the Revised Code. The complaint shall be filed in the county in 35035
which the child who is the subject of the complaint is found or 35036
was last known to be found. 35037

(E) A public children services agency, acting pursuant to 35038
a complaint or an action on a complaint filed under this 35039
section, is not subject to the requirements of section 3127.23 35040
of the Revised Code. 35041

(F) Upon the filing of a complaint alleging that a child 35042
is an unruly child, the court may hold the complaint in abeyance 35043
pending the child's successful completion of actions that 35044
constitute a method to divert the child from the juvenile court 35045
system. The method may be adopted by a county pursuant to 35046
divisions (D) and (E) of section 121.37 of the Revised Code or 35047
it may be another method that the court considers satisfactory. 35048
If the child completes the actions to the court's satisfaction, 35049
the court may dismiss the complaint. If the child fails to 35050
complete the actions to the court's satisfaction, the court may 35051
consider the complaint. 35052

(G) Upon the filing of a complaint that a child is an 35053

unruly child that is based solely on a child being an habitual 35054
truant, the court shall consider an alternative to adjudication, 35055
including actions that constitute a method to divert the child 35056
from the juvenile court system, using the Rules of Juvenile 35057
Procedure, or by any other means if such an alternative is 35058
available to the court and the child has not already 35059
participated or failed to complete one of the available 35060
alternatives. The court shall consider the complaint only as a 35061
matter of last resort. 35062

(H) If a complaint that a child is an unruly child based 35063
on the child being an habitual truant proceeds to consideration 35064
by the court, the prosecution shall bear the burden of proving 35065
beyond a reasonable doubt the following: 35066

(1) That the child is of compulsory school age, as defined 35067
in section 3321.01 of the Revised Code; 35068

(2) That the child was absent without legitimate excuse 35069
for absence from the public school the child was supposed to 35070
attend for thirty or more consecutive hours, forty-two or more 35071
hours in one school month, or seventy-two or more hours in a 35072
school year. 35073

The child may assert as an affirmative defense the fact 35074
that the child did participate in, or made satisfactory progress 35075
on, ~~the absence intervention plan~~ any interventions or other 35076
alternatives to adjudication as described in ~~division (C) of~~ 35077
section 3321.191 of the Revised Code. 35078

Sec. 2151.311. (A) A person taking a child into custody 35079
shall, with all reasonable speed and in accordance with division 35080
(C) of this section, either: 35081

(1) Release the child to the child's parents, guardian, or 35082

other custodian, unless the child's detention or shelter care 35083
appears to be warranted or required as provided in section 35084
2151.31 of the Revised Code; 35085

(2) Bring the child to the court or deliver the child to a 35086
place of detention or shelter care designated by the court and 35087
promptly give notice thereof, together with a statement of the 35088
reason for taking the child into custody, to a parent, guardian, 35089
or other custodian and to the court. 35090

(B) If a parent, guardian, or other custodian fails, when 35091
requested by the court, to bring the child before the court as 35092
provided by this section, the court may issue its warrant 35093
directing that the child be taken into custody and brought 35094
before the court. 35095

(C) (1) Before taking any action required by division (A) 35096
of this section, a person taking a child into custody may hold 35097
the child for processing purposes in a county, multicounty, or 35098
municipal jail or workhouse, or other place where an adult 35099
convicted of crime, under arrest, or charged with crime is held 35100
for either of the following periods of time: 35101

(a) For a period not to exceed six hours, if all of the 35102
following apply: 35103

(i) The child is alleged to be a delinquent child for the 35104
commission of an act that would be a felony if committed by an 35105
adult; 35106

(ii) The child remains beyond the range of touch of all 35107
adult detainees; 35108

(iii) The child is visually supervised by jail or 35109
workhouse personnel at all times during the detention; 35110

(iv) The child is not handcuffed or otherwise physically 35111
secured to a stationary object during the detention. 35112

(b) For a period not to exceed three hours, if all of the 35113
following apply: 35114

(i) The child is alleged to be a delinquent child for the 35115
commission of an act that would be a misdemeanor if committed by 35116
an adult, is alleged to be a delinquent child for violating a 35117
court order regarding the child's adjudication as an unruly 35118
child for being an habitual truant, or is alleged to be an 35119
unruly child or a juvenile traffic offender; 35120

(ii) The child remains beyond the range of touch of all 35121
adult detainees; 35122

(iii) The child is visually supervised by jail or 35123
workhouse personnel at all times during the detention; 35124

(iv) The child is not handcuffed or otherwise physically 35125
secured to a stationary object during the detention. 35126

(2) If a child has been transferred to an adult court for 35127
prosecution for the alleged commission of a criminal offense, 35128
subsequent to the transfer, the child may be held as described 35129
in division (F) of section 2152.26 or division ~~(B)~~ (C) of section 35130
5120.16 of the Revised Code. 35131

(D) If a person who is alleged to be or has been 35132
adjudicated a delinquent child or who is in any other category 35133
of persons identified in this section is confined under 35134
authority of this section in a place specified in division (C) 35135
of this section, the fact of the person's admission to and 35136
confinement in that place is restricted as described in division 35137
(G) of section 2152.26 of the Revised Code. 35138

(E) As used in division (C) (1) of this section, 35139
"processing purposes" means all of the following: 35140

(1) Fingerprinting, photographing, or fingerprinting and 35141
photographing the child in a secure area of the facility; 35142

(2) Interrogating the child, contacting the child's parent 35143
or guardian, arranging for placement of the child, or arranging 35144
for transfer or transferring the child, while holding the child 35145
in a nonsecure area of the facility. 35146

Sec. 2151.316. (A) The department of children and youth 35147
shall adopt rules in accordance with Chapter 119. of the Revised 35148
Code to establish and enforce a foster youth bill of rights for 35149
individuals who are in the temporary or permanent custody of a 35150
public children services agency or a planned permanent living 35151
arrangement or in the Title IV-E eligible care and placement 35152
responsibility of a juvenile court or other governmental agency 35153
that provides Title IV-E reimbursable placement services and who 35154
are subject to out-of-home care or placed with a kinship 35155
caregiver as defined in section ~~5101.85~~5180.50 of the Revised 35156
Code. 35157

(B) If the rights of an individual, as established under 35158
division (A) of this section, conflict with the rights of a 35159
resource family or resource caregiver, as established in section 35160
5103.163 of the Revised Code, the rights of the individual shall 35161
preempt the rights of the resource family or resource caregiver. 35162

(C) The rights established by rules under this section 35163
shall not create grounds for a civil action against the 35164
department, the recommending agency, or the custodial agency. 35165

Sec. 2151.356. (A) The records of a case in which a person 35166
was adjudicated a delinquent child for committing a violation of 35167

section 2903.01, 2903.02, or 2907.02 of the Revised Code shall 35168
not be sealed under this section. 35169

(B) (1) The juvenile court shall promptly order the 35170
immediate sealing of records pertaining to a juvenile in any of 35171
the following circumstances: 35172

(a) If the court receives a record from a public office or 35173
agency under division (B) (2) of this section; 35174

(b) If a person was brought before or referred to the 35175
court for allegedly committing a delinquent or unruly act and 35176
the case was resolved without the filing of a complaint against 35177
the person with respect to that act pursuant to section 2151.27 35178
of the Revised Code; 35179

(c) If a person was charged with violating division (E) (1) 35180
of section 4301.69 of the Revised Code and the person has 35181
successfully completed a diversion program under division (E) (2) 35182
(a) of section 4301.69 of the Revised Code with respect to that 35183
charge; 35184

(d) If a complaint was filed against a person alleging 35185
that the person was a delinquent child, an unruly child, or a 35186
juvenile traffic offender and the court ~~dismisses~~ does both of 35187
the following: 35188

(i) Dismisses the complaint after a trial on the merits of 35189
the case or finds the person not to be a delinquent child, an 35190
unruly child, or a juvenile traffic offender; 35191

(ii) Finds that the interests of the person alleged to be 35192
a delinquent child, an unruly child, or a juvenile traffic 35193
offender in having the records pertaining to the case sealed are 35194
not substantially outweighed by any legitimate governmental 35195
needs to maintain those records. 35196

(e) Notwithstanding division (C) of this section and 35197
subject to section 2151.358 of the Revised Code, if a person has 35198
been adjudicated an unruly child, ~~that~~ and both of the 35199
following apply: 35200

(i) The person has attained eighteen years of age, and the 35201
person is not under the jurisdiction of the court in relation to 35202
a complaint alleging the person to be a delinquent child. 35203

(ii) The court finds that the interests of the person in 35204
having the records pertaining to the case sealed are not 35205
substantially outweighed by any legitimate governmental needs to 35206
maintain those records. 35207

(2) The appropriate public office or agency shall 35208
immediately deliver all original records at that public office 35209
or agency pertaining to a juvenile to the court, if the person 35210
was arrested or taken into custody for allegedly committing a 35211
delinquent or unruly act, no complaint was filed against the 35212
person with respect to the commission of the act pursuant to 35213
section 2151.27 of the Revised Code, and the person was not 35214
brought before or referred to the court for the commission of 35215
the act. The records delivered to the court as required under 35216
this division shall not include fingerprints, DNA specimens, and 35217
DNA records described under division (A)(3) of section 2151.357 35218
of the Revised Code. 35219

(C)(1) The juvenile court shall consider the sealing of 35220
records pertaining to a juvenile upon the court's own motion or 35221
upon the application of a person if the person has been 35222
adjudicated a delinquent child for committing an act other than 35223
a violation of section 2903.01, 2903.02, or 2907.02 of the 35224
Revised Code, an unruly child, or a juvenile traffic offender 35225
and if, at the time of the motion or application, the person is 35226

not under the jurisdiction of the court in relation to a 35227
complaint alleging the person to be a delinquent child. The 35228
court shall not require a fee for the filing of the application. 35229
The motion or application may be made on or after the time 35230
specified in whichever of the following is applicable: 35231

(a) If the person is under eighteen years of age, at any 35232
time after six months after any of the following events occur: 35233

(i) The termination of any order made by the court in 35234
relation to the adjudication; 35235

(ii) The unconditional discharge of the person from the 35236
department of youth services with respect to a dispositional 35237
order made in relation to the adjudication or from an 35238
institution or facility to which the person was committed 35239
pursuant to a dispositional order made in relation to the 35240
adjudication; 35241

(iii) The court enters an order under section 2152.84 or 35242
2152.85 of the Revised Code that contains a determination that 35243
the child is no longer a juvenile offender registrant. 35244

(b) If the person is eighteen years of age or older, at 35245
any time after the later of the following: 35246

(i) The person's attainment of eighteen years of age; 35247

(ii) The occurrence of any event identified in divisions 35248
(C) (1) (a) (i) to (iii) of this section. 35249

(2) In making the determination whether to seal records 35250
pursuant to division (C) (1) of this section, all of the 35251
following apply: 35252

(a) The court may require a person filing an application 35253
under division (C) (1) of this section to submit any relevant 35254

documentation to support the application. 35255

(b) The court may cause an investigation to be made to 35256
determine if the person who is the subject of the proceedings 35257
has been rehabilitated to a satisfactory degree. 35258

(c) The court shall promptly, but not less than thirty 35259
days prior to the hearing, notify the prosecuting attorney of 35260
any proceedings to seal records initiated pursuant to division 35261
(C) (1) of this section. The prosecutor shall provide timely 35262
notice to a victim and a victim's representative, if applicable, 35263
if the victim or victim's representative requested notice of the 35264
proceedings in the underlying case. 35265

(d) (i) The prosecuting attorney may file a response with 35266
the court within thirty days of receiving notice of the sealing 35267
proceedings. 35268

(ii) If the prosecuting attorney does not file a response 35269
with the court or if the prosecuting attorney files a response 35270
but indicates that the prosecuting attorney does not object to 35271
the sealing of the records, the court may order the records of 35272
the person that are under consideration to be sealed without 35273
conducting a hearing on the motion or application. If the court 35274
decides in its discretion to conduct a hearing on the motion or 35275
application, the court shall conduct the hearing within thirty 35276
days after making that decision and shall give notice, by 35277
regular mail, of the date, time, and location of the hearing to 35278
the prosecuting attorney and to the person who is the subject of 35279
the records under consideration. The victim, the victim's 35280
representative, and the victim's attorney, if applicable, may be 35281
present and heard orally, in writing, or both at any hearing 35282
under this division. The court shall consider the oral and 35283
written statement of any victim, victim's representative, and 35284

victim's attorney, if applicable. 35285

(iii) If the prosecuting attorney files a response with 35286
the court that indicates that the prosecuting attorney objects 35287
to the sealing of the records, the court shall conduct a hearing 35288
on the motion or application within thirty days after the court 35289
receives the response. The court shall give notice, by regular 35290
mail, of the date, time, and location of the hearing to the 35291
prosecuting attorney and to the person who is the subject of the 35292
records under consideration. The victim, the victim's 35293
representative, and the victim's attorney, if applicable, may be 35294
present and heard orally, in writing, or both at any hearing 35295
under this division. The court shall consider the oral and 35296
written statement of any victim, victim's representative, and 35297
victim's attorney, if applicable. 35298

(e) After conducting a hearing in accordance with division 35299
(C) (2) (d) of this section or after due consideration when a 35300
hearing is not conducted, except as provided in division (B) (1) 35301
(c) of this section, the court may order the records of the 35302
person that are the subject of the motion or application to be 35303
sealed if it finds that the person has been rehabilitated to a 35304
satisfactory degree. In determining whether the person has been 35305
rehabilitated to a satisfactory degree, the court may consider 35306
all of the following: 35307

- (i) The age of the person; 35308
- (ii) The nature of the case; 35309
- (iii) The cessation or continuation of delinquent, unruly, 35310
or criminal behavior; 35311
- (iv) The education and employment history of the person; 35312
- (v) The granting of a new tier classification or 35313

declassification from the juvenile offender registry pursuant to 35314
section 2152.85 of the Revised Code, except for public registry- 35315
qualified juvenile offender registrants; 35316

(vi) Any other circumstances that may relate to the 35317
rehabilitation of the person who is the subject of the records 35318
under consideration. 35319

(D) (1) (a) The juvenile court shall provide verbal notice 35320
to a person whose records are sealed under division (B) of this 35321
section, if that person is present in the court at the time the 35322
court issues a sealing order, that explains what sealing a 35323
record means, states that the person may apply to have those 35324
records expunged under section 2151.358 of the Revised Code, and 35325
explains what expunging a record means. 35326

(b) The juvenile court shall provide written notice to a 35327
person whose records are sealed under division (B) of this 35328
section by regular mail to the person's last known address, if 35329
that person is not present in the court at the time the court 35330
issues a sealing order and if the court does not seal the 35331
person's record upon the court's own motion, that explains what 35332
sealing a record means, states that the person may apply to have 35333
those records expunged under section 2151.358 of the Revised 35334
Code, and explains what expunging a record means. 35335

(2) Upon final disposition of a case in which a person has 35336
been adjudicated a delinquent child for committing an act other 35337
than a violation of section 2903.01, 2903.02, or 2907.02 of the 35338
Revised Code, an unruly child, or a juvenile traffic offender, 35339
the juvenile court shall provide written notice to the person 35340
that does all of the following: 35341

(a) States that the person may apply to the court for an 35342

order to seal the record; 35343

(b) Explains what sealing a record means; 35344

(c) States that the person may apply to the court for an 35345
order to expunge the record under section 2151.358 of the 35346
Revised Code; 35347

(d) Explains what expunging a record means. 35348

(3) The department of youth services and any other 35349
institution or facility that unconditionally discharges a person 35350
who has been adjudicated a delinquent child, an unruly child, or 35351
a juvenile traffic offender shall immediately give notice of the 35352
discharge to the court that committed the person. The court 35353
shall note the date of discharge on a separate record of 35354
discharges of those natures. 35355

Sec. 2151.3527. (A) The director of children and youth 35356
shall promulgate forms designed to gather pertinent medical 35357
information concerning a deserted child and the child's parents. 35358
The forms shall clearly and unambiguously state on each page 35359
that the information requested is to facilitate medical care for 35360
the child, that the forms may be fully or partially completed or 35361
left blank, that completing the forms or parts of the forms is 35362
completely voluntary, and that no adverse legal consequence will 35363
result from failure to complete any part of the forms. 35364

(B) The director shall promulgate written materials to be 35365
made available to the parents of a child delivered pursuant to 35366
section 2151.3516 of the Revised Code. The materials shall 35367
describe services available to assist parents and newborns and 35368
shall include information directly relevant to situations that 35369
might cause parents to desert a child and information on the 35370
procedures for a person to follow in order to reunite with a 35371

child the person delivered under section 2151.3516 of the 35372
Revised Code, including notice that the person will be required 35373
to submit to a DNA test, at that person's expense, to prove that 35374
the person is the parent of the child. 35375

(C) The director of ~~job and family services~~ children and 35376
youth shall distribute the medical information forms and written 35377
materials promulgated pursuant to this section to all of the 35378
following: 35379

(1) Entities permitted to receive a deserted child as 35380
specified in section 2151.3517 of the Revised Code; 35381

(2) Public children services agencies; 35382

(3) Other public or private agencies that, in the 35383
discretion of the director, are best able to disseminate the 35384
forms and materials to the persons who are most in need of the 35385
forms and materials. 35386

(D) If the department ~~of job and family services~~ 35387
determines that money in the putative father registry fund 35388
created under section 2101.16 of the Revised Code is more than 35389
is needed for its duties related to the putative father 35390
registry, the department may use surplus moneys in the fund for 35391
costs related to the development, distribution, and publication 35392
of forms and materials promulgated pursuant to divisions (A) and 35393
(B) of this section. 35394

(E) The department ~~of job and family services~~ shall 35395
develop an educational plan, in collaboration with the Ohio 35396
family and children first cabinet council, for informing at-risk 35397
populations who are most likely to voluntarily deliver a child 35398
under section 2151.3516 of the Revised Code concerning the 35399
provisions of sections 2151.3515 to 2151.3533 of the Revised 35400

Code. 35401

Sec. 2151.416. (A) Each agency that is required by section 35402
2151.412 of the Revised Code to prepare a case plan for a child 35403
shall complete a semiannual administrative review of the case 35404
plan no later than six months after the earlier of the date on 35405
which the complaint in the case was filed or the child was first 35406
placed in shelter care. After the first administrative review, 35407
the agency shall complete semiannual administrative reviews no 35408
later than every six months. If the court issues an order 35409
pursuant to section 2151.414 or 2151.415 of the Revised Code, 35410
the agency shall complete an administrative review no later than 35411
six months after the court's order and continue to complete 35412
administrative reviews no later than every six months after the 35413
first review, except that the court hearing held pursuant to 35414
section 2151.417 of the Revised Code may take the place of any 35415
administrative review that would otherwise be held at the time 35416
of the court hearing. When conducting a review, the child's 35417
health and safety shall be the paramount concern. 35418

(B) Each administrative review required by division (A) of 35419
this section shall be conducted by a review panel of at least 35420
three persons, including, but not limited to, both of the 35421
following: 35422

(1) A caseworker with day-to-day responsibility for, or 35423
familiarity with, the management of the child's case plan; 35424

(2) A person who is not responsible for the management of 35425
the child's case plan or for the delivery of services to the 35426
child or the parents, guardian, or custodian of the child. 35427

(C) Each semiannual administrative review shall include, 35428
but not be limited to, a joint meeting by the review panel with 35429

the parents, guardian, or custodian of the child, the guardian 35430
ad litem of the child, and the child's foster care provider and 35431
shall include an opportunity for those persons to submit any 35432
written materials to be included in the case record of the 35433
child. If a parent, guardian, custodian, guardian ad litem, or 35434
foster care provider of the child cannot be located after 35435
reasonable efforts to do so or declines to participate in the 35436
administrative review after being contacted, the agency does not 35437
have to include them in the joint meeting. 35438

(D) The agency shall prepare a written summary of the 35439
semiannual administrative review that shall include, but not be 35440
limited to, all of the following: 35441

(1) A conclusion regarding the safety and appropriateness 35442
of the child's foster care placement; 35443

(2) The extent of the compliance with the case plan of all 35444
parties; 35445

(3) The extent of progress that has been made toward 35446
alleviating the circumstances that required the agency to assume 35447
temporary custody of the child; 35448

(4) An estimated date by which the child may be returned 35449
to and safely maintained in the child's home or placed for 35450
adoption or legal custody; 35451

(5) An updated case plan that includes any changes that 35452
the agency is proposing in the case plan; 35453

(6) The recommendation of the agency as to which agency or 35454
person should be given custodial rights over the child for the 35455
six-month period after the administrative review; 35456

(7) The names of all persons who participated in the 35457

administrative review; 35458

(8) A summary of the agency's intensive efforts to secure 35459
a placement with an appropriate and willing kinship caregiver as 35460
defined in section ~~5101.85~~ 5180.50 of the Revised Code, 35461
including any use of search technology to find biological family 35462
members of the child and all other efforts undertaken since the 35463
last review, unless a court has determined that intensive 35464
efforts are unnecessary pursuant to section 2151.4118 of the 35465
Revised Code. 35466

(E) The agency shall file the summary with the court no 35467
later than seven days after the completion of the administrative 35468
review. If the agency proposes a change to the case plan as a 35469
result of the administrative review, the agency shall file the 35470
proposed change with the court at the time it files the summary. 35471
The agency shall give notice of the summary and proposed change 35472
in writing before the end of the next day after filing them to 35473
all parties and the child's guardian ad litem. All parties and 35474
the guardian ad litem shall have seven days after the date the 35475
notice is sent to object to and request a hearing on the 35476
proposed change. 35477

(1) If the court receives a timely request for a hearing, 35478
the court shall schedule a hearing pursuant to section 2151.417 35479
of the Revised Code to be held not later than thirty days after 35480
the court receives the request. The court shall give notice of 35481
the date, time, and location of the hearing to all parties and 35482
the guardian ad litem. The agency may implement the proposed 35483
change after the hearing, if the court approves it. The agency 35484
shall not implement the proposed change unless it is approved by 35485
the court. 35486

(2) If the court does not receive a timely request for a 35487

hearing, the court may approve the proposed change without a 35488
hearing. If the court approves the proposed change without a 35489
hearing, it shall journalize the case plan with the change not 35490
later than fourteen days after the change is filed with the 35491
court. If the court does not approve the proposed change to the 35492
case plan, it shall schedule a review hearing to be held 35493
pursuant to section 2151.417 of the Revised Code no later than 35494
thirty days after the expiration of the fourteen-day time period 35495
and give notice of the date, time, and location of the hearing 35496
to all parties and the guardian ad litem of the child. If, 35497
despite the requirements of this division and division (D) of 35498
section 2151.417 of the Revised Code, the court neither approves 35499
and journalizes the proposed change nor conducts a hearing, the 35500
agency may implement the proposed change not earlier than 35501
fifteen days after it is submitted to the court. 35502

(F) The director of children and youth may adopt rules 35503
pursuant to Chapter 119. of the Revised Code for procedures and 35504
standard forms for conducting administrative reviews pursuant to 35505
this section. 35506

(G) The juvenile court that receives the written summary 35507
of the administrative review, upon determining, either from the 35508
written summary, case plan, or otherwise, that the custody or 35509
care arrangement is not in the best interest of the child, may 35510
terminate the custody of an agency and place the child in the 35511
custody of another institution or association certified by the 35512
department of children and youth under section 5103.03 of the 35513
Revised Code. 35514

Sec. 2151.4115. ~~(A)~~ As used in sections 2151.4116 to 35515
2151.4122 of the Revised Code: 35516

~~(1)~~ (A) "Kinship caregiver" has the same meaning as used 35517

in section ~~5101.85~~5180.50 of the Revised Code. 35518

~~(2)~~ (B) "Search technology" means any locate-and-research 35519
tool, search engine, electronic database, or social media search 35520
tool available to a public children services agency or a private 35521
child placing agency. 35522

Sec. 2151.421. (A) (1) (a) No person described in division 35523
(A) (1) (b) of this section who is acting in an official or 35524
professional capacity and knows, or has reasonable cause to 35525
suspect based on facts that would cause a reasonable person in a 35526
similar position to suspect, that a child under eighteen years 35527
of age, or a person under twenty-one years of age with a 35528
developmental disability or physical impairment, has suffered or 35529
faces a threat of suffering any physical or mental wound, 35530
injury, disability, or condition of a nature that reasonably 35531
indicates abuse or neglect of the child shall fail to 35532
immediately report that knowledge or reasonable cause to suspect 35533
to the entity or persons specified in this division. Except as 35534
otherwise provided in this division or section 5120.173 of the 35535
Revised Code, the person making the report shall make it to the 35536
public children services agency or a peace officer in the county 35537
in which the child resides or in which the abuse or neglect is 35538
occurring or has occurred. If the person making the report is a 35539
peace officer, the officer shall make it to the public children 35540
services agency in the county in which the child resides or in 35541
which the abuse or neglect is occurring or has occurred. In the 35542
circumstances described in section 5120.173 of the Revised Code, 35543
the person making the report shall make it to the entity 35544
specified in that section. 35545

(b) Division (A) (1) (a) of this section applies to any 35546
person who is an attorney; health care professional; 35547

practitioner of a limited branch of medicine as specified in 35548
section 4731.15 of the Revised Code; licensed school 35549
psychologist; independent marriage and family therapist or 35550
marriage and family therapist; coroner; administrator or 35551
employee of a child care center; administrator or employee of a 35552
residential camp, child day camp, or private, nonprofit 35553
therapeutic wilderness camp; administrator or employee of a 35554
certified child care agency or other public or private children 35555
services agency; school teacher; school employee; school 35556
authority; peace officer; humane society agent; dog warden, 35557
deputy dog warden, or other person appointed to act as an animal 35558
control officer for a municipal corporation or township in 35559
accordance with state law, an ordinance, or a resolution; 35560
person, other than a cleric, rendering spiritual treatment 35561
through prayer in accordance with the tenets of a well- 35562
recognized religion; employee of a county department of job and 35563
family services who is a professional and who works with 35564
children and families; employee of an entity that provides home 35565
visiting services under the help me grow program established by 35566
the department of children and youth pursuant to section 5180.21 35567
of the Revised Code; superintendent or regional administrator 35568
employed by the department of youth services; superintendent, 35569
board member, or employee of a county board of developmental 35570
disabilities; investigative agent contracted with by a county 35571
board of developmental disabilities; employee of the department 35572
of developmental disabilities; employee of a facility or home 35573
that provides respite care in accordance with section 5123.171 35574
of the Revised Code; employee of an entity that provides 35575
homemaker services; employee of a qualified organization as 35576
defined in section 2151.90 of the Revised Code; a host family as 35577
defined in section 2151.90 of the Revised Code; foster 35578
caregiver; a person performing the duties of an assessor 35579

pursuant to Chapter 3107. or 5103. of the Revised Code; third 35580
party employed by a public children services agency to assist in 35581
providing child or family related services; court appointed 35582
special advocate; or guardian ad litem. 35583

(c) If two or more health care professionals, after 35584
providing health care services to a child, determine or suspect 35585
that the child has been or is being abused or neglected, the 35586
health care professionals may designate one of the health care 35587
professionals to report the abuse or neglect. A single report 35588
made under this division shall meet the reporting requirements 35589
of division (A) (1) of this section. 35590

(2) Except as provided in division (A) (3) of this section, 35591
an attorney, physician, or advanced practice registered nurse is 35592
not required to make a report pursuant to division (A) (1) of 35593
this section concerning any communication the attorney, 35594
physician, or advanced practice registered nurse receives from a 35595
client or patient in an attorney-client, physician-patient, or 35596
advanced practice registered nurse-patient relationship, if, in 35597
accordance with division (A) or (B) of section 2317.02 of the 35598
Revised Code, the attorney, physician, or advanced practice 35599
registered nurse could not testify with respect to that 35600
communication in a civil or criminal proceeding. 35601

(3) The client or patient in an attorney-client, 35602
physician-patient, or advanced practice registered nurse-patient 35603
relationship described in division (A) (2) of this section is 35604
deemed to have waived any testimonial privilege under division 35605
(A) or (B) of section 2317.02 of the Revised Code with respect 35606
to any communication the attorney, physician, or advanced 35607
practice registered nurse receives from the client or patient in 35608
that relationship, and the attorney, physician, or advanced 35609

practice registered nurse shall make a report pursuant to 35610
division (A) (1) of this section with respect to that 35611
communication, if all of the following apply: 35612

(a) The client or patient, at the time of the 35613
communication, is a child under eighteen years of age or is a 35614
person under twenty-one years of age with a developmental 35615
disability or physical impairment. 35616

(b) The attorney, physician, or advanced practice 35617
registered nurse knows, or has reasonable cause to suspect based 35618
on facts that would cause a reasonable person in similar 35619
position to suspect that the client or patient has suffered or 35620
faces a threat of suffering any physical or mental wound, 35621
injury, disability, or condition of a nature that reasonably 35622
indicates abuse or neglect of the client or patient. 35623

(c) The abuse or neglect does not arise out of the 35624
client's or patient's attempt to have an abortion without the 35625
notification of her parents, guardian, or custodian in 35626
accordance with section 2151.85 of the Revised Code. 35627

(4) (a) No cleric and no person, other than a volunteer, 35628
designated by any church, religious society, or faith acting as 35629
a leader, official, or delegate on behalf of the church, 35630
religious society, or faith who is acting in an official or 35631
professional capacity, who knows, or has reasonable cause to 35632
believe based on facts that would cause a reasonable person in a 35633
similar position to believe, that a child under eighteen years 35634
of age, or a person under twenty-one years of age with a 35635
developmental disability or physical impairment, has suffered or 35636
faces a threat of suffering any physical or mental wound, 35637
injury, disability, or condition of a nature that reasonably 35638
indicates abuse or neglect of the child, and who knows, or has 35639

reasonable cause to believe based on facts that would cause a 35640
reasonable person in a similar position to believe, that another 35641
cleric or another person, other than a volunteer, designated by 35642
a church, religious society, or faith acting as a leader, 35643
official, or delegate on behalf of the church, religious 35644
society, or faith caused, or poses the threat of causing, the 35645
wound, injury, disability, or condition that reasonably 35646
indicates abuse or neglect shall fail to immediately report that 35647
knowledge or reasonable cause to believe to the entity or 35648
persons specified in this division. Except as provided in 35649
section 5120.173 of the Revised Code, the person making the 35650
report shall make it to the public children services agency or a 35651
peace officer in the county in which the child resides or in 35652
which the abuse or neglect is occurring or has occurred. In the 35653
circumstances described in section 5120.173 of the Revised Code, 35654
the person making the report shall make it to the entity 35655
specified in that section. 35656

(b) Except as provided in division (A) (4) (c) of this 35657
section, a cleric is not required to make a report pursuant to 35658
division (A) (4) (a) of this section concerning any communication 35659
the cleric receives from a penitent in a cleric-penitent 35660
relationship, if, in accordance with division (C) of section 35661
2317.02 of the Revised Code, the cleric could not testify with 35662
respect to that communication in a civil or criminal proceeding. 35663

(c) The penitent in a cleric-penitent relationship 35664
described in division (A) (4) (b) of this section is deemed to 35665
have waived any testimonial privilege under division (C) of 35666
section 2317.02 of the Revised Code with respect to any 35667
communication the cleric receives from the penitent in that 35668
cleric-penitent relationship, and the cleric shall make a report 35669
pursuant to division (A) (4) (a) of this section with respect to 35670

that communication, if all of the following apply: 35671

(i) The penitent, at the time of the communication, is a 35672
child under eighteen years of age or is a person under twenty- 35673
one years of age with a developmental disability or physical 35674
impairment. 35675

(ii) The cleric knows, or has reasonable cause to believe 35676
based on facts that would cause a reasonable person in a similar 35677
position to believe, as a result of the communication or any 35678
observations made during that communication, the penitent has 35679
suffered or faces a threat of suffering any physical or mental 35680
wound, injury, disability, or condition of a nature that 35681
reasonably indicates abuse or neglect of the penitent. 35682

(iii) The abuse or neglect does not arise out of the 35683
penitent's attempt to have an abortion performed upon a child 35684
under eighteen years of age or upon a person under twenty-one 35685
years of age with a developmental disability or physical 35686
impairment without the notification of her parents, guardian, or 35687
custodian in accordance with section 2151.85 of the Revised 35688
Code. 35689

(d) Divisions (A) (4) (a) and (c) of this section do not 35690
apply in a cleric-penitent relationship when the disclosure of 35691
any communication the cleric receives from the penitent is in 35692
violation of the sacred trust. 35693

(e) As used in divisions (A) (1) and (4) of this section, 35694
"cleric" and "sacred trust" have the same meanings as in section 35695
2317.02 of the Revised Code. 35696

(B) Anyone who knows, or has reasonable cause to suspect 35697
based on facts that would cause a reasonable person in similar 35698
circumstances to suspect, that a child under eighteen years of 35699

age, or a person under twenty-one years of age with a 35700
developmental disability or physical impairment, has suffered or 35701
faces a threat of suffering any physical or mental wound, 35702
injury, disability, or other condition of a nature that 35703
reasonably indicates abuse or neglect of the child may report or 35704
cause reports to be made of that knowledge or reasonable cause 35705
to suspect to the entity or persons specified in this division. 35706
Except as provided in section 5120.173 of the Revised Code, a 35707
person making a report or causing a report to be made under this 35708
division shall make it or cause it to be made to the public 35709
children services agency or to a peace officer. In the 35710
circumstances described in section 5120.173 of the Revised Code, 35711
a person making a report or causing a report to be made under 35712
this division shall make it or cause it to be made to the entity 35713
specified in that section. 35714

(C) Any report made pursuant to division (A) or (B) of 35715
this section shall be made forthwith either by telephone, in 35716
person, or electronically and shall be followed by a written 35717
report, if requested by the receiving agency or officer. The 35718
written report shall contain: 35719

(1) The names and addresses of the child and the child's 35720
parents or the person or persons having custody of the child, if 35721
known; 35722

(2) The child's age and the nature and extent of the 35723
child's injuries, abuse, or neglect that is known or reasonably 35724
suspected or believed, as applicable, to have occurred or of the 35725
threat of injury, abuse, or neglect that is known or reasonably 35726
suspected or believed, as applicable, to exist, including any 35727
evidence of previous injuries, abuse, or neglect; 35728

(3) Any other information, including, but not limited to, 35729

results and reports of any medical examinations, tests, or 35730
procedures performed under division (D) of this section, that 35731
might be helpful in establishing the cause of the injury, abuse, 35732
or neglect that is known or reasonably suspected or believed, as 35733
applicable, to have occurred or of the threat of injury, abuse, 35734
or neglect that is known or reasonably suspected or believed, as 35735
applicable, to exist. 35736

(D) (1) Any person, who is required by division (A) of this 35737
section to report child abuse or child neglect that is known or 35738
reasonably suspected or believed to have occurred, may take or 35739
cause to be taken color photographs of areas of trauma visible 35740
on a child and, if medically necessary for the purpose of 35741
diagnosing or treating injuries that are suspected to have 35742
occurred as a result of child abuse or child neglect, perform or 35743
cause to be performed radiological examinations and any other 35744
medical examinations of, and tests or procedures on, the child. 35745

(2) The results and any available reports of examinations, 35746
tests, or procedures made under division (D) (1) of this section 35747
shall be included in a report made pursuant to division (A) of 35748
this section. Any additional reports of examinations, tests, or 35749
procedures that become available shall be provided to the public 35750
children services agency, upon request. 35751

(3) If a health care professional provides health care 35752
services in a hospital, children's advocacy center, or emergency 35753
medical facility to a child about whom a report has been made 35754
under division (A) of this section, the health care professional 35755
may take any steps that are reasonably necessary for the release 35756
or discharge of the child to an appropriate environment. Before 35757
the child's release or discharge, the health care professional 35758
may obtain information, or consider information obtained, from 35759

other entities or individuals that have knowledge about the 35760
child. Nothing in division (D) (3) of this section shall be 35761
construed to alter the responsibilities of any person under 35762
sections 2151.27 and 2151.31 of the Revised Code. 35763

(4) A health care professional may conduct medical 35764
examinations, tests, or procedures on the siblings of a child 35765
about whom a report has been made under division (A) of this 35766
section and on other children who reside in the same home as the 35767
child, if the professional determines that the examinations, 35768
tests, or procedures are medically necessary to diagnose or 35769
treat the siblings or other children in order to determine 35770
whether reports under division (A) of this section are warranted 35771
with respect to such siblings or other children. The results of 35772
the examinations, tests, or procedures on the siblings and other 35773
children may be included in a report made pursuant to division 35774
(A) of this section. 35775

(5) Medical examinations, tests, or procedures conducted 35776
under divisions (D) (1) and (4) of this section and decisions 35777
regarding the release or discharge of a child under division (D) 35778
(3) of this section do not constitute a law enforcement 35779
investigation or activity. 35780

(E) (1) When a peace officer receives a report made 35781
pursuant to division (A) or (B) of this section, upon receipt of 35782
the report, the peace officer who receives the report shall 35783
refer the report to the appropriate public children services 35784
agency, in accordance with requirements specified under division 35785
(B) (6) of section 2151.4221 of the Revised Code, unless an 35786
arrest is made at the time of the report that results in the 35787
appropriate public children services agency being contacted 35788
concerning the possible abuse or neglect of a child or the 35789

possible threat of abuse or neglect of a child. 35790

(2) When a public children services agency receives a 35791
report pursuant to this division or division (A) or (B) of this 35792
section, upon receipt of the report, the public children 35793
services agency shall do all of the following: 35794

(a) Comply with section 2151.422 of the Revised Code; 35795

(b) If the county served by the agency is also served by a 35796
children's advocacy center and the report alleges sexual abuse 35797
of a child or another type of abuse of a child that is specified 35798
in the memorandum of understanding that creates the center as 35799
being within the center's jurisdiction, comply regarding the 35800
report with the protocol and procedures for referrals and 35801
investigations, with the coordinating activities, and with the 35802
authority or responsibility for performing or providing 35803
functions, activities, and services stipulated in the 35804
interagency agreement entered into under section 2151.428 of the 35805
Revised Code relative to that center; 35806

(c) Unless an arrest is made at the time of the report 35807
that results in the appropriate law enforcement agency being 35808
contacted concerning the possible abuse or neglect of a child or 35809
the possible threat of abuse or neglect of a child, and in 35810
accordance with requirements specified under division (B) (6) of 35811
section 2151.4221 of the Revised Code, notify the appropriate 35812
law enforcement agency of the report, if the public children 35813
services agency received either of the following: 35814

(i) A report of abuse of a child; 35815

(ii) A report of neglect of a child that alleges a type of 35816
neglect identified by the department of children and youth in 35817
rules adopted under division (L) (2) of this section. 35818

(F) No peace officer shall remove a child about whom a
report is made pursuant to this section from the child's
parents, stepparents, or guardian or any other persons having
custody of the child without consultation with the public
children services agency, unless, in the judgment of the
officer, and, if the report was made by a physician or advanced
practice registered nurse, the physician or nurse, immediate
removal is considered essential to protect the child from
further abuse or neglect. The agency that must be consulted
shall be the agency conducting the investigation of the report
as determined pursuant to section 2151.422 of the Revised Code.

(G) (1) Except as provided in section 2151.422 of the
Revised Code or in an interagency agreement entered into under
section 2151.428 of the Revised Code that applies to the
particular report, the public children services agency shall
investigate, within twenty-four hours, each report of child
abuse or child neglect that is known or reasonably suspected or
believed to have occurred and of a threat of child abuse or
child neglect that is known or reasonably suspected or believed
to exist that is referred to it under this section to determine
the circumstances surrounding the injuries, abuse, or neglect or
the threat of injury, abuse, or neglect, the cause of the
injuries, abuse, neglect, or threat, and the person or persons
responsible. The investigation shall be made in cooperation with
the law enforcement agency and in accordance with the memorandum
of understanding prepared under sections 2151.4220 to 2151.4234
of the Revised Code. A representative of the public children
services agency shall, at the time of initial contact with the
person subject to the investigation, inform the person of the
specific complaints or allegations made against the person. The
information shall be given in a manner that is consistent with

division (I) (1) of this section and protects the rights of the 35850
person making the report under this section. 35851

A failure to make the investigation in accordance with the 35852
memorandum is not grounds for, and shall not result in, the 35853
dismissal of any charges or complaint arising from the report or 35854
the suppression of any evidence obtained as a result of the 35855
report and does not give, and shall not be construed as giving, 35856
any rights or any grounds for appeal or post-conviction relief 35857
to any person. The public children services agency shall report 35858
each case to the uniform statewide automated child welfare 35859
information system that the department of children and youth 35860
shall maintain in accordance with section ~~5101.13~~ 5180.40 of the 35861
Revised Code. The public children services agency shall submit a 35862
report of its investigation, in writing, to the law enforcement 35863
agency. 35864

(2) The public children services agency shall make any 35865
recommendations to the county prosecuting attorney or city 35866
director of law that it considers necessary to protect any 35867
children that are brought to its attention. 35868

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 35869
(I) (3) of this section, any person, health care professional, 35870
hospital, institution, school, health department, or agency 35871
shall be immune from any civil or criminal liability for injury, 35872
death, or loss to person or property that otherwise might be 35873
incurred or imposed as a result of any of the following: 35874

(i) Participating in the making of reports pursuant to 35875
division (A) of this section or in the making of reports in good 35876
faith, pursuant to division (B) of this section; 35877

(ii) Participating in medical examinations, tests, or 35878

procedures under division (D) of this section; 35879

(iii) Providing information used in a report made pursuant 35880
to division (A) of this section or providing information in good 35881
faith used in a report made pursuant to division (B) of this 35882
section; 35883

(iv) Participating in a judicial proceeding resulting from 35884
a report made pursuant to division (A) of this section or 35885
participating in good faith in a proceeding resulting from a 35886
report made pursuant to division (B) of this section. 35887

(b) Immunity under division (H) (1) (a) (ii) of this section 35888
shall not apply when a health care provider has deviated from 35889
the standard of care applicable to the provider's profession. 35890

(c) Notwithstanding section 4731.22 of the Revised Code, 35891
the physician-patient privilege shall not be a ground for 35892
excluding evidence regarding a child's injuries, abuse, or 35893
neglect, or the cause of the injuries, abuse, or neglect in any 35894
judicial proceeding resulting from a report submitted pursuant 35895
to this section. 35896

(2) In any civil or criminal action or proceeding in which 35897
it is alleged and proved that participation in the making of a 35898
report under this section was not in good faith or participation 35899
in a judicial proceeding resulting from a report made under this 35900
section was not in good faith, the court shall award the 35901
prevailing party reasonable attorney's fees and costs and, if a 35902
civil action or proceeding is voluntarily dismissed, may award 35903
reasonable attorney's fees and costs to the party against whom 35904
the civil action or proceeding is brought. 35905

(I) (1) Except as provided in divisions (I) (4) and (N) of 35906
this section and sections 2151.423 and 2151.4210 of the Revised 35907

Code, a report made under this section is confidential. The 35908
information provided in a report made pursuant to this section 35909
and the name of the person who made the report shall not be 35910
released for use, and shall not be used, as evidence in any 35911
civil action or proceeding brought against the person who made 35912
the report. Nothing in this division shall preclude the use of 35913
reports of other incidents of known or suspected abuse or 35914
neglect in a civil action or proceeding brought pursuant to 35915
division (M) of this section against a person who is alleged to 35916
have violated division (A) (1) of this section, provided that any 35917
information in a report that would identify the child who is the 35918
subject of the report or the maker of the report, if the maker 35919
of the report is not the defendant or an agent or employee of 35920
the defendant, has been redacted. In a criminal proceeding, the 35921
report is admissible in evidence in accordance with the Rules of 35922
Evidence and is subject to discovery in accordance with the 35923
Rules of Criminal Procedure. 35924

(2) (a) Except as provided in division (I) (2) (b) of this 35925
section, no person shall permit or encourage the unauthorized 35926
dissemination of the contents of any report made under this 35927
section. 35928

(b) A health care professional that obtains the same 35929
information contained in a report made under this section from a 35930
source other than the report may disseminate the information, if 35931
its dissemination is otherwise permitted by law. 35932

(3) A person who knowingly makes or causes another person 35933
to make a false report under division (B) of this section that 35934
alleges that any person has committed an act or omission that 35935
resulted in a child being an abused child or a neglected child 35936
is guilty of a violation of section 2921.14 of the Revised Code. 35937

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or peace officer to which the report was made or referred, on the request of the child fatality review board, the suicide fatality review committee, or the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, shall submit a summary sheet of information providing a summary of the report to the review board or review committee of the county in which the deceased child resided at the time of death or to the director. On the request of the review board, review committee, or director, the agency or peace officer may, at its discretion, make the report available to the review board, review committee, or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) Not later than five business days after the determination of a disposition, a public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement

entered into under section 2151.428 of the Revised Code, in 35969
writing of the disposition of the investigation. The agency 35970
shall not provide to the person any information that identifies 35971
the person who made the report, statements of witnesses, or 35972
police or other investigative reports. The written notice of 35973
disposition shall be made in a form designated by the department 35974
of ~~job and family services~~ children and youth and shall inform 35975
the person of the right to appeal the disposition. 35976

(J) Any report that is required by this section, other 35977
than a report that is made to the state highway patrol as 35978
described in section 5120.173 of the Revised Code, shall result 35979
in protective services and emergency supportive services being 35980
made available by the public children services agency on behalf 35981
of the children about whom the report is made. The agency 35982
required to provide the services shall be the agency conducting 35983
the investigation of the report pursuant to section 2151.422 of 35984
the Revised Code. If a ~~child-family~~ is determined to ~~be a~~ 35985
~~candidate for benefit from~~ prevention services, the agency also 35986
~~shall~~ may make efforts to prevent neglect or abuse, to enhance a 35987
child's welfare, and to preserve the family unit intact by 35988
referring a report for assessment and provision of services to 35989
an agency providing prevention services, if appropriate 35990
prevention services are available from a local provider or other 35991
reasonable source. 35992

(K) (1) Except as provided in division (K) (4) or (5) of 35993
this section, a person who is required to make a report under 35994
division (A) of this section may make a reasonable number of 35995
requests of the public children services agency that receives or 35996
is referred the report, or of the children's advocacy center 35997
that is referred the report if the report is referred to a 35998
children's advocacy center pursuant to an interagency agreement 35999

entered into under section 2151.428 of the Revised Code, to be 36000
provided with the following information: 36001

(a) Whether the agency or center has initiated an 36002
investigation of the report; 36003

(b) Whether the agency or center is continuing to 36004
investigate the report; 36005

(c) Whether the agency or center is otherwise involved 36006
with the child who is the subject of the report; 36007

(d) The general status of the health and safety of the 36008
child who is the subject of the report; 36009

(e) Whether the report has resulted in the filing of a 36010
complaint in juvenile court or of criminal charges in another 36011
court. 36012

(2) (a) A person may request the information specified in 36013
division (K) (1) of this section only if, at the time the report 36014
is made, the person's name, address, and telephone number are 36015
provided to the person who receives the report. 36016

(b) When a peace officer or employee of a public children 36017
services agency receives a report pursuant to division (A) or 36018
(B) of this section the recipient of the report shall inform the 36019
person of the right to request the information described in 36020
division (K) (1) of this section. The recipient of the report 36021
shall include in the initial child abuse or child neglect report 36022
that the person making the report was so informed and, if 36023
provided at the time of the making of the report, shall include 36024
the person's name, address, and telephone number in the report. 36025

(c) If the person making the report provides the person's 36026
name and contact information on making the report, the public 36027

children services agency that received or was referred the 36028
report shall send a written notice via United States mail or 36029
electronic mail, in accordance with the person's preference, to 36030
the person not later than seven calendar days after receipt of 36031
the report. The notice shall provide the status of the agency's 36032
investigation into the report made, who the person may contact 36033
at the agency for further information, and a description of the 36034
person's rights under division (K) (1) of this section. 36035

(d) Each request is subject to verification of the 36036
identity of the person making the report. If that person's 36037
identity is verified, the agency shall provide the person with 36038
the information described in division (K) (1) of this section a 36039
reasonable number of times, except that the agency shall not 36040
disclose any confidential information regarding the child who is 36041
the subject of the report other than the information described 36042
in those divisions. 36043

(3) A request made pursuant to division (K) (1) of this 36044
section is not a substitute for any report required to be made 36045
pursuant to division (A) of this section. 36046

(4) If an agency other than the agency that received or 36047
was referred the report is conducting the investigation of the 36048
report pursuant to section 2151.422 of the Revised Code, the 36049
agency conducting the investigation shall comply with the 36050
requirements of division (K) of this section. 36051

(5) A health care professional who made a report under 36052
division (A) of this section, or on whose behalf such a report 36053
was made as provided in division (A) (1) (c) of this section, may 36054
authorize a person to obtain the information described in 36055
division (K) (1) of this section if the person requesting the 36056
information is associated with or acting on behalf of the health 36057

care professional who provided health care services to the child 36058
about whom the report was made. 36059

(6) If the person making the report provides the person's 36060
name and contact information on making the report, the public 36061
children services agency that received or was referred the 36062
report shall send a written notice via United States mail or 36063
electronic mail, in accordance with the person's preference, to 36064
the person not later than seven calendar days after the agency 36065
closes the investigation into the case reported by the person. 36066
The notice shall notify the person that the agency has closed 36067
the investigation. 36068

(L) (1) The director of children and youth shall adopt 36069
rules in accordance with Chapter 119. of the Revised Code to 36070
implement this section. The department of children and youth may 36071
enter into a plan of cooperation with any other governmental 36072
entity to aid in ensuring that children are protected from abuse 36073
and neglect. The department shall make recommendations to the 36074
attorney general that the department determines are necessary to 36075
protect children from child abuse and child neglect. 36076

(2) The director of children and youth shall adopt rules 36077
in accordance with Chapter 119. of the Revised Code to identify 36078
the types of neglect of a child that a public children services 36079
agency shall be required to notify law enforcement of pursuant 36080
to division (E) (2) (c) (ii) of this section. 36081

(M) Whoever violates division (A) of this section is 36082
liable for compensatory and exemplary damages to the child who 36083
would have been the subject of the report that was not made. A 36084
person who brings a civil action or proceeding pursuant to this 36085
division against a person who is alleged to have violated 36086
division (A) (1) of this section may use in the action or 36087

proceeding reports of other incidents of known or suspected 36088
abuse or neglect, provided that any information in a report that 36089
would identify the child who is the subject of the report or the 36090
maker of the report, if the maker is not the defendant or an 36091
agent or employee of the defendant, has been redacted. 36092

(N) (1) As used in this division: 36093

(a) "Out-of-home care" includes a nonchartered nonpublic 36094
school if the alleged child abuse or child neglect, or alleged 36095
threat of child abuse or child neglect, described in a report 36096
received by a public children services agency allegedly occurred 36097
in or involved the nonchartered nonpublic school and the alleged 36098
perpetrator named in the report holds a certificate, permit, or 36099
license issued by the state board of education under section 36100
3301.071 or Chapter 3319. of the Revised Code. 36101

(b) "Administrator, director, or other chief 36102
administrative officer" means the superintendent of the school 36103
district if the out-of-home care entity subject to a report made 36104
pursuant to this section is a school operated by the district. 36105

(2) No later than the end of the day following the day on 36106
which a public children services agency receives a report of 36107
alleged child abuse or child neglect, or a report of an alleged 36108
threat of child abuse or child neglect, that allegedly occurred 36109
in or involved an out-of-home care entity, the agency shall 36110
provide written notice of the allegations contained in and the 36111
person named as the alleged perpetrator in the report to the 36112
administrator, director, or other chief administrative officer 36113
of the out-of-home care entity that is the subject of the report 36114
unless the administrator, director, or other chief 36115
administrative officer is named as an alleged perpetrator in the 36116
report. If the administrator, director, or other chief 36117

administrative officer of an out-of-home care entity is named as 36118
an alleged perpetrator in a report of alleged child abuse or 36119
child neglect, or a report of an alleged threat of child abuse 36120
or child neglect, that allegedly occurred in or involved the 36121
out-of-home care entity, the agency shall provide the written 36122
notice to the owner or governing board of the out-of-home care 36123
entity that is the subject of the report. The agency shall not 36124
provide witness statements or police or other investigative 36125
reports. 36126

(3) No later than three days after the day on which a 36127
public children services agency that conducted the investigation 36128
as determined pursuant to section 2151.422 of the Revised Code 36129
makes a disposition of an investigation involving a report of 36130
alleged child abuse or child neglect, or a report of an alleged 36131
threat of child abuse or child neglect, that allegedly occurred 36132
in or involved an out-of-home care entity, the agency shall send 36133
written notice of the disposition of the investigation to the 36134
administrator, director, or other chief administrative officer 36135
and the owner or governing board of the out-of-home care entity. 36136
The agency shall not provide witness statements or police or 36137
other investigative reports. 36138

(0) As used in this section: 36139

(1) "Children's advocacy center" and "sexual abuse of a 36140
child" have the same meanings as in section 2151.425 of the 36141
Revised Code. 36142

(2) "Health care professional" means an individual who 36143
provides health-related services. "Health care professional" 36144
includes all of the following: a physician, including a hospital 36145
intern or resident; a dentist; a podiatrist; a registered nurse, 36146
including such a nurse who is an advanced practice registered 36147

nurse; a licensed practical nurse; a home care nurse; a licensed 36148
psychologist; a speech-language pathologist; an audiologist; a 36149
person engaged in social work or the practice of professional 36150
counseling; and an employee of a home health agency. "Health 36151
care professional" does not include a practitioner of a limited 36152
branch of medicine as specified in section 4731.15 of the 36153
Revised Code, licensed school psychologist, independent marriage 36154
and family therapist or marriage and family therapist, or 36155
coroner. 36156

(3) "Investigation" means the public children services 36157
agency's response to an accepted report of child abuse or 36158
neglect through either an alternative response or a traditional 36159
response. 36160

(4) "Peace officer" means a sheriff, deputy sheriff, 36161
constable, police officer of a township or joint police 36162
district, marshal, deputy marshal, municipal police officer, or 36163
a state highway patrol trooper. 36164

Sec. 2151.423. A public children services agency shall 36165
disclose confidential information discovered during an 36166
investigation conducted pursuant to section 2151.421 or 2151.422 36167
of the Revised Code to any federal, state, or local government 36168
entity, including any appropriate military authority or any 36169
~~agency providing prevention services~~ provider to the 36170
~~childfamily~~, that needs the information to carry out its 36171
responsibilities to protect children from abuse or neglect. 36172

Information disclosed pursuant to this section is 36173
confidential and is not subject to disclosure pursuant to 36174
section 149.43 or 1347.08 of the Revised Code by the agency to 36175
whom the information was disclosed. The agency receiving the 36176
information shall maintain the confidentiality of information 36177

disclosed pursuant to this section. 36178

Sec. 2151.424. (A) If a child has been placed in a 36179
certified foster home or is in the custody of, or has been 36180
placed with, a kinship caregiver as defined in section ~~5101.85~~ 36181
5180.50 of the Revised Code, a court, prior to conducting any 36182
hearing pursuant to division (F)(2) or (3) of section 2151.412 36183
or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 36184
2151.416, or 2151.417 of the Revised Code with respect to the 36185
child, shall notify the foster caregiver or kinship caregiver of 36186
the date, time, and place of the hearing. At the hearing, the 36187
foster caregiver or kinship caregiver shall have the right to be 36188
heard. 36189

(B) If a public children services agency or private child 36190
placing agency has permanent custody of a child and a petition 36191
to adopt the child has been filed under Chapter 3107. of the 36192
Revised Code, the agency, prior to conducting a review under 36193
section 2151.416 of the Revised Code, or a court, prior to 36194
conducting a hearing under division (F)(2) or (3) of section 36195
2151.412 or section 2151.416 or 2151.417 of the Revised Code, 36196
shall notify the prospective adoptive parent of the date, time, 36197
and place of the review or hearing. At the review or hearing, 36198
the prospective adoptive parent shall have the right to be 36199
heard. 36200

(C) The notice and the opportunity to be heard do not make 36201
the foster caregiver, kinship caregiver, or prospective adoptive 36202
parent a party in the action or proceeding pursuant to which the 36203
review or hearing is conducted. 36204

Sec. 2151.45. As used in sections 2151.45 to 2151.455 of 36205
the Revised Code, "emancipated young adult" and "representative" 36206
have the same meanings as in section ~~5101.141~~ 5180.42 of the 36207

Revised Code. 36208

Sec. 2151.451. (A) The juvenile court of the county, to 36209
which either of the following applies regarding an emancipated 36210
young adult described under division (A)(1) of section ~~5101.1411~~ 36211
5180.428 of the Revised Code, may exercise jurisdiction over the 36212
emancipated young adult for purposes of sections 2151.45 to 36213
2151.455 of the Revised Code: 36214

(1) The county in which the emancipated young adult 36215
resides; 36216

(2) The county in which the emancipated young adult 36217
resided when the custody, arrangement, or care and placement 36218
described in division (A)(3)(a) of section ~~5101.1411~~ 5180.42 of 36219
the Revised Code terminated. 36220

(B) A juvenile court, on its own motion or the motion of 36221
any party, may transfer a proceeding under sections 2151.45 to 36222
2151.455 of the Revised Code to a juvenile court with 36223
jurisdiction as provided in this section. 36224

Sec. 2151.452. A juvenile court shall do both of the 36225
following regarding an emancipated young adult described under 36226
division (A)(1) of section ~~5101.1411~~ 5180.428 of the Revised 36227
Code: 36228

(A) Not later than one hundred eighty days after the 36229
voluntary participation agreement becomes effective, make a 36230
determination as to whether the emancipated young adult's best 36231
interest is served by continuing the care and placement with the 36232
department of children and youth or its representative. 36233

(B) Not later than twelve months after the effective date 36234
of the voluntary participation agreement, and at least once 36235
every twelve months thereafter, make a determination that the 36236

department or its representative has made reasonable efforts to 36237
finalize a permanency plan to prepare the emancipated young 36238
adult for independence. 36239

Sec. 2151.453. If any determination required under section 36240
2151.452 of the Revised Code is not timely made, the federal 36241
payments for foster care under division (A) (1) of section 36242
~~5101.1411~~ 5180.428 of the Revised Code for the emancipated young 36243
adult shall be suspended. The payments shall resume upon a 36244
subsequent determination that reasonable efforts have been made 36245
to prepare the emancipated young adult for independence, but 36246
only if both of the following apply: 36247

(A) The emancipated young adult complies with division (A) 36248
(1) of section ~~5101.1411~~ 5180.428 of the Revised Code. 36249

(B) There has been a timely determination of best interest 36250
under division (A) of section 2151.452 of the Revised Code. 36251

Sec. 2152.26. (A) Except as provided in divisions (B) and 36252
(F) of this section, a child alleged to be or adjudicated a 36253
delinquent child or a juvenile traffic offender may be held only 36254
in the following places: 36255

(1) A certified foster home or a home approved by the 36256
court; 36257

(2) A facility operated by a certified child welfare 36258
agency; 36259

(3) Any other suitable place designated by the court. 36260

(B) In addition to the places listed in division (A) of 36261
this section, a child alleged to be or adjudicated a delinquent 36262
child or a person described in division (C) (7) of section 36263
2152.02 of the Revised Code may be held in a detention facility 36264

for delinquent children that is under the direction or 36265
supervision of the court or other public authority or of a 36266
private agency and approved by the court, and a child 36267
adjudicated a delinquent child may be held in accordance with 36268
division (F) (2) of this section in a facility of a type 36269
specified in that division. 36270

(C) (1) Except as provided under division (C) (1) of section 36271
2151.311 of the Revised Code or division (A) (5) of section 36272
2152.21 of the Revised Code, a child alleged to be or 36273
adjudicated a juvenile traffic offender may not be held in any 36274
of the following facilities: 36275

(a) A state correctional institution, county, multicounty, 36276
or municipal jail or workhouse, or other place in which an adult 36277
convicted of crime, under arrest, or charged with a crime is 36278
held. 36279

(b) A secure correctional facility. 36280

(2) Except as provided under this section, sections 36281
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 36282
2152.21 of the Revised Code, a child alleged to be or 36283
adjudicated a juvenile traffic offender may not be held for more 36284
than twenty-four hours in a detention facility. 36285

(D) Except as provided in division (F) of this section or 36286
in division (C) of section 2151.311, in division (C) (2) of 36287
section 5139.06 and section 5120.162, or in division ~~(B)~~ (C) of 36288
section 5120.16 of the Revised Code, a child who is alleged to 36289
be or is adjudicated a delinquent child or a person described in 36290
division (C) (7) of section 2152.02 of the Revised Code may not 36291
be held in a state correctional institution, county, 36292
multicounty, or municipal jail or workhouse, or other place 36293

where an adult convicted of crime, under arrest, or charged with crime is held.

(E) Unless the detention is pursuant to division (F) of this section or division (C) of section 2151.311, division (C) (2) of section 5139.06 and section 5120.162, or division ~~(B)~~ (C) of section 5120.16 of the Revised Code, the official in charge of the institution, jail, workhouse, or other facility shall inform the court immediately when a person who is or appears to be under the age of eighteen years, or a person who is charged with a violation of an order of a juvenile court or a violation of probation or parole conditions imposed by a juvenile court and who is or appears to be between the ages of eighteen and twenty-one years, is received at the facility and shall deliver the person to the court upon request or transfer the person to a detention facility designated by the court.

(F) (1) If a case is transferred to another court for criminal prosecution pursuant to section 2152.12 of the Revised Code and the alleged offender is a person described in division (C) (7) of section 2152.02 of the Revised Code, the person may not be transferred for detention pending the criminal prosecution in a jail or other facility except under the circumstances described in division (F) (4) of this section. Any child held in accordance with division (F) (3) of this section shall be confined in a manner that keeps the child beyond the sight and sound of all adult detainees. The child shall be supervised at all times during the detention.

(2) If a person is adjudicated a delinquent child or juvenile traffic offender or is a person described in division (C) (7) of section 2152.02 of the Revised Code and the court makes a disposition of the person under this chapter, at any

time after the person attains twenty-one years of age, the 36324
person may be held under that disposition or under the 36325
circumstances described in division (F) (4) of this section in 36326
places other than those specified in division (A) of this 36327
section, including, but not limited to, a county, multicounty, 36328
or municipal jail or workhouse, or other place where an adult 36329
convicted of crime, under arrest, or charged with crime is held. 36330

(3) (a) A person alleged to be a delinquent child may be 36331
held in places other than those specified in division (A) of 36332
this section, including, but not limited to, a county, 36333
multicounty, or municipal jail, if the delinquent act that the 36334
child allegedly committed would be a felony if committed by an 36335
adult, and if either of the following applies: 36336

(i) The person attains twenty-one years of age before the 36337
person is arrested or apprehended for that act. 36338

(ii) The person is arrested or apprehended for that act 36339
before the person attains twenty-one years of age, but the 36340
person attains twenty-one years of age before the court orders a 36341
disposition in the case. 36342

(b) If, pursuant to division (F) (3) (a) of this section, a 36343
person is held in a place other than a place specified in 36344
division (A) of this section, the person has the same rights to 36345
bail as an adult charged with the same offense who is confined 36346
in a jail pending trial. 36347

(4) (a) Any person whose case is transferred for criminal 36348
prosecution pursuant to section 2152.10 or 2152.12 of the 36349
Revised Code or any person who has attained the age of eighteen 36350
years but has not attained the age of twenty-one years and who 36351
is being held in a place specified in division (B) of this 36352

section may be held under that disposition or charge in places 36353
other than those specified in division (B) of this section, 36354
including a county, multicounty, or municipal jail or workhouse, 36355
or other place where an adult under arrest or charged with crime 36356
is held if the juvenile court, upon its own motion or upon 36357
motion by the prosecutor and after notice and hearing, 36358
establishes by a preponderance of the evidence and makes written 36359
findings of either of the following: 36360

(i) With respect to a person whose case is transferred for 36361
criminal prosecution pursuant to either specified section or who 36362
has attained the age of eighteen years but who has not attained 36363
the age of twenty-one years and is being so held, that the youth 36364
is a threat to the safety and security of the facility; 36365

(ii) With respect to a person who has attained the age of 36366
eighteen years but who has not attained the age of twenty-one 36367
years and is being so held, that the best interests of the youth 36368
require that the youth be held in a place other than a place 36369
specified in division (B) of this section, including a county, 36370
multicounty, or municipal jail or workhouse, or other place 36371
where an adult under arrest or charged with crime is held. 36372

(b) In determining for purposes of division (F) (4) (a) (i) 36373
of this section whether a youth is a threat to the safety and 36374
security of the facility, evidence that the youth is a threat to 36375
the safety and security of the facility may include, but is not 36376
limited to, whether the youth has done any of the following: 36377

(i) Injured or created an imminent danger to the life or 36378
health of another youth or staff member in the facility or 36379
program by violent behavior; 36380

(ii) Escaped from the facility or program in which the 36381

youth is being held on more than one occasion; 36382

(iii) Established a pattern of disruptive behavior as 36383
verified by a written record that the youth's behavior is not 36384
conducive to the established policies and procedures of the 36385
facility or program in which the youth is being held. 36386

(c) If a prosecutor submits a motion requesting that a 36387
person be held in a place other than those specified in division 36388
(B) of this section or if the court submits its own motion, the 36389
juvenile court shall hold a hearing within five days of the 36390
filing of the motion, and, in determining whether a place other 36391
than those specified in division (B) of this section is the 36392
appropriate place of confinement for the person, the court shall 36393
consider the following factors: 36394

(i) The age of the person; 36395

(ii) Whether the person would be deprived of contact with 36396
other people for a significant portion of the day or would not 36397
have access to recreational facilities or age-appropriate 36398
educational opportunities in order to provide physical 36399
separation from adults; 36400

(iii) The person's current emotional state, intelligence, 36401
and developmental maturity, including any emotional and 36402
psychological trauma, and the risk to the person in an adult 36403
facility, which may be evidenced by mental health or 36404
psychological assessments or screenings made available to the 36405
prosecuting attorney and the defense counsel; 36406

(iv) Whether detention in a juvenile facility would 36407
adequately serve the need for community protection pending the 36408
outcome of the criminal proceeding; 36409

(v) The relative ability of the available adult and 36410

juvenile detention facilities to meet the needs of the person, 36411
including the person's need for age-appropriate mental health 36412
and educational services delivered by individuals specifically 36413
trained to deal with youth; 36414

(vi) Whether the person presents an imminent risk of self- 36415
inflicted harm or an imminent risk of harm to others within a 36416
juvenile facility; 36417

(vii) Any other factors the juvenile court considers to be 36418
relevant. 36419

(d) If the juvenile court determines that a place other 36420
than those specified in division (B) of this section is the 36421
appropriate place for confinement of a person pursuant to 36422
division (F) (4) (a) of this section, the person may petition the 36423
juvenile court for a review hearing thirty days after the 36424
initial confinement decision, thirty days after any subsequent 36425
review hearing, or at any time after the initial confinement 36426
decision upon an emergency petition by the youth due to the 36427
youth facing an imminent danger from others or the youth's self. 36428
Upon receipt of the petition, the juvenile court has discretion 36429
over whether to conduct the review hearing and may set the 36430
matter for a review hearing if the youth has alleged facts or 36431
circumstances that, if true, would warrant reconsideration of 36432
the youth's placement in a place other than those specified in 36433
division (B) of this section based on the factors listed in 36434
division (F) (4) (c) of this section. 36435

(e) Upon the admission of a person described in division 36436
(F) (4) (a) of this section to a place other than those specified 36437
in division (B) of this section, the facility shall advise the 36438
person of the person's right to request a review hearing as 36439
described in division (F) (4) (d) of this section. 36440

(f) Any person transferred under division (F) (4) (a) of 36441
this section to a place other than those specified in division 36442
(B) of this section shall be confined in a manner that keeps 36443
those under eighteen years of age beyond sight and sound of all 36444
adult detainees. Those under eighteen years of age shall be 36445
supervised at all times during the detention. 36446

(G) (1) If a person who is alleged to be or has been 36447
adjudicated a delinquent child or who is in any other category 36448
of persons identified in this section or section 2151.311 of the 36449
Revised Code is confined under authority of any Revised Code 36450
section in a place other than a place specified in division (B) 36451
of this section, including a county, multicounty, or municipal 36452
jail or workhouse, or other place where an adult under arrest or 36453
charged with crime is held, subject to division (G) (2) of this 36454
section, all identifying information, other than the person's 36455
county of residence, age, gender, and race and the charges 36456
against the person, that relates to the person's admission to 36457
and confinement in that place is not a public record open for 36458
inspection or copying under section 149.43 of the Revised Code 36459
and is confidential and shall not be released to any person 36460
other than to a court, to a law enforcement agency for law 36461
enforcement purposes, or to a person specified by court order. 36462

(2) Division (G) (1) of this section does not apply with 36463
respect to a person whose case is transferred for criminal 36464
prosecution pursuant to section 2152.10 or 2152.12 of the 36465
Revised Code, who is convicted of or pleads guilty to an offense 36466
in that case, who is confined after that conviction or guilty 36467
plea in a place other than a place specified in division (B) of 36468
this section, and to whom one of the following applies: 36469

(a) The case was transferred other than pursuant to 36470

division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code. 36471
36472

(b) The case was transferred pursuant to division (A) (1) 36473
(a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, 36474
and the person is sentenced for the offense pursuant to division 36475
(B) (4) of section 2152.121 of the Revised Code. 36476

(c) The case was transferred pursuant to division (A) (1) 36477
(a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, 36478
the person is sentenced for the offense pursuant to division (B) 36479
(3) of section 2152.121 of the Revised Code by the court in 36480
which the person was convicted of or pleaded guilty to the 36481
offense, and the sentence imposed by that court is invoked 36482
pursuant to division (B) (3) (b) of section 2152.121 of the 36483
Revised Code. 36484

Sec. 2303.12. (A) As used in this section: 36485

(1) "Case file" means the compendium of original documents 36486
filed in a civil, criminal, or probate action or proceeding in 36487
the court of common pleas, including the pleadings, motions, 36488
orders, and judgments of the court on a case by case basis. 36489

(2) "General docket" means the appearance docket, trial 36490
docket, journal, execution docket, and case files in relation to 36491
those dockets and journal. 36492

(B) The clerk of the court of common pleas shall keep 36493
records as indicated by the Rules of Superintendence for the 36494
Courts of Ohio. They shall be called the appearance docket, 36495
trial docket and printed duplicates of the trial docket for the 36496
use of the court and the officers thereof, journal, and 36497
execution docket. The clerk shall also keep a record in book 36498
form or the clerk may prepare a record by using any photostatic, 36499

photographic, miniature photographic, film, microfilm, or 36500
microphotographic process, electrostatic process, perforated 36501
tape, magnetic tape, or other electromagnetic means, electronic 36502
data processing, machine readable media, graphic or video 36503
display, or any combination thereof, which correctly and 36504
accurately copies or reproduces every case file and other 36505
original document, paper, or instrument in writing. The clerk 36506
shall keep an index to the trial docket and to the printed 36507
duplicates of the trial docket and of the journal direct, and to 36508
the appearance docket, record, and execution docket, direct and 36509
reverse. All clerks keeping records and information by the 36510
methods described in this section shall keep and make readily 36511
available to the public the machine and equipment necessary to 36512
reproduce the records and information in a readable form. 36513

(C) The clerk of the court of common pleas shall keep 36514
confidential information that is subject to a real property 36515
confidentiality notice under section 111.431 of the Revised 36516
Code, in accordance with that section. 36517

(D) (1) Subject to division (D) (2) of this section, ~~not the~~ 36518
clerk of court shall do both of the following: 36519

(a) Not later than eighteen months after the effective 36520
~~date of this amendment~~ April 6, 2023, the clerk of court shall 36521
make available online on the clerk of court's web site the 36522
general docket of the court for remote access and printing by 36523
the public of the information in that docket, including all 36524
individual documents in each case file, pertaining to civil 36525
cases filed on or after ~~the effective date of this amendment~~ 36526
April 6, 2023. 36527

(b) Not later than eighteen months after the effective 36528
date of this amendment, the clerk of court shall make available 36529

online on the clerk of court's web site the general docket of 36530
the court for remote access and printing by the public of the 36531
information in that docket, including all individual documents 36532
in each case file, pertaining to criminal and probate cases 36533
filed on or after the effective date of this amendment. 36534

(2) The clerk of court is not required to make available 36535
online under division (D) (1) of this section either of the 36536
following: 36537

(a) The general docket of the division of domestic 36538
relations, or the juvenile court, ~~or the probate court;~~ 36539

(b) If the court does not have a division of domestic 36540
relations, the general docket in civil cases pertaining to 36541
domestic relations. 36542

(E) Nothing in division (D) of this section shall be 36543
construed as making available online any of the following: 36544

(1) Internal documents such as notes, emails, drafts, 36545
recommendations, advice, or research of judicial officers and 36546
court staff; 36547

(2) Any document or any information in a case file the 36548
public access to which the court has ordered restricted under 36549
the Rules of Superintendence for the Courts of Ohio. 36550

Sec. 2303.201. (A) (1) The court of common pleas of any 36551
county may determine that for the efficient operation of the 36552
court additional funds are required to computerize the court, to 36553
make available computerized legal research services, or to do 36554
both. Upon making a determination that additional funds are 36555
required for either or both of those purposes, the court shall 36556
~~authorize~~ do one of the following: 36557

(a) If the court of common pleas of a county has complied 36558
with the requirements in division (D)(1) of section 2303.12 of 36559
the Revised Code, authorize and direct the clerk of the court of 36560
common pleas to charge one additional fee, not to exceed six 36561
dollars, on the filing of each cause of action or appeal under 36562
divisions (A), (Q), and (U) of section 2303.20 of the Revised 36563
Code; 36564

(b) If the court of common pleas of a county has not 36565
complied with the requirements in division (D)(1) of section 36566
2303.12 of the Revised Code, authorize and direct the clerk of 36567
the court of common pleas to charge one additional fee, not to 36568
exceed three dollars, on the filing of each cause of action or 36569
appeal under divisions (A), (Q), and (U) of section 2303.20 of 36570
the Revised Code. 36571

(2) All fees collected under division (A)(1) of this 36572
section shall be paid to the county treasurer. The treasurer 36573
shall place the funds from the fees in a separate fund to be 36574
disbursed either upon an order of the court, subject to an 36575
appropriation by the board of county commissioners, or upon an 36576
order of the court, subject to the court making an annual report 36577
available to the public listing the use of all such funds, in an 36578
amount not greater than the actual cost to the court of 36579
procuring and maintaining computerization of the court, 36580
computerized legal research services, or both. 36581

(3) If the court determines that the funds in the fund 36582
described in division (A)(2) of this section are more than 36583
sufficient to satisfy the purpose for which the additional fee 36584
described in division (A)(1) of this section was imposed, the 36585
court may declare a surplus in the fund and, subject to an 36586
appropriation by the board of county commissioners, expend those 36587

surplus funds, or upon an order of the court, subject to the 36588
court making an annual report available to the public listing 36589
the use of all such funds, expend those surplus funds, for other 36590
appropriate technological expenses of the court. 36591

(B) (1) (a) Except as provided in division (B) (1) (b) of this 36592
section, the clerk of the court of common pleas of any county 36593
may determine that, for the efficient operation of the office of 36594
the clerk of the court of common pleas, additional funds are 36595
required to make technological advances in or to computerize the 36596
office of the clerk of the court of common pleas ~~and, upon~~ . 36597
Upon making that determination, authorize the court shall do one 36598
of the following: 36599

(i) If the court of common pleas of a county has complied 36600
with the requirements in division (D) (1) of section 2303.12 of 36601
the Revised Code, authorize and direct that an additional fee, 36602
not to exceed twenty dollars, on the filing of each cause of 36603
action or appeal, on the filing, docketing, and endorsing of 36604
each certificate of judgment, or on the docketing and indexing 36605
of each aid in execution or petition to vacate, revive, or 36606
modify a judgment under divisions (A), (P), (Q), (T), and (U) of 36607
section 2303.20 of the Revised Code and not to exceed one dollar 36608
each for the services described in divisions (B), (C), (D), (F), 36609
(H), and (L) of section 2303.20 of the Revised Code, be charged; 36610

(ii) If the court of common pleas of a county has not 36611
complied with the requirements in division (D) (1) of section 36612
2303.12 of the Revised Code, authorize and direct that an 36613
additional fee, not to exceed ten dollars, on the filing of each 36614
cause of action or appeal, on the filing, docketing, and 36615
endorsing of each certificate of judgment, or on the docketing 36616
and indexing of each aid in execution or petition to vacate, 36617

revive, or modify a judgment under divisions (A), (P), (Q), (T), 36618
and (U) of section 2303.20 of the Revised Code and not to exceed 36619
fifty cents each for the services described in divisions (B), 36620
(C), (D), (F), (H), and (L) of section 2303.20 of the Revised 36621
Code, be charged. 36622

(b) In a county in which the clerk of the court of common 36623
pleas is appointed, the court may make the determination 36624
described in division (B)(1)(a) of this section and, upon that 36625
determination, may include such a computerization fee in the 36626
schedule of fees and costs. 36627

(2) Subject to division (B)(3) of this section, all moneys 36628
collected under division (B)(1)(a) of this section shall be paid 36629
to the county treasurer to be disbursed, subject to an 36630
appropriation made by the board of county commissioners, in an 36631
amount no greater than the actual cost to the court of procuring 36632
and maintaining technology and computer systems for the office 36633
of the clerk of the court of common pleas. 36634

(3) If the court or the clerk of the court of common pleas 36635
of a county makes the determination described in division (B)(1) 36636
(a) of this section, the board of county commissioners of that 36637
county may issue one or more general obligation bonds for the 36638
purpose of procuring and maintaining the technology and computer 36639
systems for the office of the clerk of the court of common 36640
pleas. In addition to the purposes stated in division (B)(1)(a) 36641
of this section for which the moneys collected under that 36642
division may be expended, the moneys additionally may be 36643
expended to pay debt charges on and financing costs related to 36644
any general obligation bonds issued pursuant to division (B)(3) 36645
of this section as they become due. General obligation bonds 36646
issued pursuant to division (B)(3) of this section are Chapter 36647

133. securities. 36648

(C) The court of common pleas shall collect the sum of 36649
twenty-six dollars as additional filing fees in each new civil 36650
action or proceeding for the charitable public purpose of 36651
providing financial assistance to legal aid societies that 36652
operate within the state and to support the office of the state 36653
public defender. This division does not apply to a juvenile 36654
division of a court of common pleas, except that an additional 36655
filing fee of fifteen dollars shall apply to custody, 36656
visitation, and parentage actions; to a probate division of a 36657
court of common pleas, except that the additional filing fees 36658
shall apply to name change, guardianship, adoption, and 36659
decedents' estate proceedings; or to an execution on a judgment, 36660
proceeding in aid of execution, or other post-judgment 36661
proceeding arising out of a civil action. The filing fees 36662
required to be collected under this division shall be in 36663
addition to any other filing fees imposed in the action or 36664
proceeding and shall be collected at the time of the filing of 36665
the action or proceeding. The court shall not waive the payment 36666
of the additional filing fees in a new civil action or 36667
proceeding unless the court waives the advanced payment of all 36668
filing fees in the action or proceeding. All such moneys 36669
collected during a month except for an amount equal to up to one 36670
per cent of those moneys retained to cover administrative costs 36671
shall be transmitted on or before the twentieth day of the 36672
following month by the clerk of the court to the treasurer of 36673
state in a manner prescribed by the treasurer of state or by the 36674
Ohio access to justice foundation. The treasurer of state shall 36675
deposit four per cent of the funds collected under this division 36676
to the credit of the civil case filing fee fund established 36677
under section 120.07 of the Revised Code and ninety-six per cent 36678

of the funds collected under this division to the credit of the 36679
legal aid fund established under section 120.52 of the Revised 36680
Code. 36681

The court may retain up to one per cent of the moneys it 36682
collects under this division to cover administrative costs, 36683
including the hiring of any additional personnel necessary to 36684
implement this division. If the court fails to transmit to the 36685
treasurer of state the moneys the court collects under this 36686
division in a manner prescribed by the treasurer of state or by 36687
the Ohio access to justice foundation, the court shall forfeit 36688
the moneys the court retains under this division to cover 36689
administrative costs, including the hiring of any additional 36690
personnel necessary to implement this division, and shall 36691
transmit to the treasurer of state all moneys collected under 36692
this division, including the forfeited amount retained for 36693
administrative costs, for deposit in the legal aid fund. 36694

(D) On and after the thirtieth day after December 9, 1994, 36695
the court of common pleas shall collect the sum of thirty-two 36696
dollars as additional filing fees in each new action or 36697
proceeding for annulment, divorce, or dissolution of marriage 36698
for the purpose of funding shelters for victims of domestic 36699
violence pursuant to sections 3113.35 to 3113.39 of the Revised 36700
Code. The filing fees required to be collected under this 36701
division shall be in addition to any other filing fees imposed 36702
in the action or proceeding and shall be collected at the time 36703
of the filing of the action or proceeding. The court shall not 36704
waive the payment of the additional filing fees in a new action 36705
or proceeding for annulment, divorce, or dissolution of marriage 36706
unless the court waives the advanced payment of all filing fees 36707
in the action or proceeding. On or before the twentieth day of 36708
each month, all moneys collected during the immediately 36709

preceding month pursuant to this division shall be deposited by 36710
the clerk of the court into the county treasury in the special 36711
fund used for deposit of additional marriage license fees as 36712
described in section 3113.34 of the Revised Code. Upon their 36713
deposit into the fund, the moneys shall be retained in the fund 36714
and expended only as described in section 3113.34 of the Revised 36715
Code. 36716

(E) (1) The court of common pleas may determine that, for 36717
the efficient operation of the court, additional funds are 36718
necessary to acquire and pay for special projects of the court, 36719
including, but not limited to, the acquisition of additional 36720
facilities or the rehabilitation of existing facilities, the 36721
acquisition of equipment, the hiring and training of staff, 36722
community service programs, mediation or dispute resolution 36723
services, the employment of magistrates, the training and 36724
education of judges, acting judges, and magistrates, and other 36725
related services. Upon that determination, the court by rule may 36726
charge a fee, in addition to all other court costs, on the 36727
filing of each criminal cause, civil action or proceeding, or 36728
judgment by confession. 36729

If the court of common pleas offers or requires a special 36730
program or additional services in cases of a specific type, the 36731
court by rule may assess an additional charge in a case of that 36732
type, over and above court costs, to cover the special program 36733
or service. The court shall adjust the special assessment 36734
periodically, but not retroactively, so that the amount assessed 36735
in those cases does not exceed the actual cost of providing the 36736
service or program. 36737

All moneys collected under division (E) of this section 36738
shall be paid to the county treasurer for deposit into either a 36739

general special projects fund or a fund established for a 36740
specific special project. Moneys from a fund of that nature 36741
shall be disbursed upon an order of the court, subject to an 36742
appropriation by the board of county commissioners, in an amount 36743
no greater than the actual cost to the court of a project. If a 36744
specific fund is terminated because of the discontinuance of a 36745
program or service established under division (E) of this 36746
section, the court may order, subject to an appropriation by the 36747
board of county commissioners, that moneys remaining in the fund 36748
be transferred to an account established under this division for 36749
a similar purpose. 36750

(2) As used in division (E) of this section: 36751

(a) "Criminal cause" means a charge alleging the violation 36752
of a statute or ordinance, or subsection of a statute or 36753
ordinance, that requires a separate finding of fact or a 36754
separate plea before disposition and of which the defendant may 36755
be found guilty, whether filed as part of a multiple charge on a 36756
single summons, citation, or complaint or as a separate charge 36757
on a single summons, citation, or complaint. "Criminal cause" 36758
does not include separate violations of the same statute or 36759
ordinance, or subsection of the same statute or ordinance, 36760
unless each charge is filed on a separate summons, citation, or 36761
complaint. 36762

(b) "Civil action or proceeding" means any civil 36763
litigation that must be determined by judgment entry. 36764

Sec. 2303.26. The clerk of the court of common pleas shall 36765
exercise the powers conferred and perform the duties enjoined 36766
upon the clerk by statute and by the common law; and in the 36767
performance of official duties the clerk shall be under the 36768
direction of the court. The clerk shall not restrict, prohibit, 36769

or otherwise modify the rights of parties to seek service on 36770
party defendants allowed by the Rules of Civil Procedure, either 36771
singularly or concurrently. 36772

In furtherance of the performance of the duties enjoined 36773
upon the clerk by statute, common law, and the Rules of 36774
Superintendence for the Courts of Ohio, the clerk of the court 36775
of common pleas shall be responsible for determining the best 36776
means and methods for storing, maintaining, and retrieving all 36777
papers delivered to the clerk, whether delivered in writing or 36778
in electronic form, in compliance with Rule 26 of the Rules of 36779
Superintendence for the Courts of Ohio. Once determined by the 36780
clerk of court of common pleas, the clerk shall be responsible 36781
for implementing the means and methods for storage, maintenance, 36782
and retrieval. 36783

Sec. 2307.66. (A) A victim of a violation of section 36784
2917.211 of the Revised Code has and may commence a civil cause 36785
of action against the offender for any of the following, in 36786
addition to reasonable attorney's fees and the costs of bringing 36787
the civil action: 36788

(1) An injunction or a temporary restraining order 36789
prohibiting further dissemination of the image that is the 36790
subject of the violation; 36791

(2) Compensatory and punitive damages for harm resulting 36792
from the violation. 36793

(B) The victim shall be presumed to have suffered harm as 36794
a result of the nonconsensual dissemination of private sexual 36795
images or the nonconsensual dissemination of fabricated sexual 36796
images. 36797

(C) A civil action brought under division (A) of this 36798

section shall be brought within four years after the victim 36799
discovers the private sexual image or fabricated sexual image. 36800

(D) The cause of action created by this section is in 36801
addition to any other cause of action available under statutory 36802
or common law. 36803

~~(D)~~ (E) As used in this section, "victim" has the same 36804
meaning as in section 2930.01 of the Revised Code. 36805

(F) "Fabricated sexual image" means a created, adapted, or 36806
modified image that depicts another person, the other person is 36807
recognizable in the image by the other person's face, likeness, 36808
or other distinguishing characteristic, and the other person 36809
depicted in the image is in a state of nudity or is engaged in a 36810
sexual act. 36811

Sec. 2329.66. (A) Every person who is domiciled in this 36812
state may hold property exempt from execution, garnishment, 36813
attachment, or sale to satisfy a judgment or order, as follows: 36814

(1) (a) In the case of a judgment or order regarding money 36815
owed for health care services rendered or health care supplies 36816
provided to the person or a dependent of the person, one parcel 36817
or item of real or personal property that the person or a 36818
dependent of the person uses as a residence. Division (A) (1) (a) 36819
of this section does not preclude, affect, or invalidate the 36820
creation under this chapter of a judgment lien upon the exempted 36821
property but only delays the enforcement of the lien until the 36822
property is sold or otherwise transferred by the owner or in 36823
accordance with other applicable laws to a person or entity 36824
other than the surviving spouse or surviving minor children of 36825
the judgment debtor. Every person who is domiciled in this state 36826
may hold exempt from a judgment lien created pursuant to 36827

division (A) (1) (a) of this section the person's interest, not to 36828
exceed one hundred twenty-five thousand dollars, in the exempted 36829
property. 36830

(b) In the case of all other judgments and orders, the 36831
person's interest, not to exceed one hundred twenty-five 36832
thousand dollars, in one parcel or item of real or personal 36833
property that the person or a dependent of the person uses as a 36834
residence. 36835

(c) For purposes of divisions (A) (1) (a) and (b) of this 36836
section, "parcel" means a tract of real property as identified 36837
on the records of the auditor of the county in which the real 36838
property is located. 36839

(2) The person's interest, not to exceed three thousand 36840
two hundred twenty-five dollars, in one motor vehicle; 36841

(3) The person's interest, not to exceed four hundred 36842
dollars, in cash on hand, money due and payable, money to become 36843
due within ninety days, tax refunds, and money on deposit with a 36844
bank, savings and loan association, credit union, public 36845
utility, landlord, or other person, other than personal 36846
earnings. 36847

(4) (a) The person's interest, not to exceed five hundred 36848
twenty-five dollars in any particular item or ten thousand seven 36849
hundred seventy-five dollars in aggregate value, in household 36850
furnishings, household goods, wearing apparel, appliances, 36851
books, animals, crops, musical instruments, firearms, and 36852
hunting and fishing equipment that are held primarily for the 36853
personal, family, or household use of the person; 36854

(b) The person's aggregate interest in one or more items 36855
of jewelry, not to exceed one thousand three hundred fifty 36856

dollars, held primarily for the personal, family, or household 36857
use of the person or any of the person's dependents. 36858

(5) The person's interest, not to exceed an aggregate of 36859
two thousand twenty-five dollars, in all implements, 36860
professional books, or tools of the person's profession, trade, 36861
or business, including agriculture; 36862

(6) (a) The person's interest in a beneficiary fund set 36863
apart, appropriated, or paid by a benevolent association or 36864
society, as exempted by section 2329.63 of the Revised Code; 36865

(b) The person's interest in contracts of life or 36866
endowment insurance or annuities, as exempted by section 3911.10 36867
of the Revised Code; 36868

(c) The person's interest in a policy of group insurance 36869
or the proceeds of a policy of group insurance, as exempted by 36870
section 3917.05 of the Revised Code; 36871

(d) The person's interest in money, benefits, charity, 36872
relief, or aid to be paid, provided, or rendered by a fraternal 36873
benefit society, as exempted by section 3921.18 of the Revised 36874
Code; 36875

(e) The person's interest in the portion of benefits under 36876
policies of sickness and accident insurance and in lump sum 36877
payments for dismemberment and other losses insured under those 36878
policies, as exempted by section 3923.19 of the Revised Code. 36879

(7) The person's professionally prescribed or medically 36880
necessary health aids; 36881

(8) The person's interest in a burial lot, including, but 36882
not limited to, exemptions under section 517.09 or 1721.07 of 36883
the Revised Code; 36884

(9) The person's interest in the following: 36885

(a) Moneys paid or payable for maintenance or rights, as 36886
exempted by section 3304.19 of the Revised Code; 36887

(b) Workers' compensation, as exempted by section 4123.67 36888
of the Revised Code; 36889

(c) Unemployment compensation benefits, as exempted by 36890
section 4141.32 of the Revised Code; 36891

(d) Cash assistance payments under the Ohio works first 36892
program, as exempted by section 5107.75 of the Revised Code; 36893

(e) Benefits and services under the prevention, retention, 36894
and contingency program, as exempted by section 5108.08 of the 36895
Revised Code; 36896

(f) Payments under section 24 or 32 of the "Internal 36897
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 36898

(10) (a) Except in cases in which the person was convicted 36899
of or pleaded guilty to a violation of section 2921.41 of the 36900
Revised Code and in which an order for the withholding of 36901
restitution from payments was issued under division (C) (2) (b) of 36902
that section, in cases in which an order for withholding was 36903
issued under section 2907.15 of the Revised Code, in cases in 36904
which an order for forfeiture was issued under division (A) or 36905
(B) of section 2929.192 of the Revised Code, and in cases in 36906
which an order was issued under section 2929.193 or 2929.194 of 36907
the Revised Code, and only to the extent provided in the order, 36908
and except as provided in sections 3105.171, 3105.63, 3119.80, 36909
3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the 36910
person's rights to or interests in a pension, benefit, annuity, 36911
retirement allowance, or accumulated contributions, the person's 36912
rights to or interests in a participant account in any deferred 36913

compensation program offered by the ~~Ohio~~ public employees 36914
~~deferred compensation retirement~~ board, a government unit, or a 36915
municipal corporation, or the person's other accrued or accruing 36916
rights or interests, as exempted by section 143.11, 145.56, 36917
146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the 36918
Revised Code, and the person's rights to or interests in 36919
benefits from the Ohio public safety officers death benefit 36920
fund; 36921

(b) Except as provided in sections 3119.80, 3119.81, 36922
3121.02, 3121.03, and 3123.06 of the Revised Code, the person's 36923
rights to receive or interests in receiving a payment or other 36924
benefits under any pension, annuity, or similar plan or 36925
contract, not including a payment or benefit from a stock bonus 36926
or profit-sharing plan or a payment included in division (A) (6) 36927
(b) or (10) (a) of this section, on account of illness, 36928
disability, death, age, or length of service, to the extent 36929
reasonably necessary for the support of the person and any of 36930
the person's dependents, except if all the following apply: 36931

(i) The plan or contract was established by or under the 36932
auspices of an insider that employed the person at the time the 36933
person's rights or interests under the plan or contract arose. 36934

(ii) The payment is on account of age or length of 36935
service. 36936

(iii) The plan or contract is not qualified under the 36937
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 36938
amended. 36939

(c) Except for any portion of the assets that were 36940
deposited for the purpose of evading the payment of any debt and 36941
except as provided in sections 3119.80, 3119.81, 3121.02, 36942

3121.03, and 3123.06 of the Revised Code, the person's rights or 36943
interests in the assets held in, or to directly or indirectly 36944
receive any payment or benefit under, any individual retirement 36945
account, individual retirement annuity, "Roth IRA," account 36946
opened pursuant to a program administered by a state under 36947
section 529 or 529A of the "Internal Revenue Code of 1986," 100 36948
Stat. 2085, 26 U.S.C. 1, as amended, or education individual 36949
retirement account that provides payments or benefits by reason 36950
of illness, disability, death, retirement, or age or provides 36951
payments or benefits for purposes of education or qualified 36952
disability expenses, to the extent that the assets, payments, or 36953
benefits described in division (A)(10)(c) of this section are 36954
attributable to or derived from any of the following or from any 36955
earnings, dividends, interest, appreciation, or gains on any of 36956
the following: 36957

(i) Contributions of the person that were less than or 36958
equal to the applicable limits on deductible contributions to an 36959
individual retirement account or individual retirement annuity 36960
in the year that the contributions were made, whether or not the 36961
person was eligible to deduct the contributions on the person's 36962
federal tax return for the year in which the contributions were 36963
made; 36964

(ii) Contributions of the person that were less than or 36965
equal to the applicable limits on contributions to a Roth IRA or 36966
education individual retirement account in the year that the 36967
contributions were made; 36968

(iii) Contributions of the person that are within the 36969
applicable limits on rollover contributions under subsections 36970
219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3) 36971
(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 36972

1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended; 36973

(iv) Contributions by any person into any plan, fund, or 36974
account that is formed, created, or administered pursuant to, or 36975
is otherwise subject to, section 529 or 529A of the "Internal 36976
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 36977

(d) Except for any portion of the assets that were 36978
deposited for the purpose of evading the payment of any debt and 36979
except as provided in sections 3119.80, 3119.81, 3121.02, 36980
3121.03, and 3123.06 of the Revised Code, the person's rights or 36981
interests in the assets held in, or to receive any payment 36982
under, any Keogh or "H.R. 10" plan that provides benefits by 36983
reason of illness, disability, death, retirement, or age, to the 36984
extent reasonably necessary for the support of the person and 36985
any of the person's dependents. 36986

(e) The person's rights to or interests in any assets held 36987
in, or to directly or indirectly receive any payment or benefit 36988
under, any individual retirement account, individual retirement 36989
annuity, "Roth IRA," account opened pursuant to a program 36990
administered by a state under section 529 or 529A of the 36991
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 36992
amended, or education individual retirement account that a 36993
decedent, upon or by reason of the decedent's death, directly or 36994
indirectly left to or for the benefit of the person, either 36995
outright or in trust or otherwise, including, but not limited 36996
to, any of those rights or interests in assets or to receive 36997
payments or benefits that were transferred, conveyed, or 36998
otherwise transmitted by the decedent by means of a will, trust, 36999
exercise of a power of appointment, beneficiary designation, 37000
transfer or payment on death designation, or any other method or 37001
procedure. 37002

(f) The exemptions under divisions (A)(10)(a) to (e) of 37003
this section also shall apply or otherwise be available to an 37004
alternate payee under a qualified domestic relations order 37005
(QDRO) or other similar court order. 37006

(g) A person's interest in any plan, program, instrument, 37007
or device described in divisions (A)(10)(a) to (e) of this 37008
section shall be considered an exempt interest even if the plan, 37009
program, instrument, or device in question, due to an error made 37010
in good faith, failed to satisfy any criteria applicable to that 37011
plan, program, instrument, or device under the "Internal Revenue 37012
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 37013

(11) The person's right to receive spousal support, child 37014
support, an allowance, or other maintenance to the extent 37015
reasonably necessary for the support of the person and any of 37016
the person's dependents; 37017

(12) The person's right to receive, or moneys received 37018
during the preceding twelve calendar months from, any of the 37019
following: 37020

(a) An award of reparations under sections 2743.51 to 37021
2743.72 of the Revised Code, to the extent exempted by division 37022
(D) of section 2743.66 of the Revised Code; 37023

(b) A payment on account of the wrongful death of an 37024
individual of whom the person was a dependent on the date of the 37025
individual's death, to the extent reasonably necessary for the 37026
support of the person and any of the person's dependents; 37027

(c) Except in cases in which the person who receives the 37028
payment is an inmate, as defined in section 2969.21 of the 37029
Revised Code, and in which the payment resulted from a civil 37030
action or appeal against a government entity or employee, as 37031

defined in section 2969.21 of the Revised Code, a payment, not 37032
to exceed twenty thousand two hundred dollars, on account of 37033
personal bodily injury, not including pain and suffering or 37034
compensation for actual pecuniary loss, of the person or an 37035
individual for whom the person is a dependent; 37036

(d) A payment in compensation for loss of future earnings 37037
of the person or an individual of whom the person is or was a 37038
dependent, to the extent reasonably necessary for the support of 37039
the debtor and any of the debtor's dependents. 37040

(13) Except as provided in sections 3119.80, 3119.81, 37041
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 37042
earnings of the person owed to the person for services in an 37043
amount equal to the greater of the following amounts: 37044

(a) If paid weekly, thirty times the current federal 37045
minimum hourly wage; if paid biweekly, sixty times the current 37046
federal minimum hourly wage; if paid semimonthly, sixty-five 37047
times the current federal minimum hourly wage; or if paid 37048
monthly, one hundred thirty times the current federal minimum 37049
hourly wage that is in effect at the time the earnings are 37050
payable, as prescribed by the "Fair Labor Standards Act of 37051
1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended; 37052

(b) Seventy-five per cent of the disposable earnings owed 37053
to the person. 37054

(14) The person's right in specific partnership property, 37055
as exempted by the person's rights in a partnership pursuant to 37056
section 1776.50 of the Revised Code, except as otherwise set 37057
forth in section 1776.50 of the Revised Code; 37058

(15) A seal and official register of a notary public, as 37059
exempted by section 147.04 of the Revised Code; 37060

(16) The person's interest in a tuition unit or a payment
under section 3334.09 of the Revised Code pursuant to a tuition
payment contract, as exempted by section 3334.15 of the Revised
Code;

(17) Any other property that is specifically exempted from
execution, attachment, garnishment, or sale by federal statutes
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549,
11 U.S.C.A. 101, as amended;

(18) The person's aggregate interest in any property, not
to exceed one thousand seventy-five dollars, except that
division (A)(18) of this section applies only in bankruptcy
proceedings.

(B) On April 1, 2010, and on the first day of April in
each third calendar year after 2010, the Ohio judicial
conference shall adjust each dollar amount set forth in this
section to reflect any increase in the consumer price index for
all urban consumers, as published by the United States
department of labor, or, if that index is no longer published, a
generally available comparable index, for the three-year period
ending on the thirty-first day of December of the preceding
year. Any adjustments required by this division shall be rounded
to the nearest twenty-five dollars.

The Ohio judicial conference shall prepare a memorandum
specifying the adjusted dollar amounts. The judicial conference
shall transmit the memorandum to the director of the legislative
service commission, and the director shall publish the
memorandum in the register of Ohio. (Publication of the
memorandum in the register of Ohio shall continue until the next
memorandum specifying an adjustment is so published.) The
judicial conference also may publish the memorandum in any other

manner it concludes will be reasonably likely to inform persons 37091
who are affected by its adjustment of the dollar amounts. 37092

(C) As used in this section: 37093

(1) "Disposable earnings" means net earnings after the 37094
garnishee has made deductions required by law, excluding the 37095
deductions ordered pursuant to section 3119.80, 3119.81, 37096
3121.02, 3121.03, or 3123.06 of the Revised Code. 37097

(2) "Insider" means: 37098

(a) If the person who claims an exemption is an 37099
individual, a relative of the individual, a relative of a 37100
general partner of the individual, a partnership in which the 37101
individual is a general partner, a general partner of the 37102
individual, or a corporation of which the individual is a 37103
director, officer, or in control; 37104

(b) If the person who claims an exemption is a 37105
corporation, a director or officer of the corporation; a person 37106
in control of the corporation; a partnership in which the 37107
corporation is a general partner; a general partner of the 37108
corporation; or a relative of a general partner, director, 37109
officer, or person in control of the corporation; 37110

(c) If the person who claims an exemption is a 37111
partnership, a general partner in the partnership; a general 37112
partner of the partnership; a person in control of the 37113
partnership; a partnership in which the partnership is a general 37114
partner; or a relative in, a general partner of, or a person in 37115
control of the partnership; 37116

(d) An entity or person to which or whom any of the 37117
following applies: 37118

(i) The entity directly or indirectly owns, controls, or 37119
holds with power to vote, twenty per cent or more of the 37120
outstanding voting securities of the person who claims an 37121
exemption, unless the entity holds the securities in a fiduciary 37122
or agency capacity without sole discretionary power to vote the 37123
securities or holds the securities solely to secure to debt and 37124
the entity has not in fact exercised the power to vote. 37125

(ii) The entity is a corporation, twenty per cent or more 37126
of whose outstanding voting securities are directly or 37127
indirectly owned, controlled, or held with power to vote, by the 37128
person who claims an exemption or by an entity to which division 37129
(C) (2) (d) (i) of this section applies. 37130

(iii) A person whose business is operated under a lease or 37131
operating agreement by the person who claims an exemption, or a 37132
person substantially all of whose business is operated under an 37133
operating agreement with the person who claims an exemption. 37134

(iv) The entity operates the business or all or 37135
substantially all of the property of the person who claims an 37136
exemption under a lease or operating agreement. 37137

(e) An insider, as otherwise defined in this section, of a 37138
person or entity to which division (C) (2) (d) (i), (ii), (iii), or 37139
(iv) of this section applies, as if the person or entity were a 37140
person who claims an exemption; 37141

(f) A managing agent of the person who claims an 37142
exemption. 37143

(3) "Participant account" has the same meaning as in 37144
section 148.01 of the Revised Code. 37145

(4) "Government unit" has the same meaning as in section 37146
148.06 of the Revised Code. 37147

(D) For purposes of this section, "interest" shall be 37148
determined as follows: 37149

(1) In bankruptcy proceedings, as of the date a petition 37150
is filed with the bankruptcy court commencing a case under Title 37151
11 of the United States Code; 37152

(2) In all cases other than bankruptcy proceedings, as of 37153
the date of an appraisal, if necessary under section 2329.68 of 37154
the Revised Code, or the issuance of a writ of execution. 37155

An interest, as determined under division (D) (1) or (2) of 37156
this section, shall not include the amount of any lien otherwise 37157
valid pursuant to section 2329.661 of the Revised Code. 37158

Sec. 2743.03. (A) (1) There is hereby created a court of 37159
claims. Except as provided under section 107.43 of the Revised 37160
Code, the court of claims is a court of record and has 37161
exclusive, original jurisdiction of all civil actions against 37162
the state permitted by the waiver of immunity contained in 37163
section 2743.02 of the Revised Code and exclusive jurisdiction 37164
of the causes of action of all parties in civil actions that are 37165
removed to the court of claims. The court shall have full equity 37166
powers in all actions within its jurisdiction and may entertain 37167
and determine all counterclaims, cross-claims, and third-party 37168
claims. 37169

(2) If the claimant in a civil action as described in 37170
division (A) (1) of this section also files a claim for a 37171
declaratory judgment, injunctive relief, or other equitable 37172
relief against the state that arises out of the same 37173
circumstances that gave rise to the civil action described in 37174
division (A) (1) of this section, the court of claims has 37175
exclusive, original jurisdiction to hear and determine that 37176

claim in that civil action. This division does not affect, and 37177
shall not be construed as affecting, the original jurisdiction 37178
of another court of this state to hear and determine a civil 37179
action in which the sole relief that the claimant seeks against 37180
the state is a declaratory judgment, injunctive relief, or other 37181
equitable relief. 37182

(3) In addition to its exclusive, original jurisdiction as 37183
conferred by divisions (A) (1) and (2) of this section, the court 37184
of claims has exclusive, original jurisdiction as follows: 37185

(a) As described in division (F) of section 2743.02, 37186
division (B) of section 3335.03, and division (C) of section 37187
5903.02 of the Revised Code; 37188

(b) Under section 2743.75 of the Revised Code to hear 37189
complaints alleging a denial of access to public records in 37190
violation of division (B) of section 149.43 of the Revised Code, 37191
regardless of whether the public office or person responsible 37192
for public records is an office or employee of the state or of a 37193
political subdivision; 37194

(c) Under section 118.29 of the Revised Code to appoint a 37195
receiver. 37196

(B) The court of claims shall sit in Franklin county, its 37197
hearings shall be public, and it shall consist of incumbent 37198
justices or judges of the supreme court, courts of appeals, or 37199
courts of common pleas, or retired justices or judges eligible 37200
for active duty pursuant to division (C) of Section 6 of Article 37201
IV, Ohio Constitution, sitting by temporary assignment of the 37202
chief justice of the supreme court. The chief justice may direct 37203
the court to sit in any county for cases on removal upon a 37204
showing of substantial hardship and whenever justice dictates. 37205

(C) (1) A civil action against the state shall be heard and 37206
determined by a single judge. Upon application by the claimant 37207
or the state, the chief justice of the supreme court may assign 37208
a panel of three judges to hear and determine a civil action 37209
presenting novel or complex issues of law or fact. Concurrence 37210
of two members of the panel is necessary for any judgment or 37211
order. 37212

(2) Whenever the chief justice of the supreme court 37213
believes an equitable resolution of a case will be expedited, 37214
the chief justice may appoint magistrates in accordance with 37215
Civil Rule 53 to hear the case. 37216

(3) When any dispute under division (B) of section 153.12 37217
of the Revised Code is brought to the court of claims, upon 37218
request of either party to the dispute, the chief justice of the 37219
supreme court shall appoint a single referee or a panel of three 37220
referees. The referees need not be attorneys, but shall be 37221
persons knowledgeable about construction contract law, a member 37222
of the construction industry panel of the American arbitration 37223
association, or an individual or individuals deemed qualified by 37224
the chief justice to serve. No person shall serve as a referee 37225
if that person has been employed by an affected state agency or 37226
a contractor or subcontractor involved in the dispute at any 37227
time in the preceding five years. Proceedings governing referees 37228
shall be in accordance with Civil Rule 53, except as modified by 37229
this division. The referee or panel of referees shall submit its 37230
report, which shall include a recommendation and finding of 37231
fact, to the judge assigned to the case by the chief justice, 37232
within thirty days of the conclusion of the hearings. Referees 37233
appointed pursuant to this division shall be compensated on a 37234
per diem basis at the same rate as is paid to judges of the 37235
court and also shall be paid their expenses. If a single referee 37236

is appointed or a panel of three referees is appointed, then, 37237
with respect to one referee of the panel, the compensation and 37238
expenses of the referee shall not be taxed as part of the costs 37239
in the case but shall be included in the budget of the court. If 37240
a panel of three referees is appointed, the compensation and 37241
expenses of the two remaining referees shall be taxed as costs 37242
of the case. 37243

All costs of a case shall be apportioned among the 37244
parties. The court may not require that any party deposit with 37245
the court cash, bonds, or other security in excess of two 37246
hundred dollars to guarantee payment of costs without the prior 37247
approval in each case of the chief justice. 37248

(4) An appeal from a decision of the attorney general 37249
pursuant to sections 2743.51 to 2743.72 of the Revised Code 37250
shall be heard and determined by the court of claims. 37251

(D) The Rules of Civil Procedure shall govern practice and 37252
procedure in all actions in the court of claims, except insofar 37253
as inconsistent with this chapter. The supreme court may 37254
promulgate rules governing practice and procedure in actions in 37255
the court as provided in Section 5 of Article IV, Ohio 37256
Constitution. 37257

(E) (1) A party who files a counterclaim against the state 37258
or makes the state a third-party defendant in an action 37259
commenced in any court, other than the court of claims, shall 37260
file a petition for removal in the court of claims. The petition 37261
shall state the basis for removal, be accompanied by a copy of 37262
all process, pleadings, and other papers served upon the 37263
petitioner, and shall be signed in accordance with Civil Rule 37264
11. A petition for removal based on a counterclaim shall be 37265
filed within twenty-eight days after service of the counterclaim 37266

of the petitioner. A petition for removal based on third-party 37267
practice shall be filed within twenty-eight days after the 37268
filing of the third-party complaint of the petitioner. 37269

(2) Within seven days after filing a petition for removal, 37270
the petitioner shall give written notice to the parties, and 37271
shall file a copy of the petition with the clerk of the court in 37272
which the action was brought originally. The filing effects the 37273
removal of the action to the court of claims, and the clerk of 37274
the court where the action was brought shall forward all papers 37275
in the case to the court of claims. The court of claims shall 37276
adjudicate all civil actions removed. The court may remand a 37277
civil action to the court in which it originated upon a finding 37278
that the removal petition does not justify removal, or upon a 37279
finding that the state is no longer a party. 37280

(3) Bonds, undertakings, or security and injunctions, 37281
attachments, sequestrations, or other orders issued prior to 37282
removal remain in effect until dissolved or modified by the 37283
court of claims. 37284

Sec. 2907.15. (A) As used in this section: 37285

(1) "Public retirement system" means the public employees 37286
retirement system, state teachers retirement system, school 37287
employees retirement system, Ohio police and fire pension fund, 37288
state highway patrol retirement system, or a municipal 37289
retirement system of a municipal corporation of this state. 37290

(2) "Government deferred compensation program" means such 37291
a program offered by the ~~Ohio~~ public employees ~~deferred~~ 37292
~~compensation~~ retirement board; a municipal corporation; or a 37293
~~governmental~~ government unit, as defined in section 148.06 of 37294
the Revised Code. 37295

(3) "Deferred compensation program participant" means a 37296
"participating employee" or "continuing member," as defined in 37297
section 148.01 of the Revised Code, or any other public employee 37298
who has funds in a government deferred compensation program. 37299

(4) "Alternative retirement plan" means an alternative 37300
retirement plan provided pursuant to Chapter 3305. of the 37301
Revised Code. 37302

(5) "Prosecutor" has the same meaning as in section 37303
2935.01 of the Revised Code. 37304

In any case in which a sentencing court orders restitution 37305
to the victim under section 2929.18 or 2929.28 of the Revised 37306
Code for a violation of section 2907.02, 2907.03, 2907.04, or 37307
2907.05 of the Revised Code and in which the offender is a 37308
government deferred compensation program participant, is an 37309
electing employee, as defined in section 3305.01 of the Revised 37310
Code, or is a member of, or receiving a pension, benefit, or 37311
allowance, other than a survivorship benefit, from, a public 37312
retirement system and committed the offense against a child, 37313
student, patient, or other person with whom the offender had 37314
contact in the context of the offender's public employment, at 37315
the request of the victim the prosecutor shall file a motion 37316
with the sentencing court specifying the government deferred 37317
compensation program, alternative retirement plan, or public 37318
retirement system and requesting that the court issue an order 37319
requiring the government deferred compensation program, 37320
alternative retirement plan, or public retirement system to 37321
withhold the amount required as restitution from one or more of 37322
the following: any payment to be made from a government deferred 37323
compensation program, any payment or benefit under an 37324
alternative retirement plan, or under a pension, annuity, 37325

allowance, or any other benefit, other than a survivorship 37326
benefit, that has been or is in the future granted to the 37327
offender; from any payment of accumulated employee contributions 37328
standing to the offender's credit with the government deferred 37329
compensation program, alternative retirement plan, or public 37330
retirement system; or from any payment of any other amounts to 37331
be paid to the offender pursuant to Chapter 145., 148., 742., 37332
3307., 3309., or 5505. of the Revised Code on withdrawal of 37333
contributions. The motion may be filed at any time subsequent to 37334
the conviction of the offender or entry of a guilty plea. On the 37335
filing of the motion, the clerk of the court in which the motion 37336
is filed shall notify the offender and the government deferred 37337
compensation program, alternative retirement plan, or public 37338
retirement system, in writing, of all of the following: that the 37339
motion was filed; that the offender will be granted a hearing on 37340
the issuance of the requested order if the offender files a 37341
written request for a hearing with the clerk prior to the 37342
expiration of thirty days after the offender receives the 37343
notice; that, if a hearing is requested, the court will schedule 37344
a hearing as soon as possible and notify the offender and the 37345
government deferred compensation program, alternative retirement 37346
plan, or public retirement system of the date, time, and place 37347
of the hearing; that, if a hearing is conducted, it will be 37348
limited to a consideration of whether the offender can show good 37349
cause why the order should not be issued; that, if a hearing is 37350
conducted, the court will not issue the order if the court 37351
determines, based on evidence presented at the hearing by the 37352
offender, that there is good cause for the order not to be 37353
issued; that the court will issue the order if a hearing is not 37354
requested or if a hearing is conducted but the court does not 37355
determine, based on evidence presented at the hearing by the 37356
offender, that there is good cause for the order not to be 37357

issued; and that, if the order is issued, the government 37358
deferred compensation program, alternative retirement plan, or 37359
public retirement system specified in the motion will be 37360
required to withhold the amount required as restitution from 37361
payments to the offender. 37362

(B) In any case in which a motion requesting the issuance 37363
of a withholding order as described in division (A) of this 37364
section is filed, the offender may receive a hearing on the 37365
motion by delivering a written request for a hearing to the 37366
court prior to the expiration of thirty days after the 37367
offender's receipt of the notice provided pursuant to division 37368
(A) of this section. If the offender requests a hearing within 37369
the prescribed time, the court shall schedule a hearing as soon 37370
as possible after the request is made and notify the offender 37371
and the government deferred compensation program, alternative 37372
retirement plan, or public retirement system of the date, time, 37373
and place of the hearing. A hearing scheduled under this 37374
division shall be limited to a consideration of whether there is 37375
good cause, based on evidence presented by the offender, for the 37376
requested order not to be issued. If the court determines, based 37377
on evidence presented by the offender, that there is good cause 37378
for the order not to be issued, the court shall deny the motion 37379
and shall not issue the order. Good cause for not issuing the 37380
order includes a determination by the court that the order would 37381
severely impact the offender's ability to support the offender's 37382
dependents. 37383

If the offender does not request a hearing within the 37384
prescribed time or the court conducts a hearing but does not 37385
determine, based on evidence presented by the offender, that 37386
there is good cause for the order not to be issued, the court 37387
shall order the government deferred compensation program, 37388

alternative retirement plan, or public retirement system to 37389
withhold the amount required as restitution from one or more of 37390
the following: any payments to be made from a government 37391
deferred compensation program, any payment or benefit under an 37392
alternative retirement plan, or under a pension, annuity, 37393
allowance, or under any other benefit, other than a survivorship 37394
benefit, that has been or is in the future granted to the 37395
offender; from any payment of accumulated employee contributions 37396
standing to the offender's credit with the government deferred 37397
compensation program, alternative retirement plan, or public 37398
retirement system; or from any payment of any other amounts to 37399
be paid to the offender upon withdrawal of contributions 37400
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 37401
the Revised Code and to continue the withholding for that 37402
purpose, in accordance with the order, out of each payment to be 37403
made on or after the date of issuance of the order, until 37404
further order of the court. On receipt of an order issued under 37405
this division, the government deferred compensation program, 37406
alternative retirement plan, or public retirement system shall 37407
withhold the amount required as restitution, in accordance with 37408
the order, from any such payments and immediately forward the 37409
amount withheld to the clerk of the court in which the order was 37410
issued for payment to the person to whom restitution is to be 37411
made. The order shall not apply to any portion of payments made 37412
from a government deferred compensation program, alternative 37413
retirement plan, or public retirement system to a person other 37414
than the offender pursuant to a previously issued domestic court 37415
order. 37416

(C) Service of a notice required by division (A) or (B) of 37417
this section shall be effected in the same manner as provided in 37418
the Rules of Civil Procedure for the service of process. 37419

(D) Upon the filing of charges under section 2907.02, 37420
2907.03, 2907.04, or 2907.05 of the Revised Code against a 37421
person who is a deferred compensation program participant, an 37422
electing employee participating in an alternative retirement 37423
plan, or a member of, or receiving a pension benefit, or 37424
allowance, other than a survivorship benefit, from a public 37425
retirement system for an offense against a child, student, 37426
patient, or other person with whom the offender had contact in 37427
the context of the offender's public employment, the prosecutor 37428
shall send written notice that charges have been filed against 37429
that person to the appropriate government deferred compensation 37430
program, alternative retirement plan, or public retirement 37431
system. The notice shall specifically identify the person 37432
charged. 37433

Sec. 2909.05. (A) No person shall knowingly cause serious 37434
physical harm to an occupied structure or any of its contents. 37435

(B) (1) No person shall knowingly cause physical harm to 37436
property that is owned or possessed by another, when either of 37437
the following applies: 37438

(a) The property is used by its owner or possessor in the 37439
owner's or possessor's profession, business, trade, or 37440
occupation, and the value of the property or the amount of 37441
physical harm involved is one thousand dollars or more; 37442

(b) Regardless of the value of the property or the amount 37443
of damage done, the property or its equivalent is necessary in 37444
order for its owner or possessor to engage in the owner's or 37445
possessor's profession, business, trade, or occupation. 37446

(2) No person shall knowingly cause serious physical harm 37447
to property that is owned, leased, or controlled by a 37448

governmental entity. A governmental entity includes, but is not 37449
limited to, the state or a political subdivision of the state, a 37450
school district, the board of trustees of a public library or 37451
public university, or any other body corporate and politic 37452
responsible for governmental activities only in geographical 37453
areas smaller than that of the state. 37454

(C) No person, without privilege to do so, shall knowingly 37455
cause serious physical harm to any tomb, monument, gravestone, 37456
or other similar structure that is used as a memorial for the 37457
dead; to any fence, railing, curb, or other property that is 37458
used to protect, enclose, or ornament any cemetery; or to a 37459
cemetery. 37460

(D) No person, without privilege to do so, shall knowingly 37461
cause physical harm to a place of burial by breaking and 37462
entering into a tomb, crypt, casket, or other structure that is 37463
used as a memorial for the dead or as an enclosure for the dead. 37464

(E) Whoever violates this section is guilty of vandalism. 37465
Except as otherwise provided in this division, vandalism is a 37466
felony of the fifth degree that is punishable by a fine of up to 37467
two thousand five hundred dollars in addition to the penalties 37468
specified for a felony of the fifth degree in sections 2929.11 37469
to 2929.18 of the Revised Code. If the value of the property or 37470
the amount of physical harm involved is seven thousand five 37471
hundred dollars or more but less than one hundred fifty thousand 37472
dollars, vandalism is a felony of the fourth degree. If the 37473
value of the property or the amount of physical harm involved is 37474
one hundred fifty thousand dollars or more, vandalism is a 37475
felony of the third degree. 37476

(F) For purposes of this section: 37477

(1) "Cemetery" means any place of burial and includes 37478
burial sites under section 149.3010 of the Revised Code and 37479
burial sites that contain American Indian burial objects placed 37480
with or containing American Indian human remains. 37481

(2) "Serious physical harm" means physical harm to 37482
property that results in loss to the value of the property of 37483
one thousand dollars or more. 37484

Sec. 2913.401. (A) As used in this section: 37485

(1) "Medicaid services" has the same meaning as in section 37486
5164.01 of the Revised Code. 37487

(2) "Property" means any real or personal property or 37488
other asset in which a person has any legal title or interest. 37489

(B) No person shall knowingly do any of the following in 37490
an application for enrollment in the medicaid program or in a 37491
document that requires a disclosure of assets for the purpose of 37492
determining eligibility for the medicaid program: 37493

(1) Make or cause to be made a false or misleading 37494
statement; 37495

(2) Conceal an interest in property; 37496

(3) (a) Except as provided in division (B) (3) (b) of this 37497
section, fail to disclose a transfer of property that occurred 37498
during the period beginning thirty-six months before submission 37499
of the application or document and ending on the date the 37500
application or document was submitted; 37501

(b) Fail to disclose a transfer of property that occurred 37502
during the period beginning sixty months before submission of 37503
the application or document and ending on the date the 37504
application or document was submitted and that was made to an 37505

irrevocable trust a portion of which is not distributable to the 37506
applicant for or recipient of medicaid or to a revocable trust. 37507

(C) (1) Whoever violates this section is guilty of medicaid 37508
eligibility fraud. Except as otherwise provided in this 37509
division, a violation of this section is a misdemeanor of the 37510
first degree. If the value of the medicaid services paid as a 37511
result of the violation is one thousand dollars or more and is 37512
less than seven thousand five hundred dollars, a violation of 37513
this section is a felony of the fifth degree. If the value of 37514
the medicaid services paid as a result of the violation is seven 37515
thousand five hundred dollars or more and is less than one 37516
hundred fifty thousand dollars, a violation of this section is a 37517
felony of the fourth degree. If the value of the medicaid 37518
services paid as a result of the violation is one hundred fifty 37519
thousand dollars or more, a violation of this section is a 37520
felony of the third degree. 37521

(2) In addition to imposing a sentence under division (C) 37522
(1) of this section, the court ~~shall~~may order that a person who 37523
is guilty of medicaid eligibility fraud make restitution in the 37524
~~full~~ amount of two hundred per cent of any medicaid services 37525
paid on behalf of an applicant for or recipient of medicaid for 37526
which the applicant or recipient was not eligible, plus interest 37527
at the rate applicable to judgments on unreimbursed amounts from 37528
the date on which the medicaid services were paid to the date on 37529
which restitution is made. 37530

(3) The remedies and penalties provided in this section 37531
are not exclusive and do not preclude the use of any other 37532
criminal or civil remedy for any act that is in violation of 37533
this section. 37534

(D) This section does not apply to a person who fully 37535

disclosed in an application for medicaid or in a document that 37536
requires a disclosure of assets for the purpose of determining 37537
eligibility for medicaid all of the interests in property of the 37538
applicant for or recipient of medicaid, all transfers of 37539
property by the applicant for or recipient of medicaid, and the 37540
circumstances of all those transfers. 37541

(E) Any amounts of medicaid services recovered as 37542
restitution under this section and any interest on those amounts 37543
shall be credited to the general revenue fund, and any 37544
applicable federal share shall be returned to the appropriate 37545
agency or department of the United States. 37546

Sec. 2915.01. As used in this chapter: 37547

(A) "Bookmaking" means the business of receiving or paying 37548
off bets. 37549

(B) "Bet" means the hazarding of anything of value upon 37550
the result of an event, undertaking, or contingency, but does 37551
not include a bona fide business risk. 37552

(C) "Scheme of chance" means a slot machine unless 37553
authorized under Chapter 3772. of the Revised Code, lottery 37554
unless authorized under Chapter 3770. of the Revised Code, 37555
numbers game, pool conducted for profit, or other scheme in 37556
which a participant gives a valuable consideration for a chance 37557
to win a prize, but does not include bingo, a skill-based 37558
amusement machine, or a pool not conducted for profit. "Scheme 37559
of chance" includes the use of an electronic device to reveal 37560
the results of a game entry if valuable consideration is paid, 37561
directly or indirectly, for a chance to win a prize. Valuable 37562
consideration is deemed to be paid for a chance to win a prize 37563
in the following instances: 37564

(1) Less than fifty per cent of the goods or services sold 37565
by a scheme of chance operator in exchange for game entries are 37566
used or redeemed by participants at any one location; 37567

(2) Less than fifty per cent of participants who purchase 37568
goods or services at any one location do not accept, use, or 37569
redeem the goods or services sold or purportedly sold; 37570

(3) More than fifty per cent of prizes at any one location 37571
are revealed to participants through an electronic device 37572
simulating a game of chance or a "casino game" as defined in 37573
section 3772.01 of the Revised Code; 37574

(4) The good or service sold by a scheme of chance 37575
operator in exchange for a game entry cannot be used or redeemed 37576
in the manner advertised; 37577

(5) A participant pays more than fair market value for 37578
goods or services offered by a scheme of chance operator in 37579
order to receive one or more game entries; 37580

(6) A participant may use the electronic device to 37581
purchase additional game entries; 37582

(7) A participant may purchase additional game entries by 37583
using points or credits won as prizes while using the electronic 37584
device; 37585

(8) A scheme of chance operator pays out in prize money 37586
more than twenty per cent of the gross revenue received at one 37587
location; or 37588

(9) A participant makes a purchase or exchange in order to 37589
obtain any good or service that may be used to facilitate play 37590
on the electronic device. 37591

As used in this division, "electronic device" means a 37592

mechanical, video, digital, or electronic machine or device that 37593
is capable of displaying information on a screen or other 37594
mechanism and that is owned, leased, or otherwise possessed by 37595
any person conducting a scheme of chance, or by that person's 37596
partners, affiliates, subsidiaries, or contractors. "Electronic 37597
device" does not include an electronic instant bingo system. 37598

(D) "Game of chance" means poker, craps, roulette, or 37599
other game in which a player gives anything of value in the hope 37600
of gain, the outcome of which is determined largely by chance, 37601
but does not include bingo. 37602

(E) "Game of chance conducted for profit" means any game 37603
of chance designed to produce income for the person who conducts 37604
or operates the game of chance, but does not include bingo. 37605

(F) "Gambling device" means any of the following: 37606

(1) A book, totalizer, or other equipment for recording 37607
bets; 37608

(2) A ticket, token, or other device representing a 37609
chance, share, or interest in a scheme of chance or evidencing a 37610
bet; 37611

(3) A deck of cards, dice, gaming table, roulette wheel, 37612
slot machine, or other apparatus designed for use in connection 37613
with a game of chance; 37614

(4) Any equipment, device, apparatus, or paraphernalia 37615
specially designed for gambling purposes; 37616

(5) Bingo supplies sold or otherwise provided, or used, in 37617
violation of this chapter. 37618

(G) "Gambling offense" means any of the following: 37619

(1) A violation of this chapter; 37620

(2) A violation of an existing or former municipal 37621
ordinance or law of this or any other state or the United States 37622
substantially equivalent to any provision of this chapter or a 37623
violation of section 2915.06 of the Revised Code as it existed 37624
prior to July 1, 1996; 37625

(3) An offense under an existing or former municipal 37626
ordinance or law of this or any other state or the United 37627
States, of which gambling is an element; 37628

(4) A conspiracy or attempt to commit, or complicity in 37629
committing, any offense under division (G) (1), (2), or (3) of 37630
this section. 37631

(H) Except as otherwise provided in this chapter, 37632
"charitable organization" means either of the following: 37633

(1) An organization that is exempt from federal income 37634
taxation under subsection 501(a) and described in subsection 37635
501(c) (3) of the Internal Revenue Code; 37636

(2) A volunteer rescue service organization, volunteer 37637
firefighter's organization, veteran's organization, fraternal 37638
organization, or sporting organization that is exempt from 37639
federal income taxation under subsection 501(c) (4), (c) (7), (c) 37640
(8), (c) (10), or (c) (19) of the Internal Revenue Code. 37641

To qualify as a "charitable organization," an organization 37642
shall have been in continuous existence as such in this state 37643
for a period of two years immediately preceding either the 37644
making of an application for a bingo license under section 37645
2915.08 of the Revised Code or the conducting of any game of 37646
chance as provided in division (D) of section 2915.02 of the 37647
Revised Code. 37648

(I) "Religious organization" means any church, body of
communicants, or group that is not organized or operated for
profit and that gathers in common membership for regular worship
and religious observances.

(J) "Veteran's organization" means any individual post or
state headquarters of a national veteran's association or an
auxiliary unit of any individual post of a national veteran's
association, which post, state headquarters, or auxiliary unit
is incorporated as a nonprofit corporation and either has
received a letter from the state headquarters of the national
veteran's association indicating that the individual post or
auxiliary unit is in good standing with the national veteran's
association or has received a letter from the national veteran's
association indicating that the state headquarters is in good
standing with the national veteran's association. As used in
this division, "national veteran's association" means any
veteran's association that has been in continuous existence as
such for a period of at least five years and either is
incorporated by an act of the United States congress or has a
national dues-paying membership of at least five thousand
persons.

(K) "Volunteer firefighter's organization" means any
organization of volunteer firefighters, as defined in section
146.01 of the Revised Code, that is organized and operated
exclusively to provide financial support for a volunteer fire
department or a volunteer fire company and that is recognized or
ratified by a county, municipal corporation, or township.

(L) "Fraternal organization" means any society, order,
state headquarters, or association within this state, except a
college or high school fraternity, that is not organized for

profit, that is a branch, lodge, or chapter of a national or 37679
state organization, that exists exclusively for the common 37680
business or sodality of its members. 37681

(M) "Volunteer rescue service organization" means any 37682
organization of volunteers organized to function as an emergency 37683
medical service organization, as defined in section 4765.01 of 37684
the Revised Code. 37685

(N) "Charitable bingo game" means any bingo game described 37686
in division (O) (1) or (2) of this section that is conducted by a 37687
charitable organization that has obtained a license pursuant to 37688
section 2915.08 of the Revised Code and the proceeds of which 37689
are used for a charitable purpose. 37690

(O) "Bingo" means either of the following: 37691

(1) A game with all of the following characteristics: 37692

(a) The participants use bingo cards or sheets, including 37693
paper formats and electronic representation or image formats, 37694
that are divided into twenty-five spaces arranged in five 37695
horizontal and five vertical rows of spaces, with each space, 37696
except the central space, being designated by a combination of a 37697
letter and a number and with the central space being designated 37698
as a free space. 37699

(b) The participants cover the spaces on the bingo cards 37700
or sheets that correspond to combinations of letters and numbers 37701
that are announced by a bingo game operator. 37702

(c) A bingo game operator announces combinations of 37703
letters and numbers that appear on objects that a bingo game 37704
operator selects by chance, either manually or mechanically, 37705
from a receptacle that contains seventy-five objects at the 37706
beginning of each game, each object marked by a different 37707

combination of a letter and a number that corresponds to one of 37708
the seventy-five possible combinations of a letter and a number 37709
that can appear on the bingo cards or sheets. 37710

(d) The winner of the bingo game includes any participant 37711
who properly announces during the interval between the 37712
announcements of letters and numbers as described in division 37713
(O) (1) (c) of this section, that a predetermined and preannounced 37714
pattern of spaces has been covered on a bingo card or sheet 37715
being used by the participant. 37716

(2) Instant bingo, electronic instant bingo, and raffles. 37717

(P) "Conduct" means to back, promote, organize, manage, 37718
carry on, sponsor, or prepare for the operation of bingo or a 37719
game of chance, a scheme of chance, or a sweepstakes. 37720

(Q) "Bingo game operator" means any person, except 37721
security personnel, who performs work or labor at the site of 37722
bingo, including, but not limited to, collecting money from 37723
participants, handing out bingo cards or sheets or objects to 37724
cover spaces on bingo cards or sheets, selecting from a 37725
receptacle the objects that contain the combination of letters 37726
and numbers that appear on bingo cards or sheets, calling out 37727
the combinations of letters and numbers, distributing prizes, 37728
selling or redeeming instant bingo tickets or cards, selling or 37729
redeeming electronic instant bingo tickets, credits, or 37730
vouchers, accessing an electronic instant bingo system other 37731
than as a participant, supervising the operation of a punch 37732
board, selling raffle tickets, selecting raffle tickets from a 37733
receptacle and announcing the winning numbers in a raffle, and 37734
preparing, selling, and serving food or beverages. "Bingo game 37735
operator" does not include a person who is installing, 37736
maintaining, updating, or repairing an electronic instant bingo 37737

system. 37738

(R) "Participant" means any person who plays bingo. 37739

(S) "Bingo session" means a period that includes both of 37740
the following: 37741

(1) Not to exceed five continuous hours for the conduct of 37742
one or more games described in division (O) (1) of this section, 37743
instant bingo, and electronic instant bingo; 37744

(2) A period for the conduct of instant bingo and 37745
electronic instant bingo for not more than two hours before and 37746
not more than two hours after the period described in division 37747
(S) (1) of this section. 37748

(T) "Gross receipts" means all money or assets, including 37749
admission fees, that a person receives from bingo without the 37750
deduction of any amounts for prizes paid out or for the expenses 37751
of conducting bingo. "Gross receipts" does not include any money 37752
directly taken in from the sale of food or beverages by a 37753
charitable organization conducting bingo, or by a bona fide 37754
auxiliary unit or society of a charitable organization 37755
conducting bingo, provided all of the following apply: 37756

(1) The auxiliary unit or society has been in existence as 37757
a bona fide auxiliary unit or society of the charitable 37758
organization for at least two years prior to conducting bingo. 37759

(2) The person who purchases the food or beverage receives 37760
nothing of value except the food or beverage and items 37761
customarily received with the purchase of that food or beverage. 37762

(3) The food and beverages are sold at customary and 37763
reasonable prices. 37764

(U) "Security personnel" includes any person who either is 37765

a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.

(V) "Charitable purpose" means that the net profit of bingo, other than instant bingo or electronic instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised

Code, is donated to a governmental agency, or is used for 37796
nonprofit youth activities, the purchase of United States or 37797
Ohio flags that are donated to schools, youth groups, or other 37798
bona fide nonprofit organizations, promotion of patriotism, or 37799
disaster relief; 37800

(3) A fraternal organization that has been in continuous 37801
existence in this state for fifteen years and that uses the net 37802
profit exclusively for religious, charitable, scientific, 37803
literary, or educational purposes, or for the prevention of 37804
cruelty to children or animals, if contributions for such use 37805
would qualify as a deductible charitable contribution under 37806
subsection 170 of the Internal Revenue Code; 37807

(4) A volunteer firefighter's organization that uses the 37808
net profit for the purposes set forth in division (K) of this 37809
section. 37810

(W) "Internal Revenue Code" means the "Internal Revenue 37811
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 37812
amended. 37813

(X) "Youth athletic organization" means any organization, 37814
not organized for profit, that is organized and operated 37815
exclusively to provide financial support to, or to operate, 37816
athletic activities for persons who are twenty-one years of age 37817
or younger by means of sponsoring, organizing, operating, or 37818
contributing to the support of an athletic team, club, league, 37819
or association. 37820

(Y) "Youth athletic park organization" means any 37821
organization, not organized for profit, that satisfies both of 37822
the following: 37823

(1) It owns, operates, and maintains playing fields that 37824

satisfy both of the following: 37825

(a) The playing fields are used for athletic activities by 37826
one or more organizations, not organized for profit, each of 37827
which is organized and operated exclusively to provide financial 37828
support to, or to operate, athletic activities for persons who 37829
are eighteen years of age or younger by means of sponsoring, 37830
organizing, operating, or contributing to the support of an 37831
athletic team, club, league, or association. 37832

(b) The playing fields are not used for any profit-making 37833
activity at any time during the year. 37834

(2) It uses the proceeds of bingo it conducts exclusively 37835
for the operation, maintenance, and improvement of its playing 37836
fields of the type described in division (Y)(1) of this section. 37837

(Z) "Bingo supplies" means bingo cards or sheets; instant 37838
bingo tickets or cards; electronic bingo aids; raffle tickets; 37839
punch boards; seal cards; instant bingo ticket dispensers; 37840
electronic instant bingo systems; and devices for selecting or 37841
displaying the combination of bingo letters and numbers or 37842
raffle tickets. Items that are "bingo supplies" are not gambling 37843
devices if sold or otherwise provided, and used, in accordance 37844
with this chapter. For purposes of this chapter, "bingo 37845
supplies" are not to be considered equipment used to conduct a 37846
bingo game. 37847

(AA) "Instant bingo" means a form of bingo that shall use 37848
folded or banded tickets or paper cards with perforated break- 37849
open tabs, a face of which is covered or otherwise hidden from 37850
view to conceal a number, letter, or symbol, or set of numbers, 37851
letters, or symbols, some of which have been designated in 37852
advance as prize winners, and may also include games in which 37853

some winners are determined by the random selection of one or 37854
more bingo numbers by the use of a seal card or bingo blower. 37855
"Instant bingo" also includes a punch board game. In all 37856
"instant bingo" the prize amount and structure shall be 37857
predetermined. "Instant bingo" does not include electronic 37858
instant bingo or any device that is activated by the insertion 37859
of a coin, currency, token, or an equivalent, and that contains 37860
as one of its components a video display monitor that is capable 37861
of displaying numbers, letters, symbols, or characters in 37862
winning or losing combinations. 37863

(BB) "Seal card" means a form of instant bingo that uses 37864
instant bingo tickets in conjunction with a board or placard 37865
that contains one or more seals that, when removed or opened, 37866
reveal predesignated winning numbers, letters, or symbols. 37867

(CC) "Raffle" means a form of bingo in which the one or 37868
more prizes are won by one or more persons who have purchased a 37869
raffle ticket. The one or more winners of the raffle are 37870
determined by drawing a ticket stub or other detachable section 37871
from a receptacle containing ticket stubs or detachable sections 37872
corresponding to all tickets sold for the raffle. "Raffle" does 37873
not include the drawing of a ticket stub or other detachable 37874
section of a ticket purchased to attend a professional sporting 37875
event if both of the following apply: 37876

(1) The ticket stub or other detachable section is used to 37877
select the winner of a free prize given away at the professional 37878
sporting event; and 37879

(2) The cost of the ticket is the same as the cost of a 37880
ticket to the professional sporting event on days when no free 37881
prize is given away. 37882

(DD) "Punch board" means a form of instant bingo that uses a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

(EE) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

(FF) "Net profit" means gross profit minus expenses.

(GG) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:

- (1) The purchase or lease of bingo supplies;
- (2) The annual license fee required under section 2915.08 of the Revised Code;
- (3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;
- (4) Audits and accounting services;
- (5) Safes;
- (6) Cash registers;
- (7) Hiring security personnel;
- (8) Advertising bingo;
- (9) Renting premises in which to conduct a bingo session;
- (10) Tables and chairs;

(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;

(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;

(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (F)(1) of section 2915.08 of the Revised Code.

(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.

(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:

(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;

(2) Modifies, converts, adds to, or removes parts from the

bingo supplies to further their promotion or sale for use in 37937
this state. 37938

(LL) "Manufacturer" means any person who assembles 37939
completed bingo supplies from raw materials, other items, or 37940
subparts or who modifies, converts, adds to, or removes parts 37941
from bingo supplies to further their promotion or sale. 37942

(MM) "Gross annual revenues" means the annual gross 37943
receipts derived from the conduct of bingo described in division 37944
(O) (1) of this section plus the annual net profit derived from 37945
the conduct of bingo described in division (O) (2) of this 37946
section. 37947

(NN) "Instant bingo ticket dispenser" means a mechanical 37948
device that dispenses an instant bingo ticket or card as the 37949
sole item of value dispensed and that has the following 37950
characteristics: 37951

(1) It is activated upon the insertion of United States 37952
currency. 37953

(2) It performs no gaming functions. 37954

(3) It does not contain a video display monitor or 37955
generate noise. 37956

(4) It is not capable of displaying any numbers, letters, 37957
symbols, or characters in winning or losing combinations. 37958

(5) It does not simulate or display rolling or spinning 37959
reels. 37960

(6) It is incapable of determining whether a dispensed 37961
bingo ticket or card is a winning or nonwinning ticket or card 37962
and requires a winning ticket or card to be paid by a bingo game 37963
operator. 37964

(7) It may provide accounting and security features to aid 37965
in accounting for the instant bingo tickets or cards it 37966
dispenses. 37967

(8) It is not part of an electronic network and is not 37968
interactive. 37969

(OO) (1) "Electronic bingo aid" means an electronic device 37970
used by a participant to monitor bingo cards or sheets purchased 37971
at the time and place of a bingo session and that does all of 37972
the following: 37973

(a) It provides a means for a participant to input numbers 37974
and letters announced by a bingo caller. 37975

(b) It compares the numbers and letters entered by the 37976
participant to the bingo faces previously stored in the memory 37977
of the device. 37978

(c) It identifies a winning bingo pattern. 37979

(2) "Electronic bingo aid" does not include any device 37980
into which a coin, currency, token, or an equivalent is inserted 37981
to activate play. 37982

(PP) "Deal" means a single game of instant bingo tickets, 37983
or a single game of electronic instant bingo tickets, all with 37984
the same serial number. 37985

(QQ) (1) "Slot machine" means either of the following: 37986

(a) Any mechanical, electronic, video, or digital device 37987
that is capable of accepting anything of value, directly or 37988
indirectly, from or on behalf of a player who gives the thing of 37989
value in the hope of gain; 37990

(b) Any mechanical, electronic, video, or digital device 37991

that is capable of accepting anything of value, directly or 37992
indirectly, from or on behalf of a player to conduct bingo or a 37993
scheme or game of chance. 37994

(2) "Slot machine" does not include a skill-based 37995
amusement machine, an instant bingo ticket dispenser, or an 37996
electronic instant bingo system. 37997

~~(RR) "Net profit from the proceeds of the sale of instant 37998
bingo or electronic instant bingo" means gross profit minus the 37999
ordinary, necessary, and reasonable expense expended for the 38000
purchase of bingo supplies for the purpose of conducting instant 38001
bingo or electronic instant bingo, and, in the case of instant 38002
bingo or electronic instant bingo conducted by a veteran's, 38003
fraternal, or sporting organization, minus the payment by that 38004
organization of real property taxes and assessments levied on a 38005
premises on which instant bingo or electronic instant bingo is 38006
conducted.— 38007~~

~~(SS)~~—"Charitable instant bingo organization" means an 38008
organization that is exempt from federal income taxation under 38009
subsection 501(a) and described in subsection 501(c)(3) of the 38010
Internal Revenue Code and is a charitable organization as 38011
defined in this section. A "charitable instant bingo 38012
organization" does not include a charitable organization that is 38013
exempt from federal income taxation under subsection 501(a) and 38014
described in subsection 501(c)(3) of the Internal Revenue Code 38015
and that is created by a veteran's organization, a fraternal 38016
organization, or a sporting organization in regards to bingo 38017
conducted or assisted by a veteran's organization, a fraternal 38018
organization, or a sporting organization pursuant to section 38019
2915.13 of the Revised Code. 38020

~~(TT)~~—(SS) "Game flare" means the board or placard, or 38021

electronic representation of a board or placard, that 38022
accompanies each deal of instant bingo or electronic instant 38023
bingo tickets and that includes the following information for 38024
the game: 38025

(1) The name of the game; 38026

(2) The manufacturer's name or distinctive logo; 38027

(3) The form number; 38028

(4) The ticket count; 38029

(5) The prize structure, including the number of winning 38030
tickets by denomination and the respective winning symbol or 38031
number combinations for the winning tickets; 38032

(6) The cost per play; 38033

(7) The serial number of the game. 38034

~~(UU) (1)~~ (TT) (1) "Skill-based amusement machine" means a 38035
mechanical, video, digital, or electronic device that rewards 38036
the player or players, if at all, only with merchandise prizes 38037
or with redeemable vouchers redeemable only for merchandise 38038
prizes, provided that with respect to rewards for playing the 38039
game all of the following apply: 38040

(a) The wholesale value of a merchandise prize awarded as 38041
a result of the single play of a machine does not exceed ten 38042
dollars; 38043

(b) Redeemable vouchers awarded for any single play of a 38044
machine are not redeemable for a merchandise prize with a 38045
wholesale value of more than ten dollars; 38046

(c) Redeemable vouchers are not redeemable for a 38047
merchandise prize that has a wholesale value of more than ten 38048

dollars times the fewest number of single plays necessary to 38049
accrue the redeemable vouchers required to obtain that prize; 38050
and 38051

(d) Any redeemable vouchers or merchandise prizes are 38052
distributed at the site of the skill-based amusement machine at 38053
the time of play. 38054

A card for the purchase of gasoline is a redeemable 38055
voucher for purposes of division ~~(UU)(1)~~ (TT)(1) of this section 38056
even if the skill-based amusement machine for the play of which 38057
the card is awarded is located at a place where gasoline may not 38058
be legally distributed to the public or the card is not 38059
redeemable at the location of, or at the time of playing, the 38060
skill-based amusement machine. 38061

(2) A device shall not be considered a skill-based 38062
amusement machine and shall be considered a slot machine if it 38063
pays cash or one or more of the following apply: 38064

(a) The ability of a player to succeed at the game is 38065
impacted by the number or ratio of prior wins to prior losses of 38066
players playing the game. 38067

(b) Any reward of redeemable vouchers is not based solely 38068
on the player achieving the object of the game or the player's 38069
score; 38070

(c) The outcome of the game, or the value of the 38071
redeemable voucher or merchandise prize awarded for winning the 38072
game, can be controlled by a source other than any player 38073
playing the game. 38074

(d) The success of any player is or may be determined by a 38075
chance event that cannot be altered by player actions. 38076

(e) The ability of any player to succeed at the game is 38077
determined by game features not visible or known to the player. 38078

(f) The ability of the player to succeed at the game is 38079
impacted by the exercise of a skill that no reasonable player 38080
could exercise. 38081

(3) All of the following apply to any machine that is 38082
operated as described in division ~~(UU)(1)~~ (TT)(1) of this 38083
section: 38084

(a) As used in division ~~(UU)~~ (TT) of this section, "game" 38085
and "play" mean one event from the initial activation of the 38086
machine until the results of play are determined without payment 38087
of additional consideration. An individual utilizing a machine 38088
that involves a single game, play, contest, competition, or 38089
tournament may be awarded redeemable vouchers or merchandise 38090
prizes based on the results of play. 38091

(b) Advance play for a single game, play, contest, 38092
competition, or tournament participation may be purchased. The 38093
cost of the contest, competition, or tournament participation 38094
may be greater than a single noncontest, competition, or 38095
tournament play. 38096

(c) To the extent that the machine is used in a contest, 38097
competition, or tournament, that contest, competition, or 38098
tournament has a defined starting and ending date and is open to 38099
participants in competition for scoring and ranking results 38100
toward the awarding of redeemable vouchers or merchandise prizes 38101
that are stated prior to the start of the contest, competition, 38102
or tournament. 38103

(4) For purposes of division ~~(UU)(1)~~ (TT)(1) of this 38104
section, the mere presence of a device, such as a pin-setting, 38105

ball-releasing, or scoring mechanism, that does not contribute 38106
to or affect the outcome of the play of the game does not make 38107
the device a skill-based amusement machine. 38108

~~(VV)~~ (UU) "Merchandise prize" means any item of value, but 38109
shall not include any of the following: 38110

(1) Cash, gift cards, or any equivalent thereof; 38111

(2) Plays on games of chance, state lottery tickets, or 38112
bingo; 38113

(3) Firearms, tobacco, or alcoholic beverages; or 38114

(4) A redeemable voucher that is redeemable for any of the 38115
items listed in division ~~(VV)~~ (1) (UU) (1), (2), or (3) of this 38116
section. 38117

~~(WW)~~ (VV) "Redeemable voucher" means any ticket, token, 38118
coupon, receipt, or other noncash representation of value. 38119

~~(XX)~~ (WW) "Pool not conducted for profit" means a scheme 38120
in which a participant gives a valuable consideration for a 38121
chance to win a prize and the total amount of consideration 38122
wagered is distributed to a participant or participants. 38123

~~(YY)~~ (XX) "Sporting organization" means a hunting, 38124
fishing, or trapping organization, other than a college or high 38125
school fraternity or sorority, that is not organized for profit, 38126
that is affiliated with a state or national sporting 38127
organization, including but not limited to, the league of Ohio 38128
sportsmen, and that has been in continuous existence in this 38129
state for a period of three years. 38130

~~(ZZ)~~ (YY) "Community action agency" has the same meaning 38131
as in section ~~122.66~~ 5101.311 of the Revised Code. 38132

~~(AAA) (1)~~ (ZZ) (1) "Sweepstakes terminal device" means a 38133
mechanical, video, digital, or electronic machine or device that 38134
is owned, leased, or otherwise possessed by any person 38135
conducting a sweepstakes, or by that person's partners, 38136
affiliates, subsidiaries, or contractors, that is intended to be 38137
used by a sweepstakes participant, and that is capable of 38138
displaying information on a screen or other mechanism. A device 38139
is a sweepstakes terminal device if any of the following apply: 38140

(a) The device uses a simulated game terminal as a 38141
representation of the prizes associated with the results of the 38142
sweepstakes entries. 38143

(b) The device utilizes software such that the simulated 38144
game influences or determines the winning of or value of the 38145
prize. 38146

(c) The device selects prizes from a predetermined finite 38147
pool of entries. 38148

(d) The device utilizes a mechanism that reveals the 38149
content of a predetermined sweepstakes entry. 38150

(e) The device predetermines the prize results and stores 38151
those results for delivery at the time the sweepstakes entry 38152
results are revealed. 38153

(f) The device utilizes software to create a game result. 38154

(g) The device reveals the prize incrementally, even 38155
though the device does not influence the awarding of the prize 38156
or the value of any prize awarded. 38157

(h) The device determines and associates the prize with an 38158
entry or entries at the time the sweepstakes is entered. 38159

(2) As used in this division and in section 2915.02 of the 38160

Revised Code: 38161

(a) "Enter" means the act by which a person becomes 38162
eligible to receive any prize offered in a sweepstakes. 38163

(b) "Entry" means one event from the initial activation of 38164
the sweepstakes terminal device until all the sweepstakes prize 38165
results from that activation are revealed. 38166

(c) "Prize" means any gift, award, gratuity, good, 38167
service, credit, reward, or any other thing of value that may be 38168
transferred to a person, whether possession of the prize is 38169
actually transferred, or placed on an account or other record as 38170
evidence of the intent to transfer the prize. 38171

(d) "Sweepstakes terminal device facility" means any 38172
location in this state where a sweepstakes terminal device is 38173
provided to a sweepstakes participant, except as provided in 38174
division (G) of section 2915.02 of the Revised Code. 38175

~~(BBB)~~ (AAA) "Sweepstakes" means any game, contest, 38176
advertising scheme or plan, or other promotion where 38177
consideration is not required for a person to enter to win or 38178
become eligible to receive any prize, the determination of which 38179
is based upon chance. "Sweepstakes" does not include bingo as 38180
authorized under this chapter, pari-mutuel wagering as 38181
authorized by Chapter 3769. of the Revised Code, lotteries 38182
conducted by the state lottery commission as authorized by 38183
Chapter 3770. of the Revised Code, and casino gaming as 38184
authorized by Chapter 3772. of the Revised Code. 38185

~~(CCC) (1)~~ (BBB) (1) "Electronic instant bingo" means a form 38186
of bingo that consists of an electronic or digital 38187
representation of instant bingo in which a participant wins a 38188
prize if the participant's electronic instant bingo ticket 38189

contains a combination of numbers or symbols that was designated 38190
in advance as a winning combination, and to which all of the 38191
following apply: 38192

(a) Each deal has a predetermined, finite number of 38193
winning and losing tickets and a predetermined prize amount and 38194
deal structure, provided that there may be multiple winning 38195
combinations in each deal and multiple winning tickets. 38196

(b) Each electronic instant bingo ticket within a deal has 38197
a unique serial number that is not regenerated. 38198

(c) Each electronic instant bingo ticket within a deal is 38199
sold for the same price. 38200

(d) After a participant purchases an electronic instant 38201
bingo ticket, the combination of numbers or symbols on the 38202
ticket is revealed to the participant. 38203

(e) The reveal of numbers or symbols on the ticket may 38204
incorporate an entertainment or bonus theme, provided that the 38205
reveal does not include spinning reels that resemble a slot 38206
machine. 38207

(f) The reveal theme, if any, does not require additional 38208
consideration or award any prize other than any predetermined 38209
prize associated with the electronic instant bingo ticket. 38210

(2) "Electronic instant bingo" shall not include any of 38211
the following: 38212

(a) Any game, entertainment, or bonus theme that 38213
replicates or simulates any of the following: 38214

(i) The gambling games of keno, blackjack, roulette, 38215
poker, craps, other casino-style table games; 38216

- (ii) Horse racing; 38217
- (iii) Gambling games offered in this state on slot 38218
machines or video lottery terminals. As used in this division, 38219
"video lottery terminal" has the same meaning as in section 38220
3770.21 of the Revised Code. 38221
- (b) Any device operated by dropping one or more coins or 38222
tokens into a slot and pulling a handle or pushing a button or 38223
touchpoint on a touchscreen to activate one to three or more 38224
rotating reels marked into horizontal segments by varying 38225
symbols, where the predetermined prize amount depends on how and 38226
how many of the symbols line up when the rotating reels come to 38227
a rest; 38228
- (c) Any device that includes a coin or token slot, tray, 38229
or hopper and the ability to dispense coins, cash, tokens, or 38230
anything of value other than a credit ticket voucher. 38231
- ~~(DDD)~~-(CCC) "Electronic instant bingo system" means both 38232
of the following: 38233
- (1) A mechanical, electronic, digital, or video device and 38234
associated software to which all of the following apply: 38235
- (a) It is used by not more than one player at a time to 38236
play electronic instant bingo on a single screen that is 38237
physically connected to the device; 38238
- (b) It is located on the premises of the principal place 38239
of business of a veteran's-~~or~~, fraternal, or sporting 38240
organization that holds a type II or type III bingo license to 38241
conduct electronic instant bingo at that location issued under 38242
section 2915.08 of the Revised Code. 38243
- (2) Any associated equipment or software used to manage, 38244

monitor, or document any aspect of electronic instant bingo. 38245

Sec. 2915.02. (A) No person shall do any of the following: 38246

(1) Engage in bookmaking, or knowingly engage in conduct 38247
that facilitates bookmaking; 38248

(2) Establish, promote, or operate or knowingly engage in 38249
conduct that facilitates any game of chance conducted for profit 38250
or any scheme of chance; 38251

(3) Knowingly procure, transmit, exchange, or engage in 38252
conduct that facilitates the procurement, transmission, or 38253
exchange of information for use in establishing odds or 38254
determining winners in connection with bookmaking or with any 38255
game of chance conducted for profit or any scheme of chance; 38256

(4) Engage in betting or in playing any scheme or game of 38257
chance as a substantial source of income or livelihood; 38258

(5) Conduct, or participate in the conduct of, a 38259
sweepstakes with the use of a sweepstakes terminal device at a 38260
sweepstakes terminal device facility and either: 38261

(a) Give to another person any item described in division- 38262
~~(VV) (1)~~ (UU) (1), (2), (3), or (4) of section 2915.01 of the 38263
Revised Code as a prize for playing or participating in a 38264
sweepstakes; or 38265

(b) Give to another person any merchandise prize, or a 38266
redeemable voucher for a merchandise prize, the wholesale value 38267
of which is in excess of ten dollars and which is awarded as a 38268
single entry for playing or participating in a sweepstakes. 38269
Redeemable vouchers shall not be redeemable for a merchandise 38270
prize that has a wholesale value of more than ten dollars. 38271

(6) Conduct, or participate in the conduct of, a 38272

sweepstakes with the use of a sweepstakes terminal device at a 38273
sweepstakes terminal device facility without first obtaining a 38274
current annual "certificate of registration" from the attorney 38275
general as required by division (F) of this section; 38276

(7) With purpose to violate division (A) (1), (2), (3), 38277
(4), (5), or (6) of this section, acquire, possess, control, or 38278
operate any gambling device. 38279

(B) For purposes of division (A) (1) of this section, a 38280
person facilitates bookmaking if the person in any way knowingly 38281
aids an illegal bookmaking operation, including, without 38282
limitation, placing a bet with a person engaged in or 38283
facilitating illegal bookmaking. For purposes of division (A) (2) 38284
of this section, a person facilitates a game of chance conducted 38285
for profit or a scheme of chance if the person in any way 38286
knowingly aids in the conduct or operation of any such game or 38287
scheme, including, without limitation, playing any such game or 38288
scheme. 38289

(C) This section does not prohibit conduct in connection 38290
with gambling expressly permitted by law. 38291

(D) This section does not apply to any of the following: 38292

(1) Games of chance, if all of the following apply: 38293

(a) The games of chance are not craps for money or 38294
roulette for money. 38295

(b) The games of chance are conducted by a charitable 38296
organization that is, and has received from the internal revenue 38297
service a determination letter that is currently in effect, 38298
stating that the organization is~~7~~ exempt from federal income 38299
taxation under subsection 501(a) and described in subsection 38300
501(c) (3) of the Internal Revenue Code. 38301

(c) The games of chance are conducted at festivals of the 38302
charitable organization that are conducted not more than a total 38303
of five days a calendar year, and are conducted on premises 38304
owned by the charitable organization for a period of no less 38305
than one year immediately preceding the conducting of the games 38306
of chance, on premises leased from a governmental unit, or on 38307
premises that are leased from a veteran's or fraternal 38308
organization and that have been owned by the lessor veteran's or 38309
fraternal organization for a period of no less than one year 38310
immediately preceding the conducting of the games of chance. 38311

A charitable organization shall not lease premises from a 38312
veteran's or fraternal organization to conduct a festival 38313
described in division (D) (1) (c) of this section if the veteran's 38314
or fraternal organization already has leased the premises twelve 38315
times during the preceding year to charitable organizations for 38316
that purpose. If a charitable organization leases premises from 38317
a veteran's or fraternal organization to conduct a festival 38318
described in division (D) (1) (c) of this section, the charitable 38319
organization shall not pay a rental rate for the premises per 38320
day of the festival that exceeds the rental rate per bingo 38321
session that a charitable organization may pay under division 38322
(B) (1) of section 2915.09 of the Revised Code when it leases 38323
premises from another charitable organization to conduct bingo 38324
games. 38325

(d) All of the money or assets received from the games of 38326
chance after deduction only of prizes paid out during the 38327
conduct of the games of chance are used by, or given, donated, 38328
or otherwise transferred to, any organization that is described 38329
in subsection 509(a) (1), 509(a) (2), or 509(a) (3) of the Internal 38330
Revenue Code and is either a governmental unit or an 38331
organization that is tax exempt under subsection 501(a) and 38332

described in subsection 501(c)(3) of the Internal Revenue Code; 38333

(e) The games of chance are not conducted during, or 38334
within ten hours of, a bingo game conducted for amusement 38335
purposes only pursuant to section 2915.12 of the Revised Code. 38336

No person shall receive any commission, wage, salary, 38337
reward, tip, donation, gratuity, or other form of compensation, 38338
directly or indirectly, for operating or assisting in the 38339
operation of any game of chance. 38340

(2) Any tag fishing tournament operated under a permit 38341
issued under section 1533.92 of the Revised Code, as "tag 38342
fishing tournament" is defined in section 1531.01 of the Revised 38343
Code; 38344

(3) Bingo conducted by a charitable organization that 38345
holds a license issued under section 2915.08 of the Revised 38346
Code. 38347

(E) Division (D) of this section shall not be construed to 38348
authorize the sale, lease, or other temporary or permanent 38349
transfer of the right to conduct games of chance, as granted by 38350
that division, by any charitable organization that is granted 38351
that right. 38352

(F) Any person desiring to conduct, or participate in the 38353
conduct of, a sweepstakes with the use of a sweepstakes terminal 38354
device at a sweepstakes terminal device facility shall first 38355
register with the office of the attorney general and obtain an 38356
annual certificate of registration by providing a filing fee of 38357
two hundred dollars and all information as required by rule 38358
adopted under division (H) of this section. Not later than the 38359
tenth day of each month, each sweepstakes terminal device 38360
operator shall file a sweepstakes terminal device monthly report 38361

with the attorney general and provide a filing fee of fifty 38362
dollars and all information required by rule adopted under 38363
division (H) of this section. All information provided to the 38364
attorney general under this division shall be available to law 38365
enforcement upon request. 38366

(G) A person may apply to the attorney general, on a form 38367
prescribed by the attorney general, for a certificate of 38368
compliance that the person is not operating a sweepstakes 38369
terminal device facility. The form shall require the person to 38370
include the address of the business location where sweepstakes 38371
terminal devices will be used and to make the following 38372
certifications: 38373

(1) That the person will not use more than two sweepstakes 38374
terminal devices at the business location; 38375

(2) That the retail value of sweepstakes prizes to be 38376
awarded at the business location using sweepstakes terminal 38377
devices during a reporting period will be less than three per 38378
cent of the gross revenue received at the business location 38379
during the reporting period; 38380

(3) That no other form of gaming except lottery ticket 38381
sales as authorized under Chapter 3770. of the Revised Code will 38382
be conducted at the business location or in an adjoining area of 38383
the business location; 38384

(4) That any sweepstakes terminal device at the business 38385
location will not allow any deposit of any money, coin, or 38386
token, or the use of any credit card, debit card, prepaid card, 38387
or any other method of similar payment to be used, directly or 38388
indirectly, to participate in a sweepstakes; 38389

(5) That notification of any prize will not take place on 38390

the same day as a participant's sweepstakes entry; and 38391

(6) That the person consents to provide any other 38392
information to the attorney general as required by rule adopted 38393
under division (H) of this section. 38394

The filing fee for a certificate of compliance is two 38395
hundred fifty dollars. The attorney general may charge up to an 38396
additional two hundred fifty dollars for reasonable expenses 38397
resulting from any investigation related to an application for a 38398
certificate of compliance. 38399

A certificate of compliance is effective for one year. The 38400
certificate holder may reapply for a certificate of compliance. 38401
A person issued a certificate of compliance shall file 38402
semiannual reports with the attorney general stating the number 38403
of sweepstakes terminal devices at the business location and 38404
that the retail value of prizes awarded at the business location 38405
using sweepstakes terminal devices is less than three per cent 38406
of the gross revenue received at the business location. 38407

(H) The attorney general shall adopt rules setting forth: 38408

(1) The required information to be submitted by persons 38409
conducting a sweepstakes with the use of a sweepstakes terminal 38410
device at a sweepstakes terminal device facility as described in 38411
division (F) of this section; and 38412

(2) The requirements pertaining to a certificate of 38413
compliance under division (G) of this section, which shall 38414
provide for a person to file a consolidated application and a 38415
consolidated semiannual report if a person has more than one 38416
business location. 38417

The attorney general shall issue a certificate of 38418
registration or a certificate of compliance to all persons who 38419

have successfully satisfied the applicable requirements of this 38420
section. The attorney general shall post online a registry of 38421
all properly registered and certified sweepstakes terminal 38422
device operators. 38423

(I) The attorney general may refuse to issue an annual 38424
certificate of registration or certificate of compliance to any 38425
person or, if one has been issued, the attorney general may 38426
revoke a certificate of registration or a certificate of 38427
compliance if the applicant has provided any information to the 38428
attorney general as part of a registration, certification, 38429
monthly report, semiannual report, or any other information that 38430
is materially false or misleading, or if the applicant or any 38431
officer, partner, or owner of five per cent or more interest in 38432
the applicant has violated any provision of this chapter. 38433

(J) The attorney general may take any necessary and 38434
reasonable action to determine a violation of this chapter, 38435
including requesting documents and information, performing 38436
inspections of premises, or requiring the attendance of any 38437
person at an examination under oath. 38438

(K) Whoever violates this section is guilty of gambling, a 38439
misdemeanor of the first degree. If the offender previously has 38440
been convicted of any gambling offense, gambling is a felony of 38441
the fifth degree. Notwithstanding this division, failing to file 38442
a sweepstakes terminal device monthly report as required by 38443
division (F) of this section or the semiannual report required 38444
by division (G) of this section is a misdemeanor of the first 38445
degree. 38446

Sec. 2915.06. (A) No person shall give to another person 38447
any item described in division—~~(VV) (1)~~ (UU) (1), (2), (3), or (4) 38448
of section 2915.01 of the Revised Code in exchange for a noncash 38449

prize, toy, or novelty received as a reward for playing or 38450
operating a skill-based amusement machine or for a free or 38451
reduced-price game won on a skill-based amusement machine. 38452

(B) Whoever violates division (A) of this section is 38453
guilty of skill-based amusement machine prohibited conduct. A 38454
violation of division (A) of this section is a misdemeanor of 38455
the first degree for each redemption of a prize that is involved 38456
in the violation. If the offender previously has been convicted 38457
of a violation of division (A) of this section, a violation of 38458
that division is a felony of the fifth degree for each 38459
redemption of a prize that is involved in the violation. The 38460
maximum fine authorized to be imposed for a felony of the fifth 38461
degree shall be imposed upon the offender. 38462

Sec. 2915.08. (A) (1) Except as otherwise permitted under 38463
section 2915.092 of the Revised Code, annually before the first 38464
day of January, a charitable organization that desires to 38465
conduct bingo shall apply to the attorney general for one or 38466
more of the following types of licenses to conduct bingo, as 38467
appropriate: 38468

(a) A type I license to conduct bingo as described in 38469
division (O) (1) of section 2915.01 of the Revised Code; 38470

(b) A type II license to conduct instant bingo, electronic 38471
instant bingo, or both at a bingo session; 38472

(c) A type III license to conduct instant bingo, 38473
electronic instant bingo, or both other than at a bingo session, 38474
in accordance with sections 2915.093 to 2915.095 or sections 38475
2915.13 to 2915.15 of the Revised Code, as applicable. 38476

(2) A veteran's organization ~~or~~, fraternal organization, 38477
or sporting organization that is authorized under section 38478

2915.14 of the Revised Code to conduct electronic instant bingo 38479
may be issued only one license to conduct electronic instant 38480
bingo at any one time. The organization may conduct electronic 38481
instant bingo under that license at only one location specified 38482
on the license, which shall be the organization's principal 38483
place of business. 38484

(B) The application shall be accompanied by a license fee 38485
as follows: 38486

(1) If the charitable organization was not licensed to 38487
conduct bingo under this chapter before July 1, 2003, a fee 38488
established by the attorney general by rule adopted pursuant to 38489
section 111.15 of the Revised Code. 38490

(2) If the charitable organization was licensed to conduct 38491
bingo under this chapter before July 1, 2003, the following 38492
applicable fee: 38493

(a) For a type I license for a charitable organization 38494
that wishes to conduct bingo during twenty-six or more weeks in 38495
any calendar year, a license fee of two hundred dollars; 38496

(b) For a type II or type III license for a charitable 38497
organization that previously has not been licensed under this 38498
chapter to conduct instant bingo or electronic instant bingo and 38499
that wishes to conduct bingo during twenty-six or more weeks in 38500
any calendar year, a license fee of five hundred dollars; 38501

(c) For a type II or type III license for a charitable 38502
organization that previously has been licensed under this 38503
chapter to conduct instant bingo or electronic instant bingo and 38504
that desires to conduct bingo during twenty-six or more weeks in 38505
any calendar year, a license fee that is based upon the gross 38506
profits received by the charitable organization from the 38507

operation of instant bingo or electronic instant bingo during 38508
the one-year period ending on the thirty-first day of October of 38509
the year immediately preceding the year for which the license is 38510
sought, and that is one of the following: 38511

(i) Five hundred dollars, if the total is fifty thousand 38512
dollars or less; 38513

(ii) One thousand two hundred fifty dollars plus one- 38514
fourth per cent of the gross profit, if the total is more than 38515
fifty thousand dollars but less than two hundred fifty thousand 38516
one dollars; 38517

(iii) Two thousand two hundred fifty dollars plus one-half 38518
per cent of the gross profit, if the total is more than two 38519
hundred fifty thousand dollars but less than five hundred 38520
thousand one dollars; 38521

(iv) Three thousand five hundred dollars plus one per cent 38522
of the gross profit, if the total is more than five hundred 38523
thousand dollars but less than one million one dollars; 38524

(v) Five thousand dollars plus one per cent of the gross 38525
profit, if the total is one million one dollars or more. 38526

~~(e)~~(d) For a type I, type II, or type III license for a 38527
charitable organization that desires to conduct bingo during 38528
fewer than twenty-six weeks in any calendar year, a reduced 38529
license fee established by the attorney general by rule adopted 38530
pursuant to section 111.15 of the Revised Code. 38531

(C) The application shall be in the form prescribed by the 38532
attorney general, shall be signed and sworn to by the applicant, 38533
and shall contain all of the following: 38534

(1) The name and post-office address of the applicant; 38535

(2) A statement that the applicant is a charitable 38536
organization and that it has been in continuous existence as a 38537
charitable organization in this state for two years immediately 38538
preceding the making of the application; 38539

(3) The location at which the organization will conduct 38540
bingo, which location shall be within the county in which the 38541
principal place of business of the applicant is located, the 38542
days of the week and the times on each of those days when bingo 38543
will be conducted, whether the organization owns, leases, or 38544
subleases the premises, and a copy of the rental agreement if it 38545
leases or subleases the premises; 38546

(4) A statement of the applicant's previous history, 38547
record, and association that is sufficient to establish that the 38548
applicant is a charitable organization, and a copy of a 38549
determination letter that is issued by the Internal Revenue 38550
Service and states that the organization is tax exempt under 38551
subsection 501(a) and described in subsection 501(c) (3), 501(c) 38552
(4), 501(c) (7), 501(c) (8), 501(c) (10), or 501(c) (19) of the 38553
Internal Revenue Code; 38554

(5) A statement as to whether the applicant has ever had 38555
any previous application refused, whether it previously has had 38556
a license revoked or suspended, and the reason stated by the 38557
attorney general for the refusal, revocation, or suspension; 38558

(6) A statement of the charitable purposes for which the 38559
net profit derived from bingo described in division (O) (1) of 38560
section 2915.01 of the Revised Code will be used, or a statement 38561
of how the net profit derived from instant bingo or electronic 38562
instant bingo will be distributed in accordance with section 38563
2915.101 of the Revised Code, as applicable; 38564

(7) Other necessary and reasonable information that the attorney general may require by rule adopted pursuant to section 111.15 of the Revised Code;

(8) If the applicant is a charitable trust as defined in section 109.23 of the Revised Code, a statement as to whether it has registered with the attorney general pursuant to section 109.26 of the Revised Code or filed annual reports pursuant to section 109.31 of the Revised Code, and, if it is not required to do either, the exemption in section 109.26 or 109.31 of the Revised Code that applies to it;

(9) If the applicant is a charitable organization as defined in section 1716.01 of the Revised Code, a statement as to whether it has filed with the attorney general a registration statement pursuant to section 1716.02 of the Revised Code and a financial report pursuant to section 1716.04 of the Revised Code, and, if it is not required to do both, the exemption in section 1716.03 of the Revised Code that applies to it;

(10) In the case of an applicant seeking to qualify as a youth athletic park organization, a statement issued by a board or body vested with authority under Chapter 755. of the Revised Code for the supervision and maintenance of recreation facilities in the territory in which the organization is located, certifying that the playing fields owned by the organization were open for use to all residents of that territory, regardless of race, color, creed, religion, sex, or national origin, for athletic activities by youth athletic organizations that do not discriminate on the basis of race, color, creed, religion, sex, or national origin, and that the fields were not used for any profit-making activity at any time during the year. That type of board or body is authorized to

issue the statement upon request and shall issue the statement 38595
if it finds that the applicant's playing fields were so used. 38596

(D) The attorney general, within thirty days after 38597
receiving a timely filed application from a charitable 38598
organization that has been issued a license under this section 38599
that has not expired and has not been revoked or suspended, 38600
shall send a temporary permit to the applicant specifying the 38601
date on which the application was filed with the attorney 38602
general and stating that, pursuant to section 119.06 of the 38603
Revised Code, the applicant may continue to conduct bingo until 38604
a new license is granted or, if the application is rejected, 38605
until fifteen days after notice of the rejection is mailed to 38606
the applicant. The temporary permit does not affect the validity 38607
of the applicant's application and does not grant any rights to 38608
the applicant except those rights specifically granted in 38609
section 119.06 of the Revised Code. The issuance of a temporary 38610
permit by the attorney general pursuant to this division does 38611
not prohibit the attorney general from rejecting the applicant's 38612
application because of acts that the applicant committed, or 38613
actions that the applicant failed to take, before or after the 38614
issuance of the temporary permit. 38615

(E) Within thirty days after receiving an initial license 38616
application from a charitable organization to conduct bingo, the 38617
attorney general shall conduct a preliminary review of the 38618
application and notify the applicant regarding any deficiencies. 38619
Once an application is deemed complete, or beginning on the 38620
thirtieth day after the application is filed, if the attorney 38621
general failed to notify the applicant of any deficiencies, the 38622
attorney general shall have an additional sixty days to conduct 38623
an investigation and either grant, grant with limits, 38624
restrictions, or probationary conditions, or deny the 38625

application based on findings established and communicated in 38626
accordance with divisions (F) and (I) of this section. As an 38627
option to granting, granting with limits, restrictions, or 38628
probationary conditions, or denying an initial license 38629
application, the attorney general may grant a temporary license 38630
and request additional time to conduct the investigation if the 38631
attorney general has cause to believe that additional time is 38632
necessary to complete the investigation and has notified the 38633
applicant in writing about the specific concerns raised during 38634
the investigation. 38635

(F) (1) The attorney general shall adopt rules to enforce 38636
sections 2915.01, 2915.02, and 2915.07 to 2915.15 of the Revised 38637
Code to ensure that bingo is conducted in accordance with those 38638
sections and to maintain proper control over the conduct of 38639
bingo. Except as otherwise provided in this section, the rules 38640
shall be adopted pursuant to Chapter 119. of the Revised Code. 38641
The attorney general shall license charitable organizations to 38642
conduct bingo in conformance with this chapter and with the 38643
licensing provisions of Chapter 119. of the Revised Code. 38644

(2) If any of the following applies to an organization, 38645
the attorney general may refuse to grant a license to the 38646
organization, may revoke or suspend the organization's license, 38647
or may place limits, restrictions, or probationary conditions on 38648
the organization's license for a limited or indefinite period, 38649
as determined by the attorney general: 38650

(a) The organization fails or has failed at any time to 38651
meet any requirement of section 109.26, 109.31, or 1716.02, or 38652
sections 2915.07 to 2915.15 of the Revised Code, or violates or 38653
has violated any provision of sections 2915.02 or 2915.07 to 38654
2915.13 of the Revised Code or any rule adopted by the attorney 38655

general pursuant to this chapter. 38656

(b) The organization makes or has made an incorrect or 38657
false statement that is material to the granting of the license 38658
in an application filed under this section. 38659

(c) The organization submits or has submitted any 38660
incorrect or false information relating to an application if the 38661
information is material to the granting of the license. 38662

(d) The organization maintains or has maintained any 38663
incorrect or false information that is material to the granting 38664
of the license in the records required to be kept pursuant to 38665
section 2915.10 of the Revised Code, if applicable. 38666

(e) The attorney general has good cause to believe that 38667
the organization will not conduct bingo in accordance with 38668
sections 2915.07 to 2915.15 of the Revised Code or with any rule 38669
adopted by the attorney general pursuant to this chapter. 38670

(3) If the attorney general has good cause to believe that 38671
any director or officer of the organization has breached the 38672
director's or officer's fiduciary duty to, or committed theft or 38673
any other type of misconduct related to, the organization or any 38674
other charitable organization that has been issued a bingo 38675
license under this chapter, the attorney general may refuse to 38676
grant a license to the organization, may impose limits, 38677
restrictions, or probationary conditions on the license, or may 38678
revoke or suspend the organization's license for a period not to 38679
exceed five years. 38680

(4) The attorney general may impose a civil fine on an 38681
organization licensed or permitted under this chapter for 38682
failure to comply with any restrictions, limits, or probationary 38683
conditions on its license, and for failure to comply with this 38684

chapter or any rule adopted under this chapter, according to a 38685
schedule of fines that the attorney general shall adopt in 38686
accordance with Chapter 119. of the Revised Code. 38687

(5) For the purposes of division (F) of this section, any 38688
action of an officer, trustee, agent, representative, or bingo 38689
game operator of an organization is an action of the 38690
organization. 38691

(G) The attorney general may grant licenses to charitable 38692
organizations that are branches, lodges, or chapters of national 38693
charitable organizations. 38694

(H) The attorney general shall send notice of any of the 38695
following actions in writing to the prosecuting attorney and 38696
sheriff of the county in which the charitable organization is 38697
located and to any other law enforcement agency in that county 38698
that so requests, of all of the following: 38699

(1) The issuance of a license under this section; 38700

(2) The issuance of an amended license under this section; 38701

(3) The rejection of an application for and refusal to 38702
grant a license under this section; 38703

(4) The revocation of any license previously issued under 38704
this section; 38705

(5) The suspension of any license previously issued under 38706
this section; 38707

(6) The placing of any limits, restrictions, or 38708
probationary conditions placed on a license issued under this 38709
section. 38710

(I) A license issued by the attorney general under this 38711

section shall set forth the information contained on the 38712
application of the charitable organization that the attorney 38713
general determines is relevant, including, but not limited to, 38714
the location at which the organization will conduct bingo, 38715
whether the license is a type I, type II, or type III license, 38716
and the days of the week and the times on each of those days 38717
when bingo will be conducted. If the attorney general refuses to 38718
grant, places limits, restrictions, or probationary conditions 38719
on, or revokes or suspends a license, the attorney general shall 38720
notify the applicant in writing and specifically identify the 38721
reason for the refusal, revocation, limit, restriction, 38722
probationary condition, or suspension in narrative form and, if 38723
applicable, by identifying the section of the Revised Code 38724
violated. The failure of the attorney general to give the 38725
written notice of the reasons for the refusal, revocation, 38726
limit, restriction, probationary condition, or suspension or a 38727
mistake in the written notice does not affect the validity of 38728
the attorney general's refusal to grant, or the revocation or 38729
suspension of, or limit, restriction, probationary condition on, 38730
a license. If the attorney general fails to give the written 38731
notice or if there is a mistake in the written notice, the 38732
applicant may bring an action to compel the attorney general to 38733
comply with this division or to correct the mistake, but the 38734
attorney general's order refusing to grant, or placing a limit, 38735
restriction, or probationary condition on, or revoking or 38736
suspending, a license shall not be enjoined during the pendency 38737
of the action. 38738

(J) (1) (a) Except as otherwise provided in division (J) (2) 38739
of this section, a charitable organization that has been issued 38740
a license under this section but that cannot conduct bingo at 38741
the location, or on the day of the week or at the time, 38742

specified on the license due to circumstances that make it 38743
impractical to do so, or that desires to conduct instant bingo 38744
other than at a bingo session at additional locations not 38745
identified on the license, may apply in writing, together with 38746
an application fee of two hundred fifty dollars, to the attorney 38747
general, at least thirty days prior to a change in or addition 38748
of a location, day of the week, or time, and request an amended 38749
license. 38750

(b) As applicable, the application shall describe the 38751
causes making it impractical for the organization to conduct 38752
bingo in conformity with its license and shall indicate the 38753
location, days of the week, and times on each of those days when 38754
it desires to conduct bingo and, as applicable, shall indicate 38755
the additional locations at which it desires to conduct instant 38756
bingo other than at a bingo session. 38757

(c) Except as otherwise provided in division (J) (3) of 38758
this section, the attorney general shall issue the amended 38759
license in accordance with division (I) of this section, and the 38760
organization shall surrender its original license to the 38761
attorney general. 38762

(2) (a) A charitable organization that has been issued a 38763
license under this section to conduct electronic instant bingo 38764
but that cannot conduct electronic instant bingo at the 38765
location, or on the day of the week or at the time, specified on 38766
the license due to circumstances that make it impractical to do 38767
so, may apply in writing, together with an application fee of 38768
two hundred fifty dollars, to the attorney general, at least 38769
thirty days prior to a change in a location, day of the week, or 38770
time, and request an amended license. A charitable organization 38771
may not apply for an amended license to conduct electronic 38772

instant bingo at any additional location. 38773

(b) The application shall describe the causes making it 38774
impractical for the organization to conduct electronic instant 38775
bingo in conformity with its license and shall indicate the 38776
location, days of the week, and times on each of those days when 38777
it desires to conduct electronic instant bingo. 38778

(c) Except as otherwise provided in division (J) (3) of 38779
this section, the attorney general shall issue the amended 38780
license in accordance with division (I) of this section, and the 38781
organization shall surrender its original license to the 38782
attorney general. 38783

(3) The attorney general may refuse to grant an amended 38784
license under division (J) (1) or (2) of this section according 38785
to the terms of division (F) of this section. 38786

(K) The attorney general may enter into a written contract 38787
with any other state agency to delegate to that state agency the 38788
powers prescribed to the attorney general under Chapter 2915. of 38789
the Revised Code. 38790

(L) The attorney general, by rule adopted pursuant to 38791
section 111.15 of the Revised Code, may adopt rules to determine 38792
the requirements for a charitable organization that is exempt 38793
from federal income taxation under subsection 501(a) and 38794
described in subsection 501(c) (3) of the Internal Revenue Code 38795
to be in good standing in the state. 38796

Sec. 2915.101. Except as otherwise provided by law, a 38797
charitable organization that conducts instant bingo or 38798
electronic instant bingo shall distribute the ~~net profit from~~ 38799
~~the proceeds of the sale of instant bingo or electronic instant~~ 38800
~~bingo as follows:~~ proceeds in accordance with this section. 38801

(A) (1) If a veteran's organization, a fraternal organization, or a sporting organization ~~conducted the~~ conducts instant bingo ~~or electronic instant bingo~~, the organization shall distribute the net-gross profit ~~from the proceeds of the sale of instant bingo or electronic instant bingo~~, as follows:

(a) For the first ~~two hundred fifty three~~ three hundred thirty thousand dollars, or a greater amount prescribed by the attorney general to adjust for changes in prices as measured by the consumer price index as defined in section 325.18 of the Revised Code and other factors affecting the organization's expenses, ~~as defined in division (GG) of section 2915.01 of the Revised Code~~, or less of net-gross profit from the proceeds of the sale of instant bingo ~~or electronic instant bingo~~ generated in a calendar year:

(i) At least twenty-five per cent shall be distributed to an organization described in division (V) (1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(ii) Not more than seventy-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, ~~as defined in division (GG) of section 2915.01 of the Revised Code~~, in conducting the instant bingo ~~or electronic instant bingo game~~.

(b) For any net-gross profit from the proceeds of the sale of instant bingo ~~or electronic instant bingo~~ of more than ~~two hundred fifty three~~ three hundred thirty thousand dollars or an adjusted amount generated in a calendar year:

(i) A minimum of fifty per cent shall be distributed to an organization described in division (V) (1) of section 2915.01 of

the Revised Code or to a department or agency of the federal 38831
government, the state, or any political subdivision. 38832

(ii) Five per cent may be distributed for the 38833
organization's own charitable purposes or to a community action 38834
agency. 38835

(iii) Forty-five per cent may be deducted and retained by 38836
the organization for reimbursement of or for the organization's 38837
expenses, ~~as defined in division (CC) of section 2915.01 of the~~ 38838
~~Revised Code,~~ in conducting the instant bingo ~~or electronic~~ 38839
~~instant bingo game.~~ 38840

(2) If a veteran's organization, a fraternal organization, 38841
or a sporting organization does not distribute the full 38842
percentages specified in divisions (A) (1) (a) and (b) of this 38843
section for the purposes specified in those divisions, the 38844
organization shall distribute the balance of the net gross 38845
~~profit from the proceeds of the sale of instant bingo or~~ 38846
~~electronic instant bingo~~ not distributed or retained for those 38847
purposes to an organization described in division (V) (1) of 38848
section 2915.01 of the Revised Code. 38849

~~(B)~~ (B) (1) If a veteran's or fraternal organization 38850
conducts electronic instant bingo, the organization shall 38851
distribute the gross profit as follows: 38852

(a) For the first three hundred thirty thousand dollars, 38853
or a greater amount prescribed by the attorney general to adjust 38854
for changes in prices as measured by the consumer price index as 38855
defined in section 325.18 of the Revised Code and other factors 38856
affecting the organization's expenses, or less of gross profit 38857
from the proceeds of the sale of electronic instant bingo 38858
generated in a calendar year: 38859

(i) At least twenty-five per cent shall be distributed to 38860
an organization described in division (V) (1) of section 2915.01 38861
of the Revised Code or to a department or agency of the federal 38862
government, the state, or any political subdivision. 38863

(ii) Not more than seventy-five per cent may be deducted 38864
and retained by the organization for reimbursement of or for the 38865
organization's expenses in conducting the electronic instant 38866
bingo game. 38867

(b) For any gross profit from the proceeds of the sale of 38868
electronic instant bingo of more than three hundred thirty 38869
thousand dollars or an adjusted amount generated in a calendar 38870
year: 38871

(i) A minimum of fifty per cent shall be distributed to an 38872
organization described in division (V) (1) of section 2915.01 of 38873
the Revised Code or to a department or agency of the federal 38874
government, the state, or any political subdivision. 38875

(ii) Five per cent may be distributed for the 38876
organization's own charitable purposes or to a community action 38877
agency. 38878

(iii) Forty-five per cent may be deducted and retained by 38879
the organization for reimbursement of or for the organization's 38880
expenses in conducting the electronic instant bingo game. 38881

(2) If a veteran's or fraternal organization does not 38882
distribute the full percentages specified in divisions (B) (1) (a) 38883
and (b) of this section for the purposes specified in those 38884
divisions, the organization shall distribute the balance of the 38885
gross profit not distributed or retained for those purposes to 38886
an organization described in division (V) (1) of section 2915.01 38887
of the Revised Code. 38888

(C) If a charitable organization other than a veteran's 38889
organization, a fraternal organization, or a sporting 38890
organization ~~conducted the~~ conducts instant bingo or electronic 38891
instant bingo, the organization shall distribute one hundred per 38892
cent of the net profit ~~from the proceeds of the sale of instant~~ 38893
~~bingo or electronic instant bingo~~ to an organization described 38894
in division (V) (1) of section 2915.01 of the Revised Code or to 38895
a department or agency of the federal government, the state, or 38896
any political subdivision. 38897

~~(C)~~ (D) Nothing in this section prohibits a veteran's 38898
organization, a fraternal organization, or a sporting 38899
organization from distributing any net-gross profit ~~from the~~ 38900
~~proceeds of the sale of instant bingo or electronic instant~~ 38901
~~bingo~~ to an organization that is described in subsection 501(c) 38902
(3) of the Internal Revenue Code when the organization that is 38903
described in subsection 501(c) (3) of the Internal Revenue Code 38904
is one that makes donations to other organizations and permits 38905
donors to advise or direct such donations so long as the 38906
donations comply with requirements established in or pursuant to 38907
subsection 501(c) (3) of the Internal Revenue Code. 38908

Sec. 2915.13. (A) Subject to the requirements of sections 38909
2915.14 and 2915.15 of the Revised Code concerning electronic 38910
instant bingo, a veteran's organization, a fraternal 38911
organization, or a sporting organization authorized to conduct a 38912
bingo session pursuant to this chapter may conduct instant 38913
bingo, electronic instant bingo, or both other than at a bingo 38914
session under a type III license issued under section 2915.08 of 38915
the Revised Code if all of the following apply: 38916

(1) The veteran's organization, fraternal organization, or 38917
sporting organization limits the sale of instant bingo or 38918

electronic instant bingo to ~~twelve~~sixteen hours during any day, 38919
provided that the sale does not begin earlier than ~~ten~~eight 38920
a.m. and ends not later than two a.m. 38921

(2) The veteran's organization, fraternal organization, or 38922
sporting organization limits the sale of instant bingo or 38923
electronic instant bingo to its own premises and to its own 38924
members and invited guests. 38925

(3) The veteran's organization, fraternal organization, or 38926
sporting organization is raising money for an organization that 38927
is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of 38928
the Internal Revenue Code and is either a governmental unit or 38929
an organization that maintains its principal place of business 38930
in this state, that is exempt from federal income taxation under 38931
subsection 501(a) and described in subsection 501(c)(3) of the 38932
Internal Revenue Code, and that is in good standing in this 38933
state and executes a written contract with that organization as 38934
required in division (B) of this section. 38935

(B) If a veteran's organization, fraternal organization, 38936
or sporting organization authorized to conduct instant bingo or 38937
electronic instant bingo pursuant to division (A) of this 38938
section is raising money for another organization that is 38939
described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of 38940
the Internal Revenue Code and is either a governmental unit or 38941
an organization that maintains its principal place of business 38942
in this state, that is exempt from federal income taxation under 38943
subsection 501(a) and described in subsection 501(c)(3) of the 38944
Internal Revenue Code, and that is in good standing in this 38945
state, the veteran's organization, fraternal organization, or 38946
sporting organization shall execute a written contract with the 38947
organization that is described in subsection 509(a)(1), 509(a) 38948

(2), or 509(a)(3) of the Internal Revenue Code and is either a 38949
governmental unit or an organization that maintains its 38950
principal place of business in this state, that is exempt from 38951
federal income taxation under subsection 501(a) and described in 38952
subsection 501(c)(3) of the Internal Revenue Code, and that is 38953
in good standing in this state in order to conduct instant bingo 38954
or electronic instant bingo. That contract shall include a 38955
statement of the percentage of the ~~net proceeds~~ gross profit 38956
that the veteran's, fraternal, or sporting organization will be 38957
distributing to the organization that is described in subsection 38958
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 38959
and is either a governmental unit or an organization that 38960
maintains its principal place of business in this state, that is 38961
exempt from federal income taxation under subsection 501(a) and 38962
described in subsection 501(c)(3) of the Internal Revenue Code, 38963
and that is in good standing in this state under section 38964
2915.101 of the Revised Code. 38965

(C)(1) If a veteran's organization, fraternal 38966
organization, or sporting organization authorized to conduct 38967
instant bingo or electronic instant bingo pursuant to division 38968
(A) of this section has been issued a liquor permit under 38969
Chapter 4303. of the Revised Code, that permit may be subject to 38970
suspension, revocation, or cancellation if the veteran's 38971
organization, fraternal organization, or sporting organization 38972
violates a provision of this chapter. 38973

(2) No veteran's organization, fraternal organization, or 38974
sporting organization that enters into a written contract 38975
pursuant to division (B) of this section shall violate any 38976
provision of this chapter or permit, aid, or abet any other 38977
person in violating any provision of this chapter. 38978

(D) A veteran's organization, fraternal organization, or 38979
sporting organization shall give all required proceeds earned 38980
from the conduct of instant bingo or electronic instant bingo to 38981
the organization with which the veteran's organization, 38982
fraternal organization, or sporting organization has entered 38983
into a written contract. 38984

(E) Whoever violates this section is guilty of illegal 38985
instant bingo or electronic instant bingo conduct. Except as 38986
otherwise provided in this division, illegal instant bingo or 38987
electronic instant bingo conduct is a misdemeanor of the first 38988
degree. If the offender previously has been convicted of a 38989
violation of this section, illegal instant bingo or electronic 38990
instant bingo conduct is a felony of the fifth degree. 38991

Sec. 2915.14. (A) No charitable organization shall conduct 38992
electronic instant bingo unless all of the following are true: 38993

(1) The organization is a veteran's organization described 38994
in division (J) of section 2915.01 of the Revised Code, ~~or is a~~ 38995
fraternal organization described in division (L) of section 38996
2915.01 of the Revised Code, or a sporting organization 38997
described in division (XX) of section 2915.01 of the Revised 38998
Code, and the organization qualified as a veteran's organization 38999
~~or,~~ fraternal organization, or sporting organization as 39000
applicable, on or before June 30, 2021. 39001

(2) The organization is a veteran's organization described 39002
in subsection 501(c)(4) of the Internal Revenue Code or is, and 39003
has received from the internal revenue service a determination 39004
letter that is currently in effect stating that the organization 39005
is, exempt from federal income taxation under subsection 501(a), 39006
and is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), 39007
or 501(c)(19) of the Internal Revenue Code. 39008

(3) The organization has not conducted a raffle in 39009
violation of division (B) of section 2915.092 of the Revised 39010
Code using an electronic raffle machine, as described in Ohio 39011
Veterans and Fraternal Charitable Coalition v. DeWine, Case No. 39012
13-CV-13610 (C.P. Franklin Co. February 23, 2018), at any time 39013
on or after January 1, 2022. 39014

(B) No charitable organization that conducts electronic 39015
instant bingo shall do any of the following: 39016

(1) Possess an electronic instant bingo system that was 39017
not obtained in accordance with this chapter or with any rule 39018
adopted under this chapter; 39019

(2) Conduct electronic instant bingo on any day, at any 39020
time, or on any premises not specified on the organization's 39021
type II or type III license issued under section 2915.08 of the 39022
Revised Code; 39023

(3) Hold more than one valid license to conduct electronic 39024
instant bingo at any one time; 39025

(4) Conduct electronic instant bingo on more than one 39026
premises or on any premises other than the charitable 39027
organization's principal place of business; 39028

(5) Operate more than ten electronic bingo systems at the 39029
premises on which the charitable organization conducts 39030
electronic instant bingo under its license; 39031

(6) Fail to display both of the following conspicuously at 39032
the premises on which the charitable organization conducts 39033
electronic instant bingo: 39034

(a) The charitable organization's bingo license; 39035

(b) The serial number of each deal of electronic instant 39036

bingo tickets being sold. 39037

(7) Permit any person the charitable organization knows, 39038
or should have known, to be under eighteen years of age to play 39039
electronic instant bingo; 39040

(8) Sell or provide to any person an electronic instant 39041
bingo ticket for a price different from the price displayed on 39042
the game flare for that deal, except that the charitable 39043
organization may give a participant who wins an electronic 39044
instant bingo game an electronic instant bingo ticket as a prize 39045
in place of a cash prize; 39046

(9) Fail, once an electronic instant bingo deal is begun, 39047
to continue to sell tickets in that deal until all prizes have 39048
been awarded; 39049

(10) Permit any person whom the organization knows, or 39050
should have known, has been convicted of a felony or gambling 39051
offense in any jurisdiction to be a bingo game operator in the 39052
conduct of electronic instant bingo; 39053

(11) Permit a bingo game operator to play electronic 39054
instant bingo; 39055

(12) (a) Except as otherwise provided in division (B) (12) 39056
(b) of this section, pay compensation to a bingo game operator 39057
for conducting electronic instant bingo. 39058

(b) Division (B) (12) (a) of this section does not prohibit 39059
an employee of a veteran's organization or fraternal 39060
organization from redeeming electronic instant bingo tickets or 39061
vouchers for the organization's members or invited guests, so 39062
long as no portion of the employee's compensation is paid from 39063
any bingo receipts. 39064

(13) Pay consulting fees to any person in relation to 39065
electronic instant bingo. 39066

(C) No person shall sell, offer to sell, or otherwise 39067
provide or offer to provide an electronic instant bingo system 39068
to any person for use in this state unless the electronic 39069
instant bingo system has been approved under section 2915.15 of 39070
the Revised Code. 39071

(D) The attorney general shall adopt rules under Chapter 39072
119. of the Revised Code to ensure the integrity of electronic 39073
instant bingo, including, but not limited to, rules governing 39074
all of the following: 39075

(1) The requirements to receive a license or endorsement 39076
to conduct electronic instant bingo; 39077

(2) The location and number of electronic instant bingo 39078
systems in use, which shall not exceed ten at the single 39079
licensed location per organization; 39080

(3) The times when electronic instant bingo may be 39081
offered; 39082

(4) Signage requirements in facilities where electronic 39083
instant bingo is offered; 39084

(5) Electronic instant bingo device and system 39085
specifications, including reveal features and game themes; 39086

(6) Procedures and standards for the review, approval, 39087
inspection, and monitoring of electronic instant bingo systems, 39088
as described in section 2915.15 of the Revised Code; 39089

(7) Procedures and standards for the review and approval 39090
of any changes to technology, systems, or games licensed or 39091
permitted under this chapter; 39092

(8) The fees to be charged under section 2915.15 of the Revised Code for review, approval, inspection, and monitoring of electronic instant bingo systems;

(9) Procedures allowing the attorney general to seek a summary suspension of a license to conduct electronic instant bingo or a license to manufacture or distribute electronic instant bingo systems if the attorney general has good cause to believe that the person or organization licensed to conduct electronic instant bingo, or the person or organization licensed to manufacture or distribute electronic instant bingo systems, or any of the organization's employees, officers, directors, agents, representatives, or partners, has violated this chapter or a rule adopted under this chapter.

(E) Whoever knowingly violates division (A), (B), or (C) of this section or a rule adopted under division (D) of this section is guilty of illegal electronic instant bingo conduct. Illegal electronic instant bingo conduct is a misdemeanor of the first degree, except that if the offender previously has been convicted of a violation of division (A) or (B) of this section or of a rule adopted under division (D) of this section, illegal instant bingo conduct is a felony of the fifth degree.

Sec. 2917.211. (A) As used in this section:

(1) "Child-victim oriented offense" and "sexually oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(2) "Disseminate" means to post, distribute, or publish on a computer device, computer network, web site, or other electronic device or medium of communication.

~~(2)~~ (3) "Image" means a photograph, film, videotape,

digital recording, or other depiction or portrayal of a person. 39122

~~(3)~~ (4) "Interactive computer service" has the meaning 39123
defined in the "Telecommunications Act of 1996," 47 U.S.C. 230, 39124
as amended. 39125

~~(4)~~ (5) "Internet provider" means a provider of internet 39126
service, including all of the following: 39127

(a) Broadband service, however defined or classified by 39128
the federal communications commission; 39129

(b) Information service or telecommunications service, 39130
both as defined in the "Telecommunications Act of 1996," 47 39131
U.S.C. 153, as amended; 39132

(c) Internet protocol-enabled services, as defined in 39133
section 4927.01 of the Revised Code. 39134

~~(5)~~ (6) "Mobile service" and "telecommunications carrier" 39135
have the meanings defined in 47 U.S.C. 153, as amended. 39136

~~(6)~~ (7) "Cable service provider" has the same meaning as 39137
in section 1332.01 of the Revised Code. 39138

~~(7)~~ (8) "Direct-to-home satellite service" has the meaning 39139
defined in 47 U.S.C. 303, as amended. 39140

~~(8)~~ (9) "Video service provider" has the same meaning as 39141
in section 1332.21 of the Revised Code. 39142

~~(9)~~ (10) "Sexual act" means any of the following: 39143

(a) Sexual activity; 39144

(b) Masturbation; 39145

(c) An act involving a bodily substance that is performed 39146
for the purpose of sexual arousal or gratification; 39147

(d) Sado-masochistic abuse.	39148
<u>(11) "Fabricated sexual image" has the same meaning as in</u>	39149
<u>section 2307.66 of the Revised Code.</u>	39150
(B) No person shall knowingly disseminate an image of	39151
another person if all of the following apply:	39152
(1) The person in the image is eighteen years of age or	39153
older.	39154
(2) The person in the image can be identified from the	39155
image itself or from information displayed in connection with	39156
the image and the offender supplied the identifying information.	39157
(3) The person in the image is in a state of nudity or is	39158
engaged in a sexual act.	39159
(4) The image is disseminated without consent from the	39160
person in the image.	39161
(5) The image is disseminated with intent to harm the	39162
person in the image.	39163
(C) <u>No person shall knowingly disseminate a fabricated</u>	39164
<u>sexual image of another person without the other person's</u>	39165
<u>consent.</u>	39166
<u>(D) No person shall, without the consent of the depicted</u>	39167
<u>person, in order to harass, extort, threaten, or cause physical,</u>	39168
<u>emotional, reputational, or economic harm to a person falsely</u>	39169
<u>depicted, knowingly do either of the following:</u>	39170
<u>(1) Create a fabricated sexual image with intent to</u>	39171
<u>distribute;</u>	39172
<u>(2) Solicit the creation of a fabricated sexual image with</u>	39173
<u>intent to distribute.</u>	39174

(E) This section does not prohibit the dissemination of an 39175
image or fabricated sexual image if any of the following apply: 39176

(1) The image or fabricated sexual image is disseminated 39177
for the purpose of a criminal investigation that is otherwise 39178
lawful. 39179

(2) The image or fabricated sexual image is disseminated 39180
for the purpose of, or in connection with, the reporting of 39181
unlawful conduct. 39182

(3) The image or fabricated sexual image is part of a news 39183
report or commentary or an artistic or expressive work, such as 39184
a performance, work of art, literary work, theatrical work, 39185
musical work, motion picture, film, or audiovisual work. 39186

(4) The image or fabricated sexual image is disseminated 39187
by a law enforcement officer, or a corrections officer or guard 39188
in a detention facility, acting within the scope of the person's 39189
official duties. 39190

(5) The image or fabricated sexual image is disseminated 39191
for another lawful public purpose. 39192

(6) ~~The~~ If the person in the image or fabricated sexual 39193
image is eighteen years of age or older, the person in the image 39194
or fabricated sexual image is knowingly and willingly in a state 39195
of nudity or engaged in a sexual act and is knowingly and 39196
willingly in a location in which the person does not have a 39197
reasonable expectation of privacy. 39198

(7) The image or fabricated sexual image is disseminated 39199
for the purpose of medical treatment or examination. 39200

~~(D)~~ (F) The following entities are not liable for a 39201
violation of this section solely as a result of an image or 39202

fabricated sexual image or other information provided by another 39203
person: 39204

(1) A provider of interactive computer service; 39205

(2) A mobile service; 39206

(3) A telecommunications carrier; 39207

(4) An internet provider; 39208

(5) A cable service provider; 39209

(6) A direct-to-home satellite service; 39210

(7) A video service provider. 39211

~~(E)~~ (G) Any conduct that is a violation of this section 39212
and any other section of the Revised Code may be prosecuted 39213
under this section, the other section, or both sections. 39214

~~(F) (1) (a)~~ (H) (1) (a) Except as otherwise provided in 39215
division ~~(F) (1) (b), (c), or (d)~~ (H) (1) (b) of this section, 39216
whoever violates division (B) of this section is guilty of 39217
nonconsensual dissemination of private sexual images, a 39218
~~misdemeanor~~ felony of the ~~third~~ fifth degree. 39219

(b) If the offender previously has been convicted of or 39220
pleaded guilty to a violation of division (B) of this section, a 39221
sexually oriented offense, or a child-victim oriented offense, 39222
nonconsensual dissemination of private sexual images is a 39223
~~misdemeanor~~ felony of the ~~second~~ fourth degree. 39224

~~(c) If the offender previously has been convicted of or~~ 39225
~~pleaded guilty to two or more violations of this section,~~ 39226
~~nonconsensual dissemination of private sexual images is a~~ 39227
~~misdemeanor of the first degree.~~ 39228

~~(d) If the offender is under eighteen years of age and the~~ 39229

~~person in the image is not more than five years older than the~~ 39230
~~offender, the offender shall not be prosecuted under this~~ 39231
~~section.~~ 39232

~~(2)~~ (2) (a) Except as otherwise provided in division (H) (2) 39233
(b) of this section, whoever violates division (C) of this 39234
section is guilty of nonconsensual dissemination of fabricated 39235
sexual images, a felony of the fourth degree. 39236

(b) If the offender has previously been convicted of or 39237
pleaded guilty to a violation of this section, a sexually 39238
oriented offense, or a child-victim oriented offense, 39239
nonconsensual dissemination of fabricated sexual images is a 39240
felony of the third degree. 39241

(3) (a) Except as otherwise provided in division (H) (3) (b) 39242
of this section, whoever violates division (D) of this section 39243
is guilty of nonconsensual creation of fabricated sexual images, 39244
a felony of the fourth degree. 39245

(b) If the offender has previously been convicted of or 39246
pleaded guilty to a violation of this section, a sexually 39247
oriented offense, or a child-victim oriented offense, 39248
nonconsensual creation of fabricated sexual images is a felony 39249
of the third degree. 39250

(4) In addition to any other penalty or disposition 39251
authorized or required by law, the court may order any person 39252
who is convicted of a violation of this section or who is 39253
adjudicated delinquent by reason of a violation of this section 39254
to criminally forfeit all of the following property to the state 39255
under Chapter 2981. of the Revised Code: 39256

(a) Any profits or proceeds and any property the person 39257
has acquired or maintained in violation of this section that the 39258

sentencing court determines to have been acquired or maintained 39259
as a result of the violation; 39260

(b) Any interest in, securities of, claim against, or 39261
property or contractual right of any kind affording a source of 39262
influence over any enterprise that the person has established, 39263
operated, controlled, or conducted in violation of this section 39264
that the sentencing court determines to have been acquired or 39265
maintained as a result of the violation. 39266

~~(G)~~ (I) A victim of a violation of this section may 39267
commence a civil cause of action against the offender, as 39268
described in section 2307.66 of the Revised Code. 39269

Sec. 2919.171. (A) (1) A physician who performs or induces 39270
or attempts to perform or induce an abortion on a pregnant woman 39271
shall submit a report to the department of health in accordance 39272
with the forms, rules, and regulations adopted by the department 39273
that includes all of the information the physician is required 39274
to certify in writing or determine under section 2919.17, 39275
section 2919.18, divisions (A) and (C) of section 2919.192, 39276
division (C) of section 2919.193, division (B) of section 39277
2919.195, or division (A) of section 2919.196 of the Revised 39278
Code. 39279

(2) If a person other than the physician described in 39280
division (A) (1) of this section makes or maintains a record 39281
required by sections 2919.192 to 2919.196 of the Revised Code on 39282
the physician's behalf or at the physician's direction, that 39283
person shall comply with the reporting requirement described in 39284
division (A) (1) of this section as if the person were the 39285
physician described in that division. 39286

(B) By ~~September 30~~ the first day of March of each year, 39287

the department of health shall issue a public report that 39288
provides statistics for the previous calendar year compiled from 39289
all of the reports covering that calendar year submitted to the 39290
department in accordance with this section for each of the items 39291
listed in division (A) of this section. The report shall also 39292
provide the statistics for each previous calendar year in which 39293
a report was filed with the department pursuant to this section, 39294
adjusted to reflect any additional information that a physician 39295
provides to the department in a late or corrected report. The 39296
department shall ensure that none of the information included in 39297
the report could reasonably lead to the identification of any 39298
pregnant woman upon whom an abortion is performed. 39299

(C) (1) The physician shall submit the report described in 39300
division (A) of this section to the department of health within 39301
fifteen days after the woman is discharged. If the physician 39302
fails to submit the report more than thirty days after that 39303
fifteen-day deadline, the physician shall be subject to a late 39304
fee of five hundred dollars for each additional thirty-day 39305
period or portion of a thirty-day period the report is overdue. 39306
A physician who is required to submit to the department of 39307
health a report under division (A) of this section and who has 39308
not submitted a report or has submitted an incomplete report 39309
more than one year following the fifteen-day deadline may, in an 39310
action brought by the department of health, be directed by a 39311
court of competent jurisdiction to submit a complete report to 39312
the department of health within a period of time stated in a 39313
court order or be subject to contempt of court. 39314

(2) If a physician fails to comply with the requirements 39315
of this section, other than filing a late report with the 39316
department of health, or fails to submit a complete report to 39317
the department of health in accordance with a court order, the 39318

physician is subject to division (B)(43) of section 4731.22 of 39319
the Revised Code. 39320

(3) No person shall falsify any report required under this 39321
section. Whoever violates this division is guilty of abortion 39322
report falsification, a misdemeanor of the first degree. 39323

(D) The department of health shall adopt rules pursuant to 39324
section 111.15 of the Revised Code to assist in compliance with 39325
this section. 39326

Sec. 2921.13. (A) No person shall knowingly make a false 39327
statement, or knowingly swear or affirm the truth of a false 39328
statement previously made, when any of the following applies: 39329

(1) The statement is made in any official proceeding. 39330

(2) The statement is made with purpose to incriminate 39331
another. 39332

(3) The statement is made with purpose to mislead a public 39333
official in performing the public official's official function. 39334

(4) The statement is made with purpose to secure the 39335
payment of unemployment compensation; Ohio works first; 39336
prevention, retention, and contingency benefits and services; 39337
disability financial assistance; retirement benefits or health 39338
care coverage from a state retirement system; economic 39339
development assistance, as defined in section 9.66 of the 39340
Revised Code; or other benefits administered by a governmental 39341
agency or paid out of a public treasury. 39342

(5) The statement is made with purpose to secure the 39343
issuance by a governmental agency of a license, permit, 39344
authorization, certificate, registration, release, or provider 39345
agreement. 39346

(6) The statement is sworn or affirmed before a notary 39347
public or another person empowered to administer oaths. 39348

(7) The statement is in writing on or in connection with a 39349
report or return that is required or authorized by law. 39350

(8) The statement is in writing and is made with purpose 39351
to induce another to extend credit to or employ the offender, to 39352
confer any degree, diploma, certificate of attainment, award of 39353
excellence, or honor on the offender, or to extend to or bestow 39354
upon the offender any other valuable benefit or distinction, 39355
when the person to whom the statement is directed relies upon it 39356
to that person's detriment. 39357

(9) The statement is made with purpose to commit or 39358
facilitate the commission of a theft offense. 39359

(10) The statement is knowingly made to a probate court in 39360
connection with any action, proceeding, or other matter within 39361
its jurisdiction, either orally or in a written document, 39362
including, but not limited to, an application, petition, 39363
complaint, or other pleading, or an inventory, account, or 39364
report. 39365

(11) The statement is made on an account, form, record, 39366
stamp, label, or other writing that is required by law. 39367

(12) The statement is made in connection with the purchase 39368
of a firearm, as defined in section 2923.11 of the Revised Code, 39369
and in conjunction with the furnishing to the seller of the 39370
firearm of a fictitious or altered driver's or commercial 39371
driver's license or permit, a fictitious or altered 39372
identification card, or any other document that contains false 39373
information about the purchaser's identity. 39374

(13) The statement is made in a document or instrument of 39375

writing that purports to be a judgment, lien, or claim of 39376
indebtedness and is filed or recorded with the secretary of 39377
state, a county recorder, or the clerk of a court of record. 39378

(14) The statement is made in an application filed with a 39379
county sheriff pursuant to section 2923.125 of the Revised Code 39380
in order to obtain or renew a concealed handgun license or is 39381
made in an affidavit submitted to a county sheriff to obtain a 39382
concealed handgun license on a temporary emergency basis under 39383
section 2923.1213 of the Revised Code. 39384

(15) The statement is required under section 5743.71 of 39385
the Revised Code in connection with the person's purchase of 39386
cigarettes or tobacco products in a delivery sale. 39387

(16) The statement is made to the department of children 39388
and youth in connection with the Ohio adoption grant program for 39389
the purpose of qualifying for or obtaining an adoption grant 39390
under sections 5101.19 to 5101.194 of the Revised Code. 39391

(B) No person, in connection with the purchase of a 39392
firearm, as defined in section 2923.11 of the Revised Code, 39393
shall knowingly furnish to the seller of the firearm a 39394
fictitious or altered driver's or commercial driver's license or 39395
permit, a fictitious or altered identification card, or any 39396
other document that contains false information about the 39397
purchaser's identity. 39398

(C) No person, in an attempt to obtain a concealed handgun 39399
license under section 2923.125 of the Revised Code, shall 39400
knowingly present to a sheriff a fictitious or altered document 39401
that purports to be certification of the person's competence in 39402
handling a handgun as described in division (B) (3) of that 39403
section. 39404

(D) It is no defense to a charge under division (A) (6) of 39405
this section that the oath or affirmation was administered or 39406
taken in an irregular manner. 39407

(E) If contradictory statements relating to the same fact 39408
are made by the offender within the period of the statute of 39409
limitations for falsification, it is not necessary for the 39410
prosecution to prove which statement was false but only that one 39411
or the other was false. 39412

(F) (1) Whoever violates division (A) (1), (2), (3), (4), 39413
(5), (6), (7), (8), (10), (11), (13), ~~or~~ (15), or (16) of this 39414
section is guilty of falsification. Except as otherwise provided 39415
in this division, falsification is a misdemeanor of the first 39416
degree. 39417

(2) Whoever violates division (A) (9) of this section is 39418
guilty of falsification in a theft offense. Except as otherwise 39419
provided in this division, falsification in a theft offense is a 39420
misdemeanor of the first degree. If the value of the property or 39421
services stolen is one thousand dollars or more and is less than 39422
seven thousand five hundred dollars, falsification in a theft 39423
offense is a felony of the fifth degree. If the value of the 39424
property or services stolen is seven thousand five hundred 39425
dollars or more and is less than one hundred fifty thousand 39426
dollars, falsification in a theft offense is a felony of the 39427
fourth degree. If the value of the property or services stolen 39428
is one hundred fifty thousand dollars or more, falsification in 39429
a theft offense is a felony of the third degree. 39430

(3) Whoever violates division (A) (12) or (B) of this 39431
section is guilty of falsification to purchase a firearm, a 39432
felony of the fifth degree. 39433

(4) Whoever violates division (A) (14) or (C) of this 39434
section is guilty of falsification to obtain a concealed handgun 39435
license, a felony of the fourth degree. 39436

(5) Whoever violates division (A) of this section in 39437
removal proceedings under section 319.26, 321.37, 507.13, or 39438
733.78 of the Revised Code is guilty of falsification regarding 39439
a removal proceeding, a felony of the third degree. 39440

(G) A person who violates this section is liable in a 39441
civil action to any person harmed by the violation for injury, 39442
death, or loss to person or property incurred as a result of the 39443
commission of the offense and for reasonable attorney's fees, 39444
court costs, and other expenses incurred as a result of 39445
prosecuting the civil action commenced under this division. A 39446
civil action under this division is not the exclusive remedy of 39447
a person who incurs injury, death, or loss to person or property 39448
as a result of a violation of this section. 39449

Sec. 2921.36. (A) No person shall knowingly convey, or 39450
attempt to convey, onto the grounds of a detention facility or 39451
of an institution, office building, or other place that is under 39452
the control of the department of mental health and addiction 39453
services, the department of developmental disabilities, the 39454
department of youth services, or the department of 39455
rehabilitation and correction any of the following items: 39456

(1) Any deadly weapon or dangerous ordnance, as defined in 39457
section 2923.11 of the Revised Code, or any part of or 39458
ammunition for use in such a deadly weapon or dangerous 39459
ordnance; 39460

(2) Any drug of abuse, as defined in section 3719.011 of 39461
the Revised Code; 39462

(3) Any intoxicating liquor, as defined in section 4301.01 39463
of the Revised Code, except for small amounts of wine for 39464
sacramental purposes when the person engaging in the specified 39465
conduct is a cleric, as defined in section 2317.02 of the 39466
Revised Code. 39467

(B) Division (A) of this section does not apply to any 39468
person who conveys or attempts to convey an item onto the 39469
grounds of a detention facility or of an institution, office 39470
building, or other place under the control of the department of 39471
mental health and addiction services, the department of 39472
developmental disabilities, the department of youth services, or 39473
the department of rehabilitation and correction pursuant to the 39474
written authorization of the person in charge of the detention 39475
facility or the institution, office building, or other place and 39476
in accordance with the written rules of the detention facility 39477
or the institution, office building, or other place. 39478

(C) No person shall knowingly deliver, or attempt to 39479
deliver, to any person who is confined in a detention facility, 39480
to a child confined in a youth services facility, to a prisoner 39481
who is temporarily released from confinement for a work 39482
assignment, or to any patient in an institution under the 39483
control of the department of mental health and addiction 39484
services or the department of developmental disabilities any 39485
item listed in division (A) (1), (2), or (3) of this section. 39486

(D) No person shall knowingly deliver, or attempt to 39487
deliver, cash to any person who is confined in a detention 39488
facility, to a child confined in a youth services facility, or 39489
to a prisoner who is temporarily released from confinement for a 39490
work assignment. 39491

(E) No person shall knowingly deliver, or attempt to 39492

deliver, to any person who is confined in a detention facility, 39493
to a child confined in a youth services facility, or to a 39494
prisoner who is temporarily released from confinement for a work 39495
assignment a cellular telephone, two-way radio, or other 39496
electronic communications device. 39497

(F) (1) It is an affirmative defense to a charge under 39498
division (A) (1) of this section that the weapon or dangerous 39499
ordnance in question was being transported in a motor vehicle 39500
for any lawful purpose, that it was not on the actor's person, 39501
and, if the weapon or dangerous ordnance in question was a 39502
firearm, that it was unloaded and was being carried in a closed 39503
package, box, or case or in a compartment that can be reached 39504
only by leaving the vehicle. 39505

(2) It is an affirmative defense to a charge under 39506
division (C) of this section that the actor was not otherwise 39507
prohibited by law from delivering the item to the confined 39508
person, the child, the prisoner, or the patient and that either 39509
of the following applies: 39510

(a) The actor was permitted by the written rules of the 39511
detention facility or the institution, office building, or other 39512
place to deliver the item to the confined person or the patient. 39513

(b) The actor was given written authorization by the 39514
person in charge of the detention facility or the institution, 39515
office building, or other place to deliver the item to the 39516
confined person or the patient. 39517

(G) (1) Whoever violates division (A) (1) of this section or 39518
commits a violation of division (C) of this section involving an 39519
item listed in division (A) (1) of this section is guilty of 39520
illegal conveyance of weapons onto the grounds of a specified 39521

governmental facility, a felony of the third degree. If the 39522
offender is an officer or employee of the department of 39523
rehabilitation and correction or the department of youth 39524
services or a contractor or employee of a contractor providing 39525
services to the department of rehabilitation and correction or 39526
the department of youth services, the court shall impose a 39527
mandatory prison term from the range of definite prison terms 39528
prescribed in division (A) (3) (b) of section 2929.14 of the 39529
Revised Code for a felony of the third degree. 39530

(2) Whoever violates division (A) (2) of this section or 39531
commits a violation of division (C) of this section involving 39532
any drug of abuse is guilty of illegal conveyance of drugs of 39533
abuse onto the grounds of a specified governmental facility, a 39534
felony of the third degree. If the offender is an officer or 39535
employee of the department of rehabilitation and correction or 39536
of the department of youth services or a contractor or employee 39537
of a contractor providing services to the department of 39538
rehabilitation and correction or the department of youth 39539
services, the court shall impose a mandatory prison term from 39540
the range of definite prison terms prescribed in division (A) (3) 39541
(b) of section 2929.14 of the Revised Code for a felony of the 39542
third degree. 39543

(3) Whoever violates division (A) (3) of this section or 39544
commits a violation of division (C) of this section involving 39545
any intoxicating liquor is guilty of illegal conveyance of 39546
intoxicating liquor onto the grounds of a specified governmental 39547
facility, a misdemeanor of the second degree. 39548

(4) Whoever violates division (D) of this section is 39549
guilty of illegal conveyance of cash onto the grounds of a 39550
detention facility, a misdemeanor of the first degree. If the 39551

offender previously has been convicted of or pleaded guilty to a 39552
violation of division (D) of this section, illegal conveyance of 39553
cash onto the grounds of a detention facility is a felony of the 39554
fifth degree. 39555

~~(5) Whoever~~ (5) (a) Except as provided in division (G) (5) (b) 39556
of this section, whoever violates division (E) of this section 39557
is guilty of illegal conveyance of a communications device onto 39558
the grounds of a specified governmental facility, a ~~misdemeanor~~ 39559
~~felony~~ of the ~~first~~ fifth degree, or if the offender previously 39560
has been convicted of or pleaded guilty to a violation of 39561
division (E) of this section, a felony of the ~~fifth~~ third 39562
degree. 39563

(b) If the offender is an officer or employee of the 39564
department of rehabilitation and correction or the department of 39565
youth services or a contractor or employee of a contractor 39566
providing services to the department of rehabilitation and 39567
correction or the department of youth services, a violation of 39568
division (E) of this section is a felony of the third degree, 39569
and the court shall impose a mandatory prison term from the 39570
range of definite prison terms prescribed in division (A) (3) (b) 39571
of section 2929.14 of the Revised Code for a felony of the third 39572
degree. 39573

Sec. 2921.41. (A) No public official or party official 39574
shall commit any theft offense, as defined in division (K) of 39575
section 2913.01 of the Revised Code, when either of the 39576
following applies: 39577

(1) The offender uses the offender's office in aid of 39578
committing the offense or permits or assents to its use in aid 39579
of committing the offense; 39580

(2) The property or service involved is owned by this 39581
state, any other state, the United States, a county, a municipal 39582
corporation, a township, or any political subdivision, 39583
department, or agency of any of them, is owned by a political 39584
party, or is part of a political campaign fund. 39585

(B) Whoever violates this section is guilty of theft in 39586
office. Except as otherwise provided in this division, theft in 39587
office is a felony of the fifth degree. If the value of property 39588
or services stolen is one thousand dollars or more and is less 39589
than seven thousand five hundred dollars, theft in office is a 39590
felony of the fourth degree. If the value of property or 39591
services stolen is seven thousand five hundred dollars or more 39592
and is less than one hundred fifty thousand dollars, theft in 39593
office is a felony of the third degree. If the value of property 39594
or services stolen is one hundred fifty thousand dollars or more 39595
and is less than seven hundred fifty thousand dollars, theft in 39596
office is a felony of the second degree. If the value of 39597
property or services stolen is seven hundred fifty thousand 39598
dollars or more, theft in office is a felony of the first 39599
degree. 39600

(C) (1) A public official or party official who pleads 39601
guilty to theft in office and whose plea is accepted by the 39602
court or a public official or party official against whom a 39603
verdict or finding of guilt for committing theft in office is 39604
returned is forever disqualified from holding any public office, 39605
employment, or position of trust in this state. 39606

(2) (a) (i) A court that imposes sentence for a violation of 39607
this section based on conduct described in division (A) (2) of 39608
this section shall require the public official or party official 39609
who is convicted of or pleads guilty to the offense to make 39610

restitution for all of the property or the service that is the 39611
subject of the offense, in addition to the term of imprisonment 39612
and any fine imposed. The total amount of restitution imposed 39613
under this division shall include costs of auditing the public 39614
entities specified in division (A)(2) of this section that own 39615
the property or service involved in the conduct described in 39616
that division that is a violation of this section, but, except 39617
as otherwise provided in a negotiated plea agreement, shall not 39618
exceed the amount of the restitution imposed for all of the 39619
property or the service that is the subject of the offense. 39620

(ii) A court that imposes sentence for a violation of this 39621
section based on conduct described in division (A)(1) of this 39622
section and that determines at trial that this state or a 39623
political subdivision of this state if the offender is a public 39624
official, or a political party in the United States or this 39625
state if the offender is a party official, suffered actual loss 39626
as a result of the offense shall require the offender to make 39627
restitution to the state, political subdivision, or political 39628
party for all of the actual loss experienced, in addition to the 39629
term of imprisonment and any fine imposed. The total amount of 39630
restitution imposed under this division shall include costs of 39631
auditing the state, political subdivision, or political party 39632
that suffered the actual loss based on conduct described in that 39633
division that is a violation of this section, but, except as 39634
otherwise provided in a negotiated plea agreement, shall not 39635
exceed the amount of the restitution imposed for all of the 39636
actual loss suffered. 39637

(b)(i) In any case in which a sentencing court is required 39638
to order restitution under division (C)(2)(a) of this section 39639
and in which the offender, at the time of the commission of the 39640
offense or at any other time, was a member of the public 39641

employees retirement system, the Ohio police and fire pension 39642
fund, the state teachers retirement system, the school employees 39643
retirement system, or the state highway patrol retirement 39644
system; was an electing employee, as defined in section 3305.01 39645
of the Revised Code, participating in an alternative retirement 39646
plan provided pursuant to Chapter 3305. of the Revised Code; was 39647
a participating employee or continuing member, as defined in 39648
section 148.01 of the Revised Code, in a deferred compensation 39649
program offered by the ~~Ohio~~ public employees ~~deferred~~ 39650
~~compensation-retirement~~ board; was an officer or employee of a 39651
municipal corporation who was a participant in a deferred 39652
compensation program offered by that municipal corporation; was 39653
an officer or employee of a government unit, as defined in 39654
section 148.06 of the Revised Code, who was a participant in a 39655
deferred compensation program offered by that government unit, 39656
or was a participating employee, continuing member, or 39657
participant in any deferred compensation program described in 39658
this division and a member of a retirement system specified in 39659
this division or a retirement system of a municipal corporation, 39660
the entity to which restitution is to be made may file a motion 39661
with the sentencing court specifying any retirement system, any 39662
provider as defined in section 3305.01 of the Revised Code, and 39663
any deferred compensation program of which the offender was a 39664
member, electing employee, participating employee, continuing 39665
member, or participant and requesting the court to issue an 39666
order requiring the specified retirement system, the specified 39667
provider under the alternative retirement plan, or the specified 39668
deferred compensation program, or, if more than one is specified 39669
in the motion, the applicable combination of these, to withhold 39670
the amount required as restitution from any payment that is to 39671
be made under a pension, annuity, or allowance, under an option 39672
in the alternative retirement plan, under a participant account, 39673

as defined in section 148.01 of the Revised Code, or under any 39674
other type of benefit, other than a survivorship benefit, that 39675
has been or is in the future granted to the offender, from any 39676
payment of accumulated employee contributions standing to the 39677
offender's credit with that retirement system, that provider of 39678
the option under the alternative retirement plan, or that 39679
deferred compensation program, or, if more than one is specified 39680
in the motion, the applicable combination of these, and from any 39681
payment of any other amounts to be paid to the offender upon the 39682
offender's withdrawal of the offender's contributions pursuant 39683
to Chapter 145., 148., 742., 3307., 3309., or 5505. of the 39684
Revised Code. A motion described in this division may be filed 39685
at any time subsequent to the conviction of the offender or 39686
entry of a guilty plea. Upon the filing of the motion, the clerk 39687
of the court in which the motion is filed shall notify the 39688
offender, the specified retirement system, the specified 39689
provider under the alternative retirement plan, or the specified 39690
deferred compensation program, or, if more than one is specified 39691
in the motion, the applicable combination of these, in writing, 39692
of all of the following: that the motion was filed; that the 39693
offender will be granted a hearing on the issuance of the 39694
requested order if the offender files a written request for a 39695
hearing with the clerk prior to the expiration of thirty days 39696
after the offender receives the notice; that, if a hearing is 39697
requested, the court will schedule a hearing as soon as possible 39698
and notify the offender, any specified retirement system, any 39699
specified provider under an alternative retirement plan, and any 39700
specified deferred compensation program of the date, time, and 39701
place of the hearing; that, if a hearing is conducted, it will 39702
be limited only to a consideration of whether the offender can 39703
show good cause why the requested order should not be issued; 39704
that, if a hearing is conducted, the court will not issue the 39705

requested order if the court determines, based on evidence 39706
presented at the hearing by the offender, that there is good 39707
cause for the requested order not to be issued; that the court 39708
will issue the requested order if a hearing is not requested or 39709
if a hearing is conducted but the court does not determine, 39710
based on evidence presented at the hearing by the offender, that 39711
there is good cause for the requested order not to be issued; 39712
and that, if the requested order is issued, any retirement 39713
system, any provider under an alternative retirement plan, and 39714
any deferred compensation program specified in the motion will 39715
be required to withhold the amount required as restitution from 39716
payments to the offender. 39717

(ii) In any case in which a sentencing court is required 39718
to order restitution under division (C)(2)(a) of this section 39719
and in which a motion requesting the issuance of a withholding 39720
order as described in division (C)(2)(b)(i) of this section is 39721
filed, the offender may receive a hearing on the motion by 39722
delivering a written request for a hearing to the court prior to 39723
the expiration of thirty days after the offender's receipt of 39724
the notice provided pursuant to division (C)(2)(b)(i) of this 39725
section. If a request for a hearing is made by the offender 39726
within the prescribed time, the court shall schedule a hearing 39727
as soon as possible after the request is made and shall notify 39728
the offender, the specified retirement system, the specified 39729
provider under the alternative retirement plan, or the specified 39730
deferred compensation program, or, if more than one is specified 39731
in the motion, the applicable combination of these, of the date, 39732
time, and place of the hearing. A hearing scheduled under this 39733
division shall be limited to a consideration of whether there is 39734
good cause, based on evidence presented by the offender, for the 39735
requested order not to be issued. If the court determines, based 39736

on evidence presented by the offender, that there is good cause 39737
for the order not to be issued, the court shall deny the motion 39738
and shall not issue the requested order. If the offender does 39739
not request a hearing within the prescribed time or if the court 39740
conducts a hearing but does not determine, based on evidence 39741
presented by the offender, that there is good cause for the 39742
order not to be issued, the court shall order the specified 39743
retirement system, the specified provider under the alternative 39744
retirement plan, or the specified deferred compensation program, 39745
or, if more than one is specified in the motion, the applicable 39746
combination of these, to withhold the amount required as 39747
restitution under division (C) (2) (a) of this section from any 39748
payments to be made under a pension, annuity, or allowance, 39749
under a participant account, as defined in section 148.01 of the 39750
Revised Code, under an option in the alternative retirement 39751
plan, or under any other type of benefit, other than a 39752
survivorship benefit, that has been or is in the future granted 39753
to the offender, from any payment of accumulated employee 39754
contributions standing to the offender's credit with that 39755
retirement system, that provider under the alternative 39756
retirement plan, or that deferred compensation program, or, if 39757
more than one is specified in the motion, the applicable 39758
combination of these, and from any payment of any other amounts 39759
to be paid to the offender upon the offender's withdrawal of the 39760
offender's contributions pursuant to Chapter 145., 148., 742., 39761
3307., 3309., or 5505. of the Revised Code, and to continue the 39762
withholding for that purpose, in accordance with the order, out 39763
of each payment to be made on or after the date of issuance of 39764
the order, until further order of the court. Upon receipt of an 39765
order issued under this division, the public employees 39766
retirement system, the Ohio police and fire pension fund, the 39767
state teachers retirement system, the school employees 39768

retirement system, the state highway patrol retirement system, a 39769
municipal corporation retirement system, the provider under the 39770
alternative retirement plan, and the deferred compensation 39771
program offered by the ~~Ohio~~ public employees ~~deferred~~ 39772
~~compensation~~ retirement board, a municipal corporation, or a 39773
government unit, as defined in section 148.06 of the Revised 39774
Code, whichever are applicable, shall withhold the amount 39775
required as restitution, in accordance with the order, from any 39776
such payments and immediately shall forward the amount withheld 39777
to the clerk of the court in which the order was issued for 39778
payment to the entity to which restitution is to be made. 39779

(iii) Service of a notice required by division (C) (2) (b) 39780
(i) or (ii) of this section shall be effected in the same manner 39781
as provided in the Rules of Civil Procedure for the service of 39782
process. 39783

(c) Consistent with the ruling of the supreme court of the 39784
United States in Kelly v. Robinson, 479 U.S. 36 (1986), 39785
restitution imposed under division (C) (2) (a) of this section is 39786
not dischargeable under Chapter 7 of the United States 39787
Bankruptcy Code pursuant to 11 U.S.C. 523, as amended. 39788

(D) Upon the filing of charges against a person under this 39789
section, the prosecutor, as defined in section 2935.01 of the 39790
Revised Code, who is assigned the case shall send written notice 39791
that charges have been filed against that person to the public 39792
employees retirement system, the Ohio police and fire pension 39793
fund, the state teachers retirement system, the school employees 39794
retirement system, the state highway patrol retirement system, 39795
the provider under an alternative retirement plan, any municipal 39796
corporation retirement system in this state, and the deferred 39797
compensation program offered by the ~~Ohio~~ public employees 39798

~~deferred compensation retirement~~ board, a municipal corporation, 39799
or a government unit, as defined in section 148.06 of the 39800
Revised Code. The written notice shall specifically identify the 39801
person charged. 39802

Sec. 2925.14. (A) As used in this section, "drug 39803
paraphernalia" means any equipment, product, or material of any 39804
kind that is used by the offender, intended by the offender for 39805
use, or designed for use, in propagating, cultivating, growing, 39806
harvesting, manufacturing, compounding, converting, producing, 39807
processing, preparing, testing, analyzing, packaging, 39808
repackaging, storing, containing, concealing, injecting, 39809
ingesting, inhaling, or otherwise introducing into the human 39810
body, a controlled substance in violation of this chapter. "Drug 39811
paraphernalia" includes, but is not limited to, any of the 39812
following equipment, products, or materials that are used by the 39813
offender, intended by the offender for use, or designed by the 39814
offender for use, in any of the following manners: 39815

(1) A kit for propagating, cultivating, growing, or 39816
harvesting any species of a plant that is a controlled substance 39817
or from which a controlled substance can be derived; 39818

(2) A kit for manufacturing, compounding, converting, 39819
producing, processing, or preparing a controlled substance; 39820

(3) Any object, instrument, or device for manufacturing, 39821
compounding, converting, producing, processing, or preparing 39822
methamphetamine; 39823

(4) An isomerization device for increasing the potency of 39824
any species of a plant that is a controlled substance; 39825

(5) Testing equipment for identifying, or analyzing the 39826
strength, effectiveness, or purity of, a controlled substance, 39827

~~except for those exempted in unless~~ division (D) (4) of this 39828
section applies to the testing equipment; 39829

(6) A scale or balance for weighing or measuring a 39830
controlled substance; 39831

(7) A diluent or adulterant, such as quinine 39832
hydrochloride, mannitol, mannite, dextrose, or lactose, for 39833
cutting a controlled substance; 39834

(8) A separation gin or sifter for removing twigs and 39835
seeds from, or otherwise cleaning or refining, marihuana; 39836

(9) A blender, bowl, container, spoon, or mixing device 39837
for compounding a controlled substance; 39838

(10) A capsule, balloon, envelope, or container for 39839
packaging small quantities of a controlled substance; 39840

(11) A container or device for storing or concealing a 39841
controlled substance; 39842

(12) A hypodermic syringe, needle, or instrument for 39843
parenterally injecting a controlled substance into the human 39844
body; 39845

(13) An object, instrument, or device for ingesting, 39846
inhaling, or otherwise introducing into the human body, 39847
marihuana, cocaine, hashish, or hashish oil, such as a metal, 39848
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 39849
without a screen, permanent screen, hashish head, or punctured 39850
metal bowl; water pipe; carburetion tube or device; smoking or 39851
carburetion mask; roach clip or similar object used to hold 39852
burning material, such as a marihuana cigarette, that has become 39853
too small or too short to be held in the hand; miniature cocaine 39854
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 39855

pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 39856

(B) In determining if any equipment, product, or material 39857
is drug paraphernalia, a court or law enforcement officer shall 39858
consider, in addition to other relevant factors, the following: 39859

(1) Any statement by the owner, or by anyone in control, 39860
of the equipment, product, or material, concerning its use; 39861

(2) The proximity in time or space of the equipment, 39862
product, or material, or of the act relating to the equipment, 39863
product, or material, to a violation of any provision of this 39864
chapter; 39865

(3) The proximity of the equipment, product, or material 39866
to any controlled substance; 39867

(4) The existence of any residue of a controlled substance 39868
on the equipment, product, or material; 39869

(5) Direct or circumstantial evidence of the intent of the 39870
owner, or of anyone in control, of the equipment, product, or 39871
material, to deliver it to any person whom the owner or person 39872
in control of the equipment, product, or material knows intends 39873
to use the object to facilitate a violation of any provision of 39874
this chapter. A finding that the owner, or anyone in control, of 39875
the equipment, product, or material, is not guilty of a 39876
violation of any other provision of this chapter does not 39877
prevent a finding that the equipment, product, or material was 39878
intended or designed by the offender for use as drug 39879
paraphernalia. 39880

(6) Any oral or written instruction provided with the 39881
equipment, product, or material concerning its use; 39882

(7) Any descriptive material accompanying the equipment, 39883

product, or material and explaining or depicting its use; 39884

(8) National or local advertising concerning the use of 39885
the equipment, product, or material; 39886

(9) The manner and circumstances in which the equipment, 39887
product, or material is displayed for sale; 39888

(10) Direct or circumstantial evidence of the ratio of the 39889
sales of the equipment, product, or material to the total sales 39890
of the business enterprise; 39891

(11) The existence and scope of legitimate uses of the 39892
equipment, product, or material in the community; 39893

(12) Expert testimony concerning the use of the equipment, 39894
product, or material. 39895

(C) (1) Subject to divisions (D) (2), (3), and (4) of this 39896
section, no person shall knowingly use, or possess with purpose 39897
to use, drug paraphernalia. 39898

(2) No person shall knowingly sell, or possess or 39899
manufacture with purpose to sell, drug paraphernalia, if the 39900
person knows or reasonably should know that the equipment, 39901
product, or material will be used as drug paraphernalia. 39902

(3) No person shall place an advertisement in any 39903
newspaper, magazine, handbill, or other publication that is 39904
published and printed and circulates primarily within this 39905
state, if the person knows that the purpose of the advertisement 39906
is to promote the illegal sale in this state of the equipment, 39907
product, or material that the offender intended or designed for 39908
use as drug paraphernalia. 39909

(D) (1) This section does not apply to manufacturers, 39910
licensed health professionals authorized to prescribe drugs, 39911

pharmacists, owners of pharmacies, and other persons whose 39912
conduct is in accordance with Chapters 3719., 4715., 4723., 39913
4729., 4730., 4731., 4741., and 4772. of the Revised Code. This 39914
section shall not be construed to prohibit the possession or use 39915
of a hypodermic as authorized by section 3719.172 of the Revised 39916
Code. 39917

(2) Division (C)(1) of this section does not apply to a 39918
person's use, or possession with purpose to use, any drug 39919
paraphernalia that is equipment, a product, or material of any 39920
kind that is used by the person, intended by the person for use, 39921
or designed for use in storing, containing, concealing, 39922
injecting, ingesting, inhaling, or otherwise introducing into 39923
the human body marihuana. 39924

(3) Division (B)(2) of section 2925.11 of the Revised Code 39925
applies with respect to a violation of division (C)(1) of this 39926
section when a person seeks or obtains medical assistance for 39927
another person who is experiencing a drug overdose, a person 39928
experiences a drug overdose and seeks medical assistance for 39929
that overdose, or a person is the subject of another person 39930
seeking or obtaining medical assistance for that overdose. 39931

(4) Division (C)(1) of this section does not apply to a 39932
person's use, or possession with purpose to use, ~~any~~ drug 39933
testing strips to determine the presence of fentanyl or a 39934
fentanyl-related compound or any other equipment, product, or 39935
material approved by the state board of pharmacy, in rules 39936
adopted under section 4729.261 of the Revised Code, as a type of 39937
instrument that demonstrates efficacy in reducing drug poisoning 39938
by determining the presence of a specific compound or group of 39939
compounds. 39940

(E) Notwithstanding Chapter 2981. of the Revised Code, any 39941

drug paraphernalia that was used, possessed, sold, or 39942
manufactured in a violation of this section shall be seized, 39943
after a conviction for that violation shall be forfeited, and 39944
upon forfeiture shall be disposed of pursuant to division (B) of 39945
section 2981.12 of the Revised Code. 39946

(F) (1) Whoever violates division (C) (1) of this section is 39947
guilty of illegal use or possession of drug paraphernalia, a 39948
misdemeanor of the fourth degree. 39949

(2) Except as provided in division (F) (3) of this section, 39950
whoever violates division (C) (2) of this section is guilty of 39951
dealing in drug paraphernalia, a misdemeanor of the second 39952
degree. 39953

(3) Whoever violates division (C) (2) of this section by 39954
selling drug paraphernalia to a juvenile is guilty of selling 39955
drug paraphernalia to juveniles, a misdemeanor of the first 39956
degree. 39957

(4) Whoever violates division (C) (3) of this section is 39958
guilty of illegal advertising of drug paraphernalia, a 39959
misdemeanor of the second degree. 39960

(G) (1) If the offender is a professionally licensed 39961
person, in addition to any other sanction imposed for a 39962
violation of this section, the court immediately shall comply 39963
with section 2925.38 of the Revised Code. 39964

If the offender has a driver's or commercial driver's 39965
license or permit, section 2929.33 of the Revised Code applies. 39966

(2) Any offender who received a mandatory suspension of 39967
the offender's driver's or commercial driver's license or permit 39968
under this section prior to September 13, 2016, may file a motion 39969
with the sentencing court requesting the termination of the 39970

suspension. However, an offender who pleaded guilty to or was 39971
convicted of a violation of section 4511.19 of the Revised Code 39972
or a substantially similar municipal ordinance or law of another 39973
state or the United States that arose out of the same set of 39974
circumstances as the violation for which the offender's license 39975
or permit was suspended under this section shall not file such a 39976
motion. 39977

Upon the filing of a motion under division (G) (2) of this 39978
section, the sentencing court, in its discretion, may terminate 39979
the suspension. 39980

Sec. 2927.11. (A) No person, without privilege to do so, 39981
shall purposely deface, damage, pollute, or otherwise physically 39982
mistreat any of the following: 39983

(1) The flag of the United States or of this state; 39984

(2) Any public monument; 39985

(3) Any historical or commemorative marker, or any 39986
structure, Indian mound or earthwork, cemetery, thing, or site 39987
of great historical or archaeological interest; 39988

(4) A place of worship, its furnishings, or religious 39989
artifacts or sacred texts within the place of worship or within 39990
the grounds upon which the place of worship is located; 39991

(5) A work of art or museum piece; 39992

(6) Any burial site under section 149.3010 of the Revised 39993
Code; 39994

(7) Any other object of reverence or sacred devotion. 39995

(B) Whoever violates this section is guilty of 39996
desecration. A violation of division (A) (1), (2), (3), (5), ~~or~~ 39997

(6), or (7) of this section is a misdemeanor of the second 39998
degree. Except as otherwise provided in this division, a 39999
violation of division (A) (4) of this section is a felony of the 40000
fifth degree that is punishable by a fine of up to two thousand 40001
five hundred dollars in addition to the penalties specified for 40002
a felony of the fifth degree in sections 2929.13 to 2929.18 of 40003
the Revised Code. If the value of the property or the amount of 40004
physical harm involved in a violation of division (A) (4) of this 40005
section is five thousand dollars or more but less than one 40006
hundred thousand dollars, a violation of that division is a 40007
felony of the fourth degree. If the value of the property or the 40008
amount of physical harm involved in a violation of division (A) 40009
(4) of this section is one hundred thousand dollars or more, a 40010
violation of that division is a felony of the third degree. 40011

(C) As used in this section, "cemetery" means any place of 40012
burial and includes burial sites that contain American Indian 40013
burial objects placed with or containing American Indian human 40014
remains. 40015

Sec. 2929.12. (A) Unless otherwise required by section 40016
2929.13 or 2929.14 of the Revised Code, a court that imposes a 40017
sentence under this chapter upon an offender for a felony has 40018
discretion to determine the most effective way to comply with 40019
the purposes and principles of sentencing set forth in section 40020
2929.11 of the Revised Code. In exercising that discretion, the 40021
court shall consider the factors set forth in divisions (B) and 40022
(C) of this section relating to the seriousness of the conduct, 40023
the factors provided in divisions (D) and (E) of this section 40024
relating to the likelihood of the offender's recidivism, the 40025
factors set forth in division (F) of this section pertaining to 40026
the offender's service in the armed forces of the United States, 40027
and the factors set forth in division (G) of this section 40028

relating to Alford pleas and, in addition, may consider any 40029
other factors that are relevant to achieving those purposes and 40030
principles of sentencing. 40031

(B) The sentencing court shall consider all of the 40032
following that apply regarding the offender, the offense, or the 40033
victim, and any other relevant factors, as indicating that the 40034
offender's conduct is more serious than conduct normally 40035
constituting the offense: 40036

(1) The physical or mental injury suffered by the victim 40037
of the offense due to the conduct of the offender was 40038
exacerbated because of the physical or mental condition or age 40039
of the victim. 40040

(2) The victim of the offense suffered serious physical, 40041
psychological, or economic harm, including serious physical harm 40042
the victim caused to the victim's self, as a result of the 40043
offense. 40044

(3) The victim died by suicide as a result of the offense. 40045

(4) The offender held a public office or position of trust 40046
in the community, and the offense related to that office or 40047
position. 40048

(5) The offender's occupation, elected office, or 40049
profession obliged the offender to prevent the offense or bring 40050
others committing it to justice. 40051

(6) The offender's professional reputation or occupation, 40052
elected office, or profession was used to facilitate the offense 40053
or is likely to influence the future conduct of others. 40054

(7) The offender's relationship with the victim 40055
facilitated the offense. 40056

(8) The offender committed the offense for hire or as a 40057
part of an organized criminal activity. 40058

(9) In committing the offense, the offender was motivated 40059
by prejudice based on race, ethnic background, gender, sexual 40060
orientation, or religion. 40061

(10) If the offense is a violation of section 2919.25 or a 40062
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 40063
Code involving a person who was a family or household member at 40064
the time of the violation, the offender committed the offense in 40065
the vicinity of one or more children who are not victims of the 40066
offense, and the offender or the victim of the offense is a 40067
parent, guardian, custodian, or person in loco parentis of one 40068
or more of those children. 40069

(C) The sentencing court shall consider all of the 40070
following that apply regarding the offender, the offense, or the 40071
victim, and any other relevant factors, as indicating that the 40072
offender's conduct is less serious than conduct normally 40073
constituting the offense: 40074

(1) The victim induced or facilitated the offense. 40075

(2) In committing the offense, the offender acted under 40076
strong provocation. 40077

(3) In committing the offense, the offender did not cause 40078
or expect to cause physical harm to any person or property. 40079

(4) There are substantial grounds to mitigate the 40080
offender's conduct, although the grounds are not enough to 40081
constitute a defense. 40082

(D) The sentencing court shall consider all of the 40083
following that apply regarding the offender, and any other 40084

relevant factors, as factors indicating that the offender is 40085
likely to commit future crimes: 40086

(1) At the time of committing the offense, the offender 40087
was under release from confinement before trial or sentencing; 40088
was under a sanction imposed pursuant to section 2929.16, 40089
2929.17, or 2929.18 of the Revised Code; was under post-release 40090
control pursuant to section 2967.28 or any other provision of 40091
the Revised Code for an earlier offense or had been unfavorably 40092
terminated from post-release control for a prior offense 40093
pursuant to division (B) of section 2967.16 or section 2929.141 40094
of the Revised Code; was under transitional control in 40095
connection with a prior offense; or had absconded from the 40096
offender's approved community placement resulting in the 40097
offender's removal from the transitional control program under 40098
section 2967.26 of the Revised Code. 40099

(2) The offender previously was adjudicated a delinquent 40100
child pursuant to Chapter 2151. of the Revised Code prior to 40101
January 1, 2002, or pursuant to Chapter 2152. of the Revised 40102
Code, or the offender has a history of criminal convictions. 40103

(3) The offender has not been rehabilitated to a 40104
satisfactory degree after previously being adjudicated a 40105
delinquent child pursuant to Chapter 2151. of the Revised Code 40106
prior to January 1, 2002, or pursuant to Chapter 2152. of the 40107
Revised Code, or the offender has not responded favorably to 40108
sanctions previously imposed for criminal convictions. 40109

(4) The offender has demonstrated a pattern of drug or 40110
alcohol abuse that is related to the offense, and the offender 40111
refuses to acknowledge that the offender has demonstrated that 40112
pattern, or the offender refuses treatment for the drug or 40113
alcohol abuse. 40114

- (5) The offender shows no genuine remorse for the offense. 40115
- (E) The sentencing court shall consider all of the 40116
following that apply regarding the offender, and any other 40117
relevant factors, as factors indicating that the offender is not 40118
likely to commit future crimes: 40119
- (1) Prior to committing the offense, the offender had not 40120
been adjudicated a delinquent child. 40121
- (2) Prior to committing the offense, the offender had not 40122
been convicted of or pleaded guilty to a criminal offense. 40123
- (3) Prior to committing the offense, the offender had led 40124
a law-abiding life for a significant number of years. 40125
- (4) The offense was committed under circumstances not 40126
likely to recur. 40127
- (5) Except as provided in division (G) of this section, 40128
the offender shows genuine remorse for the offense. 40129
- (F) The sentencing court shall consider the offender's 40130
military service record and whether the offender has an 40131
emotional, mental, or physical condition that is traceable to 40132
the offender's service in the armed forces of the United States 40133
and that was a contributing factor in the offender's commission 40134
of the offense or offenses. 40135
- (G) If the offender enters an Alford plea, the sentencing 40136
court shall not consider whether the offender showed genuine 40137
remorse for the offense and shall not impose as any condition of 40138
the sentence a requirement that the offender admit guilt. 40139
- Sec. 2929.15.** (A) (1) If in sentencing an offender for a 40140
felony the court is not required to impose a prison term, a 40141
mandatory prison term, or a term of life imprisonment upon the 40142

offender, the court may directly impose a sentence that consists 40143
of one or more community control sanctions authorized pursuant 40144
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 40145
the court is sentencing an offender for a fourth degree felony 40146
OVI offense under division (G) (1) of section 2929.13 of the 40147
Revised Code, in addition to the mandatory term of local 40148
incarceration imposed under that division and the mandatory fine 40149
required by division (B) (3) of section 2929.18 of the Revised 40150
Code, the court may impose upon the offender a community control 40151
sanction or combination of community control sanctions in 40152
accordance with sections 2929.16 and 2929.17 of the Revised 40153
Code. If the court is sentencing an offender for a third or 40154
fourth degree felony OVI offense under division (G) (2) of 40155
section 2929.13 of the Revised Code, in addition to the 40156
mandatory prison term or mandatory prison term and additional 40157
prison term imposed under that division, the court also may 40158
impose upon the offender a community control sanction or 40159
combination of community control sanctions under section 2929.16 40160
or 2929.17 of the Revised Code, but the offender shall serve all 40161
of the prison terms so imposed prior to serving the community 40162
control sanction. 40163

The duration of all community control sanctions imposed on 40164
an offender under this division shall not exceed five years. If 40165
the offender absconds or otherwise leaves the jurisdiction of 40166
the court in which the offender resides without obtaining 40167
permission from the court or the offender's probation officer to 40168
leave the jurisdiction of the court, or if the offender is 40169
confined in any institution for the commission of any offense 40170
while under a community control sanction, the period of the 40171
community control sanction ceases to run until the offender is 40172
brought before the court for its further action. If the court 40173

sentences the offender to one or more nonresidential sanctions 40174
under section 2929.17 of the Revised Code, the court shall 40175
impose as a condition of the nonresidential sanctions that, 40176
during the period of the sanctions, the offender must abide by 40177
the law and must not leave the state without the permission of 40178
the court or the offender's probation officer. The court may 40179
impose any other conditions of release under a community control 40180
sanction that the court considers appropriate, including, but 40181
not limited to, requiring that the offender not ingest or be 40182
injected with a drug of abuse and submit to random drug testing 40183
as provided in division (D) of this section to determine whether 40184
the offender ingested or was injected with a drug of abuse and 40185
requiring that the results of the drug test indicate that the 40186
offender did not ingest or was not injected with a drug of 40187
abuse. 40188

(2) (a) If a court sentences an offender to any community 40189
control sanction or combination of community control sanctions 40190
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 40191
the Revised Code, the court shall place the offender under the 40192
general control and supervision of a department of probation in 40193
the county that serves the court for purposes of reporting to 40194
the court a violation of any condition of the sanctions, any 40195
condition of release under a community control sanction imposed 40196
by the court, a violation of law, or the departure of the 40197
offender from this state without the permission of the court or 40198
the offender's probation officer. Alternatively, if the offender 40199
resides in another county and a county department of probation 40200
has been established in that county or that county is served by 40201
a multicounty probation department established under section 40202
2301.27 of the Revised Code, the court may request the court of 40203
common pleas of that county to receive the offender into the 40204

general control and supervision of that county or multicounty 40205
department of probation for purposes of reporting to the court a 40206
violation of any condition of the sanctions, any condition of 40207
release under a community control sanction imposed by the court, 40208
a violation of law, or the departure of the offender from this 40209
state without the permission of the court or the offender's 40210
probation officer, subject to the jurisdiction of the trial 40211
judge over and with respect to the person of the offender, and 40212
to the rules governing that department of probation. 40213

If there is no department of probation in the county that 40214
serves the court, the court shall place the offender, regardless 40215
of the offender's county of residence, under the general control 40216
and supervision of the adult parole authority, unless the court 40217
has entered into an agreement with the authority as described in 40218
division (B) or (C) of section 2301.32 of the Revised Code, or 40219
under an entity authorized under division (B) of section 2301.27 40220
of the Revised Code to provide probation and supervisory 40221
services to counties for purposes of reporting to the court a 40222
violation of any of the sanctions, any condition of release 40223
under a community control sanction imposed by the court, a 40224
violation of law, or the departure of the offender from this 40225
state without the permission of the court or the offender's 40226
probation officer. 40227

(b) If the court imposing sentence on an offender 40228
sentences the offender to any community control sanction or 40229
combination of community control sanctions authorized pursuant 40230
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 40231
if the offender violates any condition of the sanctions, 40232
violates any condition of release under a community control 40233
sanction imposed by the court, violates any law, or departs the 40234
state without the permission of the court or the offender's 40235

probation officer, the public or private person or entity that 40236
operates or administers the sanction or the program or activity 40237
that comprises the sanction shall report the violation or 40238
departure directly to the sentencing court, or shall report the 40239
violation or departure to the county or multicounty department 40240
of probation with general control and supervision over the 40241
offender under division (A) (2) (a) of this section or the officer 40242
of that department who supervises the offender, or, if there is 40243
no such department with general control and supervision over the 40244
offender under that division, to the adult parole authority 40245
unless the court has entered into an agreement with the 40246
authority as described in division (B) or (C) of section 2301.32 40247
of the Revised Code, or to an entity authorized under division 40248
(B) of section 2301.27 of the Revised Code to provide probation 40249
and supervisory services to the county. If the public or private 40250
person or entity that operates or administers the sanction or 40251
the program or activity that comprises the sanction reports the 40252
violation or departure to the county or multicounty department 40253
of probation, the adult parole authority, or any other entity 40254
providing probation and supervisory services to the county, the 40255
department's, authority's, or other entity's officers may treat 40256
the offender as if the offender were on probation and in 40257
violation of the probation, and shall report the violation of 40258
the condition of the sanction, any condition of release under a 40259
community control sanction imposed by the court, the violation 40260
of law, or the departure from the state without the required 40261
permission to the sentencing court. 40262

(3) If an offender who is eligible for community control 40263
sanctions under this section admits to having a drug addiction 40264
or the court has reason to believe that the offender has a drug 40265
addiction, and if the offense for which the offender is being 40266

sentenced was related to the addiction, the court may require 40267
that the offender be assessed by a properly credentialed 40268
professional within a specified period of time and shall require 40269
the professional to file a written assessment of the offender 40270
with the court. If a court imposes treatment and recovery 40271
support services as a community control sanction, the court 40272
shall direct the level and type of treatment and recovery 40273
support services after consideration of the written assessment, 40274
if available at the time of sentencing, and recommendations of 40275
the professional and other treatment and recovery support 40276
services providers. 40277

(4) If an assessment completed pursuant to division (A) (3) 40278
of this section indicates that the offender has an addiction to 40279
drugs or alcohol, the court may include in any community control 40280
sanction imposed for a violation of section 2925.02, 2925.03, 40281
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 40282
2925.36, or 2925.37 of the Revised Code a requirement that the 40283
offender participate in alcohol and drug addiction services and 40284
recovery supports certified under section 5119.36 of the Revised 40285
Code or offered by a properly credentialed community addiction 40286
services provider. 40287

(B) (1) Except as provided in division (B) (2) of this 40288
section, if the conditions of a community control sanction 40289
imposed for a felony are violated or if the offender violates a 40290
law or leaves the state without the permission of the court or 40291
the offender's probation officer, the sentencing court may 40292
impose on the violator one or more of the following penalties: 40293

(a) A longer time under the same sanction if the total 40294
time under the sanctions does not exceed the five-year limit 40295
specified in division (A) of this section; 40296

(b) A more restrictive sanction under section 2929.16, 40297
2929.17, or 2929.18 of the Revised Code, including but not 40298
limited to, a new term in a community-based correctional 40299
facility, halfway house, or jail pursuant to division (A) (6) of 40300
section 2929.16 of the Revised Code; 40301

(c) A prison term on the offender pursuant to section 40302
2929.14 of the Revised Code and division (B) (3) of this section, 40303
provided that a prison term imposed under this division is 40304
subject to the following limitations and rules, as applicable: 40305

(i) If the prison term is imposed for any technical 40306
violation of the conditions of a community control sanction 40307
imposed for a felony of the fifth degree, the prison term shall 40308
not exceed ninety days, provided that if the remaining period of 40309
community control at the time of the violation or the remaining 40310
period of the reserved prison sentence at that time is less than 40311
ninety days, the prison term shall not exceed the length of the 40312
remaining period of community control or the remaining period of 40313
the reserved prison sentence. If the court imposes a prison term 40314
as described in this division, division (B) (2) (b) of this 40315
section applies. 40316

(ii) If the prison term is imposed for any technical 40317
violation of the conditions of a community control sanction 40318
imposed for a felony of the fourth degree that is not an offense 40319
of violence and is not a sexually oriented offense, the prison 40320
term shall not exceed one hundred eighty days, provided that if 40321
the remaining period of the community control at the time of the 40322
violation or the remaining period of the reserved prison 40323
sentence at that time is less than one hundred eighty days, the 40324
prison term shall not exceed the length of the remaining period 40325
of community control or the remaining period of the reserved 40326

prison sentence. If the court imposes a prison term as described 40327
in this division, division (B) (2) (b) of this section applies. 40328

(iii) A court is not limited in the number of times it may 40329
sentence an offender to a prison term under division (B) (1) (c) 40330
of this section for a violation of the conditions of a community 40331
control sanction or for a violation of a law or leaving the 40332
state without the permission of the court or the offender's 40333
probation officer. If an offender who is under a community 40334
control sanction violates the conditions of the sanction or 40335
violates a law or leaves the state without the permission of the 40336
court or the offender's probation officer, is sentenced to a 40337
prison term for the violation or conduct, is released from the 40338
term after serving it, and subsequently violates the conditions 40339
of the sanction or violates a law or leaves the state without 40340
the permission of the court or the offender's probation officer, 40341
the court may impose a new prison term sanction on the offender 40342
under division (B) (1) (c) of this section for the subsequent 40343
violation or conduct. 40344

(2) (a) If an offender was acting pursuant to division (B) 40345
(2) (b) of section 2925.11 or a related provision of section 40346
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 40347
doing violated the conditions of a community control sanction 40348
based on a minor drug possession offense, as defined in section 40349
2925.11 of the Revised Code, or violated section 2925.12, 40350
division (C) (1) of section 2925.14, or section 2925.141 of the 40351
Revised Code, the sentencing court shall not impose any of the 40352
penalties described in division (B) (1) of this section based on 40353
the violation. 40354

(b) If a court imposes a prison term on an offender under 40355
division (B) (1) (c) (i) or (ii) of this section for a technical 40356

violation of the conditions of a community control sanction, one 40357
of the following is applicable with respect to the time that the 40358
offender spends in prison under the term: 40359

(i) Subject to division (B)(2)(b)(ii) of this section, it 40360
shall be credited against the offender's community control 40361
sanction that was being served at the time of the violation, and 40362
the remaining time under that community control sanction shall 40363
be reduced by the time that the offender spends in prison under 40364
the prison term. By determination of the court, the offender 40365
upon release from the prison term either shall continue serving 40366
the remaining time under the community control sanction, as 40367
reduced under this division, or shall have the community control 40368
sanction terminated. 40369

(ii) If, at the time a prison term is imposed for a 40370
technical violation, the offender was serving a residential 40371
community control sanction imposed under section 2929.16 of the 40372
Revised Code, the time spent serving the residential community 40373
control sanction shall be credited against the offender's 40374
reserved prison sentence, and the remaining time under that 40375
residential community control sanction and under the reserved 40376
prison sentence shall be reduced by the time that the offender 40377
spends in prison under the prison term. By determination of the 40378
court, the offender upon release from the prison term either 40379
shall continue serving the remaining time under the residential 40380
community control sanction, as reduced under this division, or 40381
shall have the residential community control sanction 40382
terminated. 40383

(3) The prison term, if any, imposed on a violator 40384
pursuant to this division and division (B)(1) of this section 40385
shall be within the range of prison terms described in this 40386

division and shall not exceed a prison term from the range of 40387
terms specified in the notice provided to the offender at the 40388
sentencing hearing pursuant to division (B)(4) of section 40389
2929.19 of the Revised Code. The court may reduce the longer 40390
period of time that the offender is required to spend under the 40391
longer sanction, the more restrictive sanction, or a prison term 40392
imposed pursuant to division (B)(1) of this section by the time 40393
the offender successfully spent under the sanction that was 40394
initially imposed. Except as otherwise specified in this 40395
division, the prison term imposed under this division and 40396
division (B)(1) of this section shall be within the range of 40397
prison terms available as a definite term for the offense for 40398
which the sanction that was violated was imposed. If the offense 40399
for which the sanction that was violated was imposed is a felony 40400
of the first or second degree committed on or after March 22, 40401
2019, the prison term so imposed under this division shall be 40402
within the range of prison terms available as a minimum term for 40403
the offense under division (A)(1)(a) or (2)(a) of section 40404
2929.14 of the Revised Code. 40405

(C) If an offender, for a significant period of time, 40406
fulfills the conditions of a sanction imposed pursuant to 40407
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 40408
exemplary manner, the court may reduce the period of time under 40409
the sanction or impose a less restrictive sanction, but the 40410
court shall not permit the offender to violate any law or permit 40411
the offender to leave the state without the permission of the 40412
court or the offender's probation officer. 40413

(D)(1) If a court under division (A)(1) of this section 40414
imposes a condition of release under a community control 40415
sanction that requires the offender to submit to random drug 40416
testing, the department of probation, the adult parole 40417

authority, or any other entity that has general control and 40418
supervision of the offender under division (A) (2) (a) of this 40419
section may cause the offender to submit to random drug testing 40420
performed by a laboratory or entity that has entered into a 40421
contract with any of the governmental entities or officers 40422
authorized to enter into a contract with that laboratory or 40423
entity under section 341.26, 753.33, or 5120.63 of the Revised 40424
Code. 40425

(2) If no laboratory or entity described in division (D) 40426
(1) of this section has entered into a contract as specified in 40427
that division, the department of probation, the adult parole 40428
authority, or any other entity that has general control and 40429
supervision of the offender under division (A) (2) (a) of this 40430
section shall cause the offender to submit to random drug 40431
testing performed by a reputable public laboratory to determine 40432
whether the individual who is the subject of the drug test 40433
ingested or was injected with a drug of abuse. 40434

(3) A laboratory or entity that has entered into a 40435
contract pursuant to section 341.26, 753.33, or 5120.63 of the 40436
Revised Code shall perform the random drug tests under division 40437
(D) (1) of this section in accordance with the applicable 40438
standards that are included in the terms of that contract. A 40439
public laboratory shall perform the random drug tests under 40440
division (D) (2) of this section in accordance with the standards 40441
set forth in the policies and procedures established by the 40442
department of rehabilitation and correction pursuant to section 40443
5120.63 of the Revised Code. An offender who is required under 40444
division (A) (1) of this section to submit to random drug testing 40445
as a condition of release under a community control sanction and 40446
whose test results indicate that the offender ingested or was 40447
injected with a drug of abuse shall pay the fee for the drug 40448

test if the department of probation, the adult parole authority, 40449
or any other entity that has general control and supervision of 40450
the offender requires payment of a fee. A laboratory or entity 40451
that performs the random drug testing on an offender under 40452
division (D) (1) or (2) of this section shall transmit the 40453
results of the drug test to the appropriate department of 40454
probation, the adult parole authority, or any other entity that 40455
has general control and supervision of the offender under 40456
division (A) (2) (a) of this section. 40457

(E) As used in this section, "technical violation" means a 40458
violation of the conditions of a community control sanction 40459
imposed for a felony of the fifth degree, or for a felony of the 40460
fourth degree that is not an offense of violence and is not a 40461
sexually oriented offense, and to which neither of the following 40462
applies: 40463

(1) The violation consists of a new criminal offense that 40464
is a felony or that is a misdemeanor other than a minor 40465
misdemeanor, and the violation is committed while under the 40466
community control sanction. 40467

(2) The violation consists of or includes the offender's 40468
articulated or demonstrated refusal to participate in the 40469
community control sanction imposed on the offender or any of its 40470
conditions, and the refusal demonstrates to the court that the 40471
offender has abandoned the objects of the community control 40472
sanction or condition. 40473

(F) A court shall not, under division (A) (1) of this 40474
section, impose a condition of release under a community control 40475
sanction that requires an offender who has pleaded guilty by 40476
entering an Alford plea to otherwise admit guilt for the 40477
offense. 40478

Sec. 2929.25. (A)(1) Except as provided in sections 40479
2929.22 and 2929.23 of the Revised Code or when a jail term is 40480
required by law, in sentencing an offender for a misdemeanor, 40481
other than a minor misdemeanor, the sentencing court may do 40482
either of the following: 40483

(a) Directly impose a sentence that consists of one or 40484
more community control sanctions authorized by section 2929.26, 40485
2929.27, or 2929.28 of the Revised Code. The court may impose 40486
any other conditions of release under a community control 40487
sanction that the court considers appropriate. If the court 40488
imposes a jail term upon the offender, the court may impose any 40489
community control sanction or combination of community control 40490
sanctions in addition to the jail term. 40491

(b) Impose a jail term under section 2929.24 of the 40492
Revised Code from the range of jail terms authorized under that 40493
section for the offense, suspend all or a portion of the jail 40494
term imposed, and place the offender under a community control 40495
sanction or combination of community control sanctions 40496
authorized under section 2929.26, 2929.27, or 2929.28 of the 40497
Revised Code. 40498

(2) The duration of all community control sanctions 40499
imposed upon an offender and in effect for an offender at any 40500
time shall not exceed five years. 40501

(3) At sentencing, if a court directly imposes a community 40502
control sanction or combination of community control sanctions 40503
pursuant to division (A)(1)(a) or (B) of this section, the court 40504
shall state the duration of the community control sanctions 40505
imposed and shall notify the offender that if any of the 40506
conditions of the community control sanctions are violated the 40507
court may do any of the following: 40508

(a) Impose a longer time under the same community control 40509
sanction if the total time under all of the offender's community 40510
control sanctions does not exceed the five-year limit specified 40511
in division (A) (2) of this section; 40512

(b) Impose a more restrictive community control sanction 40513
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 40514
but the court is not required to impose any particular sanction 40515
or sanctions; 40516

(c) Impose a definite jail term from the range of jail 40517
terms authorized for the offense under section 2929.24 of the 40518
Revised Code. 40519

(B) If a court sentences an offender to any community 40520
control sanction or combination of community control sanctions 40521
pursuant to division (A) (1) (a) of this section, the sentencing 40522
court retains jurisdiction over the offender and the period of 40523
community control for the duration of the period of community 40524
control. Upon the motion of either party or on the court's own 40525
motion, the court, in the court's sole discretion and as the 40526
circumstances warrant, may modify the community control 40527
sanctions or conditions of release previously imposed, 40528
substitute a community control sanction or condition of release 40529
for another community control sanction or condition of release 40530
previously imposed, or impose an additional community control 40531
sanction or condition of release. 40532

(C) (1) If a court sentences an offender to any community 40533
control sanction or combination of community control sanctions 40534
authorized under section 2929.26, 2929.27, or 2929.28 of the 40535
Revised Code, the court shall place the offender under the 40536
general control and supervision of the court or of a department 40537
of probation in the jurisdiction that serves the court for 40538

purposes of reporting to the court a violation of any of the 40539
conditions of the sanctions imposed. If the offender resides in 40540
another jurisdiction and a department of probation has been 40541
established to serve the municipal court or county court in that 40542
jurisdiction, the sentencing court may request the municipal 40543
court or the county court to receive the offender into the 40544
general control and supervision of that department of probation 40545
for purposes of reporting to the sentencing court a violation of 40546
any of the conditions of the sanctions imposed. The sentencing 40547
court retains jurisdiction over any offender whom it sentences 40548
for the duration of the sanction or sanctions imposed. 40549

(2) The sentencing court shall require as a condition of 40550
any community control sanction that the offender abide by the 40551
law and not leave the state without the permission of the court 40552
or the offender's probation officer. In the interests of doing 40553
justice, rehabilitating the offender, and ensuring the 40554
offender's good behavior, the court may impose additional 40555
requirements on the offender. The offender's compliance with the 40556
additional requirements also shall be a condition of the 40557
community control sanction imposed upon the offender. 40558

(D) (1) If the court imposing sentence upon an offender 40559
sentences the offender to any community control sanction or 40560
combination of community control sanctions authorized under 40561
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 40562
the offender violates any of the conditions of the sanctions, 40563
the public or private person or entity that supervises or 40564
administers the program or activity that comprises the sanction 40565
shall report the violation directly to the sentencing court or 40566
to the department of probation or probation officer with general 40567
control and supervision over the offender. If the public or 40568
private person or entity reports the violation to the department 40569

of probation or probation officer, the department or officer 40570
shall report the violation to the sentencing court. 40571

(2) Except as provided in division (D) (3) of this section, 40572
if an offender violates any condition of a community control 40573
sanction, the sentencing court may impose upon the violator one 40574
or more of the following penalties: 40575

(a) A longer time under the same community control 40576
sanction if the total time under all of the community control 40577
sanctions imposed on the violator does not exceed the five-year 40578
limit specified in division (A) (2) of this section; 40579

(b) A more restrictive community control sanction; 40580

(c) A combination of community control sanctions, 40581
including a jail term. 40582

(3) If an offender was acting pursuant to division (B) (2) 40583
(b) of section 2925.11 or a related provision under section 40584
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 40585
doing violated the conditions of a community control sanction 40586
based on a minor drug possession offense, as defined in section 40587
2925.11 of the Revised Code, or violated section 2925.12, 40588
division (C) (1) of section 2925.14, or section 2925.141 of the 40589
Revised Code, the sentencing court shall not impose any of the 40590
penalties described in division (D) (2) of this section based on 40591
the violation. 40592

(4) If the court imposes a jail term upon a violator 40593
pursuant to division (D) (2) of this section, the total time 40594
spent in jail for the misdemeanor offense and the violation of a 40595
condition of the community control sanction shall not exceed the 40596
maximum jail term available for the offense for which the 40597
sanction that was violated was imposed. The court may reduce the 40598

longer period of time that the violator is required to spend 40599
under the longer sanction or the more restrictive sanction 40600
imposed under division (D) (2) of this section by all or part of 40601
the time the violator successfully spent under the sanction that 40602
was initially imposed. 40603

(E) Except as otherwise provided in this division, if an 40604
offender, for a significant period of time, fulfills the 40605
conditions of a community control sanction imposed pursuant to 40606
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 40607
exemplary manner, the court may reduce the period of time under 40608
the community control sanction or impose a less restrictive 40609
community control sanction. Fulfilling the conditions of a 40610
community control sanction does not relieve the offender of a 40611
duty to make restitution under section 2929.28 of the Revised 40612
Code. 40613

(F) A court shall not, under division (A) (1) of this 40614
section, impose a condition of release under a community control 40615
sanction that requires an offender who has pleaded guilty by 40616
entering an Alford plea to otherwise admit guilt for the 40617
offense. 40618

Sec. 2949.12. (A) Unless the execution of sentence is 40619
suspended or, the convicted felon has less than thirty days to 40620
serve in prison and the department of rehabilitation and 40621
correction, the county sheriff, and the court agree otherwise, 40622
or, for convictions occurring on or after the effective date of 40623
this amendment, the convicted felon is under eighteen years of 40624
age, a convicted felon who is sentenced to serve a term of 40625
imprisonment in a state correctional institution shall be 40626
conveyed, within five days after sentencing, excluding 40627
Saturdays, Sundays, and legal holidays, by the sheriff of the 40628

county in which the conviction was had to the facility that is 40629
designated by the department of rehabilitation and correction 40630
for the reception of convicted felons. The sheriff shall deliver 40631
the convicted felon into the custody of the managing officer of 40632
the reception facility and, at that time, unless the department 40633
and the sheriff have agreed to electronically processed prisoner 40634
commitment, shall present the managing officer with a copy of 40635
the convicted felon's sentence that clearly describes each 40636
offense for which the felon was sentenced to a correctional 40637
institution, designates each section of the Revised Code that 40638
the felon violated and that resulted in the felon's conviction 40639
and sentence to a correctional institution, designates the 40640
sentence imposed for each offense for which the felon was 40641
sentenced to a correctional institution, and, pursuant to 40642
section 2967.191 of the Revised Code, specifies the total number 40643
of days, if any, that the felon was confined for any reason 40644
prior to conviction and sentence. The sheriff, at that time, 40645
also shall present the managing officer with a copy of the 40646
indictment. The clerk of the court of common pleas shall furnish 40647
the copies of the sentence and indictment. In the case of a 40648
person under the age of eighteen years who is certified to the 40649
court of common pleas by the juvenile court, the clerk of the 40650
court of common pleas also shall attach a copy of the 40651
certification to the copy of the indictment. 40652

The convicted felon shall be assigned to an institution or 40653
designated to be housed in a county, multicounty, municipal, 40654
municipal-county, or multicounty-municipal jail or workhouse, if 40655
authorized pursuant to section 5120.161 of the Revised Code, 40656
shall be conveyed to the institution, jail, or workhouse, and 40657
shall be kept within the institution, jail, or workhouse until 40658
the term of the felon's imprisonment expires, the felon is 40659

pardoned, paroled, or placed under a post-release control 40660
sanction, or the felon is transferred under laws permitting the 40661
transfer of prisoners. If the execution of the felon's sentence 40662
is suspended, and the judgment thereafter affirmed, the felon 40663
shall be conveyed, in the same manner as if the execution of the 40664
felon's sentence had not been suspended, to the reception 40665
facility as soon as practicable after the judge directs the 40666
execution of sentence. The trial judge or other judge of the 40667
court, in the judge's discretion and for good cause shown, may 40668
extend the time of the conveyance. 40669

(B) (1) A convicted felon who is under eighteen years old 40670
at the execution of sentence shall be committed to the 40671
department of youth services and assigned to an institution 40672
within the department of youth services and, within five days 40673
after sentencing, excluding Saturdays, Sundays, and legal 40674
holidays, the sheriff of the county in which the conviction was 40675
had shall deliver the felon to the facility designated by the 40676
department of youth services. The sheriff, at that time, shall 40677
present the managing officer with a copy of the sentence, a copy 40678
of the indictment, and a copy of the certification from the 40679
juvenile court to the court of common pleas. The convicted felon 40680
shall be held in the institution operated by the department of 40681
youth services until the felon is eighteen years of age, until 40682
the term of the felon's imprisonment expires, until the felon is 40683
pardoned, paroled, or placed under a post-release control 40684
sanction, until the department of youth services, in the 40685
discretion of the director of youth services, lacks capacity to 40686
house the felon, or until the felon is transferred under laws 40687
permitting the transfer of prisoners. 40688

(2) A convicted felon who is committed to the department 40689
of youth services under division (B) (1) of this section shall be 40690

transferred to the department of rehabilitation and correction 40691
and committed to an institution under division (A) of this 40692
section for the remainder of the felon's sentence when the felon 40693
attains the age of eighteen or when the felon, because of a rule 40694
violation or violations, is determined by the department of 40695
youth services to a danger to self or others. At the time of a 40696
transfer under division (B) (2) of this section, the sheriff 40697
shall present the managing officer with a copy of the sentence, 40698
a copy of the indictment, and a copy of the certification from 40699
the juvenile court to the court of common pleas. 40700

Sec. 2953.32. (A) (1) Sections 2953.32 ~~to~~ and 2953.34 of 40701
the Revised Code do not apply to any of the following: 40702

(a) Convictions under Chapter 4506., 4507., 4510., 4511., 40703
or 4549. of the Revised Code, or a conviction for a violation of 40704
a municipal ordinance that is substantially similar to any 40705
section contained in any of those chapters; 40706

(b) Convictions of a felony offense of violence that is 40707
not a sexually oriented offense; 40708

(c) Convictions of a sexually oriented offense when the 40709
offender is subject to the requirements of Chapter 2950. of the 40710
Revised Code or Chapter 2950. of the Revised Code as it existed 40711
prior to January 1, 2008; 40712

(d) Convictions of an offense in circumstances in which 40713
the victim of the offense was less than thirteen years of age, 40714
except for convictions under section 2919.21 of the Revised 40715
Code; 40716

(e) Convictions for a violation of section 2921.41 of the 40717
Revised Code; 40718

(f) Convictions of a felony of the first or second degree; 40719

(g) Convictions for a violation of section 2919.25 of the Revised Code that is a misdemeanor of the first or second degree or convictions for a violation of a municipal ordinance that is substantially similar to that section;

(h) Convictions of a felony of the third degree if the offender has more than one other conviction of any felony or, if the person has exactly two convictions of a felony of the third degree, has more convictions in total than those two third degree felony convictions and two misdemeanor convictions.

(2) Sections 2953.32 to 2953.34 of the Revised Code apply to the following for purposes of sealing, but not for purposes of expungement of the record of the case:

(a) Convictions for a violation of section 2919.25 of the Revised Code that is a misdemeanor of the third or fourth degree or convictions for a violation of a municipal ordinance that is substantially similar to that section;

(b) Convictions for a violation of section 2919.27 of the Revised Code or convictions for a violation of a municipal ordinance that is substantially similar to that section.

(3) For purposes of division (A)(1)(h) of this section, both of the following apply:

(a) When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction.

(b) When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses

committed at the same time, they shall be counted as one 40749
conviction, provided that a court may decide as provided in 40750
division (D) (1) (i) of this section that it is not in the public 40751
interest for the two or three convictions to be counted as one 40752
conviction. 40753

(B) (1) Except as provided in section 2953.61 of the 40754
Revised Code or as otherwise provided in division (B) (1) (a) (iii) 40755
of this section, an eligible offender may apply to the 40756
sentencing court if convicted in this state, or to a court of 40757
common pleas if convicted in another state or in a federal 40758
court, for the sealing or expungement of the record of the case 40759
that pertains to the conviction, except for convictions listed 40760
in division (A) (1) of this section. Application may be made at 40761
whichever of the following times is applicable regarding the 40762
offense: 40763

(a) An application for sealing under this section may be 40764
made at whichever of the following times is applicable regarding 40765
the offense: 40766

(i) Except as otherwise provided in division (B) (1) (a) (iv) 40767
of this section, at the expiration of three years after the 40768
offender's final discharge if convicted of one or two felonies 40769
of the third degree, so long as none of the offenses is a 40770
violation of section 2921.43 of the Revised Code; 40771

(ii) Except as otherwise provided in division (B) (1) (a) 40772
(iv) of this section, at the expiration of one year after the 40773
offender's final discharge if convicted of one or more felonies 40774
of the fourth or fifth degree or one or more misdemeanors, so 40775
long as none of the offenses is a violation of section 2921.43 40776
of the Revised Code or a felony offense of violence; 40777

(iii) At the expiration of seven years after the 40778
offender's final discharge if the record includes one or more 40779
convictions of soliciting improper compensation in violation of 40780
section 2921.43 of the Revised Code; 40781

(iv) If the offender was subject to the requirements of 40782
Chapter 2950. of the Revised Code or Chapter 2950. of the 40783
Revised Code as it existed prior to January 1, 2008, at the 40784
expiration of five years after the requirements have ended under 40785
section 2950.07 of the Revised Code or section 2950.07 of the 40786
Revised Code as it existed prior to January 1, 2008, or are 40787
terminated under section 2950.15 or 2950.151 of the Revised 40788
Code; 40789

(v) At the expiration of six months after the offender's 40790
final discharge if convicted of a minor misdemeanor. 40791

(b) An application for expungement under this section may 40792
be made at whichever of the following times is applicable 40793
regarding the offense: 40794

(i) Except as otherwise provided in division (B) (1) (b) (ii) 40795
of this section, if the offense is a misdemeanor, at the 40796
expiration of one year after the offender's final discharge; 40797

(ii) If the offense is a minor misdemeanor, at the 40798
expiration of six months after the offender's final discharge; 40799

(iii) If the offense is a felony, at the expiration of ten 40800
years after the time specified in division (B) (1) (a) of this 40801
section at which the person may file an application for sealing 40802
with respect to that felony offense. 40803

(2) Any person who has been arrested for any misdemeanor 40804
offense and who has effected a bail forfeiture for the offense 40805
charged may apply to the court in which the misdemeanor criminal 40806

case was pending when bail was forfeited for the sealing or 40807
expungement of the record of the case that pertains to the 40808
charge. Except as provided in section 2953.61 of the Revised 40809
Code, the application may be filed at whichever of the following 40810
times is applicable regarding the offense: 40811

(a) An application for sealing under this section may be 40812
made at any time after the date on which the bail forfeiture was 40813
entered upon the minutes of the court or the journal, whichever 40814
entry occurs first. 40815

(b) An application for expungement under this section may 40816
be made at whichever of the following times is applicable 40817
regarding the offense: 40818

(i) Except as provided in division (B) (2) (b) (ii) of this 40819
section, at any time after the expiration of one year from the 40820
date on which the bail forfeiture was entered upon the minutes 40821
of the court or the journal, whichever entry occurs first; 40822

(ii) If the offense is a minor misdemeanor, at any time 40823
after the expiration of six months from the date on which the 40824
bail forfeiture was entered upon the minutes of the court or the 40825
journal, whichever entry occurs first. 40826

(C) Upon the filing of an application under this section, 40827
the court shall set a date for a hearing and shall notify the 40828
prosecutor for the case of the hearing on the application not 40829
less than sixty days prior to the hearing. Pursuant to the Ohio 40830
Constitution, the prosecutor shall provide timely notice of the 40831
application and the date and time of the hearing to a victim and 40832
victim's representative, if applicable, if the victim or 40833
victim's representative requested notice of the proceedings in 40834
the underlying case. The court shall hold the hearing not less 40835

than forty-five days and not more than ninety days from the date 40836
of the filing of the application. The prosecutor may object to 40837
the granting of the application by filing a written objection 40838
with the court not later than thirty days prior to the date set 40839
for the hearing. The prosecutor shall specify in the objection 40840
the reasons for believing a denial of the application is 40841
justified. The victim, victim's representative, and victim's 40842
attorney, if applicable, may be present and heard orally, in 40843
writing, or both at any hearing under this section. The court 40844
shall direct its regular probation officer, a state probation 40845
officer, or the department of probation of the county in which 40846
the applicant resides to make inquiries and written reports as 40847
the court requires concerning the applicant. The probation 40848
officer or county department of probation that the court directs 40849
to make inquiries and written reports as the court requires 40850
concerning the applicant shall determine whether or not the 40851
applicant was fingerprinted at the time of arrest or under 40852
section 109.60 of the Revised Code. If the applicant was so 40853
fingerprinted, the probation officer or county department of 40854
probation shall include with the written report a record of the 40855
applicant's fingerprints. If the applicant was convicted of or 40856
pleaded guilty to a violation of division (A) (2) or (B) of 40857
section 2919.21 of the Revised Code, the probation officer or 40858
county department of probation that the court directed to make 40859
inquiries concerning the applicant shall contact the child 40860
support enforcement agency enforcing the applicant's obligations 40861
under the child support order to inquire about the offender's 40862
compliance with the child support order. 40863

(D) (1) At the hearing held under division (C) of this 40864
section, the court shall do each of the following: 40865

(a) Determine whether the applicant is pursuing sealing or 40866

expunging a conviction of an offense that is prohibited under 40867
division (A) of this section or whether the forfeiture of bail 40868
was agreed to by the applicant and the prosecutor in the case, 40869
and determine whether the application was made at the time 40870
specified in division (B) (1) (a) or (b) or division (B) (2) (a) or 40871
(b) of this section that is applicable with respect to the 40872
application and the subject offense; 40873

(b) Determine whether criminal proceedings are pending 40874
against the applicant; 40875

(c) Determine whether the applicant has been rehabilitated 40876
to the satisfaction of the court; 40877

(d) If the prosecutor has filed an objection in accordance 40878
with division (C) of this section, consider the reasons against 40879
granting the application specified by the prosecutor in the 40880
objection; 40881

(e) If the victim objected, pursuant to the Ohio 40882
Constitution, consider the reasons against granting the 40883
application specified by the victim in the objection; 40884

(f) Weigh the interests of the applicant in having the 40885
records pertaining to the applicant's conviction or bail 40886
forfeiture sealed or expunged against the legitimate needs, if 40887
any, of the government to maintain those records; 40888

(g) Consider the oral or written statement of any victim, 40889
victim's representative, and victim's attorney, if applicable; 40890

(h) If the applicant was an eligible offender of the type 40891
described in division (A) (3) of section 2953.36 of the Revised 40892
Code as it existed prior to April 4, 2023, determine whether the 40893
offender has been rehabilitated to a satisfactory degree. In 40894
making the determination, the court may consider all of the 40895

following: 40896

(i) The age of the offender; 40897

(ii) The facts and circumstances of the offense; 40898

(iii) The cessation or continuation of criminal behavior; 40899

(iv) The education and employment of the offender; 40900

(v) Any other circumstances that may relate to the 40901
offender's rehabilitation. 40902

(i) If the court is required to determine whether an 40903
applicant for sealing or expungement has two or three 40904
convictions that result from the same indictment, information, 40905
or complaint, from the same plea of guilty, or from the same 40906
official proceeding, and result from related criminal acts that 40907
were committed within a three-month period but do not result 40908
from the same act or from offenses committed at the same time, 40909
in making its determination, the court initially shall determine 40910
whether it is not in the public interest for the two or three 40911
convictions to be counted as one conviction. If the court 40912
determines that it is not in the public interest for the two or 40913
three convictions to be counted as one conviction, the court 40914
shall determine whether, when counting the convictions 40915
individually, the applicant is pursuing sealing or expunging a 40916
conviction that is prohibited under division (A) of this 40917
section. 40918

(2) If the court determines, after complying with division 40919
(D) (1) of this section, that the offender is not pursuing 40920
sealing or expunging a conviction of an offense that is 40921
prohibited under division (A) of this section or that the 40922
forfeiture of bail was agreed to by the applicant and the 40923
prosecutor in the case, that the application was made at the 40924

time specified in division (B) (1) (a) or (b) or division (B) (2) 40925
(a) or (b) of this section that is applicable with respect to 40926
the application and the subject offense, that no criminal 40927
proceeding is pending against the applicant, that the interests 40928
of the applicant in having the records pertaining to the 40929
applicant's conviction or bail forfeiture sealed or expunged are 40930
not outweighed by any legitimate governmental needs to maintain 40931
those records, and that the rehabilitation of the applicant has 40932
been attained to the satisfaction of the court, both of the 40933
following apply: 40934

(a) The court, except as provided in division (D) (4) or 40935
(5) of this section or division (D), (F), or (G) of section 40936
2953.34 of the Revised Code, shall order all official records of 40937
the case that pertain to the conviction or bail forfeiture 40938
sealed if the application was for sealing or expunged if the 40939
application was for expungement and, except as provided in 40940
division (C) of section 2953.34 of the Revised Code, all index 40941
references to the case that pertain to the conviction or bail 40942
forfeiture deleted and, in the case of bail forfeitures, shall 40943
dismiss the charges in the case. 40944

(b) The proceedings in the case that pertain to the 40945
conviction or bail forfeiture shall be considered not to have 40946
occurred and the conviction or bail forfeiture of the person who 40947
is the subject of the proceedings shall be sealed if the 40948
application was for sealing or expunged if the application was 40949
for expungement, except that upon conviction of a subsequent 40950
offense, a sealed record of prior conviction or bail forfeiture 40951
may be considered by the court in determining the sentence or 40952
other appropriate disposition, including the relief provided for 40953
in sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 40954

(3) An applicant may request the sealing or expungement of 40955
the records of more than one case in a single application under 40956
this section. Upon the filing of an application under this 40957
section, the applicant, unless the applicant presents a poverty 40958
affidavit showing that the applicant is indigent, shall pay an 40959
application fee of fifty dollars and may pay a local court fee 40960
of not more than fifty dollars, regardless of the number of 40961
records the application requests to have sealed or expunged. If 40962
the applicant pays a fee, the court shall pay three-fifths of 40963
the fee collected into the state treasury, with half of that 40964
amount credited to the attorney general reimbursement fund 40965
created by section 109.11 of the Revised Code. If the applicant 40966
pays a fee, the court shall pay two-fifths of the fee collected 40967
into the county general revenue fund if the sealed or expunged 40968
conviction or bail forfeiture was pursuant to a state statute, 40969
or into the general revenue fund of the municipal corporation 40970
involved if the sealed or expunged conviction or bail forfeiture 40971
was pursuant to a municipal ordinance. 40972

(4) If the court orders the official records pertaining to 40973
the case sealed or expunged, the court shall do one of the 40974
following: 40975

(a) If the applicant was fingerprinted at the time of 40976
arrest or under section 109.60 of the Revised Code and the 40977
record of the applicant's fingerprints was provided to the court 40978
under division (C) of this section, forward a copy of the 40979
sealing or expungement order and the record of the applicant's 40980
fingerprints to the bureau of criminal identification and 40981
investigation. 40982

(b) If the applicant was not fingerprinted at the time of 40983
arrest or under section 109.60 of the Revised Code, or the 40984

record of the applicant's fingerprints was not provided to the 40985
court under division (C) of this section, but fingerprinting was 40986
required for the offense, order the applicant to appear before a 40987
sheriff to have the applicant's fingerprints taken according to 40988
the fingerprint system of identification on the forms furnished 40989
by the superintendent of the bureau of criminal identification 40990
and investigation. The sheriff shall forward the applicant's 40991
fingerprints to the court. The court shall forward the 40992
applicant's fingerprints and a copy of the sealing or 40993
expungement order to the bureau of criminal identification and 40994
investigation. 40995

Failure of the court to order fingerprints at the time of 40996
sealing or expungement does not constitute a reversible error. 40997

(5) Notwithstanding any other provision of the Revised 40998
Code to the contrary, when the bureau of criminal identification 40999
and investigation receives notice from a court that the record 41000
of a conviction or bail forfeiture has been expunged under this 41001
section, the bureau of criminal identification and investigation 41002
shall maintain a record of the expunged conviction record for 41003
the limited purpose of determining an individual's qualification 41004
or disqualification for employment in law enforcement. The 41005
bureau of criminal identification and investigation shall not be 41006
compelled by the court to destroy, delete, or erase those 41007
records so that the records are permanently irretrievable. These 41008
records may only be disclosed or provided to law enforcement for 41009
the limited purpose of determining an individual's qualification 41010
or disqualification for employment in law enforcement. 41011

When any other entity other than the bureau of criminal 41012
identification and investigation receives notice from a court 41013
that the record of a conviction or bail forfeiture has been 41014

expunged under this section, the entity shall destroy, delete, 41015
and erase the record as appropriate for the record's physical or 41016
electronic form or characteristic so that the record is 41017
permanently irretrievable. 41018

Sec. 2967.12. (A) Except as provided in division (G) of 41019
this section, at least sixty days before the adult parole 41020
authority recommends any pardon or commutation of sentence, or 41021
grants any parole, the authority shall provide a notice of the 41022
pendency of the pardon, commutation, or parole, setting forth 41023
the name of the person on whose behalf it is made, the offense 41024
of which the person was convicted or to which the person pleaded 41025
guilty, the time of conviction or the guilty plea, and the term 41026
of the person's sentence, to the prosecuting attorney and the 41027
judge of the court of common pleas of the county in which the 41028
indictment against the person was found. If there is more than 41029
one judge of that court of common pleas, the authority shall 41030
provide the notice to the presiding judge. Upon the request of 41031
the prosecuting attorney or of any law enforcement agency, the 41032
authority shall provide to the requesting prosecuting attorney 41033
and law enforcement agencies an institutional summary report 41034
that covers the subject person's participation while confined in 41035
a state correctional institution in training, work, and other 41036
rehabilitative activities and any disciplinary action taken 41037
against the person while so confined. The department of 41038
rehabilitation and correction may utilize electronic means to 41039
provide this notice. The department of rehabilitation and 41040
correction, at the same time that it provides the notice to the 41041
prosecuting attorney and judge under this division, also shall 41042
post on the database it maintains pursuant to section 5120.66 of 41043
the Revised Code the offender's name and all of the information 41044
specified in division (A) (1) (c) (iii) of that section. 41045

(B) If a request for notification has been made pursuant 41046
to section 2930.16 of the Revised Code or if division (H) of 41047
this section applies, the office of victim services or the adult 41048
parole authority also shall provide notice to the victim or the 41049
victim's representative at least sixty days prior to 41050
recommending any pardon or commutation of sentence for, or 41051
granting any parole to, the person. The notice shall include the 41052
information required by division (A) of this section and may be 41053
provided by telephone or through electronic means. The notice 41054
also shall inform the victim or the victim's representative that 41055
the victim or representative may send a written statement 41056
relative to the victimization and the pending action to the 41057
adult parole authority and that, if the authority receives any 41058
written statement prior to recommending a pardon or commutation 41059
or granting a parole for a person, the authority will consider 41060
the statement before it recommends a pardon or commutation or 41061
grants a parole. All written and oral statements provided by a 41062
victim or victim's representative to the department of 41063
rehabilitation and correction in connection with the pendency of 41064
any pardon, commutation, or parole are confidential and 41065
privileged and are not subject to subpoena or discovery, 41066
admissible in evidence in any action, or public records under 41067
section 149.43 of the Revised Code. 41068

If the person is being considered for parole, the notice 41069
shall inform the victim or the victim's representative that a 41070
full board hearing of the parole board may be held and that the 41071
victim or victim's representative may contact the office of 41072
victims' services for further information. If the person being 41073
considered for parole was convicted of or pleaded guilty to a 41074
violation of section 2903.01 or 2903.02 of the Revised Code, an 41075
offense of violence that is a felony of the first, second, or 41076

third degree, or an offense punished by a sentence of life 41077
imprisonment, the notice shall inform the victim of that 41078
offense, the victim's representative, or a member of the 41079
victim's immediate family that the victim, the victim's 41080
representative, and the victim's immediate family have the right 41081
to give testimony at a full board hearing of the parole board 41082
and that the victim or victim's representative may contact the 41083
office of victims' services for further information. 41084

(C) When notice of the pendency of any pardon, commutation 41085
of sentence, or parole has been provided to a judge or 41086
prosecutor or posted on the database as required in division (A) 41087
of this section and a hearing on the pardon, commutation, or 41088
parole is continued to a date certain, the authority shall 41089
provide notice of the further consideration of the pardon, 41090
commutation, or parole at least sixty days before the further 41091
consideration. The notice of the further consideration shall be 41092
provided to the proper judge and prosecuting attorney at least 41093
sixty days before the further consideration, and may be provided 41094
using electronic means, and, if the initial notice was posted on 41095
the database as provided in division (A) of this section, the 41096
notice of the further consideration shall be posted on the 41097
database at least sixty days before the further consideration. 41098
If the prosecuting attorney or a law enforcement agency was 41099
provided a copy of the institutional summary report relative to 41100
the subject person under division (A) of this section, the 41101
authority shall include with the notice of the further 41102
consideration sent to the prosecuting attorney any new 41103
information with respect to the person that relates to 41104
activities and actions of the person that are of a type covered 41105
by the report and shall send to the law enforcement agency a 41106
report that provides notice of the further consideration and 41107

includes any such new information with respect to the person. 41108
When notice of the pendency of any pardon, commutation, or 41109
parole has been given as provided in division (B) of this 41110
section and the hearing on it is continued to a date certain, 41111
the authority shall give notice of the further consideration to 41112
the victim or the victim's representative in accordance with 41113
section 2930.03 of the Revised Code. 41114

(D) In case of an application for the pardon or 41115
commutation of sentence of a person sentenced to capital 41116
punishment, the governor may modify the requirements of 41117
notification and publication if there is not sufficient time for 41118
compliance with the requirements before the date fixed for the 41119
execution of sentence. 41120

(E) If an offender is serving a prison term imposed under 41121
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 41122
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 41123
Code and if the parole board terminates its control over the 41124
offender's service of that term pursuant to section 2971.04 of 41125
the Revised Code, the parole board immediately shall provide 41126
written notice of its termination of control or the transfer of 41127
control to the entities and persons specified in section 2971.04 41128
of the Revised Code. 41129

(F) The failure of the adult parole authority to comply 41130
with the notice or posting provisions of division (A), (B), or 41131
(C) of this section or the failure of the parole board to comply 41132
with the notice provisions of division (E) of this section do 41133
not give any rights or any grounds for appeal or post-conviction 41134
relief to the person serving the sentence. 41135

(G) Divisions (A), (B), and (C) of this section do not 41136
apply to any release of a person that is of the type described 41137

in division (B) (2) (b) of section 5120.031 of the Revised Code. 41138

(H) If a defendant is incarcerated for the commission of 41139
aggravated murder, murder, or an offense of violence that is a 41140
felony of the first, second, or third degree or is under a 41141
sentence of life imprisonment, except as otherwise provided in 41142
this division, the notice described in division (B) of this 41143
section shall be given to the victim or victim's representative 41144
regardless of whether the victim or victim's representative has 41145
made a request for notification. The notice described in 41146
division (B) of this section shall not be given under this 41147
division to a victim or victim's representative if the victim or 41148
victim's representative has requested pursuant to division (B) 41149
(2) of section 2930.03 of the Revised Code that the victim or 41150
the victim's representative not be provided the notice. The 41151
notice described in division (B) of this section does not have 41152
to be given under this division to a victim or victim's 41153
representative if notice was given to the victim or victim's 41154
representative with respect to at least two prior considerations 41155
of pardon, commutation, or parole of a person and the victim or 41156
victim's representative did not provide any written statement 41157
relative to the victimization and the pending action, did not 41158
attend any hearing conducted relative to the pending action, and 41159
did not otherwise respond to the office with respect to the 41160
pending action. Regardless of whether the victim or victim's 41161
representative has requested that the notice described in 41162
division (B) of this section be provided or not be provided, the 41163
office of victim services or adult parole authority shall give 41164
similar notice to the law enforcement agency that arrested the 41165
defendant if any officer of that agency was a victim of the 41166
offense and to any member of the victim's immediate family who 41167
requests notification. If notice is to be given under this 41168

division, the office or authority may give the notice by any 41169
reasonable means, including regular mail, telephone, and 41170
electronic mail, in accordance with division (D) (1) of section 41171
2930.16 of the Revised Code. If the notice is based on an 41172
offense committed prior to March 22, 2013, the notice to the 41173
victim or victim's representative also shall include the opt-out 41174
information described in division (D) (1) of section 2930.16 of 41175
the Revised Code. The office or authority, in accordance with 41176
division (D) (2) of section 2930.16 of the Revised Code, shall 41177
keep a record of all attempts to provide the notice, and of all 41178
notices provided, under this division. 41179

Division (H) of this section, and the notice-related 41180
provisions of divisions (E) (2) and (K) of section 2929.20, 41181
division (D) (1) of section 2930.16, division (E) (1) (b) of 41182
section 2967.19 as it existed prior to ~~the effective date of~~ 41183
~~this amendment~~ April 4, 2023, division (A) (3) (b) of section 41184
2967.26, division (D) (1) of section 2967.28, and division (A) (2) 41185
of section 5149.101 of the Revised Code enacted in the act in 41186
which division (H) of this section was enacted, shall be known 41187
as "Roberta's Law." 41188

(I) In addition to and independent of the right of a 41189
victim to make a statement as described in division (A) of this 41190
section or pursuant to section 2930.17 of the Revised Code or to 41191
otherwise make a statement, the authority for a judge or 41192
prosecuting attorney to furnish statements and information, make 41193
recommendations, and give testimony as described in division (A) 41194
of this section, the right of a prosecuting attorney, judge, or 41195
victim to give testimony or submit a statement at a full parole 41196
board hearing pursuant to section 5149.101 of the Revised Code, 41197
and any other right or duty of a person to present information 41198
or make a statement, any person may send to the adult parole 41199

authority at any time prior to the authority's recommending a 41200
pardon or commutation or granting a parole for the offender a 41201
written statement relative to the offense and the pending 41202
action. 41203

(J) As used in this section, "victim's immediate family" 41204
means the mother, father, spouse, sibling, or child of the 41205
victim, provided that in no case does "victim's immediate 41206
family" include the offender with respect to whom the notice in 41207
question applies. 41208

Sec. 2967.14. (A) As used in this section: 41209

(1) "School" has the same meaning as in section 2925.01 of 41210
the Revised Code. 41211

(2) "Child care center" has the same meaning as in section 41212
5104.01 of the Revised Code. 41213

(B) The department of rehabilitation and correction or the 41214
adult parole authority may require or allow a parolee, a 41215
releasee, or a prisoner otherwise released from a state 41216
correctional institution to reside in a halfway house or other 41217
suitable community residential center that has been licensed by 41218
the division of parole and community services pursuant to 41219
division ~~(C)~~ (D) of this section during a part or for the entire 41220
period of the offender's or parolee's conditional release or of 41221
the releasee's term of post-release control. The court of common 41222
pleas that placed an offender under a sanction consisting of a 41223
term in a halfway house or in an alternative residential 41224
sanction may require the offender to reside in a halfway house 41225
or other suitable community residential center that is 41226
designated by the court and that has been licensed by the 41227
division pursuant to division ~~(C)~~ (D) of this section during a 41228

part or for the entire period of the offender's residential 41229
sanction. 41230

~~(B)~~ (C) The division of parole and community services may 41231
negotiate and enter into agreements with any public or private 41232
agency or a department or political subdivision of the state 41233
that operates a halfway house, reentry center, or community 41234
residential center that has been licensed by the division 41235
pursuant to division ~~(C)~~ (D) of this section. An agreement under 41236
this division shall provide for the purchase of beds, shall set 41237
limits of supervision and levels of occupancy, and shall 41238
determine the scope of services for all eligible offenders, 41239
including those subject to a residential sanction, as defined in 41240
rules adopted by the director of rehabilitation and correction 41241
in accordance with Chapter 119. of the Revised Code, or those 41242
released from prison without supervision. The payments for beds 41243
and services shall not exceed the total operating costs of the 41244
halfway house, reentry center, or community residential center 41245
during the term of an agreement. The director of rehabilitation 41246
and correction shall adopt rules in accordance with Chapter 119. 41247
of the Revised Code for determining includable and excludable 41248
costs and income to be used in computing the agency's average 41249
daily per capita costs with its facility at full occupancy. 41250

The director of rehabilitation and correction shall adopt 41251
rules providing for the use of no more than fifteen per cent of 41252
the amount appropriated to the department each fiscal year for 41253
the halfway house, reentry center, and community residential 41254
center program to pay for contracts with licensed halfway houses 41255
for nonresidential services for offenders under the supervision 41256
of the adult parole authority, including but not limited to, 41257
offenders supervised pursuant to an agreement entered into by 41258
the adult parole authority and a court of common pleas under 41259

section 2301.32 of the Revised Code. The nonresidential services 41260
may include, but are not limited to, treatment for substance 41261
abuse, mental health counseling, counseling for sex offenders, 41262
electronic monitoring services, aftercare, and other 41263
nonresidential services that the director identifies by rule. 41264

~~(C)~~—(D) The division of parole and community services may 41265
license a halfway house, reentry center, or community 41266
residential center as a suitable facility for the care and 41267
treatment of adult offenders, including offenders sentenced 41268
under section 2929.16 or 2929.26 of the Revised Code, only if 41269
the halfway house, reentry center, or community residential 41270
center does not operate within five hundred feet of a school or 41271
child care center and complies with the standards that the 41272
division adopts in accordance with Chapter 119. of the Revised 41273
Code for the licensure of halfway houses, reentry centers, and 41274
community residential centers. The division shall annually 41275
inspect each licensed halfway house, licensed reentry center, 41276
and licensed community residential center to determine if it is 41277
in compliance with the licensure standards. 41278

~~(D)~~—(E) The division of parole and community services may 41279
expend up to one-half per cent of the annual appropriation made 41280
for halfway house programs, for goods or services that benefit 41281
those programs. 41282

Sec. 2967.26. (A) (1) The department of rehabilitation and 41283
correction, by rule, may establish a transitional control 41284
program for the purpose of closely monitoring a prisoner's 41285
adjustment to community supervision during the final one hundred 41286
eighty days of the prisoner's confinement. If the department 41287
establishes a transitional control program under this division, 41288
the division of parole and community services of the department 41289

of rehabilitation and correction may transfer eligible prisoners 41290
to transitional control status under the program during the 41291
final one hundred eighty days of their confinement and under the 41292
terms and conditions established by the department, shall 41293
provide for the confinement as provided in this division of each 41294
eligible prisoner so transferred, and shall supervise each 41295
eligible prisoner so transferred in one or more community 41296
control sanctions. Each eligible prisoner who is transferred to 41297
transitional control status under the program shall be confined 41298
in a suitable facility that is licensed pursuant to division ~~(C)~~ 41299
(D) of section 2967.14 of the Revised Code, or shall be confined 41300
in a residence the department has approved for this purpose and 41301
be monitored pursuant to an electronic monitoring device, as 41302
defined in section 2929.01 of the Revised Code. If the 41303
department establishes a transitional control program under this 41304
division, the rules establishing the program shall include 41305
criteria that define which prisoners are eligible for the 41306
program, criteria that must be satisfied to be approved as a 41307
residence that may be used for confinement under the program of 41308
a prisoner that is transferred to it and procedures for the 41309
department to approve residences that satisfy those criteria, 41310
and provisions of the type described in division (C) of this 41311
section. At a minimum, the criteria that define which prisoners 41312
are eligible for the program shall provide all of the following: 41313

(a) That a prisoner is eligible for the program if the 41314
prisoner is serving a prison term or term of imprisonment for an 41315
offense committed prior to March 17, 1998, and if, at the time 41316
at which eligibility is being determined, the prisoner would 41317
have been eligible for a furlough under this section as it 41318
existed immediately prior to March 17, 1998, or would have been 41319
eligible for conditional release under former section 2967.23 of 41320

the Revised Code as that section existed immediately prior to 41321
March 17, 1998; 41322

(b) That no prisoner who is serving a mandatory prison 41323
term is eligible for the program until after expiration of the 41324
mandatory term; 41325

(c) That no prisoner who is serving a prison term or term 41326
of life imprisonment without parole imposed pursuant to section 41327
2971.03 of the Revised Code is eligible for the program. 41328

(2) At least sixty days prior to transferring to 41329
transitional control under this section a prisoner who is 41330
serving a definite term of imprisonment or definite prison term 41331
of less than one year for an offense committed on or after July 41332
1, 1996, or who is serving a minimum term of less than one year 41333
under a non-life felony indefinite prison term, on or after 41334
April 4, 2023, the division of parole and community services of 41335
the department of rehabilitation and correction shall give 41336
notice of the pendency of the transfer to transitional control 41337
to the court of common pleas of the county in which the 41338
indictment against the prisoner was found and of the fact that 41339
the court may disapprove the transfer of the prisoner to 41340
transitional control and shall include the institutional summary 41341
report prepared by the head of the state correctional 41342
institution in which the prisoner is confined. The head of the 41343
state correctional institution in which the prisoner is 41344
confined, upon the request of the division of parole and 41345
community services, shall provide to the division for inclusion 41346
in the notice sent to the court under this division an 41347
institutional summary report on the prisoner's conduct in the 41348
institution and in any institution from which the prisoner may 41349
have been transferred. The institutional summary report shall 41350

cover the prisoner's participation in school, vocational 41351
training, work, treatment, and other rehabilitative activities 41352
and any disciplinary action taken against the prisoner. If the 41353
court disapproves of the transfer of the prisoner to 41354
transitional control, the court shall notify the division of the 41355
disapproval within thirty days after receipt of the notice. If 41356
the court timely disapproves the transfer of the prisoner to 41357
transitional control, the division shall not proceed with the 41358
transfer. If the court does not timely disapprove the transfer 41359
of the prisoner to transitional control, the division may 41360
transfer the prisoner to transitional control. 41361

(3) (a) If the victim of an offense for which a prisoner 41362
was sentenced to a prison term or term of imprisonment has 41363
requested notification under section 2930.16 of the Revised Code 41364
and has provided the department of rehabilitation and correction 41365
with the victim's name and address or if division (A) (3) (b) of 41366
this section applies, the division of parole and community 41367
services, at least sixty days prior to transferring the prisoner 41368
to transitional control pursuant to this section, shall notify 41369
the victim and the victim's representative, if applicable, of 41370
the pendency of the transfer and of the victim's and victim's 41371
representative's right to submit a statement to the division 41372
regarding the impact of the transfer of the prisoner to 41373
transitional control. If the victim or victim's representative's 41374
subsequently submits a statement of that nature to the division, 41375
the division shall consider the statement in deciding whether to 41376
transfer the prisoner to transitional control. 41377

(b) If a prisoner is incarcerated for the commission of 41378
aggravated murder, murder, or an offense of violence that is a 41379
felony of the first, second, or third degree or under a sentence 41380
of life imprisonment, except as otherwise provided in this 41381

division, the notice described in division (A) (3) (a) of this 41382
section shall be given regardless of whether the victim has 41383
requested the notification. The notice described in division (A) 41384
(3) (a) of this section shall not be given under this division to 41385
a victim if the victim has requested pursuant to division (B) (2) 41386
of section 2930.03 of the Revised Code that the victim not be 41387
provided the notice. If notice is to be provided to a victim 41388
under this division, the authority may give the notice by any 41389
reasonable means, including regular mail, telephone, and 41390
electronic mail, in accordance with division (D) (1) of section 41391
2930.16 of the Revised Code. If the notice is based on an 41392
offense committed prior to March 22, 2013, the notice also shall 41393
include the opt-out information described in division (D) (1) of 41394
section 2930.16 of the Revised Code. The authority, in 41395
accordance with division (D) (2) of section 2930.16 of the 41396
Revised Code, shall keep a record of all attempts to provide the 41397
notice, and of all notices provided, under this division. 41398

Division (A) (3) (b) of this section, and the notice-related 41399
provisions of divisions (E) (2) and (K) of section 2929.20, 41400
division (D) (1) of section 2930.16, division (H) of section 41401
2967.12, division (E) (1) (b) of section 2967.19 as it existed 41402
prior to April 4, 2023, division (D) (1) of section 2967.28, and 41403
division (A) (2) of section 5149.101 of the Revised Code enacted 41404
in the act in which division (A) (3) (b) of this section was 41405
enacted, shall be known as "Roberta's Law." 41406

(4) The department of rehabilitation and correction, at 41407
least sixty days prior to transferring a prisoner to 41408
transitional control pursuant to this section, shall post on the 41409
database it maintains pursuant to section 5120.66 of the Revised 41410
Code the prisoner's name and all of the information specified in 41411
division (A) (1) (c) (iv) of that section. In addition to and 41412

independent of the right of a victim to submit a statement as 41413
described in division (A) (3) of this section or to otherwise 41414
make a statement and in addition to and independent of any other 41415
right or duty of a person to present information or make a 41416
statement, any person may send to the division of parole and 41417
community services at any time prior to the division's transfer 41418
of the prisoner to transitional control a written statement 41419
regarding the transfer of the prisoner to transitional control. 41420
In addition to the information, reports, and statements it 41421
considers under divisions (A) (2) and (3) of this section or that 41422
it otherwise considers, the division shall consider each 41423
statement submitted in accordance with this division in deciding 41424
whether to transfer the prisoner to transitional control. 41425

(B) Each prisoner transferred to transitional control 41426
under this section shall be confined in the manner described in 41427
division (A) of this section during any period of time that the 41428
prisoner is not actually working at the prisoner's approved 41429
employment, engaged in a vocational training or another 41430
educational program, engaged in another program designated by 41431
the director, or engaged in other activities approved by the 41432
department. 41433

(C) The department of rehabilitation and correction shall 41434
adopt rules for transferring eligible prisoners to transitional 41435
control, supervising and confining prisoners so transferred, 41436
administering the transitional control program in accordance 41437
with this section, and using the moneys deposited into the 41438
transitional control fund established under division (E) of this 41439
section. 41440

(D) The department of rehabilitation and correction may 41441
adopt rules for the issuance of passes for the limited purposes 41442

described in this division to prisoners who are transferred to 41443
transitional control under this section. If the department 41444
adopts rules of that nature, the rules shall govern the granting 41445
of the passes and shall provide for the supervision of prisoners 41446
who are temporarily released pursuant to one of those passes. 41447
Upon the adoption of rules under this division, the department 41448
may issue passes to prisoners who are transferred to 41449
transitional control status under this section in accordance 41450
with the rules and the provisions of this division. All passes 41451
issued under this division shall be for a maximum of forty-eight 41452
hours and may be issued only for the following purposes: 41453

(1) To visit a relative in imminent danger of death; 41454

(2) To have a private viewing of the body of a deceased 41455
relative; 41456

(3) To visit with family; 41457

(4) To otherwise aid in the rehabilitation of the 41458
prisoner. 41459

(E) The division of parole and community services may 41460
require a prisoner who is transferred to transitional control to 41461
pay to the division the reasonable expenses incurred by the 41462
division in supervising or confining the prisoner while under 41463
transitional control. Inability to pay those reasonable expenses 41464
shall not be grounds for refusing to transfer an otherwise 41465
eligible prisoner to transitional control. Amounts received by 41466
the division of parole and community services under this 41467
division shall be deposited into the transitional control fund, 41468
which is hereby created in the state treasury and which hereby 41469
replaces and succeeds the furlough services fund that formerly 41470
existed in the state treasury. All moneys that remain in the 41471

furlough services fund on March 17, 1998, shall be transferred 41472
on that date to the transitional control fund. The transitional 41473
control fund shall be used solely to pay costs related to the 41474
operation of the transitional control program established under 41475
this section. The director of rehabilitation and correction 41476
shall adopt rules in accordance with section 111.15 of the 41477
Revised Code for the use of the fund. 41478

(F) A prisoner who violates any rule established by the 41479
department of rehabilitation and correction under division (A), 41480
(C), or (D) of this section may be transferred to a state 41481
correctional institution pursuant to rules adopted under 41482
division (A), (C), or (D) of this section, but the prisoner 41483
shall receive credit towards completing the prisoner's sentence 41484
for the time spent under transitional control. 41485

If a prisoner is transferred to transitional control under 41486
this section, upon successful completion of the period of 41487
transitional control, the prisoner may be released on parole or 41488
under post-release control pursuant to section 2967.13 or 41489
2967.28 of the Revised Code and rules adopted by the department 41490
of rehabilitation and correction. If the prisoner is released 41491
under post-release control, the duration of the post-release 41492
control, the type of post-release control sanctions that may be 41493
imposed, the enforcement of the sanctions, and the treatment of 41494
prisoners who violate any sanction applicable to the prisoner 41495
are governed by section 2967.28 of the Revised Code. 41496

Sec. 2967.271. (A) As used in this section: 41497

(1) "Offender's minimum prison term" means the minimum 41498
prison term imposed on an offender under a non-life felony 41499
indefinite prison term, diminished as provided in section 41500
2967.191 or 2967.193 of the Revised Code or in any other 41501

provision of the Revised Code, other than division (F) of this 41502
section, that provides for diminution or reduction of an 41503
offender's sentence. 41504

(2) "Offender's presumptive earned early release date" 41505
means the date that is determined under the procedures described 41506
in division (F) of this section by the reduction, if any, of an 41507
offender's minimum prison term by the sentencing court and the 41508
crediting of that reduction toward the satisfaction of the 41509
minimum term. 41510

(3) "Rehabilitative programs and activities" means 41511
education programs, vocational training, employment in prison 41512
industries, treatment for substance abuse, or other constructive 41513
programs developed by the department of rehabilitation and 41514
correction with specific standards for performance by prisoners. 41515

(4) "Security level" means the security level in which an 41516
offender is classified under the inmate classification level 41517
system of the department of rehabilitation and correction that 41518
then is in effect. 41519

(5) "Sexually oriented offense" has the same meaning as in 41520
section 2950.01 of the Revised Code. 41521

(B) When an offender is sentenced to a non-life felony 41522
indefinite prison term, there shall be a presumption that the 41523
person shall be released from service of the sentence on the 41524
expiration of the offender's minimum prison term or on the 41525
offender's presumptive earned early release date, whichever is 41526
earlier. 41527

(C) The presumption established under division (B) of this 41528
section is a rebuttable presumption that the department of 41529
rehabilitation and correction may rebut as provided in this 41530

division. Unless the department rebuts the presumption, the 41531
offender shall be released from service of the sentence on the 41532
expiration of the offender's minimum prison term or on the 41533
offender's presumptive earned early release date, whichever is 41534
earlier. The department may rebut the presumption only if the 41535
department determines, at a hearing, that one or more of the 41536
following applies: 41537

(1) Regardless of the security level in which the offender 41538
is classified at the time of the hearing, both of the following 41539
apply: 41540

(a) During the offender's incarceration, the offender 41541
committed institutional rule infractions that involved 41542
compromising the security of a state correctional institution, 41543
compromising the safety of the staff of a state correctional 41544
institution or its inmates, or physical harm or the threat of 41545
physical harm to the staff of a state correctional institution 41546
or its inmates, or committed a violation of law that was not 41547
prosecuted, and the infractions or violations demonstrate that 41548
the offender has not been rehabilitated. 41549

(b) The offender's behavior while incarcerated, including, 41550
but not limited to the infractions and violations specified in 41551
division (C) (1) (a) of this section, demonstrate that the 41552
offender continues to pose a threat to society. 41553

(2) Regardless of the security level in which the offender 41554
is classified at the time of the hearing, the offender has been 41555
placed by the department in extended restrictive housing at any 41556
time within the year preceding the date of the hearing. 41557

(3) At the time of the hearing, the offender is classified 41558
by the department as a security level three, four, or five, or 41559

at a higher security level. 41560

(D) (1) If the department of rehabilitation and correction, 41561
pursuant to division (C) of this section, rebuts the presumption 41562
established under division (B) of this section, the department 41563
may maintain the offender's incarceration in a state 41564
correctional institution under the sentence after the expiration 41565
of the offender's minimum prison term or, for offenders who have 41566
a presumptive earned early release date, after the offender's 41567
presumptive earned early release date. The department may 41568
maintain the offender's incarceration under this division for an 41569
additional period of incarceration determined by the department. 41570
The additional period of incarceration shall be a reasonable 41571
period determined by the department, shall be specified by the 41572
department, and shall not exceed the offender's maximum prison 41573
term. 41574

(2) If the department maintains an offender's 41575
incarceration for an additional period under division (D) (1) of 41576
this section, there shall be a presumption that the offender 41577
shall be released on the expiration of the offender's minimum 41578
prison term plus the additional period of incarceration 41579
specified by the department as provided under that division or, 41580
for offenders who have a presumptive earned early release date, 41581
on the expiration of the additional period of incarceration to 41582
be served after the offender's presumptive earned early release 41583
date that is specified by the department as provided under that 41584
division. The presumption is a rebuttable presumption that the 41585
department may rebut, but only if it conducts a hearing and 41586
makes the determinations specified in division (C) of this 41587
section, and if the department rebuts the presumption, it may 41588
maintain the offender's incarceration in a state correctional 41589
institution for an additional period determined as specified in 41590

division (D) (1) of this section. Unless the department rebuts 41591
the presumption at the hearing, the offender shall be released 41592
from service of the sentence on the expiration of the offender's 41593
minimum prison term plus the additional period of incarceration 41594
specified by the department or, for offenders who have a 41595
presumptive earned early release date, on the expiration of the 41596
additional period of incarceration to be served after the 41597
offender's presumptive earned early release date as specified by 41598
the department. 41599

The provisions of this division regarding the 41600
establishment of a rebuttable presumption, the department's 41601
rebuttal of the presumption, and the department's maintenance of 41602
an offender's incarceration for an additional period of 41603
incarceration apply, and may be utilized more than one time, 41604
during the remainder of the offender's incarceration. If the 41605
offender has not been released under division (C) of this 41606
section or this division prior to the expiration of the 41607
offender's maximum prison term imposed as part of the offender's 41608
non-life felony indefinite prison term, the offender shall be 41609
released upon the expiration of that maximum term. 41610

(E) The department shall provide notices of hearings to be 41611
conducted under division (C) or (D) of this section in the same 41612
manner, and to the same persons, as specified in section 2967.12 41613
and Chapter 2930. of the Revised Code with respect to hearings 41614
to be conducted regarding the possible release on parole of an 41615
inmate. 41616

(F) (1) The director of the department of rehabilitation 41617
and correction may notify the sentencing court in writing that 41618
the director is recommending that the court grant a reduction in 41619
the minimum prison term imposed on a specified offender who is 41620

serving a non-life felony indefinite prison term and who is 41621
eligible under division (F)(8) of this section for such a 41622
reduction, due to the offender's exceptional conduct while 41623
incarcerated or the offender's adjustment to incarceration. If 41624
the director wishes to recommend such a reduction for an 41625
offender, the director shall send the notice to the court not 41626
earlier than ninety days prior to the date on which the director 41627
wishes to credit the reduction toward the satisfaction of the 41628
offender's minimum prison term. If the director recommends such 41629
a reduction for an offender, there shall be a presumption that 41630
the court shall grant the recommended reduction to the offender. 41631
The presumption established under this division is a rebuttable 41632
presumption that may be rebutted as provided in division (F)(4) 41633
of this section. 41634

The director shall include with the notice sent to a court 41635
under this division an institutional summary report that covers 41636
the offender's participation while confined in a state 41637
correctional institution in rehabilitative programs and 41638
activities and any disciplinary action taken against the 41639
offender while so confined, and any other documentation 41640
requested by the court, if available. 41641

The notice the director sends to a court under this 41642
division shall do all of the following: 41643

(a) Identify the offender; 41644

(b) Specify the length of the recommended reduction, which 41645
shall be for five to fifteen per cent of the offender's minimum 41646
term determined in accordance with rules adopted by the 41647
department under division (F)(7) of this section; 41648

(c) Specify the reason or reasons that qualify the 41649

offender for the recommended reduction; 41650

(d) Inform the court of the rebuttable presumption and 41651
that the court must either approve or, if the court finds that 41652
the presumption has been rebutted, disapprove of the recommended 41653
reduction, and that if it approves of the recommended reduction, 41654
it must grant the reduction; 41655

(e) Inform the court that it must notify the department of 41656
its decision as to approval or disapproval not later than sixty 41657
days after receipt of the notice from the director. 41658

(2) When the director, under division (F)(1) of this 41659
section, submits a notice to a sentencing court that the 41660
director is recommending that the court grant a reduction in the 41661
minimum prison term imposed on an offender serving a non-life 41662
felony indefinite prison term, the department promptly shall 41663
provide to the prosecuting attorney of the county in which the 41664
offender was indicted a copy of the written notice, a copy of 41665
the institutional summary report described in that division, and 41666
any other information provided to the court. 41667

(3) Upon receipt of a notice submitted by the director 41668
under division (F)(1) of this section, the court shall schedule 41669
a hearing to consider whether to grant the reduction in the 41670
minimum prison term imposed on the specified offender that was 41671
recommended by the director or to find that the presumption has 41672
been rebutted and disapprove the recommended reduction. Upon 41673
scheduling the hearing, the court promptly shall give notice of 41674
the hearing to the prosecuting attorney of the county in which 41675
the offender was indicted and to the department. The notice 41676
shall inform the prosecuting attorney that the prosecuting 41677
attorney may submit to the court, prior to the date of the 41678
hearing, written information relevant to the recommendation and 41679

may present at the hearing written information and oral 41680
information relevant to the recommendation. 41681

Upon receipt of the notice from the court, the prosecuting 41682
attorney shall notify the victim of the offender or the victim's 41683
representative of the recommendation by the director, the date, 41684
time, and place of the hearing, the fact that the victim may 41685
submit to the court, prior to the date of the hearing, written 41686
information relevant to the recommendation, and the address and 41687
procedure for submitting the information. 41688

(4) At the hearing scheduled under division (F) (3) of this 41689
section, the court shall afford the prosecuting attorney an 41690
opportunity to present written information and oral information 41691
relevant to the director's recommendation. In making its 41692
determination as to whether to grant or disapprove the reduction 41693
in the minimum prison term imposed on the specified offender 41694
that was recommended by the director, the court shall consider 41695
any report and other documentation submitted by the director, 41696
any information submitted by a victim, any information submitted 41697
or presented at the hearing by the prosecuting attorney, and all 41698
of the factors set forth in divisions (B) to (D) of section 41699
2929.12 of the Revised Code that are relevant to the offender's 41700
offense and to the offender. 41701

Unless the court, after considering at the hearing the 41702
specified reports, documentation, information, and relevant 41703
factors, finds that the presumption that the recommended 41704
reduction shall be granted has been rebutted and disapproves the 41705
recommended reduction, the court shall grant the recommended 41706
reduction. The court may disapprove the recommended reduction 41707
only if, after considering at the hearing the specified reports, 41708
documentation, information, and relevant factors, it finds that 41709

the presumption that the reduction shall be granted has been 41710
rebutted. The court may find that the presumption has been 41711
rebutted and disapprove the recommended reduction only if it 41712
determines at the hearing that one or more of the following 41713
applies: 41714

(a) Regardless of the security level in which the offender 41715
is classified at the time of the hearing, during the offender's 41716
incarceration, the offender committed institutional rule 41717
infractions that involved compromising the security of a state 41718
correctional institution, compromising the safety of the staff 41719
of a state correctional institution or its inmates, or physical 41720
harm or the threat of physical harm to the staff of a state 41721
correctional institution or its inmates, or committed a 41722
violation of law that was not prosecuted, and the infractions or 41723
violations demonstrate that the offender has not been 41724
rehabilitated. 41725

(b) The offender's behavior while incarcerated, including, 41726
but not limited to, the infractions and violations specified in 41727
division (F)(4)(a) of this section, demonstrates that the 41728
offender continues to pose a threat to society. 41729

(c) At the time of the hearing, the offender is classified 41730
by the department as a security level three, four, or five, or 41731
at a higher security level. 41732

(d) During the offender's incarceration, the offender did 41733
not productively participate in a majority of the rehabilitative 41734
programs and activities recommended by the department for the 41735
offender, or the offender participated in a majority of such 41736
recommended programs or activities but did not successfully 41737
complete a reasonable number of the programs or activities in 41738
which the offender participated. 41739

(e) After release, the offender will not be residing in a
halfway house, reentry center, or community residential center
licensed under division ~~(C)~~ (D) of section 2967.14 of the
Revised Code and, after release, does not have any other place
to reside at a fixed residence address.

(5) If the court pursuant to division (F) (4) of this
section finds that the presumption that the recommended
reduction in the offender's minimum prison term has been
rebutted and disapproves the recommended reduction, the court
shall notify the department of the disapproval not later than
sixty days after receipt of the notice from the director. The
court shall specify in the notification the reason or reasons
for which it found that the presumption was rebutted and
disapproved the recommended reduction. The court shall not
reduce the offender's minimum prison term, and the department
shall not credit the amount of the disapproved reduction toward
satisfaction of the offender's minimum prison term.

If the court pursuant to division (F) (4) of this section
grants the recommended reduction of the offender's minimum
prison term, the court shall notify the department of the grant
of the reduction not later than sixty days after receipt of the
notice from the director, the court shall reduce the offender's
minimum prison term in accordance with the recommendation
submitted by the director, and the department shall credit the
amount of the reduction toward satisfaction of the offender's
minimum prison term.

Upon deciding whether to disapprove or grant the
recommended reduction of the offender's minimum prison term, the
court shall notify the prosecuting attorney of the decision and
the prosecuting attorney shall notify the victim or victim's

representative of the court's decision. 41770

(6) If the court under division (F) (5) of this section 41771
grants the reduction in the minimum prison term imposed on an 41772
offender that was recommended by the director and reduces the 41773
offender's minimum prison term, the date determined by the 41774
department's crediting of the reduction toward satisfaction of 41775
the offender's minimum prison term is the offender's presumptive 41776
earned early release date. 41777

(7) The department of rehabilitation and correction by 41778
rule shall specify both of the following for offenders serving a 41779
non-life felony indefinite prison term: 41780

(a) The type of exceptional conduct while incarcerated and 41781
the type of adjustment to incarceration that will qualify an 41782
offender serving such a prison term for a reduction under 41783
divisions (F) (1) to (6) of this section of the minimum prison 41784
term imposed on the offender under the non-life felony 41785
indefinite prison term. 41786

(b) The per cent of reduction that it may recommend for, 41787
and that may be granted to, an offender serving such a prison 41788
term under divisions (F) (1) to (6) of this section, based on the 41789
offense level of the offense for which the prison term was 41790
imposed, with the department specifying the offense levels used 41791
for purposes of this division and assigning a specific 41792
percentage reduction within the range of five to fifteen per 41793
cent for each such offense level. 41794

(8) Divisions (F) (1) to (6) of this section do not apply 41795
with respect to an offender serving a non-life felony indefinite 41796
prison term for a sexually oriented offense, and no offender 41797
serving such a prison term for a sexually oriented offense is 41798

eligible to be recommended for or granted, or may be recommended 41799
for or granted, a reduction under those divisions in the 41800
offender's minimum prison term imposed under that non-life 41801
felony indefinite prison term. 41802

(G) If an offender is sentenced to a non-life felony 41803
indefinite prison term, any reference in a section of the 41804
Revised Code to a definite prison term shall be construed as 41805
referring to the offender's minimum term under that sentence 41806
plus any additional period of time of incarceration specified by 41807
the department under division (D) (1) or (2) of this section, 41808
except to the extent otherwise specified in the section or to 41809
the extent that that construction clearly would be 41810
inappropriate. 41811

Sec. 2967.28. (A) As used in this section: 41812

(1) "Monitored time" means the monitored time sanction 41813
specified in section 2929.17 and defined in section 2929.01 of 41814
the Revised Code. 41815

(2) "Deadly weapon" and "dangerous ordnance" have the same 41816
meanings as in section 2923.11 of the Revised Code. 41817

(3) "Felony sex offense" means a violation of a section 41818
contained in Chapter 2907. of the Revised Code that is a felony. 41819

(4) "Risk reduction sentence" means a prison term imposed 41820
by a court, when the court recommends pursuant to section 41821
2929.143 of the Revised Code that the offender serve the 41822
sentence under section 5120.036 of the Revised Code, and the 41823
offender may potentially be released from imprisonment prior to 41824
the expiration of the prison term if the offender successfully 41825
completes all assessment and treatment or programming required 41826
by the department of rehabilitation and correction under section 41827

5120.036 of the Revised Code. 41828

(5) "Victim's immediate family" has the same meaning as in 41829
section 2967.12 of the Revised Code. 41830

(6) "Minor drug possession offense" has the same meaning 41831
as in section 2925.11 of the Revised Code. 41832

(7) "Single validated risk assessment tool" means the 41833
single validated risk assessment tool selected by the department 41834
of rehabilitation and correction under section 5120.114 of the 41835
Revised Code. 41836

(B) Each sentence to a prison term, other than a term of 41837
life imprisonment, for a felony of the first degree, for a 41838
felony of the second degree, for a felony sex offense, or for a 41839
felony of the third degree that is an offense of violence and is 41840
not a felony sex offense shall include a requirement that the 41841
offender be subject to a period of post-release control imposed 41842
by the parole board after the offender's release from 41843
imprisonment. For post-release control to be imposed, the 41844
offender must be committed to the department of rehabilitation 41845
and correction as set forth in section 5120.16 of the Revised 41846
Code. This division applies with respect to all prison terms of 41847
a type described in this division, including a term of any such 41848
type that is a risk reduction sentence. If a court imposes a 41849
sentence including a prison term of a type described in this 41850
division on or after July 11, 2006, the failure of a sentencing 41851
court to notify the offender pursuant to division (B) (2) (d) of 41852
section 2929.19 of the Revised Code of this requirement or to 41853
include in the judgment of conviction entered on the journal a 41854
statement that the offender's sentence includes this requirement 41855
does not negate, limit, or otherwise affect the mandatory period 41856
of supervision that is required for the offender under this 41857

division. This division applies with respect to all prison terms 41858
of a type described in this division, including a non-life 41859
felony indefinite prison term. Section 2929.191 of the Revised 41860
Code applies if, prior to July 11, 2006, a court imposed a 41861
sentence including a prison term of a type described in this 41862
division and failed to notify the offender pursuant to division 41863
(B) (2) (d) of section 2929.19 of the Revised Code regarding post- 41864
release control or to include in the judgment of conviction 41865
entered on the journal or in the sentence pursuant to division 41866
(D) (1) of section 2929.14 of the Revised Code a statement 41867
regarding post-release control. Unless reduced by the parole 41868
board pursuant to division (D) of this section when authorized 41869
under that division, a period of post-release control required 41870
by this division for an offender shall be of one of the 41871
following periods: 41872

(1) For a felony sex offense, five years; 41873

(2) For a felony of the first degree that is not a felony 41874
sex offense, up to five years, but not less than two years; 41875

(3) For a felony of the second degree that is not a felony 41876
sex offense, up to three years, but not less than eighteen 41877
months; 41878

(4) For a felony of the third degree that is an offense of 41879
violence and is not a felony sex offense, up to three years, but 41880
not less than one year. 41881

(C) Any sentence to a prison term for a felony of the 41882
third, fourth, or fifth degree that is not subject to division 41883
(B) (1) or (4) of this section shall include a requirement that 41884
the offender be subject to a period of post-release control of 41885
up to two years after the offender's release from imprisonment, 41886

if the parole board, in accordance with division (D) of this 41887
section, determines that a period of post-release control is 41888
necessary for that offender. For post-release control to be 41889
imposed, the offender must be committed to the department of 41890
rehabilitation and correction as set forth in section 5120.16 of 41891
the Revised Code. This division applies with respect to all 41892
prison terms of a type described in this division, including a 41893
term of any such type that is a risk reduction sentence. Section 41894
2929.191 of the Revised Code applies if, prior to July 11, 2006, 41895
a court imposed a sentence including a prison term of a type 41896
described in this division and failed to notify the offender 41897
pursuant to division (B) (2) (e) of section 2929.19 of the Revised 41898
Code regarding post-release control or to include in the 41899
judgment of conviction entered on the journal or in the sentence 41900
pursuant to division (D) (2) of section 2929.14 of the Revised 41901
Code a statement regarding post-release control. Pursuant to an 41902
agreement entered into under section 2967.29 of the Revised 41903
Code, a court of common pleas or parole board may impose 41904
sanctions or conditions on an offender who is placed on post- 41905
release control under this division. 41906

(D) (1) Before the prisoner is released from imprisonment, 41907
the parole board or, pursuant to an agreement under section 41908
2967.29 of the Revised Code, the court shall impose on a 41909
prisoner described in division (B) of this section, shall impose 41910
on a prisoner described in division (C) of this section who is 41911
to be released before the expiration of the prisoner's stated 41912
prison term under a risk reduction sentence, may impose on a 41913
prisoner described in division (C) of this section who is not to 41914
be released before the expiration of the prisoner's stated 41915
prison term under a risk reduction sentence, and shall impose on 41916
a prisoner described in division (B) (2) (b) of section 5120.031 41917

or in division (B) (1) of section 5120.032 of the Revised Code, 41918
one or more post-release control sanctions to apply during the 41919
prisoner's period of post-release control. Whenever the board or 41920
court imposes one or more post-release control sanctions on a 41921
prisoner, the board or court, in addition to imposing the 41922
sanctions, also shall include as a condition of the post-release 41923
control that the offender not leave the state without permission 41924
of the court or the offender's parole or probation officer and 41925
that the offender abide by the law. The board or court may 41926
impose any other conditions of release under a post-release 41927
control sanction that the board or court considers appropriate, 41928
and the conditions of release may include any community 41929
residential sanction, community nonresidential sanction, or 41930
financial sanction that the sentencing court was authorized to 41931
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 41932
Revised Code. Prior to the release of a prisoner for whom it 41933
will impose one or more post-release control sanctions under 41934
this division, the parole board or court shall review the 41935
prisoner's criminal history, results from the single validated 41936
risk assessment tool, and the record of the prisoner's conduct 41937
while imprisoned. The parole board or court shall consider any 41938
recommendation regarding post-release control sanctions for the 41939
prisoner made by the office of victims' services. After 41940
considering those materials, the board or court shall determine, 41941
for a prisoner described in division (B) of this section, 41942
division (B) (2) (b) of section 5120.031, or division (B) (1) of 41943
section 5120.032 of the Revised Code and for a prisoner 41944
described in division (C) of this section who is to be released 41945
before the expiration of the prisoner's stated prison term under 41946
a risk reduction sentence, which post-release control sanction 41947
or combination of post-release control sanctions is reasonable 41948
under the circumstances or, for a prisoner described in division 41949

(C) of this section who is not to be released before the 41950
expiration of the prisoner's stated prison term under a risk 41951
reduction sentence, whether a post-release control sanction is 41952
necessary and, if so, which post-release control sanction or 41953
combination of post-release control sanctions is reasonable 41954
under the circumstances. In the case of a prisoner convicted of 41955
a felony of the fourth or fifth degree other than a felony sex 41956
offense, the board or court shall presume that monitored time is 41957
the appropriate post-release control sanction unless the board 41958
or court determines that a more restrictive sanction is 41959
warranted. A post-release control sanction imposed under this 41960
division takes effect upon the prisoner's release from 41961
imprisonment. 41962

Regardless of whether the prisoner was sentenced to the 41963
prison term prior to, on, or after July 11, 2006, prior to the 41964
release of a prisoner for whom it will impose one or more post- 41965
release control sanctions under this division, the parole board 41966
shall notify the prisoner that, if the prisoner violates any 41967
sanction so imposed or any condition of post-release control 41968
described in division (B) of section 2967.131 of the Revised 41969
Code that is imposed on the prisoner, the parole board may 41970
impose a prison term of up to one-half of the stated prison term 41971
originally imposed on the prisoner. 41972

At least thirty days before the prisoner is released from 41973
imprisonment under post-release control, except as otherwise 41974
provided in this paragraph, the department of rehabilitation and 41975
correction shall notify the victim and the victim's immediate 41976
family of the date on which the prisoner will be released, the 41977
period for which the prisoner will be under post-release control 41978
supervision, and the terms and conditions of the prisoner's 41979
post-release control regardless of whether the victim or 41980

victim's immediate family has requested the notification. The 41981
notice described in this paragraph shall not be given to a 41982
victim or victim's immediate family if the victim or the 41983
victim's immediate family has requested pursuant to division (B) 41984
(2) of section 2930.03 of the Revised Code that the notice not 41985
be provided to the victim or the victim's immediate family. At 41986
least thirty days before the prisoner is released from 41987
imprisonment and regardless of whether the victim or victim's 41988
immediate family has requested that the notice described in this 41989
paragraph be provided or not be provided to the victim or the 41990
victim's immediate family, the department also shall provide 41991
notice of that nature to the prosecuting attorney in the case 41992
and the law enforcement agency that arrested the prisoner if any 41993
officer of that agency was a victim of the offense. 41994

If the notice given under the preceding paragraph to the 41995
victim or the victim's immediate family is based on an offense 41996
committed prior to March 22, 2013, and if the department of 41997
rehabilitation and correction has not previously successfully 41998
provided any notice to the victim or the victim's immediate 41999
family under division (B), (C), or (D) of section 2930.16 of the 42000
Revised Code with respect to that offense and the offender who 42001
committed it, the notice also shall inform the victim or the 42002
victim's immediate family that the victim or the victim's 42003
immediate family may request that the victim or the victim's 42004
immediate family not be provided any further notices with 42005
respect to that offense and the offender who committed it and 42006
shall describe the procedure for making that request. The 42007
department may give the notices to which the preceding paragraph 42008
applies by any reasonable means, including regular mail, 42009
telephone, and electronic mail. If the department attempts to 42010
provide notice to any specified person under the preceding 42011

paragraph but the attempt is unsuccessful because the department 42012
is unable to locate the specified person, is unable to provide 42013
the notice by its chosen method because it cannot determine the 42014
mailing address, electronic mail address, or telephone number at 42015
which to provide the notice, or, if the notice is sent by mail, 42016
the notice is returned, the department shall make another 42017
attempt to provide the notice to the specified person. If the 42018
second attempt is unsuccessful, the department shall make at 42019
least one more attempt to provide the notice. If the notice is 42020
based on an offense committed prior to March 22, 2013, in each 42021
attempt to provide the notice to the victim or victim's 42022
immediate family, the notice shall include the opt-out 42023
information described in this paragraph. The department, in the 42024
manner described in division (D) (2) of section 2930.16 of the 42025
Revised Code, shall keep a record of all attempts to provide the 42026
notice, and of all notices provided, under this paragraph and 42027
the preceding paragraph. The record shall be considered as if it 42028
was kept under division (D) (2) of section 2930.16 of the Revised 42029
Code. This paragraph, the preceding paragraph, and the notice- 42030
related provisions of divisions (E) (2) and (K) of section 42031
2929.20, division (D) (1) of section 2930.16, division (H) of 42032
section 2967.12, division (E) (1) (b) of section 2967.19 as it 42033
existed prior to ~~the effective date of this amendment~~ April 4, 42034
2023, division (A) (3) (b) of section 2967.26, and division (A) (2) 42035
of section 5149.101 of the Revised Code enacted in the act in 42036
which this paragraph and the preceding paragraph were enacted, 42037
shall be known as "Roberta's Law." 42038

(2) If a prisoner who is placed on post-release control 42039
under this section is released before the expiration of the 42040
definite term that is the prisoner's stated prison term or the 42041
expiration of the minimum term that is part of the prisoner's 42042

indefinite prison term imposed under a non-life felony 42043
indefinite prison term by reason of credit earned under section 42044
2967.193 or 2967.194 or a reduction under division (F) of 42045
section 2967.271 of the Revised Code and if the prisoner earned 42046
sixty or more days of credit, the adult parole authority may 42047
supervise the offender with an active global positioning system 42048
device for the first fourteen days after the offender's release 42049
from imprisonment. This division does not prohibit or limit the 42050
imposition of any post-release control sanction otherwise 42051
authorized by this section. 42052

(3) After a prisoner is released from imprisonment and 42053
during the period of post-release control applicable to the 42054
releasee, the adult parole authority or, pursuant to an 42055
agreement under section 2967.29 of the Revised Code, the court 42056
may review the releasee's behavior under the post-release 42057
control sanctions imposed upon the releasee under this section. 42058
The authority or court may determine, based upon the review and 42059
in accordance with the standards established under division (E) 42060
of this section, that the releasee has satisfactorily complied 42061
with the sanctions imposed, and if such a determination is made, 42062
the authority may recommend a less restrictive sanction, reduce 42063
the period of post-release control, or, no sooner than the 42064
minimum period of time required under section 2967.16 of the 42065
Revised Code, recommend that the parole board or court terminate 42066
the duration of the period of post-release control. In no case 42067
shall the board or court reduce the duration of the period of 42068
control imposed for a felony sex offense described in division 42069
(B) (1) of this section. 42070

(4) The department of rehabilitation and correction shall 42071
develop factors that the parole board or court shall consider in 42072
determining under division (D) (3) of this section whether to 42073

terminate the period of control imposed on a releasee. 42074

(E) The department of rehabilitation and correction, in 42075
accordance with Chapter 119. of the Revised Code, shall adopt 42076
rules that do all of the following: 42077

(1) Establish standards for the imposition by the parole 42078
board of post-release control sanctions under this section that 42079
are consistent with the overriding purposes and sentencing 42080
principles set forth in section 2929.11 of the Revised Code and 42081
that are appropriate to the needs of releasees; 42082

(2) Establish standards that provide for a period of post- 42083
release control of up to two years for all prisoners described 42084
in division (C) of this section who are to be released before 42085
the expiration of their stated prison term under a risk 42086
reduction sentence and standards by which the parole board can 42087
determine which prisoners described in division (C) of this 42088
section who are not to be released before the expiration of 42089
their stated prison term under a risk reduction sentence should 42090
be placed under a period of post-release control; 42091

(3) Establish standards to be used by the parole board in 42092
reducing or terminating the duration of the period of post- 42093
release control imposed by the court when authorized under 42094
division (D) of this section, in imposing a more restrictive 42095
post-release control sanction than monitored time on a prisoner 42096
convicted of a felony of the fourth or fifth degree other than a 42097
felony sex offense, or in imposing a less restrictive control 42098
sanction on a releasee based on results from the single 42099
validated risk assessment tool and on the releasee's activities 42100
including, but not limited to, remaining free from criminal 42101
activity and from the abuse of alcohol or other drugs, 42102
successfully participating in approved rehabilitation programs, 42103

maintaining employment, and paying restitution to the victim or	42104
meeting the terms of other financial sanctions;	42105
(4) Establish standards to be used by the adult parole	42106
authority in modifying a releasee's post-release control	42107
sanctions pursuant to division (D)(2) of this section;	42108
(5) Establish standards to be used by the adult parole	42109
authority or parole board in imposing further sanctions under	42110
division (F) of this section on releasees who violate post-	42111
release control sanctions, including standards that do the	42112
following:	42113
(a) Classify violations according to the degree of	42114
seriousness;	42115
(b) Define the circumstances under which formal action by	42116
the parole board is warranted;	42117
(c) Govern the use of evidence at violation hearings;	42118
(d) Ensure procedural due process to an alleged violator;	42119
(e) Prescribe nonresidential community control sanctions	42120
for most misdemeanor and technical violations;	42121
(f) Provide procedures for the return of a releasee to	42122
imprisonment for violations of post-release control.	42123
(F)(1) Whenever the parole board imposes one or more post-	42124
release control sanctions on an offender under this section, the	42125
offender upon release from imprisonment shall be under the	42126
general jurisdiction of the adult parole authority and generally	42127
shall be supervised by the field services section through its	42128
staff of parole and field officers as described in section	42129
5149.04 of the Revised Code, as if the offender had been placed	42130
on parole. If the offender upon release from imprisonment	42131

violates the post-release control sanction or any conditions 42132
described in division (A) of section 2967.131 of the Revised 42133
Code that are imposed on the offender, the public or private 42134
person or entity that operates or administers the sanction or 42135
the program or activity that comprises the sanction shall report 42136
the violation directly to the adult parole authority or to the 42137
officer of the authority who supervises the offender. The 42138
authority's officers may treat the offender as if the offender 42139
were on parole and in violation of the parole, and otherwise 42140
shall comply with this section. 42141

(2) If the adult parole authority or, pursuant to an 42142
agreement under section 2967.29 of the Revised Code, the court 42143
determines that a releasee has violated a post-release control 42144
sanction or any conditions described in division (A) of section 42145
2967.131 of the Revised Code imposed on the releasee and that a 42146
more restrictive sanction is appropriate, the authority or court 42147
may impose a more restrictive sanction on the releasee, in 42148
accordance with the standards established under division (E) of 42149
this section or in accordance with the agreement made under 42150
section 2967.29 of the Revised Code, or may report the violation 42151
to the parole board for a hearing pursuant to division (F)(3) of 42152
this section. The authority or court may not, pursuant to this 42153
division, increase the duration of the releasee's post-release 42154
control or impose as a post-release control sanction a 42155
residential sanction that includes a prison term, but the 42156
authority or court may impose on the releasee any other 42157
residential sanction, nonresidential sanction, or financial 42158
sanction that the sentencing court was authorized to impose 42159
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 42160
Revised Code. 42161

(3) The parole board or, pursuant to an agreement under 42162

section 2967.29 of the Revised Code, the court may hold a 42163
hearing on any alleged violation by a releasee of a post-release 42164
control sanction or any conditions described in division (A) of 42165
section 2967.131 of the Revised Code that are imposed upon the 42166
releasee. Except as otherwise provided in this division, if 42167
after the hearing the board or court finds that the releasee 42168
violated the sanction or condition, the board or court may 42169
increase the duration of the releasee's post-release control up 42170
to the maximum duration authorized by division (B) or (C) of 42171
this section or impose a more restrictive post-release control 42172
sanction. If a releasee was acting pursuant to division (B) (2) 42173
(b) of section 2925.11 or a related provision of section 42174
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 42175
doing violated the conditions of a post-release control sanction 42176
based on a minor drug possession offense, as defined in that 42177
section, or violated section 2925.12, division (C) (1) of section 42178
2925.14, or section 2925.141 of the Revised Code, the board or 42179
the court shall not impose any of the penalties described in 42180
this division based on the violation. When appropriate, the 42181
board or court may impose as a post-release control sanction a 42182
residential sanction that includes a prison term. The board or 42183
court shall consider a prison term as a post-release control 42184
sanction imposed for a violation of post-release control when 42185
the violation involves a deadly weapon or dangerous ordnance, 42186
physical harm or attempted serious physical harm to a person, or 42187
sexual misconduct. Unless a releasee's stated prison term was 42188
reduced pursuant to section 5120.032 of the Revised Code, the 42189
period of a prison term that is imposed as a post-release 42190
control sanction under this division shall not exceed nine 42191
months, and the maximum cumulative prison term for all 42192
violations under this division shall not exceed one-half of the 42193
definite prison term that was the stated prison term originally 42194

imposed on the offender as part of this sentence or, with 42195
respect to a stated non-life felony indefinite prison term, one- 42196
half of the minimum prison term that was imposed as part of that 42197
stated prison term originally imposed on the offender. If a 42198
releasee's stated prison term was reduced pursuant to section 42199
5120.032 of the Revised Code, the period of a prison term that 42200
is imposed as a post-release control sanction under this 42201
division and the maximum cumulative prison term for all 42202
violations under this division shall not exceed the period of 42203
time not served in prison under the sentence imposed by the 42204
court. The period of a prison term that is imposed as a post- 42205
release control sanction under this division shall not count as, 42206
or be credited toward, the remaining period of post-release 42207
control. If, during the period of the releasee's post-release 42208
control, the releasee serves as a post-release control sanction 42209
the maximum prison time available as a sanction, the post- 42210
release control shall terminate. 42211

If an offender is imprisoned for a felony committed while 42212
under post-release control supervision and is again released on 42213
post-release control for a period of time, the maximum 42214
cumulative prison term for all violations under this division 42215
shall not exceed one-half of the total stated prison terms of 42216
the earlier felony, reduced by any prison term administratively 42217
imposed by the parole board or court, plus one-half of the total 42218
stated prison term of the new felony. 42219

(G) (1) If an offender is simultaneously subject to a 42220
period of parole under an indefinite or life sentence and a 42221
period of post-release control, or is simultaneously subject to 42222
two periods of post-release control, the period of supervision 42223
that expires last shall determine the length and form of 42224
supervision for all the periods and the related sentences. 42225

(2) An offender shall receive credit for post-release control supervision during the period of parole, and shall not be eligible for final release under section 2967.16 of the Revised Code until the post-release control period otherwise would have ended.

(3) If the period of parole ends prior to the end of the period of post-release control, the requirements of parole supervision shall be satisfied during the post-release control period.

(H) (1) A period of post-release control shall not be imposed consecutively to any other post-release control period.

(2) The period of post-release control for a releasee who commits a felony while under post-release control for an earlier felony shall be the longer of the period of post-release control specified for the new felony under division (B) or (C) of this section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court.

Sec. 2969.13. All moneys that are collected pursuant to section 2929.32 of the Revised Code and required to be deposited in the crime victims recovery fund shall be credited ~~by the treasurer of state~~ to the fund. Any interest earned on the money in the fund shall be credited to the fund.

Sec. 2981.02. (A) (1) The following property is subject to forfeiture to the state or a political subdivision under either the criminal or delinquency process in section 2981.04 of the Revised Code or the civil process in section 2981.05 of the Revised Code:

(a) Contraband involved in an offense;

(b) Proceeds derived from or acquired through the 42255
commission of an offense; 42256

(c) An instrumentality that is used in or intended to be 42257
used in the commission or facilitation of any of the following 42258
offenses when the use or intended use, consistent with division 42259
(B) of this section, is sufficient to warrant forfeiture under 42260
this chapter: 42261

(i) A felony; 42262

(ii) A misdemeanor, when forfeiture is specifically 42263
authorized by a section of the Revised Code or by a municipal 42264
ordinance that creates the offense or sets forth its penalties; 42265

(iii) An attempt to commit, complicity in committing, or a 42266
conspiracy to commit an offense of the type described in 42267
divisions (A) (3) (a) and (b) of this section. 42268

(2) In determining whether an alleged instrumentality was 42269
used in or was intended to be used in the commission or 42270
facilitation of an offense or an attempt, complicity, or 42271
conspiracy to commit an offense in a manner sufficient to 42272
warrant its forfeiture, the trier of fact shall consider the 42273
following factors the trier of fact determines are relevant: 42274

(a) Whether the offense could not have been committed or 42275
attempted but for the presence of the instrumentality; 42276

(b) Whether the primary purpose in using the 42277
instrumentality was to commit or attempt to commit the offense; 42278

(c) The extent to which the instrumentality furthered the 42279
commission of, or attempt to commit, the offense. 42280

(B) The property described in division ~~(F) (2)~~ (H) (4) of 42281
section 2917.211 of the Revised Code is subject to forfeiture 42282

under the criminal or delinquency process in section 2981.04 of 42283
the Revised Code, if the forfeiture is ordered by the court 42284
imposing sentence or an order of disposition. 42285

(C) This chapter does not apply to or limit forfeitures 42286
under Title XLV of the Revised Code, including forfeitures 42287
relating to section 2903.06 or 2903.08 of the Revised Code. 42288

Sec. 3101.08. An ordained or licensed minister of any 42289
religious society or congregation within this state who is 42290
licensed to solemnize marriages, the governor or a former 42291
governor of this state, a judge of a county court in accordance 42292
with section 1907.18 of the Revised Code, a judge of a municipal 42293
court in accordance with section 1901.14 of the Revised Code, a 42294
probate judge in accordance with section 2101.27 of the Revised 42295
Code, the mayor of a municipal corporation anywhere within this 42296
state, the superintendent of Ohio deaf and blind education 42297
services, or any religious society in conformity with the rules 42298
of its church, may join together as husband and wife any persons 42299
who are not prohibited by law from being joined in marriage. 42300

Sec. 3105.171. (A) As used in this section: 42301

(1) "Distributive award" means any payment or payments, in 42302
real or personal property, that are payable in a lump sum or 42303
over time, in fixed amounts, that are made from separate 42304
property or income, and that are not made from marital property 42305
and do not constitute payments of spousal support, as defined in 42306
section 3105.18 of the Revised Code. 42307

(2) "During the marriage" means whichever of the following 42308
is applicable: 42309

(a) Except as provided in division (A) (2) (b) of this 42310
section, the period of time from the date of the marriage 42311

through the date of the final hearing in an action for divorce 42312
or in an action for legal separation; 42313

(b) If the court determines that the use of either or both 42314
of the dates specified in division (A) (2) (a) of this section 42315
would be inequitable, the court may select dates that it 42316
considers equitable in determining marital property. If the 42317
court selects dates that it considers equitable in determining 42318
marital property, "during the marriage" means the period of time 42319
between those dates selected and specified by the court. 42320

(3) (a) "Marital property" means, subject to division (A) 42321
(3) (b) of this section, all of the following: 42322

(i) All real and personal property that currently is owned 42323
by either or both of the spouses, including, but not limited to, 42324
the retirement benefits of the spouses, and that was acquired by 42325
either or both of the spouses during the marriage; 42326

(ii) All interest that either or both of the spouses 42327
currently has in any real or personal property, including, but 42328
not limited to, the retirement benefits of the spouses, and that 42329
was acquired by either or both of the spouses during the 42330
marriage; 42331

(iii) Except as otherwise provided in this section, all 42332
income and appreciation on separate property, due to the labor, 42333
monetary, or in-kind contribution of either or both of the 42334
spouses that occurred during the marriage; 42335

(iv) A participant account, as defined in section 148.01 42336
of the Revised Code, of either of the spouses, to the extent of 42337
the following: the moneys that have been deferred by a 42338
continuing member or participating employee, as defined in that 42339
section, and that have been transmitted to the ~~Ohio~~-public 42340

employees ~~deferred compensation retirement~~ board during the 42341
marriage and any income that is derived from the investment of 42342
those moneys during the marriage; the moneys that have been 42343
deferred by an officer or employee of a municipal corporation 42344
and that have been transmitted to the governing board, 42345
administrator, depository, or trustee of the deferred 42346
compensation program of the municipal corporation during the 42347
marriage and any income that is derived from the investment of 42348
those moneys during the marriage; or the moneys that have been 42349
deferred by an officer or employee of a government unit, as 42350
defined in section 148.06 of the Revised Code, and that have 42351
been transmitted to the governing board, as defined in that 42352
section, during the marriage and any income that is derived from 42353
the investment of those moneys during the marriage. 42354

(b) "Marital property" does not include any separate 42355
property. 42356

(4) "Passive income" means income acquired other than as a 42357
result of the labor, monetary, or in-kind contribution of either 42358
spouse. 42359

(5) "Personal property" includes both tangible and 42360
intangible personal property. 42361

(6) (a) "Separate property" means all real and personal 42362
property and any interest in real or personal property that is 42363
found by the court to be any of the following: 42364

(i) An inheritance by one spouse by bequest, devise, or 42365
descent during the course of the marriage; 42366

(ii) Any real or personal property or interest in real or 42367
personal property that was acquired by one spouse prior to the 42368
date of the marriage; 42369

(iii) Passive income and appreciation acquired from 42370
separate property by one spouse during the marriage; 42371

(iv) Any real or personal property or interest in real or 42372
personal property acquired by one spouse after a decree of legal 42373
separation issued under section 3105.17 of the Revised Code; 42374

(v) Any real or personal property or interest in real or 42375
personal property that is excluded by a valid antenuptial or 42376
postnuptial agreement; 42377

(vi) Compensation to a spouse for the spouse's personal 42378
injury, except for loss of marital earnings and compensation for 42379
expenses paid from marital assets; 42380

(vii) Any gift of any real or personal property or of an 42381
interest in real or personal property that is made after the 42382
date of the marriage and that is proven by clear and convincing 42383
evidence to have been given to only one spouse. 42384

(b) The commingling of separate property with other 42385
property of any type does not destroy the identity of the 42386
separate property as separate property, except when the separate 42387
property is not traceable. 42388

(B) In divorce proceedings, the court shall, and in legal 42389
separation proceedings upon the request of either spouse, the 42390
court may, determine what constitutes marital property and what 42391
constitutes separate property. In either case, upon making such 42392
a determination, the court shall divide the marital and separate 42393
property equitably between the spouses, in accordance with this 42394
section. For purposes of this section, the court has 42395
jurisdiction over all property, excluding the social security 42396
benefits of a spouse other than as set forth in division (F) (9) 42397
of this section, in which one or both spouses have an interest. 42398

(C) (1) Except as provided in this division or division (E) 42399
of this section, the division of marital property shall be 42400
equal. If an equal division of marital property would be 42401
inequitable, the court shall not divide the marital property 42402
equally but instead shall divide it between the spouses in the 42403
manner the court determines equitable. In making a division of 42404
marital property, the court shall consider all relevant factors, 42405
including those set forth in division (F) of this section. 42406

(2) Each spouse shall be considered to have contributed 42407
equally to the production and acquisition of marital property. 42408

(3) The court shall provide for an equitable division of 42409
marital property under this section prior to making any award of 42410
spousal support to either spouse under section 3105.18 of the 42411
Revised Code and without regard to any spousal support so 42412
awarded. 42413

(4) If the marital property includes a participant 42414
account, as defined in section 148.01 of the Revised Code, the 42415
court shall not order the division or disbursement of the moneys 42416
and income described in division (A) (3) (a) (iv) of this section 42417
to occur in a manner that is inconsistent with the law, rules, 42418
or plan governing the deferred compensation program involved or 42419
prior to the time that the spouse in whose name the participant 42420
account is maintained commences receipt of the moneys and income 42421
credited to the account in accordance with that law, rules, and 42422
plan. 42423

(D) Except as otherwise provided in division (E) of this 42424
section or by another provision of this section, the court shall 42425
disburse a spouse's separate property to that spouse. If a court 42426
does not disburse a spouse's separate property to that spouse, 42427
the court shall make written findings of fact that explain the 42428

factors that it considered in making its determination that the 42429
spouse's separate property should not be disbursed to that 42430
spouse. 42431

(E) (1) The court may make a distributive award to 42432
facilitate, effectuate, or supplement a division of marital 42433
property. The court may require any distributive award to be 42434
secured by a lien on the payor's specific marital property or 42435
separate property. 42436

(2) The court may make a distributive award in lieu of a 42437
division of marital property in order to achieve equity between 42438
the spouses, if the court determines that a division of the 42439
marital property in kind or in money would be impractical or 42440
burdensome. 42441

(3) The court shall require each spouse to disclose in a 42442
full and complete manner all marital property, separate 42443
property, and other assets, debts, income, and expenses of the 42444
spouse. 42445

(4) If a spouse has engaged in financial misconduct, 42446
including, but not limited to, the dissipation, destruction, 42447
concealment, nondisclosure, or fraudulent disposition of assets, 42448
the court may compensate the offended spouse with a distributive 42449
award or with a greater award of marital property. 42450

(5) If a spouse has substantially and willfully failed to 42451
disclose marital property, separate property, or other assets, 42452
debts, income, or expenses as required under division (E) (3) of 42453
this section, the court may compensate the offended spouse with 42454
a distributive award or with a greater award of marital property 42455
not to exceed three times the value of the marital property, 42456
separate property, or other assets, debts, income, or expenses 42457

that are not disclosed by the other spouse. 42458

(F) In making a division of marital property and in 42459
determining whether to make and the amount of any distributive 42460
award under this section, the court shall consider all of the 42461
following factors: 42462

(1) The duration of the marriage; 42463

(2) The assets and liabilities of the spouses; 42464

(3) The desirability of awarding the family home, or the 42465
right to reside in the family home for reasonable periods of 42466
time, to the spouse with custody of the children of the 42467
marriage; 42468

(4) The liquidity of the property to be distributed; 42469

(5) The economic desirability of retaining intact an asset 42470
or an interest in an asset; 42471

(6) The tax consequences of the property division upon the 42472
respective awards to be made to each spouse; 42473

(7) The costs of sale, if it is necessary that an asset be 42474
sold to effectuate an equitable distribution of property; 42475

(8) Any division or disbursement of property made in a 42476
separation agreement that was voluntarily entered into by the 42477
spouses; 42478

(9) Any retirement benefits of the spouses, excluding the 42479
social security benefits of a spouse except as may be relevant 42480
for purposes of dividing a public pension; 42481

(10) Any other factor that the court expressly finds to be 42482
relevant and equitable. 42483

(G) In any order for the division or disbursement of 42484

property or a distributive award made pursuant to this section, 42485
the court shall make written findings of fact that support the 42486
determination that the marital property has been equitably 42487
divided and shall specify the dates it used in determining the 42488
meaning of "during the marriage." 42489

(H) Except as otherwise provided in this section, the 42490
holding of title to property by one spouse individually or by 42491
both spouses in a form of co-ownership does not determine 42492
whether the property is marital property or separate property. 42493

(I) A division or disbursement of property or a 42494
distributive award made under this section is not subject to 42495
future modification by the court except upon the express written 42496
consent or agreement to the modification by both spouses. 42497

(J) The court may issue any orders under this section that 42498
it determines equitable, including, but not limited to, either 42499
of the following types of orders: 42500

(1) An order granting a spouse the right to use the 42501
marital dwelling or any other marital property or separate 42502
property for any reasonable period of time; 42503

(2) An order requiring the sale or encumbrancing of any 42504
real or personal property, with the proceeds from the sale and 42505
the funds from any loan secured by the encumbrance to be applied 42506
as determined by the court. 42507

Sec. 3105.63. (A) (1) A petition for dissolution of 42508
marriage shall be signed by both spouses and shall have attached 42509
and incorporated a separation agreement agreed to by both 42510
spouses. The separation agreement shall provide for a division 42511
of all property; spousal support; if there are minor children of 42512
the marriage, the allocation of parental rights and 42513

responsibilities for the care of the minor children, the 42514
designation of a residential parent and legal custodian of the 42515
minor children, child support, and parenting time rights; and, 42516
if the spouses so desire, an authorization for the court to 42517
modify the amount or terms of spousal support, or the division 42518
of property, provided in the separation agreement. If there are 42519
minor children of the marriage, the spouses may address the 42520
allocation of the parental rights and responsibilities for the 42521
care of the minor children by including in the separation 42522
agreement a plan under which both parents will have shared 42523
rights and responsibilities for the care of the minor children. 42524
The spouses shall file the plan with the petition for 42525
dissolution of marriage and shall include in the plan the 42526
provisions described in division (G) of section 3109.04 of the 42527
Revised Code. 42528

(2) The division of property in the separation agreement 42529
shall include any participant account, as defined in section 42530
148.01 of the Revised Code, of either of the spouses, to the 42531
extent of the following: 42532

(a) The moneys that have been deferred by a continuing 42533
member or participating employee, as defined in that section, 42534
and that have been transmitted to the ~~Ohio~~-public employees 42535
~~deferred compensation retirement~~ board during the marriage and 42536
any income that is derived from the investment of those moneys 42537
during the marriage; 42538

(b) The moneys that have been deferred by an officer or 42539
employee of a municipal corporation and that have been 42540
transmitted to the governing board, administrator, depository, 42541
or trustee of the deferred compensation program of the municipal 42542
corporation during the marriage and any income that is derived 42543

from the investment of those moneys during the marriage; 42544

(c) The moneys that have been deferred by an officer or 42545
employee of a government unit, as defined in section 148.06 of 42546
the Revised Code, and that have been transmitted to the 42547
governing board, as defined in that section, during the marriage 42548
and any income that is derived from the investment of those 42549
moneys during the marriage. 42550

(3) The separation agreement shall not require or permit 42551
the division or disbursement of the moneys and income described 42552
in division (A) (2) of this section to occur in a manner that is 42553
inconsistent with the law, rules, or plan governing the deferred 42554
compensation program involved or prior to the time that the 42555
spouse in whose name the participant account is maintained 42556
commences receipt of the moneys and income credited to the 42557
account in accordance with that law, rules, and plan. 42558

(B) An amended separation agreement may be filed at any 42559
time prior to or during the hearing on the petition for 42560
dissolution of marriage. Upon receipt of a petition for 42561
dissolution of marriage, the court may cause an investigation to 42562
be made pursuant to the Rules of Civil Procedure. 42563

(C) (1) If a petition for dissolution of marriage contains 42564
an authorization for the court to modify the amount or terms of 42565
spousal support provided in the separation agreement, the 42566
modification shall be in accordance with section 3105.18 of the 42567
Revised Code. 42568

(2) If a petition for dissolution of marriage contains an 42569
authorization for the court to modify the division of property 42570
provided in the separation agreement, the modification shall be 42571
made with the express written consent or agreement of both 42572

spouses. 42573

Sec. 3107.01. As used in sections 3107.01 to 3107.20 of 42574
the Revised Code: 42575

(A) "Adoption" means to create the legal relationship of 42576
parent and child between the petitioner and the adopted person, 42577
as if the adopted person were a legitimate blood descendant of 42578
the petitioner, for all purposes including inheritance and 42579
applicability of statutes, documents, and instruments, whether 42580
executed before or after the adoption is decreed, and which do 42581
not expressly exclude an adopted person from their operation or 42582
effect. 42583

(B) "Agency" means any public or private organization 42584
certified, licensed, or otherwise specially empowered by law or 42585
rule to place minors for adoption. 42586

(C) "Attorney" means a person who has been admitted to the 42587
bar by order of the Ohio supreme court. 42588

(D) "Best interest" means the factors a court uses to 42589
determine the best interest of a child as set forth in section 42590
3107.161 of the Revised Code. 42591

(E) "Child" means a son or daughter, whether by birth or 42592
by adoption. 42593

(F) "Court" means the probate courts of this state, and 42594
when the context requires, means the court of any other state 42595
empowered to grant petitions for adoption. 42596

(G) "Date of placement" means the date on which a child is 42597
living with the child's prospective adoptive parent and becomes 42598
eligible for adoption pursuant to statutory authority, judgment 42599
decree or court order, or as otherwise authorized by law. 42600

(H) "Foster caregiver" has the same meaning as in section 42601
5103.02 of the Revised Code. 42602

(I) "Identifying information" means any of the following 42603
with regard to a person: first name, last name, maiden name, 42604
alias, social security number, address, telephone number, place 42605
of employment, number used to identify the person for the 42606
purpose of the statewide education management information system 42607
established pursuant to section 3301.0714 of the Revised Code, 42608
and any other number federal or state law requires or permits to 42609
be used to identify the person. 42610

(J) "Kinship caregiver" has the same meaning as in section 42611
~~5101.85~~ 5180.50 of the Revised Code. 42612

(K) "Legal custodian" has the same meaning as in section 42613
5103.16 of the Revised Code. 42614

(L) "Legal custody" has the same meaning as in section 42615
2151.011 of the Revised Code. 42616

(M) "Minor" means a person under the age of eighteen 42617
years. 42618

(N) "Parent" means a legally recognized natural or 42619
adoptive parent of a child. 42620

(O) "Party" means a petitioner, adoptee, or any other 42621
person or agency that is part of an adoption proceeding and 42622
whose consent to the adoption is necessary but has not been 42623
obtained. 42624

(P) "Permanent custody" has the same meaning as in section 42625
2151.011 of the Revised Code. 42626

(Q) "Placement" means the act by a public children 42627
services agency, a private child placing agency, or a parent who 42628

is utilizing an agency or attorney that is intended to arrange 42629
for the care or custody of a child in accordance with Chapter 42630
5103. of the Revised Code. 42631

(R) "Planned permanent living arrangement" has the same 42632
meaning as in section 2151.011 of the Revised Code. 42633

(S) "Putative father" means a man, including one under age 42634
eighteen, who may be a child's father and to whom all of the 42635
following apply: 42636

(1) He is not married to the child's mother at the time of 42637
the child's conception or birth; 42638

(2) He has not adopted the child; 42639

(3) He has not been determined, prior to the date a 42640
petition to adopt the child is filed, to have a parent and child 42641
relationship with the child by a court proceeding pursuant to 42642
sections 3111.01 to 3111.18 of the Revised Code, a court 42643
proceeding in another state, an administrative agency proceeding 42644
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 42645
an administrative agency proceeding in another state; 42646

(4) He has not acknowledged paternity of the child 42647
pursuant to sections 3111.21 to 3111.35 of the Revised Code. 42648

Sec. 3107.012. (A) A foster caregiver may use the 42649
application prescribed under division (B) of this section to 42650
obtain the services of an agency to arrange an adoption for the 42651
foster caregiver if the foster caregiver seeks to adopt the 42652
foster caregiver's foster child who ~~has resided~~ resides in the 42653
foster caregiver's home ~~for at least six months prior to the~~ 42654
~~date the foster caregiver submits the application to the agency.~~ 42655

(B) The department of children and youth shall prescribe 42656

an application for a foster caregiver to use under division (A) 42657
of this section. The application shall not require that the 42658
foster caregiver provide any information the foster caregiver 42659
already provided the department, or undergo an inspection the 42660
foster caregiver already underwent, to obtain a foster home 42661
certificate under section 5103.03 of the Revised Code. 42662

(C) An agency that receives an application prescribed 42663
under division (B) of this section from a foster caregiver 42664
authorized to use the application shall not require, as a 42665
condition of the agency accepting or approving the application, 42666
that the foster caregiver undergo a criminal records check under 42667
section 2151.86 of the Revised Code as a prospective adoptive 42668
parent. The agency shall inform the foster caregiver, in 42669
accordance with division (G) of section 2151.86 of the Revised 42670
Code, that the foster caregiver must undergo the criminal 42671
records check before a court may issue a final decree of 42672
adoption or interlocutory order of adoption under section 42673
3107.14 of the Revised Code. 42674

Sec. 3107.031. Except as otherwise provided in this 42675
section, an assessor shall conduct a home study for the purpose 42676
of ascertaining whether a person seeking to adopt a minor is 42677
suitable to adopt. A written report of the home study shall be 42678
filed with the court at least ten days before the petition for 42679
adoption is heard. 42680

A person seeking to adopt a minor who knowingly makes a 42681
false statement that is included in the written report of a home 42682
study conducted pursuant to this section is guilty of the 42683
offense of falsification under section 2921.13 of the Revised 42684
Code, and such a home study shall not be filed with the court. 42685
If such a home study is filed with the court, the court may 42686

strike the home study from the court's records. 42687

The report shall contain the opinion of the assessor as to 42688
whether the person who is the subject of the report is suitable 42689
to adopt a minor, any multiple children assessment required 42690
under section 3107.032 of the Revised Code, and other 42691
information and documents specified in rules adopted by the 42692
director of children and youth under section 3107.033 of the 42693
Revised Code. The assessor shall not consider the person's age 42694
when determining whether the person is suitable to adopt if the 42695
person is old enough to adopt as provided by section 3107.03 of 42696
the Revised Code. 42697

An assessor may request departments or agencies within or 42698
outside this state to assist in the home study as may be 42699
appropriate and to make a written report to be included with and 42700
attached to the report to the court. The assessor shall make 42701
similar home studies and reports on behalf of other assessors 42702
designated by the courts of this state or another place. 42703

Upon order of the court, the costs of the home study and 42704
other proceedings shall be paid by the person seeking to adopt, 42705
and, if the home study is conducted by a public agency or public 42706
employee, the part of the cost representing any services and 42707
expenses shall be taxed as costs and paid into the state 42708
treasury or county treasury, as the court may direct. 42709

On request, the assessor shall provide the person seeking 42710
to adopt a copy of the report of the home study. The assessor 42711
shall delete from that copy any provisions concerning the 42712
opinion of other persons, excluding the assessor, of the 42713
person's suitability to adopt a minor. 42714

This section does not apply to a foster caregiver seeking 42715

to adopt the foster caregiver's foster child if the foster child 42716
~~has resided~~ resides in the foster caregiver's home ~~for at least~~ 42717
~~six months prior to the date and~~ the foster caregiver submits an 42718
application prescribed under division (B) of section 3107.012 of 42719
the Revised Code to the agency arranging the adoption. 42720

Sec. 3107.033. The director of children and youth shall 42721
adopt rules in accordance with Chapter 119. of the Revised Code 42722
specifying both of the following: 42723

(A) The manner in which a home study is to be conducted 42724
and the information and documents to be included in a home study 42725
report, which shall include, pursuant to section 3107.034 of the 42726
Revised Code, a summary report of a search of the uniform 42727
statewide automated child welfare information system established 42728
in section ~~5101.13~~ 5180.40 of the Revised Code and a report of a 42729
check of a central registry of another state if a request for a 42730
check of a central registry of another state is required under 42731
division (A) of section 3107.034 of the Revised Code. The 42732
director shall ensure that rules adopted under this section 42733
align the home study content, time period, and process with any 42734
foster care home study content, time period, and process 42735
required by rules adopted under section 5103.03 of the Revised 42736
Code. 42737

(B) A procedure under which a person whose application for 42738
adoption has been denied as a result of a search of the uniform 42739
statewide automated child welfare information system established 42740
in section ~~5101.13~~ 5180.40 of the Revised Code as part of the 42741
home study may appeal the denial to the agency that employed the 42742
assessor who filed the report. 42743

Sec. 3107.034. (A) Whenever a prospective adoptive parent 42744
or a person eighteen years of age or older who resides with a 42745

prospective adoptive parent has resided in another state within 42746
the five-year period immediately prior to the date on which a 42747
criminal records check is requested for the person under 42748
division (A) of section 2151.86 of the Revised Code, the 42749
administrative director of an agency, or attorney, who arranges 42750
the adoption for the prospective adoptive parent shall request a 42751
check of the central registry of abuse and neglect of this state 42752
from the department of children and youth regarding the 42753
prospective adoptive parent or the person eighteen years of age 42754
or older who resides with the prospective adoptive parent to 42755
enable the agency or attorney to check any child abuse and 42756
neglect registry maintained by that other state. The 42757
administrative director or attorney shall make the request and 42758
shall review the results of the check before a final decree of 42759
adoption or an interlocutory order of adoption making the person 42760
an adoptive parent may be made. Information received pursuant to 42761
the request shall be considered for purposes of this chapter as 42762
if it were a summary report required under section 3107.033 of 42763
the Revised Code. The department of children and youth shall 42764
comply with any request to check the central registry that is 42765
similar to the request described in this division and that is 42766
received from any other state. 42767

(B) The summary report of a search of the uniform 42768
statewide automated child welfare information system established 42769
in section ~~5101.13~~ 5180.40 of the Revised Code that is required 42770
under section 3107.033 of the Revised Code shall contain, if 42771
applicable, a chronological list of abuse and neglect 42772
determinations or allegations of which the person seeking to 42773
adopt is subject and in regards to which a public children 42774
services agency has done one of the following: 42775

(1) Determined that abuse or neglect occurred; 42776

(2) Initiated an investigation, and the investigation is 42777
ongoing; 42778

(3) Initiated an investigation and the agency was unable 42779
to determine whether abuse or neglect occurred. 42780

(C) The summary report required under section 3107.033 of 42781
the Revised Code shall not contain any of the following: 42782

(1) An abuse and neglect determination of which the person 42783
seeking to adopt is subject and in regards to which a public 42784
children services agency determined that abuse or neglect did 42785
not occur; 42786

(2) Information or reports the dissemination of which is 42787
prohibited by, or interferes with eligibility under, the "Child 42788
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 42789
U.S.C. 5101 et seq., as amended; 42790

(3) The name of the person who or entity that made, or 42791
participated in the making of, the report of abuse or neglect. 42792

(D) (1) An application for adoption may be denied based on 42793
a summary report containing the information described under 42794
division (B) (1) of this section, when considered within the 42795
totality of the circumstances. An application that is denied may 42796
be appealed using the procedure adopted pursuant to division (B) 42797
of section 3107.033 of the Revised Code. 42798

(2) An application for adoption shall not be denied solely 42799
based on a summary report containing the information described 42800
under division (B) (2) or (3) of this section. 42801

Sec. 3107.062. (A) (1) The department of ~~job and family~~ 42802
~~services~~ children and youth shall establish a putative father 42803
registry. To register, a putative father must complete a 42804

registration form prescribed under section 3107.065 of the 42805
Revised Code and submit it to the department. The registration 42806
form shall include the putative father's name; the name of the 42807
mother of the person he claims as his child; and the address or 42808
telephone number at which he wishes to receive, pursuant to 42809
section 3107.11 of the Revised Code, notice of any petition that 42810
may be filed to adopt a minor he claims as his child. 42811

(2) A putative father may register at any time. For the 42812
purpose of preserving the requirement of his consent to an 42813
adoption, a putative father shall register before or not later 42814
than fifteen days after the birth of the child. No fee shall be 42815
charged for registration. 42816

(B) On receipt of a completed registration form, the 42817
department shall indicate on the form the date of receipt and 42818
file it in the putative father registry. The department shall 42819
maintain registration forms in a manner that enables it to 42820
access a registration form using either the name of the putative 42821
father or of the mother. 42822

(C) The department of children and youth shall grant the 42823
office of child support in the department of job and family 42824
services and a child support enforcement agency access to the 42825
putative father registry for purposes of section 3111.69 of the 42826
Revised Code. 42827

Sec. 3107.063. (A) An attorney arranging a minor's 42828
adoption, a mother, a public children services agency, a private 42829
noncustodial agency, or a private child placing agency may 42830
request at any time that the department of ~~job and family~~ 42831
~~services~~ children and youth search the putative father registry 42832
to determine whether a man is registered as the minor's putative 42833
father. The request shall include the mother's name. On receipt 42834

of the request, the department shall search the registry. If the
department determines that a man is registered as the minor's
putative father, it shall provide the attorney, mother, or
agency a certified copy of the man's registration form. If the
department determines that no man is registered as the minor's
putative father, it shall provide the attorney, mother, or
agency a certified written statement to that effect. The
department shall specify in the statement the date the search
request was submitted. No fee shall be charged for searching the
registry.

Division (B) of section 3107.17 of the Revised Code does
not apply to this section.

(B) If the department of ~~job and family services~~ children
and youth provides a certified copy of a putative father's
registration form pursuant to division (A) of this section, the
department also shall provide a written notice to the putative
father:

(1) That he may be the father of the minor he claims as
his child on the registration form;

(2) That the minor is being or may be placed for adoption;
and

(3) Of his right to consent or refuse to consent to the
minor's adoption to the extent provided under Chapter 3107. of
the Revised Code.

(C) The department shall provide the notice under this
section not later than ten business days after the date it
provides the certified copy of the registration form pursuant to
division (A) of this section.

Sec. 3107.064. (A) Except as provided in division (B) of

this section, a court shall not issue a final decree of adoption 42864
or finalize an interlocutory order of adoption unless the mother 42865
placing the minor for adoption or the agency or attorney 42866
arranging the adoption files with the court a certified document 42867
provided by the department of ~~job and family services~~ children 42868
and youth under section 3107.063 of the Revised Code. The court 42869
shall not accept the document unless the date the department 42870
places on the document pursuant to that section is sixteen or 42871
more days after the date of the minor's birth. 42872

(B) The document described in division (A) of this section 42873
is not required if any of the following apply: 42874

(1) The mother was married at the time the minor was 42875
conceived or born; 42876

(2) The parent placing the minor for adoption previously 42877
adopted the minor; 42878

(3) Prior to the date a petition to adopt the minor is 42879
filed, a man has been determined to have a parent and child 42880
relationship with the minor by a court proceeding pursuant to 42881
sections 3111.01 to 3111.18 of the Revised Code, a court 42882
proceeding in another state, an administrative agency proceeding 42883
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 42884
an administrative agency proceeding in another state; 42885

(4) The minor's father acknowledged paternity of the minor 42886
and that acknowledgment has become final pursuant to section 42887
2151.232, 3111.25, or 3111.821 of the Revised Code; 42888

(5) A public children services agency has permanent 42889
custody of the minor pursuant to Chapter 2151. or division (B) 42890
of section 5103.15 of the Revised Code after both parents lost 42891
or surrendered parental rights, privileges, and responsibilities 42892

over the minor. 42893

Sec. 3107.065. Not later than ninety days after the 42894
effective date of this section, the director of ~~job and family~~ 42895
~~services~~ children and youth shall do both of the following: 42896

(A) Adopt rules in accordance with Chapter 119. of the 42897
Revised Code governing the putative father registry. The rules 42898
shall establish the registration form to be used by a putative 42899
father under section 3107.062 of the Revised Code. 42900

(B) Establish a campaign to promote awareness of the 42901
putative father registry. The campaign shall include 42902
informational materials about the registry. 42903

Sec. 3107.38. (A) As used in sections 3107.38 to 3107.394 42904
of the Revised Code: 42905

(1) "Adopted person" means a person who was adopted but is 42906
not an adopted person as defined in section 3107.45 of the 42907
Revised Code. 42908

(2) "Adoption file" means a file maintained by the 42909
department of health under sections 3705.12 to 3705.124 of the 42910
Revised Code. 42911

(3) "Biological parent" means a parent, by birth, of a 42912
person who is, or is to become, an adopted person. 42913

(4) "Biological parent's name redaction request form" 42914
means the form prescribed under section 3107.391 of the Revised 42915
Code. 42916

(5) "Biological sibling" means a sibling, by birth, of a 42917
person who is, or is to become, an adopted person. 42918

(6) "Contact preference form" means the form prescribed 42919

under section 3107.39 of the Revised Code. 42920

(7) "File of releases" means the filing system for 42921
releases that former section 3107.40 of the Revised Code, as 42922
repealed by Sub. S.B. 23 of the 130th general assembly, required 42923
the department of health to maintain. 42924

(8) "Items of identification" include a motor vehicle 42925
driver's or commercial driver's license, an identification card 42926
issued under sections 4507.50 to 4507.52 of the Revised Code, a 42927
marriage application, a social security card, a credit card, a 42928
military identification card, or an employee identification 42929
card. 42930

(9) "Lineal descendant of an adopted person" means a 42931
person who by reason of blood or adoption is a lineal descendant 42932
of an adopted person. 42933

(10) "Offspring" means a child, by birth, of a person. 42934

(11) "Release" means both of the following: 42935

(a) A release filed by a biological parent or biological 42936
sibling pursuant to former section 3107.40 of the Revised Code, 42937
as repealed by Sub. S.B. 23 of the 130th general assembly, that 42938
authorized the release of identifying information to the 42939
biological parent's offspring or the release of specified 42940
information to the biological sibling's adopted sibling pursuant 42941
to former section 3107.41 of the Revised Code, as repealed by 42942
Sub. S.B. 23 of the 130th general assembly; 42943

(b) A withdrawal of release filed by a biological parent 42944
or biological sibling pursuant to former section 3107.40 of the 42945
Revised Code, as repealed by Sub. S.B. 23 of the 130th general 42946
assembly. 42947

(B) Subject to division (C) of this section, an adopted person or lineal descendant of an adopted person may submit a written request to the department of health for the department to provide the adopted person or lineal descendant of an adopted person with a copy of the contents of the adopted person's adoption file. The request shall provide the requester's address and notarized signature and be accompanied by two items of identification of the requester. If the requester is a lineal descendant of an adopted person, the request shall also provide notarized documentation evidencing the requester's relationship to the adopted person. On receipt of a request and payment of the fee required by section 3705.241 of the Revised Code, the department shall mail to the requester, at the address provided in the request, a copy of the contents of the adopted person's adoption file if the department has an adoption file, including all releases transferred to the adoption file pursuant to section 3107.381 of the Revised Code, for the adopted person. If the adoption file includes a biological parent's name redaction request form from a biological parent, the department shall redact the biological parent's name from the copy of the contents of the adoption file that is mailed to the requester. If the department removes the biological parent's name redaction request form from the adoption file pursuant to division ~~(D)~~ (A) of section 3107.391 of the Revised Code after the department mails the copy of the contents of the adoption file to the requester, the department shall mail to the requester another copy of the contents with the biological parent's name included.

(C) An adopted person or lineal descendant of an adopted person may not submit a request under this section until the adopted person or lineal descendant is at least eighteen years of age.

Sec. 3107.391. (A) ~~The department of job and family services shall prescribe a biological parent's name redaction request form. The form shall include all of the following:~~ 42979
42980
42981

~~(1) Information about the procedures and requirements for a biological parent to do either of the following:~~ 42982
42983

~~(a) Have the form placed in the adoption file of the biological parent's offspring so that the biological parent's name is redacted from a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code;~~ 42984
42985
42986
42987
42988

~~(b) Have the form removed from the adoption file if the biological parent later decides to permit the biological parent's name to be included in a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code.~~ 42989
42990
42991
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42993

~~(2) Provisions necessary for the department of health to be able to identify the adoption file of the adopted person to whom the form pertains;~~ 42994
42995
42996

~~(3) A place for the biological parent to attest that the biological parent is the biological parent of the adopted person to whom the form pertains.~~ 42997
42998
42999

~~(B) The department of job and family services shall make the biological parent's name redaction request form available to the department of health.~~ 43000
43001
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~~(C) (1) Until one year after the effective date of this section, the department of health shall make a biological parent's name redaction request form available to a biological parent on request. The department may accept a completed biological parent's name redaction request form only if all of~~ 43003
43004
43005
43006
43007

~~the following apply:—~~ 43008

~~(a) The form is submitted to the department not later than~~ 43009
~~one year after the effective date of this section.—~~ 43010

~~(b) The form has been notarized.~~ 43011

~~(c) The biological parent provides the department two~~ 43012
~~items of identification of the biological parent.~~ 43013

~~(d) If a social and medical history for the biological~~ 43014
~~parent was not previously prepared or such a history was~~ 43015
~~prepared but should be corrected or expanded, the biological~~ 43016
~~parent does the following as appropriate:—~~ 43017

~~(i) Completes a social and medical history form in~~ 43018
~~accordance with section 3107.091 or 3107.393 of the Revised~~ 43019
~~Code;—~~ 43020

~~(ii) Corrects or expands the biological parent's social~~ 43021
~~and medical history in accordance with division (D) of section~~ 43022
~~3107.09 of the Revised Code.—~~ 43023

~~(e) The department is satisfied that the form has been~~ 43024
~~substantially completed.—~~ 43025

~~(2) If the department determines that it may accept the~~ 43026
~~biological parent's name redaction request form, it shall accept~~ 43027
~~the form. As soon as the department identifies the adoption file~~ 43028
~~of the adopted person to whom the form pertains, it shall place~~ 43029
~~the form in that file.—~~ 43030

~~(D)(1) A biological parent who has had a biological~~ 43031
~~parent's name redaction request form accepted under division (C)~~ 43032
~~of this section by the department of health between March 20,~~ 43033
~~2014, and March 20, 2015, may request at any time that the~~ 43034
~~department remove the form from the adoption file of the adopted~~ 43035

person to whom the form pertains if the biological parent 43036
decides to permit the biological parent's name to be included in 43037
a copy of the contents of the adoption file that a person 43038
receives under section 3107.38 of the Revised Code. The 43039
department shall remove the form from the adoption file if the 43040
biological parent provides the department all of the following: 43041

~~(a)~~ (1) Two items of identification of the biological 43042
parent; 43043

~~(b)~~ (2) Information the department needs to be able to 43044
identify the adoption file of the adopted person to whom the 43045
form pertains; 43046

~~(c)~~ (3) A notarized attestation that the biological parent 43047
is the biological parent of the adopted person to whom the form 43048
pertains. 43049

~~(2)~~ (B) When the department removes a biological parent's 43050
name redaction request form from an adoption file under division 43051
~~(D)~~ ~~(1)~~ (A) of this section, the department shall destroy the 43052
form. 43053

Sec. 3109.14. (A) As used in this section, "birth record" 43054
and "certification of birth" have the meanings given in section 43055
3705.01 of the Revised Code. 43056

(B) (1) The director of health, a person authorized by the 43057
director, a local commissioner of health, or a local registrar 43058
of vital statistics shall charge and collect a fee for each 43059
certified copy of a birth record, for each certification of 43060
birth, and for each copy of a death record. The fee shall be 43061
three dollars. The fee is in addition to the fee imposed by 43062
section 3705.24 or any other section of the Revised Code. A 43063
local commissioner of health or a local registrar of vital 43064

statistics may retain an amount of each additional fee 43065
collected, not to exceed three per cent of the amount of the 43066
additional fee, to be used for costs directly related to the 43067
collection of the fee and the forwarding of the fee to the 43068
department of health. 43069

The additional fees collected by the director of health or 43070
a person authorized by the director and the additional fees 43071
collected but not retained by a local commissioner of health or 43072
a local registrar of vital statistics shall be forwarded to the 43073
department of health not later than thirty days following the 43074
end of each quarter. Not later than two days after the fees are 43075
forwarded to the department each quarter, the department shall 43076
pay deposit the collected fees ~~to the treasurer of state in~~ 43077
~~accordance with rules adopted by the treasurer of state under~~ 43078
~~section 113.08 of the Revised Code~~ in the state treasury to the 43079
credit of the children's trust fund. A person or government 43080
entity that fails to forward the fees in a timely manner, as 43081
determined by the department, shall send to the department, in 43082
addition to the fees, a penalty equal to ten per cent of the 43083
fees. The department also shall deposit any penalty received in 43084
the state treasury to the credit of the children's trust fund. 43085

(2) Upon the filing for a divorce decree under section 43086
3105.10 or a decree of dissolution under section 3105.65 of the 43087
Revised Code, a court of common pleas shall charge and collect a 43088
fee. The fee shall be eleven dollars. The fee is in addition to 43089
any other court costs or fees. The county clerk of courts may 43090
retain an amount of each additional fee collected, not to exceed 43091
three per cent of the amount of the additional fee, to be used 43092
for costs directly related to the collection of the fee and the 43093
forwarding of the fee to the treasurer of state. The additional 43094
fees collected, but not retained, under division (B) (2) of this 43095

section shall be forwarded to the treasurer of state not later 43096
than twenty days following the end of each month. 43097

The treasurer of state shall deposit the fees received 43098
under division (B) (2) of this section in the state treasury to 43099
the credit of the children's trust fund. A county clerk of 43100
courts that fails to forward the fees in a timely manner, as 43101
determined by the treasurer of state, shall send to the 43102
treasurer of state, in addition to the fees, a penalty equal to 43103
ten per cent of the fees. The treasurer of state also shall 43104
deposit any penalty received in the state treasury to the credit 43105
of the children's trust fund. 43106

~~(C) The treasurer of state shall deposit the fees paid or 43107~~
~~forwarded under this section in the state treasury to the credit 43108~~
~~of the children's trust fund, which is hereby created. A person 43109~~
~~or government entity that fails to forward the fees in a timely 43110~~
~~manner, as determined by the treasurer of state, shall send to 43111~~
~~the treasurer of state, in addition to the fees, a penalty equal 43112~~
~~to ten per cent of the fees. 43113~~

The children's trust fund is created in the state 43114
treasury. The treasurer of state shall invest the moneys in the 43115
fund, and all earnings resulting from investment of the fund 43116
shall be credited to the fund, except that actual administrative 43117
costs incurred by the treasurer of state in administering the 43118
fund may be deducted from the earnings resulting from 43119
investments. The amount that may be deducted shall not exceed 43120
three per cent of the total amount of fees credited to the fund 43121
in each fiscal year, except that the children's trust fund board 43122
may approve an amount for actual administrative costs exceeding 43123
three per cent but not exceeding four per cent of such amount. 43124
The balance of the investment earnings shall be credited to the 43125

fund. Moneys credited to the fund shall be used only for the 43126
purposes described in sections 3109.13 to 3109.179 of the 43127
Revised Code. 43128

Sec. 3109.171. For the purpose of administering child 43129
abuse and child neglect prevention programming and services 43130
approved by the children's trust fund board, there are hereby 43131
created ~~the following eight~~ child abuse and child neglect 43132
prevention regions ~~in the state:~~ 43133

~~One region consisting of the following counties: Defiance,~~ 43134
~~Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding,~~ 43135
~~Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot.~~ 43136

~~One region consisting of the following counties:~~ 43137
~~Ashtabula, Cuyahoga, Geauga, and Lake.~~ 43138

~~One region consisting of the following counties: Ashland,~~ 43139
~~Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark,~~ 43140
~~Summit, Trumbull, and Wayne.~~ 43141

~~One region consisting of the following counties: Allen,~~ 43142
~~Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan,~~ 43143
~~Mercer, Miami, Montgomery, Preble, and Shelby.~~ 43144

~~One region consisting of the following counties: Crawford,~~ 43145
~~Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison,~~ 43146
~~Marion, Morrow, Pickaway, Richland, and Union.~~ 43147

~~One region consisting of the following counties: Belmont,~~ 43148
~~Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe,~~ 43149
~~Muskingum, Noble, and Tuscarawas.~~ 43150

~~One region consisting of the following counties: Adams,~~ 43151
~~Brown, Butler, Clermont, Clinton, Hamilton, Highland, and~~ 43152
~~Warren.~~ 43153

~~One region consisting of the following counties: Athens,~~ 43154
~~Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike,~~ 43155
~~Ross, Scioto, Vinton, and Washington. The board, in consultation~~ 43156
with the department of children and youth, shall determine the 43157
number of regions and the counties within each region. Each 43158
county in the state shall be included in a region. 43159

Sec. 3109.172. (A) As used in this section, "county 43160
prevention specialist" includes the following: 43161

(1) Members of agencies responsible for the administration 43162
of children's services in the counties within a child abuse and 43163
child neglect prevention region established in section 3109.171 43164
of the Revised Code; 43165

(2) Providers of alcohol or drug addiction services or 43166
members of boards of alcohol, drug addiction, and mental health 43167
services that serve counties within a region; 43168

(3) Providers of mental health services or members of 43169
boards of alcohol, drug addiction, and mental health services 43170
that serve counties within a region; 43171

(4) Members of county boards of developmental disabilities 43172
that serve counties within a region; 43173

(5) Members of the educational community appointed by the 43174
superintendent of the school district with the largest 43175
enrollment in the counties within a region; 43176

(6) Juvenile justice officials serving counties within a 43177
region; 43178

(7) Pediatricians, health department nurses, and other 43179
members of the medical community in the counties within a 43180
region; 43181

(8) Counselors and social workers serving counties within a region; 43182
43183

(9) Head start agencies serving counties within a region; 43184

(10) Child care providers serving counties within a region; 43185
43186

(11) Parent advocates with relevant experience and knowledge of services in a region; 43187
43188

(12) Other persons with demonstrated knowledge in programs for children serving counties within a region. 43189
43190

(B) Each child abuse and child neglect prevention region shall have a child abuse and child neglect regional prevention council as appointed under divisions (C), (D), and (E) of this section. Each council shall operate in accordance with rules adopted by the department of children and youth pursuant to Chapter 119. of the Revised Code. 43191
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(C) (1) Each board of county commissioners within a region may appoint up to two county prevention specialists to the council representing the county, in accordance with rules adopted by the department of children and youth under Chapter 119. of the Revised Code. The reappointment of a chairperson by a board of county commissioners in accordance with division (D) of this section shall not be considered to be an appointment under this division. 43197
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(2) The children's trust fund board may appoint additional county prevention specialists to each region's council at the board's discretion. 43205
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(D) Each council member appointed under ~~division (C) (1) of~~ this section shall be appointed for a two-year term. ~~Each~~ 43208
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~~council member appointed under division (C) (2) of this section~~ 43210
~~shall be appointed for a three-year term.~~ A member may be 43211
reappointed, but for two consecutive terms only. A council 43212
member selected as chairperson of a child abuse and child 43213
neglect regional prevention council in accordance with division 43214
(G) of this section is eligible to be reappointed by the 43215
original appointing authority. 43216

(E) A member may be removed from the council by the 43217
member's appointing authority for misconduct, incompetence, or 43218
neglect of duty. 43219

(F) Each appointed member of a council shall serve without 43220
compensation but shall be reimbursed for all actual and 43221
necessary expenses incurred in the performance of official 43222
duties. 43223

(G) A chairperson shall be selected by the council's 43224
regional prevention coordinator from among the county prevention 43225
specialists serving on the council. 43226

(1) The chairperson shall serve as a nonvoting member of 43227
the council. 43228

(2) The chairperson shall preside over council meetings or 43229
may call upon the vice-chairperson to preside over meetings. 43230

(H) At the first regular meeting of the year, which shall 43231
be called by the chairperson, the members shall elect a vice- 43232
chairperson by a majority vote. 43233

(1) The vice-chairperson shall preside over council 43234
meetings in the absence of the chairperson or upon the request 43235
of the chairperson. 43236

(2) The vice-chairperson functions in the same capacity as 43237

the chairperson and becomes a nonvoting member when presiding 43238
over a council meeting. 43239

(I) Each council shall meet at least quarterly. 43240

(J) Council members shall do all of the following: 43241

(1) Attend meetings of the council on which they serve; 43242

(2) Assist the regional prevention coordinator in 43243
conducting a needs assessment to ascertain the child abuse and 43244
child neglect prevention programming and services that are 43245
needed in their region; 43246

(3) Collaborate on assembling the council's regional 43247
prevention plan based on children's trust fund board guidelines 43248
pursuant to section 3109.174 of the Revised Code; 43249

(4) Assist the council's regional prevention coordinator 43250
with all of the following: 43251

(a) Implementing the regional prevention plan, including 43252
monitoring fulfillment of child abuse and child neglect 43253
prevention deliverables and achievement of prevention outcomes; 43254

(b) Coordinating county data collection; 43255

(c) Ensuring timely and accurate reporting to the 43256
children's trust fund board. 43257

(5) Any additional duties specified in accordance with 43258
rules adopted by the department pursuant to Chapter 119. of the 43259
Revised Code. 43260

(K) No council member shall participate in matters of the 43261
council pertaining to their own interests, including 43262
applications for funding by a council member or any entity, 43263
public or private, of which a council member serves as either a 43264

board member or employee. 43265

(L) Each council shall file with the children's trust fund 43266
board, not later than the due dates specified by the board, a 43267
progress report and an annual report regarding the council's 43268
child abuse and child neglect prevention programs and activities 43269
undertaken in accordance with the council's regional prevention 43270
plan. The reports shall contain all information required by the 43271
board. 43272

Sec. 3109.173. (A) Each child abuse and child neglect 43273
regional prevention council shall be under the direction of a 43274
regional prevention coordinator. The children's trust fund board 43275
~~shall may~~ select each region's coordinator through a competitive 43276
selection process conducted by the board. If the board has not 43277
selected a regional coordinator through a competitive selection 43278
process for a region, children's trust fund staff shall serve as 43279
coordinator for that region. 43280

(B) Regional prevention coordinators shall do all of the 43281
following: 43282

(1) Select a representative to serve as chairperson of the 43283
regional prevention council pursuant to division (G) of section 43284
3109.172 of the Revised Code; 43285

(2) Conduct a needs assessment to ascertain the child 43286
abuse and neglect prevention programming and services that are 43287
needed in the region; 43288

(3) Work with county prevention specialists in the region 43289
to assemble the regional prevention plan based on children's 43290
trust fund board guidelines pursuant to section 3109.174 of the 43291
Revised Code; 43292

(4) Implement the regional prevention plan, including the 43293

following: 43294

(a) Monitoring fulfillment of prevention deliverables and 43295
achievement of prevention outcomes; 43296

(b) Coordinating county data collection; 43297

(c) Ensuring timely and accurate reporting to the board. 43298

(5) Any additional duties specified by the department in 43299
rules adopted pursuant to Chapter 119. of the Revised Code. 43300

Sec. 3109.178. (A) ~~Each child abuse and child neglect~~ 43301
~~regional prevention council~~ An entity may request from the 43302
children's trust fund board up to five thousand dollars ~~for each~~ 43303
~~county within the council's region~~ to be used as one-time, 43304
start-up costs for the establishment and operation of a 43305
children's advocacy center to serve ~~each~~ at least one county ~~in~~ 43306
~~the region or a center to serve two or more contiguous counties~~ 43307
~~within the region.~~ 43308

(B) On receipt of a request made under this section, the 43309
board shall review and approve or disapprove the request. 43310

(C) If the board disapproves the request, the board shall 43311
send to the ~~requesting council~~ entity requesting funds written 43312
notice of the disapproval that states the reasons for the 43313
disapproval. 43314

(D) No funds allocated ~~to a council~~ under this section may 43315
be used as start-up costs for any children's advocacy center 43316
unless the center has as a component a primary prevention 43317
strategy. 43318

(E) ~~A council~~ An entity that receives funds under this 43319
section in any fiscal year shall not use the funds received in a 43320
different fiscal year or for a different center in any fiscal 43321

year without the approval of the board. 43322

(F) A children's advocacy center established using funds 43323
awarded under this section shall comply with sections 2151.425 43324
to 2151.428 of the Revised Code. 43325

Sec. 3115.201. (A) In a proceeding to establish or enforce 43326
a support order or to determine parentage of a child, a tribunal 43327
or support enforcement agency of this state may exercise 43328
personal jurisdiction over a nonresident individual if any of 43329
the following apply: 43330

(1) The individual is personally served with summons 43331
within this state. 43332

(2) The individual submits to the jurisdiction of this 43333
state by consent in a record, by entering a general appearance, 43334
or by filing a responsive document having the effect of waiving 43335
any contest to personal jurisdiction. 43336

(3) The individual resided with the child in this state. 43337

(4) The individual resided in this state and provided 43338
prenatal expenses or support for the child. 43339

(5) The child resides in this state as a result of the 43340
acts or directives of the individual. 43341

(6) The individual engaged in sexual intercourse in this 43342
state and the child may have been conceived by that act of 43343
intercourse. 43344

(7) The individual asserted parentage of a child in the 43345
putative father registry maintained in this state by the 43346
department of ~~job and family services~~children and youth. 43347

(8) There is any other basis consistent with the 43348

Constitutions of this state and the United States for the 43349
exercise of personal jurisdiction. 43350

(B) The bases of personal jurisdiction set forth in 43351
division (A) of this section or in any other law of this state 43352
may not be used to acquire personal jurisdiction for a tribunal 43353
of this state to modify a child-support order of another state 43354
unless the requirements of section 3115.611 of the Revised Code 43355
are met or, in the case of a foreign support order, unless the 43356
requirements of section 3115.615 of the Revised Code are met. 43357

Sec. 3119.01. (A) As used in the Revised Code, "child 43358
support enforcement agency" means a child support enforcement 43359
agency designated under former section 2301.35 of the Revised 43360
Code prior to October 1, 1997, or a private or government entity 43361
designated as a child support enforcement agency under section 43362
307.981 of the Revised Code. 43363

(B) As used in this chapter and Chapters 3121., 3123., and 43364
3125. of the Revised Code: 43365

(1) "Administrative child support order" means any order 43366
issued by a child support enforcement agency for the support of 43367
a child pursuant to section 3109.19 or 3111.81 of the Revised 43368
Code or former section 3111.211 of the Revised Code, section 43369
3111.21 of the Revised Code as that section existed prior to 43370
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 43371
Code as those sections existed prior to March 22, 2001. 43372

(2) "Child support order" means either a court child 43373
support order or an administrative child support order. 43374

(3) "Obligee" means the person who is entitled to receive 43375
the support payments under a support order. 43376

(4) "Obligor" means the person who is required to pay 43377

support under a support order. 43378

(5) "Support order" means either an administrative child 43379
support order or a court support order. 43380

(C) As used in this chapter: 43381

(1) "Caretaker" means any of the following, other than a 43382
parent: 43383

(a) A person with whom the child resides for at least 43384
thirty consecutive days, and who is the child's primary 43385
caregiver; 43386

(b) A person who is receiving public assistance on behalf 43387
of the child; 43388

(c) A person or agency with legal custody of the child, 43389
including a county department of job and family services or a 43390
public children services agency; 43391

(d) A guardian of the person or the estate of a child; 43392

(e) Any other appropriate court or agency with custody of 43393
the child. 43394

"Caretaker" excludes a "host family" as defined under 43395
section 2151.90 of the Revised Code. 43396

(2) "Cash medical support" means an amount ordered to be 43397
paid in a child support order toward the ordinary medical 43398
expenses incurred during a calendar year. 43399

(3) "Child care cost" means annual out-of-pocket costs for 43400
the care and supervision of a child or children subject to the 43401
order that is related to work or employment training. 43402

(4) "Court child support order" means any order issued by 43403
a court for the support of a child pursuant to Chapter 3115. of 43404

the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 43405
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3109.20, 43406
3111.13, 3113.04, 3113.07, 3113.31, 3119.11, 3119.65, or 3119.70 43407
of the Revised Code, or division (B) of former section 3113.21 43408
of the Revised Code. 43409

(5) "Court-ordered parenting time" means the amount of 43410
parenting time a parent is to have under a parenting time order 43411
or the amount of time the children are to be in the physical 43412
custody of a parent under a shared parenting order. 43413

(6) "Court support order" means either a court child 43414
support order or an order for the support of a spouse or former 43415
spouse issued pursuant to Chapter 3115. of the Revised Code, 43416
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 43417
division (B) of former section 3113.21 of the Revised Code. 43418

(7) "CPI-U" means the consumer price index for all urban 43419
consumers, published by the United States department of labor, 43420
bureau of labor statistics. 43421

(8) "Extraordinary medical expenses" means any uninsured 43422
medical expenses incurred for a child during a calendar year 43423
that exceed the total cash medical support amount owed by the 43424
parents during that year. 43425

(9) "Federal poverty level" has the same meaning as in 43426
section 5121.30 of the Revised Code. 43427

(10) "Income" means either of the following: 43428

(a) For a parent who is employed to full capacity, the 43429
gross income of the parent; 43430

(b) For a parent who is unemployed or underemployed, the 43431
sum of the gross income of the parent and any potential income 43432

of the parent. 43433

(11) "Income share" means the percentage derived from a 43434
comparison of each parent's annual income after allowable 43435
deductions and credits as indicated on the worksheet to the 43436
total annual income of both parents. 43437

(12) "Insurer" means any person authorized under Title 43438
XXXIX of the Revised Code to engage in the business of insurance 43439
in this state, any health insuring corporation, and any legal 43440
entity that is self-insured and provides benefits to its 43441
employees or members. 43442

(13) "Gross income" means, except as excluded in division 43443
(C) (13) of this section, the total of all earned and unearned 43444
income from all sources during a calendar year, whether or not 43445
the income is taxable, and includes income from salaries, wages, 43446
overtime pay, and bonuses to the extent described in division 43447
(D) of section 3119.05 of the Revised Code; commissions; 43448
royalties; tips; rents; dividends; severance pay; pensions; 43449
interest; trust income; annuities; social security benefits, 43450
including retirement, disability, and survivor benefits that are 43451
not means-tested; workers' compensation benefits; unemployment 43452
insurance benefits; disability insurance benefits; benefits that 43453
are not means-tested and that are received by and in the 43454
possession of the veteran who is the beneficiary for any 43455
service-connected disability under a program or law administered 43456
by the United States department of veterans' affairs or 43457
veterans' administration; spousal support actually received; and 43458
all other sources of income. "Gross income" includes income of 43459
members of any branch of the United States armed services or 43460
national guard, including, amounts representing base pay, basic 43461
allowance for quarters, basic allowance for subsistence, 43462

supplemental subsistence allowance, cost of living adjustment, 43463
specialty pay, variable housing allowance, and pay for training 43464
or other types of required drills; self-generated income; and 43465
potential cash flow from any source. 43466

"Gross income" does not include any of the following: 43467

(a) Benefits received from means-tested government 43468
administered programs, including Ohio works first; prevention, 43469
retention, and contingency; means-tested veterans' benefits; 43470
supplemental security income; supplemental nutrition assistance 43471
program; disability financial assistance; or other assistance 43472
for which eligibility is determined on the basis of income or 43473
assets; 43474

(b) Benefits for any service-connected disability under a 43475
program or law administered by the United States department of 43476
veterans' affairs or veterans' administration that are not 43477
means-tested, that have not been distributed to the veteran who 43478
is the beneficiary of the benefits, and that are in the 43479
possession of the United States department of veterans' affairs 43480
or veterans' administration; 43481

(c) Child support amounts received for children who are 43482
not included in the current calculation; 43483

(d) Amounts paid for mandatory deductions from wages such 43484
as union dues but not taxes, social security, or retirement in 43485
lieu of social security; 43486

(e) Nonrecurring or unsustainable income or cash flow 43487
items; 43488

(f) Adoption assistance, kinship guardianship assistance, 43489
and foster care maintenance payments made pursuant to Title IV-E 43490
of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 43491

(1980), as amended; 43492

(g) State kinship guardianship assistance described in 43493
section 5153.163 of the Revised Code and payment from the 43494
kinship support program described in section ~~5101.881~~ 5180.531 43495
of the Revised Code. 43496

(14) "Nonrecurring or unsustainable income or cash flow 43497
item" means an income or cash flow item the parent receives in 43498
any year or for any number of years not to exceed three years 43499
that the parent does not expect to continue to receive on a 43500
regular basis. "Nonrecurring or unsustainable income or cash 43501
flow item" does not include a lottery prize award that is not 43502
paid in a lump sum or any other item of income or cash flow that 43503
the parent receives or expects to receive for each year for a 43504
period of more than three years or that the parent receives and 43505
invests or otherwise uses to produce income or cash flow for a 43506
period of more than three years. 43507

(15) "Ordinary medical expenses" includes copayments and 43508
deductibles, and uninsured medical-related costs for the 43509
children of the order. 43510

(16) (a) "Ordinary and necessary expenses incurred in 43511
generating gross receipts" means actual cash items expended by 43512
the parent or the parent's business and includes depreciation 43513
expenses of business equipment as shown on the books of a 43514
business entity. 43515

(b) Except as specifically included in "ordinary and 43516
necessary expenses incurred in generating gross receipts" by 43517
division (C) (16) (a) of this section, "ordinary and necessary 43518
expenses incurred in generating gross receipts" does not include 43519
depreciation expenses and other noncash items that are allowed 43520

as deductions on any federal tax return of the parent or the 43521
parent's business. 43522

(17) "Personal earnings" means compensation paid or 43523
payable for personal services, however denominated, and includes 43524
wages, salary, commissions, bonuses, draws against commissions, 43525
profit sharing, vacation pay, or any other compensation. 43526

(18) "Potential income" means both of the following for a 43527
parent who the court pursuant to a court support order, or a 43528
child support enforcement agency pursuant to an administrative 43529
child support order, determines is voluntarily unemployed or 43530
voluntarily underemployed: 43531

(a) Imputed income that the court or agency determines the 43532
parent would have earned if fully employed as determined from 43533
the following criteria: 43534

(i) The parent's prior employment experience; 43535

(ii) The parent's education; 43536

(iii) The parent's physical and mental disabilities, if 43537
any; 43538

(iv) The availability of employment in the geographic area 43539
in which the parent resides; 43540

(v) The prevailing wage and salary levels in the 43541
geographic area in which the parent resides; 43542

(vi) The parent's special skills and training; 43543

(vii) Whether there is evidence that the parent has the 43544
ability to earn the imputed income; 43545

(viii) The age and special needs of the child for whom 43546
child support is being calculated under this section; 43547

(ix) The parent's increased earning capacity because of experience; 43548
43549

(x) The parent's decreased earning capacity because of a felony conviction; 43550
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(xi) Any other relevant factor. 43552

(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant. 43553
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(19) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code. 43559
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(20) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses. 43561
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(21) "Self-sufficiency reserve" means the minimal amount necessary for an obligor to adequately subsist upon, as determined under section 3119.021 of the Revised Code. 43571
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(22) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities 43574
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and each parent is the residential parent and legal custodian of 43577
at least one of those children. 43578

(23) "Worksheet" means the applicable worksheet created in 43579
rules adopted under section 3119.022 of the Revised Code that is 43580
used to calculate a parent's child support obligation. 43581

Sec. 3121.441. (A) Notwithstanding the provisions of this 43582
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 43583
and 5107.20 of the Revised Code providing for the office of 43584
child support in the department of job and family services to 43585
collect, withhold, or deduct spousal support, when a court 43586
pursuant to section 3105.18 or 3105.65 of the Revised Code 43587
issues or modifies an order requiring an obligor to pay spousal 43588
support or grants or modifies a decree of dissolution of 43589
marriage incorporating a separation agreement that provides for 43590
spousal support, or at any time after the issuance, granting, or 43591
modification of an order or decree of that type, the court may 43592
permit the obligor to make the spousal support payments directly 43593
to the obligee instead of to the office if the obligee and the 43594
obligor have no minor children born as a result of their 43595
marriage and the obligee has not assigned the spousal support 43596
amounts to the department pursuant to section 5107.20 or 5160.38 43597
of the Revised Code. 43598

(B) A court that permits an obligor to make spousal 43599
support payments directly to the obligee pursuant to division 43600
(A) of this section shall order the obligor to make the spousal 43601
support payments as a check, as a money order, or in any other 43602
form that establishes a clear record of payment. 43603

(C) If a court permits an obligor to make spousal support 43604
payments directly to an obligee pursuant to division (A) of this 43605
section and the obligor is in default in making any spousal 43606

support payment to the obligee, the court, upon motion of the 43607
obligee or on its own motion, may rescind the permission granted 43608
under that division. After the rescission, the court shall 43609
determine the amount of arrearages in the spousal support 43610
payments and order the obligor to make to the office of child 43611
support in the department of job and family services any spousal 43612
support payments that are in arrears and any future spousal 43613
support payments. Upon the issuance of the order of the court 43614
under this division, the provisions of this chapter, Chapters 43615
3119., 3123., and 3125., and sections 3770.071, 3770.074, and 43616
5107.20 of the Revised Code apply with respect to the 43617
collection, withholding, or deduction of the obligor's spousal 43618
support payments that are the subject of that order of the 43619
court. 43620

Sec. 3123.89. (A) The department of job and family 43621
services shall develop and implement a real time data match 43622
program with the state lottery commission and its lottery sales 43623
agents and lottery agents to identify obligors who are subject 43624
to a final and enforceable determination of default made under 43625
sections 3123.01 to 3123.07 of the Revised Code. 43626

(B) Upon the data match program's implementation, the 43627
department, in consultation with the commission, shall 43628
promulgate rules to facilitate withholding, in appropriate 43629
circumstances and in accordance with ~~section~~ sections 3770.071 43630
and 3770.074 of the Revised Code, by the commission or its 43631
lottery sales agents or lottery agents of an amount sufficient 43632
to satisfy any past due support owed by an obligor from a 43633
lottery prize award owed to the obligor up to the amount of the 43634
award. The rules shall describe an expedited method for 43635
withholding, and the time frame for transmission of the amount 43636
withheld to the department. 43637

(C) As used in this section, ~~"lottery":~~ 43638

(1) ~~"Lottery prize award" has the same meaning as in~~ 43639
~~section 3770.10 of the Revised Code~~ includes a prize award from 43640
~~a video lottery terminal but does not include winnings from~~ 43641
~~lottery sports gaming, except for winnings from lottery sports~~ 43642
~~gaming wagers placed through a terminal described in division~~ 43643
~~(B) (3) of section 3770.24 of the Revised Code.~~ 43644

(2) "Lottery sports gaming" has the same meaning as in 43645
section 3770.23 of the Revised Code. 43646

(3) "Video lottery terminal" has the same meaning as in 43647
section 3770.21 of the Revised Code. 43648

Sec. 3123.90. (A) As used in this section: 43649

(1) "Casino facility," "casino operator," and "management 43650
company" have the meanings defined in section 3772.01 of the 43651
Revised Code. 43652

(2) "Sports gaming proprietor" has the meaning defined in 43653
section 3775.01 of the Revised Code. 43654

(3) "Lottery sports gaming" has the same meaning as in 43655
section 3770.23 of the Revised Code. 43656

(B) The department of job and family services shall 43657
develop and implement a real time data match program with each 43658
casino facility's casino operator or management company and with 43659
each sports gaming proprietor to identify obligors who are 43660
subject to a final and enforceable determination of default made 43661
under sections 3123.01 to 3123.07 of the Revised Code. 43662

(C) ~~Upon~~ Subject to division (E) of this section, upon the 43663
data match program's implementation, if a person receives a 43664
payout of winnings at a casino facility or from sports gaming in 43665

an amount for which reporting to the internal revenue service of 43666
the amount is required by section 6041 of the Internal Revenue 43667
Code, as amended, the casino operator, management company, or 43668
sports gaming proprietor shall refer to the data match program 43669
to determine if the person entitled to the winnings is in 43670
default under a support order. If the data match program 43671
indicates that the person is in default, the casino operator, 43672
management company, or sports gaming proprietor shall withhold 43673
from the person's winnings an amount sufficient to satisfy any 43674
past due support owed by the obligor identified in the data 43675
match up to the amount of the winnings. 43676

(D) Not later than fourteen days after withholding the 43677
amount, the casino operator, management company, or sports 43678
gaming proprietor shall electronically transmit any amount 43679
withheld to the department as payment on the support obligation. 43680

(E) A sports gaming proprietor that offers lottery sports 43681
gaming through a terminal described in division (B) (3) of 43682
section 3770.24 of the Revised Code shall not withhold amounts 43683
under this section from winnings from wagers placed through that 43684
terminal. The state lottery commission shall withhold amounts 43685
from those winnings under section 3770.071 of the Revised Code. 43686

(F) The department, in consultation with the Ohio casino 43687
control commission, may adopt rules under Chapter 119. of the 43688
Revised Code as are necessary for implementation of this 43689
section. 43690

Sec. 3301.01. ~~(A) There is hereby created the state board 43691~~
~~of education consisting of nineteen members with eleven elected 43692~~
~~members, one each to be elected in accordance with section 43693~~
~~3301.03 of the Revised Code from each of the districts 43694~~
~~established in accordance with division (B) of this section, and 43695~~

~~with eight~~five members to be appointed by the governor with the 43696
advice and consent of the senate.-- 43697

~~In addition to the nineteen elected or appointed members, 43698
the chairperson of the committee of the senate that primarily 43699
deals with education and the chairperson of the committee of the 43700
house of representatives that primarily deals with education 43701
shall be nonvoting ex officio members of the board.-- 43702~~

~~(B) (1) The territory of each state board of education 43703
district for each elected voting member of the board shall 43704
consist of the territory of three contiguous senate districts as 43705
established in the most recent apportionment for members of the 43706
general assembly, but the territory of no senate district shall 43707
be part of the territory of more than one state board of 43708
education district. Each state board of education district shall 43709
be as compact as practicable. The districts shall include, when 43710
practicable, some districts that primarily consist of territory 43711
in rural areas and some districts that primarily consist of 43712
territory in urban areas.-- 43713~~

~~(2) If, after the apportionment for members of the general 43714
assembly is made in any year, the general assembly does not 43715
during that year enact legislation establishing state board of 43716
education districts in accordance with division (B) (1) of this 43717
section, the governor shall designate the boundaries of the 43718
districts in accordance with division (B) (1) of this section no 43719
later than the thirty-first day of January of the year next 43720
succeeding such apportionment. Upon making such designation, the 43721
governor shall give written notice of the boundaries of the 43722
districts to each member of the state board of education, 43723
including the nonvoting ex officio members; the superintendent 43724
of public instruction; the director of education and workforce; 43725~~

~~the president of the senate; the speaker of the house of~~ 43726
~~representatives; and the board of elections of each county in~~ 43727
~~each new district. On the first day of February in any year in~~ 43728
~~which the governor designates the boundaries of state board of~~ 43729
~~education districts under this section, the state board of~~ 43730
~~education districts as they existed prior to that date shall~~ 43731
~~cease to exist and the new districts shall be created.~~ 43732

Sec. 3301.02. (A) ~~Elected voting members of the state~~ 43733
~~board of education shall be elected as required by expiration of~~ 43734
~~respective terms, each for a term of four years or until a~~ 43735
~~successor is elected and qualified. One elected member shall be~~ 43736
~~elected from each district respectively in which the term of~~ 43737
~~office of a board member expires on the first day of January~~ 43738
~~following the election. The term of office of each member so~~ 43739
~~elected shall begin on the first day of January immediately~~ 43740
~~following this election.~~ 43741

~~(B) At any time the boundaries of state board of education~~ 43742
~~districts are changed under division (B) of section 3301.01 of~~ 43743
~~the Revised Code, a member of the state board whose term will~~ 43744
~~not expire within two years of the time the change in boundaries~~ 43745
~~is made shall represent, for the remainder of the term for which~~ 43746
~~the member was elected, the state board district containing the~~ 43747
~~largest portion of the population of the district from which the~~ 43748
~~member was elected. If more than one member whose term will not~~ 43749
~~so expire would represent the same district under the provisions~~ 43750
~~of this section, either the general assembly, if the general~~ 43751
~~assembly enacted legislation establishing those districts under~~ 43752
~~division (B) (2) of section 3301.01 of the Revised Code, or the~~ 43753
~~governor, if the governor designated the boundaries of the~~ 43754
~~districts under that division, shall designate which member~~ 43755
~~shall represent each district for the balance of the members'~~ 43756

~~terms.~~

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~~(C) Appointed voting members~~Members of the board shall
serve four-year terms beginning the first day of January and
ending on the thirty-first day of December. ~~Except as provided~~
~~in division (D) of this section, members may be reappointed.~~

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~~(D)~~ (B) No person, ~~elected or appointed,~~ shall hold the
office of member of the state board of education for a period of
longer than two successive terms of four years. Terms shall be
considered successive unless separated by a period of four or
more years. Only terms beginning on or after January 1, 1996,
shall be considered in determining an individual's eligibility
to hold office.

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(C) Notwithstanding any provision of the Revised Code to
the contrary, members who were elected or appointed under this
section as it existed prior to the effective date of this
amendment shall remain in office until the expiration of their
current terms. Upon the expiration of the current term of
elected members, all eleven elected offices shall be abolished
and no successor shall be elected after the effective date of
this amendment. If such elected member vacates the office prior
to the expiration of the member's term, no individual shall be
appointed or elected to fill that vacancy, and that office is
abolished. The offices of the first three appointed members to
reach the expiration of their current terms or vacate the office
prior to the expiration of their current terms shall be
abolished. Thereafter, the state board consists of five
appointed members as prescribed under section 3301.01 of the
Revised Code.

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Sec. 3301.03. ~~Each elected voting member of the state~~
~~board of education shall be a qualified elector residing in the~~

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~~territory composing the district from which the member is~~ 43787
~~elected, and shall be nominated and elected to office as~~ 43788
~~provided by Title XXXV of the Revised Code. (A) Each appointed~~ 43789
~~voting member of the board shall be a qualified elector residing~~ 43790
~~in the state. At least four of the appointed voting members~~ 43791
~~shall represent rural school districts in the state, as~~ 43792
~~evidenced by the member's current place of residence and at~~ 43793
~~least one~~ One member shall represent each of the following: 43794

~~(A) The member's children attend, or at one time attended,~~ 43795
~~school in a~~ (1) A rural school district; 43796

~~(B) The member's past or present occupation is associated~~ 43797
~~with rural areas of the state~~ (2) A suburban school district; 43798

~~(C) The member possesses other credentials or experience~~ 43799
~~demonstrating knowledge and familiarity with rural~~ (3) An urban 43800
~~school districts~~ district; 43801

(4) A community school established under Chapter 3314. of 43802
the Revised Code; 43803

(5) A chartered nonpublic school. 43804

~~No elected or appointed voting member of the board shall,~~ 43805
~~during the member's term of office, hold any other office of~~ 43806
~~trust or profit or be an employee or officer of any public or~~ 43807
~~private elementary or secondary school. Before entering on the~~ 43808
~~duties of office, each elected and appointed voting member shall~~ 43809
~~subscribe to the official oath of office.~~ 43810

~~Each voting member of the state board of education shall~~ 43811
~~be paid a salary fixed pursuant to division (J) of section~~ 43812
~~124.15 of the Revised Code, together with the member's actual~~ 43813
~~and necessary expenses incurred while engaged in the performance~~ 43814
~~of the member's official duties or in the conduct of authorized~~ 43815

board business, and while en route to and from the member's home 43816
for such purposes. 43817

~~(D)~~(B) As used in this section only, "office of trust or 43818
profit" means: 43819

(1) A federal or state elective office or an elected 43820
office of a political subdivision of the state; 43821

(2) A position on a board or commission of the state that 43822
is appointed by the governor; 43823

(3) An office set forth in section 121.03, 121.04, or 43824
121.05 of the Revised Code; 43825

(4) An office of the government of the United States that 43826
is appointed by the president of the United States. 43827

Sec. 3301.06. A vacancy in the state board of education 43828
may be caused by death, ~~nonresidence,~~ resignation, removal from 43829
office, ~~failure of a person elected to qualify within ten days~~ 43830
~~after the organization of the board or of the person's election,~~ 43831
~~removal from the district of election or from residence in the~~ 43832
~~state,~~ or absence from any ~~two~~three consecutive regular meetings 43833
of the board if such absence is caused by reasons declared 43834
insufficient by a vote of twelve members of the board. When a 43835
vacancy occurs in the office of an elected member, the governor 43836
shall, within a period of thirty days and with the advice and 43837
consent of the senate, appoint a qualified person residing in 43838
the district in which the vacancy occurred to fill the vacancy 43839
until the next general election at which members of the state 43840
board of education are elected, at which time a qualified 43841
elector residing in the district in which the vacancy occurred 43842
shall be elected for the unexpired term. Such member shall 43843
assume office at the next succeeding meeting of the board for 43844

any reason. When a vacancy occurs in the office of ~~an appointed~~
member, the governor shall, within a period of thirty days and
with the advice and consent of the senate, appoint a qualified
person, in accordance with section 3301.03 of the Revised Code,
to serve the remainder of the term.

Sec. 3301.071. (A) (1) Except as provided in division (E)
of this section, in the case of nontax-supported schools,
standards for teacher certification prescribed under section
3301.07 of the Revised Code shall provide for certification,
without further educational requirements, of any administrator,
supervisor, or teacher who has attended and received a
bachelor's degree or a master's degree from a college or
university accredited by a national or regional association in
the United States except that, at the discretion of the state
board of education, this requirement may be met by having an
equivalent degree from a foreign college or university of
comparable standing.

(2) Except as provided in division (E) of this section, in
the case of nonchartered, nontax-supported schools, the
standards for teacher certification prescribed under section
3301.07 of the Revised Code shall provide for certification,
without further educational requirements, of any administrator,
supervisor, or teacher who has attended and received a diploma
from a "bible college" or "bible institute" described in
division (E) of section 1713.02 of the Revised Code.

(3) A certificate issued under division (A) (3) of this
section shall be valid only for teaching foreign language,
music, religion, computer technology, or fine arts.

Notwithstanding division (A) (1) of this section and except
as provided in division (E) of this section, the standards for

teacher certification prescribed under section 3301.07 of the 43875
Revised Code shall provide for certification of a person as a 43876
teacher upon receipt by the state board of an affidavit signed 43877
by the chief administrative officer of a chartered nonpublic 43878
school seeking to employ the person, stating that the person 43879
meets one of the following conditions: 43880

(a) The person has specialized knowledge, skills, or 43881
expertise that qualifies the person to provide instruction. 43882

(b) The person has provided to the chief administrative 43883
officer evidence of at least three years of teaching experience 43884
in a public or nonpublic school. 43885

(c) The person has provided to the chief administrative 43886
officer evidence of completion of a teacher training program 43887
named in the affidavit. 43888

(B) Each person applying for a certificate under this 43889
section for purposes of serving in a nonpublic school chartered 43890
by the director of education and workforce under section 3301.16 43891
of the Revised Code shall pay a fee in the amount established 43892
under division ~~(A)~~ (B) of section 3319.51 of the Revised Code. 43893
Any fees received under this division shall be paid into the 43894
state treasury to the credit of the ~~state board of education~~ 43895
~~certification fund established under division (B) of section~~ 43896
~~3319.51 occupational licensing and regulatory fund established~~ 43897
in section 4743.05 of the Revised Code. 43898

(C) A person applying for or holding any certificate 43899
pursuant to this section for purposes of serving in a nonpublic 43900
school chartered by the director is subject to sections 3123.41 43901
to 3123.50 of the Revised Code and any applicable rules adopted 43902
under section 3123.63 of the Revised Code and sections 3319.31 43903

and 3319.311 of the Revised Code. 43904

(D) Divisions (B) and (C) of this section and sections 43905
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 43906
to any administrators, supervisors, or teachers in nonchartered, 43907
nontax-supported schools. 43908

(E) The state board shall issue a certificate to serve in 43909
a nonpublic school as an administrator, supervisor, or teacher 43910
in accordance with Chapter 4796. of the Revised Code to an 43911
applicant if either of the following applies: 43912

(1) The applicant holds a certificate in another state. 43913

(2) The applicant has satisfactory work experience, a 43914
government certification, or a private certification as 43915
described in that chapter as a nonpublic school administrator, 43916
supervisor, or teacher in a state that does not issue one or 43917
more of those certificates. 43918

Sec. 3301.074. (A) Except as provided in division (E) of 43919
this section, the state board of education shall, by rule 43920
adopted in accordance with Chapter 119. of the Revised Code, 43921
establish standards for licensing school district treasurers and 43922
business managers, for the renewal of such licenses, and for the 43923
issuance of duplicate copies of licenses. Licenses of the 43924
following types shall be issued or renewed by the board to 43925
applicants who meet the standards for the license or the renewal 43926
of the license for which application is made: 43927

(1) Treasurer, valid for serving as treasurer of a school 43928
district in accordance with section 3313.22 of the Revised Code; 43929

(2) Business manager, valid for serving as business 43930
manager of a school district in accordance with section 3319.03 43931
of the Revised Code. 43932

(B) Each application for a license or renewal or duplicate 43933
copy of a license shall be accompanied by the payment of a fee 43934
in the amount established under division ~~(A)~~ (B) of section 43935
3319.51 of the Revised Code. Any fees received under this 43936
section shall be paid into the state treasury to the credit of 43937
the ~~state board of education licensure fund established under~~ 43938
~~division (B) of section 3319.51~~ occupational licensing and 43939
regulatory fund established in section 4743.05 of the Revised 43940
Code. 43941

(C) Any person employed under section 3313.22 of the 43942
Revised Code as a treasurer on July 1, 1983, shall be considered 43943
to meet the standards for licensure as a treasurer and for 43944
renewal of such license. Any person employed under section 43945
3319.03 of the Revised Code as a business manager on July 1, 43946
1983, shall be considered to meet the standards for licensure as 43947
a business manager and for renewal of such license. 43948

(D) Any person applying for or holding any license 43949
pursuant to this section is subject to sections 3123.41 to 43950
3123.50 of the Revised Code and any applicable rules adopted 43951
under section 3123.63 of the Revised Code and sections 3319.31 43952
and 3319.311 of the Revised Code. 43953

(E) The state board shall issue a license to act as a 43954
school district treasurer or business manager in accordance with 43955
Chapter 4796. of the Revised Code to an applicant if either of 43956
the following applies: 43957

(1) The applicant holds a license in another state. 43958

(2) The applicant has satisfactory work experience, a 43959
government certification, or a private certification as 43960
described in that chapter as a school district treasurer or 43961

business manager in a state that does not issue one of those 43962
licenses or both. 43963

Sec. 3301.0711. (A) The department of education and 43964
workforce shall: 43965

(1) Annually furnish to, grade, and score all assessments 43966
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 43967
the Revised Code to be administered by city, local, exempted 43968
village, and joint vocational school districts, except that each 43969
district shall score any assessment administered pursuant to 43970
division (B)(10) of this section. Each assessment so furnished 43971
shall include the data verification code of the student to whom 43972
the assessment will be administered, as assigned pursuant to 43973
division (D)(2) of section 3301.0714 of the Revised Code. In 43974
furnishing the practice versions of Ohio graduation tests 43975
prescribed by division (D) of section 3301.0710 of the Revised 43976
Code, the department shall make the tests available on its web 43977
site for reproduction by districts. In awarding contracts for 43978
grading assessments, the department shall give preference to 43979
Ohio-based entities employing Ohio residents. 43980

(2) Adopt rules for the ethical use of assessments and 43981
prescribing the manner in which the assessments prescribed by 43982
section 3301.0710 of the Revised Code shall be administered to 43983
students. 43984

(B) Except as provided in divisions (C) and (J) of this 43985
section, the board of education of each city, local, and 43986
exempted village school district shall, in accordance with rules 43987
adopted under division (A) of this section: 43988

(1) Administer the English language arts assessments 43989
prescribed under division (A)(1)(a) of section 3301.0710 of the 43990

Revised Code twice annually to all students in the third grade 43991
who have not attained the score designated for that assessment 43992
under division (A) (2) (c) of section 3301.0710 of the Revised 43993
Code. 43994

(2) Administer the mathematics assessment prescribed under 43995
division (A) (1) (a) of section 3301.0710 of the Revised Code at 43996
least once annually to all students in the third grade. 43997

(3) Administer the assessments prescribed under division 43998
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 43999
annually to all students in the fourth grade. 44000

(4) Administer the assessments prescribed under division 44001
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 44002
annually to all students in the fifth grade. 44003

(5) Administer the assessments prescribed under division 44004
(A) (1) (d) of section 3301.0710 of the Revised Code at least once 44005
annually to all students in the sixth grade. 44006

(6) Administer the assessments prescribed under division 44007
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 44008
annually to all students in the seventh grade. 44009

(7) Administer the assessments prescribed under division 44010
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 44011
annually to all students in the eighth grade. 44012

(8) Except as provided in division (B) (9) of this section, 44013
administer any assessment prescribed under division (B) (1) of 44014
section 3301.0710 of the Revised Code as follows: 44015

(a) At least once annually to all tenth grade students and 44016
at least twice annually to all students in eleventh or twelfth 44017
grade who have not yet attained the score on that assessment 44018

designated under that division; 44019

(b) To any person who has successfully completed the 44020
curriculum in any high school or the individualized education 44021
program developed for the person by any high school pursuant to 44022
section 3323.08 of the Revised Code but has not received a high 44023
school diploma and who requests to take such assessment, at any 44024
time such assessment is administered in the district. 44025

(9) In lieu of the board of education of any city, local, 44026
or exempted village school district in which the student is also 44027
enrolled, the board of a joint vocational school district shall 44028
administer any assessment prescribed under division (B)(1) of 44029
section 3301.0710 of the Revised Code at least twice annually to 44030
any student enrolled in the joint vocational school district who 44031
has not yet attained the score on that assessment designated 44032
under that division. A board of a joint vocational school 44033
district may also administer such an assessment to any student 44034
described in division (B)(8)(b) of this section. 44035

(10) If the district has a three-year average graduation 44036
rate of not more than seventy-five per cent, administer each 44037
assessment prescribed by division (D) of section 3301.0710 of 44038
the Revised Code in September to all ninth grade students who 44039
entered ninth grade prior to July 1, 2014. 44040

Except as provided in section 3313.614 of the Revised Code 44041
for administration of an assessment to a person who has 44042
fulfilled the curriculum requirement for a high school diploma 44043
but has not passed one or more of the required assessments, the 44044
assessments prescribed under division (B)(1) of section 44045
3301.0710 of the Revised Code shall not be administered after 44046
the date specified in the rules adopted under division (D)(1) of 44047
section 3301.0712 of the Revised Code. 44048

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 44049
of this section, administer the assessments prescribed by 44050
division (B) (2) of section 3301.0710 and section 3301.0712 of 44051
the Revised Code in accordance with the timeline and plan for 44052
implementation of those assessments prescribed by rule adopted 44053
under division (D) (1) of section 3301.0712 of the Revised Code; 44054

(b) A student who has presented evidence to the district 44055
or school of having satisfied the condition prescribed by 44056
division (A) (1) of section 3313.618 of the Revised Code to 44057
qualify for a high school diploma prior to the date of the 44058
administration of the assessment prescribed under division (B) 44059
(1) of section 3301.0712 of the Revised Code shall not be 44060
required to take that assessment. However, no board shall 44061
prohibit a student who is not required to take such assessment 44062
from taking the assessment. 44063

(c) A student shall not be required to retake the Algebra 44064
I end-of-course examination or the English language arts II end- 44065
of-course examination prescribed under division (B) (2) of 44066
section 3301.0712 of the Revised Code in grades nine through 44067
twelve if the student demonstrates at least a proficient level 44068
of skill, as prescribed under division (B) (5) (a) of that 44069
section, or achieves a competency score, as prescribed under 44070
division (B) (10) of that section, in an administration of the 44071
examination prior to grade nine. 44072

(C) (1) (a) In the case of a student receiving special 44073
education services under Chapter 3323. of the Revised Code, the 44074
individualized education program developed for the student under 44075
that chapter shall specify the manner in which the student will 44076
participate in the assessments administered under this section, 44077
except that a student with significant cognitive disabilities to 44078

whom an alternate assessment is administered in accordance with 44079
division (C) (1) of this section and a student determined to have 44080
a disability that includes an intellectual disability as 44081
outlined in guidance issued by the department shall not be 44082
required to take the assessment prescribed under division (B) (1) 44083
of section 3301.0712 of the Revised Code. The individualized 44084
education program may excuse the student from taking any 44085
particular assessment required to be administered under this 44086
section if it instead specifies an alternate assessment method 44087
approved by the department as conforming to requirements of 44088
federal law for receipt of federal funds for disadvantaged 44089
pupils. To the extent possible, the individualized education 44090
program shall not excuse the student from taking an assessment 44091
unless no reasonable accommodation can be made to enable the 44092
student to take the assessment. No board shall prohibit a 44093
student who is not required to take an assessment under division 44094
(C) (1) of this section from taking the assessment. 44095

(b) Any alternate assessment approved by the department 44096
for a student under this division shall produce measurable 44097
results comparable to those produced by the assessment it 44098
replaces in order to allow for the student's results to be 44099
included in the data compiled for a school district or building 44100
under section 3302.03 of the Revised Code. 44101

(c) (i) Any student enrolled in a chartered nonpublic 44102
school who has been identified, based on an evaluation conducted 44103
in accordance with section 3323.03 of the Revised Code or 44104
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 44105
29 U.S.C.A. 794, as amended, as a child with a disability shall 44106
be excused from taking any particular assessment required to be 44107
administered under this section if either of the following 44108
apply: 44109

(I) A plan developed for the student pursuant to rules 44110
adopted by the department excuses the student from taking that 44111
assessment. 44112

(II) The chartered nonpublic school develops a written 44113
plan in which the school, in consultation with the student's 44114
parents, determines that an assessment or alternative assessment 44115
with accommodations does not accurately assess the student's 44116
academic performance. The plan shall include an academic profile 44117
of the student's academic performance and shall be reviewed 44118
annually to determine if the student's needs continue to require 44119
excusal from taking the assessment. 44120

(ii) A student with significant cognitive disabilities to 44121
whom an alternate assessment is administered in accordance with 44122
division (C) (1) of this section and a student determined to have 44123
a disability that includes an intellectual disability as 44124
outlined in guidance issued by the department shall not be 44125
required to take the assessment prescribed under division (B) (1) 44126
of section 3301.0712 of the Revised Code. 44127

(iii) In the case of any student so excused from taking an 44128
assessment under division (C) (1) (c) of this section, the 44129
chartered nonpublic school shall not prohibit the student from 44130
taking the assessment. 44131

(2) A district board may, for medical reasons or other 44132
good cause, excuse a student from taking an assessment 44133
administered under this section on the date scheduled, but that 44134
assessment shall be administered to the excused student not 44135
later than nine days following the scheduled date. The district 44136
board shall annually report the number of students who have not 44137
taken one or more of the assessments required by this section to 44138
the department not later than the thirtieth day of June. 44139

(3) No school district board shall excuse any English learner from taking any particular assessment required to be administered under this section, except that any English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

However, no board shall prohibit an English learner who is not required to take that assessment from taking the assessment.

A board may permit any English learner to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department.

For each English learner, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

The guidance and procedures issued by the department for the purposes of division (C)(3) of this section shall comply with the rules adopted under section 3301.0731 of the Revised Code.

(4) (a) The governing authority of a chartered nonpublic school may excuse an English learner from taking any assessment administered under this section.

(b) No governing authority shall require an English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(c) No governing authority shall prohibit an English 44169
learner from taking an assessment from which the student was 44170
excused under division (C) (4) of this section. 44171

(D) (1) In the school year next succeeding the school year 44172
in which the assessments prescribed by division (A) (1) or (B) (1) 44173
of section 3301.0710 of the Revised Code or former division (A) 44174
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 44175
it existed prior to September 11, 2001, are administered to any 44176
student, the board of education of any school district in which 44177
the student is enrolled in that year shall provide to the 44178
student intervention services commensurate with the student's 44179
performance, including any intensive intervention required under 44180
section 3313.608 of the Revised Code, in any skill in which the 44181
student failed to demonstrate at least a score at the proficient 44182
level on the assessment. 44183

(2) Following any administration of the assessments 44184
prescribed by division (D) of section 3301.0710 of the Revised 44185
Code to ninth grade students, each school district that has a 44186
three-year average graduation rate of not more than seventy-five 44187
per cent shall determine for each high school in the district 44188
whether the school shall be required to provide intervention 44189
services to any students who took the assessments. In 44190
determining which high schools shall provide intervention 44191
services based on the resources available, the district shall 44192
consider each school's graduation rate and scores on the 44193
practice assessments. The district also shall consider the 44194
scores received by ninth grade students on the English language 44195
arts and mathematics assessments prescribed under division (A) 44196
(1) (f) of section 3301.0710 of the Revised Code in the eighth 44197
grade in determining which high schools shall provide 44198
intervention services. 44199

Each high school selected to provide intervention services 44200
under this division shall provide intervention services to any 44201
student whose results indicate that the student is failing to 44202
make satisfactory progress toward being able to attain scores at 44203
the proficient level on the Ohio graduation tests. Intervention 44204
services shall be provided in any skill in which a student 44205
demonstrates unsatisfactory progress and shall be commensurate 44206
with the student's performance. Schools shall provide the 44207
intervention services prior to the end of the school year, 44208
during the summer following the ninth grade, in the next 44209
succeeding school year, or at any combination of those times. 44210

(E) Except as provided in section 3313.608 of the Revised 44211
Code and division (N) of this section, no school district board 44212
of education shall utilize any student's failure to attain a 44213
specified score on an assessment administered under this section 44214
as a factor in any decision to deny the student promotion to a 44215
higher grade level. However, a district board may choose not to 44216
promote to the next grade level any student who does not take an 44217
assessment administered under this section or make up an 44218
assessment as provided by division (C) (2) of this section and 44219
who is not exempt from the requirement to take the assessment 44220
under division (C) (3) of this section. 44221

(F) No person shall be charged a fee for taking any 44222
assessment administered under this section. 44223

(G) (1) Each school district board shall designate one 44224
location for the collection of assessments administered in the 44225
spring under division (B) (1) of this section and those 44226
administered under divisions (B) (2) to (7) of this section. Each 44227
district board shall submit the assessments to the entity with 44228
which the department contracts for the scoring of the 44229

assessments as follows: 44230

(a) If the district's total enrollment in grades 44231
kindergarten through twelve during the first full school week of 44232
October was less than two thousand five hundred, not later than 44233
the Friday after all of the assessments have been administered; 44234

(b) If the district's total enrollment in grades 44235
kindergarten through twelve during the first full school week of 44236
October was two thousand five hundred or more, but less than 44237
seven thousand, not later than the Monday after all of the 44238
assessments have been administered; 44239

(c) If the district's total enrollment in grades 44240
kindergarten through twelve during the first full school week of 44241
October was seven thousand or more, not later than the Tuesday 44242
after all of the assessments have been administered. 44243

However, any assessment that a student takes during the 44244
make-up period described in division (C) (2) of this section 44245
shall be submitted not later than the Friday following the day 44246
the student takes the assessment. 44247

(2) The department or an entity with which the department 44248
contracts for the scoring of the assessment shall send to each 44249
school district board a list of the individual scores of all 44250
persons taking a state achievement assessment as follows: 44251

(a) Except as provided in division (G) (2) (b) or (c) of 44252
this section, within forty-five days after the administration of 44253
the assessments prescribed by sections 3301.0710 and 3301.0712 44254
of the Revised Code, but in no case shall the scores be returned 44255
later than the thirtieth day of June following the 44256
administration; 44257

(b) In the case of the third-grade English language arts 44258

assessment, within forty-five days after the administration of 44259
that assessment, but in no case shall the scores be returned 44260
later than the fifteenth day of June following the 44261
administration; 44262

(c) In the case of the writing component of an assessment 44263
or end-of-course examination in the area of English language 44264
arts, except for the third-grade English language arts 44265
assessment, the results may be sent after forty-five days of the 44266
administration of the writing component, but in no case shall 44267
the scores be returned later than the thirtieth day of June 44268
following the administration. 44269

(3) For assessments administered under this section by a 44270
joint vocational school district, the department or entity shall 44271
also send to each city, local, or exempted village school 44272
district a list of the individual scores of any students of such 44273
city, local, or exempted village school district who are 44274
attending school in the joint vocational school district. 44275

(4) Beginning with the 2019-2020 school year, a school 44276
district, other public school, or chartered nonpublic school may 44277
administer the third-grade English language arts or mathematics 44278
assessment, or both, in a paper format in any school year for 44279
which the district board of education or school governing body 44280
adopts a resolution indicating that the district or school 44281
chooses to administer the assessment in a paper format. The 44282
board or governing body shall submit a copy of the resolution to 44283
the department of education and workforce not later than the 44284
first day of May prior to the school year for which it will 44285
apply. If the resolution is submitted, the district or school 44286
shall administer the assessment in a paper format to all 44287
students in the third grade, except that any student whose 44288

individualized education program or plan developed under section 44289
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 44290
794, as amended, specifies that taking the assessment in an 44291
online format is an appropriate accommodation for the student 44292
may take the assessment in an online format. 44293

(5) A classical school may administer all assessments 44294
administered under this section in a paper format, except that 44295
any student whose individualized education program or plan 44296
developed under section 504 of the "Rehabilitation Act of 1973," 44297
29 U.S.C. 794 specifies that taking the assessment in an online 44298
format is an appropriate accommodation for the student may take 44299
the assessment in an online format. 44300

(H) Individual scores on any assessments administered 44301
under this section shall be released by a district board only in 44302
accordance with section 3319.321 of the Revised Code and the 44303
rules adopted under division (A) of this section. No district 44304
board or its employees shall utilize individual or aggregate 44305
results in any manner that conflicts with rules for the ethical 44306
use of assessments adopted pursuant to division (A) of this 44307
section. 44308

(I) Except as provided in division (G) of this section, 44309
the department or an entity with which the department contracts 44310
for the scoring of the assessment shall not release any 44311
individual scores on any assessment administered under this 44312
section. The department shall adopt rules to ensure the 44313
protection of student confidentiality at all times. The rules 44314
may require the use of the data verification codes assigned to 44315
students pursuant to division (D)(2) of section 3301.0714 of the 44316
Revised Code to protect the confidentiality of student scores. 44317

(J) Notwithstanding division (D) of section 3311.52 of the 44318

Revised Code, this section does not apply to the board of 44319
education of any cooperative education school district except as 44320
provided under rules adopted pursuant to this division. 44321

(1) In accordance with rules that the department shall 44322
adopt, the board of education of any city, exempted village, or 44323
local school district with territory in a cooperative education 44324
school district established pursuant to divisions (A) to (C) of 44325
section 3311.52 of the Revised Code may enter into an agreement 44326
with the board of education of the cooperative education school 44327
district for administering any assessment prescribed under this 44328
section to students of the city, exempted village, or local 44329
school district who are attending school in the cooperative 44330
education school district. 44331

(2) In accordance with rules that the department shall 44332
adopt, the board of education of any city, exempted village, or 44333
local school district with territory in a cooperative education 44334
school district established pursuant to section 3311.521 of the 44335
Revised Code shall enter into an agreement with the cooperative 44336
district that provides for the administration of any assessment 44337
prescribed under this section to both of the following: 44338

(a) Students who are attending school in the cooperative 44339
district and who, if the cooperative district were not 44340
established, would be entitled to attend school in the city, 44341
local, or exempted village school district pursuant to section 44342
3313.64 or 3313.65 of the Revised Code; 44343

(b) Persons described in division (B) (8) (b) of this 44344
section. 44345

Any assessment of students pursuant to such an agreement 44346
shall be in lieu of any assessment of such students or persons 44347

pursuant to this section. 44348

(K) (1) (a) Except as otherwise provided in division (K) (1) 44349
or (2) of this section, each chartered nonpublic school for 44350
which at least sixty-five per cent of its total enrollment is 44351
made up of students who are participating in state scholarship 44352
programs shall administer the assessments prescribed by division 44353
(A) of section 3301.0710 of the Revised Code or an alternative 44354
standardized assessment determined by the department. In 44355
accordance with procedures and deadlines prescribed by the 44356
department, the parent or guardian of a student enrolled in the 44357
school who is not participating in a state scholarship program 44358
may submit notice to the chief administrative officer of the 44359
school that the parent or guardian does not wish to have the 44360
student take the assessments prescribed for the student's grade 44361
level under division (A) of section 3301.0710 of the Revised 44362
Code. If a parent or guardian submits an opt-out notice, the 44363
school shall not administer the assessments to that student. 44364
This option does not apply to any assessment required for a high 44365
school diploma under section 3313.612 of the Revised Code. 44366

(b) Any chartered nonpublic school that enrolls students 44367
who are participating in state scholarship programs may 44368
administer an alternative standardized assessment determined by 44369
the department instead of the assessments prescribed by division 44370
(A) of section 3301.0710 of the Revised Code. 44371

Each chartered nonpublic school subject to division (K) (1) 44372
(a) or (b) of this section shall report the results of each 44373
assessment administered under those divisions to the department. 44374

(2) A chartered nonpublic school may submit to the 44375
director of education and workforce a request for a waiver from 44376
administering the elementary assessments prescribed by division 44377

(A) of section 3301.0710 of the Revised Code. The director shall 44378
approve or disapprove a request for a waiver submitted under 44379
division (K) (2) of this section. 44380

To be eligible to submit a request for a waiver, a 44381
chartered nonpublic school shall meet the following conditions: 44382

(a) At least ninety-five per cent of the students enrolled 44383
in the school are children with disabilities, as defined under 44384
section 3323.01 of the Revised Code, or have received a 44385
diagnosis by a school district or from a physician, including a 44386
neuropsychiatrist or psychiatrist, or a psychologist who is 44387
authorized to practice in this or another state as having a 44388
condition that impairs academic performance, such as dyslexia, 44389
dyscalculia, attention deficit hyperactivity disorder, or 44390
Asperger's syndrome. 44391

(b) The school has solely served a student population 44392
described in division (K) (1) (a) of this section for at least ten 44393
years. 44394

(c) The school provides to the department at least five 44395
years of records of internal testing conducted by the school 44396
that affords the department data required for accountability 44397
purposes, including diagnostic assessments and nationally 44398
standardized norm-referenced achievement assessments that 44399
measure reading and math skills. 44400

(3) Any chartered nonpublic school that is not subject to 44401
division (K) (1) of this section may participate in the 44402
assessment program by administering any of the assessments 44403
prescribed by division (A) of section 3301.0710 of the Revised 44404
Code. The chief administrator of the school shall specify which 44405
assessments the school will administer. Such specification shall 44406

be made in writing to the director prior to the first day of 44407
August of any school year in which assessments are administered 44408
and shall include a pledge that the nonpublic school will 44409
administer the specified assessments in the same manner as 44410
public schools are required to do under this section and rules 44411
adopted by the department. 44412

(4) The department shall furnish the assessments 44413
prescribed by section 3301.0710 of the Revised Code to each 44414
chartered nonpublic school that is subject to division (K) (1) of 44415
this section or participates under division (K) (3) of this 44416
section. 44417

(L) If a chartered nonpublic school is educating students 44418
in grades nine through twelve, the following shall apply: 44419

(1) Except as provided in division (L) (4) of this section, 44420
for a student who is enrolled in a chartered nonpublic school 44421
that is accredited through the independent schools association 44422
of the central states and who is attending the school under a 44423
state scholarship program, the student shall either take all of 44424
the assessments prescribed by division (B) of section 3301.0712 44425
of the Revised Code or take an alternative assessment approved 44426
by the department under section 3313.619 of the Revised Code. 44427
However, a student who is excused from taking an assessment 44428
under division (C) of this section or has presented evidence to 44429
the chartered nonpublic school of having satisfied the condition 44430
prescribed by division (A) (1) of section 3313.618 of the Revised 44431
Code to qualify for a high school diploma prior to the date of 44432
the administration of the assessment prescribed under division 44433
(B) (1) of section 3301.0712 of the Revised Code shall not be 44434
required to take that assessment. No governing authority of a 44435
chartered nonpublic school shall prohibit a student who is not 44436

required to take such assessment from taking the assessment. 44437

(2) For a student who is enrolled in a chartered nonpublic 44438
school that is accredited through the independent schools 44439
association of the central states, and who is not attending the 44440
school under a state scholarship program, the student shall not 44441
be required to take any assessment prescribed under section 44442
3301.0712 or 3313.619 of the Revised Code. 44443

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 44444
of this section, for a student who is enrolled in a chartered 44445
nonpublic school that is not accredited through the independent 44446
schools association of the central states, regardless of whether 44447
the student is attending or is not attending the school under a 44448
state scholarship program, the student shall do one of the 44449
following: 44450

(i) Take all of the assessments prescribed by division (B) 44451
of section 3301.0712 of the Revised Code; 44452

(ii) Take only the assessment prescribed by division (B) 44453
(1) of section 3301.0712 of the Revised Code, provided that the 44454
student's school publishes the results of that assessment for 44455
each graduating class. The published results of that assessment 44456
shall include the overall composite scores, mean scores, twenty- 44457
fifth percentile scores, and seventy-fifth percentile scores for 44458
each subject area of the assessment. 44459

(iii) Take an alternative assessment approved by the 44460
department under section 3313.619 of the Revised Code. 44461

(b) A student who is excused from taking an assessment 44462
under division (C) of this section or has presented evidence to 44463
the chartered nonpublic school of having satisfied the condition 44464
prescribed by division (A) (1) of section 3313.618 of the Revised 44465

Code to qualify for a high school diploma prior to the date of 44466
the administration of the assessment prescribed under division 44467
(B) (1) of section 3301.0712 of the Revised Code shall not be 44468
required to take that assessment. No governing authority of a 44469
chartered nonpublic school shall prohibit a student who is not 44470
required to take such assessment from taking the assessment. 44471

(4) The assessments prescribed by sections 3301.0712 and 44472
3313.619 of the Revised Code shall not be administered to any 44473
student attending the school, if the school meets all of the 44474
following conditions: 44475

(a) At least ninety-five per cent of the students enrolled 44476
in the school are children with disabilities, as defined under 44477
section 3323.01 of the Revised Code, or have received a 44478
diagnosis by a school district or from a physician, including a 44479
neuropsychologist or psychiatrist, or a psychologist who is 44480
authorized to practice in this or another state as having a 44481
condition that impairs academic performance, such as dyslexia, 44482
dyscalculia, attention deficit hyperactivity disorder, or 44483
Asperger's syndrome. 44484

(b) The school has solely served a student population 44485
described in division (L) (4) (a) of this section for at least ten 44486
years. 44487

(c) The school makes available to the department at least 44488
five years of records of internal testing conducted by the 44489
school that affords the department data required for 44490
accountability purposes, including growth in student achievement 44491
in reading or mathematics, or both, as measured by nationally 44492
norm-referenced assessments that have developed appropriate 44493
standards for students. 44494

Division (L) (4) of this section applies to any student 44495
attending such school regardless of whether the student receives 44496
special education or related services and regardless of whether 44497
the student is attending the school under a state scholarship 44498
program. 44499

(M) (1) The superintendent of Ohio deaf and blind education 44500
services shall administer the assessments described by sections 44501
3301.0710 and 3301.0712 of the Revised Code for the state school 44502
for the blind ~~and~~, the state school for the deaf, and Rita 44503
community school. The superintendent of Ohio deaf and blind 44504
education services shall administer the assessments in the same 44505
manner as district boards are required to do under this section 44506
and rules adopted by the department and in conformity with 44507
division (C) (1) (a) of this section. 44508

(2) The department shall furnish the assessments described 44509
by sections 3301.0710 and 3301.0712 of the Revised Code to the 44510
superintendent of Ohio deaf and blind education services. 44511

(N) Notwithstanding division (E) of this section, a school 44512
district may use a student's failure to attain a score in at 44513
least the proficient range on the mathematics assessment 44514
described by division (A) (1) (a) of section 3301.0710 of the 44515
Revised Code or on an assessment described by division (A) (1) 44516
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 44517
Code as a factor in retaining that student in the current grade 44518
level. 44519

(O) (1) In the manner specified in divisions (O) (3) ~~and~~ 44520
(4) ~~, (6), and (7)~~ of this section, the assessments required by 44521
division (A) (1) of section 3301.0710 of the Revised Code shall 44522
become public records pursuant to section 149.43 of the Revised 44523
Code on the thirty-first day of July following the school year 44524

that the assessments were administered. 44525

(2) The department may field test proposed questions with 44526
samples of students to determine the validity, reliability, or 44527
appropriateness of questions for possible inclusion in a future 44528
year's assessment. The department also may use anchor questions 44529
on assessments to ensure that different versions of the same 44530
assessment are of comparable difficulty. 44531

Field test questions and anchor questions shall not be 44532
considered in computing scores for individual students. Field 44533
test questions and anchor questions may be included as part of 44534
the administration of any assessment required by division (A) (1) 44535
or (B) of section 3301.0710 and division (B) of section 44536
3301.0712 of the Revised Code. 44537

(3) Any field test question or anchor question 44538
administered under division (O) (2) of this section shall not be 44539
a public record. Such field test questions and anchor questions 44540
shall be redacted from any assessments which are released as a 44541
public record pursuant to division (O) (1) of this section. 44542

~~(4) This division applies to the assessments prescribed by 44543
division (A) of section 3301.0710 of the Revised Code. 44544~~

~~(a) The first administration of each assessment, as 44545
specified in former section 3301.0712 of the Revised Code, shall 44546
be a public record. 44547~~

~~(b) For subsequent administrations of each assessment 44548
prior to the 2011-2012 school year, not less than forty per cent 44549
of the questions on the assessment that are used to compute a 44550
student's score shall be a public record. The department shall 44551
determine which questions will be needed for reuse on a future 44552
assessment and those questions shall not be public records and 44553~~

shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O) (3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.

(5) Each assessment prescribed by division (B) (1) of section 3301.0710 of the Revised Code shall not be a public record.

(6) (a) Except as provided in division (O) (6) (b) of this section, for the administrations in the 2014-2015, 2015-2016, and 2016-2017 school years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:

(i) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment;

(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;

(iii) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of

~~July two years after the administration of the assessment.~~ 44583

~~The entire content of an assessment shall become a public record within three years of its administration.~~ 44584
44585

~~The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.~~ 44586
44587
44588
44589
44590

~~(b) No questions and corresponding preferred answers shall become a public record under division (O) (6) of this section after July 31, 2017.~~ 44591
44592
44593

~~(7)~~ Division ~~(O) (7)~~ (O) (4) of this section applies to the 44594
assessments prescribed by division (A) of section 3301.0710 and 44595
division (B) (2) of section 3301.0712 of the Revised Code. 44596

Beginning with the assessments administered in the spring 44597
of the ~~2017-2018~~ 2025-2026 school year, not less than ~~forty~~ 44598
twenty per cent of the questions on each assessment that are 44599
used to compute a student's score shall be a public record. The 44600
department shall determine which questions will be needed for 44601
reuse on a future assessment and those questions shall not be 44602
public records and shall be redacted from the assessment prior 44603
to its release as a public record. However, for each redacted 44604
question, the department shall inform each city, local, and 44605
exempted village school district of the corresponding statewide 44606
academic standard adopted under section 3301.079 of the Revised 44607
Code and the corresponding benchmark to which the question 44608
relates. The department is not required to provide corresponding 44609
standards and benchmarks to field test questions that are 44610
redacted under division (O) (3) of this section. 44611

- (P) As used in this section: 44612
- (1) "Three-year average" means the average of the most 44613
recent consecutive three school years of data. 44614
- (2) "Dropout" means a student who withdraws from school 44615
before completing course requirements for graduation and who is 44616
not enrolled in an education program approved by the department 44617
or an education program outside the state. "Dropout" does not 44618
include a student who has departed the country. 44619
- (3) "Graduation rate" means the ratio of students 44620
receiving a diploma to the number of students who entered ninth 44621
grade four years earlier. Students who transfer into the 44622
district are added to the calculation. Students who transfer out 44623
of the district for reasons other than dropout are subtracted 44624
from the calculation. If a student who was a dropout in any 44625
previous year returns to the same school district, that student 44626
shall be entered into the calculation as if the student had 44627
entered ninth grade four years before the graduation year of the 44628
graduating class that the student joins. 44629
- (4) "State scholarship programs" means the educational 44630
choice scholarship pilot program established under sections 44631
3310.01 to 3310.17 of the Revised Code, the autism scholarship 44632
program established under section 3310.41 of the Revised Code, 44633
the Jon Peterson special needs scholarship program established 44634
under sections 3310.51 to 3310.64 of the Revised Code, and the 44635
pilot project scholarship program established under sections 44636
3313.974 to 3313.979 of the Revised Code. 44637
- (5) "Other public school" means a community school 44638
established under Chapter 3314., a STEM school established under 44639
Chapter 3326., or a college-preparatory boarding school 44640

established under Chapter 3328. of the Revised Code. 44641

(6) "English learner" has the same meaning as in section 44642
3301.0731 of the Revised Code. 44643

(7) "Classical school" has the same meaning as in section 44644
3317.02 of the Revised Code. 44645

Sec. 3301.0712. (A) The department of education and 44646
workforce and the chancellor of higher education shall develop a 44647
system of college and work ready assessments as described in 44648
division (B) of this section to assess whether each student upon 44649
graduating from high school is ready to enter college or the 44650
workforce. Beginning with students who enter the ninth grade for 44651
the first time on or after July 1, 2014, the system shall 44652
replace the Ohio graduation tests prescribed in division (B)(1) 44653
of section 3301.0710 of the Revised Code as a measure of student 44654
academic performance and one determinant of eligibility for a 44655
high school diploma in the manner prescribed by rule adopted 44656
under division (D) of this section. 44657

(B) The college and work ready assessment system shall 44658
consist of the following: 44659

(1)(a) Except as provided in division (B)(1)(b) of this 44660
section, nationally standardized assessments that measure 44661
college and career readiness and are used for college admission. 44662
The assessments shall be selected jointly by the department and 44663
the chancellor, and one of which shall be selected by each 44664
school district or school to administer to its students. The 44665
assessments prescribed under division (B)(1) of this section 44666
shall be administered to all eleventh-grade students in the 44667
spring of the school year. 44668

(b) Beginning with students who enter the ninth grade for 44669

the first time on or after July 1, 2022, the parent or guardian 44670
of a student may elect not to have a nationally standardized 44671
assessment administered to that student. In that event, the 44672
student's school district or school shall not administer the 44673
nationally standardized assessment to that student. 44674

(2) (a) Except as provided in division (B) (2) (b) of this 44675
section, seven end-of-course examinations, one in each of the 44676
areas of English language arts I, English language arts II, 44677
science, Algebra I, geometry, American history, and American 44678
government. The end-of-course examinations shall be selected 44679
jointly by the department and the chancellor in consultation 44680
with faculty in the appropriate subject areas at institutions of 44681
higher education of the university system of Ohio. Advanced 44682
placement examinations and international baccalaureate 44683
examinations, as prescribed under section 3313.6013 of the 44684
Revised Code, in the areas of science, American history, and 44685
American government may be used as end-of-course examinations in 44686
accordance with division (B) (4) (a) (i) of this section. Final 44687
course grades for courses taken under any other advanced 44688
standing program, as prescribed under section 3313.6013 of the 44689
Revised Code, in the areas of science, American history, and 44690
American government may be used in lieu of end-of-course 44691
examinations in accordance with division (B) (4) (a) (ii) of this 44692
section. 44693

(b) Beginning with students who enter ninth grade for the 44694
first time on or after July 1, 2019, five end-of-course 44695
examinations, one in each areas of English language arts II, 44696
science, Algebra I, American history, and American government. 44697
However, only the end-of-course examinations in English language 44698
arts II and Algebra I shall be required for graduation. 44699

The department shall, as necessary to implement division 44700
(B) (2) (b) of this section, seek a waiver from the United States 44701
secretary of education for testing requirements prescribed under 44702
federal law to allow for the use and implementation of Algebra I 44703
as the primary assessment of high school mathematics. If the 44704
department does not receive a waiver under this division, the 44705
end-of-course examinations for students described in division 44706
(B) (2) (b) of this section also shall include an end-of-course 44707
examination in the area of geometry. However, the geometry end- 44708
of-course examination shall not be required for graduation. 44709

(3) The end-of-course examinations in American history and 44710
American government shall require demonstration of mastery of 44711
the American history and American government content for social 44712
studies standards adopted under division (A) (1) (b) of section 44713
3301.079 of the Revised Code and the topics required under 44714
division (M) of section 3313.603 of the Revised Code. 44715

At least twenty per cent of the end-of-course examination 44716
in American government shall address the topics on American 44717
history and American government described in division (M) of 44718
section 3313.603 of the Revised Code. 44719

(4) (a) Notwithstanding anything to the contrary in this 44720
section, both of the following shall apply: 44721

(i) If a student is enrolled in an appropriate advanced 44722
placement or international baccalaureate course, that student 44723
shall take the advanced placement or international baccalaureate 44724
examination in lieu of the science, American history, or 44725
American government end-of-course examinations prescribed under 44726
division (B) (2) of this section. The department shall specify 44727
the score levels for each advanced placement examination and 44728
international baccalaureate examination for purposes of 44729

calculating the minimum cumulative performance score that 44730
demonstrates the level of academic achievement necessary to earn 44731
a high school diploma. 44732

(ii) If a student is enrolled in an appropriate course 44733
under any other advanced standing program, as described in 44734
section 3313.6013 of the Revised Code, that student shall not be 44735
required to take the science, American history, or American 44736
government end-of-course examination, whichever is applicable, 44737
prescribed under division (B) (2) of this section. Instead, that 44738
student's final course grade shall be used in lieu of the 44739
applicable end-of-course examination prescribed under that 44740
section. The department, in consultation with the chancellor, 44741
shall adopt guidelines for purposes of calculating the 44742
corresponding final course grades that demonstrate the level of 44743
academic achievement necessary to earn a high school diploma. 44744

Division (B) (4) (a) (ii) of this section shall apply only to 44745
courses for which students receive transcribed credit, as 44746
defined in section 3365.01 of the Revised Code. It shall not 44747
apply to remedial or developmental courses. 44748

(b) No student shall take a substitute examination or 44749
examination prescribed under division (B) (4) (a) of this section 44750
in place of the end-of-course examinations in English language 44751
arts I, English language arts II, Algebra I, or geometry 44752
prescribed under division (B) (2) of this section. 44753

(c) The department shall consider additional assessments 44754
that may be used as substitute examinations in lieu of the end- 44755
of-course examinations prescribed under division (B) (2) of this 44756
section. 44757

(5) The department shall do all of the following: 44758

(a) Determine and designate at least five ranges of scores 44759
on each of the end-of-course examinations prescribed under 44760
division (B) (2) of this section, and substitute examinations 44761
prescribed under division (B) (4) of this section. Not later than 44762
sixty days after the designation of ranges of scores, the 44763
director of education and workforce shall conduct a public 44764
presentation before the standing committees of the house of 44765
representatives and the senate that consider primary and 44766
secondary education legislation regarding the designated range 44767
of scores. Each range of scores shall be considered to 44768
demonstrate a level of achievement so that any student attaining 44769
a score within such range has achieved one of the following: 44770

(i) An advanced level of skill; 44771

(ii) An accomplished level of skill; 44772

(iii) A proficient level of skill; 44773

(iv) A basic level of skill; 44774

(v) A limited level of skill. 44775

(b) Determine a method by which to calculate a cumulative 44776
performance score based on the results of a student's end-of- 44777
course examinations or substitute examinations; 44778

(c) Determine the minimum cumulative performance score 44779
that demonstrates the level of academic achievement necessary to 44780
earn a high school diploma under division (A) (2) of section 44781
3313.618 of the Revised Code. However, no new minimum cumulative 44782
performance score shall be determined after October 17, 2019. 44783

(d) Develop a table of corresponding score equivalents for 44784
the end-of-course examinations and substitute examinations in 44785
order to calculate student performance consistently across the 44786

different examinations. 44787

A score of two on an advanced placement examination or a 44788
score of two or three on an international baccalaureate 44789
examination shall be considered equivalent to a proficient level 44790
of skill as specified under division (B) (5) (a) (iii) of this 44791
section. 44792

(6) (a) A student who meets both of the following 44793
conditions shall not be required to take an end-of-course 44794
examination: 44795

(i) The student received high school credit prior to July 44796
1, 2015, for a course for which the end-of-course examination is 44797
prescribed. 44798

(ii) The examination was not available for administration 44799
prior to July 1, 2015. 44800

Receipt of credit for the course described in division (B) 44801
(6) (a) (i) of this section shall satisfy the requirement to take 44802
the end-of-course examination. A student exempted under division 44803
(B) (6) (a) of this section may take the applicable end-of-course 44804
examination at a later date. 44805

(b) For purposes of determining whether a student who is 44806
exempt from taking an end-of-course examination under division 44807
(B) (6) (a) of this section has attained the cumulative score 44808
prescribed by division (B) (5) (c) of this section, such student 44809
shall select either of the following: 44810

(i) The student is considered to have attained a 44811
proficient score on the end-of-course examination from which the 44812
student is exempt; 44813

(ii) The student's final course grade shall be used in 44814

lieu of a score on the end-of-course examination from which the 44815
student is exempt. 44816

The department, in consultation with the chancellor, shall 44817
adopt guidelines for purposes of calculating the corresponding 44818
final course grades and the minimum cumulative performance score 44819
that demonstrates the level of academic achievement necessary to 44820
earn a high school diploma. 44821

(7) (a) Notwithstanding anything to the contrary in this 44822
section, the department may replace the algebra I end-of-course 44823
examination prescribed under division (B) (2) of this section 44824
with an algebra II end-of-course examination, beginning with the 44825
2016-2017 school year for students who enter ninth grade on or 44826
after July 1, 2016. 44827

(b) If the department replaces the algebra I end-of-course 44828
examination with an algebra II end-of-course examination as 44829
authorized under division (B) (7) (a) of this section, both of the 44830
following shall apply: 44831

(i) A student who is enrolled in an advanced placement or 44832
international baccalaureate course in algebra II shall take the 44833
advanced placement or international baccalaureate examination in 44834
lieu of the algebra II end-of-course examination. 44835

(ii) A student who is enrolled in an algebra II course 44836
under any other advanced standing program, as described in 44837
section 3313.6013 of the Revised Code, shall not be required to 44838
take the algebra II end-of-course examination. Instead, that 44839
student's final course grade shall be used in lieu of the 44840
examination. 44841

(c) If a school district or school utilizes an integrated 44842
approach to mathematics instruction, the district or school may 44843

do either or both of the following: 44844

(i) Administer an integrated mathematics I end-of-course 44845
examination in lieu of the prescribed algebra I end-of-course 44846
examination; 44847

(ii) Administer an integrated mathematics II end-of-course 44848
examination in lieu of the prescribed geometry end-of-course 44849
examination. 44850

(8) (a) For students entering the ninth grade for the first 44851
time on or after July 1, 2014, but prior to July 1, 2015, the 44852
assessment in the area of science shall be physical science or 44853
biology. For students entering the ninth grade for the first 44854
time on or after July 1, 2015, the assessment in the area of 44855
science shall be biology. 44856

(b) Until July 1, 2019, the department shall make 44857
available the end-of-course examination in physical science for 44858
students who entered the ninth grade for the first time on or 44859
after July 1, 2014, but prior to July 1, 2015, and who wish to 44860
retake the examination. 44861

(c) The department shall adopt rules prescribing the 44862
requirements for the end-of-course examination in science for 44863
students who entered the ninth grade for the first time on or 44864
after July 1, 2014, but prior to July 1, 2015, and who have not 44865
met the requirement prescribed by section 3313.618 of the 44866
Revised Code by July 1, 2019, due to a student's failure to 44867
satisfy division (A) (2) of section 3313.618 of the Revised Code. 44868

(9) The department shall not develop or administer an end- 44869
of-course examination in the area of world history. 44870

(10) The department, in consultation with the chancellor 44871
and the governor's office of workforce transformation, shall 44872

determine a competency score for both of the Algebra I and 44873
English language arts II end-of-course examinations for the 44874
purpose of graduation eligibility. 44875

(C) The department shall convene a group of national 44876
experts, state experts, and local practitioners to provide 44877
advice, guidance, and recommendations for the alignment of 44878
standards and model curricula to the assessments and in the 44879
design of the end-of-course examinations prescribed by this 44880
section. 44881

(D) Upon completion of the development of the assessment 44882
system, the department shall adopt rules prescribing all of the 44883
following: 44884

(1) A timeline and plan for implementation of the 44885
assessment system, including a phased implementation if the 44886
department determines such a phase-in is warranted; 44887

(2) The date after which a person shall meet the 44888
requirements of the entire assessment system as a prerequisite 44889
for a diploma of adult education under section 3313.611 of the 44890
Revised Code; 44891

(3) Whether and the extent to which a person may be 44892
excused from an American history end-of-course examination and 44893
an American government end-of-course examination under division 44894
(H) of section 3313.61 and division (B) (3) of section 3313.612 44895
of the Revised Code; 44896

(4) The date after which a person who has fulfilled the 44897
curriculum requirement for a diploma but has not passed one or 44898
more of the required assessments at the time the person 44899
fulfilled the curriculum requirement shall meet the requirements 44900
of the entire assessment system as a prerequisite for a high 44901

school diploma under division (B) of section 3313.614 of the 44902
Revised Code; 44903

(5) The extent to which the assessment system applies to 44904
students enrolled in a dropout ~~recovery and prevention~~ and 44905
recovery program for purposes of division (F) of section 44906
3313.603 ~~and or a dropout prevention and recovery community~~ 44907
school under section 3314.36 of the Revised Code. 44908

(E) (1) Any person enrolled in a nonchartered nonpublic 44909
school or any person who is exempt from attendance at school for 44910
the purpose of home education under section 3321.042 of the 44911
Revised Code may choose to participate in the system of 44912
assessments administered under divisions (B) (1) and (2) of this 44913
section. However, no such person shall be required to 44914
participate in the system of assessments. 44915

(2) The department shall adopt rules for the 44916
administration and scoring of any assessments under division (E) 44917
(1) of this section. 44918

(F) The department shall select at least one nationally 44919
recognized job skills assessment. Each school district shall 44920
administer that assessment to those students who opt to take it. 44921
The department shall reimburse a school district for the costs 44922
of administering that assessment. The department shall establish 44923
the minimum score a student must attain on the job skills 44924
assessment in order to demonstrate a student's workforce 44925
readiness and employability. The administration of the job 44926
skills assessment to a student under this division shall not 44927
exempt a school district from administering the assessments 44928
prescribed in division (B) of this section to that student. 44929

Sec. 3301.0714. (A) The department of education and 44930

workforce shall adopt rules for a statewide education management 44931
information system. The rules shall require the department to 44932
establish guidelines for the establishment and maintenance of 44933
the system in accordance with this section and the rules adopted 44934
under this section. The guidelines shall include: 44935

(1) Standards identifying and defining the types of data 44936
in the system in accordance with divisions (B) and (C) of this 44937
section; 44938

(2) Procedures for annually collecting and reporting the 44939
data to the department in accordance with division (D) of this 44940
section; 44941

(3) Procedures for annually compiling the data in 44942
accordance with division (G) of this section; 44943

(4) Procedures for annually reporting the data to the 44944
public in accordance with division (H) of this section; 44945

(5) Standards to provide strict safeguards to protect the 44946
confidentiality of personally identifiable student data. 44947

(B) The guidelines adopted under this section shall 44948
require the data maintained in the education management 44949
information system to include at least the following: 44950

(1) Student participation and performance data, for each 44951
grade in each school district as a whole and for each grade in 44952
each school building in each school district, that includes: 44953

(a) The numbers of students receiving each category of 44954
instructional service offered by the school district, such as 44955
regular education instruction, vocational education instruction, 44956
specialized instruction programs or enrichment instruction that 44957
is part of the educational curriculum, instruction for gifted 44958

students, instruction for students with disabilities, and 44959
remedial instruction. The guidelines shall require instructional 44960
services under this division to be divided into discrete 44961
categories if an instructional service is limited to a specific 44962
subject, a specific type of student, or both, such as regular 44963
instructional services in mathematics, remedial reading 44964
instructional services, instructional services specifically for 44965
students gifted in mathematics or some other subject area, or 44966
instructional services for students with a specific type of 44967
disability. The categories of instructional services required by 44968
the guidelines under this division shall be the same as the 44969
categories of instructional services used in determining cost 44970
units pursuant to division (C) (3) of this section. 44971

(b) The numbers of students receiving support or 44972
extracurricular services for each of the support services or 44973
extracurricular programs offered by the school district, such as 44974
counseling services, health services, and extracurricular sports 44975
and fine arts programs. The categories of services required by 44976
the guidelines under this division shall be the same as the 44977
categories of services used in determining cost units pursuant 44978
to division (C) (4) (a) of this section. 44979

(c) Average student grades in each subject in grades nine 44980
through twelve; 44981

(d) Academic achievement levels as assessed under sections 44982
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 44983

(e) The number of students designated as having a 44984
disabling condition pursuant to division (C) (1) of section 44985
3301.0711 of the Revised Code; 44986

(f) The numbers of students reported to the department 44987

pursuant to division (C) (2) of section 3301.0711 of the Revised Code; 44988
44989

(g) Attendance rates and the average daily attendance for 44990
the year. For purposes of this division, a student shall be 44991
counted as present for any field trip that is approved by the 44992
school administration. 44993

(h) Expulsion rates; 44994

(i) Suspension rates; 44995

(j) Dropout rates; 44996

(k) Rates of retention in grade; 44997

(l) For pupils in grades nine through twelve, the average 44998
number of carnegie units, as calculated in accordance with the 44999
director's rules; 45000

(m) Graduation rates, to be calculated in a manner 45001
specified by the department that reflects the rate at which 45002
students who were in the ninth grade three years prior to the 45003
current year complete school and that is consistent with 45004
nationally accepted reporting requirements; 45005

~~(n) Results of diagnostic assessments administered to 45006
kindergarten students as required under section 3301.0715 of the 45007
Revised Code to permit a comparison of the academic readiness of 45008
kindergarten students. However, no district shall be required to 45009
report to the department the results of any diagnostic 45010
assessment administered to a kindergarten student, except for 45011
the language and reading assessment described in division (A) (2) 45012
of section 3301.0715 of the Revised Code, if the parent of that 45013
student requests the district not to report those results. 45014~~

~~(o) The number of students earning each state diploma seal 45015~~

included in the system prescribed under division (A) of section 45016
3313.6114 of the Revised Code; 45017

~~(p)~~ (o) The number of students demonstrating competency 45018
for graduation using each option described in divisions (B) (1) 45019
(a) to (d) of section 3313.618 of the Revised Code; 45020

~~(q)~~ (p) The number of students completing each 45021
foundational and supporting option as part of the demonstration 45022
of competency for graduation pursuant to division (B) (1) (b) of 45023
section 3313.618 of the Revised Code; 45024

~~(r)~~ (q) The number of students enrolled in all-day 45025
kindergarten, as defined in section 3321.05 of the Revised Code. 45026

(2) Personnel and classroom enrollment data for each 45027
school district, including: 45028

(a) The total numbers of licensed employees and 45029
nonlicensed employees and the numbers of full-time equivalent 45030
licensed employees and nonlicensed employees providing each 45031
category of instructional service, instructional support 45032
service, and administrative support service used pursuant to 45033
division (C) (3) of this section. The guidelines adopted under 45034
this section shall require these categories of data to be 45035
maintained for the school district as a whole and, wherever 45036
applicable, for each grade in the school district as a whole, 45037
for each school building as a whole, and for each grade in each 45038
school building. 45039

(b) The total number of employees and the number of full- 45040
time equivalent employees providing each category of service 45041
used pursuant to divisions (C) (4) (a) and (b) of this section, 45042
and the total numbers of licensed employees and nonlicensed 45043
employees and the numbers of full-time equivalent licensed 45044

employees and nonlicensed employees providing each category used 45045
pursuant to division (C) (4) (c) of this section. The guidelines 45046
adopted under this section shall require these categories of 45047
data to be maintained for the school district as a whole and, 45048
wherever applicable, for each grade in the school district as a 45049
whole, for each school building as a whole, and for each grade 45050
in each school building. 45051

(c) The total number of regular classroom teachers 45052
teaching classes of regular education and the average number of 45053
pupils enrolled in each such class, in each of grades 45054
kindergarten through five in the district as a whole and in each 45055
school building in the school district. 45056

(d) The number of lead teachers employed by each school 45057
district and each school building. 45058

(3) (a) Student demographic data for each school district, 45059
including information regarding the gender ratio of the school 45060
district's pupils, the racial make-up of the school district's 45061
pupils, the number of English learners in the district, and an 45062
appropriate measure of the number of the school district's 45063
pupils who reside in economically disadvantaged households. The 45064
demographic data shall be collected in a manner to allow 45065
correlation with data collected under division (B) (1) of this 45066
section. Categories for data collected pursuant to division (B) 45067
(3) of this section shall conform, where appropriate, to 45068
standard practices of agencies of the federal government. 45069

(b) With respect to each student entering kindergarten, 45070
whether the student previously participated in a public 45071
preschool program, a private preschool program, or a head start 45072
program, and the number of years the student participated in 45073
each of these programs. 45074

(4) (a) The core curriculum and instructional materials 45075
being used for English language arts in each of grades pre- 45076
kindergarten to five; 45077

(b) The reading intervention programs being used in each 45078
of grades pre-kindergarten to twelve. 45079

(5) Beginning with the 2025-2026 school year, the causes 45080
of student absences from school, including at least all of the 45081
following: 45082

(a) Chronic illness requiring hospitalization; 45083

(b) Chronic illness not requiring hospitalization; 45084

(c) Temporary medical absence with written explanation 45085
from a family doctor; 45086

(d) Temporary medical absence with explanation from 45087
parent, guardian, or legal custodian; 45088

(e) Regular medical or dental appointment; 45089

(f) Family-selected extra-curricular activity; 45090

(g) International student exchange program; 45091

(h) Participation in agricultural organization activities; 45092

(i) Family travel; 45093

(j) Foster care placement; 45094

(k) Foster care - student school transfer; 45095

(l) Foster care - required visitation; 45096

(m) Foster care - medical appointment; 45097

(n) Lack of transportation by a school district, if the 45098
district regularly provides transportation; 45099

(o) Lack of transportation by parent, guardian, or 45100
custodian, if the school district does not regularly provide 45101
transportation; 45102

(p) Any additional categories identified through review of 45103
national and surrounding state best practices to identify the 45104
causes of student absences. 45105

(6) Any data required to be collected pursuant to federal 45106
law. 45107

(C) The education management information system shall 45108
include cost accounting data for each district as a whole and 45109
for each school building in each school district. The guidelines 45110
adopted under this section shall require the cost data for each 45111
school district to be maintained in a system of mutually 45112
exclusive cost units and shall require all of the costs of each 45113
school district to be divided among the cost units. The 45114
guidelines shall require the system of mutually exclusive cost 45115
units to include at least the following: 45116

(1) Administrative costs for the school district as a 45117
whole. The guidelines shall require the cost units under this 45118
division (C) (1) to be designed so that each of them may be 45119
compiled and reported in terms of average expenditure per pupil 45120
in enrolled ADM in the school district, as determined pursuant 45121
to section 3317.03 of the Revised Code. 45122

(2) Administrative costs for each school building in the 45123
school district. The guidelines shall require the cost units 45124
under this division (C) (2) to be designed so that each of them 45125
may be compiled and reported in terms of average expenditure per 45126
full-time equivalent pupil receiving instructional or support 45127
services in each building. 45128

(3) Instructional services costs for each category of 45129
instructional service provided directly to students and required 45130
by guidelines adopted pursuant to division (B) (1) (a) of this 45131
section. The guidelines shall require the cost units under 45132
division (C) (3) of this section to be designed so that each of 45133
them may be compiled and reported in terms of average 45134
expenditure per pupil receiving the service in the school 45135
district as a whole and average expenditure per pupil receiving 45136
the service in each building in the school district and in terms 45137
of a total cost for each category of service and, as a breakdown 45138
of the total cost, a cost for each of the following components: 45139

(a) The cost of each instructional services category 45140
required by guidelines adopted under division (B) (1) (a) of this 45141
section that is provided directly to students by a classroom 45142
teacher; 45143

(b) The cost of the instructional support services, such 45144
as services provided by a speech-language pathologist, classroom 45145
aide, multimedia aide, or librarian, provided directly to 45146
students in conjunction with each instructional services 45147
category; 45148

(c) The cost of the administrative support services 45149
related to each instructional services category, such as the 45150
cost of personnel that develop the curriculum for the 45151
instructional services category and the cost of personnel 45152
supervising or coordinating the delivery of the instructional 45153
services category. 45154

(4) Support or extracurricular services costs for each 45155
category of service directly provided to students and required 45156
by guidelines adopted pursuant to division (B) (1) (b) of this 45157
section. The guidelines shall require the cost units under 45158

division (C) (4) of this section to be designed so that each of 45159
them may be compiled and reported in terms of average 45160
expenditure per pupil receiving the service in the school 45161
district as a whole and average expenditure per pupil receiving 45162
the service in each building in the school district and in terms 45163
of a total cost for each category of service and, as a breakdown 45164
of the total cost, a cost for each of the following components: 45165

(a) The cost of each support or extracurricular services 45166
category required by guidelines adopted under division (B) (1) (b) 45167
of this section that is provided directly to students by a 45168
licensed employee, such as services provided by a guidance 45169
counselor or any services provided by a licensed employee under 45170
a supplemental contract; 45171

(b) The cost of each such services category provided 45172
directly to students by a nonlicensed employee, such as 45173
janitorial services, cafeteria services, or services of a sports 45174
trainer; 45175

(c) The cost of the administrative services related to 45176
each services category in division (C) (4) (a) or (b) of this 45177
section, such as the cost of any licensed or nonlicensed 45178
employees that develop, supervise, coordinate, or otherwise are 45179
involved in administering or aiding the delivery of each 45180
services category. 45181

(D) (1) The guidelines adopted under this section shall 45182
require school districts to collect information about individual 45183
students, staff members, or both in connection with any data 45184
required by division (B) or (C) of this section or other 45185
reporting requirements established in the Revised Code. The 45186
guidelines may also require school districts to report 45187
information about individual staff members in connection with 45188

any data required by division (B) or (C) of this section or 45189
other reporting requirements established in the Revised Code. 45190
The guidelines shall not authorize school districts to request 45191
social security numbers of individual students. The guidelines 45192
shall prohibit the reporting under this section of a student's 45193
name, address, and social security number to the department. The 45194
guidelines shall also prohibit the reporting under this section 45195
of any personally identifiable information about any student, 45196
except for the purpose of assigning the data verification code 45197
required by division (D) (2) of this section, to any other person 45198
unless such person is employed by the school district or the 45199
information technology center operated under section 3301.075 of 45200
the Revised Code and is authorized by the district or technology 45201
center to have access to such information or is employed by an 45202
entity with which the department contracts for the scoring or 45203
the development of state assessments. The guidelines may require 45204
school districts to provide the social security numbers of 45205
individual staff members and the county of residence for a 45206
student. Nothing in this section prohibits the department from 45207
providing a student's county of residence to the department of 45208
taxation to facilitate the distribution of tax revenue. 45209

(2) (a) The guidelines shall provide for each school 45210
district or community school to assign a data verification code 45211
that is unique on a statewide basis over time to each student 45212
whose initial Ohio enrollment is in that district or school and 45213
to report all required individual student data for that student 45214
utilizing such code. The guidelines shall also provide for 45215
assigning data verification codes to all students enrolled in 45216
districts or community schools on the effective date of the 45217
guidelines established under this section. The assignment of 45218
data verification codes for other entities, as described in 45219

division (D) (2) (d) of this section, the use of those codes, and 45220
the reporting and use of associated individual student data 45221
shall be coordinated by the department of education and 45222
workforce in accordance with state and federal law. 45223

School districts shall report individual student data to 45224
the department through the information technology centers 45225
utilizing the code. The entities described in division (D) (2) (d) 45226
of this section shall report individual student data to the 45227
department in the manner prescribed by the department. 45228

(b) (i) Except as provided in sections 3301.941, 3310.11, 45229
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 45230
Code, and in division (D) (2) (b) (ii) of this section, at no time 45231
shall the department have access to information that would 45232
enable any data verification code to be matched to personally 45233
identifiable student data. 45234

(ii) For the purpose of making per-pupil payments to 45235
community schools under section 3317.022 of the Revised Code, 45236
the department shall have access to information that would 45237
enable any data verification code to be matched to personally 45238
identifiable student data. 45239

(c) Each school district and community school shall ensure 45240
that the data verification code is included in the student's 45241
records reported to any subsequent school district, community 45242
school, or state institution of higher education, as defined in 45243
section 3345.011 of the Revised Code, in which the student 45244
enrolls. Any such subsequent district or school shall utilize 45245
the same identifier in its reporting of data under this section. 45246

(d) (i) The director of any state agency that administers a 45247
publicly funded program providing services to children who are 45248

younger than compulsory school age, as defined in section 45249
3321.01 of the Revised Code, including the directors of health, 45250
job and family services, mental health and addiction services, 45251
children and youth, and developmental disabilities, shall 45252
request and receive, pursuant to sections 3301.0723 and 5180.33 45253
of the Revised Code, a data verification code for a child who is 45254
receiving those services. 45255

(ii) The director of developmental disabilities, director 45256
of health, director of job and family services, director of 45257
children and youth, director of mental health and addiction 45258
services, medicaid director, executive director of the 45259
commission on minority health, executive director of the 45260
opportunities for Ohioans with disabilities agency, or director 45261
of education and workforce, on behalf of a program that receives 45262
public funds and provides services to children who are younger 45263
than compulsory school age, may request and receive, pursuant to 45264
section 3301.0723 of the Revised Code, a data verification code 45265
for a child who is receiving services from the program. 45266

(E) The guidelines adopted under this section may require 45267
school districts to collect and report data, information, or 45268
reports other than that described in divisions (A), (B), and (C) 45269
of this section for the purpose of complying with other 45270
reporting requirements established in the Revised Code. The 45271
other data, information, or reports may be maintained in the 45272
education management information system but are not required to 45273
be compiled as part of the profile formats required under 45274
division (G) of this section or the annual statewide report 45275
required under division (H) of this section. 45276

(F) The board of education of each school district shall 45277
annually collect and report to the department, in accordance 45278

with the guidelines established by the department, the data 45279
required pursuant to this section. A school district may collect 45280
and report these data notwithstanding section 2151.357 or 45281
3319.321 of the Revised Code. 45282

(G) The department shall, in accordance with the 45283
procedures it adopts, annually compile the data reported by each 45284
school district pursuant to division (D) of this section. The 45285
department shall design formats for profiling each school 45286
district as a whole and each school building within each 45287
district and shall compile the data in accordance with these 45288
formats. These profile formats shall: 45289

(1) Include all of the data gathered under this section in 45290
a manner that facilitates comparison among school districts and 45291
among school buildings within each school district; 45292

(2) Present the data on academic achievement levels as 45293
assessed by the testing of student achievement maintained 45294
pursuant to division (B) (1) (d) of this section. 45295

(H) (1) The department shall, in accordance with the 45296
procedures it adopts, annually prepare a statewide report for 45297
all school districts and the general public that includes the 45298
profile of each of the school districts developed pursuant to 45299
division (G) of this section. Copies of the report shall be sent 45300
to each school district. 45301

(2) The department shall, in accordance with the 45302
procedures it adopts, annually prepare an individual report for 45303
each school district and the general public that includes the 45304
profiles of each of the school buildings in that school district 45305
developed pursuant to division (G) of this section. 45306

(I) Any data that is collected or maintained pursuant to 45307

this section and that identifies an individual pupil is not a 45308
public record for the purposes of section 149.43 of the Revised 45309
Code. 45310

(J) As used in this section: 45311

(1) "School district" means any city, local, exempted 45312
village, or joint vocational school district and, in accordance 45313
with section 3314.17 of the Revised Code, any community school. 45314
As used in division (L) of this section, "school district" also 45315
includes any educational service center or other educational 45316
entity required to submit data using the system established 45317
under this section. 45318

(2) "Cost" means any expenditure for operating expenses 45319
made by a school district excluding any expenditures for debt 45320
retirement except for payments made to any commercial lending 45321
institution for any loan approved pursuant to section 3313.483 45322
of the Revised Code. 45323

(K) Any person who removes data from the information 45324
system established under this section for the purpose of 45325
releasing it to any person not entitled under law to have access 45326
to such information is subject to section 2913.42 of the Revised 45327
Code prohibiting tampering with data. 45328

(L) (1) In accordance with division (L) (2) of this section 45329
and the rules adopted under division (L) (10) of this section, 45330
the department may sanction any school district that reports 45331
incomplete or inaccurate data, reports data that does not 45332
conform to data requirements and descriptions published by the 45333
department, fails to report data in a timely manner, or 45334
otherwise does not make a good faith effort to report data as 45335
required by this section. 45336

(2) If the department decides to sanction a school 45337
district under this division, the department shall take the 45338
following sequential actions: 45339

(a) Notify the district in writing that the department has 45340
determined that data has not been reported as required under 45341
this section and require the district to review its data 45342
submission and submit corrected data by a deadline established 45343
by the department. The department also may require the district 45344
to develop a corrective action plan, which shall include 45345
provisions for the district to provide mandatory staff training 45346
on data reporting procedures. 45347

(b) Withhold up to ten per cent of the total amount of 45348
state funds due to the district for the current fiscal year and, 45349
if not previously required under division (L) (2) (a) of this 45350
section, require the district to develop a corrective action 45351
plan in accordance with that division; 45352

(c) Withhold an additional amount of up to twenty per cent 45353
of the total amount of state funds due to the district for the 45354
current fiscal year; 45355

(d) Direct department staff or an outside entity to 45356
investigate the district's data reporting practices and make 45357
recommendations for subsequent actions. The recommendations may 45358
include one or more of the following actions: 45359

(i) Arrange for an audit of the district's data reporting 45360
practices by department staff or an outside entity; 45361

(ii) Conduct a site visit and evaluation of the district; 45362

(iii) Withhold an additional amount of up to thirty per 45363
cent of the total amount of state funds due to the district for 45364
the current fiscal year; 45365

- (iv) Continue monitoring the district's data reporting; 45366
- (v) Assign department staff to supervise the district's 45367
data management system; 45368
- (vi) Conduct an investigation to determine whether to 45369
suspend or revoke the license of any district employee in 45370
accordance with division (N) of this section; 45371
- (vii) If the district is issued a report card under 45372
section 3302.03 of the Revised Code, indicate on the report card 45373
that the district has been sanctioned for failing to report data 45374
as required by this section; 45375
- (viii) If the district is issued a report card under 45376
section 3302.03 of the Revised Code and incomplete or inaccurate 45377
data submitted by the district likely caused the district to 45378
receive a higher performance rating than it deserved under that 45379
section, issue a revised report card for the district; 45380
- (ix) Any other action designed to correct the district's 45381
data reporting problems. 45382
- (3) Any time the department takes an action against a 45383
school district under division (L)(2) of this section, the 45384
department shall make a report of the circumstances that 45385
prompted the action. The department shall send a copy of the 45386
report to the district superintendent or chief administrator and 45387
maintain a copy of the report in its files. 45388
- (4) If any action taken under division (L)(2) of this 45389
section resolves a school district's data reporting problems to 45390
the department's satisfaction, the department shall not take any 45391
further actions described by that division. If the department 45392
withheld funds from the district under that division, the 45393
department may release those funds to the district, except that 45394

if the department withheld funding under division (L) (2) (c) of 45395
this section, the department shall not release the funds 45396
withheld under division (L) (2) (b) of this section and, if the 45397
department withheld funding under division (L) (2) (d) of this 45398
section, the department shall not release the funds withheld 45399
under division (L) (2) (b) or (c) of this section. 45400

(5) Notwithstanding anything in this section to the 45401
contrary, the department may use its own staff or an outside 45402
entity to conduct an audit of a school district's data reporting 45403
practices any time the department has reason to believe the 45404
district has not made a good faith effort to report data as 45405
required by this section. If any audit conducted by an outside 45406
entity under division (L) (2) (d) (i) or (5) of this section 45407
confirms that a district has not made a good faith effort to 45408
report data as required by this section, the district shall 45409
reimburse the department for the full cost of the audit. The 45410
department may withhold state funds due to the district for this 45411
purpose. 45412

(6) Prior to issuing a revised report card for a school 45413
district under division (L) (2) (d) (viii) of this section, the 45414
department may hold a hearing to provide the district with an 45415
opportunity to demonstrate that it made a good faith effort to 45416
report data as required by this section. The hearing shall be 45417
conducted by a referee appointed by the department. Based on the 45418
information provided in the hearing, the referee shall recommend 45419
whether the department should issue a revised report card for 45420
the district. If the referee affirms the department's contention 45421
that the district did not make a good faith effort to report 45422
data as required by this section, the district shall bear the 45423
full cost of conducting the hearing and of issuing any revised 45424
report card. 45425

(7) If the department determines that any inaccurate data 45426
reported under this section caused a school district to receive 45427
excess state funds in any fiscal year, the district shall 45428
reimburse the department an amount equal to the excess funds, in 45429
accordance with a payment schedule determined by the department. 45430
The department may withhold state funds due to the district for 45431
this purpose. 45432

(8) Any school district that has funds withheld under 45433
division (L) (2) of this section may appeal the withholding in 45434
accordance with Chapter 119. of the Revised Code. 45435

(9) In all cases of a disagreement between the department 45436
and a school district regarding the appropriateness of an action 45437
taken under division (L) (2) of this section, the burden of proof 45438
shall be on the district to demonstrate that it made a good 45439
faith effort to report data as required by this section. 45440

(10) The director of education and workforce shall adopt 45441
rules under Chapter 119. of the Revised Code to implement 45442
division (L) of this section. 45443

(M) No information technology center or school district 45444
shall acquire, change, or update its student administration 45445
software package to manage and report data required to be 45446
reported to the department unless it converts to a student 45447
software package that is certified by the department. 45448

(N) The state board of education, in accordance with 45449
sections 3319.31 and 3319.311 of the Revised Code, may suspend 45450
or revoke a license as defined under division (A) of section 45451
3319.31 of the Revised Code that has been issued to any school 45452
district employee found to have willfully reported erroneous, 45453
inaccurate, or incomplete data to the education management 45454

information system. 45455

(O) No person shall release or maintain any information 45456
about any student in violation of this section. Whoever violates 45457
this division is guilty of a misdemeanor of the fourth degree. 45458

~~(P) The department shall disaggregate the data collected 45459
under division (B) (1) (n) of this section according to the race 45460
and socioeconomic status of the students assessed. 45461~~

~~(Q) If the department cannot compile any of the 45462
information required by division (I) of section 3302.03 of the 45463
Revised Code based upon the data collected under this section, 45464
the department shall develop a plan and a reasonable timeline 45465
for the collection of any data necessary to comply with that 45466
division. 45467~~

Sec. 3301.0715. (A) Except as required under division (B) 45468
(1) of section 3313.608 or as specified in division (D) (3) of 45469
section 3301.079 of the Revised Code, the board of education of 45470
each city, local, and exempted village school district shall 45471
administer each applicable diagnostic assessment developed and 45472
provided to the district in accordance with section 3301.079 of 45473
the Revised Code to the following: 45474

(1) Any student who transfers into the district or to a 45475
different school within the district if each applicable 45476
diagnostic assessment was not administered by the district or 45477
school the student previously attended in the current school 45478
year, within thirty days after the date of transfer. If the 45479
district or school into which the student transfers cannot 45480
determine whether the student has taken any applicable 45481
diagnostic assessment in the current school year, the district 45482
or school may administer the diagnostic assessment to the 45483

student. However, if a student transfers into the district prior 45484
to the administration of the diagnostic assessments to all 45485
students under division (B) of this section, the district may 45486
administer the diagnostic assessments to that student on the 45487
date or dates determined under that division. 45488

~~(2) Each kindergarten student, not earlier than the first 45489
day of July of the school year and not later than the twentieth 45490
day of instruction of that school year. 45491~~

~~For the purpose of division (A) (2) of this section, the 45492
district shall administer the kindergarten readiness assessment 45493
provided by the department of children and youth. In no case 45494
shall the results of the readiness assessment be used to 45495
prohibit a student from enrolling in kindergarten. 45496~~

~~(3) Each student enrolled in first, second, or third 45497
grade. 45498~~

Division (A) of this section does not apply to students 45499
with significant cognitive disabilities, as defined by the 45500
department. 45501

(B) Each district board shall administer each diagnostic 45502
assessment when the board deems appropriate, provided the 45503
administration complies with section 3313.608 of the Revised 45504
Code. However, the board shall administer any diagnostic 45505
assessment at least once annually to all students in the 45506
appropriate grade level. A district board may administer any 45507
diagnostic assessment in the fall and spring of a school year to 45508
measure the amount of academic growth attributable to the 45509
instruction received by students during that school year. 45510

(C) A district may use different diagnostic assessments 45511
from those adopted under division (D) of section 3301.079 of the 45512

Revised Code in order to satisfy the requirements of division 45513
(A) (3) of this section if the district meets either of the 45514
following conditions for the immediately preceding school year: 45515

(1) The district received a grade of "A" or "B" for the 45516
performance index score under division (C) (1) (b) of section 45517
3302.03 of the Revised Code or for the value-added progress 45518
dimension under division (C) (1) (e) of that section. 45519

(2) The district received a performance rating of four 45520
stars or higher for achievement under division (D) (3) (b) of 45521
section 3302.03 of the Revised Code or for progress under 45522
division (D) (3) (c) of that section. 45523

(D) Each district board shall utilize and score any 45524
diagnostic assessment administered under division (A) of this 45525
section in accordance with rules established by the department 45526
of education ~~or the department of children and youth~~ and 45527
workforce. After the administration of any diagnostic 45528
assessment, each district shall provide a student's completed 45529
diagnostic assessment, the results of such assessment, and any 45530
other accompanying documents used during the administration of 45531
the assessment to the parent of that student, and shall include 45532
all such documents and information in any plan developed for the 45533
student under division (C) of section 3313.608 of the Revised 45534
Code. Each district shall submit, in the manner prescribed by 45535
~~each the~~ department, the results of ~~the all~~ diagnostic 45536
assessments administered under this section, regardless of the 45537
type of assessment used under section 3313.608 of the Revised 45538
Code ~~as follows:~~ 45539

~~(1) The results of the kindergarten readiness assessment~~ 45540
~~to the department of children and youth;~~ 45541

~~(2) The results of all diagnostic assessments to the~~ 45542
~~department of education.~~ 45543

The department of education ~~and the department of children~~ 45544
~~and youth and workforce~~ may issue reports with respect to the 45545
data collected. ~~Either The~~ department may ~~report school and~~ 45546
~~district level kindergarten diagnostic assessment data and use~~ 45547
diagnostic assessment data to calculate the measures prescribed 45548
by divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of section 45549
3302.03 of the Revised Code ~~and the data reported under division~~ 45550
~~(D) (2) (e) of that section.~~ 45551

(E) Each district board shall provide intervention 45552
services to students whose diagnostic assessments show that they 45553
are failing to make satisfactory progress toward attaining the 45554
academic standards for their grade level. 45555

(F) ~~Any chartered nonpublic school may elect to administer~~ 45556
~~the kindergarten readiness assessment to all kindergarten~~ 45557
~~students enrolled in the school. If the school so elects, the~~ 45558
~~chief administrator of the school shall notify the director of~~ 45559
~~children and youth not later than the thirty-first day of March~~ 45560
~~prior to any school year in which the school will administer the~~ 45561
~~assessment. The department of children and youth shall furnish~~ 45562
~~the assessment to the school at no cost to the school. In~~ 45563
~~administering the assessment, the school shall do all of the~~ 45564
~~following:~~ 45565

~~(1) Enter into a written agreement with the department of~~ 45566
~~children and youth specifying that the school will share each~~ 45567
~~participating student's assessment data with the department of~~ 45568
~~education and the department of children and youth and, that for~~ 45569
~~the purpose of reporting the data to the department of education~~ 45570
~~and department of children and youth, each participating student~~ 45571

~~will be assigned a data verification code as described in~~ 45572
~~division (D) (2) of section 3301.0714 of the Revised Code;~~ 45573

~~(2) Require the assessment to be administered by a teacher~~ 45574
~~certified under section 3301.071 of the Revised Code who either~~ 45575
~~has completed training on administering the kindergarten~~ 45576
~~readiness assessment provided by the department of children and~~ 45577
~~youth or has been trained by another person who has completed~~ 45578
~~such training;~~ 45579

~~(3) Administer the assessment in the same manner as school~~ 45580
~~districts are required to do under this section and the rules~~ 45581
~~established under division (D) of this section.~~ 45582

~~(G)~~ A school district in which less than eighty per cent 45583
of its students score at the proficient level or higher on the 45584
third-grade English language arts assessment prescribed under 45585
section 3301.0710 of the Revised Code shall establish a reading 45586
improvement plan supported by reading specialists. Prior to 45587
implementation, the plan shall be approved by the school 45588
district board of education. 45589

Sec. 3301.0723. (A) All of the following apply to the 45590
independent contractor engaged by the department of education 45591
and workforce to create and maintain for school districts and 45592
community schools the student data verification codes required 45593
by division (D) (2) of section 3301.0714 of the Revised Code: 45594

(1) Upon request of the director of any state agency that 45595
administers a publicly funded program providing services to 45596
children who are younger than compulsory school age, including 45597
the directors of health, children and youth, mental health and 45598
addiction services, and developmental disabilities, the 45599
contractor shall assign a data verification code to a child who 45600

is receiving such services and shall provide that code to the 45601
director. 45602

(2) Upon request of the director of developmental 45603
disabilities, director of health, director of job and family 45604
services, director of children and youth, director of mental 45605
health and addiction services, medicaid director, executive 45606
director of the commission on minority health, executive 45607
director of the opportunities for Ohioans with disabilities 45608
agency, or director of education and workforce and on behalf of 45609
a program that receives public funds and provides services to 45610
children younger than compulsory school age, the contractor 45611
shall assign a data verification code to a child who is 45612
receiving such services from the program and shall provide that 45613
code to the director. 45614

(3) The contractor also shall provide the codes requested 45615
under division (A) of this section to the department of 45616
education and workforce. 45617

For purposes of division (A) of this section, "compulsory 45618
school age" has the same meaning as in section 3321.01 of the 45619
Revised Code. 45620

(B) The director of a state agency that receives a child's 45621
data verification code under division (A)(1) of this section 45622
shall use that code to submit information for that child to the 45623
department of education and workforce in accordance with section 45624
3301.0714 of the Revised Code. 45625

The director of a state agency that receives a child's 45626
data verification code under division (A)(2) of this section 45627
shall provide that code to the publicly or privately funded 45628
program providing services to the child. The program shall use 45629

that code to submit information for that child to the department 45630
of education and workforce in accordance with section 3301.0714 45631
of the Revised Code, but only to the extent permitted by federal 45632
law. 45633

(C) A public school that receives from the independent 45634
contractor the data verification code for a child assigned under 45635
division (A) of this section shall not request or assign to that 45636
child another data verification code under division (D) (2) of 45637
section 3301.0714 of the Revised Code. That school and any other 45638
public school in which the child subsequently enrolls shall use 45639
the data verification code assigned under division (A) of this 45640
section to report data relative to that student required under 45641
section 3301.0714 of the Revised Code. 45642

Sec. 3301.0727. (A) As used in this section, "dropout 45643
prevention and recovery community school" has the same meaning 45644
as in section ~~3319.301~~ 3314.02 of the Revised Code. 45645

(B) Notwithstanding any provision to the contrary in 45646
section 3301.0710, 3301.0711, or 3301.0712 of the Revised Code, 45647
a dropout prevention and recovery community school shall do both 45648
of the following with regard to the administration of end-of- 45649
course examinations required under section 3301.0712 of the 45650
Revised Code: 45651

(1) In addition to the annual testing windows established 45652
by the director of education and workforce under division (C) of 45653
section 3301.0710 of the Revised Code, administer the 45654
examinations in an online or paper format based on the needs of 45655
the student; 45656

(2) Adhere to security requirements prescribed under 45657
section 3319.151 of the Revised Code for the online examinations 45658

administered under division (B) (1) of this section. 45659

(C) The director of education and workforce shall 45660
establish extended testing windows of ten weeks in duration in 45661
the fall and spring for dropout prevention and recovery 45662
community schools so that they may administer assessments in 45663
closer proximity to when students complete related coursework. 45664
The director also shall establish a summer testing window for 45665
students participating in summer instruction. 45666

(D) Nothing in this section shall be construed to relieve 45667
a dropout prevention and recovery community school from its 45668
obligation to administer testing in-person as otherwise required 45669
by law. 45670

Sec. 3301.136. The department of education and workforce 45671
shall compile a list of tutoring programs that it considers to 45672
be of high quality and have the potential to accelerate learning 45673
for students in the areas of English language arts, mathematics, 45674
science, and social studies. For this purpose, the department 45675
shall request the qualifications of public and private entities 45676
that provide tutoring programs for students. The requested 45677
qualifications shall include program efficacy data or other 45678
evidence of program effectiveness for students who participate 45679
in the tutoring programs. The department shall establish a 45680
rubric to evaluate the programs and determine a minimum score 45681
for a tutoring program to be included on the department's list. 45682

In compiling the list, the department may designate 45683
individual tutoring programs as more appropriate for certain 45684
grade levels, populations of students, or subject areas. 45685

The department shall immediately remove from the list any 45686
tutoring program in the area of English language arts that the 45687

department determines is not aligned to the science of reading 45688
or uses a three-cueing approach, as defined in section 3313.6028 45689
of the Revised Code. 45690

The department may establish multiple application periods 45691
in any school year for entities to submit their qualifications 45692
for consideration to be included on the list. However, the 45693
department shall post the initial list of tutoring programs on 45694
the department's web site not later than October 1, 2022. After 45695
the initial list is posted, the department shall, at least every 45696
three years thereafter, provide an opportunity for entities to 45697
submit their qualifications for consideration to be included on 45698
the list and post an updated list of tutoring programs on the 45699
department's web site. No school district or school shall be 45700
required to use a tutoring program on the list. 45701

Sec. 3301.165. (A) As used in this section: 45702

(1) "Adjusted gross income" has the same meaning as in 45703
section 5747.01 of the Revised Code. 45704

(2) "Federal poverty guidelines" has the same meaning as 45705
in section 5101.46 of the Revised Code. 45706

(3) "Community school" means a community school 45707
established under Chapter 3314. of the Revised Code. 45708

(4) "Scholarship student" means a student who is 45709
participating in a state scholarship program. 45710

(5) "State scholarship programs" has the same meaning as 45711
in section 3301.0711 of the Revised Code. 45712

(6) "STEM school" means a STEM school established under 45713
Chapter 3326. of the Revised Code. 45714

(B) The department of education and workforce shall 45715

establish a system by which an individual may compare the 45716
performance data of scholarship students enrolled in a chartered 45717
nonpublic school with the performance data of similar students 45718
enrolled in the school district in which the school is located 45719
or a community school, STEM school, or other chartered nonpublic 45720
school in that district. The department shall make the system 45721
available on its publicly accessible web site. 45722

In calculating the performance of similar students under 45723
this section, the department shall consider age, grade, race and 45724
ethnicity, gender, and socioeconomic status. 45725

(C) (1) Annually, the department shall post on its publicly 45726
accessible web site the number of students who receive an 45727
educational choice scholarship under section 3310.032 of the 45728
Revised Code and, as the data is available, students who receive 45729
educational choice scholarships under section 3310.03 of the 45730
Revised Code and the pilot project scholarship program 45731
established under sections 3313.974 to 3313.979 of the Revised 45732
Code disaggregated according to the following categories: 45733

(a) Students with a family adjusted gross income at or 45734
below four hundred fifty per cent of the federal poverty 45735
guidelines; 45736

(b) Students with a family adjusted gross income above 45737
four hundred fifty per cent of the federal poverty guidelines, 45738
but at or below five hundred per cent of the federal poverty 45739
guidelines; 45740

(c) Students with a family adjusted gross income above 45741
five hundred per cent of the federal poverty guidelines, but at 45742
or below five hundred fifty per cent of the federal poverty 45743
guidelines; 45744

(d) Students with a family adjusted gross income above 45745
five hundred fifty per cent of the federal poverty guidelines, 45746
but at or below six hundred per cent of the federal poverty 45747
guidelines; 45748

(e) Students with a family adjusted gross income above six 45749
hundred per cent of the federal poverty guidelines, but at or 45750
below six hundred fifty per cent of the federal poverty 45751
guidelines; 45752

(f) Students with a family adjusted gross income above six 45753
hundred fifty per cent of the federal poverty guidelines, but at 45754
or below seven hundred per cent of the federal poverty 45755
guidelines; 45756

(g) Students with a family adjusted gross income above 45757
seven hundred per cent of the federal poverty guidelines, but at 45758
or below seven hundred fifty per cent of the federal poverty 45759
guidelines; 45760

(h) Students with a family adjusted gross income above 45761
seven hundred fifty per cent of the federal poverty guidelines. 45762

The department may disaggregate data under division (C) (1) 45763
of this section according to other categories that the 45764
department determines are appropriate. 45765

(2) The department of education and workforce shall 45766
request from the department of taxation any data necessary for 45767
the department of education and workforce to compute and post 45768
data as required under division (C) (1) of this section. 45769

(D) Annually, the department shall post on its publicly 45770
accessible web site all of the following for each chartered 45771
nonpublic school: 45772

<u>(1) The school's total enrollment;</u>	45773
<u>(2) The number of scholarship students enrolled in the</u>	45774
<u>school, disaggregated by whether, in the prior school year, the</u>	45775
<u>students were enrolled in one of the following:</u>	45776
<u>(a) That school;</u>	45777
<u>(b) A different chartered nonpublic school;</u>	45778
<u>(c) A nonchartered nonpublic school;</u>	45779
<u>(d) A city, local, or exempted village school district;</u>	45780
<u>(e) A community school;</u>	45781
<u>(f) A STEM school;</u>	45782
<u>(g) If the student was not enrolled in a district or</u>	45783
<u>school in the prior school year, whether either of the following</u>	45784
<u>apply to the student:</u>	45785
<u>(i) The student, in the prior school year, was exempted</u>	45786
<u>from attendance at school for the purpose of home education</u>	45787
<u>under section 3321.042 of the Revised Code.</u>	45788
<u>(ii) The student, in the current school year, is enrolling</u>	45789
<u>in school in this state for the first time.</u>	45790
<u>(3) The total amount of state support received by the</u>	45791
<u>school through all of the following:</u>	45792
<u>(a) State scholarship programs;</u>	45793
<u>(b) Auxiliary services payments as described under</u>	45794
<u>division (E) of section 3317.024 of the Revised Code;</u>	45795
<u>(c) Administrative and clerical services cost</u>	45796
<u>reimbursements as described in section 3317.063 of the Revised</u>	45797
<u>Code.</u>	45798

Sec. 3301.221. (A) As used in this section and section 45799
3313.60 of the Revised Code, "evidence-based" means a program or 45800
practice that does either of the following: 45801

(1) Demonstrates a rationale based on high-quality 45802
research findings or positive evaluation that such a program or 45803
practice is likely to improve relevant outcomes and includes 45804
ongoing efforts to examine the effects of the program or 45805
practice; 45806

(2) Has a statistically significant effect on relevant 45807
outcomes based on: 45808

(a) Strong evidence from at least one well-designed and 45809
well-implemented experimental study; 45810

(b) Moderate evidence from at least one well-designed and 45811
well-implemented quasi-experimental study; or 45812

(c) Promising evidence from at least one well-designed and 45813
well-implemented correlation study with statistical controls for 45814
selection bias. 45815

(B) The department of education and workforce, in 45816
consultation with the department of public safety and the 45817
department of mental health and addiction services, shall 45818
maintain a universal list of approved training programs, to be 45819
posted on the department of education and workforce's web site, 45820
for instruction in suicide awareness and prevention and violence 45821
prevention as prescribed under division (A) (5) (h) of section 45822
3313.60 and division (D) of section 3319.073 of the Revised 45823
Code. The list of approved training programs shall include at 45824
least one option that is free or of no cost to schools. The 45825
approved training programs shall be evidence-based and include 45826
the following: 45827

(1) How to instruct school personnel to identify the signs 45828
and symptoms of depression, suicide, and self-harm in students; 45829

(2) How to instruct students to identify the signs and 45830
symptoms of depression, suicide, and self-harm in their peers; 45831

(3) How to identify appropriate mental health services 45832
within schools and within larger communities, and when and how 45833
to refer youth and their families to those services; 45834

(4) How to teach students about mental health and 45835
depression, warning signs of suicide, and the importance of and 45836
processes for seeking help on behalf of self and peers and 45837
reporting of these behaviors; 45838

(5) How to identify observable warning signs and signals 45839
of individuals who may be a threat to themselves or others; 45840

(6) The importance of taking threats seriously and seeking 45841
help; 45842

(7) How students can report dangerous, violent, 45843
threatening, harmful, or potentially harmful activity, including 45844
the use of the district's chosen anonymous reporting program. 45845

(C) The department of education and workforce, in 45846
consultation with the department of mental health and addiction 45847
services, shall maintain a list of approved training programs, 45848
to be posted on the department of education and workforce's web 45849
site, for instruction in social inclusion as prescribed by 45850
division (A) (5) (j) of section 3313.60 of the Revised Code. The 45851
list of approved training programs shall include at least one 45852
option that is free or of no cost to schools. The approved 45853
training programs shall be evidence-based and include the 45854
following: 45855

(1) What social isolation is and how to identify it in 45856
others; 45857

(2) What social inclusion is and the importance of 45858
establishing connections with peers; 45859

(3) When and how to seek help for peers who may be 45860
socially isolated; 45861

(4) How to utilize strategies for more social inclusion in 45862
classrooms and the school community. 45863

(D) A program that uses the success sequence curriculum 45864
provided by Ohio adolescent health centers shall qualify as an 45865
approved evidence-based training program under this section and 45866
be considered to meet the minimum requirements to teach risk 45867
prevention skills across the required subject areas to youth. 45868

Sec. 3301.24. (A) Not later than December 31, 2025, the 45869
department of education and workforce shall develop a model 45870
policy on the use of artificial intelligence in schools. The 45871
model policy shall address appropriate use of artificial 45872
intelligence by students and staff for educational purposes. 45873

(B) Not later than July 1, 2026, each school district, 45874
community school established under Chapter 3314. of the Revised 45875
Code, and STEM school established under Chapter 3326. of the 45876
Revised Code shall adopt a policy on the use of artificial 45877
intelligence. The district or school may adopt the department's 45878
model policy developed under division (A) of this section. 45879

Sec. 3301.541. (A) (1) The director, head teacher, 45880
elementary principal, or site administrator of a preschool 45881
program shall request the superintendent of the bureau of 45882
criminal identification and investigation to conduct a criminal 45883
records check with respect to any applicant who has applied to 45884

the preschool program for employment as a person responsible for 45885
the care, custody, or control of a child. If the applicant does 45886
not present proof that the applicant has been a resident of this 45887
state for the five-year period immediately prior to the date 45888
upon which the criminal records check is requested or does not 45889
provide evidence that within that five-year period the 45890
superintendent has requested information about the applicant 45891
from the federal bureau of investigation in a criminal records 45892
check, the director, head teacher, or elementary principal shall 45893
request that the superintendent obtain information from the 45894
federal bureau of investigation as a part of the criminal 45895
records check for the applicant. If the applicant presents proof 45896
that the applicant has been a resident of this state for that 45897
five-year period, the director, head teacher, or elementary 45898
principal may request that the superintendent include 45899
information from the federal bureau of investigation in the 45900
criminal records check. 45901

(2) Any director, head teacher, elementary principal, or 45902
site administrator required by division (A)(1) of this section 45903
to request a criminal records check shall provide to each 45904
applicant a copy of the form prescribed pursuant to division (C) 45905
(1) of section 109.572 of the Revised Code, provide to each 45906
applicant a standard impression sheet to obtain fingerprint 45907
impressions prescribed pursuant to division (C)(2) of section 45908
109.572 of the Revised Code, obtain the completed form and 45909
impression sheet from each applicant, and forward the completed 45910
form and impression sheet to the superintendent of the bureau of 45911
criminal identification and investigation at the time the person 45912
requests a criminal records check pursuant to division (A)(1) of 45913
this section. 45914

(3) Any applicant who receives pursuant to division (A)(2) 45915

of this section a copy of the form prescribed pursuant to 45916
division (C) (1) of section 109.572 of the Revised Code and a 45917
copy of an impression sheet prescribed pursuant to division (C) 45918
(2) of that section and who is requested to complete the form 45919
and provide a set of fingerprint impressions shall complete the 45920
form or provide all the information necessary to complete the 45921
form and provide the impression sheet with the impressions of 45922
the applicant's fingerprints. If an applicant, upon request, 45923
fails to provide the information necessary to complete the form 45924
or fails to provide impressions of the applicant's fingerprints, 45925
the preschool program shall not employ that applicant for any 45926
position for which a criminal records check is required by 45927
division (A) (1) of this section. 45928

(B) (1) Except as provided in rules adopted by the 45929
department of ~~education and workforce~~ children and youth in 45930
accordance with division (E) of this section, no preschool 45931
program shall employ a person as a person responsible for the 45932
care, custody, or control of a child if the person previously 45933
has been convicted of or pleaded guilty to any of the following: 45934

(a) A violation of section 2903.01, 2903.02, 2903.03, 45935
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 45936
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 45937
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 45938
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 45939
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 45940
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 45941
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 45942
section 2905.04 of the Revised Code as it existed prior to July 45943
1, 1996, a violation of section 2919.23 of the Revised Code that 45944
would have been a violation of section 2905.04 of the Revised 45945
Code as it existed prior to July 1, 1996, had the violation 45946

occurred prior to that date, a violation of section 2925.11 of 45947
the Revised Code that is not a minor drug possession offense, or 45948
felonious sexual penetration in violation of former section 45949
2907.12 of the Revised Code; 45950

(b) A violation of an existing or former law of this 45951
state, any other state, or the United States that is 45952
substantially equivalent to any of the offenses or violations 45953
described in division (B) (1) (a) of this section. 45954

(2) A preschool program may employ an applicant 45955
conditionally until the criminal records check required by this 45956
section is completed and the preschool program receives the 45957
results of the criminal records check. If the results of the 45958
criminal records check indicate that, pursuant to division (B) 45959
(1) of this section, the applicant does not qualify for 45960
employment, the preschool program shall release the applicant 45961
from employment. 45962

(C) (1) Each preschool program shall pay to the bureau of 45963
criminal identification and investigation the fee prescribed 45964
pursuant to division (C) (3) of section 109.572 of the Revised 45965
Code for each criminal records check conducted in accordance 45966
with that section upon the request pursuant to division (A) (1) 45967
of this section of the director, head teacher, elementary 45968
principal, or site administrator of the preschool program. 45969

(2) A preschool program may charge an applicant a fee for 45970
the costs it incurs in obtaining a criminal records check under 45971
this section. A fee charged under this division shall not exceed 45972
the amount of fees the preschool program pays under division (C) 45973
(1) of this section. If a fee is charged under this division, 45974
the preschool program shall notify the applicant at the time of 45975
the applicant's initial application for employment of the amount 45976

of the fee and that, unless the fee is paid, the applicant will 45977
not be considered for employment. 45978

(D) The report of any criminal records check conducted by 45979
the bureau of criminal identification and investigation in 45980
accordance with section 109.572 of the Revised Code and pursuant 45981
to a request under division (A) (1) of this section is not a 45982
public record for the purposes of section 149.43 of the Revised 45983
Code and shall not be made available to any person other than 45984
the applicant who is the subject of the criminal records check 45985
or the applicant's representative, the preschool program 45986
requesting the criminal records check or its representative, and 45987
any court, hearing officer, or other necessary individual in a 45988
case dealing with the denial of employment to the applicant. 45989

(E) The department of ~~education and workforce~~ children and 45990
youth shall adopt rules pursuant to Chapter 119. of the Revised 45991
Code to implement this section, including rules specifying 45992
circumstances under which a preschool program may hire a person 45993
who has been convicted of an offense listed in division (B) (1) 45994
of this section but who meets standards in regard to 45995
rehabilitation set by the department. 45996

(F) Any person required by division (A) (1) of this section 45997
to request a criminal records check shall inform each person, at 45998
the time of the person's initial application for employment, 45999
that the person is required to provide a set of impressions of 46000
the person's fingerprints and that a criminal records check is 46001
required to be conducted and satisfactorily completed in 46002
accordance with section 109.572 of the Revised Code if the 46003
person comes under final consideration for appointment or 46004
employment as a precondition to employment for that position. 46005

(G) As used in this section: 46006

(1) "Applicant" means a person who is under final
consideration for appointment or employment in a position with a
preschool program as a person responsible for the care, custody,
or control of a child, except that "applicant" does not include
a person already employed by a board of education, community
school, or chartered nonpublic school in a position of care,
custody, or control of a child who is under consideration for a
different position with such board or school.

(2) "Criminal records check" has the same meaning as in
section 109.572 of the Revised Code.

(3) "Minor drug possession offense" has the same meaning
as in section 2925.01 of the Revised Code.

(H) If the board of education of a local school district
adopts a resolution requesting the assistance of the educational
service center in which the local district has territory in
conducting criminal records checks of substitute teachers under
this section, the appointing or hiring officer of such
educational service center governing board shall serve for
purposes of this section as the appointing or hiring officer of
the local board in the case of hiring substitute teachers for
employment in the local district.

Sec. 3301.57. (A) For the purpose of improving programs,
facilities, and implementation of the standards promulgated
under section 3301.53 of the Revised Code, ~~the department of~~
~~education and workforce and the department of children and youth~~
shall provide consultation and technical assistance to school
districts, county boards of developmental disabilities,
community schools, authorized private before and after school
care programs, and eligible nonpublic schools operating
preschool programs or school child programs, and in-service

training to preschool staff members, school child program staff 46037
members, and nonteaching employees. 46038

(B) The department of education and workforce, the 46039
department of children and youth, and the school district board 46040
of education, county board of developmental disabilities, 46041
community school, or eligible nonpublic school shall jointly 46042
monitor each preschool program and each school child program. 46043

If the program receives any grant or other funding from 46044
the state or federal government, the department of education and 46045
workforce and the department of children and youth annually 46046
shall monitor all reports on attendance, financial support, and 46047
expenditures according to provisions for use of the funds. 46048

(C) The ~~department of education and workforce and the~~ 46049
department of children and youth, at least once during every 46050
twelve-month period of operation of a preschool program or a 46051
licensed school child program, shall inspect the program and 46052
provide a written inspection report to the superintendent of the 46053
school district, county board of developmental disabilities, 46054
community school, or eligible nonpublic school. The ~~departments~~ 46055
department may inspect any program more than once, as considered 46056
necessary by the ~~departments~~ department, during any twelve-month 46057
period of operation. All inspections may be unannounced. No 46058
person shall interfere with any inspection conducted pursuant to 46059
this division or to the rules adopted pursuant to sections 46060
3301.52 to 3301.59 of the Revised Code. 46061

Upon receipt of any complaint that a preschool program or 46062
a licensed school child program is out of compliance with the 46063
requirements in sections 3301.52 to 3301.59 of the Revised Code 46064
or the rules adopted under those sections, the department of 46065
children and youth shall investigate and may inspect the 46066

program. If the complaint is related to a teacher, the 46067
department shall coordinate with the ~~department~~ state board of 46068
education to investigate and take action on a teacher's license. 46069

(D) If a preschool program or a licensed school child 46070
program is determined to be out of compliance with the 46071
requirements of sections 3301.52 to 3301.59 of the Revised Code 46072
or the rules adopted under those sections, the department of 46073
children and youth shall notify the appropriate superintendent, 46074
county board of developmental disabilities, community school, 46075
authorized private before and after school care program, or 46076
eligible nonpublic school in writing regarding the nature of the 46077
violation, what must be done to correct the violation, and by 46078
what date the correction must be made. If the correction is not 46079
made by the date established by the department, it may commence 46080
action under Chapter 119. of the Revised Code to close the 46081
program or to revoke the license of the program. If a program 46082
does not comply with an order to cease operation issued in 46083
accordance with Chapter 119. of the Revised Code, the department 46084
shall notify the attorney general, the prosecuting attorney of 46085
the county in which the program is located, or the city 46086
attorney, village solicitor, or other chief legal officer of the 46087
municipal corporation in which the program is located that the 46088
program is operating in violation of sections 3301.52 to 3301.59 46089
of the Revised Code or the rules adopted under those sections 46090
and in violation of an order to cease operation issued in 46091
accordance with Chapter 119. of the Revised Code. Upon receipt 46092
of the notification, the attorney general, prosecuting attorney, 46093
city attorney, village solicitor, or other chief legal officer 46094
shall file a complaint in the court of common pleas of the 46095
county in which the program is located requesting the court to 46096
issue an order enjoining the program from operating. The court 46097

shall grant the requested injunctive relief upon a showing that 46098
the program named in the complaint is operating in violation of 46099
sections 3301.52 to 3301.59 of the Revised Code or the rules 46100
adopted under those sections and in violation of an order to 46101
cease operation issued in accordance with Chapter 119. of the 46102
Revised Code. 46103

(E) The ~~department of education and workforce and~~ 46104
department of children and youth shall prepare an annual report 46105
on inspections conducted under this section. The report shall 46106
include the number of inspections conducted, the number and 46107
types of violations found, and the steps taken to address the 46108
violations. The ~~departments~~ department shall file the report 46109
with the governor, the president and minority leader of the 46110
senate, and the speaker and minority leader of the house of 46111
representatives on or before the first day of January of each 46112
year. 46113

Sec. 3302.03. Not later than the thirty-first day of July 46114
of each year, the department of education and workforce shall 46115
submit preliminary report card data for overall academic 46116
performance and for each separate performance measure for each 46117
school district, and each school building, in accordance with 46118
this section. 46119

Annually, not later than the fifteenth day of September or 46120
the preceding Friday when that day falls on a Saturday or 46121
Sunday, the department shall assign a letter grade or 46122
performance rating for overall academic performance and for each 46123
separate performance measure for each school district, and each 46124
school building in a district, in accordance with this section. 46125
The department shall adopt rules pursuant to Chapter 119. of the 46126
Revised Code to implement this section. The department's rules 46127

shall establish performance criteria for each letter grade or 46128
performance rating and prescribe a method by which the 46129
department assigns each letter grade or performance rating. For 46130
a school building to which any of the performance measures do 46131
not apply, due to grade levels served by the building, the 46132
department shall designate the performance measures that are 46133
applicable to the building and that must be calculated 46134
separately and used to calculate the building's overall grade or 46135
performance rating. The department shall issue annual report 46136
cards reflecting the performance of each school district, each 46137
building within each district, and for the state as a whole 46138
using the performance measures and letter grade or performance 46139
rating system described in this section. The department shall 46140
include on the report card for each district and each building 46141
within each district the most recent two-year trend data in 46142
student achievement for each subject and each grade. 46143

(A) (1) For the 2012-2013 school year, the department shall 46144
issue grades as described in division (F) of this section for 46145
each of the following performance measures: 46146

(a) Annual measurable objectives; 46147

(b) Performance index score for a school district or 46148
building. Grades shall be awarded as a percentage of the total 46149
possible points on the performance index system as adopted by 46150
the department. In adopting benchmarks for assigning letter 46151
grades under division (A) (1) (b) of this section, the department 46152
shall designate ninety per cent or higher for an "A," at least 46153
seventy per cent but not more than eighty per cent for a "C," 46154
and less than fifty per cent for an "F." 46155

(c) The extent to which the school district or building 46156
meets each of the applicable performance indicators established 46157

by the department under section 3302.02 of the Revised Code and 46158
the percentage of applicable performance indicators that have 46159
been achieved. In adopting benchmarks for assigning letter 46160
grades under division (A) (1) (c) of this section, the department 46161
shall designate ninety per cent or higher for an "A." 46162

(d) The four- and five-year adjusted cohort graduation 46163
rates. 46164

In adopting benchmarks for assigning letter grades under 46165
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 46166
department shall designate a four-year adjusted cohort 46167
graduation rate of ninety-three per cent or higher for an "A" 46168
and a five-year cohort graduation rate of ninety-five per cent 46169
or higher for an "A." 46170

(e) The overall score under the value-added progress 46171
dimension of a school district or building, for which the 46172
department shall use up to three years of value-added data as 46173
available. The letter grade assigned for this growth measure 46174
shall be as follows: 46175

(i) A score that is at least one standard error of measure 46176
above the mean score shall be designated as an "A." 46177

(ii) A score that is less than one standard error of 46178
measure above but greater than one standard error of measure 46179
below the mean score shall be designated as a "B." 46180

(iii) A score that is less than or equal to one standard 46181
error of measure below the mean score but greater than two 46182
standard errors of measure below the mean score shall be 46183
designated as a "C." 46184

(iv) A score that is less than or equal to two standard 46185
errors of measure below the mean score but is greater than three 46186

standard errors of measure below the mean score shall be 46187
designated as a "D." 46188

(v) A score that is less than or equal to three standard 46189
errors of measure below the mean score shall be designated as an 46190
"F." 46191

Whenever the value-added progress dimension is used as a 46192
graded performance measure in this division and divisions (B) 46193
and (C) of this section, whether as an overall measure or as a 46194
measure of separate subgroups, the grades for the measure shall 46195
be calculated in the same manner as prescribed in division (A) 46196
(1) (e) of this section. 46197

(f) The value-added progress dimension score for a school 46198
district or building disaggregated for each of the following 46199
subgroups: students identified as gifted, students with 46200
disabilities, and students whose performance places them in the 46201
lowest quintile for achievement on a statewide basis. Each 46202
subgroup shall be a separate graded measure. 46203

(2) The department shall adopt a resolution describing the 46204
performance measures, benchmarks, and grading system for the 46205
2012-2013 school year and shall adopt rules in accordance with 46206
Chapter 119. of the Revised Code that prescribe the methods by 46207
which the performance measures under division (A) (1) of this 46208
section shall be assessed and assigned a letter grade, including 46209
performance benchmarks for each letter grade. 46210

At least forty-five days prior to the department's 46211
adoption of rules to prescribe the methods by which the 46212
performance measures under division (A) (1) of this section shall 46213
be assessed and assigned a letter grade, the department shall 46214
conduct a public presentation before the standing committees of 46215

the house of representatives and the senate that consider 46216
education legislation describing such methods, including 46217
performance benchmarks. 46218

(3) There shall not be an overall letter grade for a 46219
school district or building for the 2012-2013 school year. 46220

(B) (1) For the 2013-2014 school year, the department shall 46221
issue grades as described in division (F) of this section for 46222
each of the following performance measures: 46223

(a) Annual measurable objectives; 46224

(b) Performance index score for a school district or 46225
building. Grades shall be awarded as a percentage of the total 46226
possible points on the performance index system as created by 46227
the department. In adopting benchmarks for assigning letter 46228
grades under division (B) (1) (b) of this section, the department 46229
shall designate ninety per cent or higher for an "A," at least 46230
seventy per cent but not more than eighty per cent for a "C," 46231
and less than fifty per cent for an "F." 46232

(c) The extent to which the school district or building 46233
meets each of the applicable performance indicators established 46234
by the department under section 3302.03 of the Revised Code and 46235
the percentage of applicable performance indicators that have 46236
been achieved. In adopting benchmarks for assigning letter 46237
grades under division (B) (1) (c) of this section, the department 46238
shall designate ninety per cent or higher for an "A." 46239

(d) The four- and five-year adjusted cohort graduation 46240
rates; 46241

(e) The overall score under the value-added progress 46242
dimension of a school district or building, for which the 46243
department shall use up to three years of value-added data as 46244

available. 46245

(f) The value-added progress dimension score for a school 46246
district or building disaggregated for each of the following 46247
subgroups: students identified as gifted in superior cognitive 46248
ability and specific academic ability fields under Chapter 3324. 46249
of the Revised Code, students with disabilities, and students 46250
whose performance places them in the lowest quintile for 46251
achievement on a statewide basis. Each subgroup shall be a 46252
separate graded measure. 46253

(g) Whether a school district or building is making 46254
progress in improving literacy in grades kindergarten through 46255
three, as determined using a method prescribed by the 46256
department. The department shall adopt rules to prescribe 46257
benchmarks and standards for assigning grades to districts and 46258
buildings for purposes of division (B) (1) (g) of this section. In 46259
adopting benchmarks for assigning letter grades under divisions 46260
(B) (1) (g) and (C) (1) (g) of this section, the department shall 46261
determine progress made based on the reduction in the total 46262
percentage of students scoring below grade level, or below 46263
proficient, compared from year to year on the reading and 46264
writing diagnostic assessments administered under section 46265
3301.0715 of the Revised Code and the third grade English 46266
language arts assessment under section 3301.0710 of the Revised 46267
Code, as applicable. The department shall designate for a "C" 46268
grade a value that is not lower than the statewide average value 46269
for this measure. No grade shall be issued under divisions (B) 46270
(1) (g) and (C) (1) (g) of this section for a district or building 46271
in which less than five per cent of students have scored below 46272
grade level on the diagnostic assessment administered to 46273
students in kindergarten under division (B) (1) of section 46274
3313.608 of the Revised Code. 46275

(h) For a high mobility school district or building, an 46276
additional value-added progress dimension score. For this 46277
measure, the department shall use value-added data from the most 46278
recent school year available and shall use assessment scores for 46279
only those students to whom the district or building has 46280
administered the assessments prescribed by section 3301.0710 of 46281
the Revised Code for each of the two most recent consecutive 46282
school years. 46283

As used in this division, "high mobility school district 46284
or building" means a school district or building where at least 46285
twenty-five per cent of its total enrollment is made up of 46286
students who have attended that school district or building for 46287
less than one year. 46288

(2) In addition to the graded measures in division (B) (1) 46289
of this section, the department shall include on a school 46290
district's or building's report card all of the following 46291
without an assigned letter grade: 46292

(a) The percentage of students enrolled in a district or 46293
building participating in advanced placement classes and the 46294
percentage of those students who received a score of three or 46295
better on advanced placement examinations; 46296

(b) The number of a district's or building's students who 46297
have earned at least three college credits through dual 46298
enrollment or advanced standing programs, such as the post- 46299
secondary enrollment options program under Chapter 3365. of the 46300
Revised Code and state-approved career-technical courses offered 46301
through dual enrollment or statewide articulation, that appear 46302
on a student's transcript or other official document, either of 46303
which is issued by the institution of higher education from 46304
which the student earned the college credit. The credits earned 46305

that are reported under divisions (B) (2) (b) and (C) (2) (c) of 46306
this section shall not include any that are remedial or 46307
developmental and shall include those that count toward the 46308
curriculum requirements established for completion of a degree. 46309

(c) The percentage of students enrolled in a district or 46310
building who have taken a national standardized test used for 46311
college admission determinations and the percentage of those 46312
students who are determined to be remediation-free in accordance 46313
with standards adopted under division (F) of section 3345.061 of 46314
the Revised Code; 46315

(d) The percentage of the district's or the building's 46316
students who receive industry-recognized credentials as approved 46317
under section 3313.6113 of the Revised Code. 46318

(e) The percentage of students enrolled in a district or 46319
building who are participating in an international baccalaureate 46320
program and the percentage of those students who receive a score 46321
of four or better on the international baccalaureate 46322
examinations. 46323

(f) The percentage of the district's or building's 46324
students who receive an honors diploma under division (B) of 46325
section 3313.61 of the Revised Code. 46326

(3) The department shall adopt rules in accordance with 46327
Chapter 119. of the Revised Code that prescribe the methods by 46328
which the performance measures under divisions (B) (1) (f) and (B) 46329
(1) (g) of this section will be assessed and assigned a letter 46330
grade, including performance benchmarks for each grade. 46331

At least forty-five days prior to the department's 46332
adoption of rules to prescribe the methods by which the 46333
performance measures under division (B) (1) of this section shall 46334

be assessed and assigned a letter grade, the department shall 46335
conduct a public presentation before the standing committees of 46336
the house of representatives and the senate that consider 46337
education legislation describing such methods, including 46338
performance benchmarks. 46339

(4) There shall not be an overall letter grade for a 46340
school district or building for the 2013-2014, 2014-2015, 2015- 46341
2016, and 2016-2017 school years. 46342

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 46343
2018-2019, 2019-2020, and 2020-2021 school years, the department 46344
shall issue grades as described in division (F) of this section 46345
for each of the performance measures prescribed in division (C) 46346
(1) of this section. The graded measures are as follows: 46347

(a) Annual measurable objectives. For the 2017-2018 school 46348
year, the department shall not include any subgroup data in the 46349
annual measurable objectives that includes data from fewer than 46350
twenty-five students. For the 2018-2019 school year, the 46351
department shall not include any subgroup data in the annual 46352
measurable objectives that includes data from fewer than twenty 46353
students. Beginning with the 2019-2020 school year, the 46354
department shall not include any subgroup data in the annual 46355
measurable objectives that includes data from fewer than fifteen 46356
students. 46357

(b) Performance index score for a school district or 46358
building. Grades shall be awarded as a percentage of the total 46359
possible points on the performance index system as created by 46360
the department. In adopting benchmarks for assigning letter 46361
grades under division (C) (1) (b) of this section, the department 46362
shall designate ninety per cent or higher for an "A," at least 46363
seventy per cent but not more than eighty per cent for a "C," 46364

and less than fifty per cent for an "F." 46365

(c) The extent to which the school district or building 46366
meets each of the applicable performance indicators established 46367
by the department under section 3302.03 of the Revised Code and 46368
the percentage of applicable performance indicators that have 46369
been achieved. In adopting benchmarks for assigning letter 46370
grades under division (C) (1) (c) of this section, the department 46371
shall designate ninety per cent or higher for an "A." 46372

(d) The four- and five-year adjusted cohort graduation 46373
rates; 46374

(e) The overall score under the value-added progress 46375
dimension, or another measure of student academic progress if 46376
adopted by the department, of a school district or building, for 46377
which the department shall use up to three years of value-added 46378
data as available. 46379

In adopting benchmarks for assigning letter grades for 46380
overall score on value-added progress dimension under division 46381
(C) (1) (e) of this section, the department shall prohibit the 46382
assigning of a grade of "A" for that measure unless the 46383
district's or building's grade assigned for value-added progress 46384
dimension for all subgroups under division (C) (1) (f) of this 46385
section is a "C" or higher. 46386

For the metric prescribed by division (C) (1) (e) of this 46387
section, the department may adopt a student academic progress 46388
measure to be used instead of the value-added progress 46389
dimension. If the department adopts such a measure, it also 46390
shall prescribe a method for assigning letter grades for the new 46391
measure that is comparable to the method prescribed in division 46392
(A) (1) (e) of this section. 46393

(f) The value-added progress dimension score of a school 46394
district or building disaggregated for each of the following 46395
subgroups: students identified as gifted in superior cognitive 46396
ability and specific academic ability fields under Chapter 3324. 46397
of the Revised Code, students with disabilities, and students 46398
whose performance places them in the lowest quintile for 46399
achievement on a statewide basis, as determined by a method 46400
prescribed by the department. Each subgroup shall be a separate 46401
graded measure. 46402

The department may adopt student academic progress 46403
measures to be used instead of the value-added progress 46404
dimension. If the department adopts such measures, it also shall 46405
prescribe a method for assigning letter grades for the new 46406
measures that is comparable to the method prescribed in division 46407
(A) (1) (e) of this section. 46408

(g) Whether a school district or building is making 46409
progress in improving literacy in grades kindergarten through 46410
three, as determined using a method prescribed by the 46411
department. The department shall adopt rules to prescribe 46412
benchmarks and standards for assigning grades to a district or 46413
building for purposes of division (C) (1) (g) of this section. The 46414
department shall designate for a "C" grade a value that is not 46415
lower than the statewide average value for this measure. No 46416
grade shall be issued under division (C) (1) (g) of this section 46417
for a district or building in which less than five per cent of 46418
students have scored below grade level on the kindergarten 46419
diagnostic assessment under division (B) (1) of section 3313.608 46420
of the Revised Code. 46421

(h) For a high mobility school district or building, an 46422
additional value-added progress dimension score. For this 46423

measure, the department shall use value-added data from the most 46424
recent school year available and shall use assessment scores for 46425
only those students to whom the district or building has 46426
administered the assessments prescribed by section 3301.0710 of 46427
the Revised Code for each of the two most recent consecutive 46428
school years. 46429

As used in this division, "high mobility school district 46430
or building" means a school district or building where at least 46431
twenty-five per cent of its total enrollment is made up of 46432
students who have attended that school district or building for 46433
less than one year. 46434

(2) In addition to the graded measures in division (C) (1) 46435
of this section, the department shall include on a school 46436
district's or building's report card all of the following 46437
without an assigned letter grade: 46438

(a) The percentage of students enrolled in a district or 46439
building who have taken a national standardized test used for 46440
college admission determinations and the percentage of those 46441
students who are determined to be remediation-free in accordance 46442
with the standards adopted under division (F) of section 46443
3345.061 of the Revised Code; 46444

(b) The percentage of students enrolled in a district or 46445
building participating in advanced placement classes and the 46446
percentage of those students who received a score of three or 46447
better on advanced placement examinations; 46448

(c) The percentage of a district's or building's students 46449
who have earned at least three college credits through advanced 46450
standing programs, such as the college credit plus program under 46451
Chapter 3365. of the Revised Code and state-approved career- 46452

technical courses offered through dual enrollment or statewide 46453
articulation, that appear on a student's college transcript 46454
issued by the institution of higher education from which the 46455
student earned the college credit. The credits earned that are 46456
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 46457
shall not include any that are remedial or developmental and 46458
shall include those that count toward the curriculum 46459
requirements established for completion of a degree. 46460

(d) The percentage of the district's or building's 46461
students who receive an honor's diploma under division (B) of 46462
section 3313.61 of the Revised Code; 46463

(e) The percentage of the district's or building's 46464
students who receive industry-recognized credentials as approved 46465
under section 3313.6113 of the Revised Code; 46466

(f) The percentage of students enrolled in a district or 46467
building who are participating in an international baccalaureate 46468
program and the percentage of those students who receive a score 46469
of four or better on the international baccalaureate 46470
examinations; 46471

(g) The results of the college and career-ready 46472
assessments administered under division (B) (1) of section 46473
3301.0712 of the Revised Code; 46474

(h) Whether the school district or building has 46475
implemented a positive behavior intervention and supports 46476
framework in compliance with the requirements of section 3319.46 46477
of the Revised Code, notated as a "yes" or "no" answer. 46478

(3) The department shall adopt rules pursuant to Chapter 46479
119. of the Revised Code that establish a method to assign an 46480
overall grade for a school district or school building for the 46481

2017-2018 school year and each school year thereafter. The rules 46482
shall group the performance measures in divisions (C)(1) and (2) 46483
of this section into the following components: 46484

(a) Gap closing, which shall include the performance 46485
measure in division (C)(1)(a) of this section; 46486

(b) Achievement, which shall include the performance 46487
measures in divisions (C)(1)(b) and (c) of this section; 46488

(c) Progress, which shall include the performance measures 46489
in divisions (C)(1)(e) and (f) of this section; 46490

(d) Graduation, which shall include the performance 46491
measure in division (C)(1)(d) of this section; 46492

(e) Kindergarten through third-grade literacy, which shall 46493
include the performance measure in division (C)(1)(g) of this 46494
section; 46495

(f) Prepared for success, which shall include the 46496
performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 46497
and (f) of this section. The department shall develop a method 46498
to determine a grade for the component in division (C)(3)(f) of 46499
this section using the performance measures in divisions (C)(2) 46500
(a), (b), (c), (d), (e), and (f) of this section. When 46501
available, the department may incorporate the performance 46502
measure under division (C)(2)(g) of this section into the 46503
component under division (C)(3)(f) of this section. When 46504
determining the overall grade for the prepared for success 46505
component prescribed by division (C)(3)(f) of this section, no 46506
individual student shall be counted in more than one performance 46507
measure. However, if a student qualifies for more than one 46508
performance measure in the component, the department may, in its 46509
method to determine a grade for the component, specify an 46510

additional weight for such a student that is not greater than or 46511
equal to 1.0. In determining the overall score under division 46512
(C) (3) (f) of this section, the department shall ensure that the 46513
pool of students included in the performance measures aggregated 46514
under that division are all of the students included in the 46515
four- and five-year adjusted graduation cohort. 46516

In the rules adopted under division (C) (3) of this 46517
section, the department shall adopt a method for determining a 46518
grade for each component in divisions (C) (3) (a) to (f) of this 46519
section. The department also shall establish a method to assign 46520
an overall grade of "A," "B," "C," "D," or "F" using the grades 46521
assigned for each component. The method the department adopts 46522
for assigning an overall grade shall give equal weight to the 46523
components in divisions (C) (3) (b) and (c) of this section. 46524

At least forty-five days prior to the department's 46525
adoption of rules to prescribe the methods for calculating the 46526
overall grade for the report card, as required by this division, 46527
the department shall conduct a public presentation before the 46528
standing committees of the house of representatives and the 46529
senate that consider education legislation describing the format 46530
for the report card, weights that will be assigned to the 46531
components of the overall grade, and the method for calculating 46532
the overall grade. 46533

(D) For the 2021-2022 school year and each school year 46534
thereafter, all of the following apply: 46535

(1) The department shall include on a school district's or 46536
building's report card all of the following performance measures 46537
without an assigned performance rating: 46538

(a) Whether the district or building meets the gifted 46539

performance indicator under division (A) (2) of section 3302.02 46540
of the Revised Code and the extent to which the district or 46541
building meets gifted indicator performance benchmarks; 46542

(b) The extent to which the district or building meets the 46543
chronic absenteeism indicator under division (A) (3) of section 46544
3302.02 of the Revised Code; 46545

(c) Performance index score percentage for a district or 46546
building, which shall be calculated by dividing the district's 46547
or building's performance index score according to the 46548
performance index system created by the department by the 46549
maximum performance index score for a district or building. The 46550
maximum performance index score shall be as follows: 46551

(i) For a building, the average of the highest two per 46552
cent of performance index scores achieved by a building for the 46553
school year for which a report card is issued; 46554

(ii) For a district, the average of the highest two per 46555
cent of performance index scores achieved by a district for the 46556
school year for which a report card is issued. 46557

(d) The overall score under the value-added progress 46558
dimension of a district or building, for which the department 46559
shall use three consecutive years of value-added data. In using 46560
three years of value-added data to calculate the measure 46561
prescribed under division (D) (1) (d) of this section, the 46562
department shall assign a weight of fifty per cent to the most 46563
recent year's data and a weight of twenty-five per cent to the 46564
data of each of the other years. However, if three consecutive 46565
years of value-added data is not available, the department shall 46566
use prior years of value-added data to calculate the measure, as 46567
follows: 46568

(i) If two consecutive years of value-added data is not 46569
available, the department shall use one year of value-added data 46570
to calculate the measure. 46571

(ii) If two consecutive years of value-added data is 46572
available, the department shall use two consecutive years of 46573
value-added data to calculate the measure. In using two years of 46574
value-added data to calculate the measure, the department shall 46575
assign a weight of sixty-seven per cent to the most recent 46576
year's data and a weight of thirty-three per cent to the data of 46577
the other year. 46578

(e) The four-year adjusted cohort graduation rate. 46579

(f) The five-year adjusted cohort graduation rate. 46580

(g) The percentage of students in the district or building 46581
who score proficient or higher on the reading segment of the 46582
third grade English language arts assessment under section 46583
3301.0710 of the Revised Code. 46584

To the extent possible, the department shall include the 46585
results of the summer administration of the third grade reading 46586
assessment under section 3301.0710 of the Revised Code in the 46587
performance measures prescribed under divisions (D) (1) (g) and 46588
(h) of this section. 46589

(h) Whether a district or building is making progress in 46590
improving literacy in grades kindergarten through three, as 46591
determined using a method prescribed by the department. The 46592
method shall determine progress made based on the reduction in 46593
the total percentage of students scoring below grade level, or 46594
below proficient, compared from year to year on the reading 46595
segments of the diagnostic assessments administered under 46596
section 3301.0715 of the Revised Code, ~~including the~~ 46597

~~kindergarten readiness assessment,~~ and the third grade English 46598
language arts assessment under section 3301.0710 of the Revised 46599
Code, as applicable. The method shall not include a deduction 46600
for students who did not pass the third grade English language 46601
arts assessment under section 3301.0710 of the Revised Code and 46602
were not on a reading improvement and monitoring plan. 46603

The performance measure prescribed under division (D) (1) 46604
(h) of this section shall not be included on the report card of 46605
a district or building in which less than ten per cent of 46606
students have scored below grade level on the diagnostic 46607
assessment administered to students in kindergarten under 46608
division (B) (1) of section 3313.608 of the Revised Code. 46609

(i) The percentage of students in a district or building 46610
who are promoted to the fourth grade ~~and not subject to~~ 46611
~~retention under division (A) (2) of section 3313.608 of the~~ 46612
~~Revised Code~~ based on the student's score on the third grade 46613
English language arts assessment under division (A) (3) of 46614
section 3301.0710 of the Revised Code or demonstrate competency 46615
on an alternative assessment under division (C) of section 46616
3313.608 of the Revised Code; 46617

(j) A post-secondary readiness measure. This measure shall 46618
be calculated by dividing the number of students included in the 46619
four-year adjusted graduation rate cohort who demonstrate post- 46620
secondary readiness by the total number of students included in 46621
the denominator of the four-year adjusted graduation rate 46622
cohort. Demonstration of post-secondary readiness shall include 46623
a student doing any of the following: 46624

(i) Attaining a remediation-free score, in accordance with 46625
standards adopted under division (F) of section 3345.061 of the 46626
Revised Code, on a nationally standardized assessment prescribed 46627

under division (B) (1) of section 3301.0712 of the Revised Code; 46628

(ii) Attaining required scores on three or more advanced 46629
placement, college-level examination program, or international 46630
baccalaureate examinations. The required score for an advanced 46631
placement examination shall be a three or better. The required 46632
score for a college-level examination program examination shall 46633
be a passing score, as determined by the department. The 46634
required score for an international baccalaureate examination 46635
shall be a four or better. A student may satisfy this condition 46636
with any combination of advanced placement, college-level 46637
examination program, or international baccalaureate 46638
examinations. 46639

(iii) Earning at least twelve college credits through 46640
advanced standing programs, such as the college credit plus 46641
program under Chapter 3365. of the Revised Code, an early 46642
college high school program under section 3313.6013 of the 46643
Revised Code, and state-approved career-technical courses 46644
offered through dual enrollment or statewide articulation, that 46645
appear on a student's college transcript issued by the 46646
institution of higher education from which the student earned 46647
the college credit. Earned credits reported under division (D) 46648
(1) (j) (iii) of this section shall include credits that count 46649
toward the curriculum requirements established for completion of 46650
a degree, but shall not include any remedial or developmental 46651
credits. 46652

(iv) Meeting the additional criteria for an honors diploma 46653
under division (B) of section 3313.61 of the Revised Code; 46654

(v) Earning an industry-recognized credential or license 46655
issued by a state agency or board for practice in a vocation 46656
that requires an examination for issuance of that license 46657

approved under section 3313.6113 of the Revised Code; 46658

(vi) Satisfying any of the following conditions: 46659

(I) Completing a pre-apprenticeship aligned with options 46660
established under section 3313.904 of the Revised Code in the 46661
student's chosen career field; 46662

(II) Completing an apprenticeship registered with the 46663
apprenticeship council established under section 4139.02 of the 46664
Revised Code in the student's chosen career field; 46665

(III) Providing evidence of acceptance into an 46666
apprenticeship program after high school that is restricted to 46667
participants eighteen years of age or older. 46668

(vii) Earning a cumulative score of proficient or higher 46669
on three or more state technical assessments aligned with 46670
section 3313.903 of the Revised Code in a single career pathway; 46671

(viii) Earning an OhioMeansJobs-readiness seal established 46672
under section 3313.6112 of the Revised Code and completing two 46673
hundred fifty hours of an internship or other work-based 46674
learning experience that is either: 46675

(I) Approved by the business advisory council established 46676
under section 3313.82 of the Revised Code that represents the 46677
student's district; or 46678

(II) Aligned to the career-technical education pathway 46679
approved by the department in which the student is enrolled. 46680

(ix) Providing evidence that the student has enlisted in a 46681
branch of the armed services of the United States as defined in 46682
section 5910.01 of the Revised Code. 46683

A student who satisfies more than one of the conditions 46684

prescribed under this division shall be counted as one student 46685
for the purposes of calculating the measure prescribed under 46686
division (D) (1) (j) of this section. 46687

(2) In addition to the performance measures under division 46688
(D) (1) of this section, the department shall report on a 46689
district's or building's report card all of the following data 46690
without an assigned performance rating: 46691

(a) The applicable performance indicators established by 46692
the department under division (A) (1) of section 3302.02 of the 46693
Revised Code; 46694

(b) The overall score under the value-added progress 46695
dimension of a district or building for the most recent school 46696
year; 46697

(c) A composite of the overall scores under the value- 46698
added progress dimension of a district or building for the 46699
previous three school years or, if only two years of value-added 46700
data are available, for the previous two years; 46701

(d) The percentage of students included in the four- and 46702
five-year adjusted cohort graduation rates of a district or 46703
building who did not receive a high school diploma under section 46704
3313.61 or 3325.08 of the Revised Code. To the extent possible, 46705
the department shall disaggregate that data according to the 46706
following categories: 46707

(i) Students who are still enrolled in the district or 46708
building and receiving general education services; 46709

(ii) Students with an individualized education program, as 46710
defined in section 3323.01 of the Revised Code, who satisfied 46711
the conditions for a high school diploma under section 3313.61 46712
or 3325.08 of the Revised Code, but opted not to receive a 46713

diploma and are still receiving education services; 46714

(iii) Students with an individualized education program 46715
who have not yet satisfied conditions for a high school diploma 46716
under section 3313.61 or 3325.08 of the Revised Code and who are 46717
still receiving education services; 46718

(iv) Students who are no longer enrolled in any district 46719
or building; 46720

(v) Students who, upon enrollment in the district or 46721
building for the first time, had completed fewer units of high 46722
school instruction required under section 3313.603 of the 46723
Revised Code than other students in the four- or five-year 46724
adjusted cohort graduation rate. 46725

The department may disaggregate the data prescribed under 46726
division (D) (2) (d) of this section according to other categories 46727
that the department determines are appropriate. 46728

~~(e) The results of the kindergarten diagnostic assessment— 46729
prescribed under division (D) of section 3301.079 of the Revised 46730
Code;— 46731~~

~~(f)~~ Post-graduate outcomes for students who were enrolled 46732
in a district or building and received a high school diploma 46733
under section 3313.61 or 3325.08 of the Revised Code in the 46734
school year prior to the school year for which the report card 46735
is issued, including the percentage of students who: 46736

(i) Enrolled in a post-secondary educational institution. 46737
To the extent possible, the department shall disaggregate that 46738
data according to whether the student enrolled in a four-year 46739
institution of higher education, a two-year institution of 46740
higher education, an Ohio technical center that provides adult 46741
technical education services and is recognized by the chancellor 46742

of higher education, or another type of post-secondary 46743
educational institution. 46744

(ii) Entered an apprenticeship program registered with the 46745
apprenticeship council established under Chapter 4139. of the 46746
Revised Code. The department may include other job training 46747
programs with similar rigor and outcomes. 46748

(iii) Attained gainful employment, as determined by the 46749
department; 46750

(iv) Enlisted in a branch of the armed forces of the 46751
United States, as defined in section 5910.01 of the Revised 46752
Code. 46753

~~(g)~~ (f) Whether the school district or building has 46754
implemented a positive behavior intervention and supports 46755
framework in compliance with the requirements of section 3319.46 46756
of the Revised Code, notated with a "yes" or "no"; 46757

~~(h)~~ (g) The number and percentage of high school seniors in 46758
each school year who completed the free application for federal 46759
student aid; 46760

~~(i)~~ (h) Beginning with the report card issued under this 46761
section for the 2022-2023 school year, a student opportunity 46762
profile measure that reports data regarding the opportunities 46763
provided to students by a district or building. To the extent 46764
possible, and when appropriate, the data shall be disaggregated 46765
by grade level and subgroup. The measure also shall include data 46766
regarding the statewide average, the average for similar school 46767
districts, and, for a building, the average for the district in 46768
which the building is located. The measure shall include all of 46769
the following data for the district or building: 46770

(i) The average ratio of teachers of record to students in 46771

each grade level in a district or building;	46772
(ii) The average ratio of school counselors to students in a district or building;	46773 46774
(iii) The average ratio of nurses to students in a district or building;	46775 46776
(iv) The average ratio of licensed librarians and library media specialists to students in a district or building;	46777 46778
(v) The average ratio of social workers to students in a district or building;	46779 46780
(vi) The average ratio of mental health professionals to students in a district or building;	46781 46782
(vii) The average ratio of paraprofessionals to students in a district or building;	46783 46784
(viii) The percentage of teachers with fewer than three years of experience teaching in any school;	46785 46786
(ix) The percentage of principals with fewer than three years of experience as a principal in any school;	46787 46788
(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;	46789 46790
(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	46791 46792 46793
(xii) The percentage of students enrolled in a performing or visual arts course;	46794 46795
(xiii) The percentage of students enrolled in a physical education or wellness course;	46796 46797

(xiv) The percentage of students enrolled in a world language course;	46798 46799
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	46800 46801
(xvi) The percentage of students participating in one or more cocurricular activities;	46802 46803
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	46804 46805 46806 46807
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	46808 46809 46810 46811
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	46812 46813 46814
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	46815 46816 46817 46818
(xxi) The percentage of students who are transported by a school bus each school day;	46819 46820
(xxii) The ratio of portable technology devices that students may take home to the number of students.	46821 46822
The department shall include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.	46823 46824 46825

~~(j)-(i)~~ (i) (i) The percentage of students included in the 46826
four- and five-year adjusted cohort graduation rates of the 46827
district or building who completed all of grades nine through 46828
twelve while enrolled in the district or building; 46829

(ii) The four-year adjusted cohort graduation rate for 46830
only those students who were continuously enrolled in the same 46831
district or building for grades nine through twelve. 46832

~~(k)~~ (j) Whether the district or building provides 46833
information about and promotes the college credit plus program 46834
established under Chapter 3365. of the Revised Code to students 46835
in accordance with section 3365.04 of the Revised Code, notated 46836
with a "yes" or "no"; 46837

~~(l)~~ (k) The percentage of students in the district or 46838
building to whom both of the following apply: 46839

(i) The students are promoted to fourth grade and not 46840
subject to retention under division (A) (2) of section 3313.608 46841
of the Revised Code. 46842

(ii) The students completed all of the grade levels 46843
offered prior to the fourth grade in the district or building. 46844

(3) Except as provided in division (D) (3) (f) of this 46845
section, the department shall use the method prescribed under 46846
rules adopted under division (D) (4) of this section to assign 46847
performance ratings of "one star," "two stars," "three stars," 46848
"four stars," or "five stars," as described in division (F) of 46849
this section, for a district or building for the individual 46850
components prescribed under division (D) (3) of this section. The 46851
department also shall assign an overall performance rating for a 46852
district or building in accordance with division (D) (3) (g) of 46853
this section. The method shall use the performance measures 46854

prescribed under division (D) (1) of this section to calculate 46855
performance ratings for components. The method may report data 46856
under division (D) (2) of this section with corresponding 46857
components, but shall not use the data to calculate performance 46858
ratings for that component. The performance measures and 46859
reported data shall be grouped together into components as 46860
follows: 46861

(a) Gap closing. In addition to other criteria determined 46862
appropriate by the department, performance ratings for the gap 46863
closing component shall reflect whether each of the following 46864
performance measures are met or not met: 46865

(i) The gifted performance indicator as described in 46866
division (D) (1) (a) of this section; 46867

(ii) The chronic absenteeism indicator as described in 46868
division (D) (1) (b) of this section; 46869

(iii) For English learners, an English language 46870
proficiency improvement indicator established by the department; 46871

(iv) The subgroup graduation targets; 46872

(v) The subgroup achievement targets in both mathematics 46873
and English language arts; 46874

(vi) The subgroup progress targets in both mathematics and 46875
English language arts. 46876

Achievement and progress targets under division (D) (3) (a) 46877
of this section shall be calculated individually, and districts 46878
and buildings shall receive a status of met or not met on each 46879
measure. The department shall not require a subgroup of a 46880
district or building to meet both the achievement and progress 46881
targets at the same time to receive a status of met. 46882

The department shall not include any subgroup data in this 46883
measure that includes data from fewer than fifteen students. Any 46884
penalty for failing to meet the required assessment 46885
participation rate must be partially in proportion to how close 46886
the district or building was to meeting the rate requirement. 46887

(b) Achievement, which shall include the performance 46888
measure in division (D) (1) (c) of this section and the reported 46889
data in division (D) (2) (a) of this section. Performance ratings 46890
for the achievement component shall be awarded as a percentage 46891
of the maximum performance index score described in division (D) 46892
(1) (c) of this section. 46893

(c) Progress, which shall include the performance measure 46894
in division (D) (1) (d) of this section and the reported data in 46895
divisions (D) (2) (b) and (c) of this section; 46896

(d) Graduation, which shall include the performance 46897
measures in divisions (D) (1) (e) and (f) of this section and the 46898
reported data in divisions (D) (2) (d) and (j) of this section. 46899
The four-year adjusted cohort graduation rate shall be assigned 46900
a weight of sixty per cent and the five-year adjusted cohort 46901
graduation rate shall be assigned a weight of forty per cent~~+~~. 46902

(e) Early literacy, which shall include the performance 46903
measures in divisions (D) (1) (g), ~~-(h),~~ and (i) of this section 46904
and the reported data in ~~divisions (D) (2) (e) and (l)~~ division (D) 46905
(2) (k) of this section. 46906

If the measure prescribed under division (D) (1) (h) of this 46907
section is included in a report card, performance ratings for 46908
the early literacy component shall give a weight of forty per 46909
cent to the measure prescribed under division (D) (1) (g) of this 46910
section, a weight of thirty-five per cent to the measure 46911

prescribed under division (D)(1)(i) of this section, and a 46912
weight of twenty-five per cent to the measure prescribed under 46913
division (D)(1)(h) of this section. 46914

If the measure prescribed under division (D)(1)(h) of this 46915
section is not included in a report card of a district or 46916
building, performance ratings for the early literacy component 46917
shall give a weight of sixty per cent to the measure prescribed 46918
under division (D)(1)(g) of this section and a weight of forty 46919
per cent to the measure prescribed under division (D)(1)(i) of 46920
this section. 46921

(f) College, career, workforce, and military readiness, 46922
which shall include the performance measure in division (D)(1) 46923
(j) of this section and the reported data in division ~~(D)(2)(f)~~ 46924
(D)(2)(e) of this section. 46925

For the 2021-2022, 2022-2023, and 2023-2024 school years, 46926
the department only shall report the data for, and not assign a 46927
performance rating to, the college, career, workforce, and 46928
military readiness component. The reported data shall include 46929
the percentage of students who demonstrate post-secondary 46930
readiness using any of the options described in division (D)(1) 46931
(j) of this section. 46932

The department shall analyze the data included in the 46933
performance measure prescribed in division (D)(1)(j) of this 46934
section for the 2021-2022, 2022-2023, and 2023-2024 school 46935
years. Using that data, the department shall develop and propose 46936
rules for a method to assign a performance rating to the 46937
college, career, workforce, and military readiness component 46938
based on that measure. The method to assign a performance rating 46939
shall not include a tiered structure or per student bonuses. The 46940
rules shall specify that a district or building shall not 46941

receive lower than a performance rating of three stars for the 46942
component if the district's or building's performance on the 46943
component meets or exceeds a level of improvement set by the 46944
department. Notwithstanding division (D) (4) (b) of this section, 46945
more than half of the total districts and buildings may earn a 46946
performance rating of three stars on this component to account 46947
for the districts and buildings that earned a performance rating 46948
of three stars because they met or exceeded the level of 46949
improvement set by the department. 46950

The department shall submit the rules to the joint 46951
committee on agency rule review. The committee shall conduct at 46952
least one public hearing on the proposed rules and approve or 46953
disapprove the rules. If the committee approves the rules, the 46954
department shall adopt the rules in accordance with Chapter 119. 46955
of the Revised Code. If the rules are adopted, the department 46956
shall assign a performance rating to the college, career, 46957
workforce, and military readiness component under the rules 46958
beginning with the 2024-2025 school year, and for each school 46959
year thereafter. If the committee disapproves the rules, the 46960
component shall be included in the report card only as reported 46961
data for the 2024-2025 school year, and each school year 46962
thereafter. 46963

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 46964
this section, beginning with the 2022-2023 school year, under 46965
the method prescribed under rules adopted in division (D) (4) of 46966
this section, the department shall use the performance ratings 46967
assigned for the components prescribed in divisions (D) (3) (a) to 46968
(e) of this section to determine and assign an overall 46969
performance rating of "one star," "one and one-half stars," "two 46970
stars," "two and one-half stars," "three stars," "three and one- 46971
half stars," "four stars," "four and one-half stars," or "five 46972

stars" for a district or building. The method shall give equal
weight to the components in divisions (D) (3) (b) and (c) of this
section. The method shall give equal weight to the components in
divisions (D) (3) (a), (d), and (e) of this section. The
individual weights of each of the components prescribed in
divisions (D) (3) (a), (d), and (e) of this section shall be equal
to one-half of the weight given to the component prescribed in
division (D) (3) (b) of this section.

(ii) If the joint committee on agency rule review approves
the department's rules regarding the college, career, workforce,
and military readiness component as described in division (D) (3)
(f) of this section, for the 2024-2025 school year, and each
school year thereafter, the department's method shall use the
components in divisions (D) (3) (a), (b), (c), (d), (e), and (f)
of this section to calculate the overall performance rating. The
method shall give equal weight to the components in divisions
(D) (3) (b) and (c) of this section. The method shall give equal
weight to the components prescribed in divisions (D) (3) (a), (d),
(e), and (f) of this section. The individual weights of each of
the components prescribed in divisions (D) (3) (a), (d), (e), and
(f) of this section shall be equal to one-half the weight given
to the component prescribed in division (D) (3) (b) of this
section.

If the joint committee on agency rule review disapproves
the department's rules regarding the college, career, workforce,
and military readiness component as described in division (D) (3)
(f) of this section, division (D) (3) (g) (ii) of this section does
not apply.

(4) (a) The department shall adopt rules in accordance with
Chapter 119. of the Revised Code to establish the performance

criteria, benchmarks, and rating system necessary to implement 47003
divisions (D) and (F) of this section, including the method for 47004
the department to assign performance ratings under division (D) 47005
(3) of this section. 47006

(b) In establishing the performance criteria, benchmarks, 47007
and rating system, the department shall consult with stakeholder 47008
groups and advocates that represent parents, community members, 47009
students, business leaders, and educators from different school 47010
typology regions. The department shall use data from prior 47011
school years and simulations to ensure that there is meaningful 47012
differentiation among districts and buildings across all 47013
performance ratings and that, except as permitted in division 47014
(D) (3) (f) of this section, more than half of all districts or 47015
buildings do not earn the same performance rating in any 47016
component or overall performance rating. 47017

(c) The department shall adopt the rules prescribed by 47018
division (D) (4) of this section not later than March 31, 2022. 47019
However, the department shall notify districts and buildings of 47020
the changes to the report card prescribed in law not later than 47021
one week after September 30, 2021. 47022

(d) Prior to adopting or updating rules under division (D) 47023
(4) of this section, the director of education and workforce and 47024
the department shall conduct a public presentation before the 47025
standing committees of the house of representatives and the 47026
senate that consider primary and secondary education legislation 47027
describing the format for the report card and the performance 47028
criteria, benchmarks, and rating system, including the method to 47029
assign performance ratings under division (D) (3) of this 47030
section. 47031

(E) The department may develop a measure of student 47032

academic progress for high school students using only data from 47033
assessments in English language arts and mathematics. If the 47034
department develops this measure, each school district and 47035
applicable school building shall be assigned a separate letter 47036
grade for it not sooner than the 2017-2018 school year. The 47037
district's or building's grade for that measure shall not be 47038
included in determining the district's or building's overall 47039
letter grade. 47040

(F) (1) The letter grades assigned to a school district or 47041
building under this section shall be as follows: 47042

(a) "A" for a district or school making excellent 47043
progress; 47044

(b) "B" for a district or school making above average 47045
progress; 47046

(c) "C" for a district or school making average progress; 47047

(d) "D" for a district or school making below average 47048
progress; 47049

(e) "F" for a district or school failing to meet minimum 47050
progress. 47051

(2) For the overall performance rating under division (D) 47052
(3) of this section, the department shall include a descriptor 47053
for each performance rating as follows: 47054

(a) "Significantly exceeds state standards" for a 47055
performance rating of five stars; 47056

(b) "Exceeds state standards" for a performance rating of 47057
four stars or four and one-half stars; 47058

(c) "Meets state standards" for a performance rating of 47059

three stars or three and one-half stars; 47060

(d) "Needs support to meet state standards" for a 47061
performance rating of two stars or two and one-half stars; 47062

(e) "Needs significant support to meet state standards" 47063
for a performance rating of one star or one and one-half stars. 47064

(3) For performance ratings for each component under 47065
divisions (D) (3) (a) to (f) of this section, the department shall 47066
include a description of each component and performance rating. 47067
The description shall include component-specific context to each 47068
performance rating earned, estimated comparisons to other school 47069
districts and buildings if appropriate, and any other 47070
information determined by the department. The descriptions shall 47071
be not longer than twenty-five words in length when possible. In 47072
addition to such descriptions, the department shall include the 47073
descriptors in division (F) (2) of this section for component 47074
performance ratings. 47075

(4) Each report card issued under this section shall 47076
include all of the following: 47077

(a) A graphic that depicts the performance ratings of a 47078
district or school on a color scale. The color associated with a 47079
performance rating of three stars shall be green and the color 47080
associated with a performance rating of one star shall be red. 47081

(b) An arrow graphic that shows data trends for 47082
performance ratings for school districts or buildings. The 47083
department shall determine the data to be used for this graphic, 47084
which shall include at least the three most recent years of 47085
data. 47086

(c) A description regarding the weights that are assigned 47087
to each component and used to determine an overall performance 47088

rating, as prescribed under division (D)(3)(g) of this section, 47089
which shall be included in the presentation of the overall 47090
performance rating on each report card. 47091

(G) When reporting data on student achievement and 47092
progress, the department shall disaggregate that data according 47093
to the following categories: 47094

(1) Performance of students by grade-level; 47095

(2) Performance of students by race and ethnic group; 47096

(3) Performance of students by gender; 47097

(4) Performance of students grouped by those who have been 47098
enrolled in a district or school for three or more years; 47099

(5) Performance of students grouped by those who have been 47100
enrolled in a district or school for more than one year and less 47101
than three years; 47102

(6) Performance of students grouped by those who have been 47103
enrolled in a district or school for one year or less; 47104

(7) Performance of students grouped by those who are 47105
economically disadvantaged; 47106

(8) Performance of students grouped by those who are 47107
enrolled in a conversion community school established under 47108
Chapter 3314. of the Revised Code; 47109

(9) Performance of students grouped by those who are 47110
classified as English learners; 47111

(10) Performance of students grouped by those who have 47112
disabilities; 47113

(11) Performance of students grouped by those who are 47114
classified as migrants; 47115

(12) Performance of students grouped by those who are 47116
identified as gifted in superior cognitive ability and the 47117
specific academic ability fields of reading and math pursuant to 47118
Chapter 3324. of the Revised Code. In disaggregating specific 47119
academic ability fields for gifted students, the department 47120
shall use data for those students with specific academic ability 47121
in math and reading. If any other academic field is assessed, 47122
the department shall also include data for students with 47123
specific academic ability in that field as well. 47124

(13) Performance of students grouped by those who perform 47125
in the lowest quintile for achievement on a statewide basis, as 47126
determined by a method prescribed by the department. 47127

The department may disaggregate data on student 47128
performance according to other categories that the department 47129
determines are appropriate. To the extent possible, the 47130
department shall disaggregate data on student performance 47131
according to any combinations of two or more of the categories 47132
listed in divisions (G) (1) to (13) of this section that it deems 47133
relevant. 47134

In reporting data pursuant to division (G) of this 47135
section, the department shall not include in the report cards 47136
any data statistical in nature that is statistically unreliable 47137
or that could result in the identification of individual 47138
students. For this purpose, the department shall not report 47139
student performance data for any group identified in division 47140
(G) of this section that contains less than ten students. If the 47141
department does not report student performance data for a group 47142
because it contains less than ten students, the department shall 47143
indicate on the report card that is why data was not reported. 47144

(H) The department may include with the report cards any 47145

additional education and fiscal performance data it deems 47146
valuable. 47147

(I) The department shall include on each report card a 47148
list of additional information collected by the department that 47149
is available regarding the district or building for which the 47150
report card is issued. When available, such additional 47151
information shall include student mobility data disaggregated by 47152
race and socioeconomic status, college enrollment data, and the 47153
reports prepared under section 3302.031 of the Revised Code. 47154

The department shall maintain a site on the world wide 47155
web. The report card shall include the address of the site and 47156
shall specify that such additional information is available to 47157
the public at that site. The department shall also provide a 47158
copy of each item on the list to the superintendent of each 47159
school district. The district superintendent shall provide a 47160
copy of any item on the list to anyone who requests it. 47161

(J) (1) (a) Except as provided in division (J) (1) (b) of this 47162
section, for any district that sponsors a conversion community 47163
school under Chapter 3314. of the Revised Code, the department 47164
shall combine data regarding the academic performance of 47165
students enrolled in the community school with comparable data 47166
from the schools of the district for the purpose of determining 47167
the performance of the district as a whole on the report card 47168
issued for the district under this section or section 3302.033 47169
of the Revised Code. 47170

(b) The department shall not combine data from any 47171
conversion community school that a district sponsors if ~~a~~ 47172
~~majority of the students enrolled in the~~ conversion community 47173
~~school are enrolled in~~ is a dropout prevention and recovery 47174
~~program that is operated by the~~ community school, as ~~described~~ 47175

~~in division (B) (1) of defined in section 3314.35~~ 3314.02 of the 47176
Revised Code. The department shall include as an addendum to the 47177
district's report card the ratings and performance measures that 47178
are required under section 3314.017 of the Revised Code for any 47179
community school to which division (J) (1) (b) of this section 47180
applies. This addendum shall include, at a minimum, the data 47181
specified in divisions (C) (1) (a), (C) (2), and (C) (3) of section 47182
3314.017 of the Revised Code. 47183

(2) Any district that leases a building to a community 47184
school located in the district or that enters into an agreement 47185
with a community school located in the district whereby the 47186
district and the school endorse each other's programs may elect 47187
to have data regarding the academic performance of students 47188
enrolled in the community school combined with comparable data 47189
from the schools of the district for the purpose of determining 47190
the performance of the district as a whole on the district 47191
report card. Any district that so elects shall annually file a 47192
copy of the lease or agreement with the department. 47193

(3) Any municipal school district, as defined in section 47194
3311.71 of the Revised Code, that sponsors a community school 47195
located within the district's territory, or that enters into an 47196
agreement with a community school located within the district's 47197
territory whereby the district and the community school endorse 47198
each other's programs, may exercise either or both of the 47199
following elections: 47200

(a) To have data regarding the academic performance of 47201
students enrolled in that community school combined with 47202
comparable data from the schools of the district for the purpose 47203
of determining the performance of the district as a whole on the 47204
district's report card; 47205

(b) To have the number of students attending that 47206
community school noted separately on the district's report card. 47207

The election authorized under division (J) (3) (a) of this 47208
section is subject to approval by the governing authority of the 47209
community school. 47210

Any municipal school district that exercises an election 47211
to combine or include data under division (J) (3) of this 47212
section, by the first day of October of each year, shall file 47213
with the department documentation indicating eligibility for 47214
that election, as required by the department. 47215

(K) The department shall include on each report card the 47216
percentage of teachers in the district or building who are 47217
properly certified or licensed teachers, as defined in section 47218
3319.074 of the Revised Code, and a comparison of that 47219
percentage with the percentages of such teachers in similar 47220
districts and buildings. 47221

(L) (1) In calculating English language arts, mathematics, 47222
science, American history, or American government assessment 47223
passage rates used to determine school district or building 47224
performance under this section, the department shall include all 47225
students taking an assessment with accommodation or to whom an 47226
alternate assessment is administered pursuant to division (C) (1) 47227
or (3) of section 3301.0711 of the Revised Code and all students 47228
who take substitute examinations approved under division (B) (4) 47229
of section 3301.0712 of the Revised Code in the subject areas of 47230
science, American history and American government. 47231

(2) In calculating performance index scores, rates of 47232
achievement on the performance indicators established by the 47233
department under section 3302.02 of the Revised Code, and annual 47234

measurable objectives for determining adequate yearly progress 47235
for school districts and buildings under this section, the 47236
department shall do all of the following: 47237

(a) Include for each district or building only those 47238
students who are included in the ADM certified for the first 47239
full school week of October and are continuously enrolled in the 47240
district or building through the time of the spring 47241
administration of any assessment prescribed by division (A) (1) 47242
or (B) (1) of section 3301.0710 or division (B) of section 47243
3301.0712 of the Revised Code that is administered to the 47244
student's grade level; 47245

(b) Include cumulative totals from both the fall and 47246
spring administrations of the third grade English language arts 47247
achievement assessment and, to the extent possible, the summer 47248
administration of that assessment; 47249

(c) Include for each district or building any English 47250
learner in accordance with the department's plan, as approved by 47251
the United States secretary of education, to comply with the 47252
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 47253
to 6339. 47254

As used in this section, "English learner" has the same 47255
meaning as in section 3301.0731 of the Revised Code. 47256

(M) Beginning with the 2015-2016 school year and at least 47257
once every three years thereafter, the department shall review 47258
and may adjust the benchmarks for assigning letter grades or 47259
performance ratings to the performance measures and components 47260
prescribed under divisions (C) (3), (D), and (E) of this section. 47261

Sec. 3302.034. (A) The department of education and 47262
workforce shall adopt and specify measures in addition to those 47263

included on the report card issued under section 3302.03 of the 47264
Revised Code. The measures adopted under this section shall be 47265
reported separately, as specified under division (B) of this 47266
section, for each school district, each building in a district, 47267
each community school established under Chapter 3314., each STEM 47268
school established under Chapter 3326., and each college- 47269
preparatory boarding school established under Chapter 3328. of 47270
the Revised Code. The measures shall include at least the 47271
following: 47272

(1) Data for students who have passed over a grade or 47273
subject area under an acceleration policy prescribed under 47274
section 3324.10 of the Revised Code; 47275

(2) The number of students who are economically 47276
disadvantaged as determined by the department; 47277

(3) The number of lead teachers employed by each district 47278
and each building once the data is available through the 47279
education management information system established under 47280
section 3301.0714 of the Revised Code; 47281

(4) The amount of students screened and identified as 47282
gifted under Chapter 3324. of the Revised Code; 47283

(5) Postgraduate student outcome data ~~as described under~~ 47284
~~division (E) (2) (d) (ii) of section 3314.017 of the Revised Code,~~ 47285
including postsecondary credit earned, nationally recognized 47286
career or technical certification, military enlistment, job 47287
placement, and attendance rate; 47288

(6) Availability of courses in fine arts; 47289

(7) Participation with other school districts to provide 47290
career-technical education services to students. 47291

(B) The department shall report this information annually 47292
beginning with the 2013-2014 school year and make this 47293
information available on its web site for comparison purposes. 47294

Sec. 3302.20. (A) The department of education and 47295
workforce shall develop standards for determining, from the 47296
existing data reported in accordance with sections 3301.0714 and 47297
3314.17 of the Revised Code, the amount of annual operating 47298
expenditures for classroom instructional purposes and for 47299
nonclassroom purposes for each city, exempted village, local, 47300
and joint vocational school district, each community school 47301
established under Chapter 3314. that is not an internet- or 47302
computer-based community school, each internet- or computer- 47303
based community school, and each STEM school established under 47304
Chapter 3326. of the Revised Code. In developing the standards, 47305
the department shall adapt existing standards used by 47306
professional organizations, research organizations, and other 47307
state governments. The department also shall align the 47308
expenditure categories required for reporting under the 47309
standards with the categories that are required for reporting to 47310
the United States department of education under federal law. 47311

(B) (1) The department shall categorize all city, exempted 47312
village, and local school districts into not less than three nor 47313
more than five groups based primarily on average daily student 47314
enrollment as reported on the most recent report card issued for 47315
each district under section 3302.03 of the Revised Code. 47316

(2) The department shall categorize all joint vocational 47317
school districts into not less than three nor more than five 47318
groups based primarily on enrolled ADM as that term is defined 47319
in section 3317.02 of the Revised Code rounded to the nearest 47320
whole number. 47321

(3) The department shall categorize all community schools 47322
that are not internet- or computer-based community schools into 47323
not less than three nor more than five groups based primarily on 47324
average daily student enrollment as reported on the most recent 47325
report card issued for each community school under sections 47326
3302.03 and 3314.012 of the Revised Code or, in the case of a 47327
school to which section 3314.017 of the Revised Code applies, on 47328
the total number of students reported under divisions (B) (1) and 47329
(2) of section 3314.08 of the Revised Code. 47330

(4) The department shall categorize all internet- or 47331
computer-based community schools into a single category. 47332

(5) The department shall categorize all STEM schools into 47333
a single category. 47334

(C) Using the standards adopted under division (A) of this 47335
section and the data reported under sections 3301.0714 and 47336
3314.17 of the Revised Code, the department shall compute 47337
annually for each fiscal year, the following: 47338

(1) The percentage of each district's, community school's, 47339
or STEM school's total operating budget spent for classroom 47340
instructional purposes; 47341

(2) The statewide average percentage for all districts, 47342
community schools, and STEM schools combined spent for classroom 47343
instructional purposes; 47344

(3) The average percentage for each of the categories of 47345
districts and schools established under division (B) of this 47346
section spent for classroom instructional purposes; 47347

(4) The ranking of each district, community school, or 47348
STEM school within its respective category established under 47349
division (B) of this section according to the following: 47350

- (a) From highest to lowest percentage spent for classroom instructional purposes; 47351
47352
- (b) From lowest to highest percentage spent for noninstructional purposes. 47353
47354
- (5) The total operating expenditures per pupil for each district, community school, and STEM school; 47355
47356
- (6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school. 47357
47358
- (D) In its display of rankings within each category under division (C) (4) of this section, the department shall make the following notations: 47359
47360
47361
- (1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is: 47362
47363
47364
- (a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils; 47365
47366
47367
- (b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores. 47368
47369
47370
- (2) Within each category of joint vocational school districts, the department shall denote each district that is: 47371
47372
- (a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils; 47373
47374
47375
- (b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores 47376
47377

under section 3302.033 of the Revised Code. 47378

(3) Within each category of community schools that are not 47379
internet- or computer-based community schools, the department 47380
shall denote each school that is: 47381

(a) Among the twenty per cent of all such community 47382
schools statewide with the lowest total operating expenditure 47383
per equivalent pupils; 47384

(b) Among the twenty per cent of all such community 47385
schools statewide with the highest performance index scores, 47386
excluding such community schools to which section 3314.017 of 47387
the Revised Code applies. 47388

(4) Within the category of internet- or computer-based 47389
community schools, the department shall denote each school that 47390
is: 47391

(a) Among the twenty per cent of all such community 47392
schools statewide with the lowest total operating expenditure 47393
per equivalent pupils; 47394

(b) Among the twenty per cent of all such community 47395
schools statewide with the highest performance index scores, 47396
excluding such community schools to which section 3314.017 of 47397
the Revised Code applies. 47398

(5) Within the category of STEM schools, the department 47399
shall denote each school that is: 47400

(a) Among the twenty per cent of all STEM schools 47401
statewide with the lowest total operating expenditure per 47402
equivalent pupils; 47403

(b) Among the twenty per cent of all STEM schools 47404
statewide with the highest performance index scores. 47405

For purposes of divisions (D) (3) (b) and (4) (b) of this 47406
section, the display shall note that, in accordance with section 47407
3314.017 of the Revised Code, a performance index score is not 47408
reported for some ~~community schools that serve primarily~~ 47409
~~students enrolled in dropout prevention and recovery~~ 47410
~~programs~~ community schools. 47411

(E) The department shall post in a prominent location on 47412
its web site the information prescribed by divisions (C) and (D) 47413
of this section. The department also shall include on each 47414
district's, community school's, and STEM school's annual report 47415
card issued under section 3302.03 or 3314.017 of the Revised 47416
Code the respective information computed for the district or 47417
school under divisions (C) (1) and (4) of this section, the 47418
statewide information computed under division (C) (2) of this 47419
section, and the information computed for the district's or 47420
school's category under division (C) (3) of this section. 47421

(F) As used in this section: 47422

(1) "Internet- or computer-based community school" has the 47423
same meaning as in section 3314.02 of the Revised Code. 47424

(2) A school district's, community school's, or STEM 47425
school's performance index score rank is its performance index 47426
score rank as computed under section 3302.21 of the Revised 47427
Code. 47428

(3) "Expenditure per equivalent pupils" has the same 47429
meaning as in section 3302.26 of the Revised Code. 47430

(4) "Dropout prevention and recovery community school" has 47431
the same meaning as in section 3314.02 of the Revised Code. 47432

Sec. 3305.05. (A) As used in this section and section 47433
3305.051 of the Revised Code, "academic or administrative 47434

employee" means any full-time employee not receiving any 47435
benefit, allowance, or other payment granted on the employee's 47436
account from a state retirement system who, before August 1, 47437
2005, met one of the following requirements: 47438

(1) The employee was a member of the faculty of a public 47439
institution of higher education. 47440

(2) The employee was a member of the administrative staff 47441
of a public institution of higher education serving in a 47442
position in the unclassified civil service pursuant to section 47443
124.11 of the Revised Code. 47444

(3) If section 124.11 of the Revised Code did not apply to 47445
the public institution of higher education, the employee was a 47446
member of the administrative staff of a public institution of 47447
higher education serving in a position comparable to a position 47448
in the unclassified civil service. 47449

In all cases of doubt, the board of trustees of the public 47450
institution of higher education shall determine whether any 47451
person is an academic or administrative employee for purposes of 47452
this chapter, and the board's decision shall be final. 47453

(B) (1) Each person who, on August 1, 2005, is an eligible 47454
employee of a public institution of higher education and has 47455
accrued less than five years of service credit in a state 47456
retirement system may, not later than one hundred twenty days 47457
after August 1, 2005, make an election to participate in an 47458
alternative retirement plan available at the employing public 47459
institution, unless, prior to August 1, 2005, the person had an 47460
opportunity pursuant to former section 3305.05 of the Revised 47461
Code to make such an election as an academic or administrative 47462
employee of that public institution of higher education. 47463

(2) An eligible employee whose employment with a public 47464
institution of higher education commences on or after August 1, 47465
2005, may, not later than one hundred twenty days after the 47466
starting date of the employment, make an election to participate 47467
in an alternative retirement plan available at the employing 47468
public institution. 47469

(3) An eligible employee who, on or after August 1, 2005, 47470
terminates employment at one public institution of higher 47471
education and subsequently is employed by another public 47472
institution of higher education in a position for which an 47473
alternative retirement plan is available may, not later than one 47474
hundred twenty days after the starting date of the employment, 47475
elect to participate in an alternative retirement plan available 47476
at that public institution. 47477

(C) (1) An eligible employee who makes an election to 47478
participate in an alternative retirement plan under division (B) 47479
of this section shall ~~submit~~make the election in writing and 47480
sign the election. The public institution of higher education 47481
employing the eligible employee may permit the employee to sign 47482
the election by electronic signature. The employee shall submit 47483
the election to the designated officer of the employee's 47484
employing public institution of higher education. Once 47485
submitted, the election is irrevocable while the eligible 47486
employee continues to be employed by the public institution of 47487
higher education. Not later than ten days after the election 47488
becomes irrevocable, the officer shall file a certified copy of 47489
the election with the state retirement system to which, apart 47490
from the election, the employee's employment would be subject. 47491

Each public institution of higher education that employs a 47492
person eligible to make an election under division (B) of this 47493

section shall notify, in writing, the state retirement system 47494
that applies to that employment in the manner specified by that 47495
state retirement system. The notice shall include the person's 47496
name and address. The notice shall be given not later than ten 47497
days after the first date the person is on the institution's 47498
payroll. 47499

(2) Elections made under division (B) of this section take 47500
effect as follows: 47501

(a) An election under division (B) (1) of this section is 47502
effective as of the date on which the employee's election to 47503
participate in the alternative retirement plan becomes 47504
irrevocable. 47505

(b) An election under division (B) (2) or (3) of this 47506
section is effective as of the electing employee's starting date 47507
of employment. 47508

(3) An eligible employee's election under division (B) of 47509
this section applies to the employee's employment in all 47510
positions at that public institution, unless the employee 47511
terminates employment at the public institution and does not 47512
return to employment in any position at that public institution 47513
for at least three hundred sixty-five days after the date of 47514
termination. 47515

(4) An eligible employee who makes an election under 47516
division (B) of this section is forever barred from claiming or 47517
purchasing service credit under any state retirement system for 47518
the period of employment while the election is in effect. 47519

(D) (1) An eligible employee who fails to make an election 47520
under division (B) of this section within the one-hundred-twenty 47521
day election period shall be deemed to have elected to 47522

participate in the state retirement system that applies to the 47523
employee's employment. 47524

(2) An eligible employee who fails to make an election 47525
under division (B) of this section shall not be permitted to 47526
make an election for employment in any other position at the 47527
public institution of higher education while employed at that 47528
public institution, unless the employee terminates employment at 47529
the public institution and does not return to employment in any 47530
position at the public institution for at least three hundred 47531
sixty-five days after the date of termination. 47532

Sec. 3305.053. (A) The board of trustees of a public 47533
institution of higher education shall permit an employee who 47534
makes an election under section 3305.05 or 3305.051 of the 47535
Revised Code to do ~~all~~ both of the following: 47536

~~(A)~~ (1) Select, from among the providers that have entered 47537
into an agreement with the public institution of higher 47538
education under section 3305.04 of the Revised Code, the 47539
provider of an investment option for that employee; 47540

~~(B)~~ (2) Subject to any terms and conditions established by 47541
the public institution of higher education, change the provider 47542
selected under division ~~(A)~~ (A) (1) of this section any time 47543
during the plan year. 47544

(B) A public institution of higher education may allow an 47545
employee who seeks to change the employee's provider under 47546
division (A) (2) of this section to sign a form to change 47547
providers by electronic signature. 47548

(C) If under division ~~(B)~~ (A) (2) of this section an 47549
employee changes providers, the employee may direct the provider 47550
to transfer to the new provider the employee's account balance 47551

either in whole or in part, as directed by the employee, except 47552
that the provider is not required to immediately transfer any 47553
part of the account invested at the employee's election in a 47554
fixed annuity account if the contract with the employee under 47555
which the investment was made permits the provider to make such 47556
a transfer over a period of time not exceeding ten years and the 47557
contract was filed with and approved by the department of 47558
insurance pursuant to section 3911.011 of the Revised Code. 47559

Sec. 3307.074. ~~The secretary of state, or any person~~ 47560
~~acting on personal knowledge and subject to the penalties of~~ 47561
~~perjury, may file a~~ A ~~complaint with the Ohio elections~~ 47562
~~commission~~ alleging a violation of section 3307.073 of the 47563
Revised Code may be filed in accordance with section 3517.14 of 47564
the Revised Code. ~~The complaint shall be made on a form~~ 47565
~~prescribed and provided by the commission.~~ 47566

~~On receipt of a complaint under this section, the~~ 47567
~~commission shall hold a hearing open to the public to determine~~ 47568
~~whether the violation alleged in the complaint has occurred. The~~ 47569
~~commission may administer oaths and issue subpoenas to any~~ 47570
~~person in the state compelling the attendance of witnesses and~~ 47571
~~the production of relevant papers, books, accounts, and reports.~~ 47572
~~On the refusal of any person to obey a subpoena or to be sworn~~ 47573
~~or to answer as a witness, the commission may apply to the court~~ 47574
~~of common pleas of Franklin county under section 2705.03 of the~~ 47575
~~Revised Code. The court shall hold contempt proceedings in~~ 47576
~~accordance with Chapter 2705. of the Revised Code.~~ 47577

~~The commission shall provide the person accused of the~~ 47578
~~violation at least seven days prior notice of the time, date,~~ 47579
~~and place of the hearing. The accused may be represented by an~~ 47580
~~attorney and shall have an opportunity to present evidence, call~~ 47581

~~witnesses, and cross-examine witnesses.~~

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~~At the hearing, the commission shall determine whether the
violation alleged in the complaint has occurred. If the
commission determines that a violation of division (A) of
section 3307.073 of the Revised Code has occurred, the
commission shall either impose a fine under section 3307.99 of
the Revised Code or enter a finding that good cause has been
shown not to impose the fine. If the commission determines that
a violation of division (B) of section 3307.073 of the Revised
Code has occurred, the commission shall impose the fine
described in section 3307.99 of the Revised Code, refer the
matter to the appropriate prosecutor, or enter a finding that
good cause has been shown not to impose a fine or refer the
matter to a prosecutor.~~

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Sec. 3307.99. (A) Whoever violates division (A) of section
3307.073 of the Revised Code shall be fined not more than one
hundred dollars for each day of the violation.

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(B) Whoever violates division (B) of section 3307.073 of
the Revised Code shall be imprisoned for not more than six
months or fined not more than five thousand dollars, or both.

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~~(C) Fines imposed by the Ohio elections commission under
this section shall be paid into the Ohio elections commission
fund created under section 3513.10 of the Revised Code.~~

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Sec. 3309.074. ~~The secretary of state, or any person
acting on personal knowledge and subject to the penalties of
perjury, may file a A complaint with the Ohio elections
commission alleging a violation of section 3309.073 of the
Revised Code may be filed in accordance with section 3517.14 of
the Revised Code. ~~The complaint shall be made on a form~~~~

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~~prescribed and provided by the commission.~~

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~~A complaint shall be filed not later than two years after
the occurrence of the act or failure to act that is the subject
of the complaint, except that if the act or failure to act
involves fraud, concealment, or misrepresentation and was not
discovered during that two-year period, a complaint may be filed
not later than one year after discovery of the act or failure to
act.~~

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~~On receipt of a complaint under this section, the
commission shall hold a hearing open to the public to determine
whether the violation alleged in the complaint has occurred. The
commission may administer oaths and issue subpoenas to any
person in the state compelling the attendance of witnesses and
the production of relevant papers, books, accounts, and reports.
On the refusal of any person to obey a subpoena or to be sworn
or to answer as a witness, the commission may apply to the court
of common pleas of Franklin county under section 2705.03 of the
Revised Code. The court shall hold contempt proceedings in
accordance with Chapter 2705. of the Revised Code.~~

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~~The commission shall provide the person accused of the
violation at least seven days prior notice of the time, date,
and place of the hearing. The accused may be represented by an
attorney and shall have an opportunity to present evidence, call
witnesses, and cross-examine witnesses.~~

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~~At the hearing, the commission shall determine whether the
violation alleged in the complaint has occurred. If the
commission determines that a violation of division (A) of
section 3309.073 of the Revised Code has occurred, the
commission shall either impose a fine under section 3309.99 of
the Revised Code or enter a finding that good cause has been~~

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~~shown not to impose the fine. If the commission determines that~~ 47641
~~a violation of division (B) of section 3309.073 of the Revised~~ 47642
~~Code has occurred, the commission shall impose the fine~~ 47643
~~described in section 3309.99 of the Revised Code, refer the~~ 47644
~~matter to the appropriate prosecutor, or enter a finding that~~ 47645
~~good cause has been shown to not impose a fine or refer the~~ 47646
~~matter to the appropriate prosecutor.~~ 47647

Sec. 3309.99. (A) Whoever violates division (A) of section 47648
3309.073 of the Revised Code shall be fined not more than one 47649
hundred dollars for each day of the violation. 47650

(B) Whoever violates division (B) of section 3309.073 of 47651
the Revised Code shall be imprisoned for not more than six 47652
months or fined not more than five thousand dollars, or both. 47653

~~(C) Fines imposed by the Ohio elections commission under~~ 47654
~~this section shall be paid into the Ohio elections commission~~ 47655
~~fund created under section 3513.10 of the Revised Code.~~ 47656

Sec. 3310.033. (A) As used in this section: 47657

(1) "Foster child" means a child placed with a foster 47658
caregiver, as defined in section 5103.02 of the Revised Code. 47659

(2) "Qualifying student" means a student who is not 47660
entitled to attend school under section 3313.64 or 3313.65 of 47661
the Revised Code in a school district in which the pilot project 47662
scholarship program is operating under sections 3313.974 to 47663
3313.979 of the Revised Code. 47664

(3) "Kinship caregiver" has the same meaning as in section 47665
~~5101.85~~ 5180.50 of the Revised Code. 47666

(4) "Sibling" means any of the following: 47667

(a) A brother, half-brother, sister, or half-sister by 47668

birth, marriage, or adoption; 47669

(b) A cousin by birth, marriage, or adoption who is 47670
residing in the same household; 47671

(c) A foster child who is residing in the same household, 47672
including a child who is subsequently adopted by the child's 47673
foster family; 47674

(d) A child residing in the same household who is placed 47675
with a guardian or legal custodian; 47676

(e) A child who is residing in the same household and is 47677
being cared for by a kinship caregiver; 47678

(f) Any other child under eighteen years of age who has 47679
resided in the same household for at least forty-five 47680
consecutive days within the last calendar year. 47681

(5) "Caretaker" means the parent of a minor child or a 47682
relative acting in the parent's place. "Caretaker" also means 47683
another responsible adult who has care of the child and in whose 47684
household the child resides and, if not for residing in that 47685
household, the child would be homeless or likely to be homeless. 47686

(B) Notwithstanding anything in the Revised Code to the 47687
contrary, a qualifying student shall be eligible for an 47688
educational choice scholarship under section 3310.03 of the 47689
Revised Code, regardless of whether the student is enrolled in a 47690
school building described in division (A)(1) or (C) of that 47691
section, if any of the following apply: 47692

(1) The student's sibling received an educational choice 47693
scholarship under section 3310.03 of the Revised Code for the 47694
school year immediately prior to the school year for which the 47695
student is seeking a scholarship; 47696

- (2) The student is a foster child; 47697
- (3) The student is a child placed with a guardian, legal 47698
custodian, or kinship caregiver; 47699
- (4) The student is not a child placed with a guardian, 47700
legal custodian, or kinship caregiver, but has resided in the 47701
same household as such a child for at least forty-five 47702
consecutive days within the last calendar year; 47703
- (5) The student is not a foster child, but resides in a 47704
home that has received certification under section 5103.03 of 47705
the Revised Code; 47706
- (6) The student satisfies all of the following conditions: 47707
- (a) The student is not a foster child or a student 47708
described in division (B) (4) of this section. 47709
- (b) The student has resided in the household of an 47710
individual who is not the student's parent or guardian for at 47711
least forty-five consecutive days within the last calendar year 47712
and, if not for residing in that household, the student would 47713
have been homeless. 47714
- (c) The student's parent or guardian resides in this 47715
state. 47716
- (7) The student is not a child described in division (B) 47717
(6) of this section, but has resided in the same household as a 47718
child described in that division for at least forty-five 47719
consecutive days within the last calendar year. 47720
- (C) A student who receives an educational choice 47721
scholarship under this section remains eligible for that 47722
scholarship and may continue to receive a scholarship in 47723
subsequent school years until the student completes grade 47724

twelve, so long as the student satisfies the conditions 47725
specified in divisions (D) (2) and (3) of section 3310.03 of the 47726
Revised Code. 47727

(D) The department of education and workforce may request 47728
any individual applying for a scholarship under this section on 47729
behalf of a qualifying student to provide appropriate 47730
documentation, as defined by the department, that the student 47731
meets the eligibility qualifications prescribed under this 47732
section. In the case of a student who qualifies under division 47733
(B) (6) of this section, such documentation shall be provided by 47734
the student's parent, guardian, or caretaker. 47735

Sec. 3310.037. A student is not eligible to receive an 47736
educational choice scholarship awarded under sections 3310.01 to 47737
3310.17 of the Revised Code if the treasurer of state has 47738
established an educational savings account for the student under 47739
section 3310.23 of the Revised Code for the school year for 47740
which the scholarship is sought. 47741

Sec. 3310.15. (A) The department of education and 47742
workforce annually shall compile the scores attained by 47743
scholarship students to whom an assessment is administered under 47744
section 3310.14 of the Revised Code. The scores shall be 47745
aggregated as follows: 47746

(1) By state, which shall include all students awarded a 47747
scholarship under the educational choice scholarship pilot 47748
program and who were required to take an assessment under 47749
section 3310.14 of the Revised Code; 47750

(2) By school district, which shall include all 47751
scholarship students who were required to take an assessment 47752
under section 3310.14 of the Revised Code and for whom the 47753

district is the student's resident district; 47754

(3) By chartered nonpublic school, which shall include all 47755
scholarship students enrolled in that school who were required 47756
to take an assessment under section 3310.14 of the Revised Code. 47757

(B) The department shall disaggregate the student 47758
performance data described in division (A) of this section 47759
according to the following categories: 47760

(1) Grade level; 47761

(2) Race and ethnicity; 47762

(3) Gender; 47763

(4) Students who have participated in the scholarship 47764
program for three or more years; 47765

(5) Students who have participated in the scholarship 47766
program for more than one year and less than three years; 47767

(6) Students who have participated in the scholarship 47768
program for one year or less; 47769

(7) Economically disadvantaged students. 47770

(C) The department shall post the student performance data 47771
required under divisions (A) and (B) of this section on its web 47772
site and, by the ~~first-fifteenth~~ day of ~~February-September~~ or 47773
the preceding Friday when that day falls on a Saturday or Sunday 47774
each year, shall distribute that data to the parent of each 47775
eligible student. In reporting student performance data under 47776
this division, the department shall not include any data that is 47777
statistically unreliable or that could result in the 47778
identification of individual students. For this purpose, the 47779
department shall not report performance data for any group that 47780

contains less than ten students.

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Not later than July 1, 2025, the department shall develop a measure of student growth for scholarship students enrolled in chartered nonpublic schools. The measure of student growth shall be used to report data annually on student growth for students in grades four through eight during the school year in which data is reported. No data shall be reported for schools with fewer than ten scholarship students. The department shall make the growth reports available on its publicly accessible web site.

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(D) The department shall provide the parent of each scholarship student with information comparing the student's performance on the assessments administered under section 3310.14 of the Revised Code with the average performance of similar students enrolled in the building operated by the student's resident district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status.

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Sec. 3310.16. (A) For the 2020-2021 school year and each school year thereafter, the department of education and workforce shall accept, process, and award scholarships each year for the educational choice scholarship pilot program under sections 3310.03 and 3310.032 of the Revised Code, as follows:

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(1) The application period shall open on the first day of February prior to the first day of July of the school year for which a scholarship is sought. Not later than forty-five days after an applicant submits to the department of education and workforce a completed application, the department shall determine whether that applicant is eligible for a scholarship

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and notify the applicant whether or not the applicant is 47811
eligible. The department shall award a scholarship to each 47812
student with an approved application. However, for any 47813
application submitted on or after the fifteenth day of October 47814
of the school year for which a scholarship is sought, the 47815
department shall prorate the amount of the awarded scholarship 47816
based on how much of the school year remains after the date of 47817
the student's enrollment in the chartered nonpublic school. 47818

(2) In each school year, the department shall accept 47819
applications for conditional approval of a scholarship sought 47820
for that year or the next school year. Not later than five days 47821
after receiving an application under this division, the 47822
department shall grant conditional approval to an applicant who 47823
is eligible for a scholarship and notify the applicant whether 47824
or not conditional approval is granted. 47825

(B) If the department determines an application submitted 47826
under this section contains an error or deficiency, the 47827
department shall notify the applicant who submitted that 47828
application not later than fourteen days after the application 47829
is submitted. 47830

(C) The departments of education and workforce, job and 47831
family services, and taxation shall enter into a data sharing 47832
agreement so that, in administering this section, the department 47833
of education and workforce shall be able to determine, based on 47834
the address provided in a student's application, whether that 47835
student is eligible for an educational choice scholarship under 47836
section 3310.03 of the Revised Code and whether the student 47837
meets the residency requirements for an educational choice 47838
scholarship under section 3310.032 of the Revised Code. 47839

(D) No city, local, or exempted village school district 47840

shall have access to an application submitted under this 47841
section. 47842

(E) The department shall require each applicant to include 47843
the school and, if applicable the school district, in which the 47844
applicant is enrolled, or that the student is receiving home 47845
education, for the school year prior to the one for which an 47846
applicant submits an application under this section. 47847

Sec. 3310.21. As used in this section and sections 3310.22 47848
to 3310.26 of the Revised Code: 47849

(A) "Chartered nonpublic school" has the same meaning as 47850
in section 3310.01 of the Revised Code. 47851

(B) "Community school" means a community school 47852
established under Chapter 3314. of the Revised Code. 47853

(C) "Parent" has the same meaning as in section 3313.98 of 47854
the Revised Code. 47855

(D) "Participating school" means a nonchartered nonpublic 47856
school that participates in the nonchartered educational savings 47857
account program in accordance with section 3310.25 of the 47858
Revised Code. 47859

(E) "Resident district" means the school district in which 47860
a student is entitled to attend school under section 3313.64 or 47861
3313.65 of the Revised Code. 47862

(F) "Scholarship account" means an educational savings 47863
account established under section 3310.23 of the Revised Code. 47864

(G) "School district" means a city, local, or exempted 47865
village school district. 47866

(H) "State scholarship" means a scholarship awarded under 47867

the educational choice scholarship pilot program established 47868
under sections 3310.01 to 3310.17 of the Revised Code, the 47869
autism scholarship program established under section 3310.41 of 47870
the Revised Code, the Jon Peterson special needs scholarship 47871
program established under sections 3310.51 to 3310.64 of the 47872
Revised Code, or the pilot project scholarship program 47873
established under sections 3313.974 to 3313.979 of the Revised 47874
Code. 47875

(I) "STEM school" means a STEM school established under 47876
Chapter 3326. of the Revised Code. 47877

Sec. 3310.22. (A) The nonchartered educational savings 47878
account program is established to begin operating for the 2026- 47879
2027 school year. The treasurer of state shall administer the 47880
program with the assistance of the department of education and 47881
workforce. Under the program, the treasurer of state shall 47882
establish an educational savings account for each participating 47883
student to purchase educational goods and services, including 47884
tuition at participating schools. Funding for each educational 47885
savings account shall be transferred by the department of 47886
education and workforce from the nonchartered educational 47887
savings account unit, as defined in section 3317.02 of the 47888
Revised Code, in accordance with section 3317.022 of the Revised 47889
Code. 47890

(B) The department shall establish a system under which a 47891
student, parent, participating school, or any other individual 47892
may submit a complaint about an alleged violation of the 47893
program's requirements. The department shall investigate each 47894
complaint that it receives. During the investigation, the 47895
department shall provide updates to and respond to questions 47896
from both the subject of the complaint and the party who 47897

submitted the complaint. The department shall complete each 47898
investigation promptly. 47899

Upon completion of an investigation, the department shall 47900
submit to the party who submitted a complaint, the subject of 47901
the complaint, and the treasurer of state a report regarding the 47902
investigation's findings, including whether the program's 47903
requirements were violated. If the department's report indicates 47904
the program's requirements were violated, the treasurer of state 47905
shall determine a resolution to the complaint and require 47906
corrective actions to be taken, including remediation plans and 47907
other potential consequences for the subject of the complaint. 47908

(C) The treasurer of state shall establish due process 47909
procedures for individuals and participating schools who are 47910
determined noncompliant with the requirements of the program 47911
under this section and sections 3310.24 and 3310.25 of the 47912
Revised Code. The procedures shall provide an individual or 47913
school with at least a notice of the noncompliance 47914
determination, an opportunity for a hearing regarding it, and an 47915
opportunity to appeal it prior to the treasurer of state 47916
determining a resolution or undertaking any action regarding it. 47917

Sec. 3310.23. (A) Not later than February 1, 2026, the 47918
treasurer of state shall develop an application procedure for 47919
the nonchartered educational savings account program. Under the 47920
procedure, the treasurer of state shall open an application 47921
period for a school year on the first day of February 47922
immediately prior to the first day of July of that school year. 47923
The parent of a student enrolled in a participating school may 47924
submit an application to participate in the program during that 47925
application period. The treasurer of state shall accept and 47926
process each application that is submitted. The application 47927

shall require the parent to do all of the following: 47928

(1) Provide the student's and parent's names and address; 47929

(2) Provide documentation verifying the student's 47930
enrollment and attendance at a participating school; 47931

(3) Provide the student's participating school's tuition 47932
and fee schedule; 47933

(4) Affirm that the student will take a nationally 47934
recognized standardized achievement assessment; 47935

(5) If the parent is reapplying for a scholarship account 47936
in accordance with division (C) of this section, provide the 47937
student's nationally recognized standardized achievement 47938
assessment scores for the prior school year. As a matter of 47939
convenience, the student's participating school may submit the 47940
nationally recognized standardized achievement assessment scores 47941
on behalf of the student's parent. 47942

(6) Affirm the parent will maintain records and related 47943
documentation regarding educational expenses on which the parent 47944
spends funds from the scholarship account, including any 47945
receipts for tuition, fees, textbooks, and curriculum materials; 47946

(7) Affirm the parent will not enroll the student in a 47947
school district, community school, STEM school, or chartered 47948
nonpublic school while the student is participating in the 47949
program; 47950

(8) Affirm the parent will not use funds in a scholarship 47951
account for any purpose other than those described in division 47952
(A) of section 3310.24 of the Revised Code; 47953

(9) Provide other information determined necessary by the 47954
treasurer of state. 47955

(B) For an educational savings account sought for the 47956
2026-2027 school year, and for each school year thereafter, the 47957
treasurer of state shall approve a completed application 47958
submitted on behalf of a student, and establish an educational 47959
savings account for that student, if both of the following 47960
apply: 47961

(1) The student is enrolling in any of grades kindergarten 47962
through twelve in a participating school for the school year for 47963
which an account is sought. 47964

(2) The student has not received a state scholarship for 47965
the school year for which an account is sought. 47966

(C) A student for whom an educational savings account is 47967
established under this section for a school year shall be 47968
required to reapply under this section to have an account 47969
established for a subsequent school year. 47970

The treasurer of state shall notify parents of students 47971
for whom a scholarship account is established of the renewal 47972
process, the deadline for renewal, and that failure to renew in 47973
a timely manner may result in a temporary suspension of access 47974
to funds until an account is renewed. The treasurer of state 47975
shall provide support to ensure a smooth transition from school 47976
year to school year for renewing parents and students. 47977

(D) To the extent practicable, the treasurer of state 47978
shall establish a scholarship account prior to the start of the 47979
school year for which it is sought if the parent submits an 47980
application prior to the school year's start. 47981

Sec. 3310.24. (A) Funds transferred by the department of 47982
education and workforce under section 3317.022 of the Revised 47983
Code to a scholarship account established for a student shall be 47984

used by the student's parent to pay for tuition and fees at a 47985
participating school. Any funds remaining in the scholarship 47986
account after paying for tuition and fees shall be used for 47987
textbooks, instructional materials, and supplies. 47988

(B) Upon request of the parent of a student for whom a 47989
scholarship account is established, the treasurer of state shall 47990
disburse funds from that account by either of the following 47991
methods as selected by the parent: 47992

(1) The treasurer of state shall disburse funds directly 47993
to an approved vendor who provides educational goods or services 47994
described in division (A) of this section to the student. The 47995
treasurer of state shall establish a process to solicit and 47996
approve vendors for the purposes of this section. Under that 47997
process, a participating school that complies with the 47998
requirements prescribed under section 3310.25 of the Revised 47999
Code shall be considered an approved vendor. 48000

(2) The treasurer of state shall disburse funds to 48001
reimburse the student's parent for any costs incurred by the 48002
parent for educational goods or services described in division 48003
(A) of this section for that student. Prior to disbursing funds 48004
to reimburse a parent, the treasurer of state shall require that 48005
the parent provide appropriate documentation, as determined by 48006
the treasurer of state, that the costs incurred by the parent 48007
are in accordance with division (A) of this section. 48008

(C) Any refund or other repayment of funds by a 48009
participating school or other educational provider shall be 48010
returned to the student's scholarship account. Such a refund or 48011
repayment shall not be made directly to the student or the 48012
student's parent. 48013

(D) If a student for whom a scholarship account has been 48014
established for a school year disenrolls from the student's 48015
participating school and does not enroll in a different 48016
participating school during that school year, the treasurer of 48017
state shall transfer the balance of any funds in the student's 48018
account, including any prorated refund from a participating 48019
school, to the general revenue fund. The treasurer shall 48020
transfer funds under this division on the first day of January 48021
and the first day of July of each year. 48022

(E) If the parent of a student for whom a scholarship 48023
account is established for a school year reapplies to have an 48024
account established for the immediately subsequent school year, 48025
the treasurer of state shall, on the thirtieth day of June of 48026
the school year for which the account is established, transfer 48027
to the student's new account the balance of funds in the 48028
student's old account. 48029

(F) If the parent of a student for whom a scholarship 48030
account is established for a school year does not reapply to 48031
have a new account established for the immediately subsequent 48032
school year, the treasurer of state shall, on the first day of 48033
July of the year following the school year for which the account 48034
is established, transfer the balance of any funds in the 48035
student's old account to the general revenue fund. 48036

(G) Nothing in this section prohibits the parent of a 48037
student for whom a scholarship account is established from 48038
making payments for the costs of educational goods and services 48039
not covered by the funds in that account. However, the parent of 48040
a student shall not deposit funds in the student's scholarship 48041
account. 48042

(H) The treasurer of state may conduct random audits to 48043

verify that parents are using funds from a student's scholarship 48044
account in accordance with this section. If the treasurer of 48045
state determines a misuse of funds, the treasurer of state shall 48046
take any action the treasurer of state determines appropriate, 48047
including suspension or termination of a student's participation 48048
in the program. 48049

(I) The treasurer of state shall certify to the office of 48050
budget and management the amount of funds transferred to the 48051
general revenue fund under divisions (D) and (F) of this 48052
section. 48053

Sec. 3310.25. (A) A nonchartered nonpublic school that 48054
elects to participate in the nonchartered educational savings 48055
account program for a school year shall notify the treasurer of 48056
state of that fact by a deadline established by the treasurer of 48057
state. 48058

(B) Each nonchartered nonpublic school that participates 48059
in the program shall do all of the following: 48060

(1) Maintain records and related documentation regarding 48061
the educational expenses on which the school spends the funds it 48062
receives under the program, including receipts for tuition, 48063
textbooks, and curricula; 48064

(2) Maintain a physical location in the state at which 48065
each student has regular and direct contact with teachers. For 48066
the purposes of this section, "physical location" does not 48067
include a building that primarily serves as a residence. 48068

(3) Notify the treasurer of state and the department of 48069
any change in the school's name, school director, mailing 48070
address, or physical location within fifteen days of the change; 48071

(4) Require the parent of a student for whom a scholarship 48072

account is established to endorse the use of funds from a 48073
scholarship account by the school or approve the transfer of 48074
funds from the scholarship account to the school. 48075

(C) Each nonchartered nonpublic school that participates 48076
in the program shall comply with the requirements prescribed 48077
under the program. However, such schools are autonomous and not 48078
an agent of the state or federal governments. Therefore, all of 48079
the following apply: 48080

(1) The treasurer of state shall not regulate the 48081
curriculum, instructional methods, or other aspects of a 48082
school's educational program. 48083

(2) The program does not expand the authority of the 48084
treasurer of state to impose on nonchartered nonpublic schools 48085
any additional requirements beyond those expressly prescribed 48086
under the program. 48087

(3) Nonchartered nonpublic schools that participate in the 48088
program shall be given maximum freedom to provide for the 48089
educational needs of their students. 48090

(D) The treasurer of state may remove a nonchartered 48091
nonpublic school from the list of schools participating in the 48092
program if the treasurer of state determines the school has 48093
failed to comply with the requirements prescribed under this 48094
section. 48095

(E) (1) The treasurer of state shall provide the department 48096
with the list of nonchartered nonpublic schools that participate 48097
in the program. 48098

(2) Annually, the department shall do all of the following 48099
regarding each nonchartered nonpublic school that participates 48100
in the program: 48101

(a) Verify the school has filed with the department, in 48102
accordance with section 3301.0732 of the Revised Code, a copy of 48103
the report prescribed under section 3301.07 of the Revised Code; 48104

(b) Request from the board of health of the city or 48105
general health district in which the school's physical location 48106
is located a copy of any report of any inspection conducted by 48107
the board of health of that physical location; 48108

(c) Request from the state fire marshal a copy of any 48109
report of any fire inspection of the school's physical location; 48110

(d) Prepare and submit to the treasurer of state a report 48111
regarding whether, based on the information collected under 48112
divisions (E) (2) (a) to (c) of this section, the school is 48113
compliant with the minimum education standards and health, fire, 48114
and safety laws. 48115

(3) If the department's report under division (E) (2) (d) of 48116
this section demonstrates that a school is not compliant, the 48117
treasurer of state shall take any action the treasurer of state 48118
determines appropriate against the school. 48119

(F) (1) The department shall compile the scores attained by 48120
students with a scholarship account and provided to the 48121
treasurer of state under section 3310.23 of the Revised Code. 48122
The department shall aggregate the scores as follows: 48123

(a) By state, which shall include all students with a 48124
scholarship account; 48125

(b) By school district, which shall include all students 48126
with a scholarship account and for whom the district is the 48127
student's resident district; 48128

(c) By nonchartered nonpublic school, which shall include 48129

all students with a scholarship account and who were enrolled in 48130
that school. 48131

(2) The department shall disaggregate the student 48132
performance data described in division (F)(1) of this section 48133
according to the following categories: 48134

(a) Grade level; 48135

(b) Race and ethnicity; 48136

(c) Gender; 48137

(d) Students with a scholarship account who have 48138
participated in the program for three or more years; 48139

(e) Students with a scholarship account who have 48140
participated in the program for more than one year and less than 48141
three years; 48142

(f) Students with a scholarship account who have 48143
participated in the program for one year or less; 48144

(g) Economically disadvantaged students. 48145

(3) Not later than the first day of February each year, 48146
the department shall post the student performance data required 48147
under divisions (F)(1) and (F)(2) of this section on its web 48148
site. In reporting student performance data under this division, 48149
the department shall not include any data that is statistically 48150
unreliable or that could result in the identification of 48151
individual students. For this purpose, the department shall not 48152
report performance data for any group that contains less than 48153
ten students. 48154

(4) Not later than July 1, 2026, the department shall 48155
develop a measure of student growth for students with 48156

scholarship accounts that are enrolled in nonchartered nonpublic 48157
schools. The measure of student growth shall be used to report 48158
data annually on student growth for students in grades four 48159
through eight during the school year in which data is reported. 48160
No data shall be reported for schools with fewer than ten 48161
students with scholarship accounts. The department shall make 48162
the growth reports available on its publicly accessible web 48163
site. 48164

(5) The treasurer of state shall collect and provide to 48165
the department any data necessary for the department to perform 48166
its duties under this division. 48167

(G) The treasurer of state may conduct random audits to 48168
verify that nonchartered nonpublic schools that participate in 48169
the program are using funds received under the program in 48170
accordance with this section. If the treasurer of state 48171
determines a misuse of funds, the treasurer of state shall take 48172
any action the treasurer of state determines appropriate, 48173
including suspension or termination of a school's participation 48174
in the program. 48175

Sec. 3310.26. (A) As used in this section: 48176

(1) "Adjusted gross income" has the same meaning as in 48177
section 5747.01 of the Revised Code. 48178

(2) "Base amount" means an amount equal to the maximum 48179
educational choice scholarship amount for the student's grade 48180
level under division (A) (10) (a) (ii) (I) of section 3317.022 of 48181
the Revised Code for the fiscal year multiplied by 0.75. 48182

(3) "Constant multiplier" means 0.50. 48183

(4) "Federal poverty level multiplier" means a percentage 48184
equal to the student's family income percentage of the federal 48185

poverty guidelines for the fiscal year. 48186

(5) "Federal poverty guidelines" has the same meaning as 48187
in section 5101.46 of the Revised Code. 48188

(6) "Minimum amount" means an amount equal to the base 48189
amount for the fiscal year multiplied by 0.10. 48190

(7) "Power equation" means the following formula: 48191

The federal poverty level multiplier X ln(constant 48192
multiplier) 48193

(B) The department of education and workforce shall 48194
determine the scholarship amount for a student for whom a 48195
scholarship account is established for a fiscal year, as 48196
follows: 48197

(1) For a student with a family adjusted gross income at 48198
or below four hundred fifty per cent of the federal poverty 48199
guidelines for the fiscal year, the base amount; 48200

(2) For a student with a family adjusted gross income 48201
above four hundred fifty per cent of the federal poverty 48202
guidelines, an amount calculated according to the following 48203
formula: 48204

The base amount X (1 / the constant multiplier)^4.5 X 48205
e^power equation 48206

If the amount calculated for a student under division (B) 48207
(2) of this division is less than the minimum amount, the 48208
student's scholarship amount shall be the minimum amount. 48209

(C) For the purposes of calculating a scholarship amount 48210
for a student under this section, the department shall require a 48211
student's parent to submit documentation regarding the student's 48212

family income. The department shall use the documentation 48213
submitted for the first school year that the student has a 48214
scholarship amount calculated under this section to calculate 48215
the amount for that school year and each subsequent school year, 48216
unless, for a subsequent school year, the parent requests the 48217
department recalculate the student's scholarship amount based on 48218
updated documentation. 48219

A parent shall submit documentation, or a request for a 48220
recalculation, to the department in a form and manner prescribed 48221
by the department. 48222

Sec. 3310.41. (A) As used in this section: 48223

(1) "Alternative public provider" means either of the 48224
following providers that agrees to enroll a child in the 48225
provider's special education program to implement the child's 48226
individualized education program or an education plan developed 48227
by the school district under division ~~(K)~~(L) of this section and 48228
to which the child's parent owes fees for the services provided 48229
to the child: 48230

(a) A school district that is not the school district in 48231
which the child is entitled to attend school; 48232

(b) A public entity other than a school district. 48233

(2) "Eligible applicant" means any of the following: 48234

(a) Either of the natural or adoptive parents of a 48235
qualified special education child, except as otherwise specified 48236
in this division. 48237

When the marriage of the natural or adoptive parents of 48238
the child has been terminated by a divorce, dissolution of 48239
marriage, or annulment, or when the natural or adoptive parents 48240

of the child are living separate and apart under a legal 48241
separation decree, and a court has issued an order allocating 48242
the parental rights and responsibilities with respect to the 48243
child, "eligible applicant" means the residential parent as 48244
designated by the court. If the court issues a shared parenting 48245
decree, "eligible applicant" means either parent. "Eligible 48246
applicant" does not mean a parent whose custodial rights have 48247
been terminated. 48248

(b) The custodian of a qualified special education child, 48249
when a court has granted temporary, legal, or permanent custody 48250
of the child to an individual other than either of the natural 48251
or adoptive parents of the child or to a government agency; 48252

(c) The guardian of a qualified special education child, 48253
when a court has appointed a guardian for the child; 48254

(d) The grandparent of a qualified special education 48255
child, when the grandparent is the child's attorney in fact 48256
under a power of attorney executed under sections 3109.51 to 48257
3109.62 of the Revised Code or when the grandparent has executed 48258
a caretaker authorization affidavit under sections 3109.65 to 48259
3109.73 of the Revised Code; 48260

(e) The surrogate parent appointed for a qualified special 48261
education child pursuant to division (B) of section 3323.05 and 48262
section 3323.051 of the Revised Code; 48263

(f) A qualified special education child, if the child does 48264
not have a custodian or guardian and the child is at least 48265
eighteen years of age and less than twenty-two years of age. 48266

(3) "Entitled to attend school" means entitled to attend 48267
school in a school district under section 3313.64 or 3313.65 of 48268
the Revised Code. 48269

~~(3)~~(4) "Formula ADM" has the same meaning as in section 48270
3317.02 of the Revised Code. 48271

~~(4)~~(5) "Preschool child with a disability" and 48272
"individualized education program" have the same meanings as in 48273
section 3323.01 of the Revised Code. 48274

~~(5) "Parent" has the same meaning as in section 3313.64 of~~ 48275
~~the Revised Code, except that "parent" does not mean a parent~~ 48276
~~whose custodial rights have been terminated. "Parent" also~~ 48277
~~includes the custodian of a qualified special education child,~~ 48278
~~when a court has granted temporary, legal, or permanent custody~~ 48279
~~of the child to an individual other than either of the natural~~ 48280
~~or adoptive parents of the child or to a government agency.~~ 48281

(6) "Qualified special education child" is a child who is 48282
at least three years of age and less than twenty-two years of 48283
age and who either was enrolled in the school district in which 48284
the child is entitled to attend school in any grade from 48285
preschool through twelve in the school year prior to the year in 48286
which a scholarship under this section is ~~first~~sought for the 48287
child or is eligible to enter school in any grade preschool 48288
through twelve or is less than twenty-two years of age in the 48289
school district in which the child is entitled to attend school 48290
in the school year in which a scholarship under this section is 48291
~~first~~sought for the child and for whom any of the following 48292
conditions apply: 48293

(a) The school district in which the child is entitled to 48294
attend school has identified the child as autistic. A child who 48295
has been identified as having a "pervasive developmental 48296
disorder - not otherwise specified (PPD-NOS)" shall be 48297
considered to be an autistic child for purposes of this section. 48298

(b) The school district in which the child is entitled to 48299
attend school has developed an individualized education program 48300
under Chapter 3323. of the Revised Code for the child that 48301
includes services related to autism. 48302

(c) The child has been diagnosed as autistic by a 48303
physician or psychologist. 48304

(d) All of the following apply: 48305

(i) The child is enrolled in a chartered or nonchartered 48306
nonpublic school, is home educated in accordance with section 48307
3321.042 of the Revised Code, or is a student older than 48308
compulsory school age and less than twenty-two years of age and 48309
received a home education in accordance with section 3321.042 of 48310
the Revised Code and has not received a diploma under section 48311
3313.6110 of the Revised Code. 48312

(ii) The child has an individualized education program 48313
developed under Chapter 3323. of the Revised Code that includes 48314
services related to autism. 48315

(iii) The child is still eligible to receive transition 48316
services under the child's individualized education program. 48317

(7) "Registered private provider" means a nonpublic school 48318
or other nonpublic entity that has been approved by the 48319
department of education and workforce to participate in the 48320
program established under this section. 48321

(8) "Special education program" means a school or facility 48322
that provides special education and related services to children 48323
with disabilities. 48324

(B) There is hereby established the autism scholarship 48325
program. Under the program, the department shall pay a 48326

scholarship under section 3317.022 of the Revised Code to ~~the~~ 48327
~~parent of each qualified special education child~~ an eligible 48328
applicant upon application of that ~~parent~~ eligible applicant 48329
pursuant to procedures and deadlines established by rule of the 48330
department. Each scholarship shall be used only to pay tuition 48331
for the child on whose behalf the scholarship is awarded to 48332
attend a special education program or programs that implements 48333
the child's individualized education program or education plan 48334
and that is operated by an alternative public provider or by a 48335
registered private provider, and to pay for other services 48336
agreed to by the provider and the ~~parent of a qualified special~~ 48337
~~education child~~ eligible applicant that are not included in the 48338
individualized education program or education plan but are 48339
associated with educating the child. Upon agreement with the 48340
~~parent of a qualified special education child~~ eligible applicant, 48341
the alternative public provider or the registered private 48342
provider may modify the services provided to the child. The 48343
purpose of the scholarship is to permit the ~~parent of a~~ 48344
~~qualified special education child~~ eligible applicant the choice 48345
to send the child to a special education program or programs, 48346
instead of the one operated by or for the school district in 48347
which the child is entitled to attend school, to receive the 48348
services prescribed in the child's individualized education 48349
program or education plan once the individualized education 48350
program or education plan is finalized and any other services 48351
agreed to by the provider and the ~~parent of a qualified special~~ 48352
~~education child~~ eligible applicant. The services provided under 48353
the scholarship shall include an educational component or 48354
services designed to assist the child to benefit from the 48355
child's education. 48356

At the discretion of the eligible applicant, multiple 48357

alternative public providers or registered private providers may 48358
be contracted to provide services to implement an individualized 48359
education program or education plan as the eligible applicant 48360
and providers determine are necessary and associated with 48361
educating the qualified special education child. A qualified 48362
special education child shall not be limited to receiving 48363
services from a single provider for any services as identified 48364
in the individualized education program or education plan, 48365
including a single type of service. 48366

(C) Services, including intervention services, educational 48367
services, academic services, tutoring services, aide services, 48368
and other related special education services, provided through 48369
the program established under this section may be provided 48370
virtually by any of the following: 48371

(1) An educational aide or assistant who holds a valid 48372
permit issued under section 3319.088 of the Revised Code; 48373

(2) An instructional assistant who holds a valid permit 48374
issued under section 3310.43 of the Revised Code; 48375

(3) A qualified, credentialed provider in accordance with 48376
standards established by the department; 48377

(4) A teacher or substitute teacher licensed by the state 48378
board of education. 48379

(D) A scholarship under this section shall not be awarded 48380
~~to the parent of a child~~ an eligible applicant while the child's 48381
individualized education program is being developed by the 48382
school district in which the child is entitled to attend school, 48383
or while any administrative or judicial mediation or proceedings 48384
with respect to the content of the child's individualized 48385
education program are pending. A scholarship under this section 48386

shall not be used for a child to attend a public special 48387
education program that operates under a contract, compact, or 48388
other bilateral agreement between the school district in which 48389
the child is entitled to attend school and another school 48390
district or other public provider, or for a child to attend a 48391
community school established under Chapter 3314. of the Revised 48392
Code. However, nothing in this section or in any rule adopted by 48393
the department shall prohibit ~~a parent~~ an eligible applicant 48394
whose child attends a public special education program under a 48395
contract, compact, or other bilateral agreement, or ~~a parent~~ an 48396
eligible applicant whose child attends a community school, from 48397
applying for and accepting a scholarship under this section so 48398
that the ~~parent~~ eligible applicant may withdraw the child from 48399
that program or community school and use the scholarship for the 48400
child to attend a special education program for which the ~~parent~~ 48401
eligible applicant is required to pay for services for the 48402
child. 48403

(E) Except for development of the child's individualized 48404
education program or education plan, the school district in 48405
which a qualified special education child is entitled to attend 48406
school and the child's school district of residence, as defined 48407
in section 3323.01 of the Revised Code, if different, are not 48408
obligated to provide the child with a free appropriate public 48409
education under Chapter 3323. of the Revised Code for as long as 48410
the child continues to attend the special education program 48411
operated by either an alternative public provider or a 48412
registered private provider for which a scholarship is awarded 48413
under the autism scholarship program. If at any time, the 48414
eligible applicant for the child decides no longer to accept 48415
scholarship payments and enrolls the child in the special 48416
education program of the school district in which the child is 48417

entitled to attend school, that district shall provide the child 48418
with a free appropriate public education under Chapter 3323. of 48419
the Revised Code. 48420

(F) A child attending a special education program with a 48421
scholarship under this section shall continue to be entitled to 48422
transportation to and from that program in the manner prescribed 48423
by law. 48424

(G) As prescribed in division (A) (2) (h) of section 3317.03 48425
of the Revised Code, a child who is not a preschool child with a 48426
disability for whom a scholarship is awarded under this section 48427
shall be counted in the formula ADM of the district in which the 48428
child is entitled to attend school and not in the formula ADM of 48429
any other school district. 48430

(H) A scholarship shall not be paid under section 3317.022 48431
of the Revised Code to ~~a parent~~ an eligible applicant for 48432
payment of tuition owed to a nonpublic entity unless that entity 48433
is a registered private provider. The department shall approve 48434
entities that meet the standards established by rule of the 48435
department for the program established under this section. 48436

(I) The department shall adopt rules under Chapter 119. of 48437
the Revised Code prescribing procedures necessary to implement 48438
this section, including, but not limited to, procedures and 48439
deadlines for ~~parents~~ eligible applicants to apply for 48440
scholarships, standards for registered private providers, and 48441
procedures for approval of entities as registered private 48442
providers. 48443

The rules also shall specify that intervention services, 48444
including virtual services, under the autism scholarship program 48445
may be provided by a qualified, credentialed provider, including 48446

an educator or substitute teacher licensed by the state board of 48447
education, and shall additionally include, but not be limited 48448
to, all of the following: 48449

(1) A behavior analyst certified by a nationally 48450
recognized organization that certifies behavior analysts; 48451

(2) A psychologist licensed to practice in this state 48452
under Chapter 4732. of the Revised Code; 48453

(3) An independent school psychologist or school 48454
psychologist licensed to practice in this state under Chapter 48455
4732. of the Revised Code; 48456

(4) Any person employed by a licensed psychologist, 48457
licensed independent school psychologist, or licensed school 48458
psychologist, while carrying out specific tasks, under the 48459
licensee's supervision, as an extension of the licensee's legal 48460
and ethical authority as specified under Chapter 4732. of the 48461
Revised Code who is ascribed as "psychology trainee," 48462
"psychology assistant," "psychology intern," or other 48463
appropriate term that clearly implies their supervised or 48464
training status; 48465

(5) Unlicensed persons holding a doctoral degree in 48466
psychology or special education from a program approved by the 48467
department; 48468

(6) A "registered behavior technician" as described under 48469
rule 5123-9-41 of the Administrative Code working under the 48470
supervision and following the intervention plan of a certified 48471
Ohio behavior analyst or a behavior analyst certified by a 48472
nationally recognized organization that certifies behavior 48473
analysts; 48474

(7) A "certified Ohio behavior analyst" under Chapter 48475

4783. of the Revised Code; 48476

(8) An occupational therapist or physical therapist 48477
licensed to practice in this state under Chapter 4755. of the 48478
Revised Code; 48479

(9) A speech-language pathologist licensed to practice in 48480
this state under Chapter 4753. of the Revised Code; 48481

(10) An intervention specialist who holds a valid license 48482
issued by the state board; 48483

(11) A literacy intervention specialist certified through 48484
pathways recognized by the Ohio dyslexia committee established 48485
by section 3323.25 of the Revised Code. To the extent that 48486
certification for any of the following positions is approved by 48487
the Ohio dyslexia committee under section 3323.25 of the Revised 48488
Code, literary intervention specialists may include: 48489

(a) A structured literacy dyslexia interventionist; 48490

(b) A structured literacy dyslexia specialist; 48491

(c) A certified academic language practitioner; 48492

(d) A certified academic language therapist. 48493

(12) An educational aide or assistant with a valid permit 48494
issued under section 3319.088 of the Revised Code; 48495

(13) An instructional assistant with a valid permit issued 48496
in accordance with section 3310.43 of the Revised Code; 48497

(14) Any other qualified individual as determined by the 48498
department. 48499

The rules also shall specify that supervision of a 48500
qualified, credentialed provider may be conducted virtually. 48501

(J) For billing purposes under the autism scholarship 48502
program, services provided by a teacher or substitute teacher 48503
licensed by the state board of education shall be classified as 48504
academic services and shall not be classified as aide services. 48505
The department shall use this differentiation to simplify 48506
monthly audit procedures. 48507

(K) The department shall provide reasonable notice to all 48508
~~parents of children eligible applicants~~ receiving a scholarship 48509
under the autism scholarship program, alternative public 48510
providers, and registered private providers of any amendment to 48511
a rule governing, or change in the administration of, the autism 48512
scholarship program. 48513

~~(K)~~ (L) If a child qualifies for the autism scholarship 48514
program pursuant to a diagnosis under division (A) (6) (c) of this 48515
section and does not have an individualized education program 48516
that includes services related to autism, the school district in 48517
which the child is entitled to attend school shall develop an 48518
education plan for the child. 48519

~~(L)~~ (M) Not later than the thirtieth day of June each year, 48520
each alternative public provider and registered private provider 48521
enrolling students receiving autism scholarships shall submit to 48522
the department, in a form and manner prescribed by the 48523
department, the tuition rates charged by the provider for the 48524
following school year. 48525

~~(M)~~ (N) The department shall not require ~~the parent of a~~ 48526
~~student~~ an eligible applicant who applies for or receives a 48527
scholarship under this section to complete any kind of income 48528
verification regarding the student's family income. 48529

(O) The department shall maintain a list of each 48530

registered private provider and the location of that provider on 48531
its publicly accessible web site. 48532

Sec. 3310.412. A student is not eligible to receive an 48533
autism scholarship awarded under section 3310.41 of the Revised 48534
Code if the treasurer of state has established an educational 48535
savings account for the student under section 3310.23 of the 48536
Revised Code for the school year for which the scholarship is 48537
sought. 48538

Sec. 3310.413. As used in this section, "junior reserve 48539
officer training corps program" means a junior reserve officer 48540
training corps (JROTC) program approved by the congress of the 48541
United States under title 10 of the United States Code. 48542

A qualified special education child, as defined in section 48543
3310.41 of the Revised Code, receiving home education under 48544
section 3321.042 of the Revised Code who participates in a 48545
junior reserve officer training corps program maintained by the 48546
child's resident school district in accordance with 10 U.S.C. 48547
2031f(1) shall not be considered enrolled in that district for 48548
purposes of determining eligibility for an autism scholarship 48549
under section 3310.41 of the Revised Code. 48550

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 48551
the Revised Code: 48552

(A) "Alternative public provider" means either of the 48553
following providers that agrees to enroll a child in the 48554
provider's special education program to implement the child's 48555
individualized education program and to which the eligible 48556
applicant owes fees for the services provided to the child: 48557

(1) A school district that is not the school district in 48558
which the child is entitled to attend school or the child's 48559

school district of residence, if different; 48560

(2) A public entity other than a school district. 48561

(B) "Child with a disability" and "individualized 48562
education program" have the same meanings as in section 3323.01 48563
of the Revised Code. 48564

(C) "Eligible applicant" means any of the following: 48565

(1) Either of the natural or adoptive parents of a 48566
qualified special education child, except as otherwise specified 48567
in this division. When the marriage of the natural or adoptive 48568
parents of the student has been terminated by a divorce, 48569
dissolution of marriage, or annulment, or when the natural or 48570
adoptive parents of the student are living separate and apart 48571
under a legal separation decree, and a court has issued an order 48572
allocating the parental rights and responsibilities with respect 48573
to the child, "eligible applicant" means the residential parent 48574
as designated by the court. If the court issues a shared 48575
parenting decree, "eligible applicant" means either parent. 48576
"Eligible applicant" does not mean a parent whose custodial 48577
rights have been terminated. 48578

(2) The custodian of a qualified special education child, 48579
when a court has granted temporary, legal, or permanent custody 48580
of the child to an individual other than either of the natural 48581
or adoptive parents of the child or to a government agency; 48582

(3) The guardian of a qualified special education child, 48583
when a court has appointed a guardian for the child; 48584

(4) The grandparent of a qualified special education 48585
child, when the grandparent is the child's attorney in fact 48586
under a power of attorney executed under sections 3109.51 to 48587
3109.62 of the Revised Code or when the grandparent has executed 48588

a caretaker authorization affidavit under sections 3109.65 to 48589
3109.73 of the Revised Code; 48590

(5) The surrogate parent appointed for a qualified special 48591
education child pursuant to division (B) of section 3323.05 and 48592
section 3323.051 of the Revised Code; 48593

(6) A qualified special education child, if the child does 48594
not have a custodian or guardian and the child is at least 48595
eighteen years of age and less than twenty-two years of age. 48596

(D) "Entitled to attend school" means entitled to attend 48597
school in a school district under sections 3313.64 and 3313.65 48598
of the Revised Code. 48599

(E) "Formula ADM" has the same meaning as in section 48600
3317.02 of the Revised Code. 48601

(F) "Qualified special education child" is a child for 48602
whom all of the following conditions apply: 48603

(1) The child is at least ~~five~~ three years of age and less 48604
than twenty-two years of age. 48605

(2) The school district in which the child is entitled to 48606
attend school, or the child's school district of residence if 48607
different, has identified the child as a child with a 48608
disability. 48609

(3) The school district in which the child is entitled to 48610
attend school, or the child's school district of residence if 48611
different, has developed an individualized education program 48612
under Chapter 3323. of the Revised Code for the child. 48613

(4) The child ~~either~~ meets one of the following 48614
conditions: 48615

(a) Was enrolled in the schools of the school district in 48616
which the child is entitled to attend school in any grade from 48617
~~kindergarten~~preschool through twelve in the school year prior 48618
to the school year in which a scholarship is ~~first~~sought for 48619
the child; 48620

(b) Is eligible to enter school in any grade ~~kindergarten~~ 48621
preschool through twelve in the school district in which the 48622
child is entitled to attend school in the school year in which a 48623
scholarship is ~~first~~sought for the child; 48624

(c) All of the following apply: 48625

(i) The child is at least eighteen years of age and less 48626
than twenty-two years of age. 48627

(ii) The child is enrolled in a chartered or nonchartered 48628
nonpublic school, is home educated in accordance with section 48629
3321.042 of the Revised Code, or is a student older than 48630
compulsory school age and less than twenty-two years of age and 48631
received a home education in accordance with section 3321.042 of 48632
the Revised Code and has not received a diploma under section 48633
3313.6110 of the Revised Code. 48634

(iii) The child is still eligible to receive transition 48635
services under the child's individualized education program. 48636

(5) The department of education and workforce has not 48637
approved a scholarship for the child under the educational 48638
choice scholarship pilot program, under sections 3310.01 to 48639
3310.17 of the Revised Code, the autism scholarship program, 48640
under section 3310.41 of the Revised Code, or the pilot project 48641
scholarship program, under sections 3313.974 to 3313.979 of the 48642
Revised Code for the same school year in which a scholarship 48643
under the Jon Peterson special needs scholarship program is 48644

sought. 48645

(6) The treasurer of state has not established an 48646
educational savings account for the student under section 48647
3310.23 of the Revised Code for the same school year in which a 48648
scholarship under the Jon Peterson special needs scholarship 48649
program is sought. 48650

(7) The child and the child's parents are in compliance 48651
with the state compulsory attendance law under Chapter 3321. of 48652
the Revised Code. 48653

(G) "Registered private provider" means a nonpublic school 48654
or other nonpublic entity that has been registered by the 48655
superintendent of public instruction under section 3310.58 of 48656
the Revised Code prior to ~~the effective date of this amendment~~ 48657
October 3, 2023, or the department of education and workforce on 48658
or after that date. 48659

(H) "Scholarship" means a scholarship awarded under the 48660
Jon Peterson special needs scholarship program pursuant to 48661
sections 3310.51 to 3310.64 of the Revised Code. 48662

(I) "School district of residence" has the same meaning as 48663
in section 3323.01 of the Revised Code. A community school 48664
established under Chapter 3314. of the Revised Code is not a 48665
"school district of residence" for purposes of sections 3310.51 48666
to 3310.64 of the Revised Code. 48667

(J) "School year" has the same meaning as in section 48668
3313.62 of the Revised Code. 48669

(K) "Special education program" means a school or facility 48670
that provides special education and related services to children 48671
with disabilities. 48672

Sec. 3310.52. (A) The Jon Peterson special needs 48673
scholarship program is hereby established. Under the program, 48674
beginning with the 2012-2013 school year, subject to division 48675
(B) of this section, the department of education and workforce 48676
annually shall pay a scholarship under section 3317.022 of the 48677
Revised Code to an eligible applicant for services provided by 48678
an alternative public provider or a registered private provider 48679
for a qualified special education child. The scholarship shall 48680
be used only to pay all or part of the fees for the child to 48681
attend the special education program or programs operated by the 48682
alternative public provider or registered private provider to 48683
implement the child's individualized education program or 48684
programs, in lieu of the child's attending the special education 48685
program operated by the school district in which the child is 48686
entitled to attend school, and other services agreed to by the 48687
provider and eligible applicant that are not included in the 48688
individualized education program but are associated with 48689
educating the child. 48690

At the discretion of an eligible applicant, multiple 48691
alternative public providers or registered private providers may 48692
be contracted to provide services to implement the 48693
individualized education program as the eligible applicant and 48694
providers determine are necessary and associated with educating 48695
the qualified special education child. A qualified special 48696
education child is not limited to receiving services from a 48697
single provider for any services as identified in the 48698
individualized education program, including a single type of 48699
service. 48700

Beginning in the 2014-2015 school year, if the child is 48701
receiving special education services for a disability specified 48702
in division (A) of section 3317.013 of the Revised Code, the 48703

scholarship shall be used only to pay for related services that 48704
are included in the child's individualized education program. 48705
Upon agreement with the eligible applicant, the alternative 48706
public provider or registered private provider may modify the 48707
services provided to the child. 48708

Services, including intervention services, educational 48709
services, academic services, tutoring services, aide services, 48710
and other related special education services, provided through 48711
the program established under this section may be provided 48712
virtually by any of the following: 48713

(1) An educational aide or assistant who holds a valid 48714
permit issued under section 3319.088 of the Revised Code; 48715

(2) An instructional assistant who holds a valid permit 48716
issued under section 3310.43 of the Revised Code; 48717

(3) A qualified, credentialed provider in accordance with 48718
standards established by the department; 48719

(4) A teacher or substitute teacher licensed by the state 48720
board of education. 48721

(B) The number of scholarships awarded under the program 48722
in any fiscal year shall not exceed five per cent of the total 48723
number of students residing in the state identified as children 48724
with disabilities during the previous fiscal year. 48725

(C) The department shall pay a scholarship under section 48726
3317.022 of the Revised Code to the ~~parent of each qualified~~ 48727
~~special education child~~ eligible applicant, unless the ~~parent~~ 48728
eligible applicant authorizes a direct payment to the child's 48729
provider, upon application ~~of that parent~~ in the manner 48730
prescribed by the department. However, the department shall not 48731
adopt specific dates for application deadlines for scholarships 48732

under the program.

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(D) The department shall not require ~~the parent of a~~
~~student~~ an eligible applicant who applies for or receives a
scholarship under this section to complete any kind of income
verification regarding the student's family income.

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Sec. 3310.523. As used in this section, "junior reserve
officer training corps program" means a junior reserve officer
training corps (JROTC) program approved by the congress of the
United States under title 10 of the United States Code.

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A qualified special education child receiving home
education under section 3321.042 of the Revised Code who
participates in a junior reserve officer training corps program
maintained by the child's resident school district in accordance
with 10 U.S.C. 2031f(1) shall not be considered enrolled in that
district for purposes of determining eligibility for a Jon
Peterson special needs scholarship under section 3310.52 of the
Revised Code.

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Sec. 3310.58. No nonpublic school or entity shall receive
payments from an eligible applicant for services for a qualified
special education child under the Jon Peterson special needs
scholarship program until the school or entity registers with
the department of education and workforce. The department shall
maintain a list of each registered private provider and the
location of that provider on its publicly accessible web site.
The department shall register and designate as a registered
private provider any nonpublic school or entity that meets the
following requirements:

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(A) The school or entity complies with the
antidiscrimination provisions of 42 U.S.C. 2000d, regardless of

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whether the school or entity receives federal financial 48762
assistance. 48763

(B) If the school or entity is not chartered by the 48764
director of education and workforce under section 3301.16 of the 48765
Revised Code, the school or entity agrees to comply with 48766
sections 3319.39, 3319.391, and 3319.392 of the Revised Code as 48767
if it were a school district. 48768

(C) The teaching and nonteaching professionals employed by 48769
the school or entity, or employed by any subcontractors of the 48770
school or entity, hold appropriate credentials for the qualified 48771
special education children enrolled in and the services provided 48772
through the special education program it operates. The list of 48773
professionals who hold appropriate credentials to provide 48774
services under a special education program include all of the 48775
following: 48776

(1) A behavior analyst certified by a nationally 48777
recognized organization that certifies behavior analysts; 48778

(2) A psychologist licensed to practice in this state 48779
under Chapter 4732. of the Revised Code; 48780

(3) An independent school psychologist or school 48781
psychologist licensed to practice in this state under Chapter 48782
4732. of the Revised Code; 48783

(4) Any person employed by a licensed psychologist, 48784
licensed independent school psychologist, or licensed school 48785
psychologist, while carrying out specific tasks, under the 48786
licensee's supervision, as an extension of the licensee's legal 48787
and ethical authority as specified under Chapter 4732. of the 48788
Revised Code who is ascribed as "psychology trainee," 48789
"psychology assistant," "psychology intern," or other 48790

appropriate term that clearly implies their supervised or 48791
training status; 48792

(5) An unlicensed person holding a doctoral degree in 48793
psychology or special education from a program approved by the 48794
department; 48795

(6) A registered behavior technician as described in rule 48796
5123-9-41 of the Administrative Code working under the 48797
supervision and following the intervention plan of a certified 48798
Ohio behavior analyst or behavior analyst certified by a 48799
nationally recognized organization that certifies behavior 48800
analysts; 48801

(7) A certified Ohio behavior analyst under Chapter 4783. 48802
of the Revised Code; 48803

(8) An occupational therapist or physical therapist 48804
licensed to practice in this state under Chapter 4755. of the 48805
Revised Code; 48806

(9) A speech-language pathologist licensed to practice in 48807
this state under Chapter 4753. of the Revised Code; 48808

(10) An intervention specialist who holds a valid license 48809
issued by the state board; 48810

(11) A literacy intervention specialist certified through 48811
pathways recognized by the Ohio dyslexia committee established 48812
by section 3323.25 of the Revised Code. To the extent that 48813
certification for any of the following positions is approved by 48814
the Ohio dyslexia committee under section 3323.25 of the Revised 48815
Code, literary intervention specialists may include: 48816

(a) A structured literacy dyslexia interventionist; 48817

(b) A structured literacy dyslexia specialist; 48818

- (c) A certified academic language practitioner; 48819
- (d) A certified academic language therapist. 48820
- (12) An educational aide or assistant with a valid permit 48821
issued under section 3319.088 of the Revised Code; 48822
- (13) An instructional assistant with a valid permit issued 48823
in accordance with section 3310.43 of the Revised Code; 48824
- (14) Any other qualified individual as determined by the 48825
department. 48826
- (D) For billing purposes under the Jon Peterson special 48827
needs scholarship program, services provided by a teacher or 48828
substitute teacher licensed by the state board of education 48829
shall be classified as academic services and shall not be 48830
classified as aide services. The department shall use this 48831
differentiation to simplify monthly audit procedures. 48832
- (E) The school's or entity's educational program shall be 48833
approved by the department. 48834
- ~~(E)~~ (F) The school or entity meets applicable health and 48835
safety standards established by law. 48836
- ~~(F)~~ (G) The school or entity agrees to retain on file 48837
documentation as required by the department. 48838
- ~~(G)~~ (H) The school or entity agrees to provide a record of 48839
the implementation of the individualized education program for 48840
each qualified special education child enrolled in the school's 48841
or entity's special education program, including evaluation of 48842
the child's progress, to the school district in which the child 48843
is entitled to attend school, in the form and manner prescribed 48844
by the department. 48845

~~(H)~~(I) The school or entity agrees that, if it declines to
enroll a particular qualified special education child, it will
notify in writing the eligible applicant of its reasons for
declining to enroll the child.

Sec. 3310.64. The department of education and workforce
shall adopt rules in accordance with Chapter 119. of the Revised
Code prescribing procedures necessary to implement sections
3310.51 to 3310.63 of the Revised Code including, but not
limited to, procedures for parents to apply for scholarships,
standards for registered private providers, and procedures for
registration of private providers.

The rules also shall specify that intervention services,
including virtual services, under the Jon Peterson special needs
scholarship program may be provided by a qualified, credentialed
provider, including an educator or substitute teacher licensed
by the state board of education, and shall additionally include,
but not be limited to, the credentialed professionals listed in
division (C) of section 3310.58 of the Revised Code.

The rules also shall specify that supervision of a
qualified, credentialed provider may be conducted virtually.

Sec. 3313.41. (A) Except as provided in divisions (C),
(D), and (F) of this section and in sections 3313.412 and
3313.413 of the Revised Code, when a board of education decides
to dispose of real or personal property that it owns in its
corporate capacity and that exceeds in value ten thousand
dollars, it shall sell the property at public auction, after
giving at least thirty days' notice of the auction by
publication in a newspaper of general circulation in the school
district, by publication as provided in section 7.16 of the
Revised Code, or by posting notices in five of the most public

places in the school district in which the property, if it is 48876
real property, is situated, or, if it is personal property, in 48877
the school district of the board of education that owns the 48878
property. The board may offer real property for sale as an 48879
entire tract or in parcels. The board of education shall accept 48880
the highest bid at a public auction under this division. 48881

(B) When the board of education has offered real or 48882
personal property for sale at public auction at least once 48883
pursuant to division (A) of this section, and the property has 48884
not been sold, the board may sell it at a private sale. 48885
Regardless of how it was offered at public auction, at a private 48886
sale, the board shall, as it considers best, sell real property 48887
as an entire tract or in parcels, and personal property in a 48888
single lot or in several lots. 48889

(C) If a board of education decides to dispose of real or 48890
personal property that it owns in its corporate capacity and 48891
that exceeds in value ten thousand dollars, it may sell the 48892
property to the adjutant general; to any subdivision or taxing 48893
authority as respectively defined in section 5705.01 of the 48894
Revised Code, township park district, board of park 48895
commissioners established under Chapter 755. of the Revised 48896
Code, or park district established under Chapter 1545. of the 48897
Revised Code; to a wholly or partially tax-supported university, 48898
university branch, or college; to a nonprofit institution of 48899
higher education that has a certificate of authorization under 48900
Chapter 1713. of the Revised Code; to the governing authority of 48901
a chartered nonpublic school; or to the board of trustees of a 48902
school district library, upon such terms as are agreed upon. The 48903
sale of real or personal property to the board of trustees of a 48904
school district library is limited, in the case of real 48905
property, to a school district library within whose boundaries 48906

the real property is situated, or, in the case of personal 48907
property, to a school district library whose boundaries lie in 48908
whole or in part within the school district of the selling board 48909
of education. 48910

(D) When a board of education decides to trade as a part 48911
or an entire consideration, an item of personal property on the 48912
purchase price of an item of similar personal property, it may 48913
trade the same upon such terms as are agreed upon by the parties 48914
to the trade. 48915

(E) The president and the treasurer of the board of 48916
education shall execute and deliver deeds or other necessary 48917
instruments of conveyance to complete any sale or trade under 48918
this section. 48919

(F) When a board of education has identified a parcel of 48920
real property that it determines is needed for school purposes, 48921
the board may, upon a majority vote of the members of the board, 48922
acquire that property by exchanging real property that the board 48923
owns in its corporate capacity for the identified real property 48924
or by using real property that the board owns in its corporate 48925
capacity as part or an entire consideration for the purchase 48926
price of the identified real property. Any exchange or 48927
acquisition made pursuant to this division shall be made by a 48928
conveyance executed by the president and the treasurer of the 48929
board. 48930

(G) When a school district board of education has property 48931
that the board, by resolution, finds is not needed for school 48932
district use, is obsolete, or is unfit for the use for which it 48933
was acquired, the board may donate that property in accordance 48934
with this division if the fair market value of the property is, 48935
in the opinion of the board, two thousand five hundred dollars 48936

or less. 48937

The property may be donated to an eligible nonprofit 48938
organization that is located in this state and is exempt from 48939
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 48940
Before donating any property under this division, the board 48941
shall adopt a resolution expressing its intent to make unneeded, 48942
obsolete, or unfit-for-use school district property available to 48943
these organizations. The resolution shall include guidelines and 48944
procedures the board considers to be necessary to implement the 48945
donation program and shall indicate whether the school district 48946
will conduct the donation program or the board will contract 48947
with a representative to conduct it. If a representative is 48948
known when the resolution is adopted, the resolution shall 48949
provide contact information such as the representative's name, 48950
address, and telephone number. 48951

The resolution shall include within its procedures a 48952
requirement that any nonprofit organization desiring to obtain 48953
donated property under this division shall submit a written 48954
notice to the board or its representative. The written notice 48955
shall include evidence that the organization is a nonprofit 48956
organization that is located in this state and is exempt from 48957
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3); 48958
a description of the organization's primary purpose; a 48959
description of the type or types of property the organization 48960
needs; and the name, address, and telephone number of a person 48961
designated by the organization's governing board to receive 48962
donated property and to serve as its agent. The written notice 48963
may be submitted electronically to the board or its 48964
representative. 48965

After adoption of the resolution, the board shall 48966

continually post in the board's office notice of its intent to 48967
donate school district property that is unneeded, obsolete, or 48968
unfit for use to eligible nonprofit organizations. If the school 48969
district maintains a web site on the internet, the notice shall 48970
be posted continually at that web site. 48971

The board or its representatives shall maintain a list of 48972
all nonprofit organizations that notify the board or its 48973
representative of their desire to obtain donated property under 48974
this division and that the board or its representative 48975
determines to be eligible, in accordance with the requirements 48976
set forth in this section and in the donation program's 48977
guidelines and procedures, to receive donated property. 48978

The board or its representative also shall maintain a list 48979
of all school district property the board finds to be unneeded, 48980
obsolete, or unfit for use and to be available for donation 48981
under this division. The list shall be posted continually in a 48982
conspicuous location in the board's office, and, if the school 48983
district maintains a web site on the internet, the list shall be 48984
posted continually at that web site. An item of property on the 48985
list shall be donated to the eligible nonprofit organization 48986
that first declares to the board or its representative its 48987
desire to obtain the item unless the board previously has 48988
established, by resolution, a list of eligible nonprofit 48989
organizations that shall be given priority with respect to the 48990
item's donation. Priority may be given on the basis that the 48991
purposes of a nonprofit organization have a direct relationship 48992
to specific school district purposes of programs provided or 48993
administered by the board. A resolution giving priority to 48994
certain nonprofit organizations with respect to the donation of 48995
an item of property shall specify the reasons why the 48996
organizations are given that priority. 48997

Members of the board shall consult with the Ohio ethics 48998
commission, and comply with Chapters 102. and 2921. of the 48999
Revised Code, with respect to any donation under this division 49000
to a nonprofit organization of which a board member, any member 49001
of a board member's family, or any business associate of a board 49002
member is a trustee, officer, board member, or employee. 49003

(H) Except as provided in section 3313.413 of the Revised 49004
Code, a board of education that plans to demolish a building 49005
that it owns in its corporate capacity and that exceeds in value 49006
ten thousand dollars shall offer the building for sale in the 49007
manner prescribed under divisions (A) to (F) of this section 49008
prior to demolishing the building. However, this division does 49009
not apply to a building located on, or adjacent to, a tract or 49010
parcel of land where other school district buildings used for 49011
educational instruction are located. 49012

Sec. 3313.411. (A) As used in this section: 49013

(1) "College-preparatory boarding school" means a college- 49014
preparatory boarding school established under Chapter 3328. of 49015
the Revised Code. 49016

(2) "Community school" means a community school 49017
established under Chapter 3314. of the Revised Code. 49018

(3) "High-performing community school" has the same 49019
meaning as in section 3313.413 of the Revised Code. 49020

(4) "STEM school" means a science, technology, 49021
engineering, and mathematics school established under Chapter 49022
3326. of the Revised Code. 49023

(5) "Unused school facilities" means either: 49024

(a) Any real property that has been used by a school 49025

district for school operations, including, but not limited to, 49026
academic instruction or administration, since July 1, 1998, but 49027
has not been used in that capacity for one year; 49028

(b) Any school building that has been used for direct 49029
academic instruction but less than sixty per cent of the 49030
building was used for that purpose in the preceding school year. 49031

(B) (1) Except as provided in section 3313.412 of the 49032
Revised Code, on and after June 30, 2011, any school district 49033
board of education shall offer any unused school facilities it 49034
owns in its corporate capacity for lease or sale to the 49035
governing authorities of community schools, the boards of 49036
trustees of any college-preparatory boarding schools, ~~and the~~ 49037
governing bodies of any STEM schools, the governing authorities 49038
of any chartered nonpublic schools, that are located within the 49039
territory of the district. Not later than sixty days after the 49040
district board makes the offer, interested governing 49041
authorities, boards of trustees, and governing bodies shall 49042
notify the district treasurer in writing of the intention to 49043
lease or purchase the property. 49044

The district board shall give priority to the governing 49045
authorities of high-performing community schools that are 49046
located within the territory of the district. 49047

(2) At the same time that a district board makes the offer 49048
required under division (B) (1) of this section, the board also 49049
may, but shall not be required to, offer that property for sale 49050
or lease to the governing authorities of community schools with 49051
plans, stipulated in their contracts entered into under section 49052
3314.03 of the Revised Code, either to relocate their operations 49053
to the territory of the district or to add facilities, as 49054
~~authorized by division (B) (3) or (4) of~~ under section 3314.05 of 49055

the Revised Code, to be located within the territory of the 49056
district. 49057

(C) (1) If, not later than sixty days after the district 49058
board makes the offer, only one governing authority of a high- 49059
performing community school offered the property under division 49060
(B) of this section notifies the district treasurer in writing 49061
of the intention to purchase the property pursuant to that 49062
division, the district board shall sell the property to that 49063
party for the appraised fair market value of the property as 49064
determined in an appraisal of the property that is not more than 49065
one year old. 49066

If, not later than sixty days after the district board 49067
makes the offer, more than one governing authority of a high- 49068
performing community school offered the property under division 49069
(B) of this section notifies the district treasurer in writing 49070
of the intention to purchase the property pursuant to that 49071
division, the board shall conduct a public auction in the manner 49072
required for auctions of district property under division (A) of 49073
section 3313.41 of the Revised Code. Only the governing 49074
authorities of high-performing community schools that notified 49075
the district treasurer of the intention to purchase the property 49076
pursuant to division (B) of this section are eligible to bid at 49077
the auction. The district board is not obligated to accept any 49078
bid for the property that is lower than the appraised fair 49079
market value of the property as determined in an appraisal that 49080
is not more than one year old. 49081

(2) If, not later than sixty days after the district board 49082
makes the offer, no governing authority of a high-performing 49083
community school notifies the district treasurer of its 49084
intention to purchase the property pursuant to division (B) of 49085

this section, the board shall then proceed with the offers from 49086
all other start-up community schools, college-preparatory 49087
boarding schools, ~~and~~ STEM schools, and chartered nonpublic 49088
schools made pursuant to that division. 49089

If more than one such entity notifies the district 49090
treasurer of its intention to purchase the property pursuant to 49091
division (B) of this section, the board shall conduct a public 49092
auction in the manner required for auctions of district property 49093
under division (A) of section 3313.41 of the Revised Code. Only 49094
the entities that notified the district treasurer pursuant to 49095
division (B) of this section are eligible to bid at the auction. 49096

(3) If more than one governing authority of a high- 49097
performing community school notifies the district treasurer in 49098
writing of the intention to lease the property pursuant to 49099
division (B) of this section, the district board shall conduct a 49100
lottery to select from among those governing authorities the one 49101
qualified governing authority to which the district board shall 49102
lease the property. 49103

If no such governing authority of a high-performing 49104
community school notifies the district treasurer of its 49105
intention to lease the property pursuant to division (B) of this 49106
section, the board shall then proceed with the offers from all 49107
other start-up community schools, college-preparatory boarding 49108
schools, ~~and~~ STEM schools, and chartered nonpublic schools made 49109
pursuant to that division. If more than one other start-up 49110
community school, college-preparatory boarding school, ~~or~~ STEM 49111
school, or chartered nonpublic school notified the district 49112
treasurer of its intention to lease the property pursuant to 49113
division (B) of this section, the district board shall conduct a 49114
lottery to select from among those parties the one qualified 49115

party to which the district board shall lease the property. 49116

(4) The lease price offered by a district board to a 49117
community school, college-preparatory boarding school, ~~or~~STEM 49118
school, or chartered nonpublic school under this section shall 49119
not be higher than the fair market value for such a leasehold as 49120
determined in an appraisal that is not more than one year old. 49121

(5) If no qualified party offered the property under 49122
division (B) of this section accepts the offer to lease or buy 49123
the property within sixty days after the offer is made, the 49124
district board ~~may shall then offer the property to any other~~ 49125
~~entity in accordance for sale in the manner prescribed under~~ 49126
with divisions (A) to (F) of section 3313.41 of the Revised 49127
Code. 49128

(D) Notwithstanding division (B) of this section, a school 49129
district board may renew any agreement it originally entered 49130
into prior to June 30, 2011, to lease real property to an entity 49131
other than a community school, college-preparatory boarding 49132
school, ~~or~~STEM school, or chartered nonpublic school. Nothing 49133
in this section shall affect the leasehold arrangements between 49134
the district board and that other entity. 49135

(E) (1) Except as provided in division (E) (2) of this 49136
section, the governing authority of a community school, board of 49137
trustees of a college-preparatory boarding school, ~~or~~governing 49138
body of a STEM school, or the governing authority of a chartered 49139
nonpublic school shall not sell any property purchased under 49140
division (B) of this section within five years of purchasing 49141
that property. 49142

~~(2)~~ (2) (a) The governing authority, board of trustees, or 49143
governing body may sell a property purchased under division (B) 49144

of this section within five years of the purchase, only if the
governing authority, board of trustees, or governing body sells
or transfers that property to another entity described in that
division.

(b) If the governing authority, board of trustees, or
governing body that sells property purchased under division (B)
of this section for an amount greater than what it paid for the
property, it shall pay to the district board from which the
property was purchased the difference between the amount that it
receives for the sale of the property and the amount it
originally paid to the district board for the property.

(G) A school district board of education shall not be
required to offer any unused school facilities it owns in its
corporate capacity for lease or sale under this section if the
facility is located on, or adjacent to, a tract or parcel of
land where other school district facilities used for educational
instruction are located.

Sec. 3313.413. (A) As used in this section, "high-
performing community school" means ~~either~~ a community school
established under Chapter 3314. of the Revised Code that meets
any of the following conditions:

~~(1) A community school established under Chapter 3314. of~~
~~the Revised Code that meets the following conditions:~~

~~(a) Except as provided in division (A) (1) (b) or (c) of~~
~~this section, the school both:~~

~~(i) Has received either a grade of "A," "B," or "C" for~~
~~the performance index score under division (C) (1) (b) of section~~
~~3302.03 of the Revised Code or a performance rating of three~~
~~stars or higher for achievement under division (D) (3) (b) of that~~

~~section; or has increased its performance index score under~~ 49174
~~division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the~~ 49175
~~Revised Code in each of the previous three years of operation;~~ 49176
~~and~~ 49177

~~(ii) Has received either a grade of "A" or "B" for the~~ 49178
~~value-added progress dimension under division (C) (1) (e) of~~ 49179
~~section 3302.03 of the Revised Code or a performance rating of~~ 49180
~~four stars or higher for progress under division (D) (3) (e) of~~ 49181
~~that section on its most recent report card rating issued under~~ 49182
~~that section~~ Except as provided for in division (A) (2) or (3) of 49183
this section, the community school does both of the following: 49184

(a) The school has a higher performance index score than 49185
the school district in which the school is located on the two 49186
most recent report cards issued under section 3302.03 of the 49187
Revised Code. 49188

(b) The school either has a performance rating of four 49189
stars or higher for progress on the most recent report card 49190
issued under section 3302.03 of the Revised Code or is a school 49191
described under division (B) (1) of section 3314.35 of the 49192
Revised Code and did not receive a rating for progress on the 49193
most recent report card. 49194

~~(b) (2) If the community school serves only grades~~ 49195
~~kindergarten through three, the school received either a grade~~ 49196
~~of "A" or "B" for making progress in improving literacy in~~ 49197
~~grades kindergarten through three under division (C) (1) (g) of~~ 49198
~~section 3302.03 of the Revised Code or a performance rating of~~ 49199
~~four stars or higher for early literacy under division (D) (3) (e)~~ 49200
~~of that section on its most recent report card issued under that~~ 49201
section 3302.03 of the Revised Code. 49202

~~(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (B) (1) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.~~

~~(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education and workforce.~~ (3) If the community school has not commenced operations or has been in operation for less than one school year, the school meets the following conditions:

(a) The school is replicating an operational and instructional model used by a community school described in division (A) (1) or (2) of this section.

(b) The school either:

(i) Has an operator that received an overall rating of three stars or higher, or a "C" or higher, on its most recent performance report published under section 3314.031 of the Revised Code;

(ii) Does not have an operator and is sponsored by a sponsor that was rated "exemplary" or "effective" on its most recent evaluation conducted under section 3314.016 of the Revised Code.

(B) When a school district board of education decides to dispose of real property or demolish a building it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools, the boards of

trustees of any college-preparatory boarding schools, ~~and the~~ 49232
governing bodies of any STEM schools, and the governing 49233
authorities of any chartered nonpublic schools that are located 49234
within the territory of the district. Not later than sixty days 49235
after the district board makes the offer, interested governing 49236
authorities, boards of trustees, and governing bodies shall 49237
notify the district treasurer in writing of the intention to 49238
purchase the property. 49239

The district board shall give priority to the governing 49240
authorities of high-performing community schools that are 49241
located within the territory of the district. 49242

(1) If more than one governing authority of a high- 49243
performing community school notifies the district treasurer of 49244
its intention to purchase the property pursuant to division (B) 49245
of this section, the board shall conduct a public auction in the 49246
manner required for auctions of district property under division 49247
(A) of section 3313.41 of the Revised Code. Only the governing 49248
authorities of high-performing community schools that notified 49249
the district treasurer pursuant to division (B) of this section 49250
are eligible to bid at the auction. 49251

(2) If no governing authority of a high-performing 49252
community school notifies the district treasurer of its 49253
intention to purchase the property pursuant to division (B) of 49254
this section, the board shall then proceed with the offers from 49255
all other start-up community schools, college-preparatory 49256
boarding schools, ~~and STEM schools,~~ and chartered nonpublic 49257
schools made pursuant to that division. If more than one such 49258
entity notifies the district treasurer of its intention to 49259
purchase the property pursuant to division (B) of this section, 49260
the board shall conduct a public auction in the manner required 49261

for auctions of district property under division (A) of section 49262
3313.41 of the Revised Code. Only the entities that notified the 49263
district treasurer pursuant to division (B) of this section are 49264
eligible to bid at the auction. 49265

(3) If no governing authority, board of trustees, or 49266
governing body notifies the district treasurer of its intention 49267
to purchase the property pursuant to division (B) of this 49268
section, the district may then offer the property for sale in 49269
the manner prescribed under divisions (A) to (F) of section 49270
3313.41 of the Revised Code. 49271

(C) Notwithstanding anything to the contrary in sections 49272
3313.41 and 3313.411 of the Revised Code, the purchase price of 49273
any real property sold to any of the entities in accordance with 49274
division (B) of this section shall not be more than the 49275
appraised fair market value of that property as determined in an 49276
appraisal of the property that is not more than one year old. 49277

(D) If a governing authority, board of trustees, or 49278
governing body sells property purchased under division (B) of 49279
this section, it shall pay to the district board from which the 49280
property was purchased the difference between the amount that it 49281
receives for the sale of the property and the amount it 49282
originally paid to the district board for the property. 49283

(E) Not later than the first day of October of each year, 49284
the department of education and workforce shall post in a 49285
prominent location on its web site a list of schools that 49286
qualify as high-performing community schools for purposes of 49287
this section and section 3313.411 of the Revised Code. 49288

Sec. 3313.489. (A) The director of education and workforce 49289
shall examine each ~~five-year~~ three-year projection of revenues 49290

and expenditures submitted under section 5705.391 of the Revised 49291
Code and shall determine whether the information contained 49292
therein, together with any other relevant information, indicates 49293
that the district may be financially unable to operate its 49294
instructional program on all days set forth in its adopted 49295
school calendars and pay all obligated expenses during the 49296
current fiscal year. If a board of education has not adopted a 49297
school calendar for the school year beginning on the first day 49298
of July of the current fiscal year at the time an examination is 49299
required under this division, the director shall examine the 49300
~~five-year~~ three-year projection and determine whether the 49301
district may be financially unable to pay all obligated expenses 49302
and operate its instructional program for the number of days on 49303
which instruction was held in the preceding fiscal year. 49304

(B) If the director of education and workforce determines 49305
pursuant to division (A) of this section that a school district 49306
may be financially unable to operate its instructional program 49307
on all days required by such division and pay all obligated 49308
expenses during the current fiscal year, the director shall 49309
provide written notification of such determination to the 49310
president of the district's board of education and the auditor 49311
of state. 49312

(C) This section does not apply to a school district 49313
declared to be under a fiscal emergency pursuant to division (B) 49314
of section 3316.03 of the Revised Code. 49315

Sec. 3313.603. (A) As used in this section: 49316

(1) "One unit" means a minimum of one hundred twenty hours 49317
of course instruction, except that for a laboratory course, "one 49318
unit" means a minimum of one hundred fifty hours of course 49319
instruction. 49320

(2) "One-half unit" means a minimum of sixty hours of 49321
course instruction, except that for physical education courses, 49322
"one-half unit" means a minimum of one hundred twenty hours of 49323
course instruction. 49324

(B) Beginning September 15, 2001, except as required in 49325
division (C) of this section and division (C) of section 49326
3313.614 of the Revised Code, the requirements for graduation 49327
from every high school shall include twenty units earned in 49328
grades nine through twelve and shall be distributed as follows: 49329

(1) English language arts, four units; 49330

(2) Health, one-half unit; 49331

(3) Mathematics, three units; 49332

(4) Physical education, one-half unit; 49333

(5) Science, two units until September 15, 2003, and three 49334
units thereafter, which at all times shall include both of the 49335
following: 49336

(a) Biological sciences, one unit; 49337

(b) Physical sciences, one unit. 49338

(6) History and government, one unit, which shall comply 49339
with division (M) of this section and shall include both of the 49340
following: 49341

(a) American history, one-half unit; 49342

(b) American government, one-half unit. 49343

(7) Social studies, two units. 49344

Beginning with students who enter ninth grade for the 49345
first time on or after July 1, 2017, the two units of 49346

instruction prescribed by division (B) (7) of this section shall 49347
include at least one-half unit of instruction in the study of 49348
world history and civilizations. 49349

(8) Elective units, seven units until September 15, 2003, 49350
and six units thereafter. 49351

Each student's electives shall include at least one unit, 49352
or two half units, chosen from among the areas of 49353
business/technology, fine arts, and/or foreign language. 49354

(C) Beginning with students who enter ninth grade for the 49355
first time on or after July 1, 2010, except as provided in 49356
divisions (D) to (F) of this section, the requirements for 49357
graduation from every public and chartered nonpublic high school 49358
shall include twenty units that are designed to prepare students 49359
for the workforce and college. The units shall be distributed as 49360
follows: 49361

(1) English language arts, four units; 49362

(2) Health, one-half unit, which shall include instruction 49363
in nutrition and the benefits of nutritious foods and physical 49364
activity for overall health; 49365

(3) Mathematics, four units, which shall include one unit 49366
of algebra II or the equivalent of algebra II, or one unit of 49367
advanced computer science as described in the standards adopted 49368
pursuant to division (A) (4) of section 3301.079 of the Revised 49369
Code. However, students who enter ninth grade for the first time 49370
on or after July 1, 2015, and who are pursuing a career- 49371
technical instructional track shall not be required to take 49372
algebra II or advanced computer science, and instead may 49373
complete a career-based pathway mathematics course approved by 49374
the department of education and workforce as an alternative. 49375

For students who choose to take advanced computer science 49376
in lieu of algebra II under division (C) (3) of this section, the 49377
school shall communicate to those students that some 49378
institutions of higher education may require algebra II for the 49379
purpose of college admission. Also, the parent, guardian, or 49380
legal custodian of each student who chooses to take advanced 49381
computer science in lieu of algebra II shall sign and submit to 49382
the school a document containing a statement acknowledging that 49383
not taking algebra II may have an adverse effect on college 49384
admission decisions. 49385

A student may fulfill one unit of mathematics under 49386
division (C) (3) of this section by completing one-half unit of 49387
financial literacy instruction to satisfy the requirement 49388
prescribed under division (C) (9) of this section and one-half 49389
unit of a mathematics course. The one-half unit course in 49390
mathematics shall not be in algebra II, or its equivalent, or a 49391
course for which the department requires an end-of-course 49392
examination under section 3301.0712 of the Revised Code. 49393

Students who choose to take one unit of advanced computer 49394
science in lieu of algebra II, as described in division (C) (3) 49395
of this section, shall not be permitted to complete one-half 49396
unit of financial literacy instruction to satisfy the 49397
mathematics unit requirements of that division. Instead, those 49398
students shall be required to complete the one-half unit of 49399
financial literacy instruction under division (C) (8) of this 49400
section. 49401

(4) Physical education, one-half unit; 49402

(5) Science, three units with inquiry-based laboratory 49403
experience that engages students in asking valid scientific 49404
questions and gathering and analyzing information, which shall 49405

include the following, or their equivalent: 49406

(a) Physical sciences, one unit; 49407

(b) Life sciences, one unit; 49408

(c) Advanced study in one or more of the following 49409
sciences, one unit: 49410

(i) Chemistry, physics, or other physical science; 49411

(ii) Advanced biology or other life science; 49412

(iii) Astronomy, physical geology, or other earth or space 49413
science; 49414

(iv) Computer science. 49415

No student shall substitute a computer science course for 49416
a life sciences or biology course under division (C) (5) of this 49417
section. 49418

(6) History and government, one unit, which shall comply 49419
with division (M) of this section and shall include both of the 49420
following: 49421

(a) American history, one-half unit; 49422

(b) American government, one-half unit. 49423

(7) Social studies, two units. 49424

Beginning with students who enter ninth grade for the 49425
first time on or after July 1, 2017, the two units of 49426
instruction prescribed by division (C) (7) of this section shall 49427
include at least one-half unit of instruction in the study of 49428
world history and civilizations. 49429

(8) Five units consisting of one or any combination of 49430
foreign language, fine arts, business, career-technical 49431

education, family and consumer sciences, technology which may 49432
include computer science, agricultural education, a junior 49433
reserve officer training corps (JROTC) program approved by the 49434
congress of the United States under title 10 of the United 49435
States Code, or English language arts, mathematics, science, or 49436
social studies courses not otherwise required under division (C) 49437
of this section. 49438

One-half unit of instruction under division (C) (8) of this 49439
section may be instruction in financial literacy to satisfy the 49440
requirement under division (C) (9) of this section. 49441

(9) (a) Except as provided in division (C) (9) (b) of this 49442
section, for students who enter ninth grade for the first time 49443
on or after July 1, 2022, financial literacy, one-half unit. 49444
Each student shall elect to complete the one-half unit of 49445
instruction in financial literacy either in lieu of one-half 49446
unit of instruction in mathematics under division (C) (3) of this 49447
section or an elective under division (C) (8) of this section. A 49448
student may fulfill the financial literacy instruction 49449
requirement under division (C) (9) of this section through the 49450
successful completion of an advanced placement course in 49451
microeconomics or macroeconomics. 49452

(b) A student attending a nonpublic school accredited 49453
through the independent schools association of the central 49454
states or any other chartered nonpublic school shall not be 49455
required to complete the one-half unit of financial literacy 49456
instruction prescribed in division (C) (9) (a) of this section, 49457
unless that student is attending the school under a state 49458
scholarship program as defined in section 3301.0711 of the 49459
Revised Code. 49460

The study and instruction of financial literacy required 49461

under division (C) (9) of this section shall align with the 49462
academic content standards for financial literacy and 49463
entrepreneurship adopted under division (A) (2) of section 49464
3301.079 of the Revised Code. The instruction provided under an 49465
advanced placement course in microeconomics or macroeconomics 49466
shall be considered to be aligned with those academic content 49467
standards. In developing the curriculum for the study and 49468
instruction of financial literacy, schools may use available 49469
public-private partnerships and resources and materials that 49470
exist in business, industry, and through the centers for 49471
economics education at institutions of higher education. 49472

Ohioans must be prepared to apply increased knowledge and 49473
skills in the workplace and to adapt their knowledge and skills 49474
quickly to meet the rapidly changing conditions of the twenty- 49475
first century. National studies indicate that all high school 49476
graduates need the same academic foundation, regardless of the 49477
opportunities they pursue after graduation. The goal of Ohio's 49478
system of elementary and secondary education is to prepare all 49479
students for and seamlessly connect all students to success in 49480
life beyond high school graduation, regardless of whether the 49481
next step is entering the workforce, beginning an 49482
apprenticeship, engaging in post-secondary training, serving in 49483
the military, or pursuing a college degree. 49484

The requirements for graduation prescribed in division (C) 49485
of this section are the standard expectation for all students 49486
entering ninth grade for the first time at a public or chartered 49487
nonpublic high school on or after July 1, 2010. A student may 49488
satisfy this expectation through a variety of methods, 49489
including, but not limited to, integrated, applied, career- 49490
technical, and traditional coursework. 49491

Stronger coordination between high schools and 49492
institutions of higher education is necessary to prepare 49493
students for more challenging academic endeavors and to lessen 49494
the need for academic remediation in college, thereby reducing 49495
the costs of higher education for Ohio's students, families, and 49496
the state. The department and the chancellor of higher education 49497
shall develop policies to ensure that only in rare instances 49498
will students who complete the requirements for graduation 49499
prescribed in division (C) of this section require academic 49500
remediation after high school. 49501

School districts, community schools, and chartered 49502
nonpublic schools shall integrate technology into learning 49503
experiences across the curriculum in order to maximize 49504
efficiency, enhance learning, and prepare students for success 49505
in the technology-driven twenty-first century. Districts and 49506
schools shall use distance and web-based course delivery as a 49507
method of providing or augmenting all instruction required under 49508
this division, including laboratory experience in science. 49509
Districts and schools shall utilize technology access and 49510
electronic learning opportunities provided by the broadcast 49511
educational media commission, chancellor, the Ohio learning 49512
network, education technology centers, public television 49513
stations, and other public and private providers. 49514

(D) Except as provided in division (E) of this section, a 49515
student who enters ninth grade on or after July 1, 2010, and 49516
before July 1, 2016, may qualify for graduation from a public or 49517
chartered nonpublic high school even though the student has not 49518
completed the requirements for graduation prescribed in division 49519
(C) of this section if all of the following conditions are 49520
satisfied: 49521

(1) During the student's third year of attending high 49522
school, as determined by the school, the student and the 49523
student's parent, guardian, or custodian sign and file with the 49524
school a written statement asserting the parent's, guardian's, 49525
or custodian's consent to the student's graduating without 49526
completing the requirements for graduation prescribed in 49527
division (C) of this section and acknowledging that one 49528
consequence of not completing those requirements is 49529
ineligibility to enroll in most state universities in Ohio 49530
without further coursework. 49531

(2) The student and parent, guardian, or custodian fulfill 49532
any procedural requirements the school stipulates to ensure the 49533
student's and parent's, guardian's, or custodian's informed 49534
consent and to facilitate orderly filing of statements under 49535
division (D)(1) of this section. Annually, each district or 49536
school shall notify the department of the number of students who 49537
choose to qualify for graduation under division (D) of this 49538
section and the number of students who complete the student's 49539
success plan and graduate from high school. 49540

(3) The student and the student's parent, guardian, or 49541
custodian and a representative of the student's high school 49542
jointly develop a student success plan for the student in the 49543
manner described in division (C)(1) of section 3313.6020 of the 49544
Revised Code that specifies the student matriculating to a two- 49545
year degree program, acquiring a business and industry- 49546
recognized credential, or entering an apprenticeship. 49547

(4) The student's high school provides counseling and 49548
support for the student related to the plan developed under 49549
division (D)(3) of this section during the remainder of the 49550
student's high school experience. 49551

(5) (a) Except as provided in division (D) (5) (b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2014, a student shall be required to complete successfully, at the minimum, the curriculum prescribed in division (B) of this section, except as follows:

(i) Mathematics, four units, one unit which shall be one of the following:

(I) Probability and statistics;

(II) Computer science;

(III) Applied mathematics or quantitative reasoning;

(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.

(ii) Elective units, five units;

(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.

(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:

(1) A minimum high school curriculum that requires more 49579
than twenty units of academic credit to graduate; 49580

(2) An exception to the district's or school's minimum 49581
high school curriculum that is comparable to the exception 49582
provided in division (D) of this section but with additional 49583
requirements, which may include a requirement that the student 49584
successfully complete more than the minimum curriculum 49585
prescribed in division (B) of this section; 49586

(3) That no exception comparable to that provided in 49587
division (D) of this section is available. 49588

If a school district or chartered nonpublic school 49589
requires a foreign language as an additional graduation 49590
requirement under division (E) of this section, a student may 49591
apply one unit of instruction in computer coding to satisfy one 49592
unit of foreign language. If a student applies more than one 49593
computer coding course to satisfy the foreign language 49594
requirement, the courses shall be sequential and progressively 49595
more difficult. 49596

(F) A student enrolled in a dropout prevention and 49597
recovery program, which program has received a waiver from the 49598
department, may qualify for graduation from high school by 49599
successfully completing a competency-based instructional program 49600
administered by the dropout prevention and recovery program in 49601
lieu of completing the requirements for graduation prescribed in 49602
division (C) of this section. The department shall grant a 49603
waiver to a dropout prevention and recovery program, within 49604
sixty days after the program applies for the waiver, if the 49605
program meets all of the following conditions: 49606

(1) The program serves only students not younger than 49607

sixteen years of age and not older than twenty-one years of age. 49608

(2) The program enrolls students who, at the time of their 49609
initial enrollment, either, or both, are at least one grade 49610
level behind their cohort age groups or experience crises that 49611
significantly interfere with their academic progress such that 49612
they are prevented from continuing their traditional programs. 49613

(3) The program requires students to attain at least the 49614
applicable score designated for each of the assessments 49615
prescribed under division (B)(1) of section 3301.0710 of the 49616
Revised Code or, to the extent prescribed by rule of the 49617
department under division (D)(5) of section 3301.0712 of the 49618
Revised Code, division (B)(2) of that section. 49619

(4) The program develops a student success plan for the 49620
student in the manner described in division (C)(1) of section 49621
3313.6020 of the Revised Code that specifies the student's 49622
matriculating to a two-year degree program, acquiring a business 49623
and industry-recognized credential, or entering an 49624
apprenticeship. 49625

(5) The program provides counseling and support for the 49626
student related to the plan developed under division (F)(4) of 49627
this section during the remainder of the student's high school 49628
experience. 49629

(6) The program requires the student and the student's 49630
parent, guardian, or custodian to sign and file, in accordance 49631
with procedural requirements stipulated by the program, a 49632
written statement asserting the parent's, guardian's, or 49633
custodian's consent to the student's graduating without 49634
completing the requirements for graduation prescribed in 49635
division (C) of this section and acknowledging that one 49636

consequence of not completing those requirements is 49637
ineligibility to enroll in most state universities in Ohio 49638
without further coursework. 49639

(7) Prior to receiving the waiver, the program has 49640
submitted to the department an instructional plan that 49641
demonstrates how the academic content standards adopted by the 49642
department under section 3301.079 of the Revised Code will be 49643
taught and assessed. 49644

(8) Prior to receiving the waiver, the program has 49645
submitted to the department a policy on career advising that 49646
satisfies the requirements of section 3313.6020 of the Revised 49647
Code, with an emphasis on how every student will receive career 49648
advising. 49649

(9) Prior to receiving the waiver, the program has 49650
submitted to the department a written agreement outlining the 49651
future cooperation between the program and any combination of 49652
local job training, postsecondary education, nonprofit, and 49653
health and social service organizations to provide services for 49654
students in the program and their families. 49655

Divisions (F) (8) and (9) of this section apply only to 49656
waivers granted on or after July 1, 2015. 49657

If the department does not act either to grant the waiver 49658
or to reject the program application for the waiver within sixty 49659
days as required under this section, the waiver shall be 49660
considered to be granted. 49661

(G) Every high school may permit students below the ninth 49662
grade to take advanced work. If a high school so permits, it 49663
shall award high school credit for successful completion of the 49664
advanced work and shall count such advanced work toward the 49665

graduation requirements of division (B) or (C) of this section 49666
if the advanced work was both: 49667

(1) Taught by a person who possesses a license or 49668
certificate issued under section 3301.071, 3319.22, or 3319.222 49669
of the Revised Code that is valid for teaching high school; 49670

(2) Designated by the board of education of the city, 49671
local, or exempted village school district, the board of the 49672
cooperative education school district, or the governing 49673
authority of the chartered nonpublic school as meeting the high 49674
school curriculum requirements. 49675

Each high school shall record on the student's high school 49676
transcript all high school credit awarded under division (G) of 49677
this section. In addition, if the student completed a seventh- 49678
or eighth-grade fine arts course described in division (K) of 49679
this section and the course qualified for high school credit 49680
under that division, the high school shall record that course on 49681
the student's high school transcript. 49682

(H) The department shall make its individual academic 49683
career plan available through its Ohio career information system 49684
web site for districts and schools to use as a tool for 49685
communicating with and providing guidance to students and 49686
families in selecting high school courses. 49687

(I) A school district or chartered nonpublic school may 49688
integrate academic content in a subject area for which the 49689
department has adopted standards under section 3301.079 of the 49690
Revised Code into a course in a different subject area, 49691
including a career-technical education course, in accordance 49692
with guidance for integrated coursework developed by the 49693
department. Upon successful completion of an integrated course, 49694

a student may receive credit for both subject areas that were 49695
integrated into the course. Units earned for subject area 49696
content delivered through integrated academic and career- 49697
technical instruction are eligible to meet the graduation 49698
requirements of division (B) or (C) of this section. 49699

For purposes of meeting graduation requirements, if an 49700
end-of-course examination has been prescribed under section 49701
3301.0712 of the Revised Code for the subject area delivered 49702
through integrated instruction, the school district or school 49703
may administer the related subject area examinations upon the 49704
student's completion of the integrated course. 49705

Nothing in division (I) of this section shall be construed 49706
to excuse any school district, chartered nonpublic school, or 49707
student from any requirement in the Revised Code related to 49708
curriculum, assessments, or the awarding of a high school 49709
diploma. 49710

(J) (1) The department, in consultation with the 49711
chancellor, shall adopt a statewide plan implementing methods 49712
for students to earn units of high school credit based on a 49713
demonstration of subject area competency, instead of or in 49714
combination with completing hours of classroom instruction. The 49715
plan shall include a standard method for recording demonstrated 49716
proficiency on high school transcripts. Each school district and 49717
community school shall comply with the department's plan adopted 49718
under this division and award units of high school credit in 49719
accordance with the plan. The department may adopt existing 49720
methods for earning high school credit based on a demonstration 49721
of subject area competency as necessary prior to the 2009-2010 49722
school year. 49723

(2) The department shall update the statewide plan adopted 49724

pursuant to division (J) (1) of this section to also include 49725
methods for students enrolled in seventh and eighth grade to 49726
meet curriculum requirements based on a demonstration of subject 49727
area competency, instead of or in combination with completing 49728
hours of classroom instruction. Beginning with the 2017-2018 49729
school year, each school district and community school also 49730
shall comply with the updated plan adopted pursuant to this 49731
division and permit students enrolled in seventh and eighth 49732
grade to meet curriculum requirements based on subject area 49733
competency in accordance with the plan. 49734

(3) The department shall develop a framework for school 49735
districts and community schools to use in granting units of high 49736
school credit to students who demonstrate subject area 49737
competency through work-based learning experiences, internships, 49738
or cooperative education. Beginning with the 2018-2019 school 49739
year, each district and community school shall comply with the 49740
framework. Each district and community school also shall review 49741
any policy it has adopted regarding the demonstration of subject 49742
area competency to identify ways to incorporate work-based 49743
learning experiences, internships, and cooperative education 49744
into the policy in order to increase student engagement and 49745
opportunities to earn units of high school credit. 49746

(K) This division does not apply to students who qualify 49747
for graduation from high school under division (D) or (F) of 49748
this section, or to students pursuing a career-technical 49749
instructional track as determined by the school district board 49750
of education or the chartered nonpublic school's governing 49751
authority. Nevertheless, the general assembly encourages such 49752
students to consider enrolling in a fine arts course as an 49753
elective. 49754

Beginning with students who enter ninth grade for the 49755
first time on or after July 1, 2010, each student enrolled in a 49756
public or chartered nonpublic high school shall complete two 49757
semesters or the equivalent of fine arts to graduate from high 49758
school. The coursework may be completed in any of grades seven 49759
to twelve. Each student who completes a fine arts course in 49760
grade seven or eight may elect to count that course toward the 49761
five units of electives required for graduation under division 49762
(C) (8) of this section, if the course satisfied the requirements 49763
of division (G) of this section. In that case, the high school 49764
shall award the student high school credit for the course and 49765
count the course toward the five units required under division 49766
(C) (8) of this section. If the course in grade seven or eight 49767
did not satisfy the requirements of division (G) of this 49768
section, the high school shall not award the student high school 49769
credit for the course but shall count the course toward the two 49770
semesters or the equivalent of fine arts required by this 49771
division. 49772

(L) Notwithstanding anything to the contrary in this 49773
section, the board of education of each school district and the 49774
governing authority of each chartered nonpublic school may adopt 49775
a policy to excuse from the high school physical education 49776
requirement each student who, during high school, has 49777
participated in interscholastic athletics, marching band, show 49778
choir, or cheerleading for at least two full seasons or in the 49779
junior reserve officer training corps for at least two full 49780
school years. If the board or authority adopts such a policy, 49781
the board or authority shall not require the student to complete 49782
any physical education course as a condition to graduate. 49783
However, the student shall be required to complete one-half 49784
unit, consisting of at least sixty hours of instruction, in 49785

another course of study. In the case of a student who has 49786
participated in the junior reserve officer training corps for at 49787
least two full school years, credit received for that 49788
participation may be used to satisfy the requirement to complete 49789
one-half unit in another course of study. 49790

(M) It is important that high school students learn and 49791
understand United States history and the governments of both the 49792
United States and the state of Ohio. Therefore, beginning with 49793
students who enter ninth grade for the first time on or after 49794
July 1, 2012, the study of American history and American 49795
government required by divisions (B) (6) and (C) (6) of this 49796
section shall include the study of all of the following 49797
documents: 49798

(1) The Declaration of Independence; 49799

(2) The Northwest Ordinance; 49800

(3) The Constitution of the United States with emphasis on 49801
the Bill of Rights; 49802

(4) The Ohio Constitution. 49803

The study of each of the documents prescribed in divisions 49804
(M) (1) to (4) of this section shall include study of that 49805
document in its original context. 49806

The study of American history and government required by 49807
divisions (B) (6) and (C) (6) of this section shall include the 49808
historical evidence of the role of documents such as the 49809
Federalist Papers and the Anti-Federalist Papers to firmly 49810
establish the historical background leading to the establishment 49811
of the provisions of the Constitution and Bill of Rights. 49812

(N) A student may apply one unit of instruction in 49813

computer science to satisfy one unit of mathematics or one unit 49814
of science under division (C) of this section as the student 49815
chooses, regardless of the field of certification of the teacher 49816
who teaches the course, so long as that teacher meets the 49817
licensure requirements prescribed by section 3319.236 of the 49818
Revised Code and, prior to teaching the course, completes a 49819
professional development program determined to be appropriate by 49820
the district board. 49821

If a student applies more than one computer science course 49822
to satisfy curriculum requirements under that division, the 49823
courses shall be sequential and progressively more difficult or 49824
cover different subject areas within computer science. 49825

(O) Notwithstanding anything to the contrary in this 49826
section, the board of education of each school district and the 49827
governing authority of each chartered nonpublic school may adopt 49828
a policy to excuse from the financial literacy instruction 49829
requirement under division (C) (9) of this section each student 49830
who, during high school, participates in a financial literacy 49831
program offered through a student branch, as defined in section 49832
1733.04 of the Revised Code, or by a bank, as defined in section 49833
1101.01 of the Revised Code. The policy shall require the 49834
financial literacy program to meet or exceed the academic 49835
content standards and model curriculum for financial literacy 49836
and entrepreneurship instruction adopted under section 3301.079 49837
of the Revised Code. The policy shall address how long a student 49838
is required to participate in the program to qualify for an 49839
exemption under this division. 49840

Not later than July 1, 2026, the department shall develop 49841
and post on its web site a model policy and guidelines for 49842
districts and schools to use in developing a policy under this 49843

division.

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Sec. 3313.608. (A) (1) Beginning with students who enter
third grade in the school year that starts July 1, 2009, and
until June 30, 2013, unless the student is excused under
division (C) of section 3301.0711 of the Revised Code from
taking the assessment described in this section, for any student
who does not attain at least the equivalent level of achievement
designated under division (A) (3) of section 3301.0710 of the
Revised Code on the assessment prescribed under that section to
measure skill in English language arts expected at the end of
third grade, each school district, in accordance with the policy
adopted under section 3313.609 of the Revised Code, shall do one
of the following:

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(a) Promote the student to fourth grade if the student's
principal and reading teacher agree that other evaluations of
the student's skill in reading demonstrate that the student is
academically prepared to be promoted to fourth grade;

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(b) Promote the student to fourth grade but provide the
student with intensive intervention services in fourth grade;

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(c) Retain the student in third grade.

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(2) Beginning with students who enter third grade in the
2013-2014 school year, unless the student is excused under
division (C) of section 3301.0711 of the Revised Code from
taking the assessment described in this section, no school
district shall promote to fourth grade any student who does not
attain at least the equivalent level of achievement designated
under division (A) (3) of section 3301.0710 of the Revised Code
on the assessment prescribed under that section to measure skill
in English language arts expected at the end of third grade,

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unless one of the following applies: 49873

(a) The student is an English learner who has been 49874
enrolled in United States schools for less than three full 49875
school years and has had less than three years of instruction in 49876
an English as a second language program. 49877

(b) The student is a child with a disability entitled to 49878
special education and related services under Chapter 3323. of 49879
the Revised Code and the student's individualized education 49880
program exempts the student from retention under this division. 49881

(c) The student demonstrates an acceptable level of 49882
performance on an alternative standardized reading assessment as 49883
determined by the department of education and workforce. 49884

(d) All of the following apply: 49885

(i) The student is a child with a disability entitled to 49886
special education and related services under Chapter 3323. of 49887
the Revised Code. 49888

(ii) The student has taken the third grade English 49889
language arts achievement assessment prescribed under section 49890
3301.0710 of the Revised Code. 49891

(iii) The student's individualized education program or 49892
plan under section 504 of the "Rehabilitation Act of 1973," 87 49893
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 49894
received intensive remediation in reading for two school years 49895
but still demonstrates a deficiency in reading. 49896

(iv) The student previously was retained in any of grades 49897
kindergarten to three. 49898

(e) (i) The student received intensive remediation for 49899
reading for two school years but still demonstrates a deficiency 49900

in reading and was previously retained in any of grades 49901
kindergarten to three. 49902

(ii) A student who is promoted under division (A) (2) (e) (i) 49903
of this section shall continue to receive intensive reading 49904
instruction in grade four. The instruction shall include an 49905
altered instructional day that includes specialized diagnostic 49906
information and specific research-based reading strategies for 49907
the student that have been successful in improving reading among 49908
low-performing readers. 49909

(f) A student's parent or guardian, in consultation with 49910
the student's reading teacher and building principal, requests 49911
that the student, regardless of if the student is reading at 49912
grade level, be promoted to the fourth grade. 49913

A student who is promoted under division (A) (2) (f) of this 49914
section shall continue to receive intensive reading instruction 49915
in the same manner as a student retained under this section 49916
until the student is able to read at grade level. 49917

(B) (1) Beginning in the 2012-2013 school year, to assist 49918
students in meeting the third grade guarantee established by 49919
this section, each school district board of education shall 49920
adopt policies and procedures with which it annually shall 49921
assess the reading skills of each student, except those students 49922
with significant cognitive disabilities or other disabilities as 49923
authorized by the department on a case-by-case basis, enrolled 49924
in kindergarten to third grade and shall identify students who 49925
are reading below their grade level. The reading skills 49926
assessment shall be completed by the thirtieth day of September 49927
for students in grades one to three, and by the twentieth day of 49928
instruction of the school year for students in kindergarten. 49929
Each district shall use the diagnostic assessment to measure 49930

reading ability for the appropriate grade level adopted under 49931
section 3301.079 of the Revised Code, or a comparable tool 49932
approved by the department of education and workforce, to 49933
identify such students. The policies and procedures shall 49934
require the students' classroom teachers to be involved in the 49935
assessment and the identification of students reading below 49936
grade level. The assessment may be administered electronically 49937
using live, two-way video and audio connections whereby the 49938
teacher administering the assessment may be in a separate 49939
location from the student. 49940

(2) For each student identified by the diagnostic 49941
assessment prescribed under this section as having reading 49942
skills below grade level, the district shall do both of the 49943
following: 49944

(a) Provide to the student's parent or guardian, in 49945
writing, all of the following: 49946

(i) Notification that the student has been identified as 49947
having a substantial deficiency in reading; 49948

(ii) A description of the current services that are 49949
provided to the student; 49950

(iii) A description of the proposed supplemental 49951
instructional services and supports that will be provided to the 49952
student that are designed to remediate the identified areas of 49953
reading deficiency; 49954

(iv) Notification that if the student attains a score in 49955
the range designated under division (A)(3) of section 3301.0710 49956
of the Revised Code on the assessment prescribed under that 49957
section to measure skill in English language arts expected at 49958
the end of third grade, the student shall be retained unless the 49959

student is exempt under division (A) of this section. The 49960
notification shall specify that the assessment under section 49961
3301.0710 of the Revised Code is not the sole determinant of 49962
promotion and that additional evaluations and assessments are 49963
available to the student to assist parents and the district in 49964
knowing when a student is reading at or above grade level and 49965
ready for promotion. 49966

(v) A statement that connects the child's proficiency 49967
level in reading to long-term outcomes of success related to 49968
proficiency in reading. 49969

(b) Provide intensive reading instruction services and 49970
regular diagnostic assessments to the student immediately 49971
following identification of a reading deficiency until the 49972
development of the reading improvement and monitoring plan 49973
required by division (C) of this section. These intervention 49974
services shall be aligned with the science of reading as defined 49975
under section 3313.6028 of the Revised Code and include 49976
research-based reading strategies that have been shown to be 49977
successful in improving reading among low-performing readers and 49978
instruction targeted at the student's identified reading 49979
deficiencies. 49980

(3) For each student retained under division (A) of this 49981
section, the district shall do all of the following: 49982

(a) Provide intense remediation services until the student 49983
is able to read at grade level. The remediation services shall 49984
include intensive interventions in reading that address the 49985
areas of deficiencies identified under this section including, 49986
but not limited to, not less than ninety minutes of reading 49987
instruction per day, and may include any of the following: 49988

(i) Small group instruction;	49989
(ii) Reduced teacher-student ratios;	49990
(iii) More frequent progress monitoring;	49991
(iv) Tutoring or mentoring;	49992
(v) Transition classes containing third and fourth grade students;	49993 49994
(vi) Extended school day, week, or year;	49995
(vii) Summer reading camps.	49996
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	49997 49998 49999 50000
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	50001 50002 50003
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education and workforce. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	50004 50005 50006 50007 50008 50009 50010 50011
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific	50012 50013 50014 50015

academic ability field. 50016

As used in this division, "specific academic ability 50017
field" has the same meaning as in section 3324.01 of the Revised 50018
Code. 50019

(C) For each student required to be provided intervention 50020
services under this section, the district shall develop a 50021
reading improvement and monitoring plan within sixty days after 50022
receiving the student's results on the diagnostic assessment or 50023
comparable tool administered under division (B)(1) of this 50024
section. The district shall involve the student's parent or 50025
guardian and classroom teacher in developing the plan. The plan 50026
shall include all of the following: 50027

(1) Identification of the student's specific reading 50028
deficiencies; 50029

(2) A description of the additional instructional services 50030
and support that will be provided to the student to remediate 50031
the identified reading deficiencies; 50032

(3) Opportunities for the student's parent or guardian to 50033
be involved in the instructional services and support described 50034
in division (C)(2) of this section; 50035

(4) A process for monitoring the extent to which the 50036
student receives the instructional services and support 50037
described in division (C)(2) of this section; 50038

(5) A reading curriculum during regular school hours that 50039
does all of the following: 50040

(a) Assists students to read at grade level; 50041

(b) Provides scientifically based and reliable assessment; 50042

(c) Provides initial and ongoing analysis of each 50043
student's reading progress. 50044

(6) A statement that if the student does not attain at 50045
least the equivalent level of achievement designated under 50046
division (A)(3) of section 3301.0710 of the Revised Code on the 50047
assessment prescribed under that section to measure skill in 50048
English language arts expected by the end of third grade, the 50049
student may be retained in third grade. 50050

(7) ~~High-dosage~~ The provision of high-dosage tutoring 50051
~~opportunities~~ aligned with the student's classroom instruction 50052
through a state-approved vendor on the list of high-quality 50053
tutoring vendors under section 3301.136 of the Revised Code or a 50054
locally approved ~~opportunity program~~ that aligns with high- 50055
dosage tutoring best practices identified by the department. 50056
High-dosage tutoring ~~opportunities~~ shall include ~~additional~~ 50057
instruction time of at least three days per week, or at least 50058
fifty hours over thirty-six weeks. High-dosage tutoring may be 50059
incorporated into a student's regular classroom instruction. 50060

The district shall continue to provide the plan developed 50061
under division (C) of this section until the student achieves 50062
the required level of skill in reading for the student's current 50063
grade level. 50064

Each student with a reading improvement and monitoring 50065
plan under this division who enters third grade after July 1, 50066
2013, shall be assigned to a teacher who satisfies one or more 50067
of the criteria set forth in division (H) of this section. 50068

The district shall report any information requested by the 50069
department about the reading improvement monitoring plans 50070
developed under this division in the manner required by the 50071

department. 50072

(D) Each school district shall report annually to the 50073
department on its implementation and compliance with this 50074
section using guidelines prescribed by the department. The 50075
director of education and workforce annually shall report to the 50076
governor and general assembly the number and percentage of 50077
students in grades kindergarten through four reading below grade 50078
level based on the diagnostic assessments administered under 50079
division (B) of this section and the achievement assessments 50080
administered under divisions (A) (1) (a) and (b) of section 50081
3301.0710 of the Revised Code in English language arts, 50082
aggregated by school district and building; the types of 50083
intervention services provided to students; and, if available, 50084
an evaluation of the efficacy of the intervention services 50085
provided. 50086

(E) Any summer remediation services funded in whole or in 50087
part by the state and offered by school districts to students 50088
under this section shall meet the following conditions: 50089

(1) The remediation methods are based on reliable 50090
educational research. 50091

(2) The school districts conduct assessment before and 50092
after students participate in the program to facilitate 50093
monitoring results of the remediation services. 50094

(3) The parents of participating students are involved in 50095
programming decisions. 50096

(F) Any intervention or remediation services required by 50097
this section shall include intensive, explicit, and systematic 50098
instruction. 50099

(G) This section does not create a new cause of action or 50100

a substantive legal right for any person. 50101

(H) (1) Except as provided under divisions (H) (2), (3), and 50102
(4) of this section, each student described in division (B) (3) 50103
or (C) of this section who enters third grade for the first time 50104
on or after July 1, 2013, shall be assigned a teacher who has at 50105
least one year of teaching experience and who satisfies one or 50106
more of the following criteria: 50107

(a) The teacher holds a reading endorsement on the 50108
teacher's license and has attained a passing score on the 50109
corresponding assessment for that endorsement, as applicable. 50110

(b) The teacher has completed a master's degree program 50111
with a major in reading. 50112

(c) The teacher was rated "most effective" for reading 50113
instruction consecutively for the most recent two years based on 50114
assessments of student growth measures developed by a vendor and 50115
that is on the list of student assessments approved by the 50116
department under division (B) (2) of section 3319.112 of the 50117
Revised Code. 50118

(d) The teacher was rated "above expected value added," in 50119
reading instruction, as determined by criteria established by 50120
the department, for the most recent, consecutive two years. 50121

(e) The teacher has earned a passing score on a rigorous 50122
test of principles of scientifically research-based reading 50123
instruction as approved by the department. 50124

(f) The teacher holds an educator license for teaching 50125
grades pre-kindergarten through three or four through nine 50126
issued on or after July 1, 2017. 50127

(2) Notwithstanding division (H) (1) of this section, a 50128

student described in division (B) (3) or (C) of this section who 50129
enters third grade for the first time on or after July 1, 2013, 50130
may be assigned to a teacher with less than one year of teaching 50131
experience provided that the teacher meets one or more of the 50132
criteria described in divisions (H) (1) (a) to (f) of this section 50133
and that teacher is assigned a teacher mentor who meets the 50134
qualifications of division (H) (1) of this section. 50135

(3) Notwithstanding division (H) (1) of this section, a 50136
student described in division (B) (3) or (C) of this section who 50137
enters third grade for the first time on or after July 1, 2013, 50138
but prior to July 1, 2016, may be assigned to a teacher who 50139
holds an alternative credential approved by the department or 50140
who has successfully completed training that is based on 50141
principles of scientifically research-based reading instruction 50142
that has been approved by the department. The alternative 50143
credentials and training described in division (H) (3) of this 50144
section shall be aligned with the reading competencies adopted 50145
by the department of education and workforce under section 50146
3301.077 of the Revised Code. 50147

(4) Notwithstanding division (H) (1) of this section, a 50148
student described in division (B) (3) or (C) of this section who 50149
enters third grade for the first time on or after July 1, 2013, 50150
may receive reading intervention or remediation services under 50151
this section from an individual employed as a speech-language 50152
pathologist who holds a license issued by the state speech and 50153
hearing professionals board under Chapter 4753. of the Revised 50154
Code and a registration under section 3319.221 of the Revised 50155
Code. 50156

(5) A teacher, other than a student's teacher of record, 50157
may provide any services required under this section, so long as 50158

that other teacher meets the requirements of division (H) of 50159
this section and the teacher of record and the school principal 50160
agree to the assignment. Any such assignment shall be documented 50161
in the student's reading improvement and monitoring plan. 50162

As used in this division, "teacher of record" means the 50163
classroom teacher to whom a student is assigned. 50164

(I) Notwithstanding division (H) of this section, a 50165
teacher may teach reading to any student who is an English 50166
language learner, and has been in the United States for three 50167
years or less, or to a student who has an individualized 50168
education program developed under Chapter 3323. of the Revised 50169
Code if that teacher holds an alternative credential approved by 50170
the department or has successfully completed training that is 50171
based on principles of scientifically research-based reading 50172
instruction that has been approved by the department. The 50173
alternative credentials and training described in this division 50174
shall be aligned with the reading competencies adopted by the 50175
department of education and workforce under section 3301.077 of 50176
the Revised Code. 50177

(J) If, on or after June 4, 2013, a school district or 50178
community school cannot furnish the number of teachers needed 50179
who satisfy one or more of the criteria set forth in division 50180
(H) of this section for the 2013-2014 school year, the school 50181
district or community school shall develop and submit a staffing 50182
plan by June 30, 2013. The staffing plan shall include criteria 50183
that will be used to assign a student described in division (B) 50184
(3) or (C) of this section to a teacher, credentials or training 50185
held by teachers currently teaching at the school, and how the 50186
school district or community school will meet the requirements 50187
of this section. The school district or community school shall 50188

post the staffing plan on its web site for the applicable school 50189
year. 50190

Not later than March 1, 2014, and on the first day of 50191
March in each year thereafter, a school district or community 50192
school that has submitted a plan under this division shall 50193
submit to the department a detailed report of the progress the 50194
district or school has made in meeting the requirements under 50195
this section. 50196

A school district or community school may request an 50197
extension of a staffing plan beyond the 2013-2014 school year. 50198
Extension requests must be submitted to the department not later 50199
than the thirtieth day of April prior to the start of the 50200
applicable school year. The department may grant extensions 50201
valid through the 2015-2016 school year. 50202

(K) The department of education and workforce shall 50203
designate one or more staff members to provide guidance and 50204
assistance to school districts and community schools in 50205
implementing the third grade guarantee established by this 50206
section, including any standards or requirements adopted to 50207
implement the guarantee and to provide information and support 50208
for reading instruction and achievement. 50209

Sec. 3313.609. (A) As used in this section:— 50210

~~(1) "Truant" means absent without excuse.~~ 50211

~~(2) "Academically prepared", "academically prepared"~~ 50212
means whatever educational standard the board of education of 50213
each city, exempted village, local, and joint vocational school 50214
district establishes as necessary for the promotion of a student 50215
to the next grade level pursuant to the policy adopted under 50216
division (B) of this section. 50217

(B) The board of education of each city, exempted village, 50218
local, and joint vocational school district shall adopt a grade 50219
promotion and retention policy for students that complies with 50220
this section and section 3313.608 of the Revised Code. The 50221
policy shall prohibit the promotion of a student to the next 50222
grade level if the student ~~has been truant for more than ten per~~ 50223
~~cent of the required attendance days of the current school year~~ 50224
~~and~~ has failed two or more of the required curriculum subject 50225
areas in the current grade unless the student's principal and 50226
the teachers of any failed subject areas agree that the student 50227
is academically prepared to be promoted to the next grade level. 50228

Sec. 3313.6013. (A) As used in this section, "advanced 50229
standing program" means a program that enables a student to earn 50230
credit toward a degree from an institution of higher education 50231
while enrolled in high school or that enables a student to 50232
complete coursework while enrolled in high school that may earn 50233
credit toward a degree from an institution of higher education 50234
upon the student's attainment of a specified score on an 50235
examination covering the coursework. Advanced standing programs 50236
may include any of the following: 50237

(1) The college credit plus program established under 50238
Chapter 3365. of the Revised Code; 50239

(2) Advanced placement courses; 50240

(3) International baccalaureate diploma courses; 50241

(4) Early college high school programs; 50242

(5) Courses that comply with the career-technical 50243
education credit transfer criteria, policies, and procedures 50244
established under section 3333.162 of the Revised Code; 50245

(6) The college-level examination program. 50246

(B) Each city, local, exempted village, and joint vocational school district and each chartered nonpublic high school shall provide students enrolled in grades nine through twelve with the opportunity to participate in an advanced standing program. For this purpose, each school district and chartered nonpublic high school shall offer at least one advanced standing program in accordance with division (B) (1) or (2) of this section, as applicable.

(1) A city, local, or exempted village school district meets the requirements of this division through its mandatory participation in the college credit plus program established under Chapter 3365. of the Revised Code. However, a city, local, or exempted village school district may offer any other advanced standing program, in addition to the college credit plus program, and each joint vocational school district shall offer at least one other advanced standing program, to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education and workforce.

(2) A chartered nonpublic high school that elects to participate in the college credit plus program established under Chapter 3365. of the Revised Code meets the requirements of this division. Each chartered nonpublic high school that elects not to participate in the college credit plus program instead shall offer at least one other advanced standing program to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education and workforce.

(C) Each school district and each chartered nonpublic high school, at least annually, shall provide information about the advanced standing programs offered by the district or school to all students enrolled in grades six through eleven. The district or school shall include information about all of the following:

(1) The process colleges and universities use in awarding credit for advanced placement and international baccalaureate courses and examinations, including minimum scores required by state institutions of higher education, as defined in section 3345.011 of the Revised Code, for a student to receive college credit;

(2) The availability of tuition and fee waivers for advanced placement and international baccalaureate courses and examinations;

(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost;

(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses;

(5) The availability of advanced placement or international baccalaureate courses offered throughout the district.

The district or school may include additional information as determined appropriate by the district or school.

(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay

the costs associated with taking an advanced placement or 50306
international baccalaureate examination. 50307

(E) Any agreement between a school district or school and 50308
an associated college governing the operation of an early 50309
college high school program shall be exempt from the 50310
requirements of the college credit plus program, provided the 50311
program meets the definition set forth in division (F)(2) of 50312
this section and is approved by the director of education and 50313
workforce and the chancellor of higher education. 50314

The college credit plus program also shall not govern any 50315
advanced placement course or international baccalaureate diploma 50316
course as described under this section. 50317

(F) As used in this section: 50318

(1) "Associated college" means a public or private 50319
college, as defined in section 3365.01 of the Revised Code, 50320
which has entered into an agreement with a school district or 50321
school to establish an early college high school program, as 50322
described in division (F)(2) of this section, and awards 50323
transcripted credit, as defined in section 3365.01 of the 50324
Revised Code, to students through that program. 50325

(2) "Early college high school program" means a 50326
partnership between at least one school district or school and 50327
at least one institution of higher education that allows 50328
participants to simultaneously complete requirements toward 50329
earning a regular high school diploma and have the opportunity 50330
to earn not less than twenty-four credits that are transferable 50331
to the institutions of higher education in the partnership as 50332
part of an organized course of study toward a post-secondary 50333
degree or credential at no cost to the participant or 50334

participant's family. The program also shall prioritize the 50335
following students: 50336

(a) Students who are underrepresented in regard to 50337
completing post-secondary education; 50338

(b) Students who are economically disadvantaged, as 50339
defined by the department of education and workforce; 50340

(c) Students whose parents did not earn a college degree. 50341

Sec. 3313.6022. (A) As used in this section, "released 50342
time" means a period of time during which a student is excused 50343
from school to attend a course in religious instruction 50344
conducted by a private entity off school district property. 50345

(B) A school district board of education shall adopt a 50346
policy that authorizes a student to be excused from school to 50347
attend a released time course in religious instruction for at 50348
least one period per week, provided that each of the following 50349
applies: 50350

(1) The student's parent or guardian gives written 50351
consent. 50352

(2) The sponsoring entity maintains attendance records and 50353
makes them available to the school district the student attends. 50354

(3) Transportation to and from the place of instruction, 50355
including transportation for students with disabilities, is the 50356
complete responsibility of the sponsoring entity, parent, 50357
guardian, or student. 50358

(4) The sponsoring entity makes provisions for and assumes 50359
liability for the student. 50360

(5) No public funds are expended and no public school 50361

personnel are involved in providing the religious instruction. 50362

(6) The student assumes responsibility for any missed 50363
schoolwork. 50364

While in attendance in a released time course in religious 50365
instruction, a student shall not be considered absent from 50366
school. No student may be released from a core curriculum 50367
subject course to attend a religious instruction course. 50368

(C) A school district board of education shall collaborate 50369
with a sponsoring entity of a released time course in religious 50370
instruction to identify a time to offer the course during the 50371
school day. 50372

(D) A policy adopted under division (B) of this section 50373
shall not exceed either of the following: 50374

(1) For students in elementary school, two periods in 50375
total per week; 50376

(2) For students in high school, the amount of time that 50377
is equivalent to attending two units of high school credit per 50378
week. 50379

(E) A policy adopted under division (B) of this section 50380
may authorize high school students to earn up to two units of 50381
high school credit for the completion of a released time course 50382
in religious instruction. In determining whether to award credit 50383
for completion of such a course, the board shall evaluate the 50384
course based on purely secular criteria that are substantially 50385
the same criteria used to evaluate similar nonpublic high school 50386
courses for purposes of determining whether to award credit for 50387
such courses to a student transferring from a nonpublic high 50388
school to a public high school. However, there shall be no 50389
criteria requiring that released time courses be completed only 50390

at a nonpublic school. The decision to award credit for a 50391
released time course of religious instruction shall be neutral 50392
to, and shall not involve any test for, religious content or 50393
denominational affiliation. 50394

For purposes of this division, secular criteria may 50395
include, but are not limited to, the following: 50396

- (1) The number of hours of classroom instruction time; 50397
- (2) A review of the course syllabus that reflects course 50398
requirements and materials used; 50399
- (3) The methods of assessment used in the course; 50400
- (4) The qualifications of the course instructor, which 50401
shall be similar to the qualifications of other teachers within 50402
the district. 50403

Notwithstanding division (C) (8) of section 3313.603 of the 50404
Revised Code, high school credit awarded to a student for a 50405
released time course in religious instruction may substitute for 50406
the same amount of credit in subjects listed in that division. 50407

~~(E)~~ (F) A school district, member of a school district 50408
board of education, or school district employee is not liable in 50409
damages in a civil action for injury allegedly arising during a 50410
student's transportation to or from a place of instruction when 50411
private transportation is used under a released time policy 50412
adopted under this section. This division does not eliminate, 50413
limit, or reduce any other immunity or defense that a school 50414
district, member of a school district board of education, or 50415
school district employee may be entitled to under Chapter 2744. 50416
or any other provision of the Revised Code or under the common 50417
law of this state. 50418

Sec. 3313.6028. (A) (1) As used in Title XXXIII of the 50419
Revised Code, "science of reading" means an interdisciplinary 50420
body of scientific evidence that: 50421

(a) Informs how students learn to read and write 50422
proficiently; 50423

(b) Explains why some students have difficulty with 50424
reading and writing; 50425

(c) Indicates that all students benefit from explicit and 50426
systematic instruction in phonemic awareness, phonics, 50427
vocabulary, fluency, comprehension, and writing to become 50428
effective readers; 50429

(d) Does not rely on any model of teaching students to 50430
read based on meaning, structure and syntax, and visual cues, 50431
including a three-cueing approach. 50432

(2) As used in this section, "three-cueing approach" means 50433
any model of teaching students to read based on meaning, 50434
structure and syntax, and visual cues. 50435

(B) The department of education and workforce shall 50436
establish a list of high-quality core curriculum and 50437
instructional materials in English language arts, and a list of 50438
evidence-based reading intervention programs, that are aligned 50439
with the science of reading and strategies for effective 50440
literacy instruction. 50441

(C) Beginning not later than the 2024-2025 school year, 50442
each school district, community school established under Chapter 50443
3314. of the Revised Code, and STEM school established under 50444
Chapter 3326. of the Revised Code, shall use core curriculum and 50445
instructional materials in English language arts in each of 50446
grades pre-kindergarten to five and evidence-based reading 50447

intervention programs in each of grades pre-kindergarten to 50448
twelve only from the lists established under division (B) of 50449
this section. Except as provided in division (D) of this 50450
section, no district or school shall use any core curriculum, 50451
instructional materials, or intervention program in grades pre- 50452
kindergarten to five that use the three-cueing approach to teach 50453
students to read. 50454

(D) A district or school may apply to the department for a 50455
waiver on an individual student basis to use curriculum, 50456
instructional materials, or an intervention program in grades 50457
pre-kindergarten through five that uses the three-cueing 50458
approach to teach students to read, except as follows: 50459

(1) No student for whom a reading improvement and 50460
monitoring plan has been developed under division (C) of section 50461
3313.608 of the Revised Code shall be eligible for a waiver. 50462

(2) If a student has an individualized education program 50463
that explicitly indicates the three-cueing approach is 50464
appropriate for the student's learning needs, the student shall 50465
not be required to have a waiver. 50466

In determining whether to approve a waiver requested under 50467
this section, the department shall consider the performance of 50468
the student's district or school on the state report card issued 50469
under section 3302.03 of the Revised Code, including on the 50470
early literacy component prescribed under division (D)(3)(e) of 50471
that section. 50472

(E)(1) The department shall identify vendors that provide 50473
professional development to educators, including pre-service 50474
teachers and faculty employed by educator preparation programs, 50475
on the use of high-quality core curriculum and instructional 50476

materials and reading intervention programs on the lists 50477
established under division (B) of this section. 50478

(2) A professional development committee established under 50479
section 3319.22 of the Revised Code shall qualify any completed 50480
professional development coursework provided by a vendor 50481
described in division (E)(1) of this section to count towards 50482
professional development coursework requirements for teacher 50483
licensure renewal. 50484

(3) A professional development committee shall permit a 50485
teacher to apply any hours earned over the minimum amount of 50486
hours required for professional development coursework for 50487
teacher licensure renewal under division (E)(2) of this section 50488
to the next renewal period for that license. 50489

Sec. 3313.6031. (A) As used in this section, "other high 50490
school" means any of the following that offers any of grades 50491
nine through twelve: 50492

(1) A community school established under Chapter 3314. of 50493
the Revised Code; 50494

(2) A STEM school established under Chapter 3326. of the 50495
Revised Code; 50496

(3) A chartered nonpublic school. 50497

(B) Each city, local, exempted village, and joint 50498
vocational school district and other high school that has 50499
students enrolled in courses that comply with the career- 50500
technical education credit transfer criteria, policies, and 50501
procedures established under section 3333.162 of the Revised 50502
Code shall adopt and implement a policy for the awarding of 50503
grades and the calculation of class standing for those courses. 50504

A district's or school's policy under this section shall 50505
be equivalent to the district's or school's policy for courses 50506
taken under the advanced standing programs described in 50507
divisions (A) (1) to (3) of section 3313.6013 of the Revised Code 50508
or for other courses designated as honors courses by the 50509
district or school, including procedures for awarding a weighted 50510
grade or enhancing a student's class standing for those courses. 50511

Sec. 3313.6032. (A) As used in this section, "advanced 50512
learning opportunities in mathematics" or "advanced mathematics 50513
course" means learning opportunities or a course that provides 50514
academic content or rigor that exceeds the standard mathematics 50515
curriculum for the student's grade level, as determined by the 50516
district. 50517

(B) Except as otherwise provided in division (C) of this 50518
section, each city, local, exempted village, and joint- 50519
vocational school district shall provide each student that 50520
achieves an advanced level of skill on a mathematics achievement 50521
assessment as prescribed under section 3301.0710 or end-of- 50522
course examination under section 3301.0712 of the Revised Code 50523
with advanced learning opportunities in mathematics including 50524
advanced mathematics courses in the following school year. Each 50525
student shall take any corresponding required achievement 50526
assessment or end-of-course examination for any mathematics 50527
course the student takes under those sections. 50528

(C) (1) No school district is subject to division (B) of 50529
this section if it does not offer the advanced learning 50530
opportunities in mathematics or an advanced mathematics course 50531
for the grade level in which the student is enrolled for the 50532
next school year. 50533

(2) Each school district shall notify the parent or 50534

guardian of a student who qualifies for advanced learning 50535
opportunities in mathematics under division (B) of this section 50536
of that determination. The parent or guardian of any such 50537
student may submit a written request for that student to not 50538
receive the advanced learning opportunities in mathematics or to 50539
not be enrolled in the advanced mathematics course. In which 50540
case, the district shall not be required to provide that student 50541
with advanced mathematics instruction under division (B) of this 50542
section. 50543

Sec. 3313.618. (A) In addition to the curriculum 50544
requirements specified by the board of education of a school 50545
district or governing authority of a chartered nonpublic school, 50546
each student entering ninth grade for the first time on or after 50547
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 50548
one of the following conditions or the conditions prescribed 50549
under division (B) of this section in order to qualify for a 50550
high school diploma: 50551

(1) Be remediation-free, in accordance with standards 50552
adopted under division (F) of section 3345.061 of the Revised 50553
Code, on each of the nationally standardized assessments in 50554
English, mathematics, and reading; 50555

(2) Attain a score specified under division (B) (5) (c) of 50556
section 3301.0712 of the Revised Code on the end-of-course 50557
examinations prescribed under division (B) of section 3301.0712 50558
of the Revised Code. 50559

(3) Attain a score that demonstrates workforce readiness 50560
and employability on a nationally recognized job skills 50561
assessment selected by the department of education and workforce 50562
under division (F) of section 3301.0712 of the Revised Code and 50563
obtain either an industry-recognized credential or a license 50564

issued by a state agency or board for practice in a vocation 50565
that requires an examination for issuance of that license. 50566

For the purposes of this division, the industry-recognized 50567
credentials and licenses shall be as approved under section 50568
3313.6113 of the Revised Code. 50569

A student may choose to qualify for a high school diploma 50570
by satisfying any of the separate requirements prescribed by 50571
divisions (A) (1) to (3) of this section. If the student's school 50572
district or school does not administer the examination 50573
prescribed by one of those divisions that the student chooses to 50574
take to satisfy the requirements of this section, the school 50575
district or school may require that student to arrange for the 50576
applicable scores to be sent directly to the district or school 50577
by the company or organization that administers the examination. 50578

(B) In addition to the curriculum requirements specified 50579
by the district board or school governing authority, each 50580
student entering ninth grade for the first time on or after July 50581
1, 2019, shall satisfy the following conditions in order to 50582
qualify for a high school diploma: 50583

(1) Attain a competency score as determined under division 50584
(B) (10) of section 3301.0712 of the Revised Code on each of the 50585
Algebra I and English language arts II end-of-course 50586
examinations prescribed under division (B) (2) of section 50587
3301.0712 of the Revised Code. 50588

School districts and chartered nonpublic schools shall 50589
offer remedial support to any student who fails to attain a 50590
competency score on one or both of the Algebra I and English 50591
language arts II end-of-course examinations. 50592

Following the first administration of the exam, if a 50593

student fails to attain a competency score on one or both of the 50594
Algebra I and English language arts II end-of-course 50595
examinations that student must retake the respective examination 50596
at least once. 50597

If a student fails to attain a competency score on a 50598
retake examination, the student may demonstrate competency in 50599
the failed subject area through one of the following options: 50600

(a) Earn course credit taken through the college credit 50601
plus program established under Chapter 3365. of the Revised Code 50602
in the failed subject area; 50603

(b) Complete two of the following options, one of which 50604
must be foundational: 50605

(i) Foundational options to demonstrate competency, which 50606
include completing two hundred fifty hours of a work-based 50607
learning experience with evidence of positive evaluations, 50608
earning a cumulative score of proficient or higher on three or 50609
more state technical assessments aligned with section 3313.903 50610
of the Revised Code in a single career pathway, obtaining an 50611
industry-recognized credential, or group of credentials, 50612
approved under section 3313.6113 of the Revised Code that is at 50613
least equal to the total number of points established under that 50614
section to qualify for a high school diploma, obtaining a 50615
license approved under section 3313.6113 of the Revised Code 50616
that is issued by a state agency or board for practice in a 50617
vocation that requires an examination for issuance of that 50618
license, completing a pre-apprenticeship aligned with options 50619
established under section 3313.904 of the Revised Code in the 50620
student's chosen career field, completing an apprenticeship 50621
registered with the apprenticeship council established under 50622
section 4139.02 of the Revised Code in the student's chosen 50623

career field, or providing evidence of acceptance into an 50624
apprenticeship program after high school that is restricted to 50625
participants eighteen years of age or older; 50626

(ii) Supporting options to demonstrate competency, which 50627
~~include completing two hundred fifty hours of a work-based-~~ 50628
~~learning experience with evidence of positive evaluations,~~ 50629
obtaining an OhioMeansJobs-readiness seal under section 50630
3313.6112 of the Revised Code, or attaining a workforce 50631
readiness score, as determined by the department, on the 50632
nationally recognized job skills assessment selected by the 50633
department under division (F) of section 3301.0712 of the 50634
Revised Code. 50635

(c) Provide evidence that the student has enlisted in a 50636
branch of the armed services of the United States as defined in 50637
section 5910.01 of the Revised Code. 50638

(d) Be remediation-free, in accordance with standards 50639
adopted under division (F) of section 3345.061 of the Revised 50640
Code, in the failed subject area on a nationally standardized 50641
assessment prescribed under division (B)(1) of section 3301.0712 50642
of the Revised Code. For English language arts II, a student 50643
must be remediation-free in the subjects of English and reading 50644
on the nationally standardized assessment. 50645

Subject to division (L)(2) of section 3313.61 of the 50646
Revised Code, for any students receiving special education and 50647
related services under Chapter 3323. of the Revised Code, the 50648
individualized education program developed for the student under 50649
that chapter shall specify the manner in which the student will 50650
participate in the assessments administered under this division 50651
or an alternate assessment in accordance with division (C)(1) of 50652
section 3301.0711 of the Revised Code. 50653

(2) Earn at least two of the state diploma seals 50654
prescribed under division (A) of section 3313.6114 of the 50655
Revised Code, at least one of which shall be any of the 50656
following: 50657

(a) The state seal of biliteracy established under section 50658
3313.6111 of the Revised Code; 50659

(b) The OhioMeansJobs-readiness seal established under 50660
section 3313.6112 of the Revised Code; 50661

(c) One of the state diploma seals established under 50662
divisions (C) (1) to (7) of section 3313.6114 of the Revised 50663
Code. 50664

(C) (1) A student who transfers into an Ohio public or 50665
chartered nonpublic high school from another state or enrolls in 50666
such a high school after receiving home education or attending a 50667
nonchartered, nontax-supported school in the previous school 50668
year shall meet the requirements of division (B) or (D) of this 50669
section, as applicable, in order to qualify for a high school 50670
diploma. However, any student subject to division (B) of this 50671
section who transfers or enrolls after the start of the 50672
student's twelfth grade year and fails to attain a competency 50673
score on the Algebra I or English language arts II end-of-course 50674
examination shall not be required to retake the applicable 50675
examination prior to demonstrating competency in the failed 50676
subject area under the options prescribed in divisions (B) (1) (a) 50677
to (d) of this section. 50678

(2) The department shall prescribe standards that allow a 50679
transfer student who, prior to the student's transfer, took an 50680
assessment described in division (B) (1) or (2) of section 50681
3301.0712 or section 3313.619 of the Revised Code to apply the 50682

score from that assessment towards graduation requirements at 50683
the student's new public or chartered nonpublic school. 50684

(D) Notwithstanding division (B) of this section, in 50685
addition to the curriculum requirements specified by the school 50686
governing authority, a chartered nonpublic school student 50687
subject to division (L) (3) (a) (ii) of section 3301.0711 of the 50688
Revised Code entering ninth grade for the first time on or after 50689
July 1, 2019, shall qualify for a high school diploma if the 50690
student earns a remediation-free score in the areas of English, 50691
mathematics, and reading, in accordance with standards adopted 50692
under division (F) of section 3345.061 of the Revised Code, on a 50693
nationally standardized assessment prescribed under division (B) 50694
(1) of section 3301.0712 of the Revised Code. No such student 50695
shall be required to take the Algebra I or English language arts 50696
II end-of-course examination or earn diploma seals under this 50697
section. 50698

(E) The department shall not create or require any 50699
additional assessment for the granting of any type of high 50700
school diploma other than as prescribed by this section. Except 50701
as provided in sections 3313.6111, 3313.6112, and 3313.6114 of 50702
the Revised Code, the department or the director of education 50703
and workforce shall not create any endorsement or designation 50704
that may be affiliated with a high school diploma. 50705

Sec. 3313.6113. (A) The director of education and 50706
workforce, in collaboration with the governor's office of 50707
workforce transformation and representatives of business 50708
organizations, shall establish a committee to develop a list of 50709
industry-recognized credentials and licenses that may be used to 50710
qualify for a high school diploma under section 3313.618 of the 50711
Revised Code and shall be used for state report card purposes 50712

under section 3302.03 of the Revised Code. 50713

(B) The committee shall do the following: 50714

(1) Establish criteria for acceptable industry-recognized 50715
credentials and licenses aligned with the in-demand jobs list 50716
published by the department of job and family services; 50717

(2) Review the list of industry-recognized credentials and 50718
licenses that was in existence on January 1, 2018, and update 50719
the list as it considers necessary; 50720

(3) Review and update the list of industry-recognized 50721
credentials and licenses at least biennially; 50722

(4) Assign a point value for each industry-recognized 50723
credential and establish the total number of points for 50724
industry-recognized credentials that—a student must earn to 50725
qualify for a high school diploma under sections 3313.618 and 50726
3313.6114 of the Revised Code; 50727

(5) Update the list of industry-recognized credentials to 50728
include a driver's license obtained by a student through a 50729
driver education course offered by a school district in 50730
accordance with section 3301.17 of the Revised Code. 50731

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 50732
(D) (1) (j) (v) of section 3302.03 of the Revised Code, the 50733
department of education and workforce shall include only those 50734
students who earn an industry-recognized credential, or group of 50735
credentials, at least equal to the total number of points 50736
established by the committee under this section to qualify for a 50737
high school diploma. 50738

Sec. 3313.6114. (A) The department of education and 50739
workforce shall establish a system of state diploma seals for 50740

the purposes of allowing a student to qualify for graduation 50741
under section 3313.618 of the Revised Code. State diploma seals 50742
may be attached or affixed to the high school diploma of a 50743
student enrolled in a public or chartered nonpublic school. The 50744
system of state diploma seals shall consist of all of the 50745
following: 50746

(1) The state seal of biliteracy established under section 50747
3313.6111 of the Revised Code; 50748

(2) The OhioMeansJobs-readiness seal established under 50749
section 3313.6112 of the Revised Code; 50750

(3) The state diploma seals prescribed under division (C) 50751
of this section. 50752

(B) A school district, community school established under 50753
Chapter 3314. of the Revised Code, STEM school established under 50754
Chapter 3326. of the Revised Code, college-preparatory boarding 50755
school established under Chapter 3328. of the Revised Code, or 50756
chartered nonpublic school shall attach or affix the state seals 50757
prescribed under division (C) of this section to the diploma and 50758
transcript of a student enrolled in the district or school who 50759
meets the requirements established under that division. 50760

(C) The department shall establish all of the following 50761
state diploma seals: 50762

(1) An industry-recognized credential seal. A student 50763
shall meet the requirement for this seal by doing either of the 50764
following: 50765

(a) Earning an industry-recognized credential, or group of 50766
credentials, approved under section 3313.6113 of the Revised 50767
Code that is both of the following: 50768

(i) At least equal to the total number of points 50769
established under section 3313.6113 of the Revised Code to 50770
qualify for a high school diploma; 50771

(ii) Aligned to a job that is determined to be in demand 50772
in this state and its regions under section 6301.11 of the 50773
Revised Code. 50774

(b) Obtaining a license approved under section 3313.6113 50775
of the Revised Code that is issued by a state agency or board 50776
for practice in a vocation that requires an examination for 50777
issuance of that license. 50778

(2) A college-ready seal. A student shall meet the 50779
requirement for this seal by attaining a score that is 50780
remediation-free, in accordance with standards adopted under 50781
division (F) of section 3345.061 of the Revised Code, on a 50782
nationally standardized assessment prescribed under division (B) 50783
(1) of section 3301.0712 of the Revised Code or by attaining a 50784
passing score, as determined by the department of education and 50785
workforce and aligned with current statewide college-level 50786
examination program scores identified by the department of 50787
higher education, on a college-level examination program 50788
examination. 50789

(3) A military seal. A student shall meet the requirement 50790
for this seal by doing one of the following: 50791

(a) Providing evidence that the student has enlisted in a 50792
branch of the armed services of the United States as defined in 50793
section 5910.01 of the Revised Code; 50794

(b) Participating in a junior reserve officer training 50795
program approved by the congress of the United States under 50796
title 10 of the United States Code; 50797

(c) Providing evidence that the student has accepted a scholarship to enter the reserve officer training corps; 50798
50799

(d) Providing evidence that the student has been appointed to a United States military service academy. 50800
50801

(4) A citizenship seal. A student shall meet the requirement for this seal by doing any of the following: 50802
50803

(a) Demonstrating at least a proficient level of skill as prescribed under division (B) (5) (a) of section 3301.0712 of the Revised Code on both the American history and American government end-of-course examinations prescribed under division (B) (2) of section 3301.0712 of the Revised Code; 50804
50805
50806
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50808

(b) Attaining a score level prescribed under division (B) (5) (d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in appropriate advanced placement or international baccalaureate examinations or by attaining a passing score, as determined by the department, on a college-level examination program examination in lieu of the American history and American government end-of-course examinations; 50809
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(c) In lieu of the American history and American government end-of-course examinations, attaining a final course grade that is the equivalent of a "B" or higher in either: 50817
50818
50819

(i) An American history course and an American government course that are offered by the student's high school; 50820
50821

(ii) Appropriate courses taken through the college credit plus program established under Chapter 3365. of the Revised Code. 50822
50823
50824

(d) In the case of a student who takes an alternate 50825

assessment in accordance with division (C) (1) of section 50826
3301.0711 of the Revised Code, attaining a score established by 50827
the department on the alternate assessment in social studies; 50828

(e) In the case of a student who transfers into an Ohio 50829
public or chartered nonpublic high school from another state or 50830
who enrolls in an Ohio public or chartered nonpublic high school 50831
after receiving home education or attending a nonchartered, 50832
nontax-supported school in the previous school year, attaining a 50833
final course grade that is the equivalent of a "B" or higher in 50834
courses that correspond with the American history and American 50835
government end-of-course examinations and that the student 50836
completed in the state from which the student transferred or 50837
completed while receiving home education or attending a 50838
nonchartered, nontax-supported school. Division (C) (4) (e) of 50839
this section does not apply to any such student with respect to 50840
an American history or American government course for which an 50841
end-of-course examination is associated that the student takes 50842
after enrolling in the high school. 50843

(5) A science seal. A student shall meet the requirement 50844
for this seal by doing any of the following: 50845

(a) Demonstrating at least a proficient level of skill as 50846
prescribed under division (B) (5) (a) of section 3301.0712 of the 50847
Revised Code on the science end-of-course examination prescribed 50848
under division (B) (2) of section 3301.0712 of the Revised Code; 50849

(b) Attaining a score level prescribed under division (B) 50850
(5) (d) of section 3301.0712 of the Revised Code that is at least 50851
the equivalent of a proficient level of skill in an appropriate 50852
advanced placement or international baccalaureate examination or 50853
by attaining a passing score, as determined by the department, 50854
on a college-level examination program examination in lieu of 50855

the science end-of-course examination; 50856

(c) In lieu of the science end-of-course examination, 50857
attaining a final course grade that is the equivalent of a "B" 50858
or higher in either: 50859

(i) A science course listed in divisions (C) (5) (c) (i) to 50860
(iii) of section 3313.603 of the Revised Code that is offered by 50861
the student's high school; 50862

(ii) An appropriate course taken through the college 50863
credit plus program established under Chapter 3365. of the 50864
Revised Code. 50865

(d) In the case of a student who takes an alternate 50866
assessment in accordance with division (C) (1) of section 50867
3301.0711 of the Revised Code, attaining a score established by 50868
the department on the alternate assessment in science; 50869

(e) In the case of a student who transfers into an Ohio 50870
public or chartered nonpublic high school from another state or 50871
enrolls in an Ohio public or chartered nonpublic high school 50872
after receiving home education or attending a nonchartered, 50873
nontax-supported school in the previous school year, attaining a 50874
final course grade that is the equivalent of a "B" or higher in 50875
a course that corresponds with the science end-of-course 50876
examination and that the student completed in the state from 50877
which the student transferred or completed while receiving home 50878
instruction or attending a nonchartered, nontax-supported 50879
school. Division (C) (5) (e) of this section does not apply to any 50880
such student who takes a science course for which an end-of- 50881
course examination is associated after enrolling in the high 50882
school. 50883

(6) An honors diploma seal. A student shall meet the 50884

requirement for this seal by meeting the additional criteria for 50885
an honors diploma under division (B) of section 3313.61 of the 50886
Revised Code. 50887

(7) A technology seal. A student shall meet the 50888
requirement for this seal by doing any of the following: 50889

(a) Subject to division (B) (5) (d) of section 3301.0712 of 50890
the Revised Code, attaining a score level that is at least the 50891
equivalent of a proficient level of skill in an appropriate 50892
advanced placement or international baccalaureate examination or 50893
by attaining a passing score, as determined by the department of 50894
education and workforce and aligned with the current statewide 50895
college-level examination program scores identified by the 50896
department of higher education, on a college-level examination 50897
program examination; 50898

(b) Attaining a final course grade that is the equivalent 50899
of a "B" or higher in an appropriate course taken through the 50900
college credit plus program established under Chapter 3365. of 50901
the Revised Code; 50902

(c) Completing a course offered through the student's 50903
district or school that meets guidelines developed by the 50904
department. However, a district or school shall not be required 50905
to offer a course that meets those guidelines. 50906

(d) In the case of a student who transfers into an Ohio 50907
public or chartered nonpublic high school from another state or 50908
enrolls in an Ohio public or chartered nonpublic high school 50909
after receiving home education or attending a nonchartered, 50910
nontax-supported school in the previous school year, attaining a 50911
final course grade that is the equivalent of a "B" or higher in 50912
an appropriate course, as determined by the district or school, 50913

that the student completed in the state from which the student 50914
transferred or completed while receiving home education or 50915
attending a nonchartered, nontax-supported school. 50916

(8) A community service seal. A student shall meet the 50917
requirement for this seal by completing a community service 50918
project that is aligned with guidelines adopted by the student's 50919
district board or school governing authority. 50920

(9) A fine and performing arts seal. A student shall meet 50921
the requirement for this seal by demonstrating skill in the fine 50922
or performing arts according to an evaluation that is aligned 50923
with guidelines adopted by the student's district board or 50924
school governing authority. 50925

(10) A student engagement seal. A student shall meet the 50926
requirement for this seal by participating in extracurricular 50927
activities such as athletics, clubs, or student government to a 50928
meaningful extent, as determined by guidelines adopted by the 50929
student's district board or school governing authority. 50930

(D) (1) Each district or school shall develop guidelines 50931
for at least one of the state seals prescribed under divisions 50932
(C) (8) to (10) of this section. 50933

(2) For the purposes of determining whether a student who 50934
transfers to a district or school has satisfied the state 50935
diploma seal requirement under division (B) (2) of section 50936
3313.618 of the Revised Code, each district or school shall 50937
recognize a state diploma seal prescribed under divisions (C) (8) 50938
to (10) of this section and earned by a student at another 50939
district or a different public or chartered nonpublic school 50940
regardless of whether the district or school to which the 50941
student transfers has developed guidelines under this section 50942

for that state seal. 50943

(3) In guidelines developed for a state diploma seal 50944
prescribed under divisions (C) (8) to (10) of this section, each 50945
district or school shall include a method to give, to the extent 50946
feasible, a student who transfers into the district or school a 50947
proportional amount of credit for any progress the student was 50948
making toward earning that state seal at the school district or 50949
different public or chartered nonpublic school from which the 50950
student transfers. 50951

(E) Each district or school shall maintain appropriate 50952
records to identify students who have met the requirements 50953
prescribed under division (C) of this section for earning the 50954
state seals established under that division. 50955

(F) The department shall prepare and deliver to each 50956
district or school an appropriate mechanism for assigning a 50957
state diploma seal established under division (C) of this 50958
section. 50959

(G) A student shall not be charged a fee to be assigned a 50960
state seal prescribed under division (C) of this section on the 50961
student's diploma and transcript. 50962

Sec. 3313.64. (A) As used in this section and in section 50963
3313.65 of the Revised Code: 50964

(1) (a) Except as provided in division (A) (1) (b) of this 50965
section, "parent" means either parent, unless the parents are 50966
separated or divorced or their marriage has been dissolved or 50967
annulled, in which case "parent" means the parent who is the 50968
residential parent and legal custodian of the child. When a 50969
child is in the legal custody of a government agency or a person 50970
other than the child's natural or adoptive parent, "parent" 50971

means the parent with residual parental rights, privileges, and 50972
responsibilities. When a child is in the permanent custody of a 50973
government agency or a person other than the child's natural or 50974
adoptive parent, "parent" means the parent who was divested of 50975
parental rights and responsibilities for the care of the child 50976
and the right to have the child live with the parent and be the 50977
legal custodian of the child and all residual parental rights, 50978
privileges, and responsibilities. 50979

(b) When a child is the subject of a power of attorney 50980
executed under sections 3109.51 to 3109.62 of the Revised Code, 50981
"parent" means the grandparent designated as attorney in fact 50982
under the power of attorney. When a child is the subject of a 50983
caretaker authorization affidavit executed under sections 50984
3109.64 to 3109.73 of the Revised Code, "parent" means the 50985
grandparent that executed the affidavit. 50986

(2) "Legal custody," "permanent custody," and "residual 50987
parental rights, privileges, and responsibilities" have the same 50988
meanings as in section 2151.011 of the Revised Code. 50989

(3) "School district" or "district" means a city, local, 50990
or exempted village school district and excludes any school 50991
operated in an institution maintained by the department of youth 50992
services. 50993

(4) Except as used in division (C)(2) of this section, 50994
"home" means a home, institution, foster home, group home, or 50995
other residential facility in this state that receives and cares 50996
for children, to which any of the following applies: 50997

(a) The home is licensed, certified, or approved for such 50998
purpose by the state or is maintained by the department of youth 50999
services. 51000

(b) The home is operated by a person who is licensed, 51001
certified, or approved by the state to operate the home for such 51002
purpose. 51003

(c) The home accepted the child through a placement by a 51004
person licensed, certified, or approved to place a child in such 51005
a home by the state. 51006

(d) The home is a children's home created under section 51007
5153.21 or 5153.36 of the Revised Code. 51008

(5) "Agency" means all of the following: 51009

(a) A public children services agency; 51010

(b) An organization that holds a certificate issued by the 51011
department of children and youth in accordance with the 51012
requirements of section 5103.03 of the Revised Code and assumes 51013
temporary or permanent custody of children through commitment, 51014
agreement, or surrender, and places children in family homes for 51015
the purpose of adoption; 51016

(c) Comparable agencies of other states or countries that 51017
have complied with applicable requirements of section 2151.39 of 51018
the Revised Code or as applicable, sections 5103.20 to 5103.22 51019
or 5103.23 to 5103.237 of the Revised Code. 51020

(6) A child is placed for adoption if either of the 51021
following occurs: 51022

(a) An agency to which the child has been permanently 51023
committed or surrendered enters into an agreement with a person 51024
pursuant to section 5103.16 of the Revised Code for the care and 51025
adoption of the child. 51026

(b) The child's natural parent places the child pursuant 51027
to section 5103.16 of the Revised Code with a person who will 51028

care for and adopt the child. 51029

(7) "Preschool child with a disability" has the same 51030
meaning as in section 3323.01 of the Revised Code. 51031

(8) "Child," unless otherwise indicated, includes 51032
preschool children with disabilities. 51033

(9) "Active duty" means active duty pursuant to an 51034
executive order of the president of the United States, an act of 51035
the congress of the United States, or section 5919.29 or 5923.21 51036
of the Revised Code. 51037

(B) Except as otherwise provided in section 3321.01 of the 51038
Revised Code for admittance to kindergarten and first grade, a 51039
child who is at least five but under twenty-two years of age and 51040
any preschool child with a disability shall be admitted to 51041
school as provided in this division. 51042

(1) A child shall be admitted to the schools of the school 51043
district in which the child's parent resides. 51044

(2) Except as provided in division (B) (4) of this section 51045
or division (B) of section 2151.362 and section 3317.30 of the 51046
Revised Code, a child who does not reside in the district where 51047
the child's parent resides shall be admitted to the schools of 51048
the district in which the child resides if any of the following 51049
applies: 51050

(a) The child is in the legal or permanent custody of a 51051
government agency or a person other than the child's natural or 51052
adoptive parent. 51053

(b) The child resides in a home. 51054

(c) The child requires special education. 51055

(3) A child who is not entitled under division (B) (2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B) (1) of this section.

(4) (a) A child who does not reside in the district where the child's parent resides is not required to be admitted to the schools of the district in which the child resides if both of the following apply:

(i) The child resides in a home, or in a facility similarly licensed in another state, and the child was placed in the home or facility by the child's parent in consultation with, and upon the recommendation of, the Ohio resilience through integrated systems and excellence program for children and youth involved in multiple state systems.

(ii) The home provides education services that meet the minimum education standards under division (D) (2) of section 3301.07 of the Revised Code or, in the case of a facility located in another state, meets substantially similar requirements of the jurisdiction where the facility is located, except that the home or facility may provide the child with less than the minimum number of instructional hours required only as necessary to accommodate the child's treatment program.

(b) Upon a child's admission to a home pursuant to division (B) (4) (a) of this section, the home shall notify the

district where the child's parent resides and the district where 51085
the home is located that the home is providing educational 51086
services to the child until the child is discharged. Upon a 51087
child's admission to a facility located in another state 51088
pursuant to division (B) (4) (a) of this section, the facility 51089
shall notify the district where the child's parent resides that 51090
the facility is providing educational services to the child 51091
until the child is discharged. In either case, the district 51092
where the child's parent resides shall continue to enroll the 51093
student as provided in division (C) (5) of this section and shall 51094
excuse the child from attendance until the child is discharged 51095
from the home or facility. 51096

(c) Upon a child's discharge from a home or facility, the 51097
home or facility shall notify the district where the child's 51098
parent resides. The home or facility and the district shall 51099
collaborate on a supportive reentry plan into school for the 51100
child. 51101

Division (B) of this section does not prohibit the board 51102
of education of a school district from placing a child with a 51103
disability who resides in the district in a special education 51104
program outside of the district or its schools in compliance 51105
with Chapter 3323. of the Revised Code. 51106

(C) A district shall not charge tuition for children 51107
admitted under division (B) (1) or (3) of this section. If the 51108
district admits a child under division (B) (2) of this section, 51109
tuition shall be paid to the district that admits the child as 51110
provided in divisions (C) (1) to (3) of this section, unless 51111
division (C) (4) of this section applies to the child: 51112

(1) If the child receives special education in accordance 51113
with Chapter 3323. of the Revised Code, the school district of 51114

residence, as defined in section 3323.01 of the Revised Code, 51115
shall pay tuition for the child in accordance with section 51116
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 51117
regardless of who has custody of the child or whether the child 51118
resides in a home. 51119

(2) For a child that does not receive special education in 51120
accordance with Chapter 3323. of the Revised Code, except as 51121
otherwise provided in division (C)(2)(d) of this section, if the 51122
child is in the permanent or legal custody of a government 51123
agency or person other than the child's parent, tuition shall be 51124
paid by: 51125

(a) The district in which the child's parent resided at 51126
the time the court removed the child from home or at the time 51127
the court vested legal or permanent custody of the child in the 51128
person or government agency, whichever occurred first; 51129

(b) If the parent's residence at the time the court 51130
removed the child from home or placed the child in the legal or 51131
permanent custody of the person or government agency is unknown, 51132
tuition shall be paid by the district in which the child resided 51133
at the time the child was removed from home or placed in legal 51134
or permanent custody, whichever occurred first; 51135

(c) If a school district cannot be established under 51136
division (C)(2)(a) or (b) of this section, tuition shall be paid 51137
by the district determined as required by section 2151.362 of 51138
the Revised Code by the court at the time it vests custody of 51139
the child in the person or government agency; 51140

(d) If at the time the court removed the child from home 51141
or vested legal or permanent custody of the child in the person 51142
or government agency, whichever occurred first, one parent was 51143

in a residential or correctional facility or a juvenile 51144
residential placement and the other parent, if living and not in 51145
such a facility or placement, was not known to reside in this 51146
state, tuition shall be paid by the district determined under 51147
division (D) of section 3313.65 of the Revised Code as the 51148
district required to pay any tuition while the parent was in 51149
such facility or placement; 51150

(e) If the department of education and workforce has 51151
determined, pursuant to division (A) (2) of section 2151.362 of 51152
the Revised Code, that a school district other than the one 51153
named in the court's initial order, or in a prior determination 51154
of the department, is responsible to bear the cost of educating 51155
the child, the district so determined shall be responsible for 51156
that cost. 51157

(3) If the child is not in the permanent or legal custody 51158
of a government agency or person other than the child's parent 51159
and the child resides in a home, tuition shall be paid by one of 51160
the following: 51161

(a) The school district in which the child's parent 51162
resides; 51163

(b) If the child's parent is not a resident of this state, 51164
the home in which the child resides. 51165

(4) Division (C) (4) of this section applies to any child 51166
who is admitted to a school district under division (B) (2) of 51167
this section, resides in a home that is not a foster home, a 51168
home maintained by the department of youth services, a detention 51169
facility established under section 2152.41 of the Revised Code, 51170
or a juvenile facility established under section 2151.65 of the 51171
Revised Code, and receives educational services at the home or 51172

facility in which the child resides pursuant to a contract 51173
between the home or facility and the school district providing 51174
those services. 51175

If a child to whom division (C)(4) of this section applies 51176
is a special education student, a district may choose whether to 51177
receive a tuition payment for that child under division (C)(4) 51178
of this section or to receive a payment for that child under 51179
section 3323.14 of the Revised Code. If a district chooses to 51180
receive a payment for that child under section 3323.14 of the 51181
Revised Code, it shall not receive a tuition payment for that 51182
child under division (C)(4) of this section. 51183

If a child to whom division (C)(4) of this section applies 51184
is not a special education student, a district shall receive a 51185
tuition payment for that child under division (C)(4) of this 51186
section. 51187

In the case of a child to which division (C)(4) of this 51188
section applies, the total educational cost to be paid for the 51189
child shall be determined by a formula approved by the 51190
department of education and workforce, which formula shall be 51191
designed to calculate a per diem cost for the educational 51192
services provided to the child for each day the child is served 51193
and shall reflect the total actual cost incurred in providing 51194
those services. The department shall certify the total 51195
educational cost to be paid for the child to both the school 51196
district providing the educational services and, if different, 51197
the school district that is responsible to pay tuition for the 51198
child. The department shall deduct the certified amount from the 51199
state basic aid funds payable under Chapter 3317. of the Revised 51200
Code to the district responsible to pay tuition and shall pay 51201
that amount to the district providing the educational services 51202

to the child.

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(5) In the case of a child to whom division (B) (4) of this
section applies, and except as otherwise provided in division
(C) (5) (f) of this section, tuition shall be paid to the home or
facility for educational services provided to the child by the
school district in which the child's parent resides according to
the following:

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(a) The total educational cost to be paid for the child
shall be determined by a formula approved by the department of
education and workforce. The department shall design the formula
to calculate a per diem cost for the educational services
provided to the child for each day the child is served and shall
reflect the total actual cost incurred in providing those
services. The department shall certify the total educational
cost to be paid for the child to both the home or facility
providing the educational services and the district that is
responsible to pay the tuition for the child. The department
shall deduct the certified amount from the state basic aid funds
payable under Chapter 3317. of the Revised Code to the district
responsible to pay tuition and shall pay that amount to the home
or facility providing the educational services to the child.

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(b) The district responsible to pay tuition shall continue
to report the child in its enrollment for purposes of section
3317.03 of the Revised Code.

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(c) If the parent's residence changes to a different
school district while the child resides in the home or facility,
the department of education and workforce may re-determine the
school district responsible for tuition based on evidence
provided by the district currently responsible for tuition.

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(d) Upon a child's discharge from the home or facility, 51232
the home or facility shall immediately notify the district where 51233
the child's parent resides and the department of education and 51234
workforce. The notification shall include a certified transcript 51235
of all coursework completed by the child while residing in the 51236
home or facility. The district where the child's parent resides 51237
shall accept all coursework completed by the child while in the 51238
home or facility and shall award credit for that coursework in 51239
accordance with district policy. 51240

(e) Following discharge from the home or facility and 51241
return to the parent's residence, high school students shall 51242
meet requirements under section 3313.618 of the Revised Code in 51243
order to qualify for a high school diploma that are no more 51244
stringent than those that apply to students who enroll into an 51245
Ohio public or chartered nonpublic high school after receiving a 51246
home education under section 3321.042 of the Revised Code. 51247

(f) If the child is provided educational services by a 51248
chartered nonpublic school while residing in a home and the 51249
child has been awarded a scholarship under a state scholarship 51250
program, as defined in section 3301.0711 of the Revised Code, no 51251
school district shall be responsible for paying tuition under 51252
division (C) (5) of this section. 51253

(D) Tuition required to be paid under divisions (C) (2) and 51254
(3) (a) of this section shall be computed in accordance with 51255
section 3317.08 of the Revised Code. Tuition required to be paid 51256
under division (C) (3) (b) of this section shall be computed in 51257
accordance with section 3317.081 of the Revised Code. If a home 51258
fails to pay the tuition required by division (C) (3) (b) of this 51259
section, the board of education providing the education may 51260
recover in a civil action the tuition and the expenses incurred 51261

in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.

(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child

has a medical condition that may require emergency medical 51291
attention. The parent of a child entitled to attend school under 51292
division (F) (3) of this section shall submit to the board of 51293
education of the district in which the parent is employed a 51294
statement from the child's physician, certified nurse-midwife, 51295
clinical nurse specialist, or certified nurse practitioner 51296
certifying that the child's medical condition may require 51297
emergency medical attention. The statement shall be supported by 51298
such other evidence as the board may require. 51299

(4) Any child residing with a person other than the 51300
child's parent is entitled, for a period not to exceed twelve 51301
months, to attend school in the district in which that person 51302
resides if the child's parent files an affidavit with the 51303
superintendent of the district in which the person with whom the 51304
child is living resides stating all of the following: 51305

(a) That the parent is serving outside of the state in the 51306
armed services of the United States; 51307

(b) That the parent intends to reside in the district upon 51308
returning to this state; 51309

(c) The name and address of the person with whom the child 51310
is living while the parent is outside the state. 51311

(5) Any child under the age of twenty-two years who, after 51312
the death of a parent, resides in a school district other than 51313
the district in which the child attended school at the time of 51314
the parent's death is entitled to continue to attend school in 51315
the district in which the child attended school at the time of 51316
the parent's death for the remainder of the school year, subject 51317
to approval of that district board. 51318

(6) A child under the age of twenty-two years who resides 51319

with a parent who is having a new house built in a school 51320
district outside the district where the parent is residing is 51321
entitled to attend school for a period of time in the district 51322
where the new house is being built. In order to be entitled to 51323
such attendance, the parent shall provide the district 51324
superintendent with the following: 51325

(a) A sworn statement explaining the situation, revealing 51326
the location of the house being built, and stating the parent's 51327
intention to reside there upon its completion; 51328

(b) A statement from the builder confirming that a new 51329
house is being built for the parent and that the house is at the 51330
location indicated in the parent's statement. 51331

(7) A child under the age of twenty-two years residing 51332
with a parent who has a contract to purchase a house in a school 51333
district outside the district where the parent is residing and 51334
who is waiting upon the date of closing of the mortgage loan for 51335
the purchase of such house is entitled to attend school for a 51336
period of time in the district where the house is being 51337
purchased. In order to be entitled to such attendance, the 51338
parent shall provide the district superintendent with the 51339
following: 51340

(a) A sworn statement explaining the situation, revealing 51341
the location of the house being purchased, and stating the 51342
parent's intent to reside there; 51343

(b) A statement from a real estate broker or bank officer 51344
confirming that the parent has a contract to purchase the house, 51345
that the parent is waiting upon the date of closing of the 51346
mortgage loan, and that the house is at the location indicated 51347
in the parent's statement. 51348

The district superintendent shall establish a period of 51349
time not to exceed ninety days during which the child entitled 51350
to attend school under division (F) (6) or (7) of this section 51351
may attend without tuition obligation. A student attending a 51352
school under division (F) (6) or (7) of this section shall be 51353
eligible to participate in interscholastic athletics under the 51354
auspices of that school, provided the board of education of the 51355
school district where the student's parent resides, by a formal 51356
action, releases the student to participate in interscholastic 51357
athletics at the school where the student is attending, and 51358
provided the student receives any authorization required by a 51359
public agency or private organization of which the school 51360
district is a member exercising authority over interscholastic 51361
sports. 51362

(8) A child whose parent is a full-time employee of a 51363
city, local, or exempted village school district, or of an 51364
educational service center, may be admitted to the schools of 51365
the district where the child's parent is employed, or in the 51366
case of a child whose parent is employed by an educational 51367
service center, in the district that serves the location where 51368
the parent's job is primarily located, provided the district 51369
board of education establishes such an admission policy by 51370
resolution adopted by a majority of its members. Any such policy 51371
shall take effect on the first day of the school year and the 51372
effective date of any amendment or repeal may not be prior to 51373
the first day of the subsequent school year. The policy shall be 51374
uniformly applied to all such children and shall provide for the 51375
admission of any such child upon request of the parent. No child 51376
may be admitted under this policy after the first day of classes 51377
of any school year. 51378

(9) A child who is with the child's parent under the care 51379

of a shelter for victims of domestic violence, as defined in 51380
section 3113.33 of the Revised Code, is entitled to attend 51381
school free in the district in which the child is with the 51382
child's parent, and no other school district shall be required 51383
to pay tuition for the child's attendance in that school 51384
district. 51385

The enrollment of a child in a school district under this 51386
division shall not be denied due to a delay in the school 51387
district's receipt of any records required under section 51388
3313.672 of the Revised Code or any other records required for 51389
enrollment. Any days of attendance and any credits earned by a 51390
child while enrolled in a school district under this division 51391
shall be transferred to and accepted by any school district in 51392
which the child subsequently enrolls. The department of 51393
education and workforce shall adopt rules to ensure compliance 51394
with this division. 51395

(10) Any child under the age of twenty-two years whose 51396
parent has moved out of the school district after the 51397
commencement of classes in the child's senior year of high 51398
school is entitled, subject to the approval of that district 51399
board, to attend school in the district in which the child 51400
attended school at the time of the parental move for the 51401
remainder of the school year and for one additional semester or 51402
equivalent term. A district board may also adopt a policy 51403
specifying extenuating circumstances under which a student may 51404
continue to attend school under division (F)(10) of this section 51405
for an additional period of time in order to successfully 51406
complete the high school curriculum for the individualized 51407
education program developed for the student by the high school 51408
pursuant to section 3323.08 of the Revised Code. 51409

(11) As used in this division, "grandparent" means a 51410
parent of a parent of a child. A child under the age of twenty- 51411
two years who is in the custody of the child's parent, resides 51412
with a grandparent, and does not require special education is 51413
entitled to attend the schools of the district in which the 51414
child's grandparent resides, provided that, prior to such 51415
attendance in any school year, the board of education of the 51416
school district in which the child's grandparent resides and the 51417
board of education of the school district in which the child's 51418
parent resides enter into a written agreement specifying that 51419
good cause exists for such attendance, describing the nature of 51420
this good cause, and consenting to such attendance. 51421

In lieu of a consent form signed by a parent, a board of 51422
education may request the grandparent of a child attending 51423
school in the district in which the grandparent resides pursuant 51424
to division (F)(11) of this section to complete any consent form 51425
required by the district, including any authorization required 51426
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 51427
Revised Code. Upon request, the grandparent shall complete any 51428
consent form required by the district. A school district shall 51429
not incur any liability solely because of its receipt of a 51430
consent form from a grandparent in lieu of a parent. 51431

Division (F)(11) of this section does not create, and 51432
shall not be construed as creating, a new cause of action or 51433
substantive legal right against a school district, a member of a 51434
board of education, or an employee of a school district. This 51435
section does not affect, and shall not be construed as 51436
affecting, any immunities from defenses to tort liability 51437
created or recognized by Chapter 2744. of the Revised Code for a 51438
school district, member, or employee. 51439

(12) A child under the age of twenty-two years is entitled 51440
to attend school in a school district other than the district in 51441
which the child is entitled to attend school under division (B), 51442
(C), or (E) of this section provided that, prior to such 51443
attendance in any school year, both of the following occur: 51444

(a) The superintendent of the district in which the child 51445
is entitled to attend school under division (B), (C), or (E) of 51446
this section contacts the superintendent of another district for 51447
purposes of this division; 51448

(b) The superintendents of both districts enter into a 51449
written agreement that consents to the attendance and specifies 51450
that the purpose of such attendance is to protect the student's 51451
physical or mental well-being or to deal with other extenuating 51452
circumstances deemed appropriate by the superintendents. 51453

While an agreement is in effect under this division for a 51454
student who is not receiving special education under Chapter 51455
3323. of the Revised Code and notwithstanding Chapter 3327. of 51456
the Revised Code, the board of education of neither school 51457
district involved in the agreement is required to provide 51458
transportation for the student to and from the school where the 51459
student attends. 51460

A student attending a school of a district pursuant to 51461
this division shall be allowed to participate in all student 51462
activities, including interscholastic athletics, at the school 51463
where the student is attending on the same basis as any student 51464
who has always attended the schools of that district while of 51465
compulsory school age. 51466

(13) All school districts shall comply with the "McKinney- 51467
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 51468

the education of homeless children. Each city, local, and 51469
exempted village school district shall comply with the 51470
requirements of that act governing the provision of a free, 51471
appropriate public education, including public preschool, to 51472
each homeless child. 51473

When a child loses permanent housing and becomes a 51474
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 51475
child who is such a homeless person changes temporary living 51476
arrangements, the child's parent or guardian shall have the 51477
option of enrolling the child in either of the following: 51478

(a) The child's school of origin, as defined in 42 51479
U.S.C.A. 11432(g) (3) (C); 51480

(b) The school that is operated by the school district in 51481
which the shelter where the child currently resides is located 51482
and that serves the geographic area in which the shelter is 51483
located. 51484

(14) A child under the age of twenty-two years who resides 51485
with a person other than the child's parent is entitled to 51486
attend school in the school district in which that person 51487
resides if both of the following apply: 51488

(a) That person has been appointed, through a military 51489
power of attorney executed under section 574(a) of the "National 51490
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 51491
(1993), 10 U.S.C. 1044b, or through a comparable document 51492
necessary to complete a family care plan, as the parent's agent 51493
for the care, custody, and control of the child while the parent 51494
is on active duty as a member of the national guard or a reserve 51495
unit of the armed forces of the United States or because the 51496
parent is a member of the armed forces of the United States and 51497

is on a duty assignment away from the parent's residence. 51498

(b) The military power of attorney or comparable document 51499
includes at least the authority to enroll the child in school. 51500

The entitlement to attend school in the district in which 51501
the parent's agent under the military power of attorney or 51502
comparable document resides applies until the end of the school 51503
year in which the military power of attorney or comparable 51504
document expires. 51505

(G) A board of education, after approving admission, may 51506
waive tuition for students who will temporarily reside in the 51507
district and who are either of the following: 51508

(1) Residents or domiciliaries of a foreign nation who 51509
request admission as foreign exchange students; 51510

(2) Residents or domiciliaries of the United States but 51511
not of Ohio who request admission as participants in an exchange 51512
program operated by a student exchange organization. 51513

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 51514
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 51515
attend school or participate in a special education program in a 51516
school district other than in the district where the child is 51517
entitled to attend school under division (B) of this section. 51518

(I) (1) Notwithstanding anything to the contrary in this 51519
section or section 3313.65 of the Revised Code, a child under 51520
twenty-two years of age may attend school in the school district 51521
in which the child, at the end of the first full week of October 51522
of the school year, was entitled to attend school as otherwise 51523
provided under this section or section 3313.65 of the Revised 51524
Code, if at that time the child was enrolled in the schools of 51525
the district but since that time the child or the child's parent 51526

has relocated to a new address located outside of that school 51527
district and within the same county as the child's or parent's 51528
address immediately prior to the relocation. The child may 51529
continue to attend school in the district, and at the school to 51530
which the child was assigned at the end of the first full week 51531
of October of the current school year, for the balance of the 51532
school year. Division (I)(1) of this section applies only if 51533
both of the following conditions are satisfied: 51534

(a) The board of education of the school district in which 51535
the child was entitled to attend school at the end of the first 51536
full week in October and of the district to which the child or 51537
child's parent has relocated each has adopted a policy to enroll 51538
children described in division (I)(1) of this section. 51539

(b) The child's parent provides written notification of 51540
the relocation outside of the school district to the 51541
superintendent of each of the two school districts. 51542

(2) At the beginning of the school year following the 51543
school year in which the child or the child's parent relocated 51544
outside of the school district as described in division (I)(1) 51545
of this section, the child is not entitled to attend school in 51546
the school district under that division. 51547

(3) Any person or entity owing tuition to the school 51548
district on behalf of the child at the end of the first full 51549
week in October, as provided in division (C) of this section, 51550
shall continue to owe such tuition to the district for the 51551
child's attendance under division (I)(1) of this section for the 51552
lesser of the balance of the school year or the balance of the 51553
time that the child attends school in the district under 51554
division (I)(1) of this section. 51555

(4) A pupil who may attend school in the district under 51556
division (I) (1) of this section shall be entitled to 51557
transportation services pursuant to an agreement between the 51558
district and the district in which the child or child's parent 51559
has relocated unless the districts have not entered into such 51560
agreement, in which case the child shall be entitled to 51561
transportation services in the same manner as a pupil attending 51562
school in the district under interdistrict open enrollment as 51563
described in division (E) of section 3313.981 of the Revised 51564
Code, regardless of whether the district has adopted an open 51565
enrollment policy as described in division (B) (1) (b) or (c) of 51566
section 3313.98 of the Revised Code. 51567

(J) This division does not apply to a child receiving 51568
special education. 51569

A school district required to pay tuition pursuant to 51570
division (C) (2) or (3) of this section or section 3313.65 of the 51571
Revised Code shall have an amount deducted under division (C) of 51572
section 3317.023 of the Revised Code equal to its own tuition 51573
rate for the same period of attendance. A school district 51574
entitled to receive tuition pursuant to division (C) (2) or (3) 51575
of this section or section 3313.65 of the Revised Code shall 51576
have an amount credited under division (C) of section 3317.023 51577
of the Revised Code equal to its own tuition rate for the same 51578
period of attendance. If the tuition rate credited to the 51579
district of attendance exceeds the rate deducted from the 51580
district required to pay tuition, the department of education 51581
and workforce shall pay the district of attendance the 51582
difference from amounts deducted from all districts' payments 51583
under division (C) of section 3317.023 of the Revised Code but 51584
not credited to other school districts under such division and 51585
from appropriations made for such purpose. The treasurer of each 51586

school district shall, by the fifteenth day of January and July, 51587
furnish the director of education and workforce a report of the 51588
names of each child who attended the district's schools under 51589
divisions (C) (2) and (3) of this section or section 3313.65 of 51590
the Revised Code during the preceding six calendar months, the 51591
duration of the attendance of those children, the school 51592
district responsible for tuition on behalf of the child, and any 51593
other information that the director requires. 51594

Upon receipt of the report the director, pursuant to 51595
division (C) of section 3317.023 of the Revised Code, shall 51596
deduct each district's tuition obligations under divisions (C) 51597
(2) and (3) of this section or section 3313.65 of the Revised 51598
Code and pay to the district of attendance that amount plus any 51599
amount required to be paid by the state. 51600

(K) In the event of a disagreement, the director of 51601
education and workforce shall determine the school district in 51602
which the parent resides. 51603

(L) Nothing in this section requires or authorizes, or 51604
shall be construed to require or authorize, the admission to a 51605
public school in this state of a pupil who has been permanently 51606
excluded from public school attendance by the director pursuant 51607
to sections 3301.121 and 3313.662 of the Revised Code. 51608

(M) In accordance with division (B) (1) of this section, a 51609
child whose parent is a member of the national guard or a 51610
reserve unit of the armed forces of the United States and is 51611
called to active duty, or a child whose parent is a member of 51612
the armed forces of the United States and is ordered to a 51613
temporary duty assignment outside of the district, may continue 51614
to attend school in the district in which the child's parent 51615
lived before being called to active duty or ordered to a 51616

temporary duty assignment outside of the district, as long as 51617
the child's parent continues to be a resident of that district, 51618
and regardless of where the child lives as a result of the 51619
parent's active duty status or temporary duty assignment. 51620
However, the district is not responsible for providing 51621
transportation for the child if the child lives outside of the 51622
district as a result of the parent's active duty status or 51623
temporary duty assignment. 51624

Sec. 3313.7118. Each public school, as defined in section 51625
3301.28 of the Revised Code, and chartered nonpublic school that 51626
serves elementary school students shall provide either an 51627
electronic or paper copy of the informational materials 51628
described in section 3707.61 of the Revised Code to each 51629
student's parent or guardian on the student's enrollment in 51630
elementary school. 51631

Sec. 3313.753. (A) As used in this section: 51632

(1) "Electronic communications device" means any device 51633
that is powered by batteries or electricity and that is capable 51634
of receiving, transmitting, or receiving and transmitting 51635
communications between two or more persons or a communication 51636
from or to a person. 51637

(2) "School" means any school that is operated by a board 51638
of education of a city, local, exempted village, or joint 51639
vocational school district. 51640

(3) "School building" means any building in which any of 51641
the instruction, extracurricular activities, or training 51642
provided by a school is conducted. 51643

(4) "School grounds or premises" means either of the 51644
following: 51645

(a) The parcel of real property on which any school building is situated;

(b) Any other parcel of real property that is owned or leased by a board of education and on which some of the instruction, extracurricular activities, or training of the school is conducted.

(B) The board of education of any city, exempted village, local, joint vocational, or cooperative education school district may adopt a policy prohibiting students from carrying an electronic communications device in any school building or on any school grounds or premises of the district. The policy may provide for exceptions to this prohibition as specified in the policy. The policy shall specify any disciplinary measures that will be taken for violation of this prohibition.

If a board of education adopts a policy under this division, the board shall post the policy in a central location in each school building and make it available to students and parents upon request.

~~(C)~~ (C) (1) Not later than the first day of ~~July~~ January that immediately follows ~~the effective date of this amendment~~ the effective date of this amendment, each school district board of education shall adopt a policy governing the use of cellular telephones by students during school hours. The policy shall ~~do~~ all of the following:

~~(1) Emphasize that student cellular telephone use be as limited as possible during school hours;~~

~~(2) Reduce cellular telephone-related distractions in classroom settings;~~

~~(3) prohibit all cellular telephone use by students during~~

the instructional day, except as described in division (C) (2) of 51675
this section. 51676

(2) If determined appropriate by the district board, or if 51677
included in a student's individualized education program 51678
developed under Chapter 3323. of the Revised Code or plan 51679
developed under section 504 of the "Rehabilitation Act of 1973," 51680
29 U.S.C. 794, ~~permit~~ students ~~to~~ may use cellular telephones or 51681
other electronic communications devices for student learning or 51682
to monitor or address a health concern. 51683

(D) ~~Division (C) of this section shall not be construed to~~ 51684
~~require a district board to adopt a policy that prohibits all~~ 51685
~~cellular telephone use by students. Nonetheless, any~~ Any 51686
district board that adopts a policy that prohibits all cellular 51687
telephone use by students shall be considered to have met the 51688
requirements in division (C) of this section. 51689

(E) Any district board that adopts a policy that meets the 51690
requirements prescribed in division (C) of this section prior to 51691
~~the effective date of this amendment~~ the effective date of this 51692
amendment, shall be considered to have met the requirement to 51693
adopt a policy under this section. 51694

(F) Each district board that adopts a policy under this 51695
section after ~~the effective date of this amendment~~ the effective 51696
date of this amendment, shall do so at a public meeting of the 51697
board. 51698

(G) Each district board shall make any policy it adopts 51699
under this section publicly available and post it prominently on 51700
its publicly accessible web site, if it has one. 51701

(H) Not later than sixty days after ~~the effective date of~~ 51702
~~this amendment~~ the effective date of this amendment, the 51703

department of education and workforce shall develop a model 51704
policy that meets the requirements prescribed in division (C) of 51705
this section. To the extent possible, the model policy shall 51706
take into account available research concerning the effect of 51707
the use of cellular telephones by students in school settings. 51708
The model policy may be utilized by districts and schools. 51709

Sec. 3313.90. As used in this section, "formula ADM" has 51710
the same meaning as in section 3317.02 of the Revised Code. 51711
Notwithstanding division (D) of section 3311.19 and division (D) 51712
of section 3311.52 of the Revised Code, the provisions of this 51713
section that apply to a city school district do not apply to any 51714
joint vocational or cooperative education school district. 51715

(A) Except as provided in division (B) of this section, 51716
each city, local, and exempted village school district shall, by 51717
one of the following means, provide to students enrolled in 51718
grades seven through twelve career-technical education adequate 51719
to prepare a student enrolled therein for an occupation: 51720

(1) Establishing and maintaining a career-technical 51721
education program that meets standards adopted by the department 51722
of education and workforce; 51723

(2) Being a member of a joint vocational school district 51724
that meets standards adopted by the department; 51725

(3) Contracting for career-technical education with a 51726
joint vocational school district or another school district that 51727
meets the standards adopted by the department. 51728

The standards of the department shall include criteria for 51729
the participation by nonpublic students in career-technical 51730
education programs without financial assessment, charge, or 51731
tuition to such student except such assessments, charges, or 51732

tuition paid by resident public school students in such 51733
programs. Such nonpublic school students shall be included in 51734
the formula ADM of the school district maintaining the career- 51735
technical education program as part-time students in proportion 51736
to the time spent in the career-technical education program. 51737

By the thirtieth day of October of each year, the director 51738
of education and workforce shall determine and certify to the 51739
superintendent of each school district subject to this section 51740
either that the district is in compliance with the requirements 51741
of this section for the current school year or that the district 51742
is not in compliance. If the director certifies that the 51743
district is not in compliance, the director shall notify the 51744
board of education of the district of the actions necessary to 51745
bring the district into compliance with this section. 51746

In meeting standards established by the department, school 51747
districts, where practicable, shall provide career-technical 51748
education programs in high schools. A minimum enrollment of 51749
~~fifteen hundred students in grades nine through twelve is~~ 51750
~~established as a base for comprehensive career-technical~~ 51751
~~education course offerings. Beginning with the 2015-2016 school~~ 51752
~~year, this base shall increase to a minimum enrollment of two~~ 51753
thousand two hundred fifty students in grades seven through 51754
twelve is the base for comprehensive career-technical education 51755
course offerings. A school district may meet this requirement 51756
alone, through a cooperative arrangement pursuant to section 51757
3313.92 of the Revised Code, through school district 51758
consolidation, by membership in a joint vocational school 51759
district, by contract with a school district, by contract with a 51760
school licensed by any state agency established by the Revised 51761
Code which school operates its courses offered for contracting 51762
with public schools under standards as to staffing and 51763

facilities comparable to those prescribed by the department for 51764
public schools provided no instructor in such courses shall be 51765
required to be certificated by the department, or in a 51766
combination of such ways. Exceptions to the minimum enrollment 51767
prescribed by this section may be made by the department based 51768
on sparsity of population or other factors indicating that 51769
comprehensive educational and career-technical education 51770
programs as required by this section can be provided through an 51771
alternate plan. 51772

(B) If Until July 1, 2026, the department shall waive the 51773
requirement for a city, local, or exempted village school 51774
district to provide career-technical education to students 51775
enrolled in grades seven and eight for that particular school 51776
year, if the board of education of a city, local, or exempted 51777
village school that district adopts a resolution that specifies 51778
the district's intent not to provide career-technical education 51779
to students enrolled in grades seven and eight for a particular 51780
school year and submits that resolution to the department by the 51781
thirtieth day of September of that school year, ~~the department~~ 51782
~~shall waive the requirement for that district to provide career-~~ 51783
~~technical education to students enrolled in grades seven and~~ 51784
~~eight for that particular school year.~~ 51785

Sec. 3313.901. (A) As used in this section, "Ohio 51786
technical center" has the same meaning as in section 3333.94 of 51787
the Revised Code. 51788

(B) Upon approval by the department of education and 51789
workforce, any city, exempted village, local, or joint 51790
vocational school district may contract with an Ohio technical 51791
center to serve students in any of grades seven to twelve who 51792
are enrolled in a career-technical education program at the 51793

district but cannot enroll in a course at the district for any 51794
of the following reasons: 51795

(1) The course is at capacity and cannot serve all 51796
students who want to enroll in the course. 51797

(2) The student has a scheduling conflict that prevents 51798
the student from taking the course at the time offered by the 51799
district. 51800

(3) The district does not offer the course due to lack of 51801
enrollment, lack of a qualified teacher, or lack of facilities. 51802

(4) Any other reason determined by the department. 51803

(C) School districts shall apply to the department for 51804
approval to contract with an Ohio technical center under this 51805
section. Applicants shall submit a plan to the department 51806
describing how the district and the Ohio technical center will 51807
establish a collaborative partnership to provide career- 51808
technical education to students. Prior to approval, the 51809
department shall consider the extent to which the partnership 51810
will increase access to career-technical education courses for 51811
students. 51812

(D) If the department approves an application under this 51813
section, the school district that received that approval shall 51814
do all of the following: 51815

(1) Award a student high school credit for completion of 51816
any career-technical education course at an Ohio technical 51817
center; 51818

(2) Report the student in the education management 51819
information system established under section 3301.0714 of the 51820
Revised Code as enrolled in the district for the time the 51821

student is taking a course at an Ohio technical center, but the 51822
district shall indicate that the course is being taken through a 51823
center rather than at the district; 51824

(3) Not count a student taking a course at an Ohio 51825
technical center as more than one full-time equivalent student, 51826
unless the student is enrolled full-time in the district during 51827
the regularly scheduled school day and takes the course at the 51828
center during time outside of normal school hours; 51829

(4) Pay the Ohio technical center for each student taking 51830
a course at the technical center. The payment amount shall be 51831
the lesser of the standard tuition charged for the course by the 51832
center or the applicable one of the following: 51833

(a) If the center is located on the same campus as the 51834
high school in which the student is enrolled, the amount equal 51835
to the statewide average base cost per pupil and the amount 51836
applicable to the student pursuant to division (C) of section 51837
3317.014 of the Revised Code for the portion of the full-time 51838
equivalency the student is enrolled in the course, without 51839
application of the district's state share percentage; 51840

(b) If the center is not located on the same campus as the 51841
high school in which the student is enrolled, \$7,500. 51842

(E) A district and an Ohio technical center may enter into 51843
an agreement under this section to establish alternate amounts 51844
than those prescribed under division (D) of this section that 51845
the district will pay to the center. 51846

(F) A district may use career-technical education funds 51847
received under division (C) of section 3317.014 of the Revised 51848
Code to pay for any costs incurred by students enrolling in 51849
courses at an Ohio technical center under this section. The 51850

department shall consider that cost as an approved career- 51851
technical education expense under division ~~(F)~~ (E) of section 51852
3317.014 of the Revised Code. 51853

(G) Notwithstanding anything to the contrary in the 51854
Revised Code, an individual who holds an adult education permit 51855
issued by the state board of education and is employed by an 51856
Ohio technical center may provide instruction to a student in 51857
grades seven through twelve who is taking a course at an Ohio 51858
technical center under this section. 51859

(H) If the department approves an application from a 51860
school district to contract with an Ohio technical center under 51861
this section, the district shall not prohibit a student enrolled 51862
in the district from taking any course for which the district 51863
has contracted at the technical center. 51864

Sec. 3313.902. (A) As used in this section: 51865

(1) "Competency-based educational program" means any 51866
system of academic instruction, assessment, grading, and 51867
reporting in which individuals receive credit based on 51868
demonstrations and assessments of their learning rather than the 51869
amount of time they spend studying a subject. A competency-based 51870
educational program shall encourage accelerated learning among 51871
individuals who master academic materials quickly while 51872
providing additional instructional support time for individuals 51873
who need it. 51874

(2) "Eligible individual" means an individual who 51875
satisfies all of the following criteria: 51876

(a) The individual is at least eighteen years of age. 51877

(b) The individual is officially withdrawn from school. 51878

(c) The individual has not been awarded a high school diploma or a certificate of high school equivalence as defined in section 4109.06 of the Revised Code. 51879
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(3) "Eligible provider" means a city, local, or exempted village school district that operates a dropout prevention and recovery program or a joint vocational school district that operates an adult education program. 51882
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(4) "Ohio technical center" has the same meaning as in section 3333.94 of the Revised Code. 51886
51887

(B) An eligible provider may establish a competency-based educational program that complies with standards adopted by the department of education and workforce and may enroll eligible individuals in the program for up to three consecutive school years for the purpose of earning a high school diploma. The provider shall establish a career plan for each individual enrolled in the program that specifies the individual's career goals and describes how the individual will demonstrate competency or earn course credits under division (C) of this section to earn a diploma and attain the individual's career goals. 51888
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(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the department shall award a high school diploma to an individual enrolled in a program under division (B) of this section who meets either of the following conditions: 51899
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(1) The individual demonstrates competency by completing at least three of the following activities, at least one of which shall be the activity described in division (C) (1) (a) or (b) of this section: 51904
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51906
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(a) Attaining a competency score as determined under 51908
division (B) (10) of section 3301.0712 of the Revised Code on 51909
each of the Algebra I and English language arts II end-of-course 51910
examinations prescribed under division (B) (2) of that section; 51911

(b) Attaining a workforce readiness score, as determined 51912
by the department, on the nationally recognized job skills 51913
assessment selected by the department under division (F) of 51914
section 3301.0712 of the Revised Code; 51915

(c) Obtaining an industry-recognized credential, or group 51916
of credentials, in a single career field approved under section 51917
3313.6113 of the Revised Code that meets the criteria 51918
established under that section to qualify for a high school 51919
diploma or earning an industry-recognized credential that is 51920
aligned to a technical education program provided by an Ohio 51921
technical center; 51922

(d) Earning a cumulative score of proficient or higher on 51923
three or more state technical assessments aligned with section 51924
3313.903 of the Revised Code in a single career pathway; 51925

(e) Doing either of the following: 51926

(i) Completing a pre-apprenticeship program aligned with 51927
options established under section 3313.904 of the Revised Code 51928
in the individual's chosen career field and providing evidence 51929
of acceptance into a registered apprenticeship program in that 51930
career field; 51931

(ii) Completing an apprenticeship registered with the 51932
apprenticeship council established under section 4139.02 of the 51933
Revised Code in the individual's chosen career field. 51934

(f) Completing two hundred fifty hours of a work-based 51935
learning experience with evidence of positive evaluations; 51936

(g) Obtaining an OhioMeansJobs-readiness seal under 51937
section 3313.6112 of the Revised Code. 51938

(2) The individual demonstrates competency by completing 51939
at least two of the activities described in divisions (C) (1) (a) 51940
to (g) of this section and earns course credits distributed as 51941
follows: 51942

(a) English language arts, four credits; 51943

(b) Mathematics, four credits. One credit may be a career- 51944
based mathematics course aligned to the individual's career plan 51945
developed under division (B) of this section. 51946

(c) Science, three credits; 51947

(d) Social studies, three credits; 51948

(e) Financial literacy, one-half credit. The one-half 51949
credit of financial literacy may be applied toward the number of 51950
mathematics or social studies credits required under division 51951
(C) (2) of this section. 51952

(D) An eligible provider shall report each individual 51953
enrolled in a program under division (B) of this section to the 51954
department. The department annually shall certify the enrollment 51955
and attendance of each individual reported under this division 51956
and shall pay the provider up to \$7,500 for each such individual 51957
per school year, as determined by the department based on the 51958
extent of the individual's successful completion of the diploma 51959
requirements prescribed in division (C) of this section. 51960

(E) Notwithstanding anything in this section to the 51961
contrary, an eligible provider may request that the department 51962
allow an eligible individual to enroll in a program under 51963
division (B) of this section for more than three consecutive 51964

school years due to a hardship experienced by the individual 51965
that necessitates additional time to meet the diploma 51966
requirements prescribed in division (C) of this section. 51967

(F) An eligible individual shall not be assigned to 51968
classes or settings with individuals who are younger than 51969
eighteen years of age. 51970

(G) Each eligible provider shall contact each individual 51971
to whom a diploma is awarded under this section to collect data 51972
on the individual's career and educational outcomes at six 51973
months, twelve months, and eighteen months after the awarding of 51974
the diploma. At each time of contact, the provider shall request 51975
information regarding whether the individual is gainfully 51976
employed, participating in an apprenticeship, enrolled in 51977
postsecondary education, or serving in the military. The 51978
provider shall report the data collected to the department in 51979
the manner determined by the department. 51980

(H) The department shall adopt rules as necessary to 51981
administer this section. The rules may include all of the 51982
following: 51983

(1) Standards for competency-based educational programs; 51984

(2) Standards for applying an individual's work or life 51985
experiences toward the requirements of division (C) of this 51986
section; 51987

(3) Requirements for determining the amount paid to 51988
providers under division (D) of this section; 51989

(4) Guidelines for approving or denying a hardship request 51990
made under division (E) of this section. 51991

Sec. 3313.975. As used in this section and in sections 51992

3313.976 to 3313.979 of the Revised Code, "the pilot project
school district" or "the district" means any school district
included in the pilot project scholarship program pursuant to
this section.

(A) The director of education and workforce shall
implement the pilot project scholarship program and shall
include in such program any school districts that are or have
ever been under federal court order requiring supervision and
operational management of the district by the state
superintendent or director. The program shall provide for a
number of students residing in any such district to receive
scholarships to attend alternative schools, and for an equal
number of students to receive tutorial assistance grants while
attending public school in any such district.

(B) The director shall establish an application process
and deadline for accepting applications from students residing
in the district to participate in the scholarship program. In
the initial year of the program students may only use a
scholarship to attend school in grades kindergarten through
third.

The director shall award as many scholarships and tutorial
assistance grants as can be funded given the amount appropriated
for the program.

(C) (1) The pilot project program shall continue in effect
each year that the general assembly has appropriated sufficient
money to fund scholarships and tutorial assistance grants. In
each year the program continues, new students may receive
scholarships in grades kindergarten to twelve. A student who has
received a scholarship may continue to receive one until the
student has completed grade twelve.

(2) If the general assembly discontinues the scholarship 52023
program, all students who are attending an alternative school 52024
under the pilot project shall be entitled to continued 52025
admittance to that specific school through all grades that are 52026
provided in such school, under the same conditions as when they 52027
were participating in the pilot project. The director shall 52028
continue to make scholarship payments in accordance with section 52029
3317.022 of the Revised Code for students who remain enrolled in 52030
an alternative school under this provision in any year that 52031
funds have been appropriated for this purpose. 52032

If funds are not appropriated, the tuition charged to the 52033
parents of a student who remains enrolled in an alternative 52034
school under this provision shall not be increased beyond the 52035
amount equal to the amount of the scholarship plus any 52036
additional amount charged that student's parent in the most 52037
recent year of attendance as a participant in the pilot project, 52038
except that tuition for all the students enrolled in such school 52039
may be increased by the same percentage. 52040

(D) Notwithstanding sections 124.39 and 3311.83 of the 52041
Revised Code, if the pilot project school district experiences a 52042
decrease in enrollment due to participation in a state-sponsored 52043
scholarship program pursuant to sections 3313.974 to 3313.979 of 52044
the Revised Code, the district board of education may enter into 52045
an agreement with any teacher it employs to provide to that 52046
teacher severance pay or early retirement incentives, or both, 52047
if the teacher agrees to terminate the employment contract with 52048
the district board, provided any collective bargaining agreement 52049
in force pursuant to Chapter 4117. of the Revised Code does not 52050
prohibit such an agreement for termination of a teacher's 52051
employment contract. 52052

(E) Except as provided for in division (C) (2) of section 3365.07 of the Revised Code, the director shall not require the parent of a student who applies for or receives a scholarship under the pilot project program to complete any kind of income verification regarding the student's family income.

(F) A student is not eligible to receive a scholarship under sections 3313.975 to 3313.979 of the Revised Code if the treasurer of state has established an educational savings account for the student under section 3310.23 of the Revised Code for the school year for which the scholarship is sought.

Sec. 3314.013. (A) Until May 22, 2013, no internet- or computer-based community school shall operate unless the school was open for instruction as of May 1, 2005. No entity described in division (C) (1) of section 3314.02 of the Revised Code shall enter into a contract to sponsor an internet- or computer-based community school, including a conversion school, between May 1, 2005, and May 22, 2013, except as follows:

(1) The entity may renew a contract that the entity entered into with an internet- or computer-based community school prior to May 1, 2005, if the school was open for operation as of that date.

(2) The entity may assume sponsorship of an existing internet- or computer-based community school that was formerly sponsored by another entity and may enter into a contract with that community school in accordance with section 3314.03 of the Revised Code.

If a sponsor entered into a contract with an internet- or computer-based community school, including a conversion school, but the school was not open for operation as of May 1, 2005, the

contract shall be void and the entity shall not enter into 52082
another contract with the school until May 22, 2013. 52083

(B) (1) Beginning on July 1, 2013, up to five new internet- 52084
or computer-based community schools may open each year, subject 52085
to approval of the director of education and workforce under 52086
division (B) (2) of this section. 52087

(2) The director shall approve applications for new 52088
internet- or computer-based community schools from only those 52089
applicants demonstrating experience and quality. 52090

The department of education and workforce shall adopt 52091
rules prescribing measures to determine experience and quality 52092
of applicants in accordance with Chapter 119. of the Revised 52093
Code. The measures shall include, but not be limited to, the 52094
following considerations: 52095

- (a) The sponsor's experience with online schools; 52096
- (b) The operator's experience with online schools; 52097
- (c) The sponsor's and operator's previous record for 52098
student performance; 52099
- (d) A preference for operators with previous experience in 52100
Ohio. 52101

(3) The department shall notify any new internet- or 52102
computer-based community school governed by division (B) of this 52103
section of whether the director has approved or disapproved the 52104
school's application to open for the 2013-2014 school year not 52105
later than July 1, 2013. Notwithstanding the dates prescribed 52106
for adoption and signing on sponsor contracts in division (D) of 52107
section 3314.02 of the Revised Code, or the date for opening a 52108
school for instruction required by division (A) (25) of section 52109

3314.03 of the Revised Code, a new internet- or computer-based 52110
community school approved for opening for the 2013-2014 school 52111
year under division (B) of this section may open and operate in 52112
that school year regardless of whether it has complied with 52113
those contract and opening dates. For each school year 52114
thereafter, the school shall comply with all applicable 52115
provisions of this chapter. 52116

(4) Notwithstanding divisions (B) (1) and (2) of this 52117
section, a sponsor rated "exemplary" on its most recent 52118
evaluation conducted under section 3314.016 of the Revised Code 52119
is permitted to open up to two new internet- or computer-based 52120
community schools that ~~will primarily serve students enrolled in~~ 52121
~~a~~ are dropout prevention and recovery program community schools 52122
each year, not to exceed six new schools in a five-year period. 52123

(C) Nothing in division (A) or (B) of this section 52124
prohibits an internet- or computer-based community school from 52125
increasing the number of grade levels it offers. 52126

Sec. 3314.015. (A) The department of education and 52127
workforce shall be responsible for the oversight of any and all 52128
sponsors of the community schools established under this chapter 52129
and shall provide technical assistance to schools and sponsors 52130
in their compliance with applicable laws and the terms of the 52131
contracts entered into under section 3314.03 of the Revised Code 52132
and in the development and start-up activities of those schools. 52133
In carrying out its duties under this section, the department 52134
shall do all of the following: 52135

(1) In providing technical assistance to proposing 52136
parties, governing authorities, and sponsors, conduct training 52137
sessions and distribute informational materials; 52138

(2) Approve entities to be sponsors of community schools;	52139
(3) Monitor and evaluate, as required under section	52140
3314.016 of the Revised Code, the effectiveness of any and all	52141
sponsors in their oversight of the schools with which they have	52142
contracted;	52143
(4) By December thirty-first of each year, issue a report	52144
to the governor, the speaker of the house of representatives,	52145
the president of the senate, and the chairpersons of the house	52146
and senate committees principally responsible for education	52147
matters regarding the effectiveness of academic programs,	52148
operations, and legal compliance and of the financial condition	52149
of all community schools established under this chapter and on	52150
the performance of community school sponsors;	52151
(5) From time to time, make legislative recommendations to	52152
the general assembly designed to enhance the operation and	52153
performance of community schools.	52154
(B) (1) Except as provided in sections 3314.021 and	52155
3314.027 of the Revised Code, no entity shall enter into a	52156
preliminary agreement under division (C) (2) of section 3314.02	52157
of the Revised Code or renew an existing contract to sponsor a	52158
community school until it has received approval from the	52159
department to sponsor community schools under this chapter and	52160
has entered into a written agreement with the department	52161
regarding the manner in which the entity will conduct such	52162
sponsorship.	52163
On and after July 1, 2017, each entity that sponsors a	52164
community school in this state, except for an entity described	52165
in sections 3314.021 and 3314.027 of the Revised Code, shall	52166
attain approval from the department in order to continue	52167

sponsoring schools regardless of whether that entity intends to 52168
enter into a preliminary agreement or renew an existing 52169
contract. 52170

All new and renewed agreements between the department and 52171
a sponsor shall contain specific language addressing the 52172
parameters under which the department can intervene and 52173
potentially revoke sponsorship authority in the event that the 52174
sponsor is unwilling or unable to fulfill its obligations. 52175
Additionally, each agreement shall set forth any territorial 52176
restrictions and limits on the number of schools that entity may 52177
sponsor, provide for an annual evaluation process, and include a 52178
stipulation permitting the department to modify the agreement 52179
under the following circumstances: 52180

(a) Poor fiscal management; 52181

(b) Lack of academic progress. 52182

(2) The initial term of a sponsor's agreement with the 52183
department shall be for up to five years. 52184

(a) An agreement entered into with the department pursuant 52185
to this section may be renewed for a term of up to ten years 52186
using the following criteria: 52187

(i) The academic performance of students enrolled in each 52188
community school the entity sponsors, as determined by the 52189
department pursuant to division (B)(1)(a) of section 3314.016 of 52190
the Revised Code; 52191

(ii) The sponsor's adherence to quality practices, as 52192
determined by the department pursuant to division (B)(1)(b) of 52193
section 3314.016 of the Revised Code; 52194

(iii) The sponsor's compliance with all applicable laws 52195

and administrative rules. 52196

(b) Each agreement between the department and a sponsor 52197
shall specify that entities with an overall rating of 52198
"exemplary" for at least two consecutive years shall not be 52199
subject to the limit on the number of community schools the 52200
entity may sponsor or any territorial restrictions on 52201
sponsorship, for so long as that entity continues to be rated 52202
"exemplary." 52203

(c) The department shall adopt in accordance with Chapter 52204
119. of the Revised Code rules containing criteria, procedures, 52205
and deadlines for processing applications for approval of 52206
sponsors, for oversight of sponsors, for notifying a sponsor of 52207
noncompliance with applicable laws and administrative rules 52208
under division (F) of this section, for revocation of the 52209
approval of sponsors under division (C) of this section, and for 52210
entering into written agreements with sponsors. The rules shall 52211
require an entity to submit evidence of the entity's ability and 52212
willingness to comply with the provisions of division ~~(D)~~ (C) of 52213
section 3314.03 of the Revised Code. The rules also shall 52214
require all entities approved as sponsors to demonstrate a 52215
record of financial responsibility and successful implementation 52216
of educational programs. If an entity seeking approval to 52217
sponsor community schools in this state sponsors or operates 52218
schools in another state, at least one of the schools sponsored 52219
or operated by the entity must be comparable to or better than 52220
the performance of Ohio schools in need of continuous 52221
improvement under section 3302.03 of the Revised Code, as 52222
determined by the department. 52223

Subject to section 3314.016 of the Revised Code, an entity 52224
that sponsors community schools may enter into preliminary 52225

agreements and sponsor up to one hundred schools, provided each 52226
school and the contract for sponsorship meets the requirements 52227
of this chapter. A sponsor that was rated "exemplary" on its 52228
most recent rating under section 3314.016 of the Revised Code 52229
may sponsor up to two hundred such schools. 52230

(3) The department shall determine, pursuant to criteria 52231
specified in rules adopted in accordance with Chapter 119. of 52232
the Revised Code, whether the mission proposed to be specified 52233
in the contract of a community school to be sponsored by a state 52234
university board of trustees or the board's designee under 52235
division (C)(1)(e) of section 3314.02 of the Revised Code 52236
complies with the requirements of that division. Such 52237
determination of the department is final. 52238

(4) The department shall determine, pursuant to criteria 52239
specified in rules adopted in accordance with Chapter 119. of 52240
the Revised Code, if any tax-exempt entity under section 501(c) 52241
(3) of the Internal Revenue Code that is proposed to be a 52242
sponsor of a community school is an education-oriented entity 52243
for purpose of satisfying the condition prescribed in division 52244
(C)(1)(f)(iii) of section 3314.02 of the Revised Code. Such 52245
determination of the department is final. 52246

(C) If at any time the department finds that a sponsor is 52247
not in compliance or is no longer willing to comply with its 52248
contract with any community school or with the department's 52249
rules for sponsorship, the department shall conduct a hearing in 52250
accordance with Chapter 119. of the Revised Code on that matter. 52251
If after the hearing, the department has confirmed the original 52252
finding, it may revoke the sponsor's approval to sponsor 52253
community schools. In that case, the department's office of Ohio 52254
school sponsorship, established under section 3314.029 of the 52255

Revised Code, may assume the sponsorship of any schools with 52256
which the sponsor has contracted until the earlier of the 52257
expiration of two school years or until a new sponsor as 52258
described in division (C) (1) of section 3314.02 of the Revised 52259
Code is secured by the school's governing authority. The office 52260
of Ohio school sponsorship may extend the term of the contract 52261
in the case of a school for which it has assumed sponsorship 52262
under this division as necessary to accommodate the term of the 52263
department's authorization to sponsor the school specified in 52264
this division. Community schools sponsored under this division 52265
shall not apply to the limit on directly authorized community 52266
schools under division (A) (3) of section 3314.029 of the Revised 52267
Code. However, nothing in this division shall preclude a 52268
community school affected by this division from applying for 52269
sponsorship under that section. 52270

(D) The decision of the department to disapprove an entity 52271
for sponsorship of a community school or to revoke approval for 52272
such sponsorship under division (C) of this section, may be 52273
appealed by the entity in accordance with section 119.12 of the 52274
Revised Code. 52275

(E) The department shall adopt procedures for use by a 52276
community school governing authority and sponsor when the school 52277
permanently closes and ceases operation, which shall include at 52278
least procedures for data reporting to the department, handling 52279
of student records, distribution of assets in accordance with 52280
section 3314.074 of the Revised Code, and other matters related 52281
to ceasing operation of the school. 52282

(F) (1) In lieu of revoking a sponsor's authority to 52283
sponsor community schools under division (C) of this section, if 52284
the department finds that a sponsor is not in compliance with 52285

applicable laws and administrative rules, the department shall 52286
declare in a written notice to the sponsor the specific laws or 52287
rules, or both, for which the sponsor is noncompliant. A sponsor 52288
notified under division (F)(1) of this section shall respond to 52289
the department not later than fourteen days after the 52290
notification with a proposed plan to remedy the conditions for 52291
which the sponsor was found to be noncompliant. The department 52292
shall approve or disapprove the plan not later than fourteen 52293
days after receiving it. If the plan is disapproved, the sponsor 52294
may submit a revised plan to the department not later than 52295
fourteen days after receiving notification of disapproval from 52296
the department or not later than sixty days after the date the 52297
sponsor received notification of noncompliance from the 52298
department, whichever is earlier. The department shall approve 52299
or disapprove the revised plan not later than fourteen days 52300
after receiving it or not later than sixty days after the date 52301
the sponsor received notification of noncompliance from the 52302
department, whichever is earlier. A sponsor may continue to make 52303
revisions by the deadlines prescribed in division (F)(1) of this 52304
section to any revised plan that is disapproved by the 52305
department until the sixtieth day after the date the sponsor 52306
received notification of noncompliance from the department. 52307

If a plan or a revised plan is approved, the sponsor shall 52308
implement it not later than sixty days after the date the 52309
sponsor received notification of noncompliance from the 52310
department or not later than thirty days after the plan is 52311
approved, whichever is later. If a sponsor does not respond to 52312
the department or implement an approved compliance plan by the 52313
deadlines prescribed by division (F)(1) of this section, or if a 52314
sponsor does not receive approval of a compliance plan on or 52315
before the sixtieth day after the date the sponsor received 52316

notification of noncompliance from the department, the 52317
department shall declare in written notice to the sponsor that 52318
the sponsor is in probationary status, and may limit the 52319
sponsor's ability to sponsor additional schools. 52320

(2) A sponsor that has been placed on probationary status 52321
under division (F)(1) of this section may apply to the 52322
department for its probationary status to be lifted. The 52323
application for a sponsor's probationary status to be lifted 52324
shall include evidence, occurring after the initial notification 52325
of noncompliance, of the sponsor's compliance with applicable 52326
laws and administrative rules. Not later than fourteen days 52327
after receiving an application from the sponsor, the department 52328
shall decide whether or not to remove the sponsor's probationary 52329
status. 52330

(G) In carrying out its duties under this chapter, the 52331
department shall not impose requirements on community schools or 52332
their sponsors that are not permitted by law or duly adopted 52333
rules. 52334

(H) This section applies to entities that sponsor 52335
conversion community schools and new start-up schools. 52336

(I) Nothing in divisions (C) to (F) of this section 52337
prohibits the department from taking any action permitted or 52338
required under the written agreement between the department and 52339
a sponsoring entity without a hearing on the matter, in the 52340
event that the sponsor is unwilling or unable to fulfill its 52341
obligations. 52342

Sec. 3314.016. This section applies to any entity that 52343
sponsors a community school, regardless of whether section 52344
3314.021 or 3314.027 of the Revised Code exempts the entity from 52345

the requirement to be approved for sponsorship under divisions 52346
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 52347
office of Ohio school sponsorship established under section 52348
3314.029 of the Revised Code shall be rated under division (B) 52349
of this section, but divisions (A) and (C) of this section do 52350
not apply to the office. 52351

(A) An entity that sponsors a community school shall be 52352
permitted to enter into contracts under section 3314.03 of the 52353
Revised Code to sponsor additional community schools only if the 52354
entity meets all of the following criteria: 52355

(1) The entity is in compliance with all provisions of 52356
this chapter requiring sponsors of community schools to report 52357
data or information to the department of education and 52358
workforce. 52359

(2) The entity is not rated as "ineffective" under 52360
division (B) (6) of this section. 52361

(3) Except as set forth in sections 3314.021 and 3314.027 52362
of the Revised Code, the entity has received approval from and 52363
entered into an agreement with the department pursuant to 52364
section 3314.015 of the Revised Code. 52365

(B) (1) The department shall develop and implement an 52366
evaluation system that annually rates and assigns an overall 52367
rating to each entity that sponsors a community school. The 52368
department, not later than the first day of February of each 52369
year, shall post on the department's web site the framework for 52370
the evaluation system, including technical documentation that 52371
the department intends to use to rate sponsors for the next 52372
school year. The department shall solicit public comment on the 52373
evaluation system for thirty consecutive days. Not later than 52374

the first day of April of each year, the department shall 52375
compile and post on the department's web site all public 52376
comments that were received during the public comment period. 52377
The evaluation system shall be posted on the department's web 52378
site by the fifteenth day of July of each school year. Any 52379
changes to the evaluation system after that date shall take 52380
effect the following year. The evaluation system shall be based 52381
on the following components: 52382

(a) Academic performance of students enrolled in community 52383
schools sponsored by the same entity. The academic performance 52384
component shall be derived from the performance measures 52385
prescribed for the state report cards under section 3302.03 or 52386
3314.017 of the Revised Code, and shall be based on the 52387
performance of the schools for the school year for which the 52388
evaluation is conducted. In addition to the academic performance 52389
for a specific school year, the academic performance component 52390
shall also include year-to-year changes in the overall sponsor 52391
portfolio. For a community school for which no graded 52392
performance measures are applicable or available, the department 52393
shall use nonreport card performance measures specified in the 52394
contract between the community school and the sponsor under 52395
division (A) (4) of section 3314.03 of the Revised Code. 52396

(b) Adherence by a sponsor to the quality practices 52397
prescribed by the department under division (B) (3) of this 52398
section. For a sponsor that was rated "effective" or "exemplary" 52399
on its most recent rating, the department may evaluate that 52400
sponsor's adherence to quality practices once over a period of 52401
three years. If the department elects to evaluate a sponsor once 52402
over a period of three years, the most recent rating for a 52403
sponsor's adherence to quality practices shall be used when 52404
determining an annual overall rating conducted under this 52405

section. 52406

(c) Compliance with all applicable laws and administrative 52407
rules by an entity that sponsors a community school. 52408

Under the evaluation system prescribed under division (B) 52409
(1) of this section, the department shall not assign an overall 52410
rating of "ineffective" or lower to an entity that sponsors a 52411
community school solely because that entity received no points 52412
on one of the components prescribed under that division. 52413

(2) In calculating an academic performance component, the 52414
department shall exclude all community schools that have been in 52415
operation for not more than two full school years and all 52416
community schools described in division (B) (2) of section 52417
3314.35 of the Revised Code. However, the academic performance 52418
of the community schools described in division (B) (2) of section 52419
3314.35 of the Revised Code shall be reported, but shall not be 52420
used as a factor when determining a sponsoring entity's rating 52421
under this section. 52422

(3) The department, in consultation with entities that 52423
sponsor community schools, shall prescribe quality practices for 52424
community school sponsors and develop an instrument to measure 52425
adherence to those quality practices. The quality practices 52426
shall be based on standards developed by the national 52427
association of charter school authorizers or any other 52428
nationally organized community school organization. 52429

(4) (a) The department may permit peer review of a 52430
sponsor's adherence to the quality practices prescribed under 52431
division (B) (3) of this section. Peer reviewers shall be limited 52432
to individuals employed by sponsors rated "effective" or 52433
"exemplary" on the most recent ratings conducted under this 52434

section. 52435

(b) The department shall require individuals participating 52436
in peer review under division (B) (4) (a) of this section to 52437
complete training approved or established by the department. 52438

(c) The department may enter into an agreement with 52439
another entity to provide training to individuals conducting 52440
peer review of sponsors. Prior to entering into an agreement 52441
with an entity, the department shall review and approve of the 52442
entity's training program. 52443

(5) The director of education and workforce shall adopt 52444
rules in accordance with Chapter 119. of the Revised Code 52445
prescribing standards for measuring compliance with applicable 52446
laws and rules under division (B) (1) (c) of this section. 52447

(6) The department annually shall rate all entities that 52448
sponsor community schools as either "exemplary," "effective," 52449
"ineffective," or "poor," based on the components prescribed by 52450
division (B) of this section, where each component is weighted 52451
equally. A separate rating shall be given by the department for 52452
each component of the evaluation system. 52453

The department shall publish the ratings between the first 52454
day of October and the fifteenth day of November. 52455

Prior to the publication of the final ratings, the 52456
department shall designate and provide notice of a period of at 52457
least ten business days during which each sponsor may review the 52458
information used by the department to determine the sponsor's 52459
rating on the components prescribed by division (B) (1) of this 52460
section. If the sponsor believes there is an error in the 52461
department's evaluation, the sponsor may request adjustments to 52462
the rating of any of those components based on documentation 52463

previously submitted as part of an evaluation. The sponsor shall 52464
provide to the department any necessary evidence or information 52465
to support the requested adjustments. The department shall 52466
review the evidence and information, determine whether an 52467
adjustment is valid, and promptly notify the sponsor of its 52468
determination and reasons. If any adjustments to the data could 52469
result in a change to the rating on the applicable component or 52470
to the overall rating, the department shall recalculate the 52471
ratings prior to publication. 52472

The department shall provide training on an annual basis 52473
regarding the evaluation system prescribed under this section. 52474
The training shall, at a minimum, describe methodology, 52475
timelines, and data required for the evaluation system. The 52476
first training session shall occur not later than March 2, 2016. 52477
Beginning in 2018, the training shall be made available to each 52478
entity that sponsors a community school by the fifteenth day of 52479
July of each year and shall include guidance on any changes made 52480
to the evaluation system. 52481

(7) (a) Entities with an overall rating of "exemplary" for 52482
the two most recent years in which the entity was evaluated may 52483
take advantage of the following incentives: 52484

(i) Renewal of the written agreement with the department, 52485
not to exceed ten years, provided that the entity consents to 52486
continued evaluation of adherence to quality practices as 52487
described in division (B) (1) (b) of this section; 52488

(ii) The ability to extend the term of the contract 52489
between the sponsoring entity and the community school beyond 52490
the term described in the written agreement with the department; 52491

(iii) An exemption from the preliminary agreement and 52492

contract adoption and execution deadline requirements prescribed	52493
in division (D) of section 3314.02 of the Revised Code;	52494
(iv) An exemption from the automatic contract expiration	52495
requirement, should a new community school fail to open by the	52496
thirtieth day of September of the calendar year in which the	52497
community school contract is executed;	52498
(v) No limit on the number of community schools the entity	52499
may sponsor;	52500
(vi) No territorial restrictions on sponsorship.	52501
An entity may continue to sponsor any community schools	52502
with which it entered into agreements under division (B) (7) (a)	52503
(v) or (vi) of this section while rated "exemplary,"	52504
notwithstanding the fact that the entity later receives a lower	52505
overall rating.	52506
(b) Entities with an overall rating of "exemplary" or	52507
"effective" for the three most recent years in which the entity	52508
was evaluated shall be evaluated by the department once every	52509
three years.	52510
(c) (i) Entities that receive an overall rating of	52511
"ineffective" shall be prohibited from sponsoring any new or	52512
additional community schools during the time in which the	52513
sponsor is rated as "ineffective" and shall be subject to a	52514
quality improvement plan based on correcting the deficiencies	52515
that led to the "ineffective" rating, with timelines and	52516
benchmarks that have been established by the department.	52517
(ii) Entities that receive an overall rating of	52518
"ineffective" on their three most recent ratings shall have all	52519
sponsorship authority revoked. Within thirty days after	52520
receiving its third rating of "ineffective," the entity may	52521

appeal the revocation of its sponsorship authority to the 52522
director, who shall appoint an independent hearing officer to 52523
conduct a hearing in accordance with Chapter 119. of the Revised 52524
Code. The hearing shall be conducted within thirty days after 52525
receipt of the notice of appeal. Within forty-five days after 52526
the hearing is completed, the director shall determine whether 52527
the revocation is appropriate based on the hearing conducted by 52528
the independent hearing officer, and if determined appropriate, 52529
the revocation shall be confirmed. 52530

(d) Entities that receive an overall rating of "poor" 52531
shall have all sponsorship authority revoked. Within thirty days 52532
after receiving a rating of "poor," the entity may appeal the 52533
revocation of its sponsorship authority to the director, who 52534
shall appoint an independent hearing officer to conduct a 52535
hearing in accordance with Chapter 119. of the Revised Code. The 52536
hearing shall be conducted within thirty days after receipt of 52537
the notice of appeal. Within forty-five days after the hearing 52538
is completed, the director shall determine whether the 52539
revocation is appropriate based on the hearing conducted by the 52540
independent hearing officer, and if determined appropriate, the 52541
revocation shall be confirmed. 52542

(8) For the 2014-2015 school year and each school year 52543
thereafter, student academic performance prescribed under 52544
division (B)(1)(a) of this section shall include student 52545
academic performance data from dropout prevention and recovery 52546
~~community schools that primarily serve students enrolled in a~~ 52547
~~dropout prevention and recovery program.~~ 52548

(C) If the governing authority of a community school 52549
enters into a contract with a sponsor prior to the date on which 52550
the sponsor is prohibited from sponsoring additional schools 52551

under division (A) of this section and the school has not opened 52552
for operation as of that date, that contract shall be void and 52553
the school shall not open until the governing authority secures 52554
a new sponsor by entering into a contract with the new sponsor 52555
under section 3314.03 of the Revised Code. However, the 52556
department's office of Ohio school sponsorship, established 52557
under section 3314.029 of the Revised Code, may assume the 52558
sponsorship of the school until the earlier of the expiration of 52559
two school years or until a new sponsor is secured by the 52560
school's governing authority. A community school sponsored by 52561
the department under this division shall not be included when 52562
calculating the maximum number of directly authorized community 52563
schools permitted under division (A) (3) of section 3314.029 of 52564
the Revised Code. 52565

(D) When an entity's authority to sponsor schools is 52566
revoked pursuant to division (B) (7) (c) or (d) of this section, 52567
the office of Ohio school sponsorship shall assume sponsorship 52568
of any schools with which the original sponsor has contracted 52569
for the remainder of that school year. The office may continue 52570
sponsoring those schools until the earlier of: 52571

(1) The expiration of two school years from the time that 52572
sponsorship is revoked; 52573

(2) When a new sponsor is secured by the governing 52574
authority pursuant to division (C) (1) of section 3314.02 of the 52575
Revised Code. 52576

Any community school sponsored under this division shall 52577
not be counted for purposes of directly authorized community 52578
schools under division (A) (3) of section 3314.029 of the Revised 52579
Code. 52580

(E) The department shall recalculate the rating for the 2017-2018 school year for each sponsor of a community school that receives recalculated ratings pursuant to division (I) of section 3314.017 of the Revised Code.

Sec. 3314.017. (A) The department of education and workforce shall prescribe by rules, adopted in accordance with Chapter 119. of the Revised Code, an academic performance rating and report card system that satisfies the requirements of this section for dropout prevention and recovery community schools ~~that primarily serve students enrolled in dropout prevention and recovery programs as described in division (B)(1) of section 3314.35 of the Revised Code,~~ to be used in lieu of the system prescribed under sections 3302.03 and 3314.012 of the Revised Code beginning with the 2012-2013 school year. Each such school shall comply with the testing and reporting requirements of the system as prescribed by the department.

(B) Nothing in this section shall at any time relieve a school from its obligations under the "No Child Left Behind Act of 2001" to make "adequate yearly progress," as both that act and that term are defined in section 3302.01 of the Revised Code, or a school's amenability to the provisions of section 3302.04 or 3302.041 of the Revised Code. The department shall continue to report each school's performance as required by the act and to enforce applicable sanctions under section 3302.04 or 3302.041 of the Revised Code.

(C) The rules adopted by the department shall prescribe the following performance indicators for the rating and report card system required by this section:

(1) Graduation rate for each of the following student cohorts:

(a) The number of students who graduate in four years or	52611
less with a regular high school diploma divided by the number of	52612
students who form the adjusted cohort for the graduating class;	52613
(b) The number of students who graduate in five years with	52614
a regular high school diploma divided by the number of students	52615
who form the adjusted cohort for the four-year graduation rate;	52616
(c) The number of students who graduate in six years with	52617
a regular high school diploma divided by the number of students	52618
who form the adjusted cohort for the four-year graduation rate;	52619
(d) The number of students who graduate in seven years	52620
with a regular high school diploma divided by the number of	52621
students who form the adjusted cohort for the four-year	52622
graduation rate;	52623
(e) The number of students who graduate in eight years	52624
with a regular high school diploma divided by the number of	52625
students who form the adjusted cohort for the four-year	52626
graduation rate.	52627
(2) The percentage of twelfth-grade students currently	52628
enrolled in the school who have attained the designated passing	52629
score on all of the state high school achievement assessments	52630
required under division (B) (1) of section 3301.0710 of the	52631
Revised Code or the cumulative performance score on the end-of-	52632
course examinations prescribed under division (B) (2) of section	52633
3301.0712 of the Revised Code, whichever applies, and other	52634
students enrolled in the school, regardless of grade level, who	52635
are within three months of their twenty-second birthday and have	52636
attained the designated passing score on all of the state high	52637
school achievement assessments or the cumulative performance	52638
score on the end-of-course examinations, whichever applies, by	52639

their twenty-second birthday; 52640

(3) Annual measurable objectives as defined in section 52641
3302.01 of the Revised Code; 52642

(4) Growth in student achievement in reading, or 52643
mathematics, or both as measured by separate nationally norm- 52644
referenced assessments that have developed appropriate standards 52645
for students enrolled in dropout prevention and recovery 52646
programs, adopted or approved by the department. 52647

(D) (1) The department's rules shall prescribe the expected 52648
performance levels and benchmarks for each of the indicators 52649
prescribed by division (C) of this section based on the data 52650
gathered by the department under division (G) of this section 52651
and simulations created by the department. Based on a school's 52652
level of attainment or nonattainment of the expected performance 52653
levels and benchmarks for each of the indicators, the department 52654
shall rate each school in one of the following categories: 52655

(a) Exceeds standards; 52656

(b) Meets standards; 52657

(c) Does not meet standards. 52658

(2) The department's rules shall establish all of the 52659
following: 52660

(a) Performance levels and benchmarks for the indicators 52661
described in divisions (C) (1) to (3) of this section; 52662

(b) Both of the following: 52663

(i) Performance levels and benchmarks for the indicator 52664
described in division (C) (4) of this section; 52665

(ii) Standards for awarding a dropout prevention and 52666

~~recovery community school described in division (B) (1) of~~ 52667
~~section 3314.35 of the Revised Code~~ an overall designation, 52668
which shall be calculated as follows: 52669

(I) Thirty per cent of the score shall be based on the 52670
indicators described in division (C) (1) of this section that are 52671
applicable to the school year for which the overall designation 52672
is granted. 52673

(II) Thirty per cent of the score shall be based on the 52674
indicators described in division (C) (4) of this section. 52675

(III) Twenty per cent of the score shall be based on the 52676
indicators described in division (C) (2) of this section. 52677

(IV) Twenty per cent of the score shall be based on the 52678
indicators described in division (C) (3) of this section. 52679

(3) If both of the indicators described in divisions (C) 52680
(1) and (2) of this section improve by ten per cent for two 52681
consecutive years, a school shall be rated not less than "meets 52682
standards." 52683

The rating and the relevant performance data for each 52684
school shall be posted on the department's web site, and a copy 52685
of the rating and data shall be provided to the governing 52686
authority of the community school. 52687

~~(E) (1) For the 2012-2013 school year, the department shall~~ 52688
~~issue a report card including the following performance~~ 52689
~~measures, but without a performance rating as described in~~ 52690
~~divisions (D) (1) (a) to (c) of this section, for each community~~ 52691
~~school described in division (B) (1) of section 3314.35 of the~~ 52692
~~Revised Code:~~ 52693

~~(a) The graduation rates as described in divisions (C) (1)~~ 52694

~~(a) to (c) of this section;—~~ 52695

~~(b) The percentage of twelfth-grade students and other 52696
students who have attained a designated passing score on high- 52697
school achievement assessments as described in division (C) (2)— 52698
of this section;— 52699~~

~~(c) The statewide average for the graduation rates and 52700
assessment passage rates described in divisions (C) (1) (a) to (c) 52701
and (C) (2) of this section;— 52702~~

~~(d) Annual measurable objectives described in division (C) 52703
(3) of this section.— 52704~~

~~(2) For the 2013-2014 school year, the department shall 52705
issue a report card including the following performance measures 52706
for each community school described in division (B) (1) of— 52707
section 3314.35 of the Revised Code:— 52708~~

~~(a) The graduation rates described in divisions (C) (1) (a)— 52709
to (d) of this section, including a performance rating as— 52710
described in divisions (D) (1) (a) to (c) of this section;— 52711~~

~~(b) The percentage of twelfth-grade students and other 52712
students who have attained a designated passing score on high- 52713
school achievement assessments as described in division (C) (2)— 52714
of this section, including a performance rating as described in— 52715
divisions (D) (1) (a) to (c) of this section;— 52716~~

~~(c) Annual measurable objectives described in division (C) 52717
(3) of this section, including a performance rating as described 52718
in divisions (D) (1) (a) to (c) of this section;— 52719~~

~~(d) Both of the following without an assigned rating:— 52720~~

~~(i) Growth in annual student achievement in reading and 52721
mathematics described in division (C) (4) of this section, if— 52722~~

~~available;~~ 52723

~~(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.~~ 52724
52725
52726

~~(3) Beginning with the 2014-2015 school year, and annually thereafter, the~~ (E) The department annually shall issue a report 52727
card for each dropout prevention and recovery community school 52728
described in division (B) (1) of section 3314.35 of the Revised 52729
Code that includes all of the following performance measures, 52730
including a performance rating for each measure as described in 52731
divisions (D) (1) (a) to (c) of this section: 52732
52733

~~(a)~~ (1) The graduation rates as described in division (C) 52734
(1) of this section; 52735

~~(b)~~ (2) The percentage of twelfth-grade students and other 52736
students who have attained a designated passing score on high 52737
school achievement assessments as described in division (C) (2) 52738
of this section; 52739

~~(c)~~ (3) Annual measurable objectives described in division 52740
(C) (3) of this section, including a performance rating as 52741
described in divisions (D) (1) (a) to (c) of this section; 52742

~~(d)~~ (4) Growth in annual student achievement in reading and 52743
mathematics as described in division (C) (4) of this section; 52744

~~(e)~~ (5) An overall performance designation for the school 52745
calculated under rules adopted under division (D) (2) of this 52746
section. 52747

The department shall also include student outcome data, 52748
including postsecondary credit earned, nationally recognized 52749
career or technical certification, military enlistment, job 52750

placement, attendance rate, and progress on closing achievement 52751
gaps for each school. This information shall not be included in 52752
the calculation of a school's performance rating. 52753

(F) Not later than the thirty-first day of July of each 52754
year, the department shall submit preliminary report card data 52755
for overall academic performance for each performance measure 52756
prescribed in division ~~(E) (3)~~ (E) of this section for each 52757
community school to which this section applies. 52758

(G) For the purposes of prescribing performance levels and 52759
benchmarks under division (D) of this section, the department 52760
shall gather and analyze data from prior school years for each 52761
dropout prevention and recovery community school ~~described in~~ 52762
~~division (B) (1) of section 3314.35 of the Revised Code.~~ Each 52763
such school shall cooperate with the department. The department 52764
shall consult with stakeholder groups in performing its duties 52765
under this division. 52766

(H) The department shall review the performance levels and 52767
benchmarks for performance indicators in the report card issued 52768
under this section and may revise them based on the data 52769
collected under division (G) of this section. 52770

(I) For the purposes of division (F) of section 3314.351 52771
of the Revised Code, the department shall recalculate the 52772
ratings for each school under division (E) (3) of this section 52773
for the 2017-2018 school year and calculate the ratings under 52774
that division for the 2018-2019 school year using the indicators 52775
prescribed by division (C) of this section, as it exists on and 52776
after July 18, 2019. 52777

Sec. 3314.02. (A) As used in this chapter: 52778

(1) "Sponsor" means the board of education of a school 52779

district or the governing board of an educational service center 52780
that agrees to the conversion of all or part of a school or 52781
building under division (B) of this section, or an entity listed 52782
in division (C) (1) of this section, which has been approved by 52783
the department of education and workforce to sponsor community 52784
schools or is exempted by section 3314.021 or 3314.027 of the 52785
Revised Code from obtaining approval, and with which the 52786
governing authority of a community school enters into a contract 52787
under section 3314.03 of the Revised Code. 52788

(2) "Pilot project area" means the school districts 52789
included in the territory of the former community school pilot 52790
project established by former Section 50.52 of Am. Sub. H.B. No. 52791
215 of the 122nd general assembly. 52792

(3) "Challenged school district" means any of the 52793
following: 52794

(a) A school district that is part of the pilot project 52795
area; 52796

(b) A school district that meets one of the following 52797
conditions: 52798

(i) On March 22, 2013, the district was in a state of 52799
academic emergency or in a state of academic watch under section 52800
3302.03 of the Revised Code, as that section existed prior to 52801
March 22, 2013; 52802

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 52803
2015-2016 school years, the district received a grade of "D" or 52804
"F" for the performance index score and a grade of "F" for the 52805
value-added progress dimension under section 3302.03 of the 52806
Revised Code; 52807

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 52808

and 2020-2021 school years, the district has received an overall
grade of "D" or "F" under division (C) (3) of section 3302.03 of
the Revised Code, or, for at least two of the three most recent
school years, the district received a grade of "F" for the
value-added progress dimension under division (C) (1) (e) of that
section;

(iv) For the 2021-2022 school year and for any school year
thereafter, the district has received an overall performance
rating of less than three stars under division (D) (3) of section
3302.03 of the Revised Code, or, for at least two of the three
most recent school years, the district received one star for
progress under division (D) (3) (c) of that section.

(c) A big eight school district;

(d) A school district ranked in the lowest five per cent
of school districts according to performance index score under
section 3302.21 of the Revised Code.

(4) "Big eight school district" means a school district
that for fiscal year 1997 had both of the following:

(a) A percentage of children residing in the district and
participating in the predecessor of Ohio works first greater
than thirty per cent, as reported pursuant to section 3317.10 of
the Revised Code;

(b) An average daily membership greater than twelve
thousand, as reported pursuant to former division (A) of section
3317.03 of the Revised Code.

(5) "New start-up school" means a community school other
than one created by converting all or part of an existing public
school or educational service center building, as designated in
the school's contract pursuant to division (A) (17) of section

3314.03 of the Revised Code. 52838

(6) "Urban school district" means one of the state's 52839
twenty-one urban school districts as defined in division (O) of 52840
section 3317.02 of the Revised Code as that section existed 52841
prior to July 1, 1998. 52842

(7) "Internet- or computer-based community school" means a 52843
community school established under this chapter in which the 52844
enrolled students work primarily from their residences on 52845
assignments in nonclassroom-based learning opportunities 52846
provided via an internet- or other computer-based instructional 52847
method that does not rely on regular classroom instruction or 52848
via comprehensive instructional methods that include internet- 52849
based, other computer-based, and noncomputer-based learning 52850
opportunities unless a student receives career-technical 52851
education under section 3314.086 of the Revised Code. 52852

A community school that operates mainly as an internet- or 52853
computer-based community school and provides career-technical 52854
education under section 3314.086 of the Revised Code shall be 52855
considered an internet- or computer-based community school, even 52856
if it provides some classroom-based instruction, so long as it 52857
provides instruction via the methods described in this division. 52858

(8) "Operator" or "management company" means either of the 52859
following: 52860

(a) An individual or organization that manages the daily 52861
operations of a community school pursuant to a contract between 52862
the operator or management company and the school's governing 52863
authority; 52864

(b) A nonprofit organization that provides programmatic 52865
oversight and support to a community school under a contract 52866

with the school's governing authority and that retains the right 52867
to terminate its affiliation with the school if the school fails 52868
to meet the organization's quality standards. 52869

(9) "Alliance municipal school district" has the same 52870
meaning as in section 3311.86 of the Revised Code. 52871

(10) "Dropout prevention and recovery community school" 52872
means a community school that enrolls only students who are at 52873
least fourteen years of age and not older than twenty-one years 52874
of age and who, at the time of their initial enrollment, are at 52875
least one grade level behind their cohort age groups or 52876
experience crises that significantly interfere with their 52877
academic progress such that they are prevented from continuing 52878
their traditional educational programs. 52879

(B) (1) Any person or group of individuals may initially 52880
propose under this division the conversion of all or a portion 52881
of a public school to a community school. The proposal shall be 52882
made to the board of education of the city, local, exempted 52883
village, or joint vocational school district in which the public 52884
school is proposed to be converted. 52885

(2) Any person or group of individuals may initially 52886
propose under this division the conversion of all or a portion 52887
of a building operated by an educational service center to a 52888
community school. The proposal shall be made to the governing 52889
board of the service center. 52890

On or after July 1, 2017, except as provided in section 52891
3314.027 of the Revised Code, any educational service center 52892
that sponsors a community school shall be approved by and enter 52893
into a written agreement with the department as described in 52894
section 3314.015 of the Revised Code. 52895

(3) Upon receipt of a proposal, and after an agreement has
been entered into pursuant to section 3314.015 of the Revised
Code, a board may enter into a preliminary agreement with the
person or group proposing the conversion of the public school or
service center building, indicating the intention of the board
to support the conversion to a community school. A proposing
person or group that has a preliminary agreement under this
division may proceed to finalize plans for the school, establish
a governing authority for the school, and negotiate a contract
with the board. Provided the proposing person or group adheres
to the preliminary agreement and all provisions of this chapter,
the board shall negotiate in good faith to enter into a contract
in accordance with section 3314.03 of the Revised Code and
division (C) of this section.

(4) The sponsor of a conversion community school proposed
to open in an alliance municipal school district shall be
subject to approval by the department of education and workforce
for sponsorship of that school using the criteria established
under division (A) of section 3311.87 of the Revised Code.

Division (B) (4) of this section does not apply to a
sponsor that, on or before September 29, 2015, was exempted
under section 3314.021 or 3314.027 of the Revised Code from the
requirement to be approved for sponsorship under divisions (A)
(2) and (B) (1) of section 3314.015 of the Revised Code.

(5) A school established in accordance with division (B)
of this section that later enters into a sponsorship contract
with an entity that is not a school district or educational
service center shall, at the time of entering into the new
contract, be deemed a community school established in accordance
with division (C) of this section.

(C) (1) Provided all other conditions of sponsorship and 52926
governance are satisfied, any person or group of individuals may 52927
propose under this division the establishment of a new start-up 52928
school regardless of the school's proposed location. The 52929
proposal may be made to any of the following entities: 52930

(a) The board of education of the district in which the 52931
school is proposed to be located; 52932

(b) The board of education of any joint vocational school 52933
district with territory in the county in which is located the 52934
majority of the territory of the district in which the school is 52935
proposed to be located; 52936

(c) The board of education of any other city, local, or 52937
exempted village school district having territory in the same 52938
county where the district in which the school is proposed to be 52939
located has the major portion of its territory; 52940

(d) The governing board of any educational service center, 52941
regardless of the location of the proposed school, may sponsor a 52942
new start-up school if all of the following are satisfied: 52943

(i) If applicable, it satisfies the requirements of 52944
division (E) of section 3311.86 of the Revised Code; 52945

(ii) It is approved to do so by the department; 52946

(iii) It enters into an agreement with the department 52947
under section 3314.015 of the Revised Code. 52948

(e) A sponsoring authority designated by the board of 52949
trustees of any of the thirteen state universities listed in 52950
section 3345.011 of the Revised Code or the board of trustees 52951
itself as long as a mission of the proposed school to be 52952
specified in the contract under division (A) (2) of section 52953

3314.03 of the Revised Code and as approved by the department 52954
under division (B) (3) of section 3314.015 of the Revised Code 52955
will be the practical demonstration of teaching methods, 52956
educational technology, or other teaching practices that are 52957
included in the curriculum of the university's teacher 52958
preparation program approved by the chancellor of higher 52959
education; 52960

(f) Any qualified tax-exempt entity under section 501(c) 52961
(3) of the Internal Revenue Code as long as all of the following 52962
conditions are satisfied: 52963

(i) The entity has been in operation for at least five 52964
years prior to applying to be a community school sponsor. 52965

(ii) The entity has assets of at least five hundred 52966
thousand dollars and a demonstrated record of financial 52967
responsibility. 52968

(iii) The department has determined that the entity is an 52969
education-oriented entity under division (B) (4) of section 52970
3314.015 of the Revised Code and the entity has a demonstrated 52971
record of successful implementation of educational programs. 52972

(iv) The entity is not a community school. 52973

(g) The mayor of a city in which the majority of the 52974
territory of a school district to which section 3311.60 of the 52975
Revised Code applies is located, regardless of whether that 52976
district has created the position of independent auditor as 52977
prescribed by that section. The mayor's sponsorship authority 52978
under this division is limited to community schools that are 52979
located in that school district. Such mayor may sponsor 52980
community schools only with the approval of the city council of 52981
that city, after establishing standards with which community 52982

schools sponsored by the mayor must comply, and after entering 52983
into a sponsor agreement with the department as prescribed under 52984
section 3314.015 of the Revised Code. The mayor shall establish 52985
the standards for community schools sponsored by the mayor not 52986
later than one hundred eighty days after July 15, 2013, and 52987
shall submit them to the department upon their establishment. 52988
The department shall approve the mayor to sponsor community 52989
schools in the district, upon receipt of an application by the 52990
mayor to do so. Not later than ninety days after the 52991
department's approval of the mayor as a community school 52992
sponsor, the department shall enter into the sponsor agreement 52993
with the mayor. 52994

Any entity described in division (C) (1) of this section 52995
may enter into a preliminary agreement pursuant to division (C) 52996
(2) of this section with the proposing person or group, provided 52997
that entity has been approved by and entered into a written 52998
agreement with the department pursuant to section 3314.015 of 52999
the Revised Code. 53000

(2) A preliminary agreement indicates the intention of an 53001
entity described in division (C) (1) of this section to sponsor 53002
the community school. A proposing person or group that has such 53003
a preliminary agreement may proceed to finalize plans for the 53004
school, establish a governing authority as described in division 53005
(E) of this section for the school, and negotiate a contract 53006
with the entity. Provided the proposing person or group adheres 53007
to the preliminary agreement and all provisions of this chapter, 53008
the entity shall negotiate in good faith to enter into a 53009
contract in accordance with section 3314.03 of the Revised Code. 53010

(3) A new start-up school that is established in a school 53011
district described in either division (A) (3) (b) or (d) of this 53012

section may continue in existence once the school district no 53013
longer meets the conditions described in either division, 53014
provided there is a valid contract between the school and a 53015
sponsor. 53016

(4) A copy of every preliminary agreement entered into 53017
under this division shall be filed with the director of 53018
education and workforce. 53019

(D) A majority vote of the board of a sponsoring entity 53020
and a majority vote of the members of the governing authority of 53021
a community school shall be required to adopt a contract and 53022
convert the public school or educational service center building 53023
to a community school or establish the new start-up school. 53024
Beginning September 29, 2005, adoption of the contract shall 53025
occur not later than the fifteenth day of March, and signing of 53026
the contract shall occur not later than the fifteenth day of 53027
May, prior to the school year in which the school will open. The 53028
governing authority shall notify the department of education and 53029
workforce when the contract has been signed. Subject to sections 53030
3314.013 and 3314.016 of the Revised Code, an unlimited number 53031
of community schools may be established in any school district 53032
provided that a contract is entered into for each community 53033
school pursuant to this chapter. 53034

(E) (1) As used in this division, "immediate relatives" are 53035
limited to spouses, children, parents, grandparents, and 53036
siblings, as well as in-laws residing in the same household as 53037
the person serving on the governing authority. 53038

Each new start-up community school established under this 53039
chapter shall be under the direction of a governing authority 53040
which shall consist of a board of not less than five 53041
individuals. 53042

(2) (a) No person shall serve on the governing authority or 53043
operate the community school under contract with the governing 53044
authority under any of the following circumstances: 53045

(i) The person owes the state any money or is in a dispute 53046
over whether the person owes the state any money concerning the 53047
operation of a community school that has closed. 53048

(ii) The person would otherwise be subject to division (B) 53049
of section 3319.31 of the Revised Code with respect to refusal, 53050
limitation, or revocation of a license to teach, if the person 53051
were a licensed educator. 53052

(iii) The person has pleaded guilty to or been convicted 53053
of theft in office under section 2921.41 of the Revised Code, or 53054
has pleaded guilty to or been convicted of a substantially 53055
similar offense in another state. 53056

(b) No person shall serve on the governing authority or 53057
engage in the financial day-to-day management of the community 53058
school under contract with the governing authority unless and 53059
until that person has submitted to a criminal records check in 53060
the manner prescribed by section 3319.39 of the Revised Code. 53061

(c) Each sponsor of a community school shall annually 53062
verify that a finding for recovery has not been issued by the 53063
auditor of state against any individual or individuals who 53064
propose to create a community school or any member of the 53065
governing authority, the operator, or any employee of each 53066
community school with responsibility for fiscal operations or 53067
authorization to expend money on behalf of the school. 53068

(3) No person shall serve on the governing authorities of 53069
more than five start-up community schools at the same time 53070
unless both of the following apply: 53071

(a) The person serves in a volunteer capacity and receives 53072
no compensation under division (E)(5) of this section from any 53073
governing authority on which the person serves. 53074

(b) For any school that has an operator, the operator is a 53075
nonprofit organization. 53076

(4)(a) For a community school established under this 53077
chapter that is not sponsored by a school district or an 53078
educational service center, no present or former member, or 53079
immediate relative of a present or former member, of the 53080
governing authority shall be an owner, employee, or consultant 53081
of the community school's sponsor or operator, unless at least 53082
one year has elapsed since the conclusion of the person's 53083
membership on the governing authority. 53084

(b) For a community school established under this chapter 53085
that is sponsored by a school district or an educational service 53086
center, no present or former member, or immediate relative of a 53087
present or former member, of the governing authority shall: 53088

(i) Be an officer of the district board or service center 53089
governing board that serves as the community school's sponsor, 53090
unless at least one year has elapsed since the conclusion of the 53091
person's membership on the governing authority; 53092

(ii) Serve as an employee of, or a consultant for, the 53093
department, division, or section of the sponsoring district or 53094
service center that is directly responsible for sponsoring 53095
community schools, or have supervisory authority over such a 53096
department, division, or section, unless at least one year has 53097
elapsed since the conclusion of the person's membership on the 53098
governing authority. 53099

(5) The governing authority of a start-up or conversion 53100

community school may provide by resolution for the compensation 53101
of its members. However, no individual who serves on the 53102
governing authority of a start-up or conversion community school 53103
shall be compensated more than one hundred twenty-five dollars 53104
per meeting of that governing authority and no such individual 53105
shall be compensated more than a total amount of five thousand 53106
dollars per year for all governing authorities upon which the 53107
individual serves. Each member of the governing authority may be 53108
paid compensation for attendance at an approved training 53109
program, provided that such compensation shall not exceed sixty 53110
dollars a day for attendance at a training program three hours 53111
or less in length and one hundred twenty-five dollars a day for 53112
attendance at a training program longer than three hours in 53113
length. 53114

(6) No person who is the employee of a school district or 53115
educational service center shall serve on the governing 53116
authority of any community school sponsored by that school 53117
district or service center. 53118

(7) Each member of the governing authority of a community 53119
school shall annually file a disclosure statement setting forth 53120
the names of any immediate relatives or business associates 53121
employed by any of the following within the previous three 53122
years: 53123

(a) The sponsor or operator of that community school; 53124

(b) A school district or educational service center that 53125
has contracted with that community school; 53126

(c) A vendor that is or has engaged in business with that 53127
community school. 53128

(8) No person who is a member of a school district board 53129

of education shall serve on the governing authority of any 53130
community school. 53131

(F) (1) A new start-up school that is established prior to 53132
August 15, 2003, in an urban school district that is not also a 53133
big-eight school district may continue to operate after that 53134
date and the contract between the school's governing authority 53135
and the school's sponsor may be renewed, as provided under this 53136
chapter, after that date. 53137

(2) A community school that was established prior to June 53138
29, 1999, and is located in a county contiguous to the pilot 53139
project area and in a school district that was not a challenged 53140
school district may continue to operate after that date, 53141
provided the school complies with all provisions of this 53142
chapter. The contract between the school's governing authority 53143
and the school's sponsor may be renewed. 53144

(3) Any educational service center that, on June 30, 2007, 53145
sponsors a community school that is not located in a county 53146
within the territory of the service center or in a county 53147
contiguous to such county may continue to sponsor that community 53148
school on and after June 30, 2007, and may renew its contract 53149
with the school. 53150

(4) The department of education and workforce shall not 53151
restrict the establishment of a new start-up community school to 53152
those located in a challenged school district as was required by 53153
this section prior to September 30, 2021. 53154

Sec. 3314.021. (A) This section applies to any entity that 53155
is exempt from taxation under section 501(c)(3) of the Internal 53156
Revenue Code and that satisfies the conditions specified in 53157
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 53158

Revised Code but does not satisfy the condition specified in 53159
division (C) (1) (f) (i) of that section. 53160

(B) Notwithstanding division (C) (1) (f) (i) of section 53161
3314.02 of the Revised Code, and subject to division (D) (2) of 53162
this section, an entity described in division (A) of this 53163
section may do both of the following without obtaining the 53164
department of education and workforce's initial approval of its 53165
sponsorship under divisions (A) (2) and (B) (1) of section 53166
3314.015 of the Revised Code: 53167

(1) Succeed the board of trustees of a state university 53168
located in the pilot project area or that board's designee as 53169
the sponsor of a community school established under this 53170
chapter; 53171

(2) Continue to sponsor that school in conformance with 53172
the terms of the contract between the board of trustees or its 53173
designee and the governing authority of the community school and 53174
renew that contract as provided in division ~~(E)~~ (D) of section 53175
3314.03 of the Revised Code. 53176

(C) The entity that succeeds the board of trustees or the 53177
board's designee as sponsor of a community school under division 53178
(B) of this section also may enter into contracts to sponsor 53179
other community schools regardless of the proposed school's 53180
location, without obtaining the department's initial approval of 53181
its sponsorship of those schools under divisions (A) (2) and (B) 53182
(1) of section 3314.015 of the Revised Code as long as the 53183
contracts conform with and the entity complies with all other 53184
requirements of this chapter. 53185

(D) (1) Regardless of the entity's authority to sponsor 53186
community schools without the initial approval of the 53187

department, the entity is under the continuing oversight of the 53188
department in accordance with rules adopted under section 53189
3314.015 of the Revised Code. 53190

(2) If an entity described in division (A) of this section 53191
receives a rating below "effective" under division (B) of 53192
section 3314.016 of the Revised Code for two or more consecutive 53193
years, that entity shall receive approval from the department to 53194
sponsor community schools and enter into a written agreement 53195
with the department in accordance with division (B) (1) of 53196
section 3314.015 of the Revised Code prior to entering into any 53197
further preliminary agreements under division (C) (2) of section 53198
3314.02 of the Revised Code or renewing any existing contract to 53199
sponsor a community school. 53200

(E) (1) As used in division (E) of this section: 53201

(a) "Board of trustees" means a board of trustees of a 53202
state university located in the pilot project area. 53203

(b) "Rating" means a sponsor rating under section 3314.016 53204
of the Revised Code. 53205

(2) Notwithstanding anything to the contrary in division 53206
(B) (7) (b) of section 3314.016 of the Revised Code, for the 53207
purposes of that division, the department shall consider an 53208
entity that succeeded a board of trustees as the sponsor of a 53209
community school in accordance with division (B) (1) of this 53210
section to have received the same rating for the 2016-2017 53211
school year as the board of trustees, provided all of the 53212
following apply: 53213

(a) The department assigned the board of trustees a rating 53214
of either "effective" or "exemplary" for the 2016-2017 school 53215
year. 53216

(b) The department did not assign the entity its own 53217
rating for the 2016-2017 school year. 53218

(c) The department assigned the entity its own rating for 53219
the 2017-2018 school year. 53220

Sec. 3314.03. A copy of every contract entered into under 53221
this section shall be filed with the director of education and 53222
workforce. The department of education and workforce shall make 53223
available on its web site a copy of every approved, executed 53224
contract filed with the director under this section. 53225

(A) Each contract entered into between a sponsor and the 53226
governing authority of a community school shall specify the 53227
following: 53228

(1) That the school shall be established as either of the 53229
following: 53230

(a) A nonprofit corporation established under Chapter 53231
1702. of the Revised Code, if established prior to April 8, 53232
2003; 53233

(b) A public benefit corporation established under Chapter 53234
1702. of the Revised Code, if established after April 8, 2003. 53235

(2) The education program of the school, including the 53236
school's mission and educational philosophy, the characteristics 53237
of the students the school is expected to attract, the ages and 53238
grades of students, and the focus of the curriculum; 53239

(3) The academic goals to be achieved and the method of 53240
measurement that will be used to determine progress toward those 53241
goals, which shall include the statewide achievement 53242
assessments; 53243

(4) Performance standards, including but not limited to 53244

all applicable report card measures set forth in section 3302.03 53245
or 3314.017 of the Revised Code, by which the success of the 53246
school will be evaluated by the sponsor; 53247

(5) The admission standards of section 3314.06 of the 53248
Revised Code and, if applicable, section 3314.061 of the Revised 53249
Code; 53250

(6) (a) Dismissal procedures; 53251

(b) A requirement that the governing authority adopt an 53252
attendance policy that includes a procedure for automatically 53253
withdrawing a student from the school if the student without a 53254
legitimate excuse fails to participate in seventy-two 53255
consecutive hours of the learning opportunities offered to the 53256
student. 53257

(7) The ways by which the school will achieve racial and 53258
ethnic balance reflective of the community it serves; 53259

(8) Requirements for financial audits by the auditor of 53260
state. The contract shall require financial records of the 53261
school to be maintained in the same manner as are financial 53262
records of school districts, pursuant to rules of the auditor of 53263
state. Audits shall be conducted in accordance with section 53264
117.10 of the Revised Code. 53265

(9) An addendum to the contract outlining the facilities 53266
to be used that contains at least the following information: 53267

(a) A detailed description of each facility used for 53268
instructional purposes; 53269

(b) The annual costs associated with leasing each facility 53270
that are paid by or on behalf of the school; 53271

(c) The annual mortgage principal and interest payments 53272

that are paid by the school; 53273

(d) The name of the lender or landlord, identified as 53274
such, and the lender's or landlord's relationship to the 53275
operator, if any. 53276

(10) Qualifications of employees, including both of the 53277
following: 53278

(a) A requirement that the school's classroom teachers be 53279
licensed in accordance with sections 3319.22 to 3319.31 of the 53280
Revised Code, except that a community school may engage 53281
noncertificated persons to teach up to twelve hours or forty 53282
hours per week pursuant to section 3319.301 of the Revised Code; 53283

(b) A prohibition against the school employing an 53284
individual described in section 3314.104 of the Revised Code in 53285
any position. 53286

(11) That the school will comply with the following 53287
requirements: 53288

(a) The school will provide learning opportunities to a 53289
minimum of twenty-five students for a minimum of nine hundred 53290
twenty hours per school year. 53291

(b) The governing authority will purchase liability 53292
insurance, or otherwise provide for the potential liability of 53293
the school. 53294

(c) The school will be nonsectarian in its programs, 53295
admission policies, employment practices, and all other 53296
operations, and will not be operated by a sectarian school or 53297
religious institution. 53298

(d) The school will comply with sections 9.90, 9.91, 53299
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 53300

3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 53301
3302.037, 3313.472, 3313.473, 3313.474, 3313.50, 3313.539, 53302
3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 53303
3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6026, 53304
3313.6028, 3313.6029, 3313.6031, 3313.643, 3313.648, 3313.6411, 53305
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 53306
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 53307
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 53308
3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 53309
3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 53310
3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 53311
3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 53312
3319.41, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 53313
3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 53314
3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 53315
4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 53316
1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of 53317
the Revised Code as if it were a school district and will comply 53318
with section 3301.0714 of the Revised Code in the manner 53319
specified in section 3314.17 of the Revised Code. 53320

(e) The school shall comply with Chapter 102. and section 53321
2921.42 of the Revised Code. 53322

(f) The school will comply with sections 3313.61, 53323
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 53324
Revised Code, except that for students who enter ninth grade for 53325
the first time before July 1, 2010, the requirement in sections 53326
3313.61 and 3313.611 of the Revised Code that a person must 53327
successfully complete the curriculum in any high school prior to 53328
receiving a high school diploma may be met by completing the 53329
curriculum adopted by the governing authority of the community 53330
school rather than the curriculum specified in Title XXXIII of 53331

the Revised Code or any rules of the department. Beginning with 53332
students who enter ninth grade for the first time on or after 53333
July 1, 2010, the requirement in sections 3313.61 and 3313.611 53334
of the Revised Code that a person must successfully complete the 53335
curriculum of a high school prior to receiving a high school 53336
diploma shall be met by completing the requirements prescribed 53337
in section 3313.6027 and division (C) of section 3313.603 of the 53338
Revised Code, unless the person qualifies under division (D) or 53339
(F) of that section. Each school shall comply with the plan for 53340
awarding high school credit based on demonstration of subject 53341
area competency, and beginning with the 2017-2018 school year, 53342
with the updated plan that permits students enrolled in seventh 53343
and eighth grade to meet curriculum requirements based on 53344
subject area competency adopted by the department under 53345
divisions (J) (1) and (2) of section 3313.603 of the Revised 53346
Code. Beginning with the 2018-2019 school year, the school shall 53347
comply with the framework for granting units of high school 53348
credit to students who demonstrate subject area competency 53349
through work-based learning experiences, internships, or 53350
cooperative education developed by the department under division 53351
(J) (3) of section 3313.603 of the Revised Code. 53352

(g) The school governing authority will submit within four 53353
months after the end of each school year a report of its 53354
activities and progress in meeting the goals and standards of 53355
divisions (A) (3) and (4) of this section and its financial 53356
status to the sponsor and the parents of all students enrolled 53357
in the school. 53358

(h) The school, unless it is an internet- or computer- 53359
based community school, will comply with section 3313.801 of the 53360
Revised Code as if it were a school district. 53361

(i) If the school is the recipient of moneys from a grant 53362
awarded under the federal race to the top program, Division (A), 53363
Title XIV, Sections 14005 and 14006 of the "American Recovery 53364
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 53365
the school will pay teachers based upon performance in 53366
accordance with section 3317.141 and will comply with section 53367
3319.111 of the Revised Code as if it were a school district. 53368

(j) If the school operates a preschool program that is 53369
licensed by the department under sections 3301.52 to 3301.59 of 53370
the Revised Code, the school shall comply with sections 3301.50 53371
to 3301.59 of the Revised Code and the minimum standards for 53372
preschool programs prescribed in rules adopted by the department 53373
of children and youth under section 3301.53 of the Revised Code. 53374

(k) The school will comply with sections 3313.6021 and 53375
3313.6023 of the Revised Code as if it were a school district 53376
unless it is either of the following: 53377

(i) An internet- or computer-based community school; 53378

(ii) A community school in which a majority of the 53379
enrolled students are children with disabilities as described in 53380
division (B) (2) of section 3314.35 of the Revised Code. 53381

(l) The school will comply with section 3321.191 of the 53382
Revised Code, unless it is an internet- or computer-based 53383
community school that is subject to section 3314.261 of the 53384
Revised Code. 53385

(m) The school will comply with section 3313.7118 of the 53386
Revised Code if it serves elementary school students. 53387

(12) Arrangements for providing health and other benefits 53388
to employees; 53389

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division ~~(E)~~ (D) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, ~~specification~~ both of the following:

(a) Specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(b) Alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion.

(18) Provisions establishing procedures for resolving 53419
disputes or differences of opinion between the sponsor and the 53420
governing authority of the community school; 53421

(19) A provision requiring the governing authority to 53422
adopt a policy regarding the admission of students who reside 53423
outside the district in which the school is located. That policy 53424
shall comply with the admissions procedures specified in 53425
sections 3314.06 and 3314.061 of the Revised Code and, at the 53426
sole discretion of the authority, shall do one of the following: 53427

(a) Prohibit the enrollment of students who reside outside 53428
the district in which the school is located; 53429

(b) Permit the enrollment of students who reside in 53430
districts adjacent to the district in which the school is 53431
located; 53432

(c) Permit the enrollment of students who reside in any 53433
other district in the state. 53434

(20) A provision recognizing the authority of the 53435
department to take over the sponsorship of the school in 53436
accordance with the provisions of division (C) of section 53437
3314.015 of the Revised Code; 53438

(21) A provision recognizing the sponsor's authority to 53439
assume the operation of a school under the conditions specified 53440
in division (B) of section 3314.073 of the Revised Code; 53441

(22) A provision recognizing both of the following: 53442

(a) The authority of public health and safety officials to 53443
inspect the facilities of the school and to order the facilities 53444
closed if those officials find that the facilities are not in 53445
compliance with health and safety laws and regulations; 53446

(b) The authority of the department as the community 53447
school oversight body to suspend the operation of the school 53448
under section 3314.072 of the Revised Code if the department has 53449
evidence of conditions or violations of law at the school that 53450
pose an imminent danger to the health and safety of the school's 53451
students and employees and the sponsor refuses to take such 53452
action. 53453

(23) A description of the learning opportunities that will 53454
be offered to students including both classroom-based and non- 53455
classroom-based learning opportunities that is in compliance 53456
with criteria for student participation established by the 53457
department under division (H) (2) of section 3314.08 of the 53458
Revised Code; 53459

(24) The school will comply with sections 3302.04 and 53460
3302.041 of the Revised Code, except that any action required to 53461
be taken by a school district pursuant to those sections shall 53462
be taken by the sponsor of the school. 53463

(25) Beginning in the 2006-2007 school year, the school 53464
will open for operation not later than the thirtieth day of 53465
September each school year, unless the mission of the school as 53466
specified under division (A) (2) of this section is solely to 53467
serve dropouts. In its initial year of operation, if the school 53468
fails to open by the thirtieth day of September, or within one 53469
year after the adoption of the contract pursuant to division (D) 53470
of section 3314.02 of the Revised Code if the mission of the 53471
school is solely to serve dropouts, the contract shall be void. 53472

(26) Whether the school's governing authority is planning 53473
to seek designation for the school as a STEM school equivalent 53474
under section 3326.032 of the Revised Code; 53475

(27) That the school's attendance and participation 53476
policies will be available for public inspection; 53477

(28) That the school's attendance and participation 53478
records shall be made available to the department, auditor of 53479
state, and school's sponsor to the extent permitted under and in 53480
accordance with the "Family Educational Rights and Privacy Act 53481
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 53482
regulations promulgated under that act, and section 3319.321 of 53483
the Revised Code; 53484

(29) If a school operates using the blended learning 53485
model, as defined in section 3301.079 of the Revised Code, all 53486
of the following information: 53487

(a) An indication of what blended learning model or models 53488
will be used; 53489

(b) A description of how student instructional needs will 53490
be determined and documented; 53491

(c) The method to be used for determining competency, 53492
granting credit, and promoting students to a higher grade level; 53493

(d) The school's attendance requirements, including how 53494
the school will document participation in learning 53495
opportunities; 53496

(e) A statement describing how student progress will be 53497
monitored; 53498

(f) A statement describing how private student data will 53499
be protected; 53500

(g) A description of the professional development 53501
activities that will be offered to teachers. 53502

(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(34) A provision establishing the process by which the governing authority of the school will be selected in the future.

(35) A description of the management and administration of the school.

(36) A provision requiring the governing authority to adopt policies and procedures to establish internal financial controls for the school.

~~(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:~~

~~(1) The process by which the governing authority of the~~ 53531
~~school will be selected in the future;~~ 53532

~~(2) The management and administration of the school;~~ 53533

~~(3) If the community school is a currently existing public~~ 53534
~~school or educational service center building, alternative~~ 53535
~~arrangements for current public school students who choose not~~ 53536
~~to attend the converted school and for teachers who choose not~~ 53537
~~to teach in the school or building after conversion;~~ 53538

~~(4) The instructional program and educational philosophy~~ 53539
~~of the school;~~ 53540

~~(5) Internal financial controls.~~ 53541

~~When submitting the plan under this division, the school~~ 53542
~~shall also submit copies of all policies and procedures~~ 53543
~~regarding internal financial controls adopted by the governing~~ 53544
~~authority of the school.~~ 53545

~~(C)~~ A contract entered into under section 3314.02 of the 53546
Revised Code between a sponsor and the governing authority of a 53547
community school may provide for the community school governing 53548
authority to make payments to the sponsor, which is hereby 53549
authorized to receive such payments as set forth in the contract 53550
between the governing authority and the sponsor. The total 53551
amount of such payments for monitoring, oversight, and technical 53552
assistance of the school shall not exceed three per cent of the 53553
total amount of payments for operating expenses that the school 53554
receives from the state. 53555

~~(D)~~ (C) The contract shall specify the duties of the 53556
sponsor which shall be in accordance with the written agreement 53557
entered into with the department under division (B) of section 53558
3314.015 of the Revised Code and shall include the following: 53559

(1) Monitor the community school's compliance with all 53560
laws applicable to the school and with the terms of the 53561
contract; 53562

(2) Monitor and evaluate the academic and fiscal 53563
performance and the organization and operation of the community 53564
school on at least an annual basis; 53565

(3) Provide technical assistance to the community school 53566
in complying with laws applicable to the school and terms of the 53567
contract; 53568

(4) Take steps to intervene in the school's operation to 53569
correct problems in the school's overall performance, declare 53570
the school to be on probationary status pursuant to section 53571
3314.073 of the Revised Code, suspend the operation of the 53572
school pursuant to section 3314.072 of the Revised Code, or 53573
terminate the contract of the school pursuant to section 3314.07 53574
of the Revised Code as determined necessary by the sponsor; 53575

(5) Have in place a plan of action to be undertaken in the 53576
event the community school experiences financial difficulties or 53577
closes prior to the end of a school year. 53578

~~(E)~~—(D) Upon the expiration of a contract entered into 53579
under this section, the sponsor of a community school may, with 53580
the approval of the governing authority of the school, renew 53581
that contract for a period of time determined by the sponsor, 53582
but not ending earlier than the end of any school year, if the 53583
sponsor finds that the school's compliance with applicable laws 53584
and terms of the contract and the school's progress in meeting 53585
the academic goals prescribed in the contract have been 53586
satisfactory. Any contract that is renewed under this division 53587
remains subject to the provisions of sections 3314.07, 3314.072, 53588

and 3314.073 of the Revised Code. 53589

~~(F)~~ (E) If a community school fails to open for operation 53590
within one year after the contract entered into under this 53591
section is adopted pursuant to division (D) of section 3314.02 53592
of the Revised Code or permanently closes prior to the 53593
expiration of the contract, the contract shall be void and the 53594
school shall not enter into a contract with any other sponsor. A 53595
school shall not be considered permanently closed because the 53596
operations of the school have been suspended pursuant to section 53597
3314.072 of the Revised Code. 53598

Sec. 3314.034. (A) Subject to division (B) of this 53599
section, and except as described in division (E) of this 53600
section, any community school to which either of the following 53601
conditions apply shall be prohibited from entering into a 53602
contract with a new sponsor: 53603

(1) The community school has received, on the most recent 53604
report card issued for that school under section 3302.03 of the 53605
Revised Code, either of the following: 53606

(a) A grade of "D" or "F" for the performance index score, 53607
under division (C) (1) (b) of section 3302.03 of the Revised Code, 53608
and an overall grade of "D" or "F" for the value-added progress 53609
dimension or another measure of student academic progress if 53610
adopted by the department of education and workforce, under 53611
division (C) (1) (e) of that section; 53612

(b) A performance rating of less than three stars for 53613
achievement under division (D) (3) (b) of section 3302.03 of the 53614
Revised Code and a performance rating of less than three stars 53615
for progress under division (D) (3) (c) of that section. 53616

(2) The community school is ~~one in which a majority of the~~ 53617

~~students are enrolled in a dropout prevention and recovery-~~ 53618
~~program~~ community school, and it has received a rating of "does 53619
not meet standards" for the annual student growth measure and 53620
combined graduation rates on the most recent report card issued 53621
for the school under section 3314.017 of the Revised Code. 53622

(B) A community school to which division (A) of this 53623
section applies may enter into a contract with a new sponsor if 53624
all of the following conditions are satisfied: 53625

(1) The proposed sponsor received a rating of "effective" 53626
or higher pursuant to division (B) (6) of section 3314.016 of the 53627
Revised Code on its most recent evaluation conducted according 53628
to that section, or the proposed sponsor is the office of Ohio 53629
school sponsorship established in section 3314.029 of the 53630
Revised Code. 53631

(2) The community school submits a request to enter into a 53632
new contract with a sponsor. 53633

(3) The community school has not submitted a prior request 53634
that was granted. 53635

(4) The department grants the school's request pursuant to 53636
division (C) of this section. 53637

(C) (1) A school shall submit a request to change sponsors 53638
under this section not later than on the fifteenth day of 53639
February of the year in which the school wishes to do so. If a 53640
community school to which division (A) (1) of this section 53641
applies submits a request to the department to enter into a 53642
contract with a new sponsor and a majority of the school's 53643
students are children with disabilities receiving special 53644
education and related services under Chapter 3323. of the 53645
Revised Code, the department shall at least consider the 53646

school's performance as measured against the average performance 53647
of all other community schools that primarily serve children 53648
with disabilities. 53649

(2) The department shall grant or deny the request not 53650
later than thirty days after the department receives it. If the 53651
department denies the request, the community school may submit 53652
an appeal to the director of education and workforce who shall 53653
hold a hearing in accordance with Chapter 119. of the Revised 53654
Code. The community school shall file its notice of appeal to 53655
the director not later than ten days after receiving the 53656
decision from the department. The director shall conduct the 53657
hearing not later than thirty days after receiving the school's 53658
notice of appeal and act upon the determination of the hearing 53659
officer not later than the twenty-fifth day of June of the year 53660
in which the school wishes to change sponsors. 53661

(D) Factors to be considered during a hearing held 53662
pursuant to division (C) of this section include, but are not 53663
limited to, the following: 53664

(1) The school's impact on the students and the community 53665
or communities it serves; 53666

(2) The quality and quantity of academic and 53667
administrative support the school receives from its current 53668
sponsor to help the school to improve; 53669

(3) The sponsor's annual evaluations of the community 53670
school under division ~~(D) (2)~~ (c) (2) of section 3314.03 of the 53671
Revised Code for the previous three years; 53672

(4) The academic performance of the school, taking into 53673
account the demographic information of the students enrolled in 53674
the school; 53675

(5) The academic performance of alternative schools that 53676
serve comparable populations of students as those served by the 53677
community school; 53678

(6) The fiscal stability of the school; 53679

(7) The results of any audits of the school by the auditor 53680
of state; 53681

(8) The length of time the school has been under the 53682
oversight of its current sponsor; 53683

(9) The number of times the school has changed sponsors 53684
prior to the current request; 53685

(10) Parent and student satisfaction rates as demonstrated 53686
by surveys, if available. 53687

(E) Notwithstanding anything to the contrary in this 53688
section, if a community school in which a majority of the 53689
enrolled students are children with disabilities receiving 53690
special education and related services in accordance with 53691
Chapter 3323. of the Revised Code meets both of the following 53692
criteria, the school may enter into a contract with a new 53693
sponsor, provided that the new sponsor satisfies the criteria in 53694
division (B)(1) of this section: 53695

(1) The school received, on its most recent report card 53696
issued under section 3302.03 of the Revised Code, a performance 53697
rating of at least three stars for progress under division (D) 53698
(3)(c) of that section. 53699

(2) As calculated for the most recent school year under 53700
section 3302.035 of the Revised Code, the school's performance 53701
index score for students with disabilities was higher than the 53702
performance index score for students with disabilities of the 53703

school district in which the school is located. 53704

Sec. 3314.05. (A) The contract between the community 53705
school and the sponsor shall specify the facilities to be used 53706
for the community school and the method of acquisition. ~~Except~~ 53707
~~as provided in divisions (B) (3) and (4) of this section, no~~ 53708
~~community school shall be established in more than one school~~ 53709
~~district under the same contract.~~ 53710

(B) Division (B) of this section shall not apply to 53711
internet- or computer-based community schools. 53712

(1) A community school may be located in multiple 53713
facilities under the same contract ~~only if the limitations on~~ 53714
~~availability of space prohibit serving all the grade levels~~ 53715
~~specified in the contract in a single facility or division (B)~~ 53716
~~(2), (3), or (4) of this section applies to the school. The~~ 53717
~~school shall not offer the same grade level classrooms in more~~ 53718
~~than one facility.~~ 53719

~~(2) A community school may be located in multiple~~ 53720
~~facilities under the same contract and, notwithstanding division~~ 53721
~~(B) (1) of this section, may assign students in the same grade~~ 53722
~~level to multiple facilities, as long as all of the following~~ 53723
~~apply:~~ 53724

~~(a) The governing authority has entered into and maintains~~ 53725
~~a contract with an operator of the type described in division~~ 53726
~~(A) (8) (b) of section 3314.02 of the Revised Code.~~ 53727

~~(b) The contract with that operator qualified the school~~ 53728
~~to be established pursuant to division (A) of former section~~ 53729
~~3314.016 of the Revised Code.~~ 53730

~~(c) The school's rating under section 3302.03 of the~~ 53731
~~Revised Code does not fall below a combination of any of the~~ 53732

~~following for two or more consecutive years:—~~ 53733

~~(i) A rating of "in need of continuous improvement" under~~ 53734
~~section 3302.03 of the Revised Code, as that section existed~~ 53735
~~prior to March 22, 2013;—~~ 53736

~~(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-~~ 53737
~~2016 school years, a rating of "C" for both the performance-~~ 53738
~~index score under division (A) (1) (b) or (B) (1) (b) and the value-~~ 53739
~~added dimension under division (A) (1) (c) or (B) (1) (c) of section~~ 53740
~~3302.03 of the Revised Code; or if the building serves only~~ 53741
~~grades ten through twelve, the building received a grade of "C"~~ 53742
~~for the performance index score under division (A) (1) (b) or (B)~~ 53743
~~(1) (b) of section 3302.03 of the Revised Code;—~~ 53744

~~(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020,~~ 53745
~~2020-2021 school years, an overall grade of "C" under division~~ 53746
~~(C) (3) of section 3302.03 of the Revised Code or an overall~~ 53747
~~performance designation of "meets standards" under division (E)~~ 53748
~~(3) (e) of section 3314.017 of the Revised Code;—~~ 53749

~~(iv) For the 2021-2022 school year and any school year~~ 53750
~~thereafter, an overall performance rating of three stars under~~ 53751
~~division (D) (3) of section 3302.03 of the Revised Code or an~~ 53752
~~overall performance designation of "meets standards" under~~ 53753
~~division (E) (3) (e) of section 3314.017 of the Revised Code.~~ 53754

~~(3) On and after September 30, 2021, a new start-up~~ 53755
~~community school may be established in two school districts~~ 53756
~~under the same contract regardless of the proposed location of~~ 53757
~~either district if both of the following apply:—~~ 53758

~~(a) The school operates not more than one facility in each~~ 53759
~~school district and, in accordance with division (B) (1) of this~~ 53760
~~section, the school does not offer the same grade level—~~ 53761

~~classrooms in both facilities; and~~

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~~(b) Transportation between the two facilities does not
require more than thirty minutes of direct travel time as
measured by school bus.~~

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~~(4) A community school may be located in multiple
facilities under the same contract and, notwithstanding division
(B) (1) of this section, may assign students in the same grade
level to multiple facilities, as long as both of the following
apply:~~

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(a) The facilities are all located in the same county or
in any county adjacent to the county in which the community
school's primary facility is located.

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(b) Either of the following conditions are satisfied:

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(i) The community school is sponsored by a board of
education of a city, local, or exempted village school district
having territory in the same county where the facilities of the
community school are located or in any county adjacent to the
county in which the community school's primary facility is
located;

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(ii) The community school is managed by an operator.

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(2) In the case of a community school ~~to which division~~
~~(B) (4) of this section applies and~~ that maintains facilities in
more than one school district, the school's governing authority
shall designate one of those districts to be considered the
school's primary location and the district in which the school
is located for the purposes of division (A) (19) of section
3314.03 and divisions (C) and (H) of section 3314.06 of the
Revised Code and for all other purposes of this chapter and
shall notify the department of that designation.

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A community school governing authority that elects to 53791
modify a community school's primary location shall notify the 53792
department of that modification. 53793

~~(5)~~ (3) Any facility used for a community school shall 53794
meet all health and safety standards established by law for 53795
school buildings. 53796

(C) In the case where a community school is proposed to be 53797
located in a facility owned by a school district or educational 53798
service center, the facility may not be used for such community 53799
school unless the district or service center board owning the 53800
facility enters into an agreement for the community school to 53801
utilize the facility. Use of the facility may be under any terms 53802
and conditions agreed to by the district or service center board 53803
and the school. 53804

(D) Two or more separate community schools may be located 53805
in the same facility. 53806

(E) In the case of a community school that is located in 53807
multiple facilities, beginning July 1, 2012, the department 53808
shall assign a unique identification number to the school and to 53809
each facility maintained by the school. Each number shall be 53810
used for identification purposes only. Nothing in this division 53811
shall be construed to require the department to calculate the 53812
amount of funds paid under this chapter, or to compute any data 53813
required for the report cards issued under section 3314.012 of 53814
the Revised Code, for each facility separately. The department 53815
shall make all such calculations or computations for the school 53816
as a whole. 53817

~~(F) (1) In the case of a community school that exists prior~~ 53818
~~to September 30, 2021, to which division (B) (3) of this section~~ 53819

~~applies, if only one of the school districts in which the school~~ 53820
~~is established was located in a challenged school district prior~~ 53821
~~to September 30, 2021, that district continues to be considered~~ 53822
~~the school's primary location and the district in which the~~ 53823
~~school is located for the purposes of division (A) (19) of~~ 53824
~~section 3314.03 and divisions (C) and (H) of section 3314.06 of~~ 53825
~~the Revised Code and for all other purposes of this chapter~~ 53826
~~unless and until the school's governing authority designates a~~ 53827
~~different school district as the school's primary location in~~ 53828
~~accordance with division (F) (2) of this section. If both of the~~ 53829
~~school districts in which the school is established were~~ 53830
~~challenged school districts on that date, and the primary~~ 53831
~~location was already designated by the school's governing~~ 53832
~~authority pursuant to the requirements of this section as it~~ 53833
~~existed prior to September 30, 2021, that designation remains~~ 53834
~~unless and until the school's governing authority designates a~~ 53835
~~different primary location.~~ 53836

~~(2) (a) On and after September 30, 2021, when a new start-~~ 53837
~~up community school is established in two school districts under~~ 53838
~~the same contract, the school's governing authority shall~~ 53839
~~designate one of those districts to be considered the school's~~ 53840
~~primary location and the district in which the school is located~~ 53841
~~for the purposes of division (A) (19) of section 3314.03 and~~ 53842
~~divisions (C) and (H) of section 3314.06 of the Revised Code and~~ 53843
~~for all other purposes of this chapter and shall notify the~~ 53844
~~department of education and workforce of that designation.~~ 53845

~~(b) A community school governing authority that elects to~~ 53846
~~modify a community school's primary location, whether in~~ 53847
~~accordance with division (F) (1) of this section or otherwise,~~ 53848
~~shall notify the department of that modification.~~ 53849

Sec. 3314.07. (A) The expiration of the contract for a 53850
community school between a sponsor and a school shall be the 53851
date provided in the contract. A successor contract may be 53852
entered into pursuant to division ~~(E)~~ (D) of section 3314.03 of 53853
the Revised Code unless the contract is terminated or not 53854
renewed pursuant to this section. 53855

(B) (1) A sponsor may choose not to renew a contract at its 53856
expiration or may choose to terminate a contract prior to its 53857
expiration for any of the following reasons: 53858

(a) Failure to meet student performance requirements 53859
stated in the contract; 53860

(b) Failure to meet generally accepted standards of fiscal 53861
management; 53862

(c) Violation of any provision of the contract or 53863
applicable state or federal law; 53864

(d) Other good cause. 53865

(2) A sponsor may choose to terminate a contract prior to 53866
its expiration if the sponsor has suspended the operation of the 53867
contract under section 3314.072 of the Revised Code. 53868

(3) Not later than the fifteenth day of January in the 53869
year in which the sponsor intends to terminate or take actions 53870
not to renew the community school's contract, the sponsor shall 53871
notify the school of the proposed action in writing. The notice 53872
shall include the reasons for the proposed action in detail, the 53873
effective date of the termination or nonrenewal, and a statement 53874
that the school may, within fourteen days of receiving the 53875
notice, request an informal hearing before the sponsor. Such 53876
request must be in writing. The informal hearing shall be held 53877
within fourteen days of the receipt of a request for the 53878

hearing. Not later than fourteen days after the informal 53879
hearing, the sponsor shall issue a written decision either 53880
affirming or rescinding the decision to terminate or not renew 53881
the contract. 53882

(4) The termination of a contract under this section shall 53883
be effective upon the occurrence of the later of the following 53884
events: 53885

(a) The date the sponsor notifies the school of its 53886
decision to terminate the contract as prescribed in division (B) 53887
(3) of this section; 53888

(b) If an informal hearing is requested under division (B) 53889
(3) of this section and as a result of that hearing the sponsor 53890
affirms its decision to terminate the contract, the effective 53891
date of the termination specified in the notice issued under 53892
division (B) (3) of this section. 53893

(5) Any community school whose contract is terminated or 53894
not renewed under division (B) (1) (a) or (b) of this section 53895
shall close permanently at the end of the current school year or 53896
on a date specified in the notification of termination or 53897
nonrenewal under division (B) (3) of this section. Any community 53898
school whose contract is terminated or not renewed for failure 53899
to meet student performance requirements stated in the contract, 53900
or for failure to meet generally accepted standards of fiscal 53901
management under this division shall not enter into a contract 53902
with any other sponsor. 53903

(C) A child attending a community school whose contract 53904
has been terminated, nonrenewed, or suspended or that closes for 53905
any reason shall be admitted to the schools of the district in 53906
which the child is entitled to attend under section 3313.64 or 53907

3313.65 of the Revised Code. Any deadlines established for the 53908
purpose of admitting students under section 3313.97 or 3313.98 53909
of the Revised Code shall be waived for students to whom this 53910
division pertains. 53911

(D) If a community school does not intend to renew a 53912
contract with its sponsor, the community school shall notify its 53913
sponsor in writing of that fact at least one hundred eighty days 53914
prior to the expiration of the contract. Such a community school 53915
may enter into a contract with a new sponsor in accordance with 53916
section 3314.03 of the Revised Code upon the expiration of the 53917
previous contract. 53918

(E) A sponsor of a community school and the officers, 53919
directors, or employees of such a sponsor are immune from civil 53920
liability for any action authorized under this chapter or the 53921
contract entered into with the school under section 3314.03 of 53922
the Revised Code that is taken to fulfill the sponsor's 53923
responsibility to oversee and monitor the school. The sponsor 53924
and its officers, directors, or employees are not liable in 53925
damages in a tort or other civil action for harm allegedly 53926
arising from any of the following: 53927

(1) A failure of the community school or any of its 53928
officers, directors, or employees to perform any statutory or 53929
common law duty or responsibility or any other legal obligation; 53930

(2) An action or omission of the community school or any 53931
of its officers, directors, or employees that results in harm. 53932

(3) A failure of the community school or any of its 53933
officers, directors, or employees to meet the obligations of any 53934
contract or other obligation entered into on behalf of the 53935
community school and another party. 53936

(F) As used in this section:	53937
(1) "Harm" means injury, death, or loss to person or property.	53938 53939
(2) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons.	53940 53941 53942 53943
Sec. 3314.08. (A) As used in this section:	53944
(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	53945 53946
(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	53947 53948 53949
(B) The department of education and workforce shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:	53950 53951 53952 53953
(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	53954 53955 53956 53957
(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	53958 53959 53960 53961
(3) The number of students reported under division (B) (2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of	53962 53963 53964

divisions (A) to (F) of section 3317.013 of the Revised Code; 53965

(4) The full-time equivalent number of students reported 53966
under divisions (B)(1) and (2) of this section who are enrolled 53967
in career-technical education programs or classes described in 53968
each of divisions (A)(1) to (5) of section 3317.014 of the 53969
Revised Code that are provided by the community school; 53970

(5) The number of students reported under divisions (B)(1) 53971
and (2) of this section who are not reported under division (B) 53972
(4) of this section but who are enrolled in career-technical 53973
education programs or classes described in each of divisions (A) 53974
(1) to (5) of section 3317.014 of the Revised Code at a joint 53975
vocational school district or another district in the career- 53976
technical planning district to which the school is assigned; 53977

(6) The number of students reported under divisions (B)(1) 53978
and (2) of this section who are category one to three English 53979
learners described in each of divisions (A) to (C) of section 53980
3317.016 of the Revised Code; 53981

(7) The number of students reported under divisions (B)(1) 53982
and (2) of this section who are economically disadvantaged, as 53983
defined by the department. A student shall not be categorically 53984
excluded from the number reported under division (B)(7) of this 53985
section based on anything other than family income. 53986

(8) For each student, the city, exempted village, or local 53987
school district in which the student is entitled to attend 53988
school under section 3313.64 or 3313.65 of the Revised Code. 53989

(9) The number of students enrolled in a preschool program 53990
operated by the school that is licensed under sections 3301.52 53991
to 3301.59 of the Revised Code who are not receiving special 53992
education and related services pursuant to an IEP. 53993

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A) (2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under divisions (B) (1) to (9) of this section any student for whom tuition is charged under division (F) of this section.

(C) (1) (a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the director of education and workforce documentation, as prescribed by the director, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold costs.

(b) The community school shall report under division (C) (1) (a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(2) In any fiscal year, a community school receiving funds under division (A) (7) of section 3317.022 of the Revised Code shall spend those funds only for the purposes that the

department designates as approved for career-technical education 54024
expenses. Career-technical education expenses approved by the 54025
department shall include only expenses connected to the delivery 54026
of career-technical programming to career-technical students. 54027
The department shall require the school to report data annually 54028
so that the department may monitor the school's compliance with 54029
the requirements regarding the manner in which funding received 54030
under division (A) (7) of section 3317.022 of the Revised Code 54031
may be spent. 54032

(3) Notwithstanding anything to the contrary in section 54033
3313.90 of the Revised Code, except as provided in division (C) 54034
(5) of this section, all funds received under division (A) (7) of 54035
section 3317.022 of the Revised Code shall be spent in the 54036
following manner: 54037

(a) At least seventy-five per cent of the funds shall be 54038
spent on curriculum development, purchase, and implementation; 54039
instructional resources and supplies; industry-based program 54040
certification; student assessment, credentialing, and placement; 54041
curriculum specific equipment purchases and leases; career- 54042
technical student organization fees and expenses; home and 54043
agency linkages; work-based learning experiences; professional 54044
development; and other costs directly associated with career- 54045
technical education programs including development of new 54046
programs. 54047

(b) Not more than twenty-five per cent of the funds shall 54048
be used for personnel expenditures. 54049

(4) A community school shall spend the funds it receives 54050
under division (A) (4) of section 3317.022 of the Revised Code in 54051
accordance with section 3317.25 of the Revised Code. 54052

(5) The department may waive the requirement in division 54053
(C) (3) of this section for any community school that exclusively 54054
provides one or more career-technical workforce development 54055
programs in arts and communications that are not equipment- 54056
intensive, as determined by the department. 54057

(6) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a community 54058
school shall spend the funds it receives under division (A) (5) 54059
of section 3317.022 of the Revised Code only for services for 54060
English learners. 54061

(D) A board of education sponsoring a community school may 54062
utilize local funds to make enhancement grants to the school or 54063
may agree, either as part of the contract or separately, to 54064
provide any specific services to the community school at no cost 54065
to the school. 54066

(E) A community school may not levy taxes or issue bonds 54067
secured by tax revenues. 54068

(F) No community school shall charge tuition for the 54069
enrollment of any student who is a resident of this state. A 54070
community school may charge tuition for the enrollment of any 54071
student who is not a resident of this state. 54072

(G) (1) (a) A community school may borrow money to pay any 54073
necessary and actual expenses of the school in anticipation of 54074
the receipt of any portion of the payments to be received by the 54075
school pursuant to section 3317.022 of the Revised Code. The 54076
school may issue notes to evidence such borrowing. The proceeds 54077
of the notes shall be used only for the purposes for which the 54078
anticipated receipts may be lawfully expended by the school. 54079

(b) A school may also borrow money for a term not to 54080
exceed fifteen years for the purpose of acquiring facilities. 54081

(2) The state is not liable for debt incurred by the 54082
governing authority of a community school. 54083

(H) The department shall adjust the amounts paid under 54084
section 3317.022 of the Revised Code to reflect any enrollment 54085
of students in community schools for less than the equivalent of 54086
a full school year. The department shall adopt in accordance 54087
with Chapter 119. of the Revised Code rules governing the 54088
payments to community schools under section 3317.022 of the 54089
Revised Code including initial payments in a school year and 54090
adjustments and reductions made in subsequent periodic payments 54091
to community schools as provided under section 3317.022 of the 54092
Revised Code. For purposes of this division: 54093

(1) A student shall be considered enrolled in the 54094
community school for any portion of the school year the student 54095
is participating at a college under Chapter 3365. of the Revised 54096
Code. 54097

(2) A student shall be considered to be enrolled in a 54098
community school for the period of time beginning on the later 54099
of the date on which the school both has received documentation 54100
of the student's enrollment from a parent and the student has 54101
commenced participation in learning opportunities as defined in 54102
the contract with the sponsor, or thirty days prior to the date 54103
on which the student is entered into the education management 54104
information system established under section 3301.0714 of the 54105
Revised Code. For purposes of applying this division and 54106
divisions (H) (3) and (4) of this section to a community school 54107
student, "learning opportunities" shall be defined in the 54108
contract, which shall describe both classroom-based and non- 54109
classroom-based learning opportunities and shall be in 54110
compliance with criteria and documentation requirements for 54111

student participation which shall be established by the 54112
department. Any student's instruction time in non-classroom- 54113
based learning opportunities shall be certified by an employee 54114
of the community school. A student's enrollment shall be 54115
considered to cease on the date on which any of the following 54116
occur: 54117

(a) The community school receives documentation from a 54118
parent terminating enrollment of the student. 54119

(b) The community school is provided documentation of a 54120
student's enrollment in another public or private school. 54121

(c) The community school ceases to offer learning 54122
opportunities to the student pursuant to the terms of the 54123
contract with the sponsor or the operation of any provision of 54124
this chapter. 54125

Except as otherwise specified in this paragraph, beginning 54126
in the 2011-2012 school year, any student who completed the 54127
prior school year in an internet- or computer-based community 54128
school shall be considered to be enrolled in the same school in 54129
the subsequent school year until the student's enrollment has 54130
ceased as specified in division (H) (2) of this section. The 54131
department shall continue paying amounts for the student under 54132
section 3317.022 of the Revised Code without interruption at the 54133
start of the subsequent school year. However, if the student 54134
without a legitimate excuse fails to participate in the first 54135
seventy-two consecutive hours of learning opportunities offered 54136
to the student in that subsequent school year, the student shall 54137
be considered not to have re-enrolled in the school for that 54138
school year and the department shall recalculate the payments to 54139
the school for that school year to account for the fact that the 54140
student is not enrolled. 54141

(3) The department shall determine each community school student's percentage of full-time equivalency based on the percentage of learning opportunities offered by the community school to that student, reported either as number of hours or number of days, is of the total learning opportunities offered by the community school to a student who attends for the school's entire school year. However, no internet- or computer-based community school shall be credited for any time a student spends participating in learning opportunities beyond ten hours within any period of twenty-four consecutive hours. Whether it reports hours or days of learning opportunities, each community school shall offer not less than nine hundred twenty hours of learning opportunities during the school year.

(4) With respect to the calculation of full-time equivalency under division (H) (3) of this section, the department shall waive the number of hours or days of learning opportunities not offered to a student because the community school was closed during the school year due to disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, so long as the school was actually open for instruction with students in attendance during that school year for not less than the minimum number of hours required by this chapter. The department shall treat the school as if it were open for instruction with students in attendance during the hours or days waived under this division.

(I) The department of education and workforce shall reduce the amounts paid under section 3317.022 of the Revised Code to

reflect payments made to colleges under section 3365.07 of the Revised Code.

(J) (1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A) (23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted by the department of education and workforce, in consultation with the auditor of state, the department shall reduce the amounts otherwise payable under section 3317.022 of the Revised Code to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.

The director and the auditor of state shall jointly establish a method for auditing any community school to which

this division pertains to ensure compliance with this section. 54202

The director, auditor of state, and the governor shall 54203
jointly make recommendations to the general assembly for 54204
legislative changes that may be required to assure fiscal and 54205
academic accountability for such schools. 54206

(K) (1) If the department determines that a review of a 54207
community school's enrollment is necessary, such review shall be 54208
completed and written notice of the findings shall be provided 54209
to the governing authority of the community school and its 54210
sponsor within ninety days of the end of the community school's 54211
fiscal year, unless extended for a period not to exceed thirty 54212
additional days for one of the following reasons: 54213

(a) The department and the community school mutually agree 54214
to the extension. 54215

(b) Delays in data submission caused by either a community 54216
school or its sponsor. 54217

(2) If the review results in a finding that additional 54218
funding is owed to the school, such payment shall be made within 54219
thirty days of the written notice. If the review results in a 54220
finding that the community school owes moneys to the state, the 54221
following procedure shall apply: 54222

(a) Within ten business days of the receipt of the notice 54223
of findings, the community school may appeal the department's 54224
determination to the director. 54225

(b) The director shall conduct an informal hearing on the 54226
matter within thirty days of receipt of such an appeal and shall 54227
issue a decision within fifteen days of the conclusion of the 54228
hearing. 54229

(c) Any decision made by the director under this division 54230
is final. 54231

(3) If it is decided that the community school owes moneys 54232
to the state, the department shall deduct such amount from the 54233
school's future payments in accordance with guidelines issued by 54234
the director. 54235

(L) The department shall not pay to a community school 54236
under section 3317.022 of the Revised Code any amount for any of 54237
the following: 54238

(1) Any student who has graduated from the twelfth grade 54239
of a public or nonpublic high school; 54240

(2) Any student who is not a resident of the state; 54241

(3) Any student who was enrolled in the community school 54242
during the previous school year when assessments were 54243
administered under section 3301.0711 of the Revised Code but did 54244
not take one or more of the assessments required by that section 54245
and was not excused pursuant to division (C)(1) or (3) of that 54246
section, unless the director grants the student a waiver from 54247
the requirement to take the assessment and a parent is not 54248
paying tuition for the student pursuant to section 3314.26 of 54249
the Revised Code. The director may grant a waiver only for good 54250
cause in accordance with rules adopted by the department. 54251

(4) Any student who has attained the age of twenty-two 54252
years, except for veterans of the armed services whose 54253
attendance was interrupted before completing the recognized 54254
twelve-year course of the public schools by reason of induction 54255
or enlistment in the armed forces and who apply for enrollment 54256
in a community school not later than four years after 54257
termination of war or their honorable discharge. If, however, 54258

any such veteran elects to enroll in special courses organized 54259
for veterans for whom tuition is paid under federal law, or 54260
otherwise, the department shall not pay to a community school 54261
under section 3317.022 of the Revised Code any amount for that 54262
veteran. 54263

Sec. 3314.089. (A) In any fiscal year, a community school 54264
receiving funds calculated under division (A) (8) of section 54265
3317.022 of the Revised Code shall spend those funds only for 54266
the purposes that the department designates as approved for 54267
career-technical education expenses. Career-technical education 54268
expenses approved by the department shall include only expenses 54269
connected to the delivery of career-technical programming to 54270
career-technical students. The department shall require the 54271
school to report data annually so that the department may 54272
monitor the school's compliance with the requirements regarding 54273
the manner in which funding received under division (A) (8) of 54274
section 3317.022 of the Revised Code may be spent. 54275

(B) Except as provided in division (C) of this section, 54276
all funds received under division (A) (8) of section 3317.022 of 54277
the Revised Code shall be spent in the following manner: 54278

(1) At least seventy-five per cent of the funds shall be 54279
spent on curriculum development, purchase, and implementation; 54280
instructional resources and supplies; industry-based program 54281
certification; student assessment, credentialing, and placement; 54282
curriculum specific equipment purchases and leases; career- 54283
technical student organization fees and expenses; home and 54284
agency linkages; work-based learning experiences; professional 54285
development; and other costs directly associated with career- 54286
technical education programs including development of new 54287
programs. 54288

(2) Not more than twenty-five per cent of the funds shall 54289
be used for personnel expenditures. 54290

(C) The department may waive the requirements in division 54291
(B) of this section for any community school that exclusively 54292
provides one or more career-technical workforce development 54293
programs in arts and communications that are not equipment- 54294
intensive, as determined by the department. 54295

~~(D) In any fiscal year, a community school receiving funds 54296~~
~~under division (H) of section 3317.014 of the Revised Code shall 54297~~
~~spend those funds only on the following purposes:— 54298~~

~~(1) Delivery of career awareness programs to students 54299~~
~~enrolled in grades kindergarten through twelve;— 54300~~

~~(2) Provision of a common, consistent curriculum to 54301~~
~~students throughout their primary and secondary education;— 54302~~

~~(3) Assistance to teachers in providing a career- 54303~~
~~development curriculum to students;— 54304~~

~~(4) Development of a career development plan for each 54305~~
~~student that stays with that student for the duration of the 54306~~
~~student's primary and secondary education;— 54307~~

~~(5) Provision of opportunities for students to engage in 54308~~
~~activities, such as career fairs, hands-on experiences, and job- 54309~~
~~shadowing, across all career pathways at each grade level.— 54310~~

~~The department may deny payment under division (E) of 54311~~
~~section 3317.014 of the Revised Code to any school that the 54312~~
~~department determines is using funds paid under division (H) of 54313~~
~~section 3317.014 of the Revised Code for other purposes. 54314~~

Sec. 3314.19. The sponsor of each community school shall 54315
provide the ~~following~~ assurances required under this section in 54316

writing to the department of education and workforce not later 54317
than ~~ten~~ five business days prior to the opening of the school's 54318
first year of operation or, if the school is not an internet- or 54319
computer-based community school and it ~~changes the~~ relocates to 54320
a different building from which it operates or opens a satellite 54321
location, not later than five business days prior to the opening 54322
of the first year it operates from the new building+ facility. 54323
In cases where a school adds a facility to the existing school 54324
location or the school is an internet or computer-based 54325
community school and changes its location or adds a satellite 54326
location, the sponsor shall provide the assurances not later 54327
than one day prior to the operation in the new facility. The 54328
assurances shall include the following statements: 54329

(A) That a current copy of the contract between the 54330
sponsor and the governing authority of the school entered into 54331
under section 3314.03 of the Revised Code has been filed with 54332
the department and that any subsequent modifications to that 54333
contract will be filed with the department; 54334

(B) That the school has submitted to the sponsor a plan 54335
for providing special education and related services to students 54336
with disabilities and has demonstrated the capacity to provide 54337
those services in accordance with Chapter 3323. of the Revised 54338
Code and federal law; 54339

(C) That the school has a plan and procedures for 54340
administering the achievement and diagnostic assessments 54341
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 54342
the Revised Code; 54343

(D) That school personnel have the necessary training, 54344
knowledge, and resources to properly use and submit information 54345
to all databases maintained by the department for the collection 54346

of education data, including the education management 54347
information system established under section 3301.0714 of the 54348
Revised Code in accordance with methods and timelines 54349
established under section 3314.17 of the Revised Code; 54350

(E) That all required information about the school has 54351
been submitted to the Ohio education directory system or any 54352
successor system; 54353

(F) That the school will enroll at least the minimum 54354
number of students required by division (A) (11) (a) of section 54355
3314.03 of the Revised Code in the school year for which the 54356
assurances are provided; 54357

(G) That all classroom teachers are licensed in accordance 54358
with sections 3319.22 to 3319.31 of the Revised Code, except for 54359
noncertificated persons engaged to teach up to twelve hours or 54360
forty hours per week pursuant to section 3319.301 of the Revised 54361
Code; 54362

(H) That the school's fiscal officer is in compliance with 54363
section 3314.011 of the Revised Code; 54364

(I) That the school has complied with sections 3319.39 and 54365
3319.391 of the Revised Code with respect to all employees and 54366
that the school has conducted a criminal records check of each 54367
of its governing authority members; 54368

(J) That the school holds all of the following: 54369

(1) Proof of property ownership or a lease for the 54370
facilities used by the school; 54371

(2) A certificate of occupancy; 54372

(3) Liability insurance for the school, as required by 54373
division (A) (11) (b) of section 3314.03 of the Revised Code, that 54374

the sponsor considers sufficient to indemnify the school's	54375
facilities, staff, and governing authority against risk;	54376
(4) A satisfactory health and safety inspection;	54377
(5) A satisfactory fire inspection;	54378
(6) A valid food permit, if applicable.	54379
(K) That the sponsor has conducted a pre-opening site	54380
visit to the school for the school year for which the assurances	54381
are provided;	54382
(L) That the school has designated a date it will open for	54383
the school year for which the assurances are provided that is in	54384
compliance with division (A) (25) of section 3314.03 of the	54385
Revised Code;	54386
(M) That the school has met all of the sponsor's	54387
requirements for opening and any other requirements of the	54388
sponsor.	54389
(N) That, for any school that operates using the blended	54390
learning model, as defined in section 3301.079 of the Revised	54391
Code, the sponsor has reviewed the following information,	54392
submitted by the school:	54393
(1) An indication of what blended learning model or models	54394
will be used;	54395
(2) A description of how student instructional needs will	54396
be determined and documented;	54397
(3) The method to be used for determining competency,	54398
granting credit, and promoting students to a higher grade level;	54399
(4) The school's attendance requirements, including how	54400
the school will document participation in learning	54401

opportunities; 54402

(5) A statement describing how student progress will be 54403
monitored; 54404

(6) A statement describing how private student data will 54405
be protected; 54406

(7) A description of the professional development 54407
activities that will be offered to teachers. 54408

Sec. 3314.191. Notwithstanding any provision to the 54409
contrary in the Revised Code, the department of education and 54410
workforce shall make no payment under section 3317.022 of the 54411
Revised Code to a community school opening for its first year of 54412
operation until the sponsor of that school confirms all of the 54413
following: 54414

(A) The school is in compliance with the provisions 54415
described in divisions (A), (H), (I), and (J) (3) of section 54416
3314.19 of the Revised Code. 54417

(B) The sponsor has approved the financial controls 54418
required by the ~~comprehensive plan for the school contract the~~ 54419
sponsor enters into with the governing authority of the 54420
community school under division (B) (5) of section 3314.03 of the 54421
Revised Code. 54422

(C) The school facilities will be ready and open for use 54423
by the date prescribed in the contract entered into under 54424
section 3314.03 of the Revised Code, and the sponsor has 54425
reviewed any lease, purchase agreement, permits required by 54426
statute or contract, and construction plans. 54427

(D) The chief administrator of the community school 54428
actively is managing daily operations at the school. 54429

(E) The projected enrollment reported to the department is 54430
accurate. 54431

Sec. 3314.261. This section shall not apply to an 54432
internet- or computer-based community school ~~in which a majority~~ 54433
~~of the students are enrolled in a dropout prevention and~~ 54434
~~recovery program~~ that is a dropout prevention and recovery 54435
community school. 54436

(A) For purposes of this section, "instructional 54437
activities" means the following classroom-based or nonclassroom- 54438
based activities that a student is expected to complete, 54439
participate in, or attend during any given school day: 54440

(1) Online logins to curriculum or programs; 54441

(2) Offline activities; 54442

(3) Completed assignments within a particular program, 54443
curriculum, or class; 54444

(4) Testing; 54445

(5) Face-to-face communications or meetings with school 54446
staff or service providers; 54447

(6) Telephone or video conferences with school staff or 54448
service providers; 54449

(7) Other documented communication with school staff or 54450
service providers related to school curriculum or programs. 54451

(B) (1) Each internet- or computer-based community school's 54452
attendance policy adopted in accordance with division (A) (6) (b) 54453
of section 3314.03 of the Revised Code shall specify that a 54454
student is considered in attendance at the school when the 54455
student satisfies either of the following conditions: 54456

(a) The student participates in at least ninety per cent 54457
of the hours of instructional activities offered by the school 54458
in that school year; 54459

(b) The student is on pace for on-time completion of any 54460
course in which the student is enrolled. The school's attendance 54461
policy shall define "on pace for on-time completion" for 54462
purposes of division (B) (1) (b) of this section. 54463

(2) If a student is not considered in attendance under 54464
division (B) (1) of this section, the student shall be considered 54465
absent for those hours of instructional activities offered by 54466
the school in that school year in which the student does not 54467
participate. 54468

(3) In the event that a student has thirty or more hours 54469
of unexcused absences in any semester, the internet- or 54470
computer-based community school in which the student is enrolled 54471
shall submit a written report to the student's parent, guardian, 54472
or custodian. 54473

(C) Notwithstanding section 3321.191 of the Revised Code, 54474
each internet- or computer-based community school shall develop 54475
and adopt a policy regarding failure to participate in 54476
instructional activities. The policy shall state that a student 54477
shall become subject to certain consequences, including 54478
disenrollment from the school, if both of the following 54479
conditions are satisfied: 54480

(1) After the student's parent, guardian, or custodian 54481
receives a written report under division (B) (2) of this section, 54482
the student fails to comply with the policy adopted under 54483
division (C) of this section within a reasonable period of time 54484
specified by the school; 54485

(2) Other intervention strategies contained in the policy 54486
adopted under division (C) of this section fail to cause a 54487
student's attendance to comply with the policy. 54488

(D) If an internet- or computer-based community school 54489
disenrolled a student pursuant to a policy adopted under 54490
division (C) of this section, the student shall not be eligible 54491
to re-enroll in that school for the remainder of the school year 54492
in which the student is disenrolled. This division does not 54493
prohibit a disenrolled student from enrolling in another 54494
internet- or computer-based community school. 54495

(E) If an internet- or computer-based community school 54496
disenrolls a student pursuant to a policy adopted under division 54497
(C) of this section, the school shall do both of the following: 54498

(1) Provide the student's parent, guardian, or custodian 54499
with a list of alternative educational options available to the 54500
student; 54501

(2) Within forty-eight hours of the student's 54502
disenrollment, notify the student's resident school district in 54503
writing. 54504

(F) Nothing in this section shall be construed to affect 54505
the procedure for automatically withdrawing a student from 54506
school that must be adopted as part of a school's attendance 54507
policy in accordance with division (A)(6)(b) of section 3314.03 54508
of the Revised Code. 54509

Sec. 3314.29. (A) This section applies to any internet- or 54510
computer-based community school that meets all of the following 54511
conditions: 54512

(1) Serves all of grades kindergarten through twelve; 54513

- (2) Has an enrollment of at least two thousand students; 54514
- (3) Has a sponsor that was not rated ineffective or poor 54515
on its most recent evaluation under section 3314.016 of the 54516
Revised Code. 54517
- (B) Beginning with the 2018-2019 school year, the 54518
governing authority of a community school to which this section 54519
applies may adopt a resolution to divide the school into two or 54520
three separate schools as follows: 54521
- (1) If the school is divided into two schools, one school 54522
shall serve grades kindergarten through eight and one school 54523
shall serve grades nine through twelve. 54524
- (2) If the school is divided into three schools, one 54525
school shall serve grades kindergarten through five, one school 54526
shall serve grades six through eight, and one school shall serve 54527
grades nine through twelve. 54528
- (C) The resolution adopted by the governing authority 54529
shall not be effective unless approved by the school's sponsor. 54530
Following approval of the resolution by the sponsor, and by the 54531
fifteenth day of March prior to the school year in which it will 54532
take effect, the governing authority shall file the resolution 54533
with the department of education and workforce. The division of 54534
the schools shall be effective on the first day of July 54535
succeeding the date the resolution is filed with the department. 54536
- (D) All of the following shall apply to each new school 54537
created as a result of the resolution authorized by this section 54538
and to the school that is divided as a result of the resolution: 54539
- (1) Each school shall have the same governing authority. 54540
- (2) The sponsor and governing authority shall enter into a 54541

separate contract under section 3314.03 of the Revised Code for 54542
each school. 54543

(3) No school shall ~~primarily serve students enrolled in~~ 54544
~~be~~ a dropout prevention and recovery ~~program operated by the~~ 54545
~~school~~ community school. 54546

(4) No school shall be permitted to divide again under 54547
this section. 54548

(5) Notwithstanding anything to the contrary in division 54549
(B) (2) of section 3314.016 of the Revised Code, each school 54550
shall be included in the calculation of the academic performance 54551
component for purposes of rating the schools' sponsor under the 54552
evaluation system prescribed by that section. 54553

(6) Each school shall be subject to the laws contained in 54554
Chapter 3314. of the Revised Code, except as otherwise specified 54555
in this section. 54556

(E) The department shall issue a report card under section 54557
3314.012 of the Revised Code for each new school created as a 54558
result of the resolution authorized by this section and for the 54559
school that is divided as a result of the resolution. For 54560
purposes of the report cards and other reporting requirements 54561
under this chapter, the department shall assign the school that 54562
serves the highest grades the same internal retrieval number 54563
previously used by the school that is divided under this 54564
section. The department shall assign a new internal retrieval 54565
number to each other school resulting from the division. 54566

Notwithstanding division (A) of section 3314.012 of the 54567
Revised Code, the ratings a school receives on its report card 54568
for the first two full school years after the division under 54569
this section shall count toward closure of the school under 54570

section 3314.35 of the Revised Code and any other matter that is 54571
based on report card ratings or measures. 54572

Sec. 3314.35. (A) Except as provided in division (B) of 54573
this section and section 3314.355 of the Revised Code, this 54574
section applies to any community school that meets one of the 54575
following criteria: 54576

(1) The school does not offer a grade level higher than 54577
three and, for the three most recent school years, satisfies 54578
either of the following criteria: 54579

(a) The school has received a performance rating of one 54580
star for early literacy under division (D) (3) (e) of section 54581
3302.03 of the Revised Code; 54582

(b) The school has received an overall performance rating 54583
of less than two stars under division (D) (3) of section 3302.03 54584
of the Revised Code. 54585

(2) The school offers any of grade levels four to eight 54586
but does not offer a grade level higher than nine and, for the 54587
three most recent school years, satisfies either of the 54588
following criteria: 54589

(a) The school has received a performance rating of one 54590
star for both achievement under division (D) (3) (b) of section 54591
3302.03 of the Revised Code and progress under division (D) (3) 54592
(c) of that section; 54593

(b) The school has received an overall performance rating 54594
of less than two stars under division (D) of section 3302.03 of 54595
the Revised Code and a performance rating of one star for 54596
progress under division (D) (3) (c) of that section. 54597

(3) The school offers any of grade levels ten to twelve 54598

and, for the three most recent school years, satisfies either of 54599
the following criteria: 54600

(a) The school has received a performance rating of "one 54601
star" for achievement under division (D) (3) (b) of section 54602
3302.03 of the Revised Code and has not met annual measurable 54603
objectives for gap closing under division (D) (3) (a) of that 54604
section, as determined by the department of education and 54605
workforce; 54606

(b) The school has received an overall performance rating 54607
of less than two stars under division (D) of section 3302.03 of 54608
the Revised Code and a performance rating of one star for 54609
progress under division (D) (1) (b) of that section. 54610

For purposes of division (A) of this section only, the 54611
department shall calculate the value-added progress dimension 54612
for a community school using assessment scores for only those 54613
students to whom the school has administered the achievement 54614
assessments prescribed by section 3301.0710 of the Revised Code 54615
for at least the two most recent school years but using value- 54616
added data from only the most recent school year. 54617

(B) This section does not apply to either of the 54618
following: 54619

(1) Any dropout prevention and recovery community school 54620
~~in which a majority of the students are enrolled in a dropout~~ 54621
~~prevention and recovery program that is operated by the school.~~ 54622
Rather, such schools shall be subject to closure only as 54623
provided in section 3314.351 of the Revised Code. However, prior 54624
to July 1, 2014, a community school in which a majority of the 54625
students are enrolled in a dropout prevention and recovery 54626
program shall be exempt from this section only if it has been 54627

granted a waiver under section 3314.36 of the Revised Code. 54628

(2) Any community school in which a majority of the 54629
enrolled students are children with disabilities receiving 54630
special education and related services in accordance with 54631
Chapter 3323. of the Revised Code. 54632

(C) Any community school to which this section applies 54633
shall permanently close at the conclusion of the school year in 54634
which the school first becomes subject to this section. The 54635
sponsor and governing authority of the school shall comply with 54636
all procedures for closing a community school adopted by the 54637
department under division (E) of section 3314.015 of the Revised 54638
Code. The governing authority of the school shall not enter into 54639
a contract with any other sponsor under section 3314.03 of the 54640
Revised Code after the school closes. 54641

(D) Nothing in this section or in any other provision of 54642
the Revised Code prohibits the sponsor of a community school 54643
from exercising its option not to renew a contract for any 54644
reason or from terminating a contract prior to its expiration 54645
for any of the reasons set forth in section 3314.07 of the 54646
Revised Code. 54647

Sec. 3314.351. (A) This section applies to any dropout 54648
prevention and recovery community school ~~in which a majority of~~ 54649
~~the students are enrolled in a dropout prevention and recovery~~ 54650
~~program~~. Except as provided in division (F) of this section, any 54651
such community school that has received a designation of "does 54652
not meet standards," as described in division (D)(1) of section 54653
3314.017 of the Revised Code on the report card issued under 54654
that section, for the three most recent school years shall be 54655
subject to closure in accordance with this section. 54656

(B) Not later than the first day of September in each school year, the department of education and workforce shall notify each school subject to closure under this section that the school must close not later than the thirtieth day of the following June.

A school so notified shall close as required.

(C) A school that opens on or after July 1, 2014, shall not be subject to closure under this section for its first two years of operation. A school that is in operation prior to July 1, 2014, shall not be subject to closure under this section until after August 31, 2016.

(D) The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

(E) Nothing in this section or in any other provision of the Revised Code prohibits the sponsor of a community school from exercising its option not to renew a contract for any reason or from terminating a contract prior to its expiration for any of the reasons set forth in section 3314.07 of the Revised Code.

(F) Beginning in the 2019-2020 school year, no school shall be subject to closure under this section based on the report card issued for that school for the 2017-2018 or 2018-2019 school year if the school received an overall rating of "meets standards" or "exceeds standards" for the 2017-2018 or 2018-2019 school year pursuant to division (I) of section

3314.017 of the Revised Code. However, no school permanently 54686
closed under this section prior to the 2019-2020 school year 54687
shall be eligible to reopen based on the calculated or 54688
recalculated ratings under division (I) of section 3314.017 of 54689
the Revised Code. 54690

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 54691
not apply to any dropout prevention and recovery community 54692
~~school in which a majority of the students are enrolled in a~~ 54693
~~dropout prevention and recovery program that is operated by the~~ 54694
~~school and that~~ has been granted a waiver by the former 54695
department of education prior to July 1, 2014. 54696

(B) All dropout prevention and recovery community schools 54697
~~in which a majority of the students are enrolled in a dropout~~ 54698
~~prevention and recovery program~~ are subject to the provisions of 54699
section 3314.351 of the Revised Code, regardless of whether a 54700
waiver has been granted under this section prior to July 1, 54701
2014. Thereafter, no waivers shall be granted under this 54702
section. 54703

Sec. 3314.361. ~~Notwithstanding anything to the contrary in~~ 54704
~~this chapter, a~~ A community school that operates a drug recovery 54705
program in cooperation with a court shall be considered a 54706
dropout prevention and recovery ~~program~~ community school for 54707
purposes of this chapter, ~~regardless of the ages of students or~~ 54708
~~grade levels served by the school~~ and shall comply with all 54709
enrollment restrictions applicable to such a school. 54710

Sec. 3314.362. Notwithstanding division (A) (10) of section 54711
3314.02 of the Revised Code, a community school that primarily 54712
serves students enrolled in a dropout prevention and recovery 54713
program may continue to operate in the 2025-2026 and 2026-2027 54714
school years without complying with that division and shall be 54715

considered a dropout prevention and recovery community school 54716
for the purposes of Title XXXIII of the Revised Code for those 54717
school years. 54718

Notwithstanding anything in the Revised Code to the 54719
contrary, beginning July 1, 2027, any community school that 54720
primarily serves students enrolled in a dropout prevention and 54721
recovery program is a dropout prevention and recovery community 54722
school, as defined in division (A)(10) of section 3314.02 of the 54723
Revised Code. Prior to that date, the school, upon approval of 54724
the school's sponsor, shall do one or both of the following with 54725
any grades that do not comply with division (A)(10) of section 54726
3314.02 of the Revised Code: 54727

(A) Transfer those grades to a separate community school. 54728
The department of education and workforce shall assign the 54729
separate community school its own internal retrieval number. 54730

(B) Cease offering those grades. 54731

The school shall assist students who are not eligible to 54732
enroll in the dropout prevention and recovery community school 54733
to transfer to a separate community school or enroll in a 54734
different school, as applicable. 54735

Sec. 3314.38. (A) As used in this section: 54736

(1) "Competency-based educational program" and "eligible 54737
individual" have the same meanings as in section 3313.902 of the 54738
Revised Code. 54739

(2) "Eligible provider" means a community school that 54740
operates a dropout prevention and recovery program. 54741

(B) An eligible provider may establish a competency-based 54742
educational program that complies with standards adopted by the 54743

department of education and workforce and may enroll eligible 54744
individuals in the program for up to three consecutive school 54745
years for the purpose of earning a high school diploma. The 54746
provider shall establish a career plan for each individual 54747
enrolled in the program that specifies the individual's career 54748
goals and describes how the individual will demonstrate 54749
competency or earn course credits under division (C) of section 54750
3313.902 of the Revised Code to earn a diploma and attain the 54751
individual's career goals. Notwithstanding sections 3313.61, 54752
3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the 54753
Revised Code, the department shall award a highschool diploma 54754
to an individual enrolled in a program who satisfies one of the 54755
conditions specified in division (C) of section 3313.902 of the 54756
Revised Code. 54757

(C) An eligible provider shall report each individual 54758
enrolled in a program under division (B) of this section to the 54759
department. This report shall be in addition to the report 54760
required under division (B) of section 3314.08 of the Revised 54761
Code. The department annually shall certify the enrollment and 54762
attendance of each individual reported under this division and 54763
shall pay the provider up to \$7,500 per school year, as 54764
determined by the department based on the extent of the 54765
individual's successful completion of the diploma requirements 54766
prescribed in division (C) of section 3313.902 of the Revised 54767
Code. 54768

(D) An eligible provider that enrolls individuals under 54769
division (B) of this section is subject to the requirements of 54770
section 3313.902 of the Revised Code, as applicable. 54771

Sec. 3314.381. ~~(A) As used in this section, "dropout~~ 54772
~~recovery community school" has the same meaning as in section~~ 54773

~~3319.301 of the Revised Code.~~

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~~(B)~~ The department of education and workforce shall
establish the dropout prevention and recovery advisory council.
The council shall provide a forum for communication and
collaboration between the department and parties involved in the
establishment and operation of dropout prevention and recovery
community schools, including sponsors and operators.

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~~(C)~~ (B) The advisory council shall consist of the following
members appointed by the director of education and workforce:

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(1) Two members of the state board of education;

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(2) One employee of the department who works directly with
dropout prevention and recovery community schools, including any
employee who works as a liaison with such schools;

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(3) Seven individuals with experience in dropout
prevention and recovery community schools, their operators, and
their sponsors. In appointing these individuals, the director
shall ensure they represent a diverse array of schools in terms
of enrollment, programs, learning models, and methods of
instruction.

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~~(D)~~ (C) The advisory council shall, in collaboration with
the director, review all existing rules and guidance previously
developed or adopted by the department pursuant to division ~~(D)~~
(C) of section 3314.382 of the Revised Code.

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Sec. 3314.382. (A) ~~As used in this section, "dropout~~
~~recovery community school" has the same meaning as in section~~
~~3319.301 of the Revised Code.~~

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~~(B)~~ Notwithstanding anything to the contrary in the
Revised Code, the department of education and workforce shall

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only adopt rules in accordance with Chapter 119. of the Revised 54802
Code for any requirement to be imposed on a dropout prevention 54803
and recovery community school. The department shall not develop 54804
guidelines that impose requirements on the general and uniform 54805
operation of a dropout prevention and recovery community school. 54806

~~(C)~~ (B) Pursuant to section 119.035 of the Revised Code, 54807
prior to adoption, the dropout prevention and recovery advisory 54808
council established under section 3314.381 of the Revised Code 54809
shall review any proposed rule described in division ~~(B)~~ (A) of 54810
this section. 54811

~~(D)~~ (C) Any guidance document previously developed by the 54812
department that establishes general and uniform operations 54813
regarding a dropout recovery community school in effect on ~~the~~ 54814
~~effective date of this section~~ October 3, 2023, is void after 54815
that date. 54816

Sec. 3315.063. No board of education of any school 54817
district shall expend more than fifteen per cent of the board's 54818
annual operating budget on administrative salaries and benefits 54819
and other costs associated with the district's administrative 54820
offices. 54821

Sec. 3316.031. (A) The director of education and 54822
workforce, in consultation with the auditor of state, shall 54823
develop guidelines for identifying fiscal practices and 54824
budgetary conditions that, if uncorrected, could result in a 54825
future declaration of a fiscal watch or fiscal emergency within 54826
a school district. 54827

The guidelines shall not include a requirement that a 54828
school district submit financial statements according to 54829
generally accepted accounting principles. 54830

(B) (1) If the director determines from a school district's 54831
~~five-year~~ three-year forecast submitted under section 5705.391 54832
of the Revised Code that a district is engaging in any of those 54833
practices or that any of those conditions exist within the 54834
district, after consulting with the district board of education 54835
concerning the practices or conditions, the director may declare 54836
the district to be under a fiscal caution. 54837

(2) If the auditor of state finds that a district is 54838
engaging in any of those practices or that any of those 54839
conditions exist within the district, the auditor of state shall 54840
report that finding to the director and, after consulting with 54841
the district board of education concerning the practices or 54842
conditions, the director may declare the district to be under a 54843
fiscal caution. 54844

(3) Unless the auditor of state has elected to declare a 54845
state of fiscal watch under division (A) (4) of section 3316.03 54846
of the Revised Code, the director shall declare a school 54847
district to be under a fiscal caution if the conditions 54848
described in divisions (A) (4) (a) and (b) of that section are 54849
both satisfied with respect to the school district. 54850

(C) When the director declares a district to be under 54851
fiscal caution, the director shall promptly notify the district 54852
board of education of that declaration and shall request the 54853
board to provide written proposals for discontinuing or 54854
correcting the fiscal practices or budgetary conditions that 54855
prompted the declaration and for preventing the district from 54856
experiencing further fiscal difficulties that could result in 54857
the district being declared to be in a state of fiscal watch or 54858
fiscal emergency. 54859

(D) The director, or a designee, may visit and inspect any 54860

district that is declared to be under a fiscal caution. The 54861
department of education and workforce shall provide technical 54862
assistance to the district board in implementing proposals to 54863
eliminate the practices or budgetary conditions that prompted 54864
the declaration of fiscal caution and may make recommendations 54865
concerning the board's proposals. 54866

(E) If the director finds that a school district declared 54867
to be under a fiscal caution has not made reasonable proposals 54868
or otherwise taken action to discontinue or correct the fiscal 54869
practices or budgetary conditions that prompted the declaration 54870
of fiscal caution, and if the director considers it necessary to 54871
prevent further fiscal decline, the director may determine that 54872
the district should be in a state of fiscal watch. As provided 54873
in division (A)(3) of section 3316.03 of the Revised Code, the 54874
auditor of state shall declare the district to be in a state of 54875
fiscal watch if the auditor of state finds the director's 54876
determination to be reasonable. 54877

Sec. 3316.043. Upon the approval by the director of 54878
education and workforce of an initial financial plan under 54879
section 3316.04 of the Revised Code or a financial recovery plan 54880
under section 3316.06 of the Revised Code, the board of 54881
education of the school district for which the plan was approved 54882
shall revise the district's ~~five-year~~ three-year projection of 54883
revenues and expenditures in accordance with rules adopted under 54884
section 5705.391 of the Revised Code so that the ~~five-year~~ 54885
three-year projection is consistent with the financial plan or 54886
financial recovery plan. In the case of a school district 54887
declared to be in a state of fiscal emergency, the ~~five-year~~ 54888
three-year projection shall be revised by the financial planning 54889
and supervision commission for that district. 54890

Sec. 3316.08. During a school district's fiscal emergency 54891
period, the auditor of state shall determine annually, or at any 54892
other time upon request of the financial planning and 54893
supervision commission, whether the school district will incur 54894
an operating deficit. If the auditor of state determines that a 54895
school district will incur an operating deficit, the auditor of 54896
state shall certify that determination to the director of 54897
education and workforce, the financial planning and supervision 54898
commission, and the board of education of the school district. 54899
Upon receiving the auditor of state's certification, the 54900
commission shall adopt a resolution requesting that the board of 54901
education work with the county auditor or tax commissioner to 54902
estimate the amount and rate of a tax levy that is needed under 54903
section 5705.194, 5705.199, or 5705.21 or Chapter 5748. of the 54904
Revised Code to produce a positive fund balance not later than 54905
the ~~fifth-third~~ year of the ~~five-year-three-year~~ forecast 54906
submitted under section 5705.391 of the Revised Code. 54907

The board of education shall recommend to the commission 54908
whether the board supports or opposes a tax levy under section 54909
5705.194, 5705.199, or 5705.21 or Chapter 5748. of the Revised 54910
Code and shall provide supporting documentation to the 54911
commission of its recommendation. 54912

After considering the board of education's recommendation 54913
and supporting documentation, the commission shall adopt a 54914
resolution to either submit a ballot question proposing a tax 54915
levy or not to submit such a question. 54916

Except as otherwise provided in this division, the tax 54917
shall be levied in the manner prescribed for a tax levied under 54918
section 5705.194, 5705.199, or 5705.21 or under Chapter 5748. of 54919
the Revised Code. If the commission decides that a tax should be 54920

levied, the tax shall be levied for the purpose of paying 54921
current operating expenses of the school district. The rate of a 54922
property tax levied under section 5705.194, 5705.199, 5705.21, 54923
or 5748.09 of the Revised Code shall be determined by the county 54924
auditor, and the rate of an income tax levied under section 54925
5748.02, 5748.08, or 5748.09 of the Revised Code shall be 54926
determined by the tax commissioner, upon the request of the 54927
commission. The commission, in consultation with the board of 54928
education, shall determine the election at which the question of 54929
the tax shall appear on the ballot, and the commission shall 54930
submit a copy of its resolution to the board of elections not 54931
later than ninety days prior to the day of that election. The 54932
board of elections conducting the election shall certify the 54933
results of the election to the board of education and to the 54934
financial planning and supervision commission. 54935

Sec. 3316.16. (A) A school district financial planning and 54936
supervision commission, with respect to its functions under this 54937
chapter, shall continue in existence until such time as a 54938
determination is made under division (B) of this section that 54939
all of the following have occurred: 54940

(1) An effective financial accounting and reporting system 54941
in accordance with section 3316.10 of the Revised Code is in the 54942
process of being implemented, and it is reasonably expected that 54943
this implementation will be completed within two years. 54944

(2) All of the fiscal emergency conditions determined 54945
pursuant to division (B) of section 3316.03 of the Revised Code 54946
have been corrected or eliminated, and no new fiscal emergency 54947
conditions have occurred. 54948

(3) The objectives of the financial recovery plan 54949
described in section 3316.06 of the Revised Code are being met. 54950

(4) The school district board has prepared a financial 54951
forecast for a ~~five-year~~ three-year period in accordance with 54952
the standards issued by the auditor of state and an opinion has 54953
been rendered by the auditor of state that the financial 54954
forecast is considered to be nonadverse. The forecast shall 54955
display the district's projected compliance with section 3315.18 54956
of the Revised Code beginning in the year the commission is 54957
proposed for termination. 54958

(B) The determination that all conditions listed in 54959
division (A) of this section for the termination of the 54960
existence of the commission and its functions exist may be made 54961
either by the auditor of state or by the commission and shall be 54962
certified to the commission, the auditor of state, the governor, 54963
the director of budget and management, and the budget 54964
commission, whereupon such commission and its functions under 54965
this chapter shall terminate. This determination shall be made 54966
by the auditor of state upon the filing with the auditor of 54967
state of a written request for such a determination by the 54968
school district board, the governor, or the commission, or may 54969
be made by the auditor of state upon the auditor of state's own 54970
initiative. 54971

(C) The commission shall prepare and submit at the time of 54972
such certification a final report of its activities, in such 54973
form as is appropriate for the purpose of providing a record of 54974
its activities and assisting other commissions created under 54975
this chapter in the conduct of their functions. All of the books 54976
and records of the commission shall be delivered to the auditor 54977
of state for retention and safekeeping. 54978

(D) Upon receipt of the certification provided for in 54979
division (B) of this section, the director of budget and 54980

management shall follow the procedures set forth in section 54981
126.29 of the Revised Code. 54982

(E) If, at the time of termination of the commission, an 54983
effective financial accounting and reporting system has not been 54984
fully implemented, the auditor of state shall monitor the 54985
progress of implementation and shall exercise authority under 54986
this section and Chapter 117. of the Revised Code to secure full 54987
implementation at the earliest time feasible but within two 54988
years after such termination. 54989

Sec. 3317.01. As used in this section, "school district," 54990
unless otherwise specified, means any city, local, exempted 54991
village, joint vocational, or cooperative education school 54992
district and any educational service center. 54993

This chapter shall be administered by the department of 54994
education and workforce. The department of education and 54995
workforce shall calculate the amounts payable to each school 54996
district and shall certify the amounts payable to each eligible 54997
district to the treasurer of the district as provided by this 54998
chapter. Certification of moneys pursuant to this section shall 54999
include the amounts payable to each school building, at a 55000
frequency determined by the department, for each subgroup of 55001
students, as defined in section 3317.40 of the Revised Code, 55002
receiving services, provided for by state funding, from the 55003
district or school. No moneys shall be distributed pursuant to 55004
this chapter without the approval of the controlling board. 55005

The department shall, in accordance with appropriations 55006
made by the general assembly, meet the financial obligations of 55007
this chapter. 55008

Moneys distributed to school districts pursuant to this 55009

chapter shall be calculated based on the annual enrollment 55010
calculated from the three reports required under ~~sections~~ 55011
section 3317.03 and 3317.036 of the Revised Code and paid on a 55012
fiscal year basis, beginning with the first day of July and 55013
extending through the thirtieth day of June. In any given fiscal 55014
year, prior to school districts submitting the first report 55015
required under section 3317.03 of the Revised Code, enrollment 55016
for the districts shall be calculated based on the third report 55017
submitted by the districts for the previous fiscal year. The 55018
moneys appropriated for each fiscal year shall be distributed 55019
periodically to each school district unless otherwise provided 55020
for. The department, in June of each year, shall submit to the 55021
controlling board the department's year-end distributions 55022
pursuant to this chapter. 55023

Except as otherwise provided, payments under this chapter 55024
shall be made only to those school districts in which: 55025

(A) The school district, except for any educational 55026
service center and any joint vocational or cooperative education 55027
school district, levies for current operating expenses at least 55028
twenty mills, unless the school district is levying less than 55029
that amount due solely to the operation of section 5705.316 of 55030
the Revised Code. Levies for joint vocational or cooperative 55031
education school districts or county school financing districts, 55032
limited to or to the extent apportioned to current expenses, 55033
shall be included in this qualification requirement. School 55034
district income tax levies under Chapter 5748. of the Revised 55035
Code, limited to or to the extent apportioned to current 55036
operating expenses, shall be included in this qualification 55037
requirement to the extent determined by the tax commissioner 55038
under division (C) of section 3317.021 of the Revised Code. 55039

(B) The school year next preceding the fiscal year for 55040
which such payments are authorized meets the requirement of 55041
section 3313.48 of the Revised Code, with regard to the minimum 55042
number of hours school must be open for instruction with pupils 55043
in attendance, for individualized parent-teacher conference and 55044
reporting periods, and for professional meetings of teachers. 55045

A school district shall not be considered to have failed 55046
to comply with this division because schools were open for 55047
instruction but either twelfth grade students were excused from 55048
attendance for up to the equivalent of three school days or only 55049
a portion of the kindergarten students were in attendance for up 55050
to the equivalent of three school days in order to allow for the 55051
gradual orientation to school of such students. 55052

A board of education or governing board of an educational 55053
service center which has not conformed with other law and the 55054
rules pursuant thereto, shall not participate in the 55055
distribution of funds authorized by this chapter, except for 55056
good and sufficient reason established to the satisfaction of 55057
the department and the state controlling board. 55058

All funds allocated to school districts under this 55059
chapter, except those specifically allocated for other purposes, 55060
shall be used to pay current operating expenses only. 55061

Sec. 3317.011. This section shall apply only for fiscal 55062
years ~~2024-2026~~ and ~~2025~~2027. 55063

(A) As used in this section: 55064

(1) "Average administrative assistant salary" means the 55065
average salary of administrative assistants employed by city, 55066
local, and exempted village school districts in this state with 55067
salaries greater than \$20,000 but less than \$65,000, using 55068

fiscal year 2022 data, as determined by the department of 55069
education and workforce. 55070

(2) "Average bookkeeping and accounting employee salary" 55071
means the average salary of bookkeeping employees and accounting 55072
employees employed by city, local, and exempted village school 55073
districts in this state with salaries greater than \$20,000 but 55074
less than \$80,000, using fiscal year 2022 data, as determined by 55075
the department. 55076

(3) "Average clerical staff salary" means the average 55077
salary of clerical staff employed by city, local, and exempted 55078
village school districts in this state with salaries greater 55079
than \$15,000 but less than \$50,000, using fiscal year 2022 data, 55080
as determined by the department. 55081

(4) "Average counselor salary" means the average salary of 55082
counselors employed by city, local, and exempted village school 55083
districts in this state with salaries greater than \$30,000 but 55084
less than \$95,000, using fiscal year 2022 data, as determined by 55085
the department. 55086

(5) "Average education management information system 55087
support employee salary" means the average salary of accounting 55088
employees employed by city, local, and exempted village school 55089
districts in this state with salaries greater than \$30,000 but 55090
less than \$90,000, using fiscal year 2022 data, as determined by 55091
the department. 55092

(6) "Average librarian and media staff salary" means the 55093
average salary of librarians and media staff employed by city, 55094
local, and exempted village school districts in this state with 55095
salaries greater than \$30,000 but less than \$95,000, using 55096
fiscal year 2022 data, as determined by the department. 55097

(7) "Average other district administrator salary" means 55098
the average salary of all assistant superintendents and 55099
directors employed by city, local, and exempted village school 55100
districts in this state with salaries greater than \$50,000 but 55101
less than \$135,000, using fiscal year 2022 data, as determined 55102
by the department. 55103

(8) "Average principal salary" means the average salary of 55104
all principals employed by city, local, and exempted village 55105
school districts in this state with salaries greater than 55106
\$50,000 but less than \$120,000, using fiscal year 2022 data, as 55107
determined by the department. 55108

(9) "Average superintendent salary" means the average 55109
salary of all superintendents employed by city, local, and 55110
exempted village school districts in this state with salaries 55111
greater than \$60,000 but less than \$180,000, using fiscal year 55112
2022 data, as determined by the department. 55113

(10) "Average teacher cost" for a fiscal year is equal to 55114
the sum of the following: 55115

(a) The average salary of teachers employed by city, 55116
local, and exempted village school districts in this state with 55117
salaries greater than \$30,000 but less than \$95,000, using 55118
fiscal year 2022 data, as determined by the department; 55119

(b) An amount for teacher benefits equal to 0.16 times the 55120
average salary calculated under division (A) (10) (a) of this 55121
section; 55122

(c) An amount for district-paid insurance costs equal to 55123
the following product: 55124

The statewide weighted average employer-paid monthly premium 55125
based on data reported by city, local, and exempted village 55126

school districts to the state employment relations board for the 55127
health insurance survey conducted in accordance with divisions 55128
(K) (5) and (6) of section 4117.02 of the Revised Code using 55129
fiscal year 2022 data X 12 55130

(11) "Eligible school district" means a city, local, or 55131
exempted village school district that satisfies one of the 55132
following: 55133

(a) The district is a member of an organization that 55134
regulates interscholastic athletics. 55135

(b) The district has teams in at least three different 55136
sports that participate in an interscholastic league. 55137

(B) When calculating a district's aggregate base cost 55138
under this section, the department shall use data from fiscal 55139
year 2022 for all of the following: 55140

(1) The average salaries determined under divisions (A) 55141
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of this 55142
section; 55143

(2) The amount for teacher benefits determined under 55144
division (A) (10) (b) of this section; 55145

(3) The district-paid insurance costs determined under 55146
division (A) (10) (c) of this section; 55147

(4) The spending determined under divisions (E) (4) (a), (E) 55148
(5) (a), (E) (6) (a), and (H) (1) of this section and the 55149
corresponding student counts determined under divisions (E) (4) 55150
(b), (E) (5) (b), (E) (6) (b), and (H) (2) of this section; 55151

(5) The information determined under division (G) (3) of 55152
this section. 55153

(C) A city, local, or exempted village school district's 55154
aggregate base cost for a fiscal year shall be equal to the 55155
following sum: 55156

(The district's teacher base cost for that fiscal year computed 55157
under division (D) of this section) + (the district's student 55158
support base cost for that fiscal year computed under division 55159
(E) of this section) + (the district's leadership and 55160
accountability base cost for that fiscal year computed under 55161
division (F) of this section) + (the district's building 55162
leadership and operations base cost for that fiscal year 55163
computed under division (G) of this section) + (the athletic co- 55164
curricular activities base cost for that fiscal year computed 55165
under division (H) of this section, if the district is an 55166
eligible school district) 55167

(D) The department shall compute a district's teacher base 55168
cost for a fiscal year as follows: 55169

(1) Calculate the district's classroom teacher cost for 55170
that fiscal year as follows: 55171

(a) Determine the full-time equivalency of students in the 55172
district's base cost enrolled ADM for that fiscal year that are 55173
enrolled in kindergarten and divide that number by 20; 55174

(b) Determine the full-time equivalency of students in the 55175
district's base cost enrolled ADM for that fiscal year that are 55176
enrolled in grades one through three and divide that number by 55177
23; 55178

(c) Determine the full-time equivalency of students in the 55179
district's base cost enrolled ADM for that fiscal year that are 55180
enrolled in grades four through eight but are not enrolled in a 55181
career-technical education program or class described under 55182

section 3317.014 of the Revised Code and divide that number by 55183
25; 55184

(d) Determine the full-time equivalency of students in the 55185
district's base cost enrolled ADM for that fiscal year that are 55186
enrolled in grades nine through twelve but are not enrolled in a 55187
career-technical education program or class described under 55188
section 3317.014 of the Revised Code and divide that number by 55189
27; 55190

(e) Determine the full-time equivalency of students in the 55191
district's base cost enrolled ADM for that fiscal year that are 55192
enrolled in a career-technical education program or class, as 55193
certified under divisions (B) (11), (12), (13), (14), and (15) of 55194
section 3317.03 of the Revised Code, and divide that number by 55195
18; 55196

(f) Compute the sum of the quotients obtained under 55197
divisions (D) (1) (a), (b), (c), (d), and (e) of this section; 55198

(g) Compute the classroom teacher cost by multiplying the 55199
average teacher cost for that fiscal year by the sum computed 55200
under division (D) (1) (f) of this section. 55201

(2) Calculate the district's special teacher cost for that 55202
fiscal year as follows: 55203

(a) Divide the district's base cost enrolled ADM for that 55204
fiscal year by 150; 55205

(b) If the quotient obtained under division (D) (2) (a) of 55206
this section is greater than 6, the special teacher cost shall 55207
be equal to that quotient multiplied by the average teacher cost 55208
for that fiscal year. 55209

(c) If the quotient obtained under division (D) (2) (a) of 55210

this section is less than or equal to 6, the special teacher 55211
cost shall be equal to 6 multiplied by the average teacher cost 55212
for that fiscal year. 55213

(3) Calculate the district's substitute teacher cost for 55214
that fiscal year in accordance with the following formula: 55215

(a) Compute the substitute teacher daily rate with 55216
benefits by multiplying the substitute teacher daily rate of \$90 55217
by 1.16; 55218

(b) Compute the substitute teacher cost in accordance with 55219
the following formula: 55220

[The sum computed under division (D) (1) (f) of this section + 55221
(the greater of the quotient obtained under division (D) (2) (a) 55222
of this section and 6)] X the amount computed under division (D) 55223
(3) (a) of this section X 5 55224

(4) Calculate the district's professional development cost 55225
for that fiscal year in accordance with the following formula: 55226

[The sum computed under division (D) (1) (f) of this section + 55227
(the greater of the quotient obtained under division (D) (2) (a) 55228
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 55229
(b) of this section for that fiscal year)/180] X 4 55230

(5) Calculate the district's teacher base cost for that 55231
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 55232
and (4) of this section. 55233

(E) The department shall compute a district's student 55234
support base cost for a fiscal year as follows: 55235

(1) Calculate the district's guidance counselor cost for 55236
that fiscal year as follows: 55237

(a) Determine the number of students in the district's 55238
base cost enrolled ADM for that fiscal year that are enrolled in 55239
grades nine through twelve and divide that number by 360; 55240

(b) Compute the counselor cost in accordance with the 55241
following formula: 55242

(The greater of the quotient obtained under division (E) (1) (a) 55243
of this section and 1) X [(the average counselor salary for that 55244
fiscal year X 1.16) + the amount specified under division (A) 55245
(10) (c) of this section for that fiscal year] 55246

(2) Calculate the district's librarian and media staff 55247
cost for that fiscal year as follows: 55248

(a) Divide the district's base cost enrolled ADM for that 55249
fiscal year by 1,000; 55250

(b) Compute the librarian and media staff cost in 55251
accordance with the following formula: 55252

The quotient obtained under division (E) (2) (a) of this section X 55253
[(the average librarian and media staff salary for that fiscal 55254
year X 1.16) + the amount specified under division (A) (10) (c) of 55255
this section for that fiscal year] 55256

(3) Calculate the district's staffing cost for student 55257
wellness and success for that fiscal year as follows: 55258

(a) Divide the district's base cost enrolled ADM for that 55259
fiscal year by 250; 55260

(b) Compute the staffing cost for student wellness and 55261
success in accordance with the following formula: 55262

(The greater of the quotient obtained under division (E) (3) (a) 55263
of this section and 5) X [(the average counselor salary for that 55264

fiscal year X 1.16) + the amount specified under division (A) 55265
(10) (c) of this section for that fiscal year] 55266

(4) Calculate the district's academic co-curricular 55267
activities cost for that fiscal year as follows: 55268

(a) Determine the total amount of spending for academic 55269
co-curricular activities reported by city, local, and exempted 55270
village school districts to the department using fiscal year 55271
2022 data; 55272

(b) Determine the sum of the enrolled ADM of every school 55273
district in the state using fiscal year 2022 data as specified 55274
under division (E) (4) (a) of this section; 55275

(c) Compute the academic co-curricular activities cost in 55276
accordance with the following formula: 55277

(The amount determined under division (E) (4) (a) of this section 55278
/ the sum determined under division (E) (4) (b) of this section) X 55279
the district's base cost enrolled ADM for the fiscal year for 55280
which the academic co-curricular activities cost is computed 55281

(5) Calculate the district's building safety and security 55282
cost for that fiscal year as follows: 55283

(a) Determine the total amount of spending for building 55284
safety and security reported by city, local, and exempted 55285
village school districts to the department using fiscal year 55286
2022 data; 55287

(b) Determine the sum of the enrolled ADM of every school 55288
district in the state that reported the data specified under 55289
division (E) (5) (a) of this section using fiscal year 2022 data; 55290

(c) Compute the building safety and security cost in 55291
accordance with the following formula: 55292

(The amount determined under division (E) (5) (a) of this section 55293
/ the sum determined under division (E) (5) (a) of this section) X 55294
the district's base cost enrolled ADM for the fiscal year for 55295
which the building safety and security cost is computed 55296

(6) Calculate the district's supplies and academic content 55297
cost for that fiscal year as follows: 55298

(a) Determine the total amount of spending for supplies 55299
and academic content, excluding supplies for transportation and 55300
maintenance, reported by city, local, and exempted village 55301
school districts to the department using fiscal year 2022 data; 55302

(b) Determine the sum of the enrolled ADM of every school 55303
district in the state using fiscal year 2022 data as specified 55304
under division (E) (6) (a) of this section; 55305

(c) Compute the supplies and academic content cost in 55306
accordance with the following formula: 55307

(The amount determined under division (E) (6) (a) of this section 55308
/ the sum determined under division (E) (6) (b) of this section) X 55309
the district's base cost enrolled ADM for the fiscal year for 55310
which the supplies and academic content cost is computed 55311

(7) Calculate the district's technology cost for that 55312
fiscal year in accordance with the following formula: 55313

\$37.50 X the district's base cost enrolled ADM for that fiscal 55314
year 55315

(8) Calculate the district's student support base cost for 55316
that fiscal year, which equals the sum of divisions (E) (1), (2), 55317
(3), (4), (5), (6), and (7) of this section. 55318

(F) The department shall compute a district's leadership 55319
and accountability base cost for a fiscal year as follows: 55320

(1) Calculate the district's superintendent cost for that 55321
fiscal year as follows: 55322

(a) If the district's base cost enrolled ADM for that 55323
fiscal year is greater than 4,000, then the district's 55324
superintendent cost shall be equal to $[(\$160,000 \times 1.16) + \text{the}$ 55325
amount specified under division (A)(10)(c) of this section for 55326
that fiscal year]. 55327

(b) If the district's base cost enrolled ADM for that 55328
fiscal year is less than or equal to 4,000 but greater than or 55329
equal to 500, the district's superintendent cost shall be equal 55330
to the sum of the following: 55331

(i) (The district's base cost enrolled ADM for that fiscal 55332
year - 500) $\times \{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$ 55333

(ii) $(\$80,000 \times 1.16) + \text{the amount specified under}$ 55334
division (A)(10)(c) of this section for that fiscal year. 55335

(c) If the district's base cost enrolled ADM is less than 55336
500, then the district's superintendent cost shall be equal to 55337
 $[(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)}$ 55338
(c) of this section for that fiscal year]. 55339

(2) Calculate the district's treasurer cost for that 55340
fiscal year as follows: 55341

(a) If the district's base cost enrolled ADM for that 55342
fiscal year is greater than 4,000, then the district's treasurer 55343
cost shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified}$ 55344
under division (A)(10)(c) of this section for that fiscal year]. 55345

(b) If the district's base cost enrolled ADM for that 55346
fiscal year is less than or equal to 4,000 but greater than or 55347
equal to 500, the district's treasurer cost shall be equal to 55348

the sum of the following: 55349

(i) (The district's base cost enrolled ADM for that fiscal 55350
year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$ 55351

(ii) $(\$60,000 \times 1.16)$ + the amount specified under 55352
division (A) (10) (c) of this section for that fiscal year. 55353

(c) If the district's base cost enrolled ADM is less than 55354
500, then the district's treasurer cost shall be equal to 55355
 $[(\$60,000 \times 1.16) + \text{the amount specified under division (A) (10)}$ 55356
 $(c) \text{ of this section for that fiscal year}]$. 55357

(3) Calculate the district's other district administrator 55358
cost for that fiscal year as follows: 55359

(a) Divide the average other district administrator salary 55360
for that fiscal year by the average superintendent salary for 55361
that fiscal year; 55362

(b) Divide the district's base cost enrolled ADM for that 55363
fiscal year by 750; 55364

(c) Compute the other district administrator cost in 55365
accordance with the following formula: 55366

$\{[(\text{The district's superintendent cost for that fiscal year}$ 55367
 $\text{calculated under division (F) (1) of this section} - \text{the amount}$ 55368
 $\text{specified under division (A) (10) (c) of this section for that}$ 55369
 $\text{fiscal year}) \times \text{the quotient obtained under division (F) (3) (a) of}$ 55370
 $\text{this section}] + \text{the amount specified under division (A) (10) (c)}$ 55371
 $\text{of this section}\} \times (\text{the greater of the quotient obtained under}$ 55372
 $\text{division (F) (3) (b) of this section and } 2)$ 55373

(4) Calculate the district's fiscal support cost for that 55374
fiscal year as follows: 55375

(a) Divide the district's base cost enrolled ADM for that fiscal year by 850; 55376
55377

(b) Determine the lesser of the following: 55378

(i) The maximum of the quotient obtained under division (F) (4) (a) of this section and 2; 55379
55380

(ii) 35. 55381

(c) Compute the fiscal support cost in accordance with the following formula: 55382
55383

The number obtained under division (F) (4) (b) of this section X 55384
[(the average bookkeeping and accounting employee salary for 55385
that fiscal year X 1.16) + the amount specified under division 55386
(A) (10) (c) of this section for that fiscal year] 55387

(5) Calculate the district's education management information system support cost for that fiscal year as follows: 55388
55389

(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000; 55390
55391

(b) Compute the education management information system support cost in accordance with the following formula: 55392
55393

(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year] 55394
55395
55396
55397
55398

(6) Calculate the district's leadership support cost for that fiscal year as follows: 55399
55400

(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2, and add 1 to that 55401
55402

number; 55403

(b) Divide the number obtained under division (F) (6) (a) of 55404
this section by 3; 55405

(c) Compute the leadership support cost in accordance with 55406
the following formula: 55407

(The greater of the quotient obtained under division (F) (6) (b) 55408
of this section and 1) X [(the average administrative assistant 55409
salary for that fiscal year X 1.16) + the amount specified under 55410
division (A) (10) (c) of this section for that fiscal year] 55411

(7) Calculate the district's information technology center 55412
support cost for that fiscal year in accordance with the 55413
following formula: 55414

\$31 X the district's base cost enrolled ADM for that fiscal year 55415

(8) Calculate the district's district leadership and 55416
accountability base cost for that fiscal year, which equals the 55417
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of 55418
this section. 55419

(G) The department shall compute a district's building 55420
leadership and operations base cost for a fiscal year as 55421
follows: 55422

(1) Calculate the district's building leadership cost for 55423
that fiscal year as follows: 55424

(a) Divide the average principal salary for that fiscal 55425
year by the average superintendent salary for that fiscal year; 55426

(b) Divide the district's base cost enrolled ADM for that 55427
fiscal year by 450; 55428

(c) Compute the building leadership cost in accordance 55429

with the following formula: 55430

{[(The district's superintendent cost for that fiscal year 55431
calculated under division (F) (1) of this section - the amount 55432
specified under division (A) (10) (c) of this section for that 55433
fiscal year) X the quotient obtained under division (G) (1) (a) of 55434
this section] + the amount specified under division (A) (10) (c) 55435
of this section for that fiscal year} X the quotient obtained 55436
under division (G) (1) (b) of this section 55437

(2) Calculate the district's building leadership support 55438
cost for that fiscal year as follows: 55439

(a) Divide the district's base cost enrolled ADM for that 55440
fiscal year by 400; 55441

(b) Determine the number of school buildings in the 55442
district for ~~that~~ the preceding fiscal year; 55443

(c) Compute the building leadership support cost in 55444
accordance with the following formula: 55445

(i) If the quotient obtained under division (G) (2) (a) of 55446
this section is less than the number obtained under division (G) 55447
(2) (b) of this section, then the district's building leadership 55448
support cost shall be equal to {the number obtained under 55449
division (G) (2) (b) of this section for that fiscal year X [(the 55450
average clerical staff salary for that fiscal year X 1.16) + the 55451
amount specified under division (A) (10) (c) of this section for 55452
that fiscal year]}. 55453

(ii) If the quotient obtained under division (G) (2) (a) of 55454
this section is greater than or equal to the number obtained 55455
under division (G) (2) (b) of this section, then the district's 55456
building leadership support cost shall be equal to {[the lesser 55457
of (the number obtained under division (G) (2) (b) of this section 55458

X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]}.

(3) Calculate the district's building operations cost for that fiscal year as follows:

(a) Determine both of the following:

(i) The average building square feet per pupil for all city, local, and exempted village school district buildings in the state;

(ii) The average cost per square foot for all city, local, and exempted village school district buildings in the state.

(b) Compute the building operations cost in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of this section X the number determined under division (G) (3) (a) (ii) of this section) - (the amount determined under division (E) (5) (a) of this section for that fiscal year/ the sum determined under division (E) (5) (b) of this section for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.

(H) If a district is an eligible school district, the department shall compute the district's athletic co-curricular activities base cost for a fiscal year as follows:

(1) Determine the total amount of spending for athletic co-curricular activities reported by city, local, and exempted

village school districts to the department for that fiscal year; 55487

(2) Determine the sum of the enrolled ADM of every school 55488
district in the state for that fiscal year; 55489

(3) Compute the district's athletic co-curricular 55490
activities base cost in accordance with the following formula: 55491

(The amount determined under division (H) (1) of this section / 55492
the sum determined under division (H) (2) of this section) X the 55493
district's base cost enrolled ADM for the fiscal year for which 55494
the funds for athletic co-curricular activities are computed 55495

Sec. 3317.012. This section shall apply only for fiscal 55496
years ~~2024~~2026 and ~~2025~~2027. 55497

(A) As used in this section, "average administrative 55498
assistant salary," "average bookkeeping and accounting employee 55499
salary," "average clerical staff salary," "average counselor 55500
salary," "average education management information system 55501
support employee salary," "average librarian and media staff 55502
salary," "average other district administrator salary," "average 55503
principal salary," "average superintendent salary," and "average 55504
teacher cost" have the same meanings as in section 3317.011 of 55505
the Revised Code. 55506

(B) When calculating a district's aggregate base cost 55507
under this section, the department shall use data from fiscal 55508
year 2022 for all of the following: 55509

(1) The average salaries determined under divisions (A) 55510
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of 55511
section 3317.011 of the Revised Code; 55512

(2) The amount for teacher benefits determined under 55513
division (A) (10) (b) of section 3317.011 of the Revised Code; 55514

(3) The district-paid insurance costs determined under 55515
division (A) (10) (c) of section 3317.011 of the Revised Code; 55516

(4) Spending determined under divisions (E) (4) (a), (E) (5) 55517
(a), and (H) (1) of section 3317.011 of the Revised Code and the 55518
corresponding student counts determined under divisions (E) (4) 55519
(b), (E) (5) (b), and (H) (2) of that section; 55520

(5) The information determined under division (G) (3) of 55521
section 3317.011 of the Revised Code. 55522

(C) A joint vocational school district's aggregate base 55523
cost for a fiscal year shall be equal to the following sum: 55524

The district's teacher base cost for that fiscal year computed 55525
under division (D) of this section + the district's student 55526
support base cost for that fiscal year computed under division 55527
(E) of this section + the district's leadership and 55528
accountability base cost for that fiscal year computed under 55529
division (F) of this section + the district's building 55530
leadership and operations base cost for that fiscal year 55531
computed under division (G) of this section 55532

(D) The department of education and workforce shall 55533
compute a district's teacher base cost for a fiscal year as 55534
follows: 55535

(1) Calculate the district's classroom teacher cost for 55536
that fiscal year as follows: 55537

(a) Determine the full-time equivalency of students in the 55538
district's base cost enrolled ADM for that fiscal year that are 55539
enrolled in a career-technical education program or class, as 55540
certified under divisions (D) (2) (h), (i), (j), (k), and (l) of 55541
section 3317.03 of the Revised Code, and divide that number by 55542
18; 55543

(b) Determine the full-time equivalency of students in the 55544
district's base cost enrolled ADM for that fiscal year that are 55545
enrolled in grades six through eight but are not enrolled in a 55546
career-technical education program or class described under 55547
section 3317.014 of the Revised Code and divide that number by 55548
25; 55549

(c) Determine the full-time equivalency of students in the 55550
district's base cost enrolled ADM for that fiscal year that are 55551
enrolled in grades nine through twelve but are not enrolled in a 55552
career-technical education program or class described under 55553
section 3317.014 of the Revised Code and divide that number by 55554
27; 55555

(d) Compute the sum of the quotients obtained under 55556
divisions (D) (1) (a), (b), and (c) of this section; 55557

(e) Compute the classroom teacher base cost by multiplying 55558
the average teacher cost for that fiscal year by the sum 55559
computed under division (D) (1) (d) of this section. 55560

(2) Calculate the district's cost for that fiscal year for 55561
teachers providing health and physical education, instruction 55562
regarding employability and soft skills, development and 55563
coordination of internships and job placements, career-technical 55564
student organization activities, pre-apprenticeship and 55565
apprenticeship coordination, and any assessment related to 55566
career-technical education, including any nationally recognized 55567
job skills or end-of-course assessment, as follows: 55568

(a) Divide the district's base cost enrolled ADM for that 55569
fiscal year by 150; 55570

(b) If the quotient obtained under division (D) (2) (a) of 55571
this section is greater than 6, the teacher cost shall be equal 55572

to that quotient multiplied by the average teacher cost for that 55573
fiscal year. 55574

(c) If the quotient obtained under division (D) (2) (a) of 55575
this section is less than or equal to 6, the teacher cost shall 55576
be equal to 6 multiplied by the average teacher cost for that 55577
fiscal year. 55578

(3) Calculate the district's substitute teacher cost for 55579
that fiscal year in accordance with the following formula: 55580

(a) Compute the substitute teacher daily rate with benefits 55581
by multiplying the substitute teacher daily rate of \$90 by 1.16; 55582

(b) Compute the substitute teacher cost in accordance with 55583
the following formula: 55584

[The sum computed under division (D) (1) (d) of this section + 55585
(the greater of the quotient obtained under division (D) (2) (a) 55586
of this section and 6)] X the amount computed under division (D) 55587
(3) (a) of this section X 5 55588

(4) Calculate the district's professional development cost 55589
for that fiscal year in accordance with the following formula: 55590

[The sum computed under division (D) (1) (d) of this section + 55591
(the greater of the quotient obtained under division (D) (2) (a) 55592
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 55593
(b) of section 3317.011 of the Revised Code for that fiscal 55594
year)/180] X 4 55595

(5) Calculate the district's teacher base cost for that 55596
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 55597
and (4) of this section. 55598

(E) The department shall compute a district's student 55599
support base cost for a fiscal year as follows: 55600

(1) Calculate the district's guidance counselor cost for that fiscal year as follows: 55601
55602

(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360; 55603
55604
55605

(b) Compute the counselor cost in accordance with the following formula: 55606
55607

(The greater of the quotient obtained under division (E) (1) (a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year] 55608
55609
55610
55611
55612

(2) Calculate the district's librarian and media staff cost for that fiscal year as follows: 55613
55614

(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000; 55615
55616

(b) Compute the librarian and media staff cost in accordance with the following formula: 55617
55618

The quotient obtained under division (E) (2) (a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year] 55619
55620
55621
55622

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows: 55623
55624

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250; 55625
55626

(b) Compute the staffing cost for student wellness and 55627

success in accordance with the following formula: 55628

The quotient obtained under division (E) (3) (a) of this section X 55629

[(the average counselor salary for that fiscal year X 1.16) + 55630

the amount specified under division (A) (10) (c) of section 55631

3317.011 of the Revised Code for that fiscal year] 55632

(4) Calculate the district's cost for that fiscal year for 55633

career-technical curriculum specialists and coordinators, career 55634

assessment and program placement, recruitment and orientation, 55635

student success coordination, analysis of test results, 55636

development of intervention and remediation plans and monitoring 55637

of those plans, and satellite program coordination in accordance 55638

with the following formula: 55639

[(The amount determined under division (E) (4) (a) of section 55640

3317.011 of the Revised Code for that fiscal year / the sum 55641

determined under division (E) (4) (b) of section 3317.011 of the 55642

Revised Code) + (the amount determined under division (H) (1) of 55643

section 3317.011 of the Revised Code for that fiscal year / the 55644

sum determined under division (H) (2) of section 3317.011 of the 55645

Revised Code)] X the district's base cost enrolled ADM for the 55646

fiscal year for which the district's cost under this division is 55647

computed 55648

(5) Compute the district's building safety and security 55649

cost for that fiscal year in accordance with the following 55650

formula: 55651

(The amount determined under division (E) (5) (a) of section 55652

3317.011 of the Revised Code for that fiscal year / the sum 55653

determined under division (E) (5) (b) of section 3317.011 of the 55654

Revised Code) X the district's base cost enrolled ADM for the 55655

fiscal year for which the building safety and security cost is 55656

computed 55657

(6) Compute the district's supplies and academic content 55658
cost for that fiscal year in accordance with the following 55659
formula: 55660

(The amount determined under division (E) (6) (a) of section 55661
3317.011 of the Revised Code for that fiscal year / the sum 55662
determined under division (E) (6) (b) of section 3317.011 of the 55663
Revised Code) X the district's base cost enrolled ADM for the 55664
fiscal year for which the supplies and academic content cost is 55665
computed 55666

(7) Calculate the district's technology cost for that 55667
fiscal year in accordance with the following formula: 55668

\$37.50 X the district's base cost enrolled ADM for that fiscal 55669
year 55670

(8) Calculate the district's student support base cost for 55671
that fiscal year, which equals the sum of divisions (E) (1), (2), 55672
(3), (4), (5), (6), and (7) of this section. 55673

(F) The department shall compute a district's leadership 55674
and accountability base cost for a fiscal year as follows: 55675

(1) Calculate the district's superintendent cost for that 55676
fiscal year as follows: 55677

(a) If the district's base cost enrolled ADM for that 55678
fiscal year is greater than 4,000, then the district's 55679
superintendent cost shall be equal to [(\$160,000 X 1.16) + the 55680
amount specified under division (A) (10) (c) of section 3317.011 55681
of the Revised Code for that fiscal year]. 55682

(b) If the district's base cost enrolled ADM for that 55683
fiscal year is less than or equal to 4,000 but greater than or 55684

equal to 500, the district's superintendent cost shall be equal 55685
to the sum of the following: 55686

(i) (The district's base cost enrolled ADM for that fiscal 55687
year - 500) X $\{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$ 55688

(ii) $(\$80,000 \times 1.16)$ + the amount specified under division 55689
(A) (10) (c) of section 3317.011 of the Revised Code for that 55690
fiscal year. 55691

(c) If the district's base cost enrolled ADM is less than 55692
500, then the district's superintendent cost shall be equal to 55693
 $[(\$80,000 \times 1.16) + \text{the amount specified under division (A) (10)}$ 55694
(c) of section 3317.011 of the Revised Code for that fiscal 55695
year]. 55696

(2) Calculate the district's treasurer cost for that 55697
fiscal year as follows: 55698

(a) If the district's base cost enrolled ADM for that 55699
fiscal year is greater than 4,000, then the district's treasurer 55700
cost shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified}$ 55701
under division (A) (10) (c) of section 3317.011 of the Revised 55702
Code for that fiscal year]. 55703

(b) If the district's base cost enrolled ADM for that 55704
fiscal year is less than or equal to 4,000 but greater than or 55705
equal to 500, the district's treasurer cost shall be equal to 55706
the sum of the following: 55707

(i) (The district's base cost enrolled ADM for that fiscal 55708
year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$ 55709

(ii) $(\$60,000 \times 1.16)$ + the amount specified under division 55710
(A) (10) (c) of section 3317.011 of the Revised Code for that 55711
fiscal year. 55712

(c) If the district's base cost enrolled ADM is less than 55713
500, then the district's treasurer cost shall be equal to 55714
[($\$60,000 \times 1.16$) + the amount specified under division (A) (10) 55715
(c) of section 3317.011 of the Revised Code for that fiscal 55716
year]. 55717

(3) Calculate the district's other district administrator 55718
cost for that fiscal year as follows: 55719

(a) Divide the average other district administrator salary 55720
for that fiscal year by the average superintendent salary for 55721
that fiscal year; 55722

(b) Divide the district's base cost enrolled ADM for that 55723
fiscal year by 750; 55724

(c) Compute the other district administrator cost in 55725
accordance with the following formula: 55726

{[(The district's superintendent cost for that fiscal year 55727
calculated under division (F) (1) of this section - the amount 55728
specified under division (A) (10) (c) of section 3317.011 of the 55729
Revised Code for that fiscal year) X the quotient obtained under 55730
division (F) (3) (a) of this section] + the amount specified under 55731
division (A) (10) (c) of section 3317.011 of the Revised Code} X 55732
(the greater of the quotient obtained under division (F) (3) (b) 55733
of this section and 2) 55734

(4) Calculate the district's fiscal support cost for that 55735
fiscal year as follows: 55736

(a) Divide the district's base cost enrolled ADM for that 55737
fiscal year by 850; 55738

(b) Determine the lesser of the following: 55739

(i) The maximum of the quotient obtained under division 55740

(F) (4) (a) of this section and 2; 55741

(ii) 35. 55742

(c) Compute the fiscal support cost in accordance with the 55743
following formula: 55744

The number obtained under division (F) (4) (b) of this section X 55745
[(the average bookkeeping and accounting employee salary for 55746
that fiscal year X 1.16) + the amount specified under division 55747
(A) (10) (c) of section 3317.011 of the Revised Code for that 55748
fiscal year] 55749

(5) Calculate the district's education management 55750
information system support cost for that fiscal year as follows: 55751

(a) Divide the district's base cost enrolled ADM for that 55752
fiscal year by 5,000; 55753

(b) Compute the education management information system 55754
support cost in accordance with the following formula: 55755

(The greater of the quotient obtained under division (F) (5) (a) 55756
of this section and 1) X [(the average education management 55757
information system support employee salary for that fiscal year 55758
X 1.16) + the amount specified under division (A) (10) (c) of 55759
section 3317.011 of the Revised Code for that fiscal year] 55760

(6) Calculate the district's leadership support cost for 55761
that fiscal year as follows: 55762

(a) Determine the greater of the quotient obtained under 55763
division (F) (3) (b) of this section and 2 and add 1 to that 55764
number; 55765

(b) Divide the number obtained under division (F) (6) (a) of 55766
this section by 3; 55767

(c) Compute the leadership support cost in accordance with 55768
the following formula: 55769

(The greater of the quotient obtained under division (F) (6) (b) 55770
of this section and 1) X [(the average administrative assistant 55771
salary for that fiscal year X 1.16) + the amount specified under 55772
division (A) (10) (c) of section 3317.011 of the Revised Code for 55773
that fiscal year] 55774

(7) Calculate the district's information technology center 55775
support cost for that fiscal year in accordance with the 55776
following formula: 55777

\$31 X the district's base cost enrolled ADM for that fiscal year 55778

(8) Calculate the district's district leadership and 55779
accountability base cost for that fiscal year, which equals the 55780
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of 55781
this section; 55782

(G) The department shall compute a district's building 55783
leadership and operations base cost for a fiscal year as 55784
follows: 55785

(1) Calculate the district's building leadership cost for 55786
that fiscal year as follows: 55787

(a) Divide the average principal salary for that fiscal 55788
year by the average superintendent salary for that fiscal year; 55789

(b) Divide the district's base cost enrolled ADM for that 55790
fiscal year by 450; 55791

(c) Compute the building leadership cost in accordance 55792
with the following formula: 55793

{[(The district's superintendent cost for that fiscal year 55794

calculated under division (F) (1) of this section - the amount 55795
specified under division (A) (10) (c) of section 3317.011 of the 55796
Revised Code for that fiscal year) X the quotient obtained under 55797
division (G) (1) (a) of this section] + the amount specified under 55798
division (A) (10) (c) of section 3317.011 of the Revised Code for 55799
that fiscal year} X the quotient obtained under division (G) (1) 55800
(b) of this section 55801

(2) Calculate the district's building leadership support 55802
cost for that fiscal year as follows: 55803

(a) Divide the district's base cost enrolled ADM for that 55804
fiscal year by 400; 55805

(b) Determine the number of school buildings in the 55806
district for ~~that~~ the preceding fiscal year; 55807

(c) Compute the building leadership support cost in 55808
accordance with the following formula: 55809

(i) If the quotient obtained under division (G) (2) (a) of 55810
this section is less than the number obtained under division (G) 55811
(2) (b) of this section, then the district's building leadership 55812
support cost shall be equal to {the number obtained under 55813
division (G) (2) (b) of this section X [(the average clerical 55814
staff salary X 1.16) + the amount specified under division (A) 55815
(10) (c) of section 3317.011 of the Revised Code for that fiscal 55816
year]}. 55817

(ii) If the quotient obtained under division (G) (2) (a) of 55818
this section is greater than or equal to the number obtained 55819
under division (G) (2) (b) of this section, then the district's 55820
building leadership support cost shall be equal to {[the lesser 55821
of (the number obtained under division (G) (2) (b) of this section 55822
X 3) and the quotient obtained under division (G) (2) (a) of this 55823

section] X [(the average clerical staff salary for that fiscal 55824
year X 1.16) + the amount specified under division (A)(10)(c) of 55825
section 3317.011 of the Revised Code for that fiscal year]}]. 55826

(3) Compute the district's building operations cost for 55827
that fiscal year in accordance with the following formula: 55828

The district's base cost enrolled ADM for that fiscal year X 55829
[(the number determined under division (G)(3)(a)(i) of section 55830
3317.011 of the Revised Code X the number determined under 55831
division (G)(3)(a)(ii) of section 3317.011 of the Revised Code) 55832
- (the amount determined under division (E)(5)(a) of section 55833
3317.011 of the Revised Code for that fiscal year / the sum 55834
determined under division (E)(5)(b) of section 3317.011 of the 55835
Revised Code for that fiscal year)] 55836

(4) Calculate the district's building leadership and 55837
operations base cost for that fiscal year, which equals the sum 55838
of divisions (G)(1), (2), and (3) of this section. 55839

Sec. 3317.014. (A) The multiples for the following 55840
categories of career-technical education programs approved by 55841
the department of education and workforce under section 3317.161 55842
of the Revised Code shall be as follows: 55843

(1) A multiple of 0.6230 for students enrolled in career- 55844
technical education workforce development programs in 55845
agricultural and environmental systems, construction 55846
technologies, engineering and science technologies, finance, 55847
health science, information technology, and manufacturing 55848
technologies, each of which shall be defined by the department 55849
in consultation with the governor's office of workforce 55850
transformation; 55851

(2) A multiple of 0.5905 for students enrolled in 55852

workforce development programs in business and administration, 55853
hospitality and tourism, human services, law and public safety, 55854
transportation systems, and arts and communications, each of 55855
which shall be defined by the department in consultation with 55856
the governor's office of workforce transformation; 55857

(3) A multiple of 0.2154 for students enrolled in career- 55858
based intervention programs, which shall be defined by the 55859
department in consultation with the governor's office of 55860
workforce transformation; 55861

(4) A multiple of 0.1830 for students enrolled in 55862
workforce development programs in education and training, 55863
marketing, workforce development academics, public 55864
administration, and career development, each of which shall be 55865
defined by the department in consultation with the governor's 55866
office of workforce transformation; 55867

(5) A multiple of 0.1570 for students enrolled in family 55868
and consumer science programs, which shall be defined by the 55869
department in consultation with the governor's office of 55870
workforce transformation. 55871

(B) The multiple for career-technical education associated 55872
services, as defined by the department, shall be 0.0294. 55873

(C) The department shall calculate career-technical 55874
education funds for each funding unit that is a city, local, 55875
exempted village, or joint vocational school district or the 55876
community and STEM school unit as follows: 55877

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 55878
the following: 55879

(a) The funding unit's category one career-technical 55880
education ADM X the multiple specified in division (A) (1) of 55881

this section X the statewide average career-technical base cost 55882
per pupil for that fiscal year X if the funding unit is a city, 55883
local, exempted village, or joint vocational school district, 55884
the district's state share percentage; 55885

(b) The funding unit's category two career-technical 55886
education ADM X the multiple specified in division (A) (2) of 55887
this section X the statewide average career-technical base cost 55888
per pupil for that fiscal year X if the funding unit is a city, 55889
local, exempted village, or joint vocational school district, 55890
the district's state share percentage; 55891

(c) The funding unit's category three career-technical 55892
education ADM X the multiple specified in division (A) (3) of 55893
this section X the statewide average career-technical base cost 55894
per pupil for that fiscal year X if the funding unit is a city, 55895
local, exempted village, or joint vocational school district, 55896
the district's state share percentage; 55897

(d) The funding unit's category four career-technical 55898
education ADM X the multiple specified in division (A) (4) of 55899
this section X the statewide average career-technical base cost 55900
per pupil for that fiscal year X if the funding unit is a city, 55901
local, exempted village, or joint vocational school district, 55902
the district's state share percentage; 55903

(e) The funding unit's category five career-technical 55904
education ADM X the multiple specified in division (A) (5) of 55905
this section X the statewide average career-technical base cost 55906
per pupil for that fiscal year X if the funding unit is a city, 55907
local, exempted village, or joint vocational school district, 55908
the district's state share percentage. 55909

(2) For fiscal year ~~2026~~ 2028 and each fiscal year 55910

thereafter, the sum of the following: 55911

(a) An amount calculated in a manner determined by the 55912
general assembly times the funding unit's category one career- 55913
technical education ADM; 55914

(b) An amount calculated in a manner determined by the 55915
general assembly times the funding unit's category two career- 55916
technical education ADM; 55917

(c) An amount calculated in a manner determined by the 55918
general assembly times the funding unit's category three career- 55919
technical education ADM; 55920

(d) An amount calculated in a manner determined by the 55921
general assembly times the funding unit's category four career- 55922
technical education ADM; 55923

(e) An amount calculated in a manner determined by the 55924
general assembly times the funding unit's category five career- 55925
technical education ADM. 55926

(3) Payment of funds calculated under division (C) of this 55927
section is subject to approval under section 3317.161 of the 55928
Revised Code. 55929

(D) Subject to division (I) of section 3317.023 of the 55930
Revised Code, the department shall calculate career-technical 55931
associated services funds for each funding unit that is a city, 55932
local, exempted village, or joint vocational school district or 55933
the community and STEM school unit as follows: 55934

(1) For fiscal years 2024-2026 and 2025-2027, the following 55935
product: 55936

(If the funding unit is a city, local, exempted village, or 55937
joint vocational school district, the funding unit's state share 55938

percentage) X the multiple for career-technical education 55939
associated services specified under division (B) of this section 55940
X the statewide average career-technical base cost per pupil for 55941
that fiscal year X the sum of the funding unit's categories one 55942
through five career-technical education ADM 55943

(2) For fiscal year ~~2026-2028~~ and each fiscal year 55944
thereafter, an amount calculated in a manner determined by the 55945
general assembly times the funding unit's categories one through 55946
five career-technical education ADM. 55947

(E) (1) ~~In accordance with division (I) of section 3317.023~~ 55948
~~of the Revised Code, the department shall compute career-~~ 55949
~~awareness and exploration funds for each city, local, exempted-~~ 55950
~~village, and joint vocational school district, community school-~~ 55951
~~established under Chapter 3314. of the Revised Code, and STEM-~~ 55952
~~school established under Chapter 3326. of the Revised Code that-~~ 55953
~~is part of a career technical planning district. The department-~~ 55954
~~shall pay the lead district in each career technical planning-~~ 55955
~~district as follows:-~~ 55956

~~(a) For fiscal years 2024 and 2025, an amount equal to the~~ 55957
~~following product:-~~ 55958

~~The sum of enrolled ADM for all districts and schools within the~~ 55959
~~career technical planning district X \$7.50, for fiscal year-~~ 55960
~~2024, or \$10, for fiscal year 2025-~~ 55961

~~(b) For fiscal year 2026 and each fiscal year thereafter,~~ 55962
~~an amount calculated in a manner determined by the general-~~ 55963
~~assembly, if the general assembly authorizes such a payment to-~~ 55964
~~city, local, exempted village, and joint vocational school-~~ 55965
~~districts, community schools, and STEM schools.-~~ 55966

~~(2) The lead district of a career technical planning-~~ 55967

~~district shall use career awareness and exploration funds in~~ 55968
~~accordance with division (H) of this section.~~ 55969

~~(F)(1)~~ In any fiscal year, a school district receiving 55970
funds calculated under division (C) of this section shall spend 55971
those funds only for the purposes that the department designates 55972
as approved for career-technical education expenses. Career- 55973
technical education expenses approved by the department shall 55974
include only expenses connected to the delivery of career- 55975
technical programming to career-technical students. The 55976
department shall require the school district to report data 55977
annually so that the department may monitor the district's 55978
compliance with the requirements regarding the manner in which 55979
funding calculated under division (C) of this section may be 55980
spent. 55981

(2) All funds received under division (C) of this section 55982
shall be spent in the following manner: 55983

(a) At least seventy-five per cent of the funds shall be 55984
spent on curriculum development, purchase, and implementation; 55985
instructional resources and supplies; industry-based program 55986
certification; student assessment, credentialing, and placement; 55987
curriculum specific equipment purchases and leases; career- 55988
technical student organization fees and expenses; home and 55989
agency linkages; work-based learning experiences; professional 55990
development; and other costs directly associated with career- 55991
technical education programs including development of new 55992
programs. 55993

(b) Not more than twenty-five per cent of the funds shall 55994
be used for personnel expenditures. 55995

~~(G)~~ (F) In any fiscal year, a school district receiving 55996

funds calculated under division (D) of this section, or through 55997
a transfer of funds pursuant to division (I) of section 3317.023 55998
of the Revised Code, shall spend those funds only for the 55999
purposes that the department designates as approved for career- 56000
technical education associated services expenses, which may 56001
include ~~such~~ all of the following purposes as apprenticeship 56002
~~coordinators, coordinators for other career-technical education~~ 56003
~~services, career-technical evaluation, and other purposes~~ 56004
~~designated by the department.:~~ 56005

(1) Engaging and collaborating with education and 56006
workforce stakeholders in the service area; 56007

(2) Developing and maintaining a comprehensive plan to 56008
increase career-focused education activities; 56009

(3) Ensuring that plans are informed by quality data and 56010
using data to expand access to career-focused activities for all 56011
students; 56012

(4) Planning and allocating resources for the growth, 56013
sustainability, and enhancement of career-focused activities in 56014
the long term; 56015

(5) Establishing continuous improvement and program 56016
approval processes. 56017

The department may deny payment of funds calculated under 56018
division (D) of this section to any district that the department 56019
determines is not operating those services or is using funds 56020
calculated under division (D) of this section, or through a 56021
transfer of funds pursuant to division (I) of section 3317.023 56022
of the Revised Code, for other purposes. 56023

~~(H) In any fiscal year, a lead district of a career-~~ 56024
~~technical planning district receiving funds under division (E)~~ 56025

~~of this section, shall utilize those funds to deliver relevant~~ 56026
~~career awareness and exploration programs to all students within~~ 56027
~~its career technical planning district in a manner that is~~ 56028
~~consistent with the career technical planning district's plan~~ 56029
~~that is on file with the department. The lead district that~~ 56030
~~receives funds under this division shall spend those funds only~~ 56031
~~for the following purposes:—~~ 56032

~~(1) Delivery of career awareness programs to students~~ 56033
~~enrolled in grades kindergarten through twelve;—~~ 56034

~~(2) Provision of a common, consistent curriculum to~~ 56035
~~students throughout their primary and secondary education;—~~ 56036

~~(3) Assistance to teachers in providing a career~~ 56037
~~development curriculum to students;—~~ 56038

~~(4) Development of a career development plan for each~~ 56039
~~student that stays with that student for the duration of the~~ 56040
~~student's primary and secondary education;—~~ 56041

~~(5) Provision of opportunities for students to engage in~~ 56042
~~activities, such as career fairs, hands-on experiences, and job~~ 56043
~~shadowing, across all career pathways at each grade level.—~~ 56044

~~The department may deny payment under this division to any~~ 56045
~~district or school that the department determines is using funds~~ 56046
~~paid under this division for other purposes.—~~ 56047

Sec. 3317.016. As used in this section, "English learner" 56048
has the same meaning as in section 3301.0731 of the Revised 56049
Code. 56050

The multiples for English learners shall be as follows: 56051

(A) A multiple of 0.2104 for each student who has been 56052
identified as an English learner following the state's 56053

standardized identification process enrolled in schools in the 56054
United States for 180 school days or less. 56055

(B) A multiple of 0.1577 for each student who, for fiscal 56056
years ~~2024-2026~~ and ~~2025-2027~~ has been identified as an English 56057
learner following the state's standardized identification 56058
process and enrolled in schools in the United States for more 56059
than 180 school days until the student achieves a proficient 56060
score on the spring administration of the state's English 56061
language proficiency assessments prescribed by division (C) (3) 56062
of section 3301.0711 of the Revised Code or who, for fiscal year 56063
~~2026-2028~~ and each fiscal year thereafter, satisfies criteria 56064
specified by the general assembly for purposes of this division. 56065

(C) A multiple of 0.1053 for each student who, for fiscal 56066
years ~~2024-2026~~ and ~~2025-2027~~, achieves a score of proficient on 56067
the spring administration of the state's English language 56068
proficiency assessments prescribed by division (C) (3) of section 56069
3301.0711 of the Revised Code for the two school years following 56070
the school year in which the student achieved that level of 56071
achievement or who, for fiscal year ~~2026-2028~~ and each fiscal 56072
year thereafter, satisfies criteria specified by the general 56073
assembly for purposes of this division. 56074

Sec. 3317.017. This section shall apply only for fiscal 56075
years ~~2024-2026~~ and ~~2025-2027~~. 56076

(A) The department of education and workforce shall 56077
compute a city, local, or exempted village school district's 56078
per-pupil local capacity amount for a fiscal year as follows: 56079

(1) Calculate the district's valuation per pupil for that 56080
fiscal year as follows: 56081

(a) Determine the minimum of the district's three-year 56082

average valuation for the fiscal year for which the calculation 56083
is made and the district's taxable value for the most recent tax 56084
year for which data is available; 56085

(b) Divide the amount determined under division (A) (1) (a) 56086
of this section by the district's base cost enrolled ADM for the 56087
fiscal year for which the calculation is made. 56088

(2) Calculate the district's local share federal adjusted 56089
gross income per pupil for that fiscal year as follows: 56090

(a) Determine the minimum of the following: 56091

(i) The average of the total federal adjusted gross income 56092
of the district's residents for the three most recent tax years 56093
for which data is available, as certified under section 3317.021 56094
of the Revised Code; 56095

(ii) The total federal adjusted gross income of the 56096
district's residents for the most recent tax year for which data 56097
is available, as certified under section 3317.021 of the Revised 56098
Code. 56099

(b) Divide the amount determined under division (A) (2) (a) 56100
of this section by the district's base cost enrolled ADM for the 56101
fiscal year for which the calculation is made. 56102

(3) Calculate the district's adjusted local share federal 56103
adjusted gross income per pupil for that fiscal year as follows: 56104

(a) Determine both of the following: 56105

(i) The median federal adjusted gross income of the 56106
district's residents for the most recent tax year for which data 56107
is available, as certified under section 3317.021 of the Revised 56108
Code; 56109

(ii) The number of state tax returns filed by taxpayers 56110
residing in the district for the most recent tax year for which 56111
data is available, as certified under section 3317.021 of the 56112
Revised Code. 56113

(b) Compute the product of divisions (A) (3) (a) (i) and (ii) 56114
of this section; 56115

(c) Divide the amount determined under division (A) (3) (b) 56116
of this section by the district's base cost enrolled ADM for the 56117
fiscal year for which the calculation is made. 56118

(4) Calculate the district's per-pupil local capacity 56119
percentage as follows: 56120

(a) Determine the median of the median federal adjusted 56121
gross incomes determined for all districts statewide under 56122
division (A) (3) (a) (i) of this section for that fiscal year; 56123

(b) Divide the district's median federal adjusted gross 56124
income for that fiscal year determined under division (A) (3) (a) 56125
(i) of this section by the median federal adjusted gross income 56126
for all districts statewide determined under division (A) (4) (a) 56127
of this section; 56128

(c) Rank all school districts in order of the ratios 56129
calculated under division (A) (4) (b) of this section, from the 56130
district with the highest ratio calculated under division (A) (4) 56131
(b) of this section to the district with the lowest ratio 56132
calculated under division (A) (4) (b) of this section; 56133

(d) Determine the district's per-pupil local capacity 56134
percentage as follows: 56135

(i) If the ratio calculated for the district under 56136
division (A) (4) (b) of this section is greater than or equal to 56137

the ratio calculated under division (A) (4) (b) of this section 56138
for the district with the fortieth highest ratio as determined 56139
under division (A) (4) (c) of this section, the district's per- 56140
pupil local capacity percentage shall be equal to 0.025. 56141

(ii) If the ratio calculated for the district under 56142
division (A) (4) (b) of this section is less than the ratio 56143
calculated under division (A) (4) (b) of this section for the 56144
district with the fortieth highest ratio as determined under 56145
division (A) (4) (c) of this section but greater than 1.0, the 56146
district's per-pupil local capacity percentage shall be equal to 56147
an amount calculated as follows: 56148

{[(The ratio calculated for the district under division (A) (4) 56149
(b) of this section - 1) X 0.0025]/ (the ratio calculated under 56150
division (A) (4) (b) of this section for the district with the 56151
fortieth highest ratio as determined under division (A) (4) (c) of 56152
this section - 1)} + 0.0225 56153

(iii) If the ratio calculated for the district under 56154
division (A) (4) (b) of this section is less than or equal to 1.0, 56155
the district's per-pupil local capacity percentage shall be 56156
equal to the amount calculated under division (A) (4) (b) of this 56157
section times 0.0225. 56158

(5) Calculate the district's per-pupil local capacity 56159
amount for that fiscal year as follows: 56160

(The district's valuation per pupil calculated under division 56161
(A) (1) of this section for that fiscal year X the district's 56162
per-pupil local capacity percentage calculated under division 56163
(A) (4) of this section X 0.60) + (the district's local share 56164
federal adjusted gross income per pupil calculated under 56165
division (A) (2) of this section for that fiscal year X the 56166

district's per-pupil local capacity percentage calculated under 56167
division (A) (4) of this section X 0.20) + (the district's 56168
adjusted local share federal adjusted gross income per pupil 56169
calculated under division (A) (3) of this section for that fiscal 56170
year X the district's per-pupil local capacity percentage 56171
calculated under division (A) (4) of this section X 0.20) 56172

(B) The department shall compute a city, local, or 56173
exempted village school district's state share for a fiscal year 56174
as follows: 56175

(1) If the district's per-pupil local capacity amount for 56176
that fiscal year divided by the district's base cost per pupil 56177
for that fiscal year is greater than 0.90, then the district's 56178
state share shall be equal to (the district's base cost per 56179
pupil for that fiscal year X 0.10 X the district's enrolled ADM 56180
for that fiscal year). 56181

(2) If the district's per-pupil local capacity amount for 56182
that fiscal year divided by the district's base cost per pupil 56183
for that fiscal year is less than or equal to 0.90, then the 56184
district's state share for that fiscal year shall be equal to 56185
[(the district's base cost per pupil for that fiscal year - the 56186
district's per-pupil local capacity amount for that fiscal year) 56187
X the district's enrolled ADM for that fiscal year]. 56188

(C) The department shall compute a city, local, or 56189
exempted village school district's state share percentage for a 56190
fiscal year as follows: 56191

(the district's base cost per pupil amount for that fiscal year 56192
- the district's per pupil local capacity amount for that fiscal 56193
year)/(the district's base cost per pupil amount for that fiscal 56194
year). 56195

If the result is less than 0.10, the state share 56196
percentage shall be 0.10. 56197

Sec. 3317.018. (A) The statewide average base cost per 56198
pupil shall be determined as follows: 56199

(1) For fiscal year 2024, the statewide average base cost 56200
per pupil shall be equal to the sum of the aggregate base cost 56201
calculated for all city, local, and exempted village school 56202
districts in the state for that fiscal year under section 56203
3317.011 of the Revised Code divided by the sum of the base cost 56204
enrolled ADMs of all of the city, local, and exempted village 56205
school districts in the state for that fiscal year. 56206

(2) For fiscal ~~year-years~~ 2025, 2026, and 2027, the 56207
statewide average base cost per pupil shall be equal to the 56208
amount calculated under division (A)(1) of this section. 56209

(B) The statewide average career-technical base cost per 56210
pupil shall be determined as follows: 56211

(1) For fiscal year 2024, the statewide average career- 56212
technical base cost per pupil shall be equal to the sum of the 56213
aggregate base cost calculated for all joint vocational school 56214
districts in the state for that fiscal year under section 56215
3317.012 of the Revised Code divided by the sum of the base cost 56216
enrolled ADMs of all of the joint vocational school districts in 56217
the state for that fiscal year. 56218

(2) For fiscal ~~year-years~~ 2025, 2026, and 2027, the 56219
statewide average career-technical base cost per pupil shall be 56220
equal to the amount calculated under division (B)(1) of this 56221
section. 56222

Sec. 3317.019. (A)(1) Subject to division (C) of this 56223
section, for fiscal years 2024-2026 and 2025-2027, the department 56224

of education and workforce shall pay temporary transitional aid 56225
to each city, local, and exempted village school district 56226
according to the following formula: 56227

(The district's funding base, as that term is defined in section 56228
3317.02 of the Revised Code, X 0.95 for fiscal year 2026 or 0.90 56229
for fiscal year 2027) - (the district's payment under section 56230
3317.022 of the Revised Code ~~- the district's payment for~~ 56231
~~supplemental targeted assistance under section 3317.0218 of the~~ 56232
~~Revised Code for the fiscal year for which each payment is~~ 56233
~~computed~~) 56234

If the computation made under division (A)(1) of this 56235
section results in a negative number, the district's funding 56236
under division (A)(1) of this section shall be zero. 56237

(2) For fiscal years 2024-2026 and 2025-2027, the 56238
department shall pay temporary transitional transportation aid 56239
to that district according to the following formula: 56240

[{(The amount calculated for the district for fiscal year 2020 56241
under division (A)(2) of Section 265.220 of H.B. 166 of the 56242
133rd general assembly, prior to any funding reductions 56243
authorized by Executive Order 2020-19D, "Implementing Additional 56244
Spending Controls to Balance the State Budget" issued on May 7, 56245
2020) - (the district's payment for fiscal year 2019 under 56246
division (D)(2) of section 3314.091 of the Revised Code as that 56247
division existed prior to September 30, 2021)} X 0.95 for fiscal 56248
year 2026 or 0.90 for fiscal year 2027] - (the district's 56249
payment under section 3317.0212 of the Revised Code for the 56250
fiscal year for which the payment is computed) 56251

If the computation made under division (A)(2) of this 56252
section results in a negative number, the district's funding 56253

under division (A) (2) of this section shall be zero. 56254

(B) If a local school district participates in the 56255
establishment of a joint vocational school district that begins 56256
receiving payments under section 3317.16 of the Revised Code for 56257
fiscal year ~~2024-2026~~ or fiscal year ~~2025~~2027, but does not 56258
receive payments for the fiscal year immediately preceding that 56259
fiscal year, the department shall adjust, as necessary, the 56260
district's funding base, as that term is defined in section 56261
3317.02 of the Revised Code, according to the amounts received 56262
by the district in the immediately preceding fiscal year for 56263
career-technical education students who attend the newly 56264
established joint vocational school district. 56265

(C) (1) For purposes of division (C) of this section, a 56266
district's "decrease threshold" for a fiscal year is the greater 56267
of the following: 56268

(a) Twenty; 56269

(b) Ten per cent of the number of the district's students 56270
counted under division (A) (1) (b) of section 3317.03 of the 56271
Revised Code for the previous fiscal year. 56272

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, if a district 56273
has fewer students counted under division (A) (1) (b) of section 56274
3317.03 of the Revised Code for that fiscal year than for the 56275
previous fiscal year and the positive difference between those 56276
two student counts is greater than or equal to the district's 56277
decrease threshold for that fiscal year, the amount paid to the 56278
district under division (A) of this section shall be reduced by 56279
the following amount: 56280

The statewide average base cost per pupil X [(the positive 56281
difference between the number of the district's students counted 56282

under division (A) (1) (b) of section 3317.03 of the Revised Code 56283
for that fiscal year and the number of the district's students 56284
counted under that division for the previous fiscal year) - the 56285
district's decrease threshold for that fiscal year] 56286

At no time, however, shall the amount paid to a district 56287
under division (A) of this section be less than zero. 56288

Sec. 3317.0110. This section shall apply only for fiscal 56289
years ~~2024~~2026 and ~~2025~~2027. 56290

(A) As used in this section: 56291

(1) "Average teacher cost" for a fiscal year has the same 56292
meaning as in section 3317.011 of the Revised Code. 56293

(2) "Eligible community or STEM school" means a community 56294
or STEM school that satisfies one of the following: 56295

(a) The school is a member of an organization that 56296
regulates interscholastic athletics. 56297

(b) The school has teams in at least three different 56298
sports that participate in an interscholastic league. 56299

(B) When calculating a community or STEM school's 56300
aggregate base cost under this section, the department shall use 56301
data from fiscal year 2022 for the average teacher cost. 56302

(C) A community or STEM school's aggregate base cost for a 56303
fiscal year shall be equal to the following sum: 56304

(The school's teacher base cost for that fiscal year computed 56305
under division (D) of this section) + (the school's student 56306
support base cost for that fiscal year computed under division 56307

(E) of this section) + (the school's leadership and 56308
accountability base cost for that fiscal year computed under 56309

division (F) of this section) + (the school's building 56310
leadership and operations base cost for that fiscal year 56311
computed under division (G) of this section) + (the school's 56312
athletic co-curricular activities base cost for that fiscal year 56313
computed under division (H) of this section, if the school is an 56314
eligible community or STEM school) 56315

(D) The department of education shall compute a community 56316
or STEM school's teacher base cost for a fiscal year as follows: 56317

(1) Calculate the school's classroom teacher cost for that 56318
fiscal year as follows: 56319

(a) Determine the full-time equivalency of students 56320
enrolled in the school for that fiscal year that are enrolled in 56321
kindergarten and divide that number by 20; 56322

(b) Determine the full-time equivalency of students 56323
enrolled in the school for that fiscal year that are enrolled in 56324
grades one through three and divide that number by 23; 56325

(c) Determine the full-time equivalency of students 56326
enrolled in the school for that fiscal year that are enrolled in 56327
grades four through eight but are not enrolled in a career- 56328
technical education program or class described under section 56329
3317.014 of the Revised Code and divide that number by 25; 56330

(d) Determine the full-time equivalency of students 56331
enrolled in the school for that fiscal year that are enrolled in 56332
grades nine through twelve but are not enrolled in a career- 56333
technical education program or class described under section 56334
3317.014 of the Revised Code and divide that number by 27; 56335

(e) Determine the full-time equivalency of students 56336
enrolled in the school for that fiscal year that are enrolled in 56337
a career-technical education program or class, as reported under 56338

division (B) (4) of section 3314.08 of the Revised Code, and 56339
divide that number by 18; 56340

(f) Compute the sum of the quotients obtained under 56341
divisions (D) (1) (a), (b), (c), (d), and (e) of this section; 56342

(g) Compute the classroom teacher cost by multiplying the 56343
average teacher cost for that fiscal year by the sum computed 56344
under division (D) (1) (f) of this section. 56345

(2) Calculate the school's special teacher cost for that 56346
fiscal year as follows: 56347

(a) Divide the number of students enrolled in the school 56348
for that fiscal year by 150; 56349

(b) Compute the special teacher cost by multiplying the 56350
quotient obtained under division (D) (2) (a) of this section by 56351
the average teacher cost for that fiscal year. 56352

(3) Calculate the school's substitute teacher cost for 56353
that fiscal year in accordance with the following formula: 56354

(a) Compute the substitute teacher daily rate with 56355
benefits by multiplying the substitute teacher daily rate of \$90 56356
by 1.16; 56357

(b) Compute the substitute teacher cost in accordance with 56358
the following formula: 56359

(The sum computed under division (D) (1) (f) of this section + the 56360
quotient obtained under division (D) (2) (a) of this section) X 56361
the amount computed under division (D) (3) (a) of this section X 5 56362

(4) Calculate the school's professional development cost 56363
for that fiscal year in accordance with the following formula: 56364

(The sum computed under division (D) (1) (f) of this section + the 56365

quotient obtained under division (D) (2) (a) of this section) X 56366
[(the sum of divisions (A) (10) (a) and (b) of section 3317.011 of 56367
the Revised Code for that fiscal year)/180] X 4 56368

(5) Calculate the school's teacher base cost for that 56369
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 56370
and (4) of this section. 56371

(E) The department shall compute a community or STEM 56372
school's student support base cost for a fiscal year as follows: 56373

The number of students enrolled in the school for that fiscal 56374
year X [(the sum of the student support base cost calculated for 56375
all city, local, and exempted village school districts in the 56376
state for that fiscal year under division (E) of section 56377
3317.011 of the Revised Code) / the sum of the base cost 56378
enrolled ADMs of all of the city, local, and exempted village 56379
school districts in the state for that fiscal year] 56380

(F) The department shall compute a community or STEM 56381
school's leadership and accountability base cost for a fiscal 56382
year as follows: 56383

The number of students enrolled in the school for that fiscal 56384
year X (the sum of the leadership and accountability base cost 56385
calculated for all city, local, and exempted village school 56386
districts in the state for that fiscal year under division (F) 56387
of section 3317.011 of the Revised Code / the sum of the base 56388
cost enrolled ADMs of all of the city, local, and exempted 56389
village school districts in the state for that fiscal year) 56390

(G) The department shall compute a community or STEM 56391
school's building leadership and operations base cost for a 56392
fiscal year as follows: 56393

The number of students enrolled in the school for that fiscal 56394

year X (the sum of the building leadership and accountability
base cost calculated for all city, local, and exempted village
school districts in the state for that fiscal year under
division (G) of section 3317.011 of the Revised Code / the sum
of the base cost enrolled ADMs of all of the city, local, and
exempted village school districts in the state for that fiscal
year)

(H) If a community or STEM school is an eligible community
or STEM school, the department shall compute the school's
athletic co-curricular activities base cost for a fiscal year as
follows:

The number of students enrolled in the school for that fiscal
year X (the amount determined under division (H) (1) of section
3317.011 of the Revised Code / the sum determined under division
(H) (2) of section 3317.011 of the Revised Code)

Sec. 3317.02. As used in this chapter:

(A) "Alternative school" has the same meaning as in
section 3313.974 of the Revised Code.

(B) "Autism scholarship unit" means a unit that consists
of all of the students for whom autism scholarships are awarded
under section 3310.41 of the Revised Code.

(C) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a district's
"base cost enrolled ADM" for a fiscal year means the greater of
the following:

(1) The district's enrolled ADM for the previous fiscal
year;

(2) The average of the district's enrolled ADM for the
previous three fiscal years.

(D) (1) "Base cost per pupil" means the following for a 56423
city, local, or exempted village school district: 56424

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the aggregate 56425
base cost calculated for that district for that fiscal year 56426
under section 3317.011 of the Revised Code divided by the 56427
district's base cost enrolled ADM for that fiscal year; 56428

(b) For fiscal year ~~2026-2028~~ and each fiscal year 56429
thereafter, an amount calculated in a manner determined by the 56430
general assembly. 56431

(2) "Base cost per pupil" means the following for a joint 56432
vocational school district: 56433

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the aggregate 56434
base cost calculated for that district for that fiscal year 56435
under section 3317.012 of the Revised Code divided by the 56436
district's base cost enrolled ADM for that fiscal year; 56437

(b) For fiscal year ~~2026-2028~~ and each fiscal year 56438
thereafter, an amount calculated in a manner determined by the 56439
general assembly. 56440

(E) (1) "Category one career-technical education ADM" means 56441
the enrollment of students during the school year on a full-time 56442
equivalency basis in career-technical education programs 56443
described in division (A) (1) of section 3317.014 of the Revised 56444
Code and, in the case of a funding unit that is a city, local, 56445
exempted village, or joint vocational school district, certified 56446
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 56447
Revised Code or, in the case of the community and STEM school 56448
unit, reported by all community and STEM schools statewide under 56449
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 56450
and division (D) of section 3326.32 of the Revised Code. 56451

(2) "Category two career-technical education ADM" means 56452
the enrollment of students during the school year on a full-time 56453
equivalency basis in career-technical education programs 56454
described in division (A) (2) of section 3317.014 of the Revised 56455
Code and, in the case of a funding unit that is a city, local, 56456
exempted village, or joint vocational school district, certified 56457
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 56458
Revised Code or, in the case of the community and STEM school 56459
unit, reported by all community and STEM schools statewide under 56460
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 56461
and division (D) of section 3326.32 of the Revised Code. 56462

(3) "Category three career-technical education ADM" means 56463
the enrollment of students during the school year on a full-time 56464
equivalency basis in career-technical education programs 56465
described in division (A) (3) of section 3317.014 of the Revised 56466
Code and, in the case of a funding unit that is a city, local, 56467
exempted village, or joint vocational school district, certified 56468
under division (B) (13) or (D) (2) (j) of section 3317.03 of the 56469
Revised Code or, in the case of the community and STEM school 56470
unit, reported by all community and STEM schools statewide under 56471
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 56472
and division (D) of section 3326.32 of the Revised Code. 56473

(4) "Category four career-technical education ADM" means 56474
the enrollment of students during the school year on a full-time 56475
equivalency basis in career-technical education programs 56476
described in division (A) (4) of section 3317.014 of the Revised 56477
Code and, in the case of a funding unit that is a city, local, 56478
exempted village, or joint vocational school district, certified 56479
under division (B) (14) or (D) (2) (k) of section 3317.03 of the 56480
Revised Code or, in the case of the community and STEM school 56481
unit, reported by all community and STEM schools statewide under 56482

divisions (B) (4) and (5) of section 3314.08 of the Revised Code 56483
and division (D) of section 3326.32 of the Revised Code. 56484

(5) "Category five career-technical education ADM" means 56485
the enrollment of students during the school year on a full-time 56486
equivalency basis in career-technical education programs 56487
described in division (A) (5) of section 3317.014 of the Revised 56488
Code and, in the case of a funding unit that is a city, local, 56489
exempted village, or joint vocational school district, certified 56490
under division (B) (15) or (D) (2) (1) of section 3317.03 of the 56491
Revised Code or, in the case of the community and STEM school 56492
unit, reported by all community and STEM schools statewide under 56493
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 56494
and division (D) of section 3326.32 of the Revised Code. 56495

(F) (1) "Category one English learner ADM" means the full- 56496
time equivalent number of English learners described in division 56497
(A) of section 3317.016 of the Revised Code and, in the case of 56498
a funding unit that is a city, local, exempted village, or joint 56499
vocational school district, certified under division (B) (16) or 56500
(D) (2) (m) of section 3317.03 of the Revised Code or, in the case 56501
of the community and STEM school unit, reported by all community 56502
and STEM schools statewide under division (B) (6) of section 56503
3314.08 of the Revised Code and division (E) of section 3326.32 56504
of the Revised Code. 56505

(2) "Category two English learner ADM" means the full-time 56506
equivalent number of English learners described in division (B) 56507
of section 3317.016 of the Revised Code and, in the case of a 56508
funding unit that is a city, local, exempted village, or joint 56509
vocational school district, certified under division (B) (17) or 56510
(D) (2) (n) of section 3317.03 of the Revised Code or, in the case 56511
of the community and STEM school unit, reported by all community 56512

and STEM schools statewide under division (B) (6) of section 56513
3314.08 of the Revised Code and division (E) of section 3326.32 56514
of the Revised Code. 56515

(3) "Category three English learner ADM" means the full- 56516
time equivalent number of English learners described in division 56517
(C) of section 3317.016 of the Revised Code and, in the case of 56518
a funding unit that is a city, local, exempted village, or joint 56519
vocational school district, certified under division (B) (18) or 56520
(D) (2) (o) of section 3317.03 of the Revised Code or, in the case 56521
of the community and STEM school unit, reported by all community 56522
and STEM schools statewide under division (B) (6) of section 56523
3314.08 of the Revised Code and division (E) of section 3326.32 56524
of the Revised Code. 56525

(G) (1) "Category one special education ADM" means the 56526
full-time equivalent number of children with disabilities 56527
receiving special education services for the disability 56528
specified in division (A) of section 3317.013 of the Revised 56529
Code and, in the case of a funding unit that is a city, local, 56530
exempted village, or joint vocational school district, certified 56531
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 56532
Revised Code or, in the case of the community and STEM school 56533
unit, reported by all community and STEM schools statewide under 56534
division (B) (3) of section 3314.08 of the Revised Code and 56535
division (C) of section 3326.32 of the Revised Code. 56536

(2) "Category two special education ADM" means the full- 56537
time equivalent number of children with disabilities receiving 56538
special education services for those disabilities specified in 56539
division (B) of section 3317.013 of the Revised Code and, in the 56540
case of a funding unit that is a city, local, exempted village, 56541
or joint vocational school district, certified under division 56542

(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 56543
in the case of the community and STEM school unit, reported by 56544
all community and STEM schools statewide under division (B) (3) 56545
of section 3314.08 of the Revised Code and division (C) of 56546
section 3326.32 of the Revised Code. 56547

(3) "Category three special education ADM" means the full- 56548
time equivalent number of students receiving special education 56549
services for those disabilities specified in division (C) of 56550
section 3317.013 of the Revised Code, and, in the case of a 56551
funding unit that is a city, local, exempted village, or joint 56552
vocational school district, certified under division (B) (7) or 56553
(D) (2) (d) of section 3317.03 of the Revised Code or, in the case 56554
of the community and STEM school unit, reported by all community 56555
and STEM schools statewide under division (B) (3) of section 56556
3314.08 of the Revised Code and division (C) of section 3326.32 56557
of the Revised Code. 56558

(4) "Category four special education ADM" means the full- 56559
time equivalent number of students receiving special education 56560
services for those disabilities specified in division (D) of 56561
section 3317.013 of the Revised Code and, in the case of a 56562
funding unit that is a city, local, exempted village, or joint 56563
vocational school district, certified under division (B) (8) or 56564
(D) (2) (e) of section 3317.03 of the Revised Code or, in the case 56565
of the community and STEM school unit, reported by all community 56566
and STEM schools statewide under division (B) (3) of section 56567
3314.08 of the Revised Code and division (C) of section 3326.32 56568
of the Revised Code. 56569

(5) "Category five special education ADM" means the full- 56570
time equivalent number of students receiving special education 56571
services for the disabilities specified in division (E) of 56572

section 3317.013 of the Revised Code and, in the case of a 56573
funding unit that is a city, local, exempted village, or joint 56574
vocational school district, certified under division (B)(9) or 56575
(D)(2)(f) of section 3317.03 of the Revised Code or, in the case 56576
of the community and STEM school unit, reported by all community 56577
and STEM schools statewide under division (B)(3) of section 56578
3314.08 of the Revised Code and division (C) of section 3326.32 56579
of the Revised Code. 56580

(6) "Category six special education ADM" means the full- 56581
time equivalent number of students receiving special education 56582
services for the disabilities specified in division (F) of 56583
section 3317.013 of the Revised Code and, in the case of a 56584
funding unit that is a city, local, exempted village, or joint 56585
vocational school district certified under division (B)(10) or 56586
(D)(2)(g) of section 3317.03 of the Revised Code or, in the case 56587
of the community and STEM school unit, reported by all community 56588
and STEM schools statewide under division (B)(3) of section 56589
3314.08 of the Revised Code and division (C) of section 3326.32 56590
of the Revised Code. 56591

(H) "Community and STEM school unit" means a unit that 56592
consists of all of the students enrolled in community schools 56593
established under Chapter 3314. of the Revised Code and science, 56594
technology, engineering, and mathematics schools established 56595
under Chapter 3326. of the Revised Code. 56596

(I)(1) "Economically disadvantaged index for a school 56597
district" means the following: 56598

(a) For fiscal years 2024-2026 and 2025-2027, the square of 56599
the quotient of that district's percentage of students in its 56600
enrolled ADM who are identified as economically disadvantaged as 56601
defined by the department of education and workforce, divided by 56602

the percentage of students in the statewide ADM identified as 56603
economically disadvantaged. For purposes of this calculation: 56604

(i) For a city, local, or exempted village school 56605
district, the "statewide ADM" equals the sum of the following: 56606

(I) The enrolled ADM for all city, local, and exempted 56607
village school districts combined; 56608

(II) The statewide enrollment of students in community 56609
schools established under Chapter 3314. of the Revised Code; 56610

(III) The statewide enrollment of students in science, 56611
technology, engineering, and mathematics schools established 56612
under Chapter 3326. of the Revised Code. 56613

(ii) For a joint vocational school district, the 56614
"statewide ADM" equals the sum of the enrolled ADM for all joint 56615
vocational school districts combined. 56616

(b) For fiscal year ~~2026~~2028 and each fiscal year 56617
thereafter, an index calculated in a manner determined by the 56618
general assembly. 56619

(2) "Economically disadvantaged index for a community or 56620
STEM school" means the following: 56621

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the square of 56622
the quotient of the percentage of students enrolled in the 56623
school who are identified as economically disadvantaged as 56624
defined by the department, divided by the percentage of students 56625
in the statewide ADM identified as economically disadvantaged. 56626
For purposes of this calculation, the "statewide ADM" equals the 56627
"statewide ADM" for city, local, and exempted village school 56628
districts described in division (I)(1)(a)(i) of this section. 56629
For the purposes of applying this calculation to a classical 56630

school, the percentage of students enrolled in a classical 56631
school who are identified as economically disadvantaged shall be 56632
the average of all brick-and-mortar community schools for that 56633
year. 56634

(b) For fiscal year ~~2026~~2028 and each fiscal year 56635
thereafter, an index calculated in a manner determined by the 56636
general assembly. 56637

(J) "Educational choice scholarship unit" means a unit 56638
that consists of all of the students for whom educational choice 56639
scholarships are awarded under sections 3310.03 and 3310.032 of 56640
the Revised Code. 56641

(K) "Enrolled ADM" means the following: 56642

(1) For a city, local, or exempted village school 56643
district, the enrollment reported under division (A) of section 56644
3317.03 of the Revised Code, as verified by the department and 56645
adjusted if so ordered under division (K) of that section, and 56646
as further adjusted by the department, as follows: 56647

(a) Add the students described in division (A) (1) (b) of 56648
section 3317.03 of the Revised Code; 56649

(b) Subtract the students counted under divisions (A) (2) 56650
(a), (b), (d), (g), (h), (i), ~~and~~ (j), and (k) of section 56651
3317.03 of the Revised Code; 56652

(c) Count only twenty per cent of the number of joint 56653
vocational school district students counted under division (A) 56654
(3) of section 3317.03 of the Revised Code; 56655

(d) Add twenty per cent of the number of students who are 56656
entitled to attend school in the district under section 3313.64 56657
or 3313.65 of the Revised Code and are enrolled in another 56658

school district under a career-technical education compact; 56659

(e) Add twenty per cent of the number of students 56660
described in division (A) (1) (b) of section 3317.03 of the 56661
Revised Code who enroll in a joint vocational school district or 56662
under a career-technical education compact. 56663

(2) For a joint vocational school district, the final 56664
number verified by the department, based on the enrollment 56665
reported and certified under division (D) of section 3317.03 of 56666
the Revised Code, as adjusted, if so ordered, under division (K) 56667
of that section, and as further adjusted by the department by 56668
adding the students described in division (D) (1) (b) of section 56669
3317.03 of the Revised Code; 56670

(3) For the community and STEM school unit, the sum of the 56671
number of students reported as enrolled in community schools 56672
under divisions (B) (1) and (2) of section 3314.08 of the Revised 56673
Code and the number of students reported as enrolled in STEM 56674
schools under division (A) of section 3326.32 of the Revised 56675
Code; 56676

(4) For the educational choice scholarship unit, the 56677
number of students for whom educational choice scholarships are 56678
awarded under sections 3310.03 and 3310.032 of the Revised Code 56679
as reported under division (A) (2) (g) of section 3317.03 of the 56680
Revised Code; 56681

(5) For the pilot project scholarship unit, the number of 56682
students for whom pilot project scholarships are awarded under 56683
sections 3313.974 to 3313.979 of the Revised Code as reported 56684
under division (A) (2) (b) of section 3317.03 of the Revised Code; 56685

(6) For the autism scholarship unit, the number of 56686
students for whom autism scholarships are awarded under section 56687

3310.41 of the Revised Code as reported under division (A) (2) (h) 56688
of section 3317.03 of the Revised Code; 56689

(7) For the Jon Peterson special needs scholarship unit, 56690
the number of students for whom Jon Peterson special needs 56691
scholarships are awarded under sections 3310.51 to 3310.64 of 56692
the Revised Code as reported under division (A) (2) (h) of section 56693
3317.03 of the Revised Code; 56694

(8) For the nonchartered educational savings account unit, 56695
the number of students for whom educational savings accounts are 56696
established under sections 3310.21 to 3310.26 of the Revised 56697
Code as reported under division (A) (2) (k) of section 3317.03 of 56698
the Revised Code. 56699

(L) (1) "Formula ADM" means, for a city, local, or exempted 56700
village school district, the enrollment reported under division 56701
(A) of section 3317.03 of the Revised Code, as verified by the 56702
department and adjusted if so ordered under division (K) of that 56703
section, and as further adjusted by the department, as follows: 56704

(a) Count only twenty per cent of the number of joint 56705
vocational school district students counted under division (A) 56706
(3) of section 3317.03 of the Revised Code; 56707

(b) Add twenty per cent of the number of students who are 56708
entitled to attend school in the district under section 3313.64 56709
or 3313.65 of the Revised Code and are enrolled in another 56710
school district under a career-technical education compact. 56711

(2) "Formula ADM" means, for a joint vocational school 56712
district, the final number verified by the department, based on 56713
the enrollment reported and certified under division (D) of 56714
section 3317.03 of the Revised Code, as adjusted, if so ordered, 56715
under division (K) of that section. 56716

(M) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in enrolled ADM and formula ADM.

(N) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding base" means, for a city, local, or exempted village school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly and prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020;

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the district's payments for fiscal year 2020 under divisions (C) (1), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(b) Subtract from the amount calculated in division (N) (1) (a) of this section the sum of the following:

- (i) The following difference: 56746
- (The amount paid to the district under division (A) (5) of 56747
section 3317.022 of the Revised Code, as that division existed 56748
prior to September 30, 2021, for fiscal year 2019) - (the 56749
amounts deducted from the district and paid to a community 56750
school under division (C) (1) (e) of section 3314.08 of the 56751
Revised Code or a science, technology, engineering, and 56752
mathematics school under division (E) of section 3326.33 of the 56753
Revised Code as those divisions existed prior to September 30, 56754
2021, for fiscal year 2020 in accordance with division (A) of 56755
Section 265.235 of H.B. 166 of the 133rd general assembly) 56756
- (ii) The payments deducted from the district and paid to a 56757
community school for fiscal year 2020 under divisions (C) (1) (a), 56758
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the 56759
Revised Code as those divisions existed prior to September 30, 56760
2021, in accordance with division (A) of Section 265.230 of H.B. 56761
166 of the 133rd general assembly; 56762
- (iii) The payments deducted from the district and paid to 56763
a science, technology, engineering, and mathematics school for 56764
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 56765
and (G) of section 3326.33 of the Revised Code as those 56766
divisions existed prior to September 30, 2021, in accordance 56767
with division (A) of Section 265.235 of H.B. 166 of the 133rd 56768
general assembly; 56769
- (iv) The payments deducted from the district under 56770
division (C) of section 3310.08 of the Revised Code as that 56771
division existed prior to September 30, 2021, division (C) (2) of 56772
section 3310.41 of the Revised Code as that division existed 56773
prior to September 30, 2021, and former section 3310.55 of the 56774
Revised Code for fiscal year 2020 and, in the case of a pilot 56775

project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

(v) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the payments subtracted from the district for fiscal year 2020 under divisions (B) (1) and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference:

(The amount paid to the district under division (A) (5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C) (1) (e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(O) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding base" means, for a joint vocational school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The district's payments for fiscal year 2020 under Section 265.225 of H.B. 166 of the 133rd general assembly after

any adjustments required under Section 265.227 of H.B. 166 of 56805
the 133rd general assembly; 56806

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 56807
district's payments for fiscal year 2020 under divisions (D) (1) 56808
and (2) of section 3313.981 of the Revised Code as those 56809
divisions existed prior to September 30, 2021. 56810

(b) Subtract from the amount paid to the district under 56811
division (A) (3) of section 3317.16 of the Revised Code, as that 56812
division existed prior to September 30, 2021, for fiscal year 56813
2019. 56814

(2) The district's "disadvantaged pupil impact aid funding 56815
base," which equals the amount paid to the district under 56816
division (A) (3) of section 3317.16 of the Revised Code, as that 56817
division existed prior to September 30, 2021, for fiscal year 56818
2019. 56819

(P) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 56820
base" for a community school means the following: 56821

(1) For a community school that was in operation for the 56822
entirety of fiscal year 2020, the amount paid to the school for 56823
that fiscal year under division (C) (1) of section 3314.08 of the 56824
Revised Code as that division existed prior to September 30, 56825
2021, in accordance with division (A) of Section 265.230 of H.B. 56826
166 of the 133rd general assembly and the amount, if any, paid 56827
to the school for that fiscal year under section 3314.085 of the 56828
Revised Code in accordance with division (B) of Section 265.230 56829
of H.B. 166 of the 133rd general assembly; 56830

(2) For a community school that was in operation for part 56831
of fiscal year 2020, the amount that would have been paid to the 56832
school for that fiscal year under division (C) (1) of section 56833

3314.08 of the Revised Code as that division existed prior to 56834
September 30, 2021, in accordance with division (A) of Section 56835
265.230 of H.B. 166 of the 133rd general assembly if the school 56836
had been in operation for the entirety of that fiscal year, as 56837
calculated by the department, and the amount that would have 56838
been paid to the school for that fiscal year under section 56839
3314.085 of the Revised Code in accordance with division (B) of 56840
Section 265.230 of H.B. 166 of the 133rd general assembly, if 56841
any, if the school had been in operation for the entirety of 56842
that fiscal year, as calculated by the department; 56843

(3) For a community school that was not in operation for 56844
fiscal year 2020, the amount that would have been paid to the 56845
school if it was in operation for that school year under 56846
division (C)(1) of section 3314.08 of the Revised Code as that 56847
division existed prior to September 30, 2021, in accordance with 56848
division (A) of Section 265.230 of H.B. 166 of the 133rd general 56849
assembly if the school had been in operation for the entirety of 56850
that fiscal year, as calculated by the department, and the 56851
amount that would have been paid to the school for that fiscal 56852
year under section 3314.085 of the Revised Code in accordance 56853
with division (B) of Section 265.230 of H.B. 166 of the 133rd 56854
general assembly, if any, if the school had been in operation 56855
for the entirety of that fiscal year, as calculated by the 56856
department. 56857

(Q) For fiscal years 2024-2026 and 2025-2027, "funding 56858
base" for a STEM school means the following: 56859

(1) For a science, technology, engineering, and 56860
mathematics school that was in operation for the entirety of 56861
fiscal year 2020, the amount paid to the school for that fiscal 56862
year under section 3326.33 of the Revised Code as that section 56863

existed prior to September 30, 2021, in accordance with division 56864
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 56865
and the amount, if any, paid to the school for that fiscal year 56866
under section 3326.41 of the Revised Code in accordance with 56867
division (B) of Section 265.235 of H.B. 166 of the 133rd general 56868
assembly; 56869

(2) For a science, technology, engineering, and 56870
mathematics school that was in operation for part of fiscal year 56871
2020, the amount that would have been paid to the school for 56872
that fiscal year under section 3326.33 of the Revised Code as 56873
that section existed prior to September 30, 2021, in accordance 56874
with division (A) of Section 265.235 of H.B. 166 of the 133rd 56875
general assembly if the school had been in operation for the 56876
entirety of that fiscal year, as calculated by the department, 56877
and the amount that would have been paid to the school for that 56878
fiscal year under section 3326.41 of the Revised Code in 56879
accordance with division (B) of Section 265.235 of H.B. 166 of 56880
the 133rd general assembly, if any, if the school had been in 56881
operation for the entirety of that fiscal year, as calculated by 56882
the department; 56883

(3) For a science, technology, engineering, and 56884
mathematics school that was not in operation for fiscal year 56885
2020, the amount that would have been paid to the school if it 56886
was in operation for that school year under section 3326.33 of 56887
the Revised Code as that section existed prior to September 30, 56888
2021, in accordance with division (A) of Section 265.235 of H.B. 56889
166 of the 133rd general assembly if the school had been in 56890
operation for the entirety of that fiscal year, as calculated by 56891
the department, and the amount that would have been paid to the 56892
school for that fiscal year under section 3326.41 of the Revised 56893
Code in accordance with division (B) of Section 265.235 of H.B. 56894

166 of the 133rd general assembly, if any, if the school had 56895
been in operation for the entirety of that fiscal year, as 56896
calculated by the department. 56897

(R) "Funding unit" means any of the following: 56898

(1) A city, local, exempted village, or joint vocational 56899
school district; 56900

(2) The community and STEM school unit; 56901

(3) The educational choice scholarship unit; 56902

(4) The pilot project scholarship unit; 56903

(5) The autism scholarship unit; 56904

(6) The Jon Peterson special needs scholarship unit; 56905

(7) The nonchartered educational savings account unit. 56906

(S) "Jon Peterson special needs scholarship unit" means a 56907
unit that consists of all of the students for whom Jon Peterson 56908
scholarships are awarded under sections 3310.51 to 3310.64 of 56909
the Revised Code. 56910

(T) "Internet- or computer-based community school" has the 56911
same meaning as in section 3314.02 of the Revised Code. 56912

(U) "LRE student with a disability" means a child with a 56913
disability who has an individualized education program providing 56914
for the student to spend more than half of each school day in a 56915
regular school setting with nondisabled students. For purposes 56916
of this division, "individualized education program" and "child 56917
with a disability" have the same meanings as in section 3323.01 56918
of the Revised Code, and "LRE" is an abbreviation for "least 56919
restrictive environment." 56920

(V) "Medically fragile child" means a child to whom all of 56921

the following apply: 56922

(1) The child requires the services of a doctor of 56923
medicine or osteopathic medicine at least once a week due to the 56924
instability of the child's medical condition. 56925

(2) The child requires the services of a registered nurse 56926
on a daily basis. 56927

(3) The child is at risk of institutionalization in a 56928
hospital, skilled nursing facility, or intermediate care 56929
facility for individuals with intellectual disabilities. 56930

(W) (1) A child may be identified as having an "other 56931
health impairment-major" if the child's condition meets the 56932
definition of "other health impaired" established in rules 56933
previously adopted by the department and if either of the 56934
following apply: 56935

(a) The child is identified as having a medical condition 56936
that is among those listed by the department as conditions where 56937
a substantial majority of cases fall within the definition of 56938
"medically fragile child." 56939

(b) The child is determined by the department to be a 56940
medically fragile child. A school district superintendent may 56941
petition the department for a determination that a child is a 56942
medically fragile child. 56943

(2) A child may be identified as having an "other health 56944
impairment-minor" if the child's condition meets the definition 56945
of "other health impaired" established in rules previously 56946
adopted by the department but the child's condition does not 56947
meet either of the conditions specified in division (W) (1) (a) or 56948
(b) of this section. 56949

(X) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 56950
local, exempted village, or joint vocational school district's, 56951
community school's, or STEM school's "general phase-in 56952
percentage" is equal to the percentage for that fiscal year that 56953
is determined by the general assembly. 56954

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 56955
local, exempted village, or joint vocational school district's 56956
"phase-in percentage for disadvantaged pupil impact aid" is 56957
equal to the percentage for that fiscal year that is determined 56958
by the general assembly. 56959

(Y) "Pilot project scholarship unit" means a unit that 56960
consists of all of the students for whom pilot project 56961
scholarships are awarded under sections 3313.974 to 3313.979 of 56962
the Revised Code. 56963

(Z) "Preschool child with a disability" means a child with 56964
a disability, as defined in section 3323.01 of the Revised Code, 56965
who is at least age three but is not of compulsory school age, 56966
as defined in section 3321.01 of the Revised Code, and who is 56967
not currently enrolled in kindergarten. 56968

(AA) "Related services" includes: 56969

(1) Child study, special education supervisors and 56970
coordinators, speech and hearing services, adaptive physical 56971
development services, occupational or physical therapy, teacher 56972
assistants for children with disabilities whose disabilities are 56973
described in division (B) of section 3317.013 or division (G) (3) 56974
of this section, behavioral intervention, interpreter services, 56975
work study, nursing services, and specialized integrative 56976
services as those terms are defined by the department; 56977

(2) Speech and language services provided to any student 56978

with a disability, including any student whose primary or only disability is a speech and language disability; 56979
56980

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services; 56981
56982
56983

(4) Any service included in units funded under former division (0) (1) of section 3317.024 of the Revised Code; 56984
56985

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs. 56986
56987
56988

(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts. 56989
56990

(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code. 56991
56992

(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 56993
56994

(EE) (1) "State share percentage" means the following for a city, local, or exempted village school district: 56995
56996

(a) For fiscal years 2024-2026 and 2025-2027, the state share percentage calculated under section 3317.017 of the Revised Code; 56997
56998
56999

(b) For fiscal year 2026-2028 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly. 57000
57001
57002

(2) "State share percentage" means ~~the following~~, for a joint vocational school district: 57003
57004

~~(a) For fiscal years 2024 and 2025, the percentage~~ 57005

~~calculated in accordance with the following formula:~~ 57006

~~The amount computed for the district under division (A) (1)~~ 57007
~~of section 3317.16 of the Revised Code for that fiscal year /~~ 57008
~~the aggregate base cost calculated for the district for that~~ 57009
~~fiscal year under section 3317.012 of the Revised Code~~ 57010

~~(b) For fiscal year 2026 and each fiscal year thereafter,~~ 57011
~~a percentage calculated in a manner determined by the general~~ 57012
~~assembly, the district's state share percentage calculated under~~ 57013
~~section 3317.165 of the Revised Code.~~ 57014

(FF) "Statewide average base cost per pupil" means the 57015
following: 57016

(1) For fiscal years 2024-2026 and 20252027, the statewide 57017
average base cost per pupil calculated under division (A) of 57018
section 3317.018 of the Revised Code; 57019

(2) For fiscal year 2026-2028 and each fiscal year 57020
thereafter, an amount calculated in a manner determined by the 57021
general assembly. 57022

(GG) "Statewide average career-technical base cost per 57023
pupil" means the following: 57024

(1) For fiscal years 2024-2026 and 20252027, the statewide 57025
average career-technical base cost per pupil calculated under 57026
division (B) of section 3317.018 of the Revised Code; 57027

(2) For fiscal year 2026-2028 and each fiscal year 57028
thereafter, an amount calculated in a manner determined by the 57029
general assembly. 57030

(HH) "STEM school" means a science, technology, 57031
engineering, and mathematics school established under Chapter 57032
3326. of the Revised Code. 57033

(II) "Taxes charged and payable" means the taxes charged 57034
and payable against real and public utility property after 57035
making the reduction required by section 319.301 of the Revised 57036
Code, plus the taxes levied against tangible personal property. 57037

(JJ) For purposes of sections 3317.017 and ~~3317.16~~ 57038
3317.165 of the Revised Code, "three-year average valuation" for 57039
a fiscal year means the average of total taxable value for the 57040
three most recent tax years for which data is available, as 57041
certified under section 3317.021 of the Revised Code. 57042

(KK) "Total ADM" means, for a city, local, or exempted 57043
village school district, the enrollment reported under division 57044
(A) of section 3317.03 of the Revised Code minus the enrollment 57045
reported under divisions (A) (2) (a), (b), (g), (h), ~~and (i)~~, and 57046
(k) of that section, as verified by the department and adjusted 57047
if so ordered under division (K) of that section. 57048

(LL) "Total special education ADM" means the sum of 57049
categories one through six special education ADM. 57050

(MM) "Total taxable value" means the sum of the amounts 57051
certified for a city, local, exempted village, or joint 57052
vocational school district under divisions (A) (1) and (2) of 57053
section 3317.021 of the Revised Code. 57054

(NN) "Tuition discount" means any deduction from the base 57055
tuition amount per student charged by a chartered nonpublic 57056
school, to which the student's family is entitled due to one or 57057
more of the following conditions: 57058

(1) The student's family has multiple children enrolled in 57059
the same school. 57060

(2) The student's family is a member of or affiliated with 57061
a religious or secular organization that provides oversight of 57062

the school or from which the school has agreed to enroll 57063
students. 57064

(3) The student's parent is an employee of the school. 57065

(4) Some other qualification not based on the income of 57066
the student's family or the student's athletic or academic 57067
ability and for which all students in the school may qualify. 57068

(OO) "Classical school" means a community school 57069
established under Chapter 3314. of the Revised Code that is a 57070
member of the Ohio classical school association, or its 57071
successor organization, and uses a curriculum substantially 57072
similar to that of a nationally recognized classical school 57073
network. 57074

(PP) "Nonchartered educational savings account unit" means 57075
a unit that consists of all the students for whom educational 57076
savings accounts are established under sections 3310.21 to 57077
3310.26 of the Revised Code. 57078

Sec. 3317.021. (A) On or before the first day of June of 57079
each year, the tax commissioner shall certify to the department 57080
of education and workforce and the office of budget and 57081
management the information described in divisions (A) (1) to (5) 57082
of this section for each city, exempted village, and local 57083
school district, and the information required by divisions (A) 57084
(1) and (2) of this section for each joint vocational school 57085
district, and it shall be used, along with the information 57086
certified under division (B) of this section, in making the 57087
computations for the district under this chapter. 57088

(1) The taxable value of real and public utility real 57089
property in the school district subject to taxation in the 57090
preceding tax year, by class and by county of location. 57091

(2) The taxable value of tangible personal property, 57092
including public utility personal property, subject to taxation 57093
by the district for the preceding tax year. 57094

(3) (a) The total property tax rate and total taxes charged 57095
and payable for the current expenses for the preceding tax year 57096
and the total property tax rate and the total taxes charged and 57097
payable to a joint vocational district for the preceding tax 57098
year that are limited to or to the extent apportioned to current 57099
expenses. 57100

(b) The portion of the amount of taxes charged and payable 57101
reported for each city, local, and exempted village school 57102
district under division (A) (3) (a) of this section attributable 57103
to a joint vocational school district. 57104

(4) The value of all real and public utility real property 57105
in the school district exempted from taxation minus both of the 57106
following: 57107

(a) The value of real and public utility real property in 57108
the district owned by the United States government and used 57109
exclusively for a public purpose; 57110

(b) The value of real and public utility real property in 57111
the district exempted from taxation under Chapter 725. or 1728. 57112
or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 57113
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 57114

(5) The ~~total~~ median federal adjusted gross income of the 57115
residents of the school district, based on tax returns filed by 57116
the residents of the district, for the most recent year for 57117
which this information is available, and the median Ohio 57118
adjusted gross income of the residents of the school district 57119
determined on the basis of tax returns filed for the second 57120

preceding tax year by the residents of the district. 57121

(6) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the number of 57122
state tax returns filed by the residents of the district for the 57123
most recent year for which this information is available. 57124

(B) On or before the first day of May each year, the tax 57125
commissioner shall certify to the department of education and 57126
workforce and the office of budget and management the total 57127
taxable real property value of railroads and, separately, the 57128
total taxable tangible personal property value of all public 57129
utilities for the preceding tax year, by school district and by 57130
county of location. 57131

(C) If on the basis of the information certified under 57132
division (A) of this section, the department determines that any 57133
district fails in any year to meet the qualification requirement 57134
specified in division (A) of section 3317.01 of the Revised 57135
Code, the department shall immediately request the tax 57136
commissioner to determine the extent to which any school 57137
district income tax levied by the district under Chapter 5748. 57138
of the Revised Code shall be included in meeting that 57139
requirement. Within five days of receiving such a request from 57140
the department, the tax commissioner shall make the 57141
determination required by this division and report the quotient 57142
obtained under division (C)(3) of this section to the department 57143
and the office of budget and management. This quotient 57144
represents the number of mills that the department shall include 57145
in determining whether the district meets the qualification 57146
requirement of division (A) of section 3317.01 of the Revised 57147
Code. 57148

The tax commissioner shall make the determination required 57149
by this division as follows: 57150

(1) Multiply one mill times the total taxable value of the 57151
district as determined in divisions (A) (1) and (2) of this 57152
section; 57153

(2) Estimate the total amount of tax liability for the 57154
current tax year under taxes levied by Chapter 5748. of the 57155
Revised Code that are apportioned to current operating expenses 57156
of the district, excluding any income tax receipts allocated for 57157
the project cost, debt service, or maintenance set-aside 57158
associated with a state-assisted classroom facilities project as 57159
authorized by section 3318.052 of the Revised Code; 57160

(3) Divide the amount estimated under division (C) (2) of 57161
this section by the product obtained under division (C) (1) of 57162
this section. 57163

Sec. 3317.022. The department of education and workforce 57164
shall compute and distribute state core foundation funding to 57165
each eligible funding unit that is a city, local, or exempted 57166
village school district, the community and STEM school unit, the 57167
educational choice scholarship unit, the pilot project 57168
scholarship unit, the autism scholarship unit, ~~and the Jon~~ 57169
Peterson special needs scholarship unit, and the nonchartered 57170
educational savings account unit for the fiscal year, using the 57171
information obtained under section 3317.021 of the Revised Code 57172
in the calendar year in which the fiscal year begins in 57173
accordance with the following: 57174

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for a funding 57175
unit that is a city, local, or exempted village school district: 57176

The district's funding base + [(the district's state core 57177
foundation funding components for that fiscal year calculated 57178
under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this 57179

section - the district's general funding base calculated in 57180
accordance with division (N) (1) of section 3317.02 of the 57181
Revised Code) X the district's general phase-in percentage for 57182
that fiscal year] + [(the district's disadvantaged pupil impact 57183
aid for that fiscal year calculated under division (A) (4) of 57184
this section - the district's disadvantaged pupil impact aid 57185
funding base calculated in accordance with division (N) (2) of 57186
section 3317.02 of the Revised Code) X the district's phase-in 57187
percentage for disadvantaged pupil impact aid for that fiscal 57188
year] ~~+ the district's supplemental targeted assistance funds~~ 57189
~~calculated under section 3317.0218 of the Revised Code~~ 57190

For fiscal year ~~2026-2028~~ and each fiscal year thereafter, 57191
for a funding unit that is a city, local, or exempted village 57192
school district, the sum of the district's state core foundation 57193
funding components for that fiscal year calculated under 57194
divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this 57195
section ~~and the district's supplemental targeted assistance~~ 57196
~~funds calculated under section 3317.0218 of the Revised Code~~, if 57197
the general assembly authorizes such payments to these funding 57198
units. 57199

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for the community 57200
and STEM school unit, an amount calculated in accordance with 57201
section 3317.026 of the Revised Code. 57202

For fiscal ~~years 2026-year 2028~~ and each fiscal year 57203
thereafter, for the community and STEM school unit, an amount 57204
calculated in accordance with divisions (A) (1), (3), (4), (5), 57205
(7), (8), ~~and (9)~~, and (14) of this section, if the general 57206
assembly authorizes such payments to these funding units. 57207

For the educational choice scholarship unit, the amount 57208
calculated under division (A) (10) of this section. 57209

For the pilot project scholarship unit, the amount 57210
calculated under division (A) (11) of this section. 57211

For the autism scholarship unit, the amount calculated 57212
under division (A) (12) of this section. 57213

For the Jon Peterson special needs scholarship unit, the 57214
amount calculated under division (A) (13) of this section. 57215

For fiscal year 2027 and each fiscal year thereafter, for 57216
the nonchartered educational savings account unit, the amount 57217
calculated under division (A) (15) of this section. 57218

(A) A funding unit's state core foundation funding 57219
components shall be the following: 57220

(1) (a) If the funding unit is a city, local, or exempted 57221
village school district, the district's state share, which is 57222
equal to the following: 57223

(i) For fiscal years 2024-2026 and 20252027, the amount 57224
calculated under division (B) of section 3317.017 of the Revised 57225
Code; 57226

(ii) For fiscal year 2026-2028 and each fiscal year 57227
thereafter, an amount calculated in a manner determined by the 57228
general assembly. 57229

(b) If the funding unit is the community and STEM school 57230
unit, the aggregate base cost for all schools in that unit, 57231
which is equal to the following: 57232

(i) For fiscal years 2024-2026 and 20252027, the amount 57233
calculated under section 3317.0110 of the Revised Code; 57234

(ii) For fiscal year 2026-2028 and each fiscal year 57235
thereafter, an amount calculated in a manner determined by the 57236

general assembly. 57237

(2) If the funding unit is a city, local, or exempted 57238
village school district, targeted assistance funds equal to the 57239
following: 57240

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 57241
calculated under section 3317.0217 of the Revised Code; 57242

(b) For fiscal year ~~2026-2028~~ and each fiscal year 57243
thereafter, an amount calculated in a manner determined by the 57244
general assembly. 57245

(3) If the funding unit is a city, local, or exempted 57246
village school district or the community and STEM school unit, 57247
additional state aid for special education and related services 57248
provided under Chapter 3323. of the Revised Code calculated as 57249
follows: 57250

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 57251
the following: 57252

(i) The funding unit's category one special education ADM 57253
X the multiple specified in division (A) of section 3317.013 of 57254
the Revised Code X the statewide average base cost per pupil for 57255
that fiscal year X if the funding unit is a city, local, or 57256
exempted village school district, the district's state share 57257
percentage; 57258

(ii) The funding unit's category two special education ADM 57259
X the multiple specified in division (B) of section 3317.013 of 57260
the Revised Code X the statewide average base cost per pupil for 57261
that fiscal year X if the funding unit is a city, local, or 57262
exempted village school district, the district's state share 57263
percentage; 57264

(iii) The funding unit's category three special education 57265
ADM X the multiple specified in division (C) of section 3317.013 57266
of the Revised Code X the statewide average base cost per pupil 57267
for that fiscal year X if the funding unit is a city, local, or 57268
exempted village school district, the district's state share 57269
percentage; 57270

(iv) The funding unit's category four special education 57271
ADM X the multiple specified in division (D) of section 3317.013 57272
of the Revised Code X the statewide average base cost per pupil 57273
for that fiscal year X if the funding unit is a city, local, or 57274
exempted village school district, the district's state share 57275
percentage; 57276

(v) The funding unit's category five special education ADM 57277
X the multiple specified in division (E) of section 3317.013 of 57278
the Revised Code X the statewide average base cost per pupil for 57279
that fiscal year X if the funding unit is a city, local, or 57280
exempted village school district, the district's state share 57281
percentage; 57282

(vi) The funding unit's category six special education ADM 57283
X the multiple specified in division (F) of section 3317.013 of 57284
the Revised Code X the statewide average base cost per pupil for 57285
that fiscal year X if the funding unit is a city, local, or 57286
exempted village school district, the district's state share 57287
percentage. 57288

(b) For fiscal year ~~2026~~2028 and each fiscal year 57289
thereafter, the sum of the following: 57290

(i) An amount calculated in a manner determined by the 57291
general assembly times the funding unit's category one special 57292
education ADM; 57293

(ii) An amount calculated in a manner determined by the 57294
general assembly times the funding unit's category two special 57295
education ADM; 57296

(iii) An amount calculated in a manner determined by the 57297
general assembly times the funding unit's category three special 57298
education ADM; 57299

(iv) An amount calculated in a manner determined by the 57300
general assembly times the funding unit's category four special 57301
education ADM; 57302

(v) An amount calculated in a manner determined by the 57303
general assembly times the funding unit's category five special 57304
education ADM; 57305

(vi) An amount calculated in a manner determined by the 57306
general assembly times the funding unit's category six special 57307
education ADM. 57308

(4) If the funding unit is a city, local, or exempted 57309
village school district or the community and STEM school unit, 57310
disadvantaged pupil impact aid calculated according to the 57311
following formula: 57312

(a) If the funding unit is a city, local, or exempted 57313
village school district, an amount equal to the following: 57314

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 57315
product: 57316

\$422 X (the district's economically disadvantaged index) X the 57317
number of students who are economically disadvantaged as 57318
certified under division (B) (21) of section 3317.03 of the 57319
Revised Code 57320

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 57321

thereafter, an amount calculated in a manner determined by the 57322
general assembly. 57323

(b) If the funding unit is the community and STEM school 57324
unit, an amount equal to the following: 57325

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 57326
calculated as follows: 57327

(I) For each student in the funding unit's enrolled ADM 57328
who is economically disadvantaged and is not enrolled in an 57329
internet- or computer-based community school, multiply \$422 by 57330
the economically disadvantaged index of the school in which the 57331
student is enrolled; 57332

(II) For each student in the funding unit's enrolled ADM 57333
who is economically disadvantaged and is enrolled in an 57334
internet- or computer-based community school, multiply \$211 by 57335
the economically disadvantaged index of the school in which the 57336
student is enrolled; 57337

(III) Compute the funding unit's disadvantaged pupil 57338
impact aid by calculating the sum of the amounts determined 57339
under ~~division~~divisions (A) (4) (b) (i) (I) and (II) of this 57340
section. 57341

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 57342
thereafter, an amount calculated as follows: 57343

(I) For each student in the funding unit's enrolled ADM 57344
who is economically disadvantaged ~~and is not enrolled in an~~ 57345
~~internet- or computer-based community school~~, calculate an 57346
amount in the manner determined by the general assembly; 57347

(II) Compute the funding unit's disadvantaged pupil impact 57348
aid by calculating the sum of the amounts determined under 57349

division (A) (4) (b) (ii) (I) of this section. 57350

(5) If the funding unit is a city, local, or exempted 57351
village school district or the community and STEM school unit, 57352
English learner funds calculated as follows: 57353

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 57354
the following: 57355

(i) The funding unit's category one English learner ADM X 57356
the multiple specified in division (A) of section 3317.016 of 57357
the Revised Code X the statewide average base cost per pupil for 57358
that fiscal year X if the funding unit is a city, local, or 57359
exempted village school district, the district's state share 57360
percentage; 57361

(ii) The funding unit's category two English learner ADM X 57362
the multiple specified in division (B) of section 3317.016 of 57363
the Revised Code X the statewide average base cost per pupil for 57364
that fiscal year X if the funding unit is a city, local, or 57365
exempted village school district, the district's state share 57366
percentage; 57367

(iii) The funding unit's category three English learner 57368
ADM X the multiple specified in division (C) of section 3317.016 57369
of the Revised Code X the statewide average base cost per pupil 57370
for that fiscal year X if the funding unit is a city, local, or 57371
exempted village school district, the district's state share 57372
percentage. 57373

(b) For fiscal year ~~2026-2028~~ and each fiscal year 57374
thereafter, the sum of the following: 57375

(i) An amount calculated in a manner determined by the 57376
general assembly times the funding unit's category one English 57377
learner ADM; 57378

(ii) An amount calculated in a manner determined by the 57379
general assembly times the funding unit's category two English 57380
learner ADM; 57381

(iii) An amount calculated in a manner determined by the 57382
general assembly times the funding unit's category three English 57383
learner ADM. 57384

(6) (a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, if the 57385
funding unit is a city, local, or exempted village school 57386
district, all of the following: 57387

(i) Gifted identification funds calculated according to 57388
the following formula: 57389

\$24 X the district's enrolled ADM for grades kindergarten 57390
through six X the district's state share percentage 57391

(ii) Gifted referral funds calculated according to the 57392
following formula: 57393

\$2.50 X the district's enrolled ADM X the district's state share 57394
percentage 57395

~~(iii) Gifted professional development funds calculated~~ 57396
~~according to the following formula:~~ 57397

~~(The greater of the number of gifted students enrolled in the~~ 57398
~~district as certified under division (B) (22) of section 3317.03~~ 57399
~~of the Revised Code and ten per cent of the district's enrolled~~ 57400
~~ADM) X the district's state share percentage X \$21, for fiscal~~ 57401
~~year 2024, or \$28, for fiscal year 2025~~ 57402

~~(iv)~~ Gifted unit funding calculated under section 3317.051 57403
of the Revised Code. 57404

(b) For fiscal year ~~2026-2028~~ and each fiscal year 57405

thereafter, all of the following: 57406

(i) Gifted identification funds calculated in a manner 57407
determined by the general assembly; 57408

(ii) Gifted referral funds calculated in a manner 57409
determined by the general assembly, if the general assembly 57410
authorizes such a payment; 57411

~~(iii) Gifted professional development funds calculated in-~~ 57412
~~a manner determined by the general assembly, if the general-~~ 57413
~~assembly authorizes such a payment;~~ 57414

~~(iv)~~ Gifted unit funding calculated in an amount 57415
determined by the general assembly. 57416

(7) If the funding unit is a city, local, or exempted 57417
village school district or the community and STEM school unit, 57418
career-technical education funds calculated under division (C) 57419
of section 3317.014 of the Revised Code. 57420

(8) If the funding unit is a city, local, or exempted 57421
village school district or the community and STEM school unit, 57422
career-technical education associated services funds calculated 57423
under division (D) of section 3317.014 of the Revised Code. 57424

(9) If the funding unit is the community and STEM school 57425
unit, an amount calculated as follows: 57426

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 57427
equal to the following: 57428

[The number of students in the funding unit's enrolled ADM who 57429
are reported under division (B) (5) of section 3314.08 of the 57430
Revised Code X (the aggregate base cost calculated for all 57431
schools in the funding unit for that fiscal year under section 57432
3317.0110 of the Revised Code / the funding unit's enrolled ADM) 57433

X.20]

57434

(b) For fiscal year ~~2026~~2028 and each fiscal year
thereafter, an amount calculated in a manner determined by the
general assembly.

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(10) If the funding unit is the educational choice
scholarship unit, an amount calculated as follows:

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(a) For each student in the funding unit's enrolled ADM,
determine the lesser of the following:

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(i) The base tuition of the chartered nonpublic school in
which the student is enrolled minus the total amount of any
applicable tuition discounts for which the student qualifies;

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(ii) (I) If the student receives a scholarship under
section 3310.03 of the Revised Code, or received a scholarship
for the first time under section 3310.032 of the Revised Code
prior to ~~the effective date of this amendment~~ October 3, 2023,
and the student's parent does not elect to receive a scholarship
amount under division (A) (10) (a) (ii) (II) of this section,
\$5,500, if the student is in grades kindergarten through eight,
or \$7,500, if the student is in grades nine through twelve.

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(II) If the student receives a scholarship for the first
time under section 3310.032 of the Revised Code on and after ~~the~~
~~effective date of this amendment~~ October 3, 2023, or if a
student who received a scholarship for the first time under that
section prior to that date and the student's parent elects to
receive a scholarship amount under division (A) (10) (a) (ii) (II)
of this section, an amount calculated in accordance with section
3310.08 of the Revised Code. The department shall provide an
opportunity each fiscal year for a parent to elect to receive a
scholarship amount under division (A) (10) (a) (ii) (II) of this

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section. 57463

The amounts specified in division (A) (10) (a) (ii) (I) of 57464
this section shall increase in future fiscal years by the same 57465
percentage that the statewide average base cost per pupil 57466
increases in future fiscal years. 57467

(b) Compute the sum of the amounts calculated under 57468
division (A) (10) (a) of this section. 57469

(11) If the funding unit is the pilot project scholarship 57470
unit, an amount calculated as follows: 57471

(a) For each student in the funding unit's enrolled ADM, 57472
determine the lesser of the following: 57473

(i) The net tuition charges of the student's alternative 57474
school; 57475

(ii) \$5,500, if the student is in grades kindergarten 57476
through eight, or \$7,500, if the student is in grades nine 57477
through twelve. 57478

The amounts specified in division (A) (11) (a) (ii) of this 57479
section shall increase in future fiscal years by the same 57480
percentage that the statewide average base cost per pupil 57481
increases in future fiscal years. 57482

For purposes of division (A) (11) (a) of this section, the 57483
net tuition and fees charged to a student shall be the tuition 57484
amount specified by the alternative school minus all other 57485
financial aid, discounts, and adjustments received for the 57486
student. In cases where discounts are offered for multiple 57487
students from the same family, and not all students in the same 57488
family are scholarship recipients, the net tuition amount 57489
attributable to the scholarship recipient shall be the lowest 57490

net tuition to which the family is entitled. 57491

The department shall provide for an increase in the amount 57492
determined for any student who is an LRE student with a 57493
disability and shall further increase such amount in the case of 57494
any separately educated student with a disability, as that term 57495
is defined in section 3313.974 of the Revised Code. Such 57496
increases shall take into account the instruction, related 57497
services, and transportation costs of educating such students. 57498

(b) Compute the sum of the amounts calculated under 57499
division (A) (17) (a) of this section. 57500

(12) If the funding unit is the autism scholarship unit, 57501
an amount calculated as follows: 57502

(a) For each student in the funding unit's enrolled ADM, 57503
determine the lesser of the following: 57504

(i) The tuition charged for the student's special 57505
education program, as that term is defined in section 3310.41 of 57506
the Revised Code; 57507

(ii) ~~\$32,445~~\$34,000. 57508

(b) Compute the sum of the amounts calculated under 57509
division (A) (12) (a) of this section. 57510

(13) If the funding unit is the Jon Peterson special needs 57511
scholarship unit, an amount calculated as follows: 57512

(a) For each student in the funding unit's enrolled ADM, 57513
determine the least of the following: 57514

(i) The amount of fees charged for that school year by the 57515
student's alternative public provider or registered private 57516
provider, as those terms are defined in section 3310.51 of the 57517

Revised Code; 57518

(ii) \$7,190 plus an amount determined as follows: 57519

(I) If the student is receiving special education services 57520
for a disability specified in division (A) of section 3317.013 57521
of the Revised Code, ~~\$1,751, for fiscal year 2024, and \$2,395-~~ 57522
~~for fiscal year 2025~~\$2,510; 57523

(II) If the student is receiving special education 57524
services for a disability specified in division (B) of section 57525
3317.013 of the Revised Code, ~~\$4,442, for fiscal year 2024, and-~~ 57526
~~\$5,280 for fiscal year 2025~~\$5,533; 57527

(III) If the student is receiving special education 57528
services for a disability specified in division (C) of section 57529
3317.013 of the Revised Code, ~~\$10,673, for fiscal year 2024, and~~ 57530
~~\$11,960 for fiscal year 2025~~\$12,534; 57531

(IV) If the student is receiving special education 57532
services for a disability specified in division (D) of section 57533
3317.013 of the Revised Code, ~~\$14,243, for fiscal year 2024, and~~ 57534
~~\$15,787 for fiscal year 2025~~\$16,545; 57535

(V) If the student is receiving special education services 57536
for a disability specified in division (E) of section 3317.013 57537
of the Revised Code, ~~\$19,290, for fiscal year 2024, and \$21,197-~~ 57538
~~for fiscal year 2025~~\$22,214; 57539

(VI) If the student is receiving special education 57540
services for a disability specified in division (F) of section 57541
3317.013 of the Revised Code, ~~\$28,438, for fiscal year 2024, and~~ 57542
~~\$30,469 for fiscal year 2025~~\$31,932. 57543

(iii) ~~\$30,000, for fiscal year 2024, and \$32,445 for-~~ 57544
~~fiscal year 2025~~\$34,000. 57545

The amount specified in division (A) (13) (a) (ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years.

The amounts specified in divisions (A) (13) (a) (ii) (I) to (VI) of this section shall increase in future fiscal years by the same percentage that the amounts calculated by the general assembly for those categories of special education services under division (A) (3) of this section increase in future fiscal years.

(b) Compute the sum of the amounts calculated under division (A) (13) (a) of this section.

(14) If the funding unit is the community and STEM school unit, an equity supplement calculated as follows:

\$650 X each student in the funding unit's enrolled ADM who is not enrolled in an internet- or computer-based community school.

(15) If the funding unit is the nonchartered educational savings account unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, an amount calculated under section 3310.26 of the Revised Code;

(b) Compute the sum of the amounts calculated under division (A) (15) (a) of this section.

(B) In any fiscal year, a funding unit that is a city, local, or exempted village school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:

(The base cost per pupil calculated for the district for that

fiscal year X the total special education ADM) + (the district's
category one special education ADM X the multiple specified in
division (A) of section 3317.013 of the Revised Code X the
statewide average base cost per pupil) + (the district's
category two special education ADM X the multiple specified in
division (B) of section 3317.013 of the Revised Code X the
statewide average base cost per pupil) + (the district's
category three special education ADM X the multiple specified in
division (C) of section 3317.013 of the Revised Code X the
statewide average base cost per pupil) + (the district's
category four special education ADM X the multiple specified in
division (D) of section 3317.013 of the Revised Code X the
statewide average base cost per pupil) + (the district's
category five special education ADM X the multiple specified in
division (E) of section 3317.013 of the Revised Code X the
statewide average base cost per pupil) + (the district's
category six special education ADM X the multiple specified in
division (F) of section 3317.013 of the Revised Code X the
statewide average base cost per pupil)

The purposes approved by the department for special
education expenses shall include, but shall not be limited to,
identification of children with disabilities, compliance with
state rules governing the education of children with
disabilities and prescribing the continuum of program options
for children with disabilities, provision of speech language
pathology services, and the portion of the school district's
overall administrative and overhead costs that are attributable
to the district's special education student population.

(C) A funding unit that is a city, local, or exempted
village school district shall spend the funds it receives under
division (A) (4) of this section in accordance with section

3317.25 of the Revised Code. 57605

(D) (1) Except as provided in division (B) of section 57606
3317.026 of the Revised Code, the department shall distribute to 57607
each community school established under Chapter 3314. of the 57608
Revised Code and to each STEM school established under Chapter 57609
3326. of the Revised Code, from the funds paid to the community 57610
and STEM school unit under this section, an amount for each 57611
student enrolled in the school equal to the sum of the 57612
following: 57613

(a) The school's base cost per pupil for that fiscal year, 57614
calculated as follows: 57615

(i) For fiscal years 2024-2026 and 2025-2027: 57616

The aggregate base cost calculated for the school for that 57617
fiscal year under section 3317.0110 of the Revised Code / the 57618
number of students enrolled in the school for that fiscal year 57619

(ii) For fiscal year 2026-2028 and each fiscal year 57620
thereafter, an amount determined by the general assembly under 57621
division (A) (1) (b) (ii) of this section divided by the number of 57622
students enrolled in the school for that fiscal year. 57623

(b) If the student is a special education student: 57624

(i) For fiscal years 2024-2026 and 2025-2027, the multiple 57625
specified for the student's special education category under 57626
section 3317.013 of the Revised Code times the statewide average 57627
base cost per pupil; 57628

(ii) For fiscal year 2026-2028 and each fiscal year 57629
thereafter, the amount calculated for the student's special 57630
education category in a manner determined by the general 57631
assembly under division (A) (3) (b) of this section. 57632

(c) If ~~the school is not an internet or computer based~~ 57633
~~community school and~~ the student is economically disadvantaged: 57634

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount 57635
calculated for the student under division (A) (4) (b) (i) (I) or 57636
(II) of this section; 57637

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 57638
thereafter, an amount calculated for the student in the manner 57639
determined by the general assembly under division (A) (4) (b) (ii) 57640
(I) of this section. 57641

(d) If the student is an English learner: 57642

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 57643
specified for the student's English learner category under 57644
section 3317.016 of the Revised Code times the statewide average 57645
base cost per pupil; 57646

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 57647
thereafter, the amount calculated for the student's special 57648
education category in a manner determined by the general 57649
assembly under division (A) (5) (b) of this section. 57650

(e) If the student is a career-technical education 57651
student: 57652

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 57653
specified for the student's career-technical education category 57654
under section 3317.014 of the Revised Code times the statewide 57655
average career-technical base cost per pupil; 57656

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 57657
thereafter, the amount calculated for the student's career- 57658
technical education category in a manner determined by the 57659
general assembly under section 3317.014 of the Revised Code. 57660

(f) If the student is a career-technical education student: 57661
57662

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 57663
for career-technical associated services specified under section 57664
3317.014 of the Revised Code times the statewide average career- 57665
technical base cost per pupil; 57666

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 57667
thereafter, the amount calculated for career-technical 57668
associated services in a manner determined by the general 57669
assembly under section 3317.014 of the Revised Code. 57670

(g) If the school is not an internet- or computer-based 57671
community school, an equity supplement equal to \$650 for each 57672
student enrolled in the school. 57673

(2) The department shall distribute to each community 57674
school established under Chapter 3314. of the Revised Code and 57675
to each STEM school established under Chapter 3326. of the 57676
Revised Code, from the funds paid to the community and STEM 57677
school unit under this section, an amount equal to the amount 57678
calculated for the school under division (A) (9) of this section. 57679

(E) The department shall distribute to the parent of each 57680
student for whom an educational choice scholarship is awarded 57681
under section 3310.03 or 3310.032 of the Revised Code, or to the 57682
student if at least eighteen years of age, from the funds paid 57683
to the educational choice scholarship unit under this section, a 57684
scholarship equal to the amount calculated for the student under 57685
division (A) (10) (a) of this section. The scholarship shall be 57686
distributed in monthly partial payments, and the department 57687
shall proportionately reduce or terminate the payments for any 57688
student who withdraws from a chartered nonpublic school prior to 57689

the end of the school year. 57690

For purposes of divisions (E) and (F) of this section, in 57691
the case of a student who is not living with the student's 57692
parent, the department shall distribute the scholarship payments 57693
to the student's guardian, legal custodian, kinship caregiver, 57694
foster caregiver, or caretaker. For the purposes of this 57695
division, "caretaker" has the same meaning as in section 57696
3310.033 of the Revised Code, "kinship caregiver" has the same 57697
meaning as in section ~~5101.85~~ 5180.50 of the Revised Code, and 57698
"foster caregiver" has the same meaning as in section 5103.02 of 57699
the Revised Code. 57700

(F) If a student is awarded a pilot project scholarship 57701
under sections 3313.974 to 3313.979 of the Revised Code, the 57702
department shall distribute to the parent of the student, if the 57703
student is attending a registered private school as defined in 57704
section 3313.974 of the Revised Code, or the student's school 57705
district of attendance, if the scholarship is to be used for 57706
payments to a public school in a school district adjacent to the 57707
pilot project school district pursuant to section 3327.06 of the 57708
Revised Code, a scholarship from the funds paid to the pilot 57709
project scholarship unit under this section that is equal to the 57710
amount calculated for the student under division (A) (11) (a) of 57711
this section. 57712

In the case of a scholarship distributed to a student's 57713
parent, the scholarship shall be distributed in monthly partial 57714
payments. The scholarship amount shall be proportionately 57715
reduced in the case of any such student who is not enrolled in a 57716
registered private school, as that term is defined in section 57717
3313.974 of the Revised Code, for the entire school year. 57718

In the case of a scholarship distributed to a student's 57719

school district of attendance, the department shall, on behalf 57720
of the student's parents, use the scholarship to make the 57721
tuition payments required by section 3327.06 of the Revised Code 57722
to the student's school district of attendance, except that, 57723
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 57724
Revised Code, the total payments in any school year shall not 57725
exceed the scholarship amount calculated for the student under 57726
division (A)(11)(a) of this section. 57727

(G) The department shall distribute to the parent of each 57728
student for whom an autism scholarship is awarded under section 57729
3310.41 of the Revised Code, from the funds paid to the autism 57730
scholarship unit under this section, a scholarship equal to the 57731
amount calculated for the student under division (A)(12)(a) of 57732
this section. The scholarship shall be distributed from time to 57733
time in partial payments. The scholarship amount shall be 57734
proportionately reduced in the case of any student who is not 57735
enrolled in the special education program for which a 57736
scholarship was awarded under section 3310.41 of the Revised 57737
Code for the entire school year. The department shall make no 57738
payments to the parent of a student while any administrative or 57739
judicial mediation or proceedings with respect to the content of 57740
the student's individualized education program are pending. 57741

(H) The department shall distribute to the parent of each 57742
student for whom a Jon Peterson special needs scholarship is 57743
awarded under sections 3310.51 to 3310.64 of the Revised Code, 57744
from the funds paid to the Jon Peterson special needs 57745
scholarship unit under this section, a scholarship equal to the 57746
amount calculated for the student under division (A)(13)(a) of 57747
this section. The scholarship shall be distributed in periodic 57748
payments, and the department shall proportionately reduce or 57749
terminate the payments for any student who is not enrolled in 57750

the special education program of an alternative public provider 57751
or a registered private provider, as those terms are defined in 57752
section 3310.51 of the Revised Code, for the entire school year. 57753

(I) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a school 57754
district shall spend the funds it receives under division (A) (5) 57755
of this section only for services for English learners. 57756

(J) For ~~fiscal year 2024 and each fiscal year thereafter~~, 57757
a school district shall spend the funds it receives under 57758
division (A) (6) of this section only for the identification of 57759
gifted students, gifted coordinator services, and gifted 57760
intervention specialist services, ~~and gifted professional~~ 57761
~~development~~. For ~~fiscal year 2024 and each fiscal year~~ 57762
~~thereafter~~, if the department determines that a district is not 57763
in compliance with this division, it shall reduce the district's 57764
payments for that fiscal year under this chapter by an amount 57765
equal to the amount paid to the district for that fiscal year 57766
under division (A) (6) of this section that was not spent in 57767
accordance with this division. The department shall reduce the 57768
payment within ninety days of data finalization. 57769

(K) The department shall transfer to each educational 57770
savings account established for a student by the treasurer of 57771
state under sections 3310.21 to 3310.26 of the Revised Code, 57772
from the funds paid to the nonchartered educational savings 57773
account unit under this section, an amount of funds equal to the 57774
amount calculated for the student under division (A) (15) (a) of 57775
this section. The department shall distribute those funds in one 57776
annual payment. To the extent practicable, the department shall 57777
make that payment for which an account is established prior to 57778
the school year for which it is sought before the first day of 57779
that school year. 57780

Sec. 3317.023. (A) The amounts required to be paid to a 57781
district under this chapter shall be adjusted by the amount of 57782
the computations made under divisions (B) to (K) of this 57783
section. 57784

As used in this section: 57785

(1) "Career-technical planning district" or "CTPD" means a 57786
school district or group of school districts designated by the 57787
department of education and workforce as being responsible for 57788
the planning for and provision of career-technical education 57789
services to students within the district or group. A community 57790
school established under Chapter 3314. of the Revised Code or a 57791
STEM school established under Chapter 3326. of the Revised Code 57792
that is serving students in any of grades seven through twelve 57793
shall be assigned to a career-technical planning district by the 57794
department. 57795

(2) "Lead district" means a school district, including a 57796
joint vocational school district, designated by the department 57797
as a CTPD, or designated to provide primary career-technical 57798
education leadership within a CTPD composed of a group of 57799
districts, community schools assigned to the CTPD, and STEM 57800
schools assigned to the CTPD. 57801

(B) If a local, city, or exempted village school district 57802
to which a governing board of an educational service center 57803
provides services pursuant to an agreement entered into under 57804
section 3313.843 of the Revised Code, deduct the amount of the 57805
payment required for the reimbursement of the governing board 57806
under that section. 57807

(C) (1) If the district is required to pay to or entitled 57808
to receive tuition from another school district under division 57809

(C) (2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the department is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible for tuition or payment under division (A) (1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible.

(D) If the district has been certified by the department under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under this chapter.

(E) If the district has received a loan from a commercial lending institution for which payments are made pursuant to division (E) (3) of section 3313.483 of the Revised Code, deduct an amount equal to such payments.

(F) (1) If the district is a party to an agreement entered into under division (D), (E), or (F) of section 3311.06 or division (B) of section 3311.24 of the Revised Code and is obligated to make payments to another district under such an agreement, deduct an amount equal to such payments if the district school board notifies the department in writing that it wishes to have such payments deducted.

(2) If the district is entitled to receive payments from another district that has notified the department to deduct such payments under division (F) (1) of this section, add the amount

of such payments. 57839

(G) If the district is required to pay an amount of funds 57840
to a cooperative education district pursuant to a provision 57841
described by division (B) (4) of section 3311.52 or division (B) 57842
(8) of section 3311.521 of the Revised Code, deduct such amounts 57843
as provided under that provision and credit those amounts to the 57844
cooperative education district for payment to the district under 57845
division (B) (1) of section 3317.19 of the Revised Code. 57846

(H) (1) If a district is educating a student entitled to 57847
attend school in another district pursuant to a shared education 57848
contract, compact, or cooperative education agreement other than 57849
an agreement entered into pursuant to section 3313.842 of the 57850
Revised Code, credit to that educating district on an FTE basis 57851
both of the following: 57852

(a) An amount equal to the statewide average base cost per 57853
pupil. 57854

(b) Any amount applicable to the student pursuant to 57855
section 3317.013 or 3317.014 of the Revised Code. 57856

(2) Deduct any amount credited pursuant to division (H) (1) 57857
of this section from amounts paid to the school district in 57858
which the student is entitled to attend school pursuant to 57859
section 3313.64 or 3313.65 of the Revised Code. 57860

(3) If the district is required by a shared education 57861
contract, compact, or cooperative education agreement to make 57862
payments to an educational service center, deduct the amounts 57863
from payments to the district and add them to the amounts paid 57864
to the service center. 57865

(I) (1) If a district, including a joint vocational school 57866
district, is a lead district of a CTPD, credit to that district 57867

the amount calculated for each school district within that CTPD 57868
under ~~divisions~~ division (D) ~~and (E)~~ of section 3317.014 of the 57869
Revised Code and for each community school and STEM school 57870
assigned to the CTPD under ~~divisions~~ division (D) ~~and (E)~~ of 57871
section 3317.014 of the Revised Code. 57872

(2) Deduct from each appropriate district that is not a 57873
lead district, or from the appropriate community school or STEM 57874
school, the amount attributable to that district or school that 57875
is credited to a lead district under division (I) (1) of this 57876
section. 57877

(J) If the department pays a joint vocational school 57878
district under division (C) (3) of section 3317.16 of the Revised 57879
Code for excess costs of providing special education and related 57880
services to a student with a disability, as calculated under 57881
division (C) (1) of that section, the department shall deduct the 57882
amount of that payment from the city, local, or exempted village 57883
school district that is responsible as specified in that section 57884
for the excess costs. 57885

(K) (1) If the district reports an amount of excess cost 57886
for special education services for a child under division (C) of 57887
section 3323.14 of the Revised Code, the department shall pay 57888
that amount to the district. 57889

(2) If the district reports an amount of excess cost for 57890
special education services for a child under division (C) of 57891
section 3323.14 of the Revised Code, the department shall deduct 57892
that amount from the district of residence of that child. 57893

Sec. 3317.024. The following shall be distributed monthly, 57894
quarterly, or annually as may be determined by the department of 57895
education and workforce: 57896

(A) An amount for each island school district and each joint state school district for the operation of each high school and each elementary school maintained within such district and for capital improvements for such schools. Such amounts shall be determined on the basis of standards adopted by the department. However, for fiscal years 2012 and 2013, an island district shall receive the lesser of its actual cost of operation, as certified to the department, or ninety-three per cent of the amount the district received in state operating funding for fiscal year 2011. If an island district received no funding for fiscal year 2011, it shall receive no funding for either of fiscal year 2012 or 2013.

(B) An amount for each school district required to pay tuition for a child in an institution maintained by the department of youth services pursuant to section 3317.082 of the Revised Code, provided the child was not included in the calculation of the district's formula ADM, as that term is defined in section 3317.02 of the Revised Code, for the preceding school year.

(C) (1) An amount for the approved cost of transporting eligible pupils with disabilities attending a special education program approved by the department of education and workforce whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the school district or educational service center. For fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be equal to the actual costs incurred in the prior fiscal year by the district or service center when transporting those students, as reported to the department, multiplied by one of the following:

(a) For a district, the ~~percentage determined for the~~ 57927
~~district for that fiscal year under divisions (E) (1) (c) (i) and~~ 57928
~~(ii) of section 3317.0212 of the Revised Code~~ greater of the 57929
district's state share percentage for the fiscal year or forty- 57930
three and three-quarters per cent for fiscal year 2026 and 57931
forty-five and eighty-three hundredths per cent for fiscal year 57932
2027; 57933

(b) For a service center, ~~thirty-seven~~ forty-three and 57934
~~one-half~~ three-quarters per cent for fiscal year ~~2024~~ 2026 and 57935
~~forty-one and two-thirds~~ forty-five and eighty-three-hundredths 57936
per cent for fiscal year ~~2025~~ 2027. 57937

(2) No district or service center is eligible to receive a 57938
payment under division (C) of this section for the cost of 57939
transporting any pupil whom it transports by regular school bus 57940
and who is included in the district's transportation ADM. 57941

(3) For fiscal years ~~2024~~ 2026 and ~~2025~~ 2027, both of the 57942
following apply: 57943

(a) The department of education and workforce shall also 57944
establish the deadline for each district and service center to 57945
report its actual costs for transporting students described in 57946
division (C) (1) of this section. 57947

(b) The costs reported by each district and service center 57948
under division (C) of this section shall be subject to periodic, 57949
random audits by the department of education and workforce. 57950

(D) An amount to each school district, including each 57951
cooperative education school district, pursuant to section 57952
3313.81 of the Revised Code to assist in providing free lunches 57953
to needy children. The amounts shall be determined on the basis 57954
of rules adopted by the department of education and workforce. 57955

(E) (1) An amount for auxiliary services to each school 57956
district, for each pupil attending a chartered nonpublic 57957
elementary or high school within the district that has not 57958
elected to receive funds under division (E) (2) of this section. 57959

(2) (a) An amount for auxiliary services paid directly to 57960
each chartered nonpublic school that has elected to receive 57961
funds under division (E) (2) of this section for each pupil 57962
attending the school. To elect to receive funds under division 57963
(E) (2) of this section, a school, by the first day of April of 57964
each odd-numbered year, shall notify the department of education 57965
and workforce and the school district in which the school is 57966
located of the election and shall submit to the department an 57967
affidavit certifying that the school shall expend the funds in 57968
the manner outlined in section 3317.062 of the Revised Code. The 57969
election shall take effect the following first day of July. The 57970
school subsequently may rescind its election, but it may do so 57971
only in an odd-numbered year by notifying the department and the 57972
school district in which the school is located of the rescission 57973
not later than the first day of April of that year. Beginning 57974
the following first day of July after the rescission, the school 57975
shall receive funds under division (E) (1) of this section. 57976

(b) Not later later than ten days after the notification 57977
of approval and issuance of a charter to a nonpublic school, 57978
that school may elect to receive funds under division (E) (2) of 57979
this section. If no election is made, the chartered nonpublic 57980
school shall receive funds under division (E) (1) of this 57981
section. The school may subsequently change its election in 57982
accordance with division (E) (2) (a) of this section. 57983

(c) A chartered nonpublic school that elects to receive 57984
auxiliary services funds under division (E) (2) of this section 57985

may designate an organization that oversees one or more 57986
nonpublic schools to receive those funds on its behalf. 57987

(i) Each chartered nonpublic school that designates an 57988
organization to receive auxiliary services funds on its behalf 57989
shall notify the department of education and workforce of the 57990
organization's name not later than the first day of April of 57991
each odd-numbered year. 57992

(ii) A school may rescind its decision, but may do so only 57993
in each odd-numbered year by notifying the department of that 57994
rescission not later than the first day of April of that year. A 57995
rescission submitted in compliance with this division takes 57996
effect on the following first day of July, and the school 57997
district may elect to then begin receiving auxiliary services 57998
funds directly or as specified under division (E) (1) of this 57999
section. 58000

(iii) An organization shall disburse the auxiliary 58001
services funds of all chartered nonpublic schools that have 58002
designated the organization to receive funds on their behalf in 58003
accordance with division (E) (2) (c) of this section. If multiple 58004
chartered nonpublic schools designate the same organization to 58005
receive auxiliary services funds on their behalf, that 58006
organization may use one or more accounts for the purposes of 58007
managing the funds. The organization shall maintain appropriate 58008
accounting and reporting standards and ensure that each 58009
chartered nonpublic school receives the auxiliary services funds 58010
to which the school is entitled. 58011

(iv) Each chartered nonpublic school that elects to 58012
receive funds directly in accordance with division (E) (2) of 58013
this section or the organization designated to receive and 58014
disburse auxiliary services funds on behalf of a chartered 58015

nonpublic school shall maintain records of receipt and 58016
expenditures of the funds in a manner that conforms with 58017
generally accepted accounting principles. 58018

(v) The department of education and workforce shall create 58019
and disseminate a standardized reporting form that chartered 58020
nonpublic schools and organizations designated to receive funds 58021
in accordance with division (E) (2) (c) of this section may use to 58022
comply with division (E) (2) (c) (iv) of this section. However, the 58023
department shall not require schools to use that form. 58024

(vi) An organization that manages a school's auxiliary 58025
services funds pursuant to a designation made in accordance with 58026
division (E) (2) (c) of this section may require the school's 58027
governing authority to pay a fee for that service that does not 58028
exceed four per cent of the total amount of payments for 58029
auxiliary services that the school receives from the state. A 58030
school may pay any fee assessed pursuant to division (E) (2) (c) 58031
(vi) of this section using auxiliary services funds. 58032

(d) The amount paid under divisions (E) (1) and (2) of this 58033
section shall equal the total amount appropriated for the 58034
implementation of sections 3317.06 and 3317.062 of the Revised 58035
Code divided by the average daily membership in grades 58036
kindergarten through twelve in chartered nonpublic elementary 58037
and high schools within the state as determined as of the last 58038
day of October of each school year. 58039

(F) An amount for each county board of developmental 58040
disabilities for the approved cost of transportation required 58041
for children attending special education programs operated by 58042
the county board under section 3323.09 of the Revised Code. For 58043
fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be equal 58044
to the actual costs incurred in the prior fiscal year by the 58045

county board when transporting those students multiplied by 58046
~~thirty-seven-forty-three~~ and ~~one-half-three-quarters~~ per cent 58047
for fiscal year ~~2024-2026~~ and ~~forty-one and two-thirds-forty-~~ 58048
~~five and eighty-three hundredths~~ per cent for fiscal year 58049
~~2025~~2027. 58050

(G) An amount to each institution defined under section 58051
3317.082 of the Revised Code providing elementary or secondary 58052
education to children other than children receiving special 58053
education under section 3323.091 of the Revised Code. This 58054
amount for any institution in any fiscal year shall equal the 58055
total of all tuition amounts required to be paid to the 58056
institution under division (A) (1) of section 3317.082 of the 58057
Revised Code. 58058

The department of education and workforce or any board of 58059
education or governing board may provide for any resident of a 58060
district or educational service center territory any educational 58061
service for which funds are made available to the board by the 58062
United States under the authority of public law, whether such 58063
funds come directly or indirectly from the United States or any 58064
agency or department thereof or through the state or any agency, 58065
department, or political subdivision thereof. 58066

Sec. 3317.026. This section shall apply only for fiscal 58067
years ~~2024-2026~~ and ~~2025~~2027. 58068

(A) For each fiscal year, the department of education and 58069
workforce shall calculate an amount for the community and STEM 58070
school unit as follows: 58071

(1) For each community school and STEM school, determine 58072
the sum of the following: 58073

(a) The aggregate base cost calculated for the school for 58074

that fiscal year under section 3317.0110 of the Revised Code; 58075

(b) The sum of the following: 58076

(i) The school's category one special education ADM X the 58077
multiple specified in division (A) of section 3317.013 of the 58078
Revised Code X the statewide average base cost per pupil for 58079
that fiscal year; 58080

(ii) The school's category two special education ADM X the 58081
multiple specified in division (B) of section 3317.013 of the 58082
Revised Code X the statewide average base cost per pupil for 58083
that fiscal year; 58084

(iii) The school's category three special education ADM X 58085
the multiple specified in division (C) of section 3317.013 of 58086
the Revised Code X the statewide average base cost per pupil for 58087
that fiscal year; 58088

(iv) The school's category four special education ADM X 58089
the multiple specified in division (D) of section 3317.013 of 58090
the Revised Code X the statewide average base cost per pupil for 58091
that fiscal year; 58092

(v) The school's category five special education ADM X the 58093
multiple specified in division (E) of section 3317.013 of the 58094
Revised Code X the statewide average base cost per pupil for 58095
that fiscal year; 58096

(vi) The school's category six special education ADM X the 58097
multiple specified in division (F) of section 3317.013 of the 58098
Revised Code X the statewide average base cost per pupil for 58099
that fiscal year. 58100

~~(e)~~(c)(i) If the school is not an internet- or computer- 58101
based community school, an amount of disadvantaged pupil impact 58102

aid equal to the following: 58103

$\$422 \times$ the school's economically disadvantaged index $\times$ the 58104
number of students in the school's enrolled ADM who are 58105
economically disadvantaged 58106

(ii) If the school is an internet- or computer-based 58107
community school, an amount of disadvantaged pupil impact aid 58108
equal to the following: 58109

$\$211 \times$ the school's economically disadvantaged index $\times$ the 58110
number of students in the school's enrolled ADM who are 58111
economically disadvantaged 58112

(d) The sum of the following: 58113

(i) The school's category one English learner ADM $\times$ the 58114
multiple specified in division (A) of section 3317.016 of the 58115
Revised Code $\times$ the statewide average base cost per pupil for 58116
that fiscal year; 58117

(ii) The school's category two English learner ADM $\times$ the 58118
multiple specified in division (B) of section 3317.016 of the 58119
Revised Code $\times$ the statewide average base cost per pupil for 58120
that fiscal year; 58121

(iii) The school's category three English learner ADM $\times$ 58122
the multiple specified in division (C) of section 3317.016 of 58123
the Revised Code $\times$ the statewide average base cost per pupil for 58124
that fiscal year. 58125

(e) The sum of the following: 58126

(i) The school's category one career-technical education 58127
ADM $\times$ the multiple specified under division (A)(1) of section 58128
3317.014 of the Revised Code $\times$ the statewide average career- 58129
technical base cost per pupil for that fiscal year; 58130

(ii) The school's category two career-technical education 58131
ADM X the multiple specified under division (A) (2) of section 58132
3317.014 of the Revised Code X the statewide average career- 58133
technical base cost per pupil for that fiscal year; 58134

(iii) The school's category three career-technical 58135
education ADM X the multiple specified under division (A) (3) of 58136
section 3317.014 of the Revised Code X the statewide average 58137
career-technical base cost per pupil for that fiscal year; 58138

(iv) The school's category four career-technical education 58139
ADM X the multiple specified under division (A) (4) of section 58140
3317.014 of the Revised Code X the statewide average career- 58141
technical base cost per pupil for that fiscal year; 58142

(v) The school's category five career-technical education 58143
ADM X the multiple specified under division (A) (5) of section 58144
3317.014 of the Revised Code X the statewide average career- 58145
technical base cost per pupil for that fiscal year. 58146

(f) An amount equal to the following: 58147

The multiple for career-technical associated services 58148
specified under division (B) of section 3317.014 of the Revised 58149
Code X the statewide average career-technical base cost per 58150
pupil for that fiscal year X the sum of the school's categories 58151
one through five career-technical education ADM 58152

(g) If the school is a community school, an amount equal 58153
to the following: 58154

The number of students reported by the community school 58155
under division (B) (5) of section 3314.08 of the Revised Code X 58156
(the aggregate base cost calculated for the school for that 58157
fiscal year under section 3317.0110 of the Revised Code / the 58158
school's enrolled ADM) X 0.20 58159

<u>(h) If the school is not an internet- or computer-based</u>	58160
<u>community school, an equity supplement calculated as follows:</u>	58161
<u>The number of students in the school's enrolled ADM X \$650</u>	58162
(2) For each community and STEM school, determine the	58163
lesser of the following:	58164
(a) The following sum:	58165
The school's funding base + {[the sum calculated for the	58166
school under division (A) of this section) - the school's	58167
funding base] X the school's general phase-in percentage for	58168
that fiscal year}	58169
(b) The sum of the amounts calculated for the school for	58170
that fiscal year under division (A) of this section.	58171
(3) Compute the sum of the amounts determined under	58172
division (B) of this section to determine the amount calculated	58173
for the community and STEM school unit.	58174
(B) Notwithstanding division (D) of section 3317.022 of	58175
the Revised Code, for each fiscal year, the department shall	58176
distribute to each community school and each STEM school, from	58177
the funds paid to the community and STEM school unit under	58178
section 3317.022 of the Revised Code, an amount equal to the	58179
amount determined for that school under division (A) (2) of this	58180
section.	58181
Sec. 3317.0212. (A) As used in this section:	58182
(1) For fiscal years <u>2024-2026</u> and <u>2025-2027</u> , "assigned	58183
bus" means a school bus used to transport qualifying riders.	58184
(2) For fiscal years <u>2024-2026</u> and <u>2025-2027</u> , "density"	58185
means the total riders per square mile of a school district.	58186

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, 58187
"nontraditional ridership" means the average number of 58188
qualifying riders who are enrolled in a community school 58189
established under Chapter 3314. of the Revised Code, in a STEM 58190
school established under Chapter 3326. of the Revised Code, or 58191
in a nonpublic school and are provided school bus service by a 58192
school district during the first full week of October. 58193

(4) "Qualifying riders" means the following: 58194

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, resident 58195
students enrolled in preschool and regular education in grades 58196
kindergarten to twelve who are provided school bus service by a 58197
school district, including students with dual enrollment in a 58198
joint vocational school district or a cooperative education 58199
school district, and students enrolled in a community school, 58200
STEM school, or nonpublic school; 58201

(b) For fiscal year ~~2026-2028~~ and each fiscal year 58202
thereafter, students specified by the general assembly. 58203

(5) "Qualifying ridership" means the following: 58204

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the greater 58205
of the average number of qualifying riders counted in the 58206
morning or counted in the afternoon who are provided school bus 58207
service by a school district during the first full week of 58208
October; 58209

(b) For fiscal year ~~2026-2028~~ and each fiscal year 58210
thereafter, a ridership determined in a manner specified by the 58211
general assembly. 58212

(6) "Rider density" means the following: 58213

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 58214

quotient: 58215

A school district's total number of qualifying riders/ the 58216
number of square miles in the district 58217

(b) For fiscal year ~~2026~~2028 and each fiscal year 58218
thereafter, a number calculated in a manner determined by the 58219
general assembly. 58220

(7) For fiscal years ~~2024~~2026 and ~~2025~~2027, "riders" 58221
means students enrolled in regular and special education in 58222
grades kindergarten through twelve who are provided school bus 58223
service by a school district, including students with dual 58224
enrollment in a joint vocational school district or a 58225
cooperative education school district, and students enrolled in 58226
a community school, STEM school, or nonpublic school. 58227

(8) "School bus service" means a school district's 58228
transportation of qualifying riders in any of the following 58229
types of vehicles: 58230

(a) School buses owned or leased by the district; 58231

(b) School buses operated by a private contractor hired by 58232
the district; 58233

(c) School buses operated by another school district or 58234
entity with which the district has contracted, either as part of 58235
a consortium for the provision of transportation or otherwise. 58236

(B) Not later than the first day of November, for fiscal 58237
years ~~2024~~2026 and ~~2025~~2027, or a date determined by the 58238
general assembly, for fiscal year ~~2026~~2028 and each fiscal year 58239
thereafter, of each year, each city, local, and exempted village 58240
school district shall report to the department of education and 58241
workforce its qualifying ridership and any other information 58242

requested by the department. Subsequent adjustments to the 58243
reported numbers shall be made only in accordance with rules 58244
adopted by the department. 58245

(C) The department shall calculate the statewide 58246
transportation cost per student as follows: 58247

(1) Determine each city, local, and exempted village 58248
school district's transportation cost per student by dividing 58249
the district's total costs for school bus service in the 58250
previous fiscal year by its qualifying ridership in the previous 58251
fiscal year. 58252

(2) After excluding districts that do not provide school 58253
bus service and the ten districts with the highest 58254
transportation costs per student and the ten districts with the 58255
lowest transportation costs per student, divide the aggregate 58256
cost for school bus service for the remaining districts in the 58257
previous fiscal year by the aggregate qualifying ridership of 58258
those districts in the previous fiscal year. 58259

(D) The department shall calculate the statewide 58260
transportation cost per mile as follows: 58261

(1) Determine each city, local, and exempted village 58262
school district's transportation cost per mile by dividing the 58263
district's total costs for school bus service in the previous 58264
fiscal year by its total number of miles driven for school bus 58265
service in the previous fiscal year. 58266

(2) After excluding districts that do not provide school 58267
bus service and the ten districts with the highest 58268
transportation costs per mile and the ten districts with the 58269
lowest transportation costs per mile, divide the aggregate cost 58270
for school bus service for the remaining districts in the 58271

previous fiscal year by the aggregate miles driven for school 58272
bus service in those districts in the previous fiscal year. 58273

(E) The department shall calculate each city, local, and 58274
exempted village school district's transportation base payment 58275
as follows: 58276

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027: 58277

(a) Calculate the sum of the following: 58278

(i) The product of the statewide transportation cost per 58279
student and the number of students counted in the district's 58280
qualifying ridership for the current fiscal year who are 58281
enrolled in the district; 58282

(ii) 1.5 times the statewide transportation cost per 58283
student times the number of students counted in the district's 58284
qualifying ridership for the current fiscal year who are 58285
enrolled in community schools established under Chapter 3314. of 58286
the Revised Code or STEM schools established under Chapter 3326. 58287
of the Revised Code; 58288

(iii) 2.0 times the statewide transportation cost per 58289
student times the number of students counted in the district's 58290
qualifying ridership for the current fiscal year who are 58291
enrolled in nonpublic schools. 58292

(b) Calculate the sum of the following: 58293

(i) The product of the statewide transportation cost per 58294
mile and the number of miles driven for school bus service as 58295
reported for qualifying riders for the current fiscal year who 58296
are enrolled in the district; 58297

(ii) 1.5 times the statewide transportation cost per mile 58298
times the number of miles driven for school bus service as 58299

reported for qualifying riders for the current fiscal year who 58300
are enrolled in community schools or STEM schools; 58301

(iii) 2.0 times the statewide transportation cost per mile 58302
times the number of miles driven for school bus service as 58303
reported for qualifying riders for the current fiscal year who 58304
are enrolled in nonpublic schools. 58305

(c) Multiply the greater of the amounts calculated under 58306
divisions (E) (1) (a) and (b) of this section by the following: 58307

(i) For fiscal year ~~2024~~2026, the greater of ~~thirty-seven-~~ 58308
~~forty-five and one-half-eighty-three~~ hundredths per cent or the 58309
district's state share percentage, as defined in section 3317.02 58310
of the Revised Code; 58311

(ii) For fiscal year ~~2025~~2027, the greater of ~~forty-one-~~ 58312
~~and two-thirds-fifty~~ per cent or the district's state share 58313
percentage. 58314

(2) For fiscal year ~~2026-2028~~ and each fiscal year 58315
thereafter, an amount determined by the general assembly. 58316

(F) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 58317
department shall pay a district's efficiency adjustment payment 58318
in accordance with divisions (F) (1) to (3) of this section. For 58319
fiscal year ~~2026-2028~~ and each fiscal year thereafter, the 58320
department shall pay a district's efficiency adjustment payment 58321
in a manner determined by the general assembly, if the general 58322
assembly authorizes such a payment to districts. 58323

(1) The department annually shall establish a target 58324
number of qualifying riders per assigned bus for each city, 58325
local, and exempted village school district. The department 58326
shall use the ~~most recently available~~ data from the previous 58327
fiscal year in establishing the target number. The target number 58328

shall be based on the statewide median number of riders per 58329
assigned bus as adjusted to reflect the district's density in 58330
comparison to the density of all other districts. The department 58331
shall post on the department's web site each district's target 58332
number of riders per assigned bus and a description of how the 58333
target number was determined. 58334

(2) The department shall determine each school district's 58335
efficiency index by dividing the district's number of riders per 58336
assigned bus by its target number of riders per assigned bus. 58337

(3) The department shall determine each city, local, and 58338
exempted village school district's efficiency adjustment payment 58339
as follows: 58340

(a) If the district's efficiency index is equal to or 58341
greater than 1.5, the efficiency adjustment payment shall be 58342
calculated according to the following formula: 58343

0.15 X the district's transportation base payment calculated 58344
under division (E) of this section 58345

(b) If the district's efficiency index is less than 1.5 58346
but greater than or equal to 1.0, the efficiency adjustment 58347
payment shall be calculated according to the following formula: 58348

{[(The district's efficiency index - 1) X 0.15]/0.5} X the 58349
district's transportation base payment calculated under division 58350
(E) of this section 58351

(c) If the district's efficiency index is less than 1.0, 58352
the efficiency adjustment payment shall be zero. 58353

(G) In addition to funds paid under divisions (E), (F), 58354
and (H) of this section, each city, local, and exempted village 58355
district shall receive in accordance with rules adopted by the 58356

department a payment for students transported by means other 58357
than school bus service and whose transportation is not funded 58358
under division (C) of section 3317.024 of the Revised Code. The 58359
rules shall include provisions for school district reporting of 58360
such students. 58361

(H) (1) For purposes of division (H) of this section, a 58362
school district's "transportation supplement percentage" means 58363
the following: 58364

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 58365
quotient: 58366

(28 - the district's rider density) / 100 58367

If the result of the calculation for a district under 58368
division (H) (1) (a) of this section is less than zero, the 58369
district's transportation supplement percentage shall be zero. 58370

(b) For fiscal year ~~2026-2028~~ and each fiscal year 58371
thereafter, a percentage calculated in a manner determined by 58372
the general assembly. 58373

(2) The department shall pay each district a 58374
transportation supplement calculated according to the following 58375
formula: 58376

The district's transportation supplement percentage X the amount 58377
calculated for the district under division (E) (1) (b) of this 58378
section X 0.55 58379

(I) (1) If a school district board and a community school 58380
governing authority elect to enter into an agreement under 58381
division (A) of section 3314.091 of the Revised Code, the 58382
department shall make payments to the community school according 58383
to the terms of the agreement for each student actually 58384

transported under division (C) (1) of that section. If a 58385
community school governing authority accepts transportation 58386
responsibility under division (B) of that section, the 58387
department shall make payments to the community school for each 58388
student actually transported or for whom transportation is 58389
arranged by the community school under division (C) (1) of that 58390
section, calculated as follows: 58391

(a) For any fiscal year which the general assembly has 58392
specified that transportation payments to school districts be 58393
based on an across-the-board percentage of the district's 58394
payment for the previous school year, the per pupil payment to 58395
the community school shall be the following quotient: 58396

(i) The total amount calculated for the school district in 58397
which the child is entitled to attend school for student 58398
transportation other than transportation of children with 58399
disabilities; divided by 58400

(ii) The number of students included in the district's 58401
transportation ADM for the current fiscal year, as calculated 58402
under section 3317.03 of the Revised Code, plus the number of 58403
students enrolled in the community school not counted in the 58404
district's transportation ADM who are transported under division 58405
(B) (1) or (2) of section 3314.091 of the Revised Code. 58406

(b) For any fiscal year which the general assembly has 58407
specified that the transportation payments to school districts 58408
be calculated in accordance with this section and any rules of 58409
the department implementing this section, the payment to the 58410
community school shall be the following: 58411

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, either of the 58412
following: 58413

(I) If the school district in which the student is 58414
entitled to attend school would have used a method of 58415
transportation for the student for which payments are computed 58416
and paid under division (E) of this section, 1.0 times the 58417
statewide transportation cost per student, as calculated in 58418
division (C) of this section; 58419

(II) If the school district in which the student is 58420
entitled to attend school would have used a method of 58421
transportation for the student for which payments are computed 58422
and paid in a manner described in division (G) of this section, 58423
the amount that would otherwise be computed for and paid to the 58424
district. 58425

(ii) For fiscal year ~~2026~~2028 and each fiscal year 58426
thereafter, an amount calculated in a manner determined by the 58427
general assembly. 58428

The community school, however, is not required to use the 58429
same method to transport the student. 58430

As used in this division, "entitled to attend school" 58431
means entitled to attend school under section 3313.64 or 3313.65 58432
of the Revised Code. 58433

(2) A community school shall be paid under division (I) (2) 58434
of this section only for students who are eligible as specified 58435
in section 3327.01 of the Revised Code and division (C) (1) of 58436
section 3314.091 of the Revised Code, and whose transportation 58437
to and from school is actually provided, who actually utilized 58438
transportation arranged, or for whom a payment in lieu of 58439
transportation is made by the community school's governing 58440
authority. To qualify for the payments, the community school 58441
shall report to the department, in the form and manner required 58442

by the department, data on the number of students transported or 58443
whose transportation is arranged, the number of miles traveled, 58444
cost to transport, and any other information requested by the 58445
department. 58446

Sec. 3317.0213. (A) The department of education and 58447
workforce shall compute and pay in accordance with this section 58448
additional state aid for preschool children with disabilities to 58449
each city, local, and exempted village school district and to 58450
each institution, as defined in section 3323.091 of the Revised 58451
Code. Funding shall be provided for children who are not 58452
enrolled in kindergarten and who are under age six on the 58453
thirtieth day of September of the academic year, or on the first 58454
day of August of the academic year if the school district in 58455
which the child is enrolled has adopted a resolution under 58456
division (A) (3) of section 3321.01 of the Revised Code, but not 58457
less than age three on the first day of December of the academic 58458
year. 58459

For fiscal years ~~2024-2026~~ and ~~2025~~2027, the additional 58460
state aid shall be calculated under the following formula: 58461

(\$4,000 X the number of students who are preschool 58462
children with disabilities) + the sum of the following: 58463

(1) The district's or institution's category one special 58464
education students who are preschool children with disabilities 58465
X the multiple specified in division (A) of section 3317.013 of 58466
the Revised Code X the statewide average base cost per pupil for 58467
that fiscal year X the district's state share percentage X 0.50; 58468

(2) The district's or institution's category two special 58469
education students who are preschool children with disabilities 58470
X the multiple specified in division (B) of section 3317.013 of 58471

the Revised Code X the statewide average base cost per pupil for 58472
that fiscal year X the district's state share percentage X 0.50; 58473

(3) The district's or institution's category three special 58474
education students who are preschool children with disabilities 58475
X the multiple specified in division (C) of section 3317.013 of 58476
the Revised Code X the statewide average base cost per pupil for 58477
that fiscal year X the district's state share percentage X 0.50; 58478

(4) The district's or institution's category four special 58479
education students who are preschool children with disabilities 58480
X the multiple specified in division (D) of section 3317.013 of 58481
the Revised Code X the statewide average base cost per pupil for 58482
that fiscal year X the district's state share percentage X 0.50; 58483

(5) The district's or institution's category five special 58484
education students who are preschool children with disabilities 58485
X the multiple specified in division (E) of section 3317.013 of 58486
the Revised Code X the statewide average base cost per pupil for 58487
that fiscal year X the district's state share percentage X 0.50; 58488

(6) The district's or institution's category six special 58489
education students who are preschool children with disabilities 58490
X the multiple specified in division (F) of section 3317.013 of 58491
the Revised Code X the statewide average base cost per pupil for 58492
that fiscal year X the district's state share percentage X 0.50. 58493

For fiscal year ~~2026~~2028 and each fiscal year thereafter, 58494
the additional state aid shall be calculated for each category 58495
of special education students who are preschool children with 58496
disabilities using a formula specified by the general assembly. 58497

The special education disability categories for preschool 58498
children used in this section are the same categories prescribed 58499
in section 3317.013 of the Revised Code. 58500

As used in division (A) of this section, the state share 58501
percentage of a student enrolled in an institution is the state 58502
share percentage of the school district in which the student is 58503
entitled to attend school under section 3313.64 or 3313.65 of 58504
the Revised Code. 58505

(B) If an educational service center is providing services 58506
to students who are preschool children with disabilities under 58507
agreement with the city, local, or exempted village school 58508
district in which the students are entitled to attend school, 58509
that district may authorize the department to transfer funds 58510
computed under this section to the service center providing 58511
those services. 58512

(C) If a county DD board is providing services to students 58513
who are preschool children with disabilities under agreement 58514
with the city, local, or exempted village school district in 58515
which the students are entitled to attend school, the department 58516
shall deduct from the district's payment computed under division 58517
(A) of this section the total amount of those funds that are 58518
attributable to the students served by the county DD board and 58519
pay that amount to that board. 58520

Sec. 3317.0215. (A) (1) For fiscal years 2024-2026 and 58521
2025-2027, the department of education and workforce shall 58522
withhold from the aggregate amount paid for a fiscal year to 58523
each city, local, exempted village, and joint vocational school 58524
district, community school established under Chapter 3314. of 58525
the Revised Code, and science, technology, engineering, and 58526
mathematics school established under Chapter 3326. of the 58527
Revised Code an amount equal to the following: 58528

(a) In the case of a city, local, or exempted village 58529
school district, the aggregate amount of special education 58530

funding paid to the district under division (A) (3) of section 3317.022 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.

(b) In the case of a community school or STEM school, the aggregate amount of special education funding paid to the school under division (A) (1) (b) of section 3317.026 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.

(c) In the case of a joint vocational school district, the aggregate amount of special education funding paid to the school under division (A) (2) of section 3317.16 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.

(2) For fiscal year ~~2026~~2028 and each fiscal year thereafter, the department shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, community school, and science, technology, engineering, and mathematics school an amount determined by the general assembly, if any, for purposes of this section.

(B) For fiscal years ~~2024~~2026 and ~~2025~~2027, the department shall use the amount of funds withheld under division (A) of this section for purposes of division (C) (1) of section 3314.08 of the Revised Code, section 3317.0214 of the Revised Code, division (B) of section 3317.16 of the Revised Code, and section 3326.34 of the Revised Code.

For fiscal year ~~2026~~2028 and each fiscal year thereafter, the department shall use the amount of funds withheld under division (A) of this section, if any, for purposes determined by

the general assembly. 58560

Sec. 3317.0217. This section shall apply only for fiscal 58561
years ~~2024–2026~~ and ~~2025~~2027. 58562

Payment of the amount calculated for a school district 58563
under this section shall be made under division (A) of section 58564
3317.022 of the Revised Code. 58565

(A) For each fiscal year, the department of education and 58566
workforce shall compute targeted assistance funds for city, 58567
local, and exempted village school districts, in accordance with 58568
the following formula: 58569

A district's capacity amount for that fiscal year 58570
calculated under division (B) of this section + a district's 58571
wealth amount for that fiscal year calculated under division (C) 58572
of this section 58573

(B) The department shall calculate each district's 58574
capacity amount for a fiscal year as follows: 58575

(1) Calculate each district's weighted wealth for that 58576
fiscal year, which equals the following sum: 58577

(The amount determined for the district for that fiscal year 58578
under division (A) (1) (a) of section 3317.017 of the Revised Code 58579
X 0.6) + (the amount determined for the district for that fiscal 58580
year under division (A) (2) (a) of section 3317.017 of the Revised 58581
Code X 0.4) 58582

(2) Determine the median weighted wealth of all school 58583
districts in this state for that fiscal year; 58584

(3) Compute each district's capacity index for that fiscal 58585
year by dividing the median weighted wealth of all school 58586
districts in this state for that fiscal year by the district's 58587

weighted wealth for that fiscal year; 58588

(4) Compute each district's capacity amount for that 58589
fiscal year as follows: 58590

(a) The district's capacity amount shall be zero if the 58591
district satisfies either of the following criteria for that 58592
fiscal year: 58593

(i) The district's capacity index is less than 1. 58594

(ii) The district's enrolled ADM is less than 200. 58595

(b) If the district does not satisfy either of the 58596
criteria specified in division (B) (4) (a) of this section for 58597
that fiscal year, the district's capacity amount for that fiscal 58598
year shall be calculated as follows: 58599

(i) Compute the following amount for the district: 58600

(The median weighted wealth of all school districts in this 58601
state for that fiscal year X 0.008) - (the district's weighted 58602
wealth for that fiscal year X 0.008) 58603

(ii) If the district's enrolled ADM for that fiscal year 58604
is greater than or equal to 200 but less than or equal to 400, 58605
the district's capacity amount for that fiscal year shall be 58606
equal to 0.05 X the amount computed under division (B) (4) (b) (i) 58607
of this section. 58608

(iii) If the district's enrolled ADM for that fiscal year 58609
is greater than 400 and less than 600, the district's capacity 58610
amount for that fiscal year shall be calculated in accordance 58611
with the following formula: 58612

{[0.95 X (the district's enrolled ADM for that fiscal year - 58613
400)/200] + 0.05} X the amount computed under division (B) (4) (b) 58614

(i) of this section 58615

(iv) If the district's enrolled ADM for that fiscal year 58616
is greater than or equal to 600, the district's capacity amount 58617
for that fiscal year shall be equal to the amount computed under 58618
division (B) (4) (b) (i) of this section. 58619

(C) The department shall calculate each district's wealth 58620
amount for a fiscal year as follows: 58621

(1) Calculate each district's weighted wealth per pupil 58622
for that fiscal year, which equals the following quotient: 58623

The district's weighted wealth for that fiscal year 58624
calculated under division (B) (1) of this section/ (the 58625
district's enrolled ADM for that fiscal year - the students 58626
described in division (A) (1) (b) of section 3317.03 of the 58627
Revised Code + the students described in division (A) (2) (d) of 58628
section 3317.03 of the Revised Code) 58629

(2) Determine the median weighted wealth per pupil of all 58630
school districts in this state for that fiscal year; 58631

(3) Compute each district's wealth index for that fiscal 58632
year by dividing the median weighted wealth per pupil of all 58633
school districts in this state for that fiscal year by the 58634
district's weighted wealth per pupil for that fiscal year; 58635

(4) Compute each district's wealth amount for that fiscal 58636
year, as follows: 58637

(a) If the district's wealth index computed under division 58638
(C) (3) of this section for that fiscal year is less than 0.8, 58639
the district's wealth amount for that fiscal year shall be zero. 58640

(b) If the district's wealth index computed under division 58641
(C) (3) of this section for that fiscal year is greater than or 58642

equal to 0.8, the district's wealth amount for that fiscal year 58643
shall be calculated in accordance with the following formula: 58644

[(The median weighted wealth per pupil of all school districts 58645
in this state for that fiscal year X 0.014) - (the district's 58646
weighted wealth per pupil for that fiscal year X 0.0112)] X the 58647
district's enrolled ADM for that fiscal year 58648

Sec. 3317.03. (A) The superintendent of each city, local, 58649
and exempted village school district shall report to the 58650
department of education and workforce as of the last day of 58651
October, March, and June of each year the enrollment of students 58652
receiving services from schools under the superintendent's 58653
supervision, and the numbers of other students entitled to 58654
attend school in the district under section 3313.64 or 3313.65 58655
of the Revised Code the superintendent is required to report 58656
under this section, so that the department can calculate the 58657
district's enrolled ADM, formula ADM, total ADM, category one 58658
through five career-technical education ADM, category one 58659
through three English learner ADM, category one through six 58660
special education ADM, transportation ADM, and, for purposes of 58661
provisions of law outside of Chapter 3317. of the Revised Code, 58662
average daily membership. 58663

(1) The enrollment reported by the superintendent during 58664
the reporting period shall consist of the number of students in 58665
grades kindergarten through twelve receiving any educational 58666
services from the district, except that the following categories 58667
of students shall not be included in the determination: 58668

(a) Students enrolled in adult education classes; 58669

(b) Adjacent or other district students enrolled in the 58670
district under an open enrollment policy pursuant to section 58671

3313.98 of the Revised Code; 58672

(c) Students receiving services in the district pursuant 58673
to a compact, cooperative education agreement, or a contract, 58674
but who are entitled to attend school in another district 58675
pursuant to section 3313.64 or 3313.65 of the Revised Code; 58676

(d) Students for whom tuition is payable pursuant to 58677
sections 3317.081 and 3323.141 of the Revised Code; 58678

(e) Students receiving services in the district through a 58679
scholarship awarded under either section 3310.41 or sections 58680
3310.51 to 3310.64 of the Revised Code. 58681

When reporting students under division (A)(1) of this 58682
section, the superintendent also shall report the district where 58683
each student is entitled to attend school pursuant to sections 58684
3313.64 and 3313.65 of the Revised Code. 58685

(2) The department shall compile a list of all students 58686
reported to be enrolled in a district under division (A)(1) of 58687
this section and of the students entitled to attend school in 58688
the district pursuant to section 3313.64 or 3313.65 of the 58689
Revised Code on an FTE basis but receiving educational services 58690
in grades kindergarten through twelve from one or more of the 58691
following entities: 58692

(a) A community school pursuant to Chapter 3314. of the 58693
Revised Code, including any participation in a college pursuant 58694
to Chapter 3365. of the Revised Code while enrolled in such 58695
community school; 58696

(b) An alternative school pursuant to sections 3313.974 to 58697
3313.979 of the Revised Code; 58698

(c) A college pursuant to Chapter 3365. of the Revised 58699

Code, except when the student is enrolled in the college while 58700
also enrolled in a community school pursuant to Chapter 3314., a 58701
science, technology, engineering, and mathematics school 58702
established under Chapter 3326., or a college-preparatory 58703
boarding school established under Chapter 3328. of the Revised 58704
Code; 58705

(d) An adjacent or other school district under an open 58706
enrollment policy adopted pursuant to section 3313.98 of the 58707
Revised Code; 58708

(e) An educational service center or cooperative education 58709
district; 58710

(f) Another school district under a cooperative education 58711
agreement, compact, or contract; 58712

(g) A chartered nonpublic school with a scholarship paid 58713
under section 3317.022 of the Revised Code, if the students 58714
qualified for the scholarship under section 3310.03 or 3310.032 58715
of the Revised Code; 58716

(h) An alternative public provider or a registered private 58717
provider with a scholarship awarded under either section 3310.41 58718
or sections 3310.51 to 3310.64 of the Revised Code. 58719

As used in this section, "alternative public provider" and 58720
"registered private provider" have the same meanings as in 58721
section 3310.41 or 3310.51 of the Revised Code, as applicable. 58722

(i) A science, technology, engineering, and mathematics 58723
school established under Chapter 3326. of the Revised Code, 58724
including any participation in a college pursuant to Chapter 58725
3365. of the Revised Code while enrolled in the school; 58726

(j) A college-preparatory boarding school established 58727

under Chapter 3328. of the Revised Code, including any 58728
participation in a college pursuant to Chapter 3365. of the 58729
Revised Code while enrolled in the school; 58730

(k) A nonchartered nonpublic school if the students have 58731
educational savings accounts established under sections 3310.21 58732
to 3310.26 of the Revised Code. 58733

(3) The department also shall compile a list of the 58734
students entitled to attend school in the district under section 58735
3313.64 or 3313.65 of the Revised Code who are enrolled in a 58736
joint vocational school district or under a career-technical 58737
education compact, excluding any students so entitled to attend 58738
school in the district who are enrolled in another school 58739
district through an open enrollment policy as reported under 58740
division (A) (2) (d) of this section and then enroll in a joint 58741
vocational school district or under a career-technical education 58742
compact. 58743

The department shall provide each city, local, and 58744
exempted village school district with an opportunity to review 58745
the list of students compiled under divisions (A) (2) and (3) of 58746
this section to ensure that the students reported accurately 58747
reflect the enrollment of students in the district. 58748

(B) To enable the department to obtain the data needed to 58749
complete the calculation of payments pursuant to this chapter, 58750
each superintendent shall certify from the reports provided by 58751
the department under division (A) of this section all of the 58752
following: 58753

(1) The total student enrollment in regular learning day 58754
classes included in the report under division (A) (1) or (2), 58755
including any student described in division (A) (1) (b) of this 58756

section and excluding any student reported under divisions (A) 58757
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 58758
section, of this section for each of the individual grades 58759
kindergarten through twelve in schools under the 58760
superintendent's supervision; 58761

(2) The unduplicated count of the number of preschool 58762
children with disabilities enrolled in the district for whom the 58763
district is eligible to receive funding under section 3317.0213 58764
of the Revised Code adjusted for the portion of the year each 58765
child is so enrolled, in accordance with the disability 58766
categories prescribed in section 3317.013 of the Revised Code; 58767

(3) The number of children entitled to attend school in 58768
the district pursuant to section 3313.64 or 3313.65 of the 58769
Revised Code who are: 58770

(a) Enrolled in a college under Chapter 3365. of the 58771
Revised Code, except when the student is enrolled in the college 58772
while also enrolled in a community school pursuant to Chapter 58773
3314. of the Revised Code, a science, technology, engineering, 58774
and mathematics school established under Chapter 3326., or a 58775
college-preparatory boarding school established under Chapter 58776
3328. of the Revised Code; 58777

(b) Participating in a program operated by a county board 58778
of developmental disabilities or a state institution. 58779

(4) The total enrollment of pupils in joint vocational 58780
schools; 58781

(5) The combined enrollment of children with disabilities 58782
reported under division (A) (1) or (2) of this section, including 58783
any student described in division (A) (1) (b) of this section and 58784
excluding any student reported under divisions (A) (2) (a), (b), 58785

(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 58786
special education services for the category one disability 58787
described in division (A) of section 3317.013 of the Revised 58788
Code, including children attending a special education program 58789
operated by an alternative public provider or a registered 58790
private provider with a scholarship awarded under sections 58791
3310.51 to 3310.64 of the Revised Code; 58792

(6) The combined enrollment of children with disabilities 58793
reported under division (A)(1) or (2) of this section, including 58794
any student described in division (A)(1)(b) of this section and 58795
excluding any student reported under divisions (A)(2)(a), (b), 58796
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 58797
special education services for category two disabilities 58798
described in division (B) of section 3317.013 of the Revised 58799
Code, including children attending a special education program 58800
operated by an alternative public provider or a registered 58801
private provider with a scholarship awarded under sections 58802
3310.51 to 3310.64 of the Revised Code; 58803

(7) The combined enrollment of children with disabilities 58804
reported under division (A)(1) or (2) of this section, including 58805
any student described in division (A)(1)(b) of this section and 58806
excluding any student reported under divisions (A)(2)(a), (b), 58807
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 58808
special education services for category three disabilities 58809
described in division (C) of section 3317.013 of the Revised 58810
Code, including children attending a special education program 58811
operated by an alternative public provider or a registered 58812
private provider with a scholarship awarded under sections 58813
3310.51 to 3310.64 of the Revised Code; 58814

(8) The combined enrollment of children with disabilities 58815

reported under division (A) (1) or (2) of this section, including 58816
any student described in division (A) (1) (b) of this section and 58817
excluding any student reported under divisions (A) (2) (a), (b), 58818
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 58819
special education services for category four disabilities 58820
described in division (D) of section 3317.013 of the Revised 58821
Code, including children attending a special education program 58822
operated by an alternative public provider or a registered 58823
private provider with a scholarship awarded under sections 58824
3310.51 to 3310.64 of the Revised Code; 58825

(9) The combined enrollment of children with disabilities 58826
reported under division (A) (1) or (2) of this section, including 58827
any student described in division (A) (1) (b) of this section and 58828
excluding any student reported under divisions (A) (2) (a), (b), 58829
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 58830
special education services for the category five disabilities 58831
described in division (E) of section 3317.013 of the Revised 58832
Code, including children attending a special education program 58833
operated by an alternative public provider or a registered 58834
private provider with a scholarship awarded under sections 58835
3310.51 to 3310.64 of the Revised Code; 58836

(10) The combined enrollment of children with disabilities 58837
reported under division (A) (1) or (2) of this section, including 58838
any student described in division (A) (1) (b) of this section and 58839
excluding any student reported under divisions (A) (2) (a), (b), 58840
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 58841
special education services for category six disabilities 58842
described in division (F) of section 3317.013 of the Revised 58843
Code, including children attending a special education program 58844
operated by an alternative public provider or a registered 58845
private provider with a scholarship awarded under either section 58846

3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 58847

(11) The enrollment of pupils reported under division (A) 58848
(1) or (2) of this section on a full-time equivalency basis, 58849
including any student described in division (A)(1)(b) of this 58850
section and excluding any student reported under divisions (A) 58851
(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 58852
section, in category one career-technical education programs or 58853
classes, described in division (A)(1) of section 3317.014 of the 58854
Revised Code, operated by the school district or by another 58855
district that is a member of the district's career-technical 58856
planning district, other than a joint vocational school 58857
district, or by an educational service center, notwithstanding 58858
division (M) of section 3317.02 of the Revised Code and division 58859
(C)(3) of this section; 58860

(12) The enrollment of pupils reported under division (A) 58861
(1) or (2) of this section on a full-time equivalency basis, 58862
including any student described in division (A)(1)(b) of this 58863
section and excluding any student reported under divisions (A) 58864
(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 58865
section, in category two career-technical education programs or 58866
services, described in division (A)(2) of section 3317.014 of 58867
the Revised Code, operated by the school district or another 58868
school district that is a member of the district's career- 58869
technical planning district, other than a joint vocational 58870
school district, or by an educational service center, 58871
notwithstanding division (M) of section 3317.02 of the Revised 58872
Code and division (C)(3) of this section; 58873

(13) The enrollment of pupils reported under division (A) 58874
(1) or (2) of this section on a full-time equivalency basis, 58875
including any student described in division (A)(1)(b) of this 58876

section and excluding any student reported under divisions (A) 58877
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 58878
section, in category three career-technical education programs 58879
or services, described in division (A) (3) of section 3317.014 of 58880
the Revised Code, operated by the school district or another 58881
school district that is a member of the district's career- 58882
technical planning district, other than a joint vocational 58883
school district, or by an educational service center, 58884
notwithstanding division (M) of section 3317.02 of the Revised 58885
Code and division (C) (3) of this section; 58886

(14) The enrollment of pupils reported under division (A) 58887
(1) or (2) of this section on a full-time equivalency basis, 58888
including any student described in division (A) (1) (b) of this 58889
section and excluding any student reported under divisions (A) 58890
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 58891
section, in category four career-technical education programs or 58892
services, described in division (A) (4) of section 3317.014 of 58893
the Revised Code, operated by the school district or another 58894
school district that is a member of the district's career- 58895
technical planning district, other than a joint vocational 58896
school district, or by an educational service center, 58897
notwithstanding division (M) of section 3317.02 of the Revised 58898
Code and division (C) (3) of this section; 58899

(15) The enrollment of pupils reported under division (A) 58900
(1) or (2) of this section on a full-time equivalency basis, 58901
including any student described in division (A) (1) (b) of this 58902
section and excluding any student reported under divisions (A) 58903
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 58904
section, in category five career-technical education programs or 58905
services, described in division (A) (5) of section 3317.014 of 58906
the Revised Code, operated by the school district or another 58907

school district that is a member of the district's career- 58908
technical planning district, other than a joint vocational 58909
school district, or by an educational service center, 58910
notwithstanding division (M) of section 3317.02 of the Revised 58911
Code and division (C)(3) of this section; 58912

(16) The enrollment of pupils reported under division (A) 58913
(1) or (2) of this section who are English learners described in 58914
division (A) of section 3317.016 of the Revised Code, including 58915
any student described in division (A)(1)(b) of this section and 58916
excluding any student reported under divisions (A)(2)(a), (b), 58917
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section; 58918

(17) The enrollment of pupils reported under division (A) 58919
(1) or (2) of this section who are English learners described in 58920
division (B) of section 3317.016 of the Revised Code, including 58921
any student described in division (A)(1)(b) of this section and 58922
excluding any student reported under divisions (A)(2)(a), (b), 58923
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section; 58924

(18) The enrollment of pupils reported under division (A) 58925
(1) or (2) of this section who are English learners described in 58926
division (C) of section 3317.016 of the Revised Code, including 58927
any student described in division (A)(1)(b) of this section and 58928
excluding any student reported under divisions (A)(2)(a), (b), 58929
(d), (g), (h), (i), and (j) of this section; 58930

(19) The average number of children transported during the 58931
reporting period by the school district on board-owned or 58932
contractor-owned and -operated buses, reported in accordance 58933
with rules adopted by the department; 58934

(20)(a) The number of children, other than preschool 58935
children with disabilities, the district placed with a county 58936

board of developmental disabilities in fiscal year 1998. 58937
Division (B) (20) (a) of this section does not apply after fiscal 58938
year 2013. 58939

(b) The number of children with disabilities, other than 58940
preschool children with disabilities, placed with a county board 58941
of developmental disabilities in the current fiscal year to 58942
receive special education services for the category one 58943
disability described in division (A) of section 3317.013 of the 58944
Revised Code; 58945

(c) The number of children with disabilities, other than 58946
preschool children with disabilities, placed with a county board 58947
of developmental disabilities in the current fiscal year to 58948
receive special education services for category two disabilities 58949
described in division (B) of section 3317.013 of the Revised 58950
Code; 58951

(d) The number of children with disabilities, other than 58952
preschool children with disabilities, placed with a county board 58953
of developmental disabilities in the current fiscal year to 58954
receive special education services for category three 58955
disabilities described in division (C) of section 3317.013 of 58956
the Revised Code; 58957

(e) The number of children with disabilities, other than 58958
preschool children with disabilities, placed with a county board 58959
of developmental disabilities in the current fiscal year to 58960
receive special education services for category four 58961
disabilities described in division (D) of section 3317.013 of 58962
the Revised Code; 58963

(f) The number of children with disabilities, other than 58964
preschool children with disabilities, placed with a county board 58965

of developmental disabilities in the current fiscal year to 58966
receive special education services for the category five 58967
disabilities described in division (E) of section 3317.013 of 58968
the Revised Code; 58969

(g) The number of children with disabilities, other than 58970
preschool children with disabilities, placed with a county board 58971
of developmental disabilities in the current fiscal year to 58972
receive special education services for category six disabilities 58973
described in division (F) of section 3317.013 of the Revised 58974
Code. 58975

(21) The enrollment of students who are economically 58976
disadvantaged, as defined by the department, including any 58977
student described in divisions (A) (1) (b) of this section and 58978
excluding any student reported under divisions (A) (2) (a), (b), 58979
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section. A student 58980
shall not be categorically excluded from the number reported 58981
under division (B) (21) of this section based on anything other 58982
than family income. 58983

(22) The enrollment of students identified as gifted under 58984
division (A), (B), (C), or (D) of section 3324.03 of the Revised 58985
Code. 58986

(C) (1) The department shall adopt rules necessary for 58987
implementing divisions (A), (B), and (D) of this section. 58988

(2) A student enrolled in a community school established 58989
under Chapter 3314., a science, technology, engineering, and 58990
mathematics school established under Chapter 3326., or a 58991
college-preparatory boarding school established under Chapter 58992
3328. of the Revised Code shall be counted in the formula ADM of 58993
the school district in which the student is entitled to attend 58994

school under section 3313.64 or 3313.65 of the Revised Code for 58995
the same proportion of the school year that the student is 58996
counted in the enrollment of the community school, the science, 58997
technology, engineering, and mathematics school, or the college- 58998
preparatory boarding school for purposes of section 3317.022 or 58999
3328.24 of the Revised Code. Notwithstanding the enrollment of 59000
students reported pursuant to division (A)(2)(a), (i), or (j) of 59001
this section, the department may adjust the formula ADM of a 59002
school district to account for students entitled to attend 59003
school in the district under section 3313.64 or 3313.65 of the 59004
Revised Code who are enrolled in a community school, a science, 59005
technology, engineering, and mathematics school, or a college- 59006
preparatory boarding school for only a portion of the school 59007
year. 59008

(3) No child shall be counted as more than a total of one 59009
child in the sum of the enrollment of students of a school 59010
district under division (A), divisions (B)(1) to (22), or 59011
division (D) of this section, except as follows: 59012

(a)(i) A child with a disability described in section 59013
3317.013 of the Revised Code may be counted both in formula ADM 59014
and in category one, two, three, four, five, or six special 59015
education ADM and, if applicable, in category one, two, three, 59016
four, or five career-technical education ADM. As provided in 59017
division (M) of section 3317.02 of the Revised Code, such a 59018
child shall be counted in category one, two, three, four, five, 59019
or six special education ADM in the same proportion that the 59020
child is counted in formula ADM. 59021

(ii) A child with a disability described in section 59022
3317.013 of the Revised Code may be counted both in enrolled ADM 59023
and in category one, two, three, four, five, or six special 59024

education ADM and, if applicable, in category one, two, three, 59025
four, or five career-technical education ADM. As provided in 59026
division (M) of section 3317.02 of the Revised Code, such a 59027
child shall be counted in category one, two, three, four, five, 59028
or six special education ADM in the same proportion that the 59029
child is counted in enrolled ADM. 59030

(b) (i) A child enrolled in career-technical education 59031
programs or classes described in section 3317.014 of the Revised 59032
Code may be counted both in formula ADM and category one, two, 59033
three, four, or five career-technical education ADM and, if 59034
applicable, in category one, two, three, four, five, or six 59035
special education ADM. Such a child shall be counted in category 59036
one, two, three, four, or five career-technical education ADM in 59037
the same proportion as the percentage of time that the child 59038
spends in the career-technical education programs or classes. 59039

(ii) A child enrolled in career-technical education 59040
programs or classes described in section 3317.014 of the Revised 59041
Code may be counted both in enrolled ADM and category one, two, 59042
three, four, or five career-technical education ADM and, if 59043
applicable, in category one, two, three, four, five, or six 59044
special education ADM. Such a child shall be counted in category 59045
one, two, three, four, or five career-technical education ADM in 59046
the same proportion as the percentage of time that the child 59047
spends in the career-technical education programs or classes. 59048

(4) Based on the information reported under this section, 59049
the department shall determine the total student count, as 59050
defined in section 3301.011 of the Revised Code, for each school 59051
district. 59052

(D) (1) The superintendent of each joint vocational school 59053
district shall report and certify to the department as of the 59054

last day of October, March, and June of each year the enrollment 59055
of students receiving services from schools under the 59056
superintendent's supervision so that the department can 59057
calculate the district's enrolled ADM, formula ADM, total ADM, 59058
category one through five career-technical education ADM, 59059
category one through three English learner ADM, category one 59060
through six special education ADM, and for purposes of 59061
provisions of law outside of Chapter 3317. of the Revised Code, 59062
average daily membership. 59063

The enrollment reported and certified by the 59064
superintendent, except as otherwise provided in this division, 59065
shall consist of the number of students in grades six through 59066
twelve receiving any educational services from the district, 59067
except that the following categories of students shall not be 59068
included in the determination: 59069

(a) Students enrolled in adult education classes; 59070

(b) Adjacent or other district joint vocational students 59071
enrolled in the district under an open enrollment policy 59072
pursuant to section 3313.98 of the Revised Code; 59073

(c) Students receiving services in the district pursuant 59074
to a compact, cooperative education agreement, or a contract, 59075
but who are entitled to attend school in a city, local, or 59076
exempted village school district whose territory is not part of 59077
the territory of the joint vocational district; 59078

(d) Students for whom tuition is payable pursuant to 59079
sections 3317.081 and 3323.141 of the Revised Code. 59080

(2) To enable the department to obtain the data needed to 59081
complete the calculation of payments pursuant to this chapter, 59082
each superintendent shall certify from the report provided under 59083

division (D) (1) of this section the enrollment for each of the 59084
following categories of students: 59085

(a) Students enrolled in each individual grade included in 59086
the joint vocational district schools, including any student 59087
described in division (D) (1) (b) of this section; 59088

(b) Children with disabilities receiving special education 59089
services for the category one disability described in division 59090
(A) of section 3317.013 of the Revised Code, including any 59091
student described in division (D) (1) (b) of this section; 59092

(c) Children with disabilities receiving special education 59093
services for the category two disabilities described in division 59094
(B) of section 3317.013 of the Revised Code, including any 59095
student described in division (D) (1) (b) of this section; 59096

(d) Children with disabilities receiving special education 59097
services for category three disabilities described in division 59098
(C) of section 3317.013 of the Revised Code, including any 59099
student described in division (D) (1) (b) of this section; 59100

(e) Children with disabilities receiving special education 59101
services for category four disabilities described in division 59102
(D) of section 3317.013 of the Revised Code, including any 59103
student described in division (D) (1) (b) of this section; 59104

(f) Children with disabilities receiving special education 59105
services for the category five disabilities described in 59106
division (E) of section 3317.013 of the Revised Code, including 59107
any student described in division (D) (1) (b) of this section; 59108

(g) Children with disabilities receiving special education 59109
services for category six disabilities described in division (F) 59110
of section 3317.013 of the Revised Code, including any student 59111
described in division (D) (1) (b) of this section; 59112

(h) Students receiving category one career-technical	59113
education services, described in division (A) (1) of section	59114
3317.014 of the Revised Code, including any student described in	59115
division (D) (1) (b) of this section;	59116
 (i) Students receiving category two career-technical	59117
education services, described in division (A) (2) of section	59118
3317.014 of the Revised Code, including any student described in	59119
division (D) (1) (b) of this section;	59120
 (j) Students receiving category three career-technical	59121
education services, described in division (A) (3) of section	59122
3317.014 of the Revised Code, including any student described in	59123
division (D) (1) (b) of this section;	59124
 (k) Students receiving category four career-technical	59125
education services, described in division (A) (4) of section	59126
3317.014 of the Revised Code, including any student described in	59127
division (D) (1) (b) of this section;	59128
 (l) Students receiving category five career-technical	59129
education services, described in division (A) (5) of section	59130
3317.014 of the Revised Code, including any student described in	59131
division (D) (1) (b) of this section;	59132
 (m) English learners described in division (A) of section	59133
3317.016 of the Revised Code, including any student described in	59134
division (D) (1) (b) of this section;	59135
 (n) English learners described in division (B) of section	59136
3317.016 of the Revised Code, including any student described in	59137
division (D) (1) (b) of this section;	59138
 (o) English learners described in division (C) of section	59139
3317.016 of the Revised Code, including any student described in	59140
division (D) (1) (b) of this section;	59141

(p) Students who are economically disadvantaged, as 59142
defined by the department, including any student described in 59143
division (D) (1) (b) of this section. A student shall not be 59144
categorically excluded from the number reported under division 59145
(D) (2) (p) of this section based on anything other than family 59146
income. 59147

The superintendent of each joint vocational school 59148
district shall also indicate the city, local, or exempted 59149
village school district in which each joint vocational district 59150
pupil is entitled to attend school pursuant to section 3313.64 59151
or 3313.65 of the Revised Code. 59152

(E) In each school of each city, local, exempted village, 59153
joint vocational, and cooperative education school district 59154
there shall be maintained a record of school enrollment, which 59155
record shall accurately show, for each day the school is in 59156
session, the actual enrollment in regular day classes. For the 59157
purpose of determining the enrollment of students, the 59158
enrollment figure of any school shall not include any pupils 59159
except those pupils described by division (A) or (D) of this 59160
section. The record of enrollment for each school shall be 59161
maintained in such manner that no pupil shall be counted as 59162
enrolled prior to the actual date of entry in the school and 59163
also in such manner that where for any cause a pupil permanently 59164
withdraws from the school that pupil shall not be counted as 59165
enrolled from and after the date of such withdrawal. There shall 59166
not be included in the enrollment of any school any of the 59167
following: 59168

(1) Any pupil who has graduated from the twelfth grade of 59169
a public or nonpublic high school; 59170

(2) Any pupil who is not a resident of the state; 59171

(3) Any pupil who was enrolled in the schools of the 59172
district during the previous school year when assessments were 59173
administered under section 3301.0711 of the Revised Code but did 59174
not take one or more of the assessments required by that section 59175
and was not excused pursuant to division (C) (1) or (3) of that 59176
section; 59177

(4) Any pupil who has attained the age of twenty-two 59178
years, except for veterans of the armed services whose 59179
attendance was interrupted before completing the recognized 59180
twelve-year course of the public schools by reason of induction 59181
or enlistment in the armed forces and who apply for reenrollment 59182
in the public school system of their residence not later than 59183
four years after termination of war or their honorable 59184
discharge; 59185

(5) Any pupil who has a certificate of high school 59186
equivalence as defined in section 5107.40 of the Revised Code. 59187

If, however, any veteran described by division (E) (4) of 59188
this section elects to enroll in special courses organized for 59189
veterans for whom tuition is paid under the provisions of 59190
federal laws, or otherwise, that veteran shall not be included 59191
in the enrollment of students determined under this section. 59192

Notwithstanding division (E) (3) of this section, the 59193
enrollment of any school may include a pupil who did not take an 59194
assessment required by section 3301.0711 of the Revised Code if 59195
the department of education and workforce grants a waiver from 59196
the requirement to take the assessment to the specific pupil and 59197
a parent is not paying tuition for the pupil pursuant to section 59198
3313.6410 of the Revised Code. The department may grant such a 59199
waiver only for good cause in accordance with rules adopted by 59200
the department. 59201

The enrolled ADM, formula ADM, total ADM, category one 59202
through five career-technical education ADM, category one 59203
through three English learner ADM, category one through six 59204
special education ADM, transportation ADM, and, for purposes of 59205
provisions of law outside of Chapter 3317. of the Revised Code, 59206
average daily membership of any school district shall be 59207
determined in accordance with rules adopted by the department. 59208

(F) (1) If a student attending a community school under 59209
Chapter 3314., a science, technology, engineering, and 59210
mathematics school established under Chapter 3326., or a 59211
college-preparatory boarding school established under Chapter 59212
3328. of the Revised Code is not included in the formula ADM 59213
calculated for the school district in which the student is 59214
entitled to attend school under section 3313.64 or 3313.65 of 59215
the Revised Code, the department shall adjust the formula ADM of 59216
that school district to include the student in accordance with 59217
division (C) (2) of this section. 59218

(2) If a student awarded an educational choice scholarship 59219
is not included in the formula ADM of the school district in 59220
which the student resides, the department shall adjust the 59221
formula ADM of that school district to include the student. 59222

(3) If a student awarded a scholarship under the Jon 59223
Peterson special needs scholarship program is not included in 59224
the formula ADM of the school district in which the student 59225
resides, the department shall adjust the formula ADM of that 59226
school district to include the student. 59227

(G) (1) (a) The superintendent of an institution operating a 59228
special education program pursuant to section 3323.091 of the 59229
Revised Code shall, for the programs under such superintendent's 59230
supervision, certify to the department, in the manner prescribed 59231

by the director of education and workforce, both of the 59232
following: 59233

(i) The unduplicated count of the number of all children 59234
with disabilities other than preschool children with 59235
disabilities receiving services at the institution for each 59236
category of disability described in divisions (A) to (F) of 59237
section 3317.013 of the Revised Code adjusted for the portion of 59238
the year each child is so enrolled; 59239

(ii) The unduplicated count of the number of all preschool 59240
children with disabilities in classes or programs for whom the 59241
district is eligible to receive funding under section 3317.0213 59242
of the Revised Code adjusted for the portion of the year each 59243
child is so enrolled, reported according to the categories 59244
prescribed in section 3317.013 of the Revised Code. 59245

(b) The superintendent of an institution with career- 59246
technical education units approved under section 3317.05 of the 59247
Revised Code shall, for the units under the superintendent's 59248
supervision, certify to the department the enrollment in those 59249
units, in the manner prescribed by the director of education and 59250
workforce. 59251

(2) The superintendent of each county board of 59252
developmental disabilities that maintains special education 59253
classes under section 3317.20 of the Revised Code or provides 59254
services to preschool children with disabilities pursuant to an 59255
agreement between the county board and the appropriate school 59256
district shall do both of the following: 59257

(a) Certify to the department, in the manner prescribed by 59258
the department, the enrollment in classes under section 3317.20 59259
of the Revised Code for each school district that has placed 59260

children in the classes; 59261

(b) Certify to the department, in the manner prescribed by 59262
the department, the unduplicated count of the number of all 59263
preschool children with disabilities enrolled in classes for 59264
which the board is eligible to receive funding under section 59265
3317.0213 of the Revised Code adjusted for the portion of the 59266
year each child is so enrolled, reported according to the 59267
categories prescribed in section 3317.013 of the Revised Code, 59268
and the number of those classes. 59269

(H) Except as provided in division (I) of this section, 59270
when any city, local, or exempted village school district 59271
provides instruction for a nonresident pupil whose attendance is 59272
unauthorized attendance as defined in section 3327.06 of the 59273
Revised Code, that pupil's enrollment shall not be included in 59274
that district's enrollment figure used in calculating the 59275
district's payments under this chapter. The reporting official 59276
shall report separately the enrollment of all pupils whose 59277
attendance in the district is unauthorized attendance, and the 59278
enrollment of each such pupil shall be credited to the school 59279
district in which the pupil is entitled to attend school under 59280
division (B) of section 3313.64 or section 3313.65 of the 59281
Revised Code as determined by the department. 59282

(I) This division shall not apply on or after September 59283
30, 2021. 59284

(1) A city, local, exempted village, or joint vocational 59285
school district admitting a scholarship student of a pilot 59286
project district pursuant to division (C) of section 3313.976 of 59287
the Revised Code may count such student in its enrollment. 59288

(2) In any year for which funds are appropriated for pilot 59289

project scholarship programs, a school district implementing a 59290
state-sponsored pilot project scholarship program that year 59291
pursuant to sections 3313.974 to 3313.979 of the Revised Code 59292
may count in its enrollment: 59293

(a) All children residing in the district and utilizing a 59294
scholarship to attend kindergarten in any alternative school, as 59295
defined in section 3313.974 of the Revised Code; 59296

(b) All children who were enrolled in the district in the 59297
preceding year who are utilizing a scholarship to attend an 59298
alternative school. 59299

(J) The superintendent of each cooperative education 59300
school district shall certify to the director of education and 59301
workforce, in a manner prescribed by the department, the 59302
applicable enrollments for all students in the cooperative 59303
education district, also indicating the city, local, or exempted 59304
village district where each pupil is entitled to attend school 59305
under section 3313.64 or 3313.65 of the Revised Code. 59306

(K) If the director of education and workforce determines 59307
that a component of the enrollment certified or reported by a 59308
district superintendent, or other reporting entity, is not 59309
correct, the director of education and workforce may order that 59310
the district's enrolled ADM, formula ADM, or both be adjusted in 59311
the amount of the error. 59312

Sec. 3317.051. (A) The department of education and 59313
workforce shall compute and pay to a school district funds based 59314
on units for services to students identified as gifted under 59315
Chapter 3324. of the Revised Code as prescribed by this section. 59316

(B) The department shall allocate gifted units for a 59317
school district as follows: 59318

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027: 59319

(a) One gifted coordinator unit shall be allocated for 59320
every 3,300 students in a district's enrolled ADM, with a 59321
minimum of 0.5 units and a maximum of 8 units allocated for the 59322
district. 59323

(b) One kindergarten through eighth grade gifted 59324
intervention specialist unit shall be allocated for every 140 59325
gifted students enrolled in grades kindergarten through eight in 59326
the district, as certified under division (B) (22) of section 59327
3317.03 of the Revised Code, with a minimum of 0.3 units 59328
allocated for the district. 59329

(c) One ninth through twelfth grade gifted intervention 59330
specialist unit shall be allocated for every 140 gifted students 59331
enrolled in grades nine through twelve in the district, as 59332
certified under division (B) (22) of section 3317.03 of the 59333
Revised Code, with a minimum of 0.3 units allocated for the 59334
district. 59335

(2) For fiscal year ~~2026-2028~~ and each fiscal year 59336
thereafter, in the manner prescribed by the general assembly. 59337

(C) The department shall pay an amount to a school 59338
district for gifted units as follows: 59339

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 59340
equal to the following sum: 59341

(\$85,776 X the number of units allocated to a school district 59342
under division (B) (1) (a) of this section X the district's state 59343
share percentage) + (\$89,378 X the number of units allocated to 59344
a school district under division (B) (1) (b) of this section X the 59345
district's state share percentage) + (\$80,974 X the number of 59346
units allocated to a school district under division (B) (1) (c) of 59347

this section X the district's state share percentage) 59348

(2) For fiscal year ~~2026~~2028 and each fiscal year 59349
thereafter, an amount calculated in a manner determined by the 59350
general assembly. 59351

(D) A school district may assign gifted unit funding that 59352
it receives under division (C) of this section to another school 59353
district, an educational service center, a community school, or 59354
a STEM school as part of an arrangement to provide services to 59355
the district. 59356

Sec. 3317.06. Moneys paid to school districts under 59357
division (E) (1) of section 3317.024 of the Revised Code shall be 59358
used for the following independent and fully severable purposes: 59359

(A) To purchase such secular textbooks or digital texts as 59360
have been approved by the department of education and workforce 59361
for use in public schools in the state and to loan such 59362
textbooks or digital texts to pupils attending nonpublic schools 59363
within the district described in division (E) (1) of section 59364
3317.024 of the Revised Code or to their parents and to hire 59365
clerical personnel to administer such lending program. Such 59366
loans shall be based upon individual requests submitted by such 59367
nonpublic school pupils or parents. Such requests shall be 59368
submitted to the school district in which the nonpublic school 59369
is located. Such individual requests for the loan of textbooks 59370
or digital texts shall, for administrative convenience, be 59371
submitted by the nonpublic school pupil or the pupil's parent to 59372
the nonpublic school, which shall prepare and submit collective 59373
summaries of the individual requests to the school district. As 59374
used in this section: 59375

(1) "Textbook" means any book or book substitute that a 59376

pupil uses as a consumable or nonconsumable text, text 59377
substitute, or text supplement in a particular class or program 59378
in the school the pupil regularly attends. 59379

(2) "Digital text" means a consumable book or book 59380
substitute that a student accesses through the use of a computer 59381
or other electronic medium or that is available through an 59382
internet-based provider of course content, or any other material 59383
that contributes to the learning process through electronic 59384
means. 59385

(B) To provide speech and hearing diagnostic services to 59386
pupils attending nonpublic schools within the district described 59387
in division (E)(1) of section 3317.024 of the Revised Code. Such 59388
service shall be provided in the nonpublic school attended by 59389
the pupil receiving the service. 59390

(C) To provide physician, nursing, dental, and optometric 59391
services to pupils attending nonpublic schools within the 59392
district described in division (E)(1) of section 3317.024 of the 59393
Revised Code. Such services shall be provided in the school 59394
attended by the nonpublic school pupil receiving the service. 59395

(D) To provide diagnostic mental health or psychological 59396
services to pupils attending nonpublic schools within the 59397
district described in division (E)(1) of section 3317.024 of the 59398
Revised Code. Such services shall be provided in the school 59399
attended by the pupil receiving the service. 59400

(E) To provide therapeutic mental health, psychological, 59401
and speech and hearing services to pupils attending nonpublic 59402
schools within the district described in division (E)(1) of 59403
section 3317.024 of the Revised Code. Such services shall be 59404
provided in the public school, in nonpublic schools, in public 59405

centers, or in mobile units located on or off of the nonpublic 59406
premises. If such services are provided in the public school or 59407
in public centers, transportation to and from such facilities 59408
shall be provided by the school district in which the nonpublic 59409
school is located. 59410

(F) To provide guidance, counseling, and social work 59411
services to pupils attending nonpublic schools within the 59412
district described in division (E)(1) of section 3317.024 of the 59413
Revised Code. Such services shall be provided in the public 59414
school, in nonpublic schools, in public centers, or in mobile 59415
units located on or off of the nonpublic premises. If such 59416
services are provided in the public school or in public centers, 59417
transportation to and from such facilities shall be provided by 59418
the school district in which the nonpublic school is located. 59419

(G) To provide remedial services to pupils attending 59420
nonpublic schools within the district described in division (E) 59421
(1) of section 3317.024 of the Revised Code. Such services shall 59422
be provided in the public school, in nonpublic schools, in 59423
public centers, or in mobile units located on or off of the 59424
nonpublic premises. If such services are provided in the public 59425
school or in public centers, transportation to and from such 59426
facilities shall be provided by the school district in which the 59427
nonpublic school is located. 59428

(H) To supply for use by pupils attending nonpublic 59429
schools within the district described in division (E)(1) of 59430
section 3317.024 of the Revised Code such standardized tests and 59431
scoring services as are in use in the public schools of the 59432
state; 59433

(I) To provide programs for children who attend nonpublic 59434
schools within the district described in division (E)(1) of 59435

section 3317.024 of the Revised Code and are children with 59436
disabilities as defined in section 3323.01 of the Revised Code 59437
or gifted children. Such programs shall be provided in the 59438
public school, in nonpublic schools, in public centers, or in 59439
mobile units located on or off of the nonpublic premises. If 59440
such programs are provided in the public school or in public 59441
centers, transportation to and from such facilities shall be 59442
provided by the school district in which the nonpublic school is 59443
located. 59444

(J) To hire clerical personnel to assist in the 59445
administration of programs pursuant to divisions (B), (C), (D), 59446
(E), (F), (G), and (I) of this section and to hire supervisory 59447
personnel to supervise the providing of services and textbooks 59448
pursuant to this section. 59449

(K) To purchase or lease any secular, neutral, and 59450
nonideological computer application software designed to assist 59451
students in performing a single task or multiple related tasks, 59452
device management software, learning management software, site- 59453
licensing, digital video on demand (DVD), wide area connectivity 59454
and related technology as it relates to internet access, 59455
mathematics or science equipment and materials, instructional 59456
materials, and school library materials that are in general use 59457
in the public schools of the state and loan such items to pupils 59458
attending nonpublic schools within the district described in 59459
division (E)(1) of section 3317.024 of the Revised Code or to 59460
their parents, and to hire clerical personnel to administer the 59461
lending program. Only such items that are incapable of diversion 59462
to religious use and that are susceptible of loan to individual 59463
pupils and are furnished for the use of individual pupils shall 59464
be purchased and loaned under this division. As used in this 59465
section, "instructional materials" means prepared learning 59466

materials that are secular, neutral, and nonideological in 59467
character and are of benefit to the instruction of school 59468
children. "Instructional materials" includes media content that 59469
a student may access through the use of a computer or electronic 59470
device. 59471

Mobile applications that are secular, neutral, and 59472
nonideological in character and that are purchased for less than 59473
twenty dollars for instructional use shall be considered to be 59474
consumable and shall be distributed to students without the 59475
expectation that the applications must be returned. 59476

(L) To purchase or lease instructional equipment, 59477
including computer hardware and related equipment in general use 59478
in the public schools of the state, for use by pupils attending 59479
nonpublic schools within the district described in division (E) 59480
(1) of section 3317.024 of the Revised Code and to loan such 59481
items to pupils attending such nonpublic schools within the 59482
district or to their parents, and to hire clerical personnel to 59483
administer the lending program. "Computer hardware and related 59484
equipment" includes desktop computers and workstations; laptop 59485
computers, computer tablets, and other mobile handheld devices; 59486
their operating systems and accessories; and any equipment 59487
designed to make accessible the environment of a classroom to a 59488
student, who is physically unable to attend classroom activities 59489
due to hospitalization or other circumstances, by allowing real- 59490
time interaction with other students both one-on-one and in 59491
group discussion. 59492

(M) To purchase mobile units to be used for the provision 59493
of services pursuant to divisions (E), (F), (G), and (I) of this 59494
section and to pay for necessary repairs and operating costs 59495
associated with these units. 59496

(N) To reimburse costs the district incurred to store the 59497
records of a chartered nonpublic school that closes. 59498
Reimbursements under this division shall be made one time only 59499
for each chartered nonpublic school described in division (E) (1) 59500
of section 3317.024 of the Revised Code that closes. 59501

(O) To purchase life-saving medical or other emergency 59502
equipment for placement in nonpublic schools within the district 59503
described in division (E) (1) of section 3317.024 of the Revised 59504
Code or to maintain such equipment. 59505

(P) To procure and pay for security services from a county 59506
sheriff or a township or municipal police force, from a retired 59507
Ohio peace officer, or from a person certified through the Ohio 59508
peace officer training commission, in accordance with section 59509
109.78 of the Revised Code, as a special police, security guard, 59510
or as a privately employed person serving in a police capacity 59511
for nonpublic schools in the district described in division (E) 59512
(1) of section 3317.024 of the Revised Code. 59513

(Q) To provide language and academic support services and 59514
other accommodations for English learners attending nonpublic 59515
schools within the district described in division (E) (1) of 59516
section 3317.024 of the Revised Code. 59517

Clerical and supervisory personnel hired pursuant to 59518
division (J) of this section shall perform their services in the 59519
public schools, in nonpublic schools, public centers, or mobile 59520
units where the services are provided to the nonpublic school 59521
pupil, except that such personnel may accompany pupils to and 59522
from the service sites when necessary to ensure the safety of 59523
the children receiving the services. 59524

All services provided pursuant to this section may be 59525

provided under contract with educational service centers, the 59526
department of health, city or general health districts, or 59527
private agencies whose personnel are properly licensed by an 59528
appropriate state board or agency. School districts shall not 59529
deny a nonpublic school's request for personnel who are properly 59530
licensed by a state board or agency. 59531

Transportation of pupils provided pursuant to divisions 59532
(E), (F), (G), and (I) of this section shall be provided by the 59533
school district from its general funds and not from moneys paid 59534
to it under division (E) (1) of section 3317.024 of the Revised 59535
Code unless a special transportation request is submitted by the 59536
parent of the child receiving service pursuant to such 59537
divisions. If such an application is presented to the school 59538
district, it may pay for the transportation from moneys paid to 59539
it under division (E) (1) of section 3317.024 of the Revised 59540
Code. 59541

No school district shall provide health or remedial 59542
services to nonpublic school pupils as authorized by this 59543
section unless such services are available to pupils attending 59544
the public schools within the district. 59545

Materials, equipment, computer hardware or software, 59546
textbooks, digital texts, and health and remedial services 59547
provided for the benefit of nonpublic school pupils pursuant to 59548
this section and the admission of pupils to such nonpublic 59549
schools shall be provided without distinction as to race, creed, 59550
color, or national origin of such pupils or of their teachers. 59551

No school district shall provide services, materials, or 59552
equipment that contain religious content for use in religious 59553
courses, devotional exercises, religious training, or any other 59554
religious activity. 59555

As used in this section, "parent" includes a person 59556
standing in loco parentis to a child. 59557

Notwithstanding section 3317.01 of the Revised Code, 59558
payments shall be made under this section to any city, local, or 59559
exempted village school district within which is located one or 59560
more nonpublic elementary or high schools described in division 59561
(E) (1) of section 3317.024 of the Revised Code and any payments 59562
made to school districts under division (E) (1) of section 59563
3317.024 of the Revised Code for purposes of this section may be 59564
disbursed without submission to and approval of the controlling 59565
board. 59566

The allocation of payments for materials, equipment, 59567
textbooks, digital texts, health services, and remedial services 59568
to city, local, and exempted village school districts shall be 59569
on the basis of the department's estimated annual average daily 59570
membership in nonpublic elementary and high schools located in 59571
the district described in division (E) (1) of section 3317.024 of 59572
the Revised Code. 59573

Payments made to city, local, and exempted village school 59574
districts under this section shall be equal to specific 59575
appropriations made for the purpose. All interest earned by a 59576
school district on such payments shall be used by the district 59577
for the same purposes and in the same manner as the payments may 59578
be used. 59579

The department shall adopt guidelines and procedures under 59580
which such programs and services shall be provided, under which 59581
districts and educational service centers with which districts 59582
contract to provide auxiliary services shall be reimbursed for 59583
administrative costs incurred in providing such programs and 59584
services, and under which any unexpended balance of the amounts 59585

appropriated by the general assembly to implement this section 59586
may be transferred to the auxiliary services personnel 59587
unemployment compensation fund established pursuant to section 59588
4141.47 of the Revised Code. If a district contracts with an 59589
educational service center to provide auxiliary services, only 59590
the service center shall be reimbursed for administrative costs. 59591
The department shall also adopt guidelines and procedures 59592
limiting the purchase and loan of the items described in 59593
division (K) of this section to items that are in general use in 59594
the public schools of the state, that are incapable of diversion 59595
to religious use, and that are susceptible to individual use 59596
rather than classroom use. Within thirty days after the end of 59597
each biennium, each board of education shall remit to the 59598
department all moneys paid to it under division (E)(1) of 59599
section 3317.024 of the Revised Code and any interest earned on 59600
those moneys that are not required to pay expenses incurred 59601
under this section during the biennium for which the money was 59602
appropriated and during which the interest was earned. If a 59603
board of education subsequently determines that the remittal of 59604
moneys leaves the board with insufficient money to pay all valid 59605
expenses incurred under this section during the biennium for 59606
which the remitted money was appropriated, the board may apply 59607
to the department for a refund of money, not to exceed the 59608
amount of the insufficiency. If the department determines the 59609
expenses were lawfully incurred and would have been lawful 59610
expenditures of the refunded money, it shall certify its 59611
determination and the amount of the refund to be made to the 59612
director of job and family services who shall make a refund as 59613
provided in section 4141.47 of the Revised Code. 59614

Each school district shall label materials, equipment, 59615
computer hardware or software, textbooks, and digital texts 59616

purchased or leased for loan to a nonpublic school under this 59617
section, acknowledging that they were purchased or leased with 59618
state funds under this section. However, a district need not 59619
label materials, equipment, computer hardware or software, 59620
textbooks, or digital texts that the district determines are 59621
consumable in nature or have a value of less than two hundred 59622
dollars. 59623

Sec. 3317.11. (A) As used in this section: 59624

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "base amount" 59625
is equal to \$356,250. 59626

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 59627
base" means an amount calculated by the department of education 59628
and workforce that is equal to the amount an educational service 59629
center would have received under Section 265.360 of H.B. 166 of 59630
the 133rd general assembly for fiscal year 2020 using the 59631
student counts of the school districts with which the service 59632
center has service agreements for the fiscal year for which 59633
payments under this section are being made. 59634

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "general 59635
phase-in percentage" for an educational service center means the 59636
"general phase-in percentage" for school districts as defined in 59637
section 3317.02 of the Revised Code. 59638

(4) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "student 59639
count" means the count calculated under division (G) (1) of 59640
section 3313.843 of the Revised Code. 59641

(B) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 59642
department of education and workforce shall pay the governing 59643
board of each educational service center an amount equal to the 59644
following: 59645

The educational service center's funding base + [(the
amount calculated for the educational service center for that
fiscal year under division (C) of this section - the educational
service center's funding base) X the educational service
center's general phase-in percentage for that fiscal year]

(2) For fiscal year ~~2026~~2028 and each fiscal year
thereafter, the department shall pay the governing board of each
educational service center an amount calculated in a manner
determined by the general assembly.

(C) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the
department shall calculate an amount for each educational
service center as follows:

(1) If the educational service center has a student count
of 5,000 students or less, the base amount.

(2) If the educational service center has a student count
greater than 5,000 students but less than or equal to 35,000
students, the following sum:

The base amount + [(the educational service center's student
count - 5,000) X \$24.72]

(3) If the educational service center has a student count
greater than 35,000 students, the following sum:

The base amount + (30,000 X \$24.72) + [(the educational service
center's student count - 35,000) X \$30.90]

Sec. 3317.16. The department of education and workforce
shall compute and distribute state core foundation funding to
each funding unit that is a joint vocational school district for
the fiscal year as follows:

For fiscal years ~~2024-2026~~ and ~~2025~~2027:

The district's funding base + [(the district's state core
foundation funding components for that fiscal year calculated
under divisions (A) (1), (2), (4), (5), and (6) of this section -
the district's general funding base) X the district's general
phase-in percentage for that fiscal year] + [(the district's
disadvantaged pupil impact aid for that fiscal year calculated
under division (A) (3) of this section - the district's
disadvantaged pupil impact aid funding base) X the district's
phase-in percentage for disadvantaged pupil impact aid for that
fiscal year]

For fiscal year ~~2026~~2028 and each fiscal year thereafter,
the sum of the district's state core foundation funding
components for that fiscal year calculated under divisions (A)
(1), (2), (3), (4), (5), and (6) of this section.

(A) A district's state core foundation funding components
shall be all of the following:

(1) The district's state share of the base cost, which is
equal to the following:

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount
calculated according to the following formula:

~~(The district's base cost calculated under section 3317.012 of
the Revised Code) - (0.0005 X the lesser of the district's
three-year average valuation or the district's most recent
valuation)~~

~~However, no district shall receive an amount under division (A)
(1) of this section that is less than 0.10 times the base cost
calculated for the district under section 3317.012 of the
Revised Code.~~ enrolled ADM for the fiscal year) X (the
district's state share percentage for the fiscal year) X (the

district's base cost per pupil for the fiscal year) 59703

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, 59704
an amount calculated in a manner determined by the general 59705
assembly. 59706

(2) Additional state aid for special education and related 59707
services provided under Chapter 3323. of the Revised Code 59708
calculated as follows: 59709

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of 59710
the following: 59711

(i) The district's category one special education ADM X 59712
the multiple specified in division (A) of section 3317.013 of 59713
the Revised Code X the statewide average base cost per pupil for 59714
that fiscal year X the district's state share percentage; 59715

(ii) The district's category two special education ADM X 59716
the multiple specified in division (B) of section 3317.013 of 59717
the Revised Code X the statewide average base cost per pupil for 59718
that fiscal year X the district's state share percentage; 59719

(iii) The district's category three special education ADM 59720
X the multiple specified in division (C) of section 3317.013 of 59721
the Revised Code X the statewide average base cost per pupil for 59722
that fiscal year X the district's state share percentage; 59723

(iv) The district's category four special education ADM X 59724
the multiple specified in division (D) of section 3317.013 of 59725
the Revised Code X the statewide average base cost per pupil for 59726
that fiscal year X the district's state share percentage; 59727

(v) The district's category five special education ADM X 59728
the multiple specified in division (E) of section 3317.013 of 59729
the Revised Code X the statewide average base cost per pupil for 59730

that fiscal year X the district's state share percentage; 59731

(vi) The district's category six special education ADM X 59732
the multiple specified in division (F) of section 3317.013 of 59733
the Revised Code X the statewide average base cost per pupil for 59734
that fiscal year X the district's state share percentage. 59735

(b) For fiscal year ~~2026~~2028 and each fiscal year 59736
thereafter, the sum of the following: 59737

(i) An amount calculated in a manner determined by the 59738
general assembly times the funding unit's category one special 59739
education ADM; 59740

(ii) An amount calculated in a manner determined by the 59741
general assembly times the funding unit's category two special 59742
education ADM; 59743

(iii) An amount calculated in a manner determined by the 59744
general assembly times the funding unit's category three special 59745
education ADM; 59746

(iv) An amount calculated in a manner determined by the 59747
general assembly times the funding unit's category four special 59748
education ADM; 59749

(v) An amount calculated in a manner determined by the 59750
general assembly times the funding unit's category five special 59751
education ADM; 59752

(vi) An amount calculated in a manner determined by the 59753
general assembly times the funding unit's category six special 59754
education ADM. 59755

(3) Disadvantaged pupil impact aid calculated as follows: 59756

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 59757

calculated according to the following formula: 59758

\$422 X the district's economically disadvantaged index X the 59759
number of students who are economically disadvantaged as 59760
certified under division (D) (2) (p) of section 3317.03 of the 59761
Revised Code 59762

(b) For fiscal year ~~2026~~2028 and each fiscal year 59763
thereafter, an amount calculated in a manner determined by the 59764
general assembly. 59765

(4) English learner funds calculated as follows: 59766

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of 59767
the following: 59768

(i) The district's category one English learner ADM X the 59769
multiple specified in division (A) of section 3317.016 of the 59770
Revised Code X the statewide average base cost per pupil for 59771
that fiscal year X the district's state share percentage; 59772

(ii) The district's category two English learner ADM X the 59773
multiple specified in division (B) of section 3317.016 of the 59774
Revised Code X the statewide average base cost per pupil for 59775
that fiscal year X the district's state share percentage; 59776

(iii) The district's category three English learner ADM X 59777
the multiple specified in division (C) of section 3317.016 of 59778
the Revised Code X the statewide average base cost per pupil for 59779
that fiscal year X the district's state share percentage. 59780

(b) For fiscal year ~~2026~~2028 and each fiscal year 59781
thereafter, the sum of the following: 59782

(i) An amount calculated in a manner determined by the 59783
general assembly times the funding unit's category one English 59784
learner ADM; 59785

(ii) An amount calculated in a manner determined by the 59786
general assembly times the funding unit's category two English 59787
learner ADM; 59788

(iii) An amount calculated in a manner determined by the 59789
general assembly times the funding unit's category three English 59790
learner ADM. 59791

(5) Career-technical education funds calculated under 59792
division (C) of section 3317.014 of the Revised Code. 59793

(6) Career-technical education associated services funds 59794
calculated under division (D) of section 3317.014 of the Revised 59795
Code. 59796

(B)(1) If a joint vocational school district's costs for a 59797
fiscal year for a student in its categories two through six 59798
special education ADM exceed the threshold cost for serving the 59799
student, as specified in division (B) of section 3317.0214 of 59800
the Revised Code, the district may submit to the department 59801
documentation, as prescribed by the department, of all of its 59802
costs for that student. Upon submission of documentation for a 59803
student of the type and in the manner prescribed, the department 59804
shall pay to the district an amount equal to the sum of the 59805
following: 59806

(a) One-half of the district's costs for the student in 59807
excess of the threshold cost; 59808

(b) The product of one-half of the district's costs for 59809
the student in excess of the threshold cost multiplied by the 59810
district's state share percentage. 59811

(2) The district shall report under division (B)(1) of 59812
this section, and the department shall pay for, only the costs 59813
of educational expenses and the related services provided to the 59814

student in accordance with the student's individualized 59815
education program. Any legal fees, court costs, or other costs 59816
associated with any cause of action relating to the student may 59817
not be included in the amount. 59818

(C) (1) For each student with a disability receiving 59819
special education and related services under an individualized 59820
education program, as defined in section 3323.01 of the Revised 59821
Code, at a joint vocational school district, the resident 59822
district or, if the student is enrolled in a community school, 59823
the community school shall be responsible for the amount of any 59824
costs of providing those special education and related services 59825
to that student that exceed the sum of the amount calculated for 59826
those services attributable to that student under division (A) 59827
of this section. 59828

Those excess costs shall be calculated using a formula 59829
approved by the department. 59830

(2) The board of education of the joint vocational school 59831
district may report the excess costs calculated under division 59832
(C) (1) of this section to the department. 59833

(3) If the board of education of the joint vocational 59834
school district reports excess costs under division (C) (2) of 59835
this section, the department shall pay the amount of excess cost 59836
calculated under division (C) (2) of this section to the joint 59837
vocational school district and shall deduct that amount as 59838
provided in division (C) (3) (a) or (b) of this section, as 59839
applicable: 59840

(a) If the student is not enrolled in a community school, 59841
the department shall deduct the amount from the account of the 59842
student's resident district pursuant to division (J) of section 59843

3317.023 of the Revised Code. 59844

(b) If the student is enrolled in a community school, the 59845
department shall deduct the amount from the account of the 59846
community school pursuant to section 3314.083 of the Revised 59847
Code. 59848

(D) A joint vocational school district shall spend the 59849
funds it receives under division (A) (3) of this section in 59850
accordance with section 3317.25 of the Revised Code. 59851

(E) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a school 59852
district shall spend the funds it receives under division (A) (4) 59853
of this section only for services for English learners. 59854

(F) As used in this section: 59855

(1) "Community school" means a community school 59856
established under Chapter 3314. of the Revised Code. 59857

(2) "Resident district" means the city, local, or exempted 59858
village school district in which a student is entitled to attend 59859
school under section 3313.64 or 3313.65 of the Revised Code. 59860

Sec. 3317.161. (A) As used in this section, "lead 59861
district" has the same meaning as in section 3317.023 of the 59862
Revised Code. 59863

(B) (1) A career-technical education program or a dropout 59864
prevention and recovery program of a city, local, or exempted 59865
village school district, community school, or STEM school shall 59866
be subject to approval under this section in order for the 59867
district or school to qualify for state funding for the program. 59868
Approval granted under this section shall be valid for the five 59869
fiscal years following the fiscal year in which the program is 59870
approved and may be renewed. Approval shall be subject to annual 59871

review under division (E) of this section. 59872

(2) If a district or school becomes a new member of a 59873
career-technical planning district, its career-technical 59874
education programs shall be approved or disapproved by the lead 59875
district of the career-technical planning district during the 59876
fiscal year in which the district or school becomes a member of 59877
the career-technical planning district. Any program of the 59878
district or school that was approved by the department of 59879
education and workforce for an approval period that includes the 59880
fiscal year in which the district or school becomes a new member 59881
of the career-technical planning district shall retain its 59882
approved status during that fiscal year. 59883

(3) If an existing member of a career-technical planning 59884
district develops a new career-technical education program, that 59885
program shall be approved or disapproved by the lead district of 59886
the career-technical planning district prior to the first fiscal 59887
year for which the district or school is seeking funding for the 59888
program. 59889

(4) Except as provided in division (B) (2) of this section, 59890
if a career-technical education program was approved by the 59891
department prior to September 29, 2013, that approval remains 59892
valid for the unexpired remainder of the approval period 59893
specified by the department. Approval of that program may then 59894
be renewed in accordance with this section on a date prior to 59895
the expiration of the approval period. 59896

(C) (1) The lead district of a career-technical planning 59897
district shall approve or disapprove for a five-year period each 59898
career-technical education program of the city, local, and 59899
exempted village school districts, community schools, and STEM 59900
schools that are assigned by the department to the career- 59901

technical planning district. The lead district's decision to 59902
approve or disapprove a program shall be based on requirements 59903
for career-technical education programs that are specified in 59904
rules adopted by the department. These requirements shall 59905
include, but are not limited to, all of the following: 59906

(a) Demand for the career-technical education program by 59907
industries in the state; 59908

(b) Quality of the program; 59909

(c) Potential for a student enrolled in the program to 59910
receive the training that will qualify the student for industry 59911
credentials or post-secondary education; 59912

(d) Admission requirements of the lead district; 59913

(e) Past performance of the district or school that is 59914
offering the program; 59915

(f) Traveling distance; 59916

(g) Sustainability; 59917

(h) Capacity; 59918

(i) Availability of the program within the career- 59919
technical planning district; 59920

(j) In the case of a new program, the cost to begin the 59921
program. 59922

~~(2) The lead district shall approve or disapprove each 59923~~
~~program not later than the first day of March prior to the first 59924~~
~~fiscal year for which the district or school is seeking funding 59925~~
~~for the program. If a program is approved, the lead district 59926~~
shall notify the department of its decision. If a program is 59927
disapproved, the lead district shall notify the district or 59928

school of its decision. 59929

If the lead district disapproves the program or does not 59930
take any action to approve or disapprove the program ~~by the~~ 59931
~~first day of March,~~ the district or school may appeal the lead 59932
district's decision or failure to take action to the department- 59933
~~by the fifteenth day of March.~~ 59934

(D) (1) Upon receiving notification of a lead district's 59935
approval of a district's or school's career-technical education 59936
program, the department shall review the lead district's 59937
decision and determine whether to approve or disapprove the 59938
program ~~not later than the fifteenth day of May prior to the~~ 59939
~~first fiscal year for which the district or school is seeking~~ 59940
~~funding for the program.~~ The department shall notify the 59941
district or school and the lead district of the district's or 59942
school's career-technical planning district of its 59943
determination. 59944

(2) Upon receiving an appeal from a district or school of 59945
a lead district's disapproval of a career-technical education 59946
program or failure to take action to approve or disapprove the 59947
program, the department shall review the lead district's 59948
disapproval or failure to take action. The department shall 59949
decide whether to approve or disapprove the program as a result 59950
of this review ~~not later than the fifteenth day of May prior to~~ 59951
~~the first fiscal year for which the district or school is~~ 59952
~~seeking funding for the program.~~ The department shall notify the 59953
lead district and the appealing district or school of its 59954
determination. 59955

(3) In conducting a review under division (D) (1) or (2) of 59956
this section, the department shall consider the criteria 59957
prescribed under division (C) (1) of this section. 59958

(4) If the department approves a program under division 59959
(D) (1) or (2) of this section, it shall authorize the payment to 59960
the district or school of the funds attributed to the career- 59961
technical students enrolled in that program in the next fiscal 59962
year according to a payment schedule prescribed by the 59963
department. 59964

(5) The department's decisions under divisions (D) (1) and 59965
(2) of this section shall be final and not appealable. 59966

~~(6) The director of education and workforce may adopt 59967~~
~~guidelines identifying circumstances in which the department 59968~~
~~may, after consulting with a lead district, approve or 59969~~
~~disapprove a program that has been approved or disapproved by 59970~~
~~the lead district after the deadline prescribed in division (D) 59971~~
~~(1) or (2) of this section has passed. 59972~~

The department shall authorize a payment for any dropout 59973
prevention and recovery program offering career-technical 59974
education that is in its first year of operation and that 59975
submits an application ~~during the additional application period 59976~~
~~described in division (D) (6) of this section in the fiscal year 59977~~
for which the application was submitted. 59978

(E) The department and the lead district of each career- 59979
technical planning district shall conduct an annual review of 59980
each career-technical education program in the lead district's 59981
career-technical planning district that receives approval under 59982
this section. Continued funding of the program during the five- 59983
year approval period shall be subject to the school's compliance 59984
with any directives for performance improvement that are issued 59985
by the department or the lead district as a result of any review 59986
conducted under this section. 59987

Sec. 3317.162. (A) For fiscal years ~~2024~~2026 and 59988
~~2025~~2027, the department of education shall pay temporary 59989
transitional aid to each joint vocational school district 59990
according to the following formula: 59991

(The district's funding base, as that term is defined in 59992
section 3317.02 of the Revised Code, X 0.95 for fiscal year 2026 59993
or 0.90 for fiscal year 2027) - (the district's payment under 59994
section 3317.16 of the Revised Code for the fiscal year for 59995
which the payment is computed) 59996

If the computation made under division (A) of this section 59997
results in a negative number, the district's funding under 59998
division (A) of this section shall be zero. 59999

(B) If a joint vocational school district begins receiving 60000
payments under section 3317.16 of the Revised Code for fiscal 60001
year ~~2024~~2026 or fiscal year ~~2025~~2027 but does not receive 60002
payments for the fiscal year immediately preceding that fiscal 60003
year, the department shall establish the district's funding 60004
base, as that term is defined in section 3317.02 of the Revised 60005
Code, as an amount equal to the absolute value of the sum of the 60006
associated adjustments of any local school district's funding 60007
base under division (C) of section 3317.019 of the Revised Code. 60008

Sec. 3317.163. (A) As used in this section: 60009

(1) "Credential-only program" means an industry-approved 60010
credentialing program, or a series of such programs, offered by 60011
a dropout prevention and recovery community school in which 60012
students enrolled in grades eleven and twelve may earn an 60013
industry-recognized credential approved under section 3313.6113 60014
of the Revised Code. The program, or programs, shall align with 60015
a career-technical education program approved under section 60016

3317.161 of the Revised Code. The dropout prevention and 60017
recovery community school shall offer the program, or programs, 60018
using classroom teachers employed by the school. 60019

(2) "Dropout prevention and recovery community school" has 60020
the same meaning as in section ~~3319.301~~3314.02 of the Revised 60021
Code. 60022

(B) Notwithstanding any provision of Chapter 3317. of the 60023
Revised Code to the contrary, all of the following shall apply: 60024

(1) For the purposes of sections 3317.014, 3317.022, and 60025
3317.026 of the Revised Code, the department of education and 60026
workforce shall adjust the career-technical education ADM of a 60027
dropout prevention and recovery community school that offers a 60028
credential-only program so that each student enrolled in that 60029
program is included only in the school's category one career- 60030
technical education ADM, regardless of whether the credential- 60031
only program includes programs described in division (A)(1) of 60032
section 3317.014 of the Revised Code. 60033

(2) For funding purposes, the department shall count each 60034
student enrolled in a credential-only program as a full-time 60035
student. 60036

(3) A dropout prevention and recovery community school 60037
that offers a credential-only program may provide support 60038
services to students who graduate from the school to assist them 60039
in securing post-secondary placement opportunities, including 60040
careers with state, regional, or local labor organizations. For 60041
that purpose, the school may use a portion of the career- 60042
technical education funds received under section 3317.022 of the 60043
Revised Code to provide recent graduates, in the year following 60044
their graduation from the school, with short-term, emergency 60045

financial assistance for expenses related to child care, 60046
housing, food insecurity, transportation, and services including 60047
but not limited to health care, dental care, mental health care, 60048
and addiction treatment services. 60049

Sec. 3317.165. (A) (1) For fiscal years 2026 and 2027, the 60050
department of education and workforce shall calculate a joint 60051
vocational school district's per-pupil local capacity amount 60052
according to the following formula: 60053

(0.0005 X the lesser of the district's three-year average 60054
valuation or the district's most recent valuation) / (the 60055
district's base cost enrolled ADM) 60056

(2) For fiscal year 2028 and each fiscal year thereafter, 60057
the department shall calculate a district's per-pupil local 60058
capacity amount in a manner determined by the general assembly. 60059

(B) (1) For fiscal years 2026 and 2027, the department 60060
shall calculate a joint vocational school district's state share 60061
percentage according to the following formula: 60062

(The district's base cost per pupil for the fiscal year - the 60063
district's per-pupil local capacity amount for the fiscal year) 60064
/ (the district's base cost per pupil for the fiscal year) 60065

If the result is less than 0.10, the state share 60066
percentage shall be 0.10. 60067

(2) For fiscal year 2028 and each fiscal year thereafter, 60068
the department shall calculate the state share percentage for a 60069
joint vocational school district in a manner determined by the 60070
general assembly. 60071

Sec. 3317.20. This section does not apply to preschool 60072
children with disabilities. 60073

(A) As used in this section: 60074

(1) "Applicable special education amount" means the amount 60075
specified in section 3317.013 of the Revised Code for a 60076
disability described in that section. 60077

(2) "Child's school district" means the school district in 60078
which a child is entitled to attend school pursuant to section 60079
3313.64 or 3313.65 of the Revised Code. 60080

(3) "State share percentage" means the state share 60081
percentage of the child's school district. 60082

(B) The department shall annually pay each county board of 60083
developmental disabilities for each child with a disability, 60084
other than a preschool child with a disability, for whom the 60085
county board provides special education and related services an 60086
amount equal to the following: 60087

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the statewide 60088
average base cost per pupil + (state share percentage X the 60089
applicable special education multiple X the statewide average 60090
base cost per pupil); 60091

(2) For fiscal year ~~2026-2028~~ and each fiscal year 60092
thereafter, an amount determined by the general assembly. 60093

(C) Each county board of developmental disabilities shall 60094
report to the department, in the manner specified by the 60095
department, the name of each child for whom the county board of 60096
developmental disabilities provides special education and 60097
related services and the child's school district. 60098

(D) (1) For the purpose of verifying the accuracy of the 60099
payments under this section, the department may request from 60100
either of the following entities the data verification code 60101

assigned under division (D) (2) of section 3301.0714 of the Revised Code to any child who is placed with a county board of developmental disabilities:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (D) (1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child.

The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law.

(E) Any document relative to special education and related services provided by a county board of developmental disabilities that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

Sec. 3317.201. This section does not apply to preschool

children with disabilities. 60131

(A) As used in this section, the "total special education 60132
amount" for an institution means the following: 60133

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 60134
the following amounts: 60135

(a) The number of children certified by the institution 60136
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60137
Code as receiving services for a disability described in 60138
division (A) of section 3317.013 of the Revised Code multiplied 60139
by the multiple specified in that division multiplied by the 60140
statewide average base cost per pupil; 60141

(b) The number of children certified by the institution 60142
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60143
Code as receiving services for a disability described in 60144
division (B) of section 3317.013 of the Revised Code multiplied 60145
by the multiple specified in that division multiplied by the 60146
statewide average base cost per pupil; 60147

(c) The number of children certified by the institution 60148
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60149
Code as receiving services for a disability described in 60150
division (C) of section 3317.013 of the Revised Code multiplied 60151
by the multiple specified in that division multiplied by the 60152
statewide average base cost per pupil; 60153

(d) The number of children certified by the institution 60154
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60155
Code as receiving services for a disability described in 60156
division (D) of section 3317.013 of the Revised Code multiplied 60157
by the multiple specified in that division multiplied by the 60158
statewide average base cost per pupil; 60159

(e) The number of children certified by the institution 60160
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60161
Code as receiving services for a disability described in 60162
division (E) of section 3317.013 of the Revised Code multiplied 60163
by the multiple specified in that division multiplied by the 60164
statewide average base cost per pupil; 60165

(f) The number of children certified by the institution 60166
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60167
Code as receiving services for a disability described in 60168
division (F) of section 3317.013 of the Revised Code multiplied 60169
by the multiple specified in that division multiplied by the 60170
statewide average base cost per pupil. 60171

(2) For fiscal year ~~2026~~ 2028 and each fiscal year 60172
thereafter, the sum of the following amounts: 60173

(a) An amount calculated in a manner determined by the 60174
general assembly times the number of children certified by the 60175
institution under division (G) (1) (a) (i) of section 3317.03 of 60176
the Revised Code as receiving services for a disability 60177
described in division (A) of section 3317.013 of the Revised 60178
Code; 60179

(b) An amount calculated in a manner determined by the 60180
general assembly times the number of children certified by the 60181
institution under division (G) (1) (a) (i) of section 3317.03 of 60182
the Revised Code as receiving services for a disability 60183
described in division (B) of section 3317.013 of the Revised 60184
Code; 60185

(c) An amount calculated in a manner determined by the 60186
general assembly times the number of children certified by the 60187
institution under division (G) (1) (a) (i) of section 3317.03 of 60188

the Revised Code as receiving services for a disability 60189
described in division (C) of section 3317.013 of the Revised 60190
Code; 60191

(d) An amount calculated in a manner determined by the 60192
general assembly times the number of children certified by the 60193
institution under division (G) (1) (a) (i) of section 3317.03 of 60194
the Revised Code as receiving services for a disability 60195
described in division (D) of section 3317.013 of the Revised 60196
Code; 60197

(e) An amount calculated in a manner determined by the 60198
general assembly times the number of children certified by the 60199
institution under division (G) (1) (a) (i) of section 3317.03 of 60200
the Revised Code as receiving services for a disability 60201
described in division (E) of section 3317.013 of the Revised 60202
Code; 60203

(f) An amount calculated in a manner determined by the 60204
general assembly times the number of children certified by the 60205
institution under division (G) (1) (a) (i) of section 3317.03 of 60206
the Revised Code as receiving services for a disability 60207
described in division (F) of section 3317.013 of the Revised 60208
Code. 60209

(B) For each fiscal year, the department of education and 60210
workforce shall pay each state institution required to provide 60211
special education services under division (A) of section 60212
3323.091 of the Revised Code an amount equal to the 60213
institution's total special education amount. 60214

Sec. 3317.22. (A) As used in this section: 60215

(1) "Eligible internet- or computer-based community 60216
school" means an internet- or computer-based community school ~~in~~ 60217

~~which a majority of the students were enrolled in that is a~~ 60218
~~dropout prevention and recovery program~~ 60219
community school, as
defined in section 3314.02 of the Revised Code. 60220

(2) "Statewide average base cost per-pupil" has the same 60221
meaning as in section 3317.02 of the Revised Code. 60222

~~(3) "Internet- or computer-based community school" has the~~ 60223
~~same meaning as in section 3314.02 of the Revised Code.~~ 60224

(B) The department of education and workforce shall 60225
establish a program to provide additional funding for students 60226
enrolled in grades eight through twelve in eligible internet- or 60227
computer-based community schools. An eligible internet- or 60228
computer-based community school may choose to participate in the 60229
program by notifying the department not later than the first day 60230
of February of the school year in which the school will 60231
participate in the program in a form and manner determined by 60232
the department. 60233

(C) The department shall require each eligible internet- 60234
or computer-based community school that chooses to participate 60235
in the program to report all information that is necessary to 60236
make payments under division (D) of this section. 60237

(D) The department shall calculate an additional payment 60238
for each eligible internet- or computer-based community school 60239
that chooses to participate in the program, as follows: 60240

(1) Compute the lesser of the following for each student 60241
enrolled in grades eight through twelve: 60242

(a) The statewide average base cost per-pupil X the 60243
maximum full-time equivalency for the portion of the school year 60244
for which the student is enrolled in the school; 60245

(b) The sum of the following: 60246

(i) A one-time payment of \$1,750. In the case of a student 60247
enrolled in the school for the first time for the school year 60248
for which the payment is being made, payment shall be made under 60249
division (D) (1) (b) (i) of this section at least thirty days after 60250
the student is considered to be enrolled in the school in 60251
accordance with division (H) (2) of section 3314.08 of the 60252
Revised Code, provided the student has been continuously 60253
enrolled in the school during that time, as determined by the 60254
department. In the case of a student that was enrolled in the 60255
school for the prior school year, payment shall be made under 60256
division (D) (1) (b) (i) of this section at least thirty days after 60257
the student has started to participate in learning opportunities 60258
for the school year for which the payment is being made, 60259
provided the student has been continuously enrolled in the 60260
school during that time, as determined by the department. 60261

(ii) The statewide average base cost per-pupil X (1/920) X 60262
the lesser of the number of hours the student participates in 60263
learning opportunities in that fiscal year or 920; 60264

(iii) The lesser of (\$500 X either the number of courses 60265
completed by the student in that fiscal year, in the case of a 60266
student enrolled in grade eight, or the number of credits earned 60267
by the student in that fiscal year, in the case of a student 60268
enrolled in grades nine through twelve) or \$2,500. 60269

(2) Compute the sum of the amounts calculated under 60270
division (D) (1) of this section for all students enrolled in 60271
grades eight through twelve. 60272

(3) Compute the school's payment in accordance with the 60273
following formula: 60274

(The amount determined under division (D) (2) of this 60275
section) - (the number of full-time equivalent students enrolled 60276
in grades eight through twelve in the school X the statewide 60277
average base cost per-pupil) 60278

If the amount computed under division (D) (3) is a negative 60279
number, the school shall not receive a payment under this 60280
section. 60281

(E) (1) The department may complete a review of the 60282
enrollment of each eligible internet- or computer-based 60283
community school that chooses to participate in the program in 60284
accordance with division (K) of section 3314.08 of the Revised 60285
Code. If the department determines a school has been overpaid 60286
based on a review completed under division (E) (1) of this 60287
section, the department shall require a repayment of the 60288
overpaid funds and may require the school to establish a plan to 60289
improve the reporting of enrollment. 60290

(2) To the extent that an eligible internet- or computer- 60291
based community school that chooses to participate in the 60292
program had, for the prior school year, a percentage of student 60293
engagement in learning opportunities that was less than sixty- 60294
five per cent, the school shall provide to the department a 60295
meaningful plan for increasing student engagement. 60296

(3) All eligible internet- or computer-based community 60297
schools that choose to participate in the program shall 60298
implement programming or protocol which documents enrollment and 60299
participation in learning opportunities in order to participate 60300
in the program. 60301

Sec. 3317.25. (A) As used in this section, "disadvantaged 60302
pupil impact aid" means the following: 60303

(1) For a city, local, or exempted village school district, the funds received under division (A) (4) (a) of section 3317.022 of the Revised Code; 60304
60305
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(2) For a joint vocational school district, the funds received under division (A) (3) of section 3317.16 of the Revised Code; 60307
60308
60309

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (A) (4) (b) of section 3317.022 of the Revised Code; 60310
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60312

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (A) (4) (b) of section 3317.022 of the Revised Code. 60313
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(B) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the disadvantaged pupil impact aid it receives for any of the following initiatives or a combination of any of the following initiatives: 60316
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60318
60319
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60321

(a) Extended school day and school year; 60322

(b) Reading improvement and intervention that is aligned with the science of reading and evidence-based strategies for effective literacy instruction; 60323
60324
60325

(c) Instructional technology or blended learning; 60326

(d) Professional development in the science of reading and evidence-based strategies for effective literacy instruction for teachers of students in kindergarten through third grade; 60327
60328
60329

(e) Dropout prevention; 60330

(f) School safety and security measures;	60331
(g) Community learning centers that address barriers to learning;	60332 60333
(h) Academic interventions for students in any of grades six through twelve;	60334 60335
(i) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code;	60336 60337 60338 60339
(j) Mental health services, including telehealth services, community-based behavioral health services, and recovery supports;	60340 60341 60342
(k) Culturally appropriate, evidence-based or evidence-informed prevention services, including youth-led programming and curricula to promote mental health and prevent substance use and suicide, and trauma-informed services;	60343 60344 60345 60346
(l) Services for homeless youth;	60347
(m) Services for child welfare involved youth;	60348
(n) Community liaisons or programs that connect students to community resources, including behavioral wellness coordinators and city connects, communities in schools, and other similar programs;	60349 60350 60351 60352
(o) Physical health care services, including telehealth services and community-based health services;	60353 60354
(p) Family engagement and support services;	60355
(q) Student services provided prior to or after the regularly scheduled school day or any time school is not in	60356 60357

session, including mentoring programs. 60358

(2) For fiscal year ~~2026~~2028 and each fiscal year 60359
thereafter, each city, local, exempted village, and joint 60360
vocational school district, community school, and STEM school 60361
shall spend the disadvantaged pupil impact aid it receives for 60362
one or more initiatives specified by the general assembly. 60363

(C) (1) For fiscal years ~~2024~~2026 and ~~2025~~2027, each city, 60364
local, exempted village, and joint vocational school district, 60365
community school, and STEM school that is subject to the 60366
requirements of this section shall develop a plan for utilizing 60367
the disadvantaged pupil impact aid it receives in coordination 60368
with at least one of the following community partners: 60369

(a) A board of alcohol, drug addiction, and mental health 60370
services established under Chapter 340. of the Revised Code; 60371

(b) An educational service center; 60372

(c) A county board of developmental disabilities; 60373

(d) A ~~community-based~~community mental health prevention 60374
or treatment provider; 60375

(e) A board of health of a city or general health 60376
district; 60377

(f) A county department of job and family services; 60378

(g) A nonprofit organization with experience serving 60379
children; 60380

(h) A public hospital agency. 60381

(2) For fiscal year ~~2026~~2028 and each fiscal year 60382
thereafter, each city, local, exempted village, and joint 60383
vocational school district, community school, and STEM school 60384

that is subject to the requirements of this section shall 60385
develop a plan for utilizing the disadvantaged pupil impact aid 60386
it receives in the manner specified by the general assembly, if 60387
the general assembly requires city, local, exempted village, and 60388
joint vocational school districts, community schools, and STEM 60389
schools to develop such a plan. 60390

(D) After the end of each fiscal year, each city, local, 60391
exempted village, or joint vocational school district, community 60392
school, and STEM school shall submit a report to the department 60393
of education and workforce describing the initiative or 60394
initiatives on which the district's or school's disadvantaged 60395
pupil impact aid were spent during that fiscal year. For fiscal 60396
years ~~2024-2026~~ and ~~2025~~2027, this report shall be submitted in 60397
a manner prescribed by the department and shall also describe 60398
the amount of money that was spent on each initiative. 60399

(E) Starting in 2015, the department shall submit a report 60400
of the information it receives under division (C) of this 60401
section to the general assembly not later than the first day of 60402
December of each odd-numbered year in accordance with section 60403
101.68 of the Revised Code. 60404

Sec. 3317.27. The quality community school support program 60405
is established. Under the program, the department of education 60406
and workforce shall pay each community school established under 60407
Chapter 3314. of the Revised Code and designated as a community 60408
school of quality under section 3317.28 of the Revised Code an 60409
amount up to three thousand dollars in each fiscal year for each 60410
student identified as economically disadvantaged and up to two 60411
thousand two hundred fifty dollars in each fiscal year for each 60412
student that is not identified as economically disadvantaged. 60413
The payment for a fiscal year shall be calculated using the 60414

adjusted full-time equivalent number of students enrolled in the 60415
school for that fiscal year as of the date the payment is made, 60416
as reported by the school under section 3314.08 of the Revised 60417
Code. The department shall make periodic payments to each 60418
designated school beginning in January of that fiscal year. 60419

Sec. 3317.28. Not later than the thirty-first day of 60420
December of each fiscal year, the department of education and 60421
workforce shall designate as a community school of quality each 60422
community school established under Chapter 3314. of the Revised 60423
Code that meets the criteria established in division (A), (B), 60424
(C), or (D) of this section. 60425

(A) A community school qualifies as a community school of 60426
quality if the school meets all of the following criteria: 60427

(1) The school's sponsor was rated "exemplary" or 60428
"effective" on the sponsor's most recent evaluation conducted 60429
under section 3314.016 of the Revised Code. 60430

(2) The school received a higher performance index score 60431
than the school district in which the school is located on the 60432
two most recent report cards issued for the school under section 60433
3302.03 of the Revised Code. 60434

(3) The school received a performance rating of four stars 60435
or higher for the progress component or a performance rating of 60436
three stars or higher for the achievement component on the most 60437
recent report card issued for the school under section 3302.03 60438
of the Revised Code or is a school described under division (B) 60439
of section 3314.35 of the Revised Code and did not receive a 60440
rating for the progress component on the most recent report 60441
card. 60442

(B) A community school qualifies as a community school of 60443

quality if the school meets all of the following criteria: 60444

(1) The school's sponsor was rated "exemplary" or 60445
"effective" on the sponsor's most recent evaluation conducted 60446
under section 3314.016 of the Revised Code. 60447

(2) The school is in its first year of operation or the 60448
school opened as a kindergarten school and has added one grade 60449
per year and has been in operation for less than four school 60450
years. 60451

(3) The school is replicating an operational and 60452
instructional model used by a community school described in 60453
division (A) of this section. 60454

(4) If the school has an operator, the operator received a 60455
rating of three stars or better on its most recent performance 60456
report published under section 3314.031 of the Revised Code. 60457

(C) A community school qualifies as a community school of 60458
quality if the school meets all of the following criteria: 60459

(1) The school's sponsor was rated "exemplary" or 60460
"effective" on the sponsor's most recent evaluation conducted 60461
under section 3314.016 of the Revised Code. 60462

(2) The school satisfies either of the following: 60463

(a) The school contracts with an operator that operates 60464
schools in other states and meets at least one of the following 60465
criteria: 60466

(i) Has operated a school that received a grant funded 60467
through the federal charter school program established under 20 60468
U.S.C. 7221 within the five years prior to the date of 60469
application or received funding from the charter school growth 60470
fund; 60471

<u>(ii) Meets all of the following criteria:</u>	60472
<u>(I) One of the operator's schools in another state</u>	60473
<u>performed better than the school district in which the school is</u>	60474
<u>located, as determined by the department.</u>	60475
<u>(II) At least fifty per cent of the total number of</u>	60476
<u>students enrolled in all of the operator's schools are</u>	60477
<u>economically disadvantaged, as determined by the department.</u>	60478
<u>(III) The operator is in good standing in all states where</u>	60479
<u>it operates schools, as determined by the department.</u>	60480
<u>(IV) The department has determined that the operator does</u>	60481
<u>not have any financial viability issues that would prevent it</u>	60482
<u>from effectively operating a community school in Ohio.</u>	60483
<u>(b) The school is replicating an operational and</u>	60484
<u>instructional model through an agreement with a college or</u>	60485
<u>university used by a community school or its equivalent in</u>	60486
<u>another state that performed better than the school district in</u>	60487
<u>which the school is located, as determined by the department.</u>	60488
<u>(3) The school is in its first year of operation or, if</u>	60489
<u>not in its first year of operation and qualifying under division</u>	60490
<u>(C) (2) (b) of this section, meets either of the following</u>	60491
<u>conditions:</u>	60492
<u>(a) The school opened on July 1, 2022, and has not</u>	60493
<u>previously been designated as a community school of quality</u>	60494
<u>under this section, in which case the first payment under</u>	60495
<u>section 3317.27 of the Revised Code shall be made on or before</u>	60496
<u>January 31, 2024, and shall be calculated based on the adjusted</u>	60497
<u>full-time equivalent number of students enrolled in the school</u>	60498
<u>for fiscal year 2024.</u>	60499

(b) The school opened on or after July 1, 2019, and has 60500
not previously been designated as a community school of quality 60501
under this section, in which case the first payment under 60502
section 3317.27 of the Revised Code shall be made within thirty 60503
days of the effective date of this section and shall be 60504
calculated based on the adjusted full-time equivalent number of 60505
students enrolled in the school for the fiscal year for which 60506
the payment is being made. 60507

(D) A community school qualifies as a community school of 60508
quality if it meets all of the following criteria: 60509

(1) The school is a dropout prevention and recovery school 60510
as defined under section 3314.02 of the Revised Code. 60511

(2) The school's sponsor was rated "exemplary" or 60512
"effective" on the sponsor's most recent evaluation conducted 60513
under section 3314.016 of the Revised Code. 60514

(3) The school received an "exceeds standards" on the two 60515
most recent report cards issued for the school under section 60516
3314.017 of the Revised Code. 60517

(4) The school offers an in-house career-technical 60518
education program that leads to a 12-point industry recognized 60519
credential, or group of credentials, approved under section 60520
3313.6113 of the Revised Code. 60521

(5) At least seventy-five per cent of the school's 60522
students are placed in any form of employment, military service, 60523
apprenticeship, community or other two-year degree program, or 60524
state institution of higher education after graduation, as 60525
determined by the department. 60526

(6) The school is not an internet- or computer-based 60527
community school. 60528

(E) A school designated as a community school of quality 60529
under this section shall maintain that designation for the two 60530
fiscal years following the fiscal year in which the school was 60531
initially designated as a community school of quality. 60532

(F) A school designated a community school of quality may 60533
renew its designation each year that it satisfies the criteria 60534
under division (A) of this section. The school shall maintain 60535
that designation for the two fiscal years following each fiscal 60536
year in which the criteria under division (A) of this section 60537
are satisfied. 60538

(G) A school that was designated as a community school of 60539
quality for the first time under division (B) of this section 60540
for the 2022-2023 school year shall be considered to have 60541
maintained that designation for the 2022-2023 school year, shall 60542
maintain that designation through the 2027-2028 school year, and 60543
may renew its designation under division (F) of this section 60544
after that year. 60545

(H) If two or more community schools have merged or merge 60546
in accordance with division (B) of section 3314.0211 of the 60547
Revised Code on or after June 30, 2022, the surviving community 60548
school is eligible to receive funds under this program, provided 60549
it otherwise qualifies as a community school of quality under 60550
division (A), (B), or (C) of this section. In such a case, the 60551
payment for a fiscal year shall be calculated using the adjusted 60552
full-time equivalent number of students enrolled in the school 60553
for that fiscal year as of the date the payments are made, as 60554
reported by the surviving community school under section 3314.08 60555
of the Revised Code, regardless of whether those students were 60556
previously enrolled in a community school that was dissolved as 60557
part of the merger. A community school qualified to receive 60558

funds under the program prior to merging on or after June 30, 60559
2022, and was dissolved due to the merger, shall be considered 60560
to have been eligible for funds under the program prior to the 60561
effective date of this section and shall not be required to 60562
return any funds received prior to that date. 60563

Sec. 3317.29. (A) The quality independent STEM school 60564
support program is established. Under the program, the 60565
department of education and workforce shall pay each STEM school 60566
established under Chapter 3326. of the Revised Code and 60567
designated as an independent STEM school of quality under this 60568
section an amount up to three thousand dollars in each fiscal 60569
year for each student identified as economically disadvantaged 60570
and up to two thousand two hundred fifty dollars in each fiscal 60571
year for each student that is not identified as economically 60572
disadvantaged. The payment for a fiscal year shall be calculated 60573
using the adjusted full-time equivalent number of students 60574
enrolled in the school for that fiscal year as of the date the 60575
payment is made, as reported by the school under section 3326.32 60576
of the Revised Code. The department shall make periodic payments 60577
to each designated school beginning in January of a fiscal year. 60578

(B) Not later than the thirty-first day of December each 60579
fiscal year, the department shall designate a STEM school as an 60580
independent STEM school of quality if the school satisfies all 60581
of the following criteria: 60582

(1) The STEM school operates autonomously under section 60583
3326.031 of the Revised Code. 60584

(2) The STEM school does not have a STEM school equivalent 60585
designation under section 3326.032 of the Revised Code. 60586

(3) The STEM school is not governed by a school district 60587

under section 3326.51 of the Revised Code. 60588

(4) The STEM school is not a community school established 60589
under Chapter 3314. of the Revised Code. 60590

(5) The STEM school cannot levy taxes or issue tax-secured 60591
bonds in accordance with section 3326.49 of the Revised Code. 60592

(6) The STEM school satisfies the requirements prescribed 60593
by section 3326.03 of the Revised Code. 60594

(7) The STEM school satisfies the requirements described 60595
in the quality model for STEM and STEAM schools established by 60596
the department of education and workforce in accordance with 60597
Chapter 3326. of the Revised Code. 60598

(C) A school designated as an independent STEM school of 60599
quality under this section shall maintain that designation for 60600
the two fiscal years following the fiscal year in which the 60601
school was initially designated as an independent STEM school of 60602
quality. 60603

(D) A school designated as an independent STEM school of 60604
quality may renew its designation each year that it satisfies 60605
the criteria under division (B) of this section. The school 60606
shall maintain that designation for the two fiscal years 60607
following each fiscal year in which the criteria under division 60608
(B) of this section are satisfied. This division applies to 60609
schools designated as an independent STEM school of quality 60610
based on the report cards issued in accordance with sections 60611
3302.03 and 3326.17 of the Revised Code for the 2017-2018 and 60612
2018-2019 school years. 60613

Sec. 3317.31. The department of education and workforce 60614
shall pay each community school established under Chapter 3314. 60615
of the Revised Code and each STEM school established under 60616

Chapter 3326. of the Revised Code an amount equal to twenty-five 60617
dollars in each fiscal year for each full-time equivalent 60618
student in an internet- or computer-based community school and 60619
one thousand five hundred dollars in each fiscal year for each 60620
full-time equivalent student in all other community or STEM 60621
schools for assistance with the cost associated with facilities. 60622

Sec. 3318.032. (A) Except as otherwise provided in 60623
divisions ~~(C)~~ (B), (D), and ~~(D)~~ (E) of this section, the portion 60624
of the basic project cost supplied by the school district shall 60625
be the ~~greater of:~~ 60626

~~(1) The required percentage of the basic project costs;~~ 60627

~~(2) (a) (B) For all districts except a district that opts to~~ 60628
~~divide its entire classroom facilities needs into segments to be~~ 60629
~~completed separately as authorized by section 3318.034 of the~~ 60630
~~Revised Code, an amount necessary to raise the school district's~~ 60631
~~net bonded indebtedness the portion of the basic project cost~~ 60632
~~supplied by the school district for the first segment shall be~~ 60633
~~calculated using the required percentage of the basic project~~ 60634
~~costs,~~ as of the date the controlling board approved the 60635
project, ~~to within five thousand dollars of the required level~~ 60636
~~of indebtedness;~~ Any future segment's portion of the basic 60637
project cost shall use the same respective share as the first 60638
segment. 60639

~~(b) For a district that opts to divide its entire~~ 60640
~~classroom facilities needs into segments to be completed~~ 60641
~~separately as authorized by section 3318.034 of the Revised~~ 60642
~~Code, an amount necessary to raise the school district's net~~ 60643
~~bonded indebtedness, as of the date the controlling board~~ 60644
~~approved the project, to within five thousand dollars of the~~ 60645
~~following:~~ 60646

~~The required level of indebtedness X (the basic~~ 60647
~~project cost of the segment as approved~~ 60648
~~by the controlling board / the estimated basic~~ 60649
~~project cost of the district's entire classroom facilities~~ 60650
~~needs as determined jointly by the staff of the Ohio~~ 60651
~~facilities construction commission and the district)~~ 60652

~~(B)~~ (C) The amount of the district's share determined under 60653
this section shall be calculated only as of the date the 60654
controlling board approved the project, and that amount applies 60655
throughout the sixteen-month period permitted under section 60656
3318.05 of the Revised Code for the district's electors to 60657
approve the propositions described in that section. If the 60658
amount reserved and encumbered for a project is released because 60659
the electors do not approve those propositions within that 60660
period, and the school district later receives the controlling 60661
board's approval for the project, subject to a new project scope 60662
and estimated costs under section 3318.054 of the Revised Code, 60663
the district's portion shall be recalculated in accordance with 60664
this section as of the date of the controlling board's 60665
subsequent approval. 60666

~~(C)~~ (D) At no time shall a school district's portion of the 60667
basic project cost be greater than ninety-five per cent of the 60668
total basic project cost. 60669

~~(D)~~ (E) If the controlling board approves a project under 60670
sections 3318.01 to 3318.20 of the Revised Code for a school 60671
district that previously received assistance under those 60672
sections or section 3318.37 of the Revised Code within the 60673
twenty-year period prior to the date on which the controlling 60674

board approves the new project, the district's portion of the 60675
basic project cost for the new project shall be the lesser of 60676
the following: 60677

(1) The portion calculated under division (A) of this 60678
section; 60679

(2) The greater of the following: 60680

(a) The required percentage of the basic project costs for 60681
the new project; 60682

(b) The percentage of the basic project cost paid by the 60683
district for the previous project. 60684

Sec. 3318.12. (A) The Ohio facilities construction 60685
commission shall cause to be transferred to the school 60686
district's project construction fund the necessary amounts from 60687
amounts appropriated by the general assembly and set aside for 60688
such purpose, from time to time as may be necessary to pay 60689
obligations chargeable to such fund when due. All investment 60690
earnings of a school district's project construction fund shall 60691
be credited to the fund. 60692

(B) (1) The treasurer of the school district board shall 60693
disburse funds from the school district's project construction 60694
fund, including investment earnings credited to the fund, only 60695
upon the approval of the commission or the commission's 60696
designated representative. The commission or the commission's 60697
designated representative shall issue vouchers against such 60698
fund, in such amounts, and at such times as required by the 60699
contracts for construction of the project. 60700

(2) Notwithstanding anything to the contrary in division 60701
(B) (1) of this section, the school district board may, by a duly 60702
adopted resolution, choose to use all or part of the investment 60703

earnings of the district's project construction fund that are 60704
attributable to the district's contribution to the fund to pay 60705
the cost of classroom facilities or portions or components of 60706
classroom facilities that are not included in the district's 60707
basic project cost but that are related to the district's 60708
project. If the district board adopts a resolution in favor of 60709
using those investment earnings as authorized under division (B) 60710
(2) of this section, the treasurer shall disburse the amount as 60711
designated and directed by the board. However, if the district 60712
board chooses to use any part of the investment earnings for 60713
classroom facilities or portions or components of classroom 60714
facilities that are not included in the basic project cost, as 60715
authorized under division (B) (2) of this section, and, 60716
subsequently, the cost of the project exceeds the amount in the 60717
project construction fund, the district board shall restore to 60718
the project construction fund the full amount of the investment 60719
earnings used under division (B) (2) of this section before any 60720
additional state moneys shall be released for the project. 60721

(C) After a certificate of completion has been issued for 60722
a project under section 3318.48 of the Revised Code: 60723

(1) At the discretion of the school district board, any 60724
investment earnings remaining in the project construction fund 60725
that are attributable to the school district's contribution to 60726
the fund shall be: 60727

(a) Retained in the project construction fund for future 60728
projects; 60729

(b) Transferred to the district's maintenance fund 60730
required by division (B) of section 3318.05 or section 3318.43 60731
of the Revised Code, and the money so transferred shall be used 60732
solely for maintaining the classroom facilities included in the 60733

project; 60734

(c) Transferred to the district's permanent improvement 60735
fund. 60736

(2) Any investment earnings remaining in the project 60737
construction fund that are attributable to the state's 60738
contribution to the fund shall be transferred to the commission 60739
for expenditure pursuant to sections 3318.01 to 3318.20 or 60740
sections 3318.40 to 3318.45 of the Revised Code. 60741

(3) Any other surplus remaining in the school district's 60742
project construction fund shall be transferred to the commission 60743
and the school district board in proportion to their respective 60744
contributions to the fund. The commission shall use the money 60745
transferred to it under this division for expenditure pursuant 60746
to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of 60747
the Revised Code. 60748

(D) Pursuant to appropriations of the general assembly, 60749
any moneys transferred to the commission under division (C) (2) 60750
or (3) of this section from a project construction fund for a 60751
project under sections 3318.40 to 3318.45 of the Revised Code 60752
may be used for future expenditures for projects under sections 60753
3318.40 to 3318.45 of the Revised Code, ~~notwithstanding the two-~~ 60754
~~per cent annual limit specified in accordance with~~ division (B) 60755
of section 3318.40 of the Revised Code. 60756

Sec. 3318.40. (A) (1) Sections 3318.40 to 3318.45 of the 60757
Revised Code apply only to joint vocational school districts. 60758

(2) As used in sections 3318.40 to 3318.45 of the Revised 60759
Code: 60760

(a) "Ohio facilities construction commission," "classroom 60761
facilities," "project," and "basic project cost" have the same 60762

meanings as in section 3318.01 of the Revised Code. 60763

(b) "Acquisition of classroom facilities" means 60764
constructing, reconstructing, repairing, or making additions to 60765
classroom facilities. 60766

(B) There is hereby established the vocational school 60767
facilities assistance program. Under the program, the Ohio 60768
facilities construction commission shall provide assistance to 60769
joint vocational school districts for the acquisition of 60770
classroom facilities suitable to the vocational education 60771
programs of the districts in accordance with sections 3318.40 to 60772
3318.45 of the Revised Code. ~~For purposes of the program,~~ 60773
~~beginning July 1, 2003, the~~ The commission annually may set 60774
~~aside up to two per cent a portion of~~ the aggregate amount 60775
appropriated to it for classroom facilities assistance projects 60776
in the public school building fund, established under section 60777
3318.15 of the Revised Code, and the school building program 60778
assistance fund, established under section 3318.25 of the 60779
Revised Code, to provide assistance to at least two joint 60780
vocational school districts per biennium. The amount set aside 60781
for this purpose shall be determined by the commission. 60782

(C) The commission shall not provide assistance for any 60783
distinct part of a project under sections 3318.40 to 3318.45 of 60784
the Revised Code that when completed will be used exclusively 60785
for an adult education program or exclusively for operation of a 60786
driver training school for instruction leading to the issuance 60787
of a commercial driver's license under Chapter 4506. of the 60788
Revised Code, except for life safety items and basic building 60789
components necessary for complete and continuous construction or 60790
renovation of a classroom facility as determined by the 60791
commission. 60792

(D) The commission shall not provide assistance under 60793
sections 3318.40 to 3318.45 of the Revised Code to acquire 60794
classroom facilities for vocational educational instruction at a 60795
location under the control of a school district that is a member 60796
of a joint vocational school district. Any assistance to acquire 60797
classroom facilities for vocational educational instruction at 60798
such location shall be provided to the school district that is a 60799
member of the joint vocational school district through other 60800
provisions of this chapter when that member school district is 60801
eligible for assistance under those provisions. 60802

(E) By September 1, 2003, the commission shall assess the 60803
classroom facilities needs of at least five joint vocational 60804
school districts, according to the order of priority prescribed 60805
in division (B) of section 3318.42 of the Revised Code, and 60806
based on the results of those assessments shall determine the 60807
extent to which amendments to the specifications adopted under 60808
section 3318.311 of the Revised Code are warranted. The 60809
commission, thereafter, may amend the specifications as provided 60810
in that section. 60811

(F) After the commission has conducted the assessments 60812
prescribed in division (E) of this section, the commission shall 60813
establish, by rule adopted in accordance with section 111.15 of 60814
the Revised Code, guidelines for the commission to use in 60815
deciding whether to waive compliance with the design 60816
specifications adopted under section 3318.311 of the Revised 60817
Code when determining the number of facilities and the basic 60818
project cost of projects as prescribed in division (A) (1) (a) of 60819
section 3318.41 of the Revised Code. The guidelines shall 60820
address the following situations: 60821

(1) Under what circumstances, if any, particular classroom 60822

facilities are adequate to meet the needs of the school district 60823
even though the facilities do not comply with the specifications 60824
adopted under section 3318.311 of the Revised Code; 60825

(2) Under what circumstances, if any, particular classroom 60826
facilities will be renovated or repaired rather than replaced by 60827
construction of new facilities. 60828

Sec. 3319.088. As used in this section, "educational 60829
assistant" means any nonteaching employee in a school district 60830
who directly assists a teacher as defined in section 3319.09 of 60831
the Revised Code, by performing duties for which a license 60832
issued pursuant to sections 3319.22 to 3319.30 of the Revised 60833
Code is not required. 60834

(A) Except as provided in division (G) of this section, 60835
the state board of education shall issue educational aide 60836
permits and educational paraprofessional licenses for 60837
educational assistants and shall adopt rules for the issuance 60838
and renewal of such permits and licenses which shall be 60839
consistent with the provisions of this section. Educational aide 60840
permits and educational paraprofessional licenses may be of 60841
several types and the rules shall prescribe the minimum 60842
qualifications of education and health for the service to be 60843
authorized under each type. The prescribed minimum 60844
qualifications may require special training or educational 60845
courses designed to qualify a person to perform effectively the 60846
duties authorized under an educational aide permit or 60847
educational paraprofessional license. 60848

(B) (1) Except as provided in division (G) of this section, 60849
any application for a permit or license, or a renewal or 60850
duplicate of a permit or license, under this section shall be 60851
accompanied by the payment of a fee in the amount established 60852

under division ~~(A)~~(B) of section 3319.51 of the Revised Code. 60853
Any fees received under this division shall be paid into the 60854
state treasury to the credit of the ~~state board of education~~ 60855
~~licensure fund established under division (B) of section 3319.51~~ 60856
occupational licensing and regulatory fund established in 60857
section 4743.05 of the Revised Code. 60858

(2) Any person applying for or holding a permit or license 60859
pursuant to this section is subject to sections 3123.41 to 60860
3123.50 of the Revised Code and any applicable rules adopted 60861
under section 3123.63 of the Revised Code and sections 3319.31 60862
and 3319.311 of the Revised Code. 60863

(C) Educational assistants shall at all times while in the 60864
performance of their duties be under the supervision and 60865
direction of a teacher as defined in section 3319.09 of the 60866
Revised Code. Educational assistants may assist a teacher to 60867
whom assigned in the supervision of pupils, in assisting with 60868
instructional tasks, and in the performance of duties which, in 60869
the judgment of the teacher to whom the assistant is assigned, 60870
may be performed by a person not licensed pursuant to sections 60871
3319.22 to 3319.30 of the Revised Code and for which a teaching 60872
license, issued pursuant to sections 3319.22 to 3319.30 of the 60873
Revised Code is not required. The duties of an educational 60874
assistant shall not include the assignment of grades to pupils. 60875
The duties of an educational assistant need not be performed in 60876
the physical presence of the teacher to whom assigned, but the 60877
activity of an educational assistant shall at all times be under 60878
the direction of the teacher to whom assigned. The assignment of 60879
an educational assistant need not be limited to assisting a 60880
single teacher. In the event an educational assistant is 60881
assigned to assist more than one teacher the assignments shall 60882
be clearly delineated and so arranged that the educational 60883

assistant shall never be subject to simultaneous supervision or 60884
direction by more than one teacher. 60885

Educational assistants assigned to supervise children 60886
shall, when the teacher to whom assigned is not physically 60887
present, maintain the degree of control and discipline that 60888
would be maintained by the teacher. 60889

Educational assistants may not be used in place of 60890
classroom teachers or other employees and any payment of 60891
compensation by boards of education to educational assistants 60892
for such services is prohibited. The ratio between the number of 60893
licensed teachers and the pupils in a school district may not be 60894
decreased by utilization of educational assistants and no 60895
grouping, or other organization of pupils, for utilization of 60896
educational assistants shall be established which is 60897
inconsistent with sound educational practices and procedures. A 60898
school district may employ up to one full time equivalent 60899
educational assistant for each six full time equivalent licensed 60900
employees of the district. Educational assistants shall not be 60901
counted as licensed employees for purposes of state support in 60902
the school foundation program and no grouping or regrouping of 60903
pupils with educational assistants may be counted as a class or 60904
unit for school foundation program purposes. Neither special 60905
courses required by the regulations of the state board of 60906
education, prescribing minimum qualifications of education for 60907
an educational assistant, nor years of service as an educational 60908
assistant shall be counted in any way toward qualifying for a 60909
teacher license, for a teacher contract of any type, or for 60910
determining placement on a salary schedule in a school district 60911
as a teacher. 60912

(D) Educational assistants employed by a board of 60913

education shall have all rights, benefits, and legal protection 60914
available to other nonteaching employees in the school district, 60915
except that provisions of Chapter 124. of the Revised Code shall 60916
not apply to any person employed as an educational assistant, 60917
and shall be members of the school employees retirement system. 60918
Educational assistants shall be compensated according to a 60919
salary plan adopted annually by the board. 60920

Except as provided in this section nonteaching employees 60921
shall not serve as educational assistants without first 60922
obtaining an appropriate educational aide permit or educational 60923
paraprofessional license from the state board of education. A 60924
nonteaching employee who is the holder of a valid educational 60925
aide permit or educational paraprofessional license shall 60926
neither render nor be required to render services inconsistent 60927
with the type of services authorized by the permit or license 60928
held. No person shall receive compensation from a board of 60929
education for services rendered as an educational assistant in 60930
violation of this provision. 60931

Nonteaching employees whose functions are solely 60932
secretarial-clerical and who do not perform any other duties as 60933
educational assistants, even though they assist a teacher and 60934
work under the direction of a teacher shall not be required to 60935
hold a permit or license issued pursuant to this section. 60936

Following the determination of the assignment and general 60937
job description of an educational assistant and subject to 60938
supervision by the teacher's immediate administrative officer, a 60939
teacher to whom an educational assistant is assigned shall make 60940
all final determinations of the duties to be assigned to such 60941
assistant. Teachers shall not be required to hold a license 60942
designated for being a supervisor or administrator in order to 60943

perform the necessary supervision of educational assistants. 60944

(E) No person who is, or who has been employed as an 60945
educational assistant shall divulge, except to the teacher to 60946
whom assigned, or the administrator of the school in the absence 60947
of the teacher to whom assigned, or when required to testify in 60948
a court or proceedings, any personal information concerning any 60949
pupil in the school district which was obtained or obtainable by 60950
the educational assistant while so employed. Violation of this 60951
provision is grounds for disciplinary action or dismissal, or 60952
both. 60953

(F) Notwithstanding anything to the contrary in this 60954
section, the superintendent of a school district may allow an 60955
employee who does not hold a permit or license issued under this 60956
section to work as a substitute for an educational assistant who 60957
is absent on account of illness or on a leave of absence, or to 60958
fill a temporary position created by an emergency, provided that 60959
the superintendent believes the employee's application materials 60960
indicate that the employee is qualified to obtain a permit or 60961
license under this section. 60962

An employee shall begin work as a substitute under this 60963
division not earlier than on the date on which the employee 60964
files an application with the state board for a permit or 60965
license under this section. An employee shall cease working as a 60966
substitute under this division on the earliest of the following: 60967

(1) The date on which the employee files a valid permit or 60968
license issued under this section with the superintendent; 60969

(2) The date on which the employee is denied a permit or 60970
license under this section; 60971

(3) Sixty days following the date on which the employee 60972

began work as a substitute under this division. 60973

The superintendent shall ensure that an employee assigned 60974
to work as a substitute under division (F) of this section has 60975
undergone a criminal records check in accordance with section 60976
3319.391 of the Revised Code. 60977

(G) The state board shall issue an educational aide permit 60978
or educational paraprofessional license in accordance with 60979
Chapter 4796. of the Revised Code to an applicant if either of 60980
the following applies: 60981

(1) The applicant holds a permit or license in another 60982
state. 60983

(2) The applicant has satisfactory work experience, a 60984
government certification, or a private certification as 60985
described in that chapter as an educational aide or educational 60986
paraprofessional in a state that does not issue that permit or 60987
license or both. 60988

Sec. 3319.111. Notwithstanding section 3319.09 of the 60989
Revised Code, this section applies to any person who is employed 60990
under a teacher license issued under this chapter, or under a 60991
professional or permanent teacher's certificate issued under 60992
former section 3319.222 of the Revised Code, and who spends at 60993
least fifty per cent of the time employed providing student 60994
instruction. However, this section does not apply to any person 60995
who is employed as a substitute teacher or as an instructor of 60996
adult education. 60997

(A) The board of education of each school district, in 60998
consultation with teachers employed by the board, shall update 60999
its standards-based teacher evaluation policy to conform with 61000
either the framework for evaluation of teachers adopted under 61001

section 3319.112 of the Revised Code or a framework created or 61002
adopted by the board. The policy shall become operative at the 61003
expiration of any collective bargaining agreement covering 61004
teachers employed by the board that is in effect on November 2, 61005
2018, and shall be included in any renewal or extension of such 61006
an agreement. 61007

(B) When using measures of student performance as evidence 61008
in a teacher's evaluation, those measures shall be high-quality 61009
student data. The board of education of each school district may 61010
use data from the assessments on the list developed under 61011
division (B) (2) of section 3319.112 of the Revised Code as high- 61012
quality student data. 61013

(C) (1) The board shall conduct an evaluation of each 61014
teacher employed by the board at least once each school year, 61015
except as provided in division (C) (2) of this section. The 61016
evaluation shall be completed by the first day of May and the 61017
teacher shall receive a written report of the results of the 61018
evaluation by the tenth day of May. 61019

(2) (a) The board may evaluate each teacher who received a 61020
rating of accomplished on the teacher's most recent evaluation 61021
conducted under this section once every three school years, so 61022
long as the teacher submits a self-directed professional growth 61023
plan to the evaluator that focuses on specific areas identified 61024
in the observations and evaluation and the evaluator determines 61025
that the teacher is making progress on that plan. 61026

(b) The board may evaluate each teacher who received a 61027
rating of skilled on the teacher's most recent evaluation 61028
conducted under this section once every two years, so long as 61029
the teacher and evaluator jointly develop a professional growth 61030
plan for the teacher that focuses on specific areas identified 61031

in the observations and evaluation and the evaluator determines 61032
that the teacher is making progress on that plan. 61033

(c) For each teacher who is evaluated pursuant to division 61034
(C) (2) of this section, the evaluation shall be completed by the 61035
first day of May of the applicable school year, and the teacher 61036
shall receive a written report of the results of the evaluation 61037
by the tenth day of May of that school year. 61038

(d) The board may elect not to conduct an evaluation of a 61039
teacher who meets one of the following requirements: 61040

(i) The teacher was on leave from the school district for 61041
fifty per cent or more of the school year, as calculated by the 61042
board. 61043

(ii) The teacher has submitted notice of retirement and 61044
that notice has been accepted by the board not later than the 61045
first day of December of the school year in which the evaluation 61046
is otherwise scheduled to be conducted. 61047

~~(e) The board may elect not to conduct an evaluation of a 61048
teacher who is participating in the teacher residency program 61049
established under section 3319.223 of the Revised Code for the 61050
year during which that teacher takes, for the first time, at 61051
least half of the performance-based assessment prescribed by the 61052
state board of education for resident educators. 61053~~

(3) In any year that a teacher is not formally evaluated 61054
pursuant to division (C) of this section as a result of 61055
receiving a rating of accomplished or skilled on the teacher's 61056
most recent evaluation, an individual qualified to evaluate a 61057
teacher under division (D) of this section shall conduct at 61058
least one observation of the teacher and hold at least one 61059
conference with the teacher. The conference shall include a 61060

discussion of progress on the teacher's professional growth 61061
plan. 61062

(D) Each evaluation conducted pursuant to this section 61063
shall be conducted by one or more of the following persons who 61064
hold a credential established by the state board of education 61065
for being an evaluator: 61066

(1) A person who is under contract with the board pursuant 61067
to section 3319.01 or 3319.02 of the Revised Code and holds a 61068
license designated for being a superintendent, assistant 61069
superintendent, or principal issued under section 3319.22 of the 61070
Revised Code; 61071

(2) A person who is under contract with the board pursuant 61072
to section 3319.02 of the Revised Code and holds a license 61073
designated for being a vocational director, administrative 61074
specialist, or supervisor in any educational area issued under 61075
section 3319.22 of the Revised Code; 61076

(3) A person designated to conduct evaluations under an 61077
agreement entered into by the board, including an agreement 61078
providing for peer review entered into by the board and 61079
representatives of teachers employed by the board; 61080

(4) A person who is employed by an entity contracted by 61081
the board to conduct evaluations and who holds a license 61082
designated for being a superintendent, assistant superintendent, 61083
principal, vocational director, administrative specialist, or 61084
supervisor in any educational area issued under section 3319.22 61085
of the Revised Code or is qualified to conduct evaluations. 61086

(E) Notwithstanding division (A) (3) of section 3319.112 of 61087
the Revised Code, the board shall require at least three formal 61088
observations of each teacher who is under consideration for 61089

nonrenewal and with whom the board has entered into a limited 61090
contract or an extended limited contract under section 3319.11 61091
of the Revised Code. 61092

(F) The board shall include in its evaluation policy 61093
procedures for using the evaluation results for retention and 61094
promotion decisions and for removal of poorly performing 61095
teachers. Seniority shall not be the basis for a decision to 61096
retain a teacher, except when making a decision between teachers 61097
who have comparable evaluations. 61098

(G) For purposes of section 3333.0411 of the Revised Code, 61099
the board annually shall report to the state board the number of 61100
teachers for whom an evaluation was conducted under this section 61101
and the number of teachers assigned each rating prescribed under 61102
division (B) (1) of section 3319.112 of the Revised Code or the 61103
equivalent framework created or adopted by the board, aggregated 61104
by the teacher preparation programs from which and the years in 61105
which the teachers graduated. The state board shall establish 61106
guidelines for reporting the information required by this 61107
division. The guidelines shall not permit or require that the 61108
name of, or any other personally identifiable information about, 61109
any teacher be reported under this division. 61110

(H) Notwithstanding any provision to the contrary in 61111
Chapter 4117. of the Revised Code, the requirements of this 61112
section prevail over any conflicting provisions of a collective 61113
bargaining agreement entered into on or after November 2, 2018. 61114

Sec. 3319.173. (A) The superintendent of each school 61115
district shall assign teachers to positions based on the best 61116
interests of the students enrolled in the district. In 61117
assigning, reassigning, or transferring a teacher, whether 61118
voluntary or involuntary on the part of the teacher, the 61119

superintendent shall not use seniority or continuing contract 61120
status as the primary factor in determining the teacher's 61121
assignment. 61122

(B) Notwithstanding any provision to the contrary in 61123
section 4117.10 of the Revised Code, the requirements of this 61124
section prevail over any conflicting provisions of agreements 61125
between employee organizations and public employers entered into 61126
on or after the effective date of this section. 61127

Sec. 3319.223. (A) The superintendent of public 61128
instruction and the chancellor of higher education jointly shall 61129
establish the Ohio teacher residency program, which shall be a 61130
two-year, entry-level program for classroom teachers. Except as 61131
provided in division (B) of this section, the teacher residency 61132
program shall include at least the following components: 61133

(1) Mentoring by teachers, which may be provided online or 61134
in person. The state superintendent shall provide participants 61135
and mentors with access to online professional development 61136
~~resources and sample videos of Ohio classroom lessons submitted~~ 61137
~~for the assessment prescribed under division (A) (3) of this~~ 61138
~~section at no cost.~~ 61139

(2) Counseling, as determined necessary by the school 61140
district or school, to ensure that program participants receive 61141
needed professional development. ~~The state superintendent shall~~ 61142
~~provide to each participant who does not receive a passing score~~ 61143
~~on the assessment under division (A) (3) of this section, at no~~ 61144
~~cost, the opportunity to meet online with an instructional coach~~ 61145
~~who is a certified assessor of the assessment to review the~~ 61146
~~participant's assessment score results and discuss improvement~~ 61147
~~strategies and professional development.~~ 61148

~~Participants who choose to meet with an instructional coach shall select from an online pool of instructional coaches who have completed training and are approved by the state superintendent. The characteristics of each coach's school or district, including its size, typology, and demographics, shall be made available. However, participants shall not be required to choose an instructional coach from a similar district or school.~~

~~Participants who have not taken the assessment under division (A) (3) of this section may meet online with instructional coaches approved by the state superintendent if the participant's school district or school pays the costs associated with the meetings.~~

(3) Measures of appropriate progression through the program, ~~which shall include the performance-based assessment prescribed by the state board of education for resident educators. The state board shall not limit the number of attempts to successfully complete the performance-based assessment.~~

~~An individual may submit the assessment between the first Tuesday of October and the first Friday of April of the individual's second year of the program. The results of the assessment shall be returned within thirty days unless a new assessor is contracted, in which case the results shall be returned in forty-five days. The teacher evaluation system adopted under section 3319.111 of the Revised Code may be used to assess an individual participating in the teacher residency program.~~

(B) No individual who is teaching career-technical courses under an alternative resident educator license issued under

section 3319.26 of the Revised Code or rule of the state board 61179
shall be required to ~~do either of the following:~~ 61180

~~(1) Complete~~ complete the conditions of the Ohio teacher 61181
residency program that a participant, as of September 29, 2015, 61182
would have been required to complete during the participant's 61183
first and second year of teaching under an alternative resident 61184
educator license. 61185

~~(2) Take a performance-based assessment.~~ 61186

(C) The teacher residency program shall be aligned with 61187
the standards for teachers adopted by the state board under 61188
section 3319.61 of the Revised Code and best practices 61189
identified by the superintendent of public instruction. 61190

(D) Each person who holds a resident educator license 61191
issued under section 3319.22 or 3319.227 of the Revised Code or 61192
an alternative resident educator license issued under section 61193
3319.26 of the Revised Code shall participate in the teacher 61194
residency program. Successful completion of the program shall be 61195
required to qualify any such person for a professional educator 61196
license issued under section 3319.22 of the Revised Code. 61197

Sec. 3319.236. (A) Except as provided in section 3313.6033 61198
of the Revised Code or in division (B) or (E) of this section, a 61199
school district shall require an individual to hold a valid 61200
educator license in computer science, or have a license 61201
endorsement in computer technology and a passing score on a 61202
content examination in the area of computer science, to teach 61203
computer science courses. 61204

(B) A school district may employ an individual, for the 61205
purpose of teaching computer science courses, who holds a valid 61206
educator license, provided the individual meets the requirements 61207

established by rules of the state board of education to qualify 61208
for a supplemental teaching license for teaching computer 61209
science. The rules shall require an applicant for a supplemental 61210
teaching license to pass a content examination in the area of 61211
computer science. The rules also shall permit an individual, 61212
after at least two years of successfully teaching computer 61213
science courses under the supplemental teaching license, to 61214
advance to a standard educator license in computer science by 61215
completing a pedagogy course applicable to the grade levels in 61216
which the individual is teaching. However, the rules may exempt 61217
an individual teaching computer science from the requirement to 61218
complete a pedagogy course if the individual previously 61219
completed a pedagogy course applicable to the grade levels in 61220
which the individual is teaching. 61221

(C) In order for an individual to teach advanced placement 61222
computer science courses, a school district shall require the 61223
individual to also complete a professional development program 61224
endorsed or provided by the organization that creates and 61225
administers national advanced placement examinations. For this 61226
purpose, the individual may complete the program at any time 61227
during the calendar year. 61228

(D) Notwithstanding section 3301.012 of the Revised Code, 61229
as used in this section, "computer science courses" means any 61230
courses that are reported in the education management 61231
information system established under section 3301.0714 of the 61232
Revised Code as computer science courses and which are aligned 61233
to computer science standards adopted by the department of 61234
education and workforce. 61235

(E) The state board of education shall adopt rules to 61236
create a computer science teaching license for industry 61237

professionals to teach computer science to specific grades. The 61238
holder of a computer science teaching license for industry 61239
professionals shall be limited to teaching forty hours in a week 61240
in the subject area of computer science. The superintendent of 61241
public instruction shall consult with the chancellor of higher 61242
education in creating and revising the requirements for computer 61243
science teacher licensure. 61244

(F) Licenses issued under this section shall specify 61245
whether the educator is licensed to teach grades kindergarten 61246
through twelve, pre-kindergarten through five, grades four 61247
through nine, or grades seven through twelve. 61248

Sec. 3319.2310. (A) As used in this section, "other public 61249
school" has the same meaning as in section 3301.0711 of the 61250
Revised Code. 61251

(B) The department of education and workforce shall do 61252
both of the following: 61253

(1) Maintain a training course for licensed educators that 61254
serves as an introduction to the science of reading; 61255

(2) Develop a competency-based training course for 61256
licensed educators that updates and reinforces educators' 61257
knowledge and skills in the science of reading. 61258

(C) Each individual employed by a school district or other 61259
public school as a teacher, administrator, school psychologist, 61260
or speech-language pathologist shall complete training in the 61261
science of reading in accordance with division (C) of this 61262
section. 61263

(1) An individual hired by the district or other public 61264
school as a teacher or administrator prior to July 1, 2025, 61265
shall complete the training described in division (B) (2) of this 61266

section by June 30, 2030, and every five years thereafter.

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(2) An individual hired by the district or other public
school as a teacher or administrator on or after July 1, 2025,
shall complete the training described in division (B) (1) of this
section within one year after the date of hire and shall
complete the training described in division (B) (2) of this
section every five years thereafter. However, an individual
shall not be required to complete the training described in
division (B) (1) of this section if the district superintendent
or head administrator of the other public school has verified
that the individual did either of the following within five
years prior to the date of hire:

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(a) Completed that training or a similar training, as
determined by the department;

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(b) Completed appropriate coursework in the science of
reading as part of the individual's educator or licensure
preparation program.

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(3) An individual employed by the district or other public
school as a school psychologist or speech-language pathologist
shall complete the training described in division (B) (1) of this
section by June 30, 2027, and shall complete the training
described in division (B) (2) of this section every five years
thereafter.

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(D) A professional development committee established under
section 3319.22 of the Revised Code shall count training
described in division (B) of this section toward professional
development requirements for educator licensure renewal. The
committee shall permit an individual to apply any hours earned
over the minimum amount of hours required for professional

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development coursework for licensure renewal to the next renewal 61296
period for that license. 61297

Sec. 3319.263. ~~Until July 1, 2028,~~ 61298
~~notwithstanding~~ Notwithstanding anything to the contrary in 61299
section 3319.26 of the Revised Code or any rule of the state 61300
board of education adopted under that section, the state board 61301
shall not limit the subject areas for which an individual may 61302
receive an alternative resident educator license issued under 61303
that section. 61304

Sec. 3319.271. (A) The department of education and 61305
workforce shall establish a principal apprenticeship program. 61306
The program shall provide multiple pathways for individuals to 61307
receive training and development in school leadership and 61308
primary and secondary school administration and shall provide 61309
the option for participants to obtain a master's degree. 61310

(B) The principal apprenticeship program shall be open to 61311
licensed educators who are employed as a teacher in a public or 61312
chartered nonpublic school in this state and to professionals 61313
working in fields other than education. In selecting candidates 61314
for the program, the department may give preference to 61315
applicants who have multiple years of classroom teaching 61316
experience or multiple years of experience in the same 61317
professional career field and experience in teaching, training, 61318
or supervising others. 61319

(C) The principal apprenticeship program shall require 61320
participating individuals to be mentored by a school principal 61321
and complete on-the-site job training. 61322

(D) The state board of education shall issue an individual 61323
a professional administrator license for grades pre-kindergarten 61324

through twelve upon certification from the department that the 61325
individual has successfully completed the principal 61326
apprenticeship program. 61327

Sec. 3319.29. Each application for any license, 61328
certificate, or permit under this chapter, or renewal or 61329
duplicate of such a license, certificate, or permit, shall be 61330
accompanied by the payment of a fee in the amount established 61331
under division ~~(A)~~(B) of section 3319.51 of the Revised Code. 61332
Any fees received under this section shall be paid into the 61333
state treasury to the credit of the ~~state board of education~~ 61334
~~licensure fund established under division (B) of section 3319.51~~ 61335
occupational licensing and regulatory fund established in 61336
section 4743.05 of the Revised Code. 61337

Any person applying for or holding a license, certificate, 61338
or permit under this chapter is subject to sections 3123.41 to 61339
3123.50 of the Revised Code and any applicable rules adopted 61340
under section 3123.63 of the Revised Code and sections 3319.31 61341
and 3319.311 of the Revised Code. 61342

Sec. 3319.301. (A) As used in this section: 61343

(1) "Dropout prevention and recovery community school"— 61344
~~means a community school established under Chapter 3314. of the~~ 61345
~~Revised Code in which a majority of the students are enrolled in~~ 61346
~~a dropout prevention and recovery program that is operated by~~ 61347
~~the school~~ has the same meaning as in section 3314.02 of the 61348
Revised Code. 61349

(2) "Industry-recognized credential program" means a 61350
career-technical course in which a student may earn an industry- 61351
recognized credential approved under section 3313.6113 of the 61352
Revised Code. 61353

(3) "STEM school" means a science, technology, 61354
engineering, and mathematics school established under Chapter 61355
3326. of the Revised Code. 61356

(B) The state board of education shall issue permits to 61357
individuals who are not licensed as required by sections 3319.22 61358
to 3319.30 of the Revised Code, but who are otherwise qualified, 61359
to teach classes for not more than a total of twelve hours a 61360
week, except that an individual teaching in a STEM school or an 61361
individual teaching an industry-recognized credential program 61362
offered at a dropout prevention and recovery community school 61363
may teach classes for not more than a total of forty hours a 61364
week. The state board, by rule, shall set forth the 61365
qualifications, other than licensure under sections 3319.22 to 61366
3319.30 of the Revised Code, to be met by individuals in order 61367
to be issued a permit as provided in this section. Such 61368
qualifications shall include the possession of a baccalaureate, 61369
master's, or doctoral degree in, or significant experience 61370
related to, the subject the individual is to teach. For an 61371
individual assigned to teach a career-technical class, 61372
significant experience related to a subject shall include 61373
career-technical experience. Applications for permits pursuant 61374
to this section shall be made in accordance with section 3319.29 61375
of the Revised Code. A permit issued under this section shall be 61376
renewable. 61377

The state board, by rule, shall authorize the board of 61378
education of each school district and each STEM school to engage 61379
individuals holding permits issued under this section to teach 61380
classes for not more than the total number of hours a week 61381
specified in the permit. The rules shall include provisions with 61382
regard to each of the following: 61383

(1) That a board of education or STEM school shall engage
a nonlicensed individual to teach pursuant to this section on a
volunteer basis, or by entering into a contract with the
individual or the individual's employer on such terms and
conditions as are agreed to between the board or school and the
individual or the individual's employer;

(2) That an employee of the board of education or STEM
school who is licensed under sections 3319.22 to 3319.30 of the
Revised Code shall directly supervise a nonlicensed individual
who is engaged to teach pursuant to this section until the
superintendent of the school district or the chief
administrative officer of the STEM school is satisfied that the
nonlicensed individual has sufficient understanding of, and
experience in, effective teaching methods to teach without
supervision.

(C) A nonlicensed individual engaged to teach pursuant to
this section is a teacher for the purposes of Title XXXIII of
the Revised Code except for the purposes of Chapters 3307. and
3317. and sections 3319.07 to 3319.31 of the Revised Code. Such
an individual is not an employee of the board of education or
STEM school for the purpose of Titles I or XLI or Chapter 3309.
of the Revised Code.

(D) Students enrolled in a class taught by a nonlicensed
individual pursuant to this section and rules adopted thereunder
shall receive the same credit as if the class had been taught by
an employee licensed pursuant to sections 3319.22 to 3319.30 of
the Revised Code.

(E) No board of education of any school district shall
engage any one or more nonlicensed individuals if such
employment displaces from employment an existing licensed

employee of the district. 61414

(F) Chapter 4796. of the Revised Code does not apply to 61415
permits issued under this section. 61416

Sec. 3319.311. (A) (1) The state board of education, or the 61417
superintendent of public instruction on behalf of the board, may 61418
investigate any information received about a person that 61419
reasonably appears to be a basis for action under section 61420
3319.31 of the Revised Code, including information received 61421
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 61422
3328.19, 5126.253, or 5153.176 of the Revised Code. Except as 61423
provided in division (A) (2) of this section, the board shall 61424
contract with the office of the Ohio attorney general to conduct 61425
any investigation of that nature. The board shall pay for the 61426
costs of the contract only from moneys in the ~~state board of~~ 61427
~~education licensure fund established under section 3319.51 of~~ 61428
occupational licensing and regulatory fund established in 61429
section 4743.05 of the Revised Code. Except as provided in 61430
division (A) (2) of this section, all information received 61431
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 61432
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 61433
information obtained during an investigation is confidential and 61434
is not a public record under section 149.43 of the Revised Code. 61435
If an investigation is conducted under this division regarding 61436
information received about a person and no action is taken 61437
against the person under this section or section 3319.31 of the 61438
Revised Code within two years of the completion of the 61439
investigation, all records of the investigation shall be 61440
expunged. 61441

(2) In the case of a person about whom the board has 61442
learned of a plea of guilty to, finding of guilt by a jury or 61443

court of, or a conviction of an offense listed in division (C) 61444
of section 3319.31 of the Revised Code, or substantially 61445
comparable conduct occurring in a jurisdiction outside this 61446
state, the board or the superintendent of public instruction 61447
need not conduct any further investigation and shall take the 61448
action required by division (C) or (F) of that section. Except 61449
as provided in division (G) of this section, all information 61450
obtained by the board or the superintendent of public 61451
instruction pertaining to the action is a public record under 61452
section 149.43 of the Revised Code. 61453

(B) The superintendent of public instruction shall review 61454
the results of each investigation of a person conducted under 61455
division (A)(1) of this section and shall determine, on behalf 61456
of the state board, whether the results warrant initiating 61457
action under division (B) of section 3319.31 of the Revised 61458
Code. The superintendent shall advise the board of such 61459
determination at a meeting of the board. Within fourteen days of 61460
the next meeting of the board, any member of the board may ask 61461
that the question of initiating action under section 3319.31 of 61462
the Revised Code be placed on the board's agenda for that next 61463
meeting. Prior to initiating that action against any person, the 61464
person's name and any other personally identifiable information 61465
shall remain confidential. 61466

(C) The board shall take no action against a person under 61467
division (B) of section 3319.31 of the Revised Code without 61468
providing the person with written notice of the charges and with 61469
an opportunity for a hearing in accordance with Chapter 119. of 61470
the Revised Code. 61471

(D) For purposes of an investigation under division (A)(1) 61472
of this section or a hearing under division (C) of this section 61473

or under division (E) (2) of section 3319.31 of the Revised Code, 61474
the board, or the superintendent on behalf of the board, may 61475
administer oaths, order the taking of depositions, issue 61476
subpoenas, and compel the attendance of witnesses and the 61477
production of books, accounts, papers, records, documents, and 61478
testimony. The issuance of subpoenas under this division may be 61479
by certified mail, regular mail with a certificate of mailing, 61480
or other form of delivery with proof of delivery, including 61481
electronic delivery with electronic proof of delivery, or 61482
personal delivery to the person. 61483

(E) The superintendent, on behalf of the board, may enter 61484
into a consent agreement with a person against whom action is 61485
being taken under division (B) of section 3319.31 of the Revised 61486
Code. The board may adopt rules governing the superintendent's 61487
action under this division. 61488

(F) No surrender of a license shall be effective until the 61489
board takes action to accept the surrender unless the surrender 61490
is pursuant to a consent agreement entered into under division 61491
(E) of this section. 61492

(G) The name of any person who is not required to report 61493
information under section 3314.40, 3319.313, 3326.24, 3328.19, 61494
5126.253, or 5153.176 of the Revised Code, but who in good faith 61495
provides information to the state board or superintendent of 61496
public instruction about alleged misconduct committed by a 61497
person who holds a license or has applied for issuance or 61498
renewal of a license, shall be confidential and shall not be 61499
released. Any such person shall be immune from any civil 61500
liability that otherwise might be incurred or imposed for 61501
injury, death, or loss to person or property as a result of the 61502
provision of that information. 61503

(H) (1) No person shall knowingly make a false report to the superintendent of public instruction or the state board of education alleging misconduct by an employee of a public or chartered nonpublic school or an employee of the operator of a community school established under Chapter 3314. or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(2) (a) In any civil action brought against a person in which it is alleged and proved that the person violated division (H) (1) of this section, the court shall award the prevailing party reasonable attorney's fees and costs that the prevailing party incurred in the civil action or as a result of the false report that was the basis of the violation.

(b) If a person is convicted of or pleads guilty to a violation of division (H) (1) of this section, if the subject of the false report that was the basis of the violation was charged with any violation of a law or ordinance as a result of the false report, and if the subject of the false report is found not to be guilty of the charges brought against the subject as a result of the false report or those charges are dismissed, the court that sentences the person for the violation of division (H) (1) of this section, as part of the sentence, shall order the person to pay restitution to the subject of the false report, in an amount equal to reasonable attorney's fees and costs that the subject of the false report incurred as a result of or in relation to the charges.

Sec. 3319.51. ~~(A)(1)~~ (A) As used in this section, "operating expenses" includes the cost of administering requirements related to the issuance and renewal of licenses, certificates, or permits described in this chapter and sections

3301.071 and 3301.074 of the Revised Code and any other cost 61534
incurred by the state board of education to perform a duty 61535
prescribed by law. 61536

(B) The state board of education shall annually establish 61537
the amount of the fees required to be paid for any license, 61538
certificate, or permit issued under this chapter or division (B) 61539
of section 3301.071 or section 3301.074 of the Revised Code. 61540
Except as provided in division ~~(A)(2)~~ (C) of this section, the 61541
amount of these fees shall be such that they, along with any 61542
appropriation made ~~to the fund established under division (B) of~~ 61543
~~this section~~ by the general assembly, will be sufficient to 61544
cover the annual estimated operating expenses of the state 61545
board, including the cost of administering the requirements 61546
related to the issuance and renewal of licenses, certificates, 61547
and permits described in this chapter and sections 3301.071 and 61548
3301.074 of the Revised Code. 61549

~~(2)~~ (C) The state board shall not require any fee to be 61550
paid under division ~~(A)(1)~~ (B) of this section for a license, 61551
certificate, or permit issued for the purpose of teaching in a 61552
junior reserve officer training corps (JROTC) program approved 61553
by the congress of the United States under title 10 of the 61554
United States Code.— 61555

~~(B) There is hereby established in the state treasury the~~ 61556
~~state board of education licensure fund, which shall be used by~~ 61557
~~the state board of education to pay the state board's operating~~ 61558
~~expenses, including any cost incurred to perform a duty~~ 61559
~~prescribed by law and the cost of administering requirements~~ 61560
~~related to the issuance and renewal of licenses, certificates,~~ 61561
~~and permits described in this chapter and sections 3301.071 and~~ 61562
~~3301.074 of the Revised Code. The fund shall consist of the~~ 61563

~~amounts paid into the fund pursuant to division (B) of section 61564~~
~~3301.071 and sections 3301.074 and 3319.29 of the Revised Code 61565~~
~~and any appropriations to the fund by the general assembly. 61566~~

(D) The operating expenses of the state board shall be 61567
paid primarily from, and all license, certificate, or permit 61568
fees received by the state board shall be deposited in, the 61569
state treasury to the credit of the occupational licensing and 61570
regulatory fund established in section 4743.05 of the Revised 61571
Code. 61572

Sec. 3320.04. Each school district board of education 61573
shall adopt a policy that reasonably accommodates the sincerely 61574
held religious beliefs and practices of individual students with 61575
regard to all examinations or other academic requirements and 61576
absences for reasons of faith or religious or spiritual belief 61577
system. The policy shall satisfy all of the following 61578
conditions: 61579

(A) The policy shall permit a student in any of grades 61580
kindergarten through twelve to be absent for up to three 61581
religious expression days each school year to take holidays for 61582
reasons of faith or religious or spiritual belief system or 61583
participate in organized activities conducted under the auspices 61584
of a religious denomination, church, or other religious or 61585
spiritual organization. The district shall not impose an 61586
academic penalty as a result of a student being absent as 61587
permitted in the policy. The policy shall also permit students 61588
to participate in interscholastic athletics or other 61589
extracurricular activities on days in which the student was 61590
otherwise absent for a religious expression day. 61591

(B) (1) The policy shall require that students be provided 61592
with alternative accommodations with regard to examinations and 61593

other academic requirements missed due to an absence described 61594
in division (A) of this section if not later than fourteen 61595
school days after the first day of school, or fourteen school 61596
days after the date of enrollment for a student who transfers to 61597
or enrolls in the district after the first day of school, the 61598
parent or guardian of a student provides the school principal 61599
with written notice of up to three specific dates for which 61600
alternative accommodations are requested, if an absence approved 61601
under division (B)(2) of this section conflicts with an 61602
examination or other academic requirement on that date. 61603

(2) The school principal shall approve not more than three 61604
written requests per school year from a student's parent or 61605
guardian for an excused absence under division (A) of this 61606
section. The school principal shall approve such requests 61607
without inquiry into the sincerity of a student's religious or 61608
spiritual belief system. However, the school principal may 61609
verify a request received under division (A) of this section by 61610
contacting the parent or guardian whose signature appears on the 61611
request. If a parent or guardian disputes having signed such a 61612
request, the school principal may deny the request. Upon 61613
approval of a request that satisfies division (B)(1) of this 61614
section, a school principal shall require the appropriate 61615
classroom teacher or teachers to schedule a time and date for an 61616
alternative examination or other academic requirement if the 61617
approved student absence creates a conflict, which may be before 61618
or after the time and date the examination or other academic 61619
requirement was originally scheduled. 61620

(C) The policy shall require the district board to post 61621
both of the following in a prominent location on the district's 61622
web site: 61623

(1) A copy of the policy adopted under this section, which 61624
shall include the contact information of an individual who can 61625
provide further information about the policy; 61626

(2) A nonexhaustive list of major religious holidays, 61627
festivals, and religious observations, which may include, Eid, 61628
Good Friday, Rosh Hashanah, Yom Kippur, and Passover, for which 61629
an excused absence under this section shall not be unreasonably 61630
withheld or denied. 61631

The director of education and workforce shall provide each 61632
district with a nonexhaustive list of major religious holidays 61633
or festivals for the next two school years, including Eid, Good 61634
Friday, Rosh Hashanah, Yom Kippur, and Passover, at the 61635
beginning of each school year. Each district may adopt the 61636
director's list in its entirety or choose which holidays to 61637
include on its list. 61638

Each time a district's policy is posted, printed, or 61639
published, including as described in divisions (C) and (D) of 61640
this section, the district shall include a statement that the 61641
list is nonexhaustive, and the list may not be used to deny 61642
accommodation to a student for a holiday or festival of the 61643
student's faith or religious or spiritual belief system that 61644
does not appear on the list. 61645

Nothing in this section, and no inclusion or exclusion of 61646
a religious holiday or festival on the list posted by a 61647
district, shall preclude a student from full and reasonable 61648
accommodations for any sincerely held religious beliefs and 61649
practices with regard to all examinations or other academic 61650
requirements and absences for reasons of faith or religious or 61651
spiritual belief system provided under this section. 61652

(D) The policy shall require school districts annually to convey to parents and guardians the policy adopted under this section, including a description of the general procedure for requesting accommodations. The manner in which the school district conveys the information shall be determined at the discretion of the district.

(E) The policy shall include a procedure under which a student, parent, or guardian may notify the district of any grievance with regard to the implementation of the policy required under this section.

(F) Any days excused under this section shall not be considered in determining absence hours for the purposes of parental notification under ~~division (C)(1) of~~ section 3321.191 of the Revised Code.

Sec. 3321.043. (A) As used in this section, "driver education course" means a private driver training course approved by the director of public safety in accordance with Chapter 4508. of the Revised Code.

(B) If a high school student enrolled in a school district is absent from school for the sole purpose of attending a driver education course, the district shall count that absence as an excused absence, up to a maximum of eight hours for that student. The student shall only be absent for up to two hours per day for not more than four days in meeting the maximum eight hours authorized by this section. The days may be nonconsecutive.

(C) The district shall require any student absent from school in accordance with this section to complete any classroom assignments that the student misses because of the absence.

Sec. 3321.16. (A) An attendance officer or assistant 61682
provided for by section 3321.14 or 3321.15 of the Revised Code 61683
may investigate any case of nonattendance at school or part-time 61684
school of a child under eighteen years of age or supposed to be 61685
under eighteen years of age resident in the district for which 61686
such attendance officer or assistant is employed, or of any such 61687
child found in the district or enrolled in any school within the 61688
district and of any child above eighteen years of age if 61689
enrolled in any school within the district, and may take such 61690
action as the superintendent of schools directs or as such 61691
attendance officer or assistant deems proper in the absence of 61692
specific direction. 61693

(B) (1) Subject to divisions (B) (2) and (3) of this 61694
section, the attendance officer shall file a complaint in the 61695
juvenile court against ~~a student on the sixty-first day after~~ 61696
~~the implementation of an absence intervention plan or other~~ 61697
~~intervention strategies, provided that all~~ any student to which 61698
any of the following apply: 61699

(a) The student was absent without legitimate excuse from 61700
the public school the child is supposed to attend for thirty or 61701
more consecutive hours~~7~~. 61702

(b) The student was absent without legitimate excuse from 61703
the public school the child is supposed to attend for forty-two 61704
or more hours in one school month~~7~~~~or~~. 61705

(c) The student was absent without legitimate excuse from 61706
the public school the child is supposed to attend for seventy- 61707
two or more hours in a school year. 61708

~~(b) The school district or school has made meaningful~~ 61709
~~attempts to re-engage the student through the absence~~ 61710

~~intervention plan, other intervention strategies, and any~~ 61711
~~offered alternatives to adjudication described under division~~ 61712
~~(C) (2) (b) of section 3321.191 of the Revised Code.~~ 61713

~~(c) The student has refused to participate in or failed to~~ 61714
~~make satisfactory progress on the plan, as determined by the~~ 61715
~~absence intervention team, or any offered intervention~~ 61716
~~strategies or alternative to adjudication.~~ 61717

~~(2) If the student, at any time during the implementation~~ 61718
~~phase of the absence intervention plan or other intervention~~ 61719
~~strategies, is absent without legitimate excuse for thirty or~~ 61720
~~more consecutive hours or forty-two or more hours in one school~~ 61721
~~month, the attendance officer shall file a complaint in juvenile~~ 61722
~~court against that student, unless the absence intervention team~~ 61723
~~has determined that the student has made substantial progress on~~ 61724
~~the absence intervention plan~~ student's district or school 61725
determines that the student and the student's family are making 61726
satisfactory progress in improving the student's attendance at 61727
school, the attendance officer shall not file a complaint. 61728

~~(3) In the event that the sixty-first day after the~~ 61729
~~implementation of the absence intervention plan or other~~ 61730
~~intervention strategies falls on a day during the summer months,~~ 61731
~~in the school district's discretion, the absence intervention~~ 61732
~~team or the attendance officer may extend the implementation of~~ 61733
~~the plan and delay the filing of the complaint for an additional~~ 61734
~~thirty days from the first day of instruction of the next school~~ 61735
~~year.~~ If no determination of progress under division (B) (2) of 61736
this section is made, or if the student and the student's family 61737
cease to continue making progress in improving the student's 61738
attendance, the attendance officer shall file a complaint in the 61739
juvenile court against the student. 61740

A complaint filed in the juvenile court under division 61741
(B) (3) of this section shall allege that the child is an unruly 61742
child for being a habitual truant and that the parent, guardian, 61743
or other person having care of the child has violated section 61744
3321.38 of the Revised Code. 61745

Sec. 3321.19. (A) As used in this section and section 61746
~~3321.191~~3321.16 of the Revised Code, "habitual truant" has the 61747
same meaning as in section 2151.011 of the Revised Code. 61748

(B) When a board of education of any city, exempted 61749
village, local, joint vocational, or cooperative education 61750
school district or the governing board of any educational 61751
service center determines that a student in its district has 61752
been truant and the parent, guardian, or other person having 61753
care of the child has failed to cause the student's attendance 61754
at school, the board may require the parent, guardian, or other 61755
person having care of the child pursuant to division (B) of this 61756
section to attend an educational program established pursuant to 61757
rules adopted by the department of education and workforce for 61758
the purpose of encouraging parental involvement in compelling 61759
the attendance of the child at school. 61760

No parent, guardian, or other person having care of a 61761
child shall fail without good cause to attend an educational 61762
program described in this division if the parent, guardian, or 61763
other person has been served notice pursuant to division (C) of 61764
this section. 61765

(C) On the request of the superintendent of schools, the 61766
superintendent of any educational service center, the board of 61767
education of any city, exempted village, local, joint 61768
vocational, or cooperative education school district, or the 61769
governing board of any educational service center or when it 61770

otherwise comes to the notice of the attendance officer or other 61771
appropriate officer of the school district, the attendance 61772
officer or other appropriate officer shall examine into any case 61773
of supposed truancy within the district and shall warn the 61774
child, if found truant, and the child's parent, guardian, or 61775
other person having care of the child, in writing, of the legal 61776
consequences of being truant. When any child of compulsory 61777
school age, in violation of law, is not attending school, the 61778
attendance or other appropriate officer shall notify the parent, 61779
guardian, or other person having care of that child of the fact, 61780
and require the parent, guardian, or other person to cause the 61781
child to attend school immediately. The parent, guardian, or 61782
other person having care of the child shall cause the child's 61783
attendance at school. Upon the failure of the parent, guardian, 61784
or other person having care of the child to do so, the 61785
attendance officer or other appropriate officer, if so directed 61786
by the superintendent, the district board, or the educational 61787
service center governing board, shall send notice requiring the 61788
attendance of that parent, guardian, or other person at a 61789
parental education program established pursuant to division (B) 61790
of this section and, ~~subject to divisions (D) and (E) of this~~ 61791
~~section,~~ may file a complaint against the parent, guardian, or 61792
other person having care of the child in any court of competent 61793
jurisdiction. 61794

~~(D) (1) Upon the failure of the parent, guardian, or other~~ 61795
~~person having care of the child to cause the child's attendance~~ 61796
~~at school, if the child is considered an habitual truant, the~~ 61797
~~board of education of the school district or the governing board~~ 61798
~~of the educational service center, within ten days, subject to~~ 61799
~~division (E) of this section, shall assign the student to an~~ 61800
~~absence intervention team as described in division (C) of~~ 61801

~~section 3321.191 of the Revised Code.~~

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~~(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.~~

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~~(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and (B) of section 3321.191 of the Revised Code. In the event that those intervention strategies fail, within sixty-one days after their implementation, the attendance officer shall file a complaint, provided that the conditions described in division (B) of section 3321.16 of the Revised Code are satisfied.~~

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Sec. 3321.191. (A) As used in this section, "chronically absent" means missing at least ten per cent of the minimum number of hours required in the school year under section 3313.48 of the Revised Code for the school a student attends.

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(B) Not later than August 1, 2026, the board of education 61832
of each school district shall adopt a policy to address student 61833
absences. In developing the policy, the board shall consult with 61834
the juvenile court of the county or counties in which the 61835
district is located; the parents, guardians, or other persons 61836
having care of a student attending school in the district; and 61837
appropriate state and local agencies. 61838

(C) The policy adopted under division (B) of this section 61839
shall do all of the following: 61840

(1) Acknowledge that student absences from school for any 61841
reason, whether excused or unexcused, take away from 61842
instructional time and have an adverse effect on student 61843
learning; 61844

(2) Identify strategies to prevent students from becoming 61845
chronically absent; 61846

(3) Include procedures for notifying a student's parent, 61847
guardian, or custodian when the student has been absent from 61848
school for a number of hours determined by the board, which 61849
number shall not exceed five per cent of the minimum number of 61850
hours required in the school year under section 3313.48 of the 61851
Revised Code for the school the student attends; 61852

(4) Establish a tiered system that provides more intensive 61853
interventions and supports for students with greater numbers of 61854
absences and includes resources to help students and their 61855
families address the root causes of the absences; 61856

(5) Provide for one or more absence intervention teams to 61857
work with students at risk of becoming chronically absent and 61858
their families to improve the students' attendance at school; 61859

(6) Prohibit suspending, expelling, or otherwise 61860

preventing a student from attending school based on the 61861
student's absences as prescribed by section 3313.668 of the 61862
Revised Code. 61863

(D) The policy shall align with any other district or 61864
school improvement plan developed pursuant to state or federal 61865
law. 61866

(E) A district or school may consult or partner with 61867
public, nonprofit, or private entities to provide assistance as 61868
appropriate to students and their families in reducing absences. 61869

Sec. 3321.21. A notice under section 3321.19 or 3321.20 of 61870
the Revised Code, that includes proof of receipt by the 61871
recipient and is sent by registered mail, regular mail with a 61872
certificate of mailing, electronic mail, text message, or other 61873
form of delivery ~~with proof of delivery, including electronic~~ 61874
~~delivery and electronic proof of delivery,~~ is a legal notice. 61875

Sec. 3321.22. ~~(A) Except as provided in division (B) of~~ 61876
~~this section, if~~ If a complaint is filed against the parent, 61877
guardian, or other person in charge of a child for a failure to 61878
cause the child to attend school or a part-time school or class 61879
and if the parent, guardian, or other person proves an inability 61880
to do so, then the parent, guardian, or other person in charge 61881
of a child shall be discharged. Upon the discharge, the 61882
attendance officer shall file a complaint before the judge of 61883
the juvenile court of the county alleging that the child is a 61884
delinquent child, unruly child, or dependent child within the 61885
meaning of section 2151.022, 2151.04, or 2152.02 of the Revised 61886
Code. The judge shall hear the complaint and if the judge 61887
determines that the child is a delinquent, unruly, or dependent 61888
child within one of those sections the judge shall deal with the 61889
child according to section 2151.35 or 2151.36 of the Revised 61890

Code. 61891

~~(B) Division (A) of this section does not apply regarding~~ 61892
~~a complaint filed under division (D) or (E) of section 3321.19~~ 61893
~~of the Revised Code or otherwise filed and alleging that a child~~ 61894
~~is an habitual truant.~~ 61895

Sec. 3323.32. ~~(A)~~ The department of education and 61896
workforce shall contract with an entity to administer programs 61897
and coordinate services for infants, preschool and school-age 61898
children, and adults with autism and low incidence disabilities. 61899
The entity shall be selected by the director of education and 61900
workforce in consultation with the director of children and 61901
youth and the advisory board established under section 3323.33 61902
of the Revised Code. 61903

When applicable, the department of children and youth 61904
shall contract with an entity to administer programs and 61905
coordinate services for infants, preschool and school-age 61906
children, and adults with autism and low incidence disabilities. 61907
The entity shall be selected by the director of children and 61908
youth in consultation with the director of education and 61909
workforce and the advisory board established under section 61910
3323.33 of the Revised Code. 61911

~~The contract with the entity selected~~ Any contract entered 61912
into under this section shall include, but not be limited to, 61913
the following provisions: 61914

~~(1)~~ (A) A description of the programs to be administered 61915
and services to be provided or coordinated by the entity, which 61916
shall include at least the duties prescribed by sections 3323.34 61917
and 3323.35 of the Revised Code; 61918

~~(2)~~ (B) A description of the expected outcomes from the 61919

programs administered and services provided or coordinated by 61920
the entity; 61921

~~(3)~~(C) A stipulation that the entity's performance is 61922
subject to evaluation by the contracting department and renewal 61923
of the entity's contract is subject to the department's 61924
satisfaction with the entity's performance; 61925

~~(4)~~(D) A description of the measures and milestones the 61926
contracting department will use to determine whether the 61927
performance of the entity is satisfactory; 61928

~~(5)~~(E) Any other provision the contracting department 61929
determines is necessary to ensure the quality of services to 61930
individuals with autism and low incidence disabilities. 61931

~~(B) In selecting the entity under division (A) of this 61932
section, the director of education and workforce, the director 61933
of children and youth, and the advisory board shall give primary 61934
consideration to the Ohio Center for Autism and Low Incidence, 61935
established under section 3323.31 of the Revised Code, as long 61936
as the principal goals and mission of the Center, as determined 61937
by the director, the director, and the advisory board, are 61938
consistent with the requirements of divisions (A) (1) to (5) of 61939
this section. 61940~~

Sec. 3325.01. Ohio deaf and blind education services is 61941
hereby established and shall include the state school for the 61942
deaf and the state school for the blind. Ohio deaf and blind 61943
education services shall operate under the control and 61944
supervision of the department of education and workforce. The 61945
department shall appoint a superintendent for Ohio deaf and 61946
blind education services, who shall supervise the state school 61947
for the deaf and the state school for the blind. The 61948

superintendent of Ohio deaf and blind education services shall 61949
serve at the pleasure of the department. The superintendent of 61950
Ohio deaf and blind education services may create additional 61951
divisions to meet the educational needs of students throughout 61952
the state who are deaf, hard of hearing, blind, visually 61953
impaired, or deafblind, or have multiple disabilities if one of 61954
the disabilities is vision related, hearing related, or related 61955
to communication such that the student would benefit from the 61956
use of American sign language. 61957

Sec. 3325.011. Subject to the regulations adopted by the 61958
department of education and workforce, the state school for the 61959
deaf shall be open to receive persons who are deaf, hard of 61960
hearing, and deafblind residents of this state, including 61961
persons who have multiple disabilities if one of the 61962
disabilities is hearing related, who, in the judgment of the 61963
director of education and workforce and the superintendent of 61964
Ohio deaf and blind education services, due to such disability, 61965
cannot be educated in the public school system and are suitable 61966
persons to receive instructions according to the methods 61967
employed in such school. 61968

Sec. 3325.012. Subject to the regulations adopted by the 61969
department of education and workforce, Rita community school 61970
shall be open to receive persons who are deaf, hard of hearing, 61971
and deafblind residents of this state, including persons who 61972
have multiple disabilities if one of the disabilities is related 61973
to communication such that the person would benefit from the use 61974
of American sign language, and who, in the judgment of the 61975
director of education and workforce and the superintendent of 61976
Ohio deaf and blind education services, due to such disability, 61977
cannot be educated in the public school system and is a suitable 61978
person to receive instructions according to the methods employed 61979

in such school. 61980

Rita community school shall be considered a division of 61981
the Ohio deaf and blind education services. The school shall not 61982
be considered a community school for the purposes of Chapter 61983
3314. of the Revised Code. 61984

Sec. 3325.03. The superintendent of Ohio deaf and blind 61985
education services may return any pupil under the 61986
superintendent's jurisdiction to the pupil's resident school 61987
district if, in the opinion of the superintendent and the 61988
director of education and workforce, that pupil is not making 61989
sufficient progress to justify continuance as a pupil at the 61990
state school for the deaf~~or~~, the state school for the blind, 61991
or Rita community school. 61992

Sec. 3325.08. (A) A diploma shall be granted by the 61993
superintendent of Ohio deaf and blind education services to any 61994
student enrolled in the state school for the blind~~or~~, the 61995
state school for the deaf, or Rita community school to whom all 61996
of the following apply: 61997

(1) The student has successfully completed the curriculum 61998
in any high school or the individualized education program 61999
developed for the student for the student's high school 62000
education pursuant to section 3323.08 of the Revised Code; 62001

(2) Subject to section 3313.614 of the Revised Code, the 62002
student has met the assessment requirements of division (A) (2) 62003
(a) or (b) of this section, as applicable. 62004

(a) If the student entered the ninth grade prior to July 62005
1, 2014, the student either: 62006

(i) Has attained at least the applicable scores designated 62007
under division (B) (1) of section 3301.0710 of the Revised Code 62008

on all the assessments prescribed by that division unless 62009
division (L) of section 3313.61 of the Revised Code applies to 62010
the student; 62011

(ii) Has satisfied the alternative conditions prescribed 62012
in section 3313.615 of the Revised Code. 62013

(b) If the student entered the ninth grade on or after 62014
July 1, 2014, the student has met the requirement prescribed by 62015
section 3313.618 of the Revised Code, except to the extent that 62016
division (L) of section 3313.61 of the Revised Code applies to 62017
the student. 62018

(3) The student is not eligible to receive an honors 62019
diploma granted pursuant to division (B) of this section. 62020

No diploma shall be granted under this division to anyone 62021
except as provided under this division. 62022

(B) In lieu of a diploma granted under division (A) of 62023
this section, the superintendent of Ohio deaf and blind 62024
education services shall grant an honors diploma, in the same 62025
manner that the boards of education of school districts grant 62026
such diplomas under division (B) of section 3313.61 of the 62027
Revised Code, to any student enrolled in the state school for 62028
the blind~~er~~, the state school for the deaf, or Rita community 62029
school who accomplishes all of the following: 62030

(1) Successfully completes the curriculum in any high 62031
school or the individualized education program developed for the 62032
student for the student's high school education pursuant to 62033
section 3323.08 of the Revised Code; 62034

(2) Subject to section 3313.614 of the Revised Code, has 62035
met the assessment requirements of division (B) (2) (a) or (b) of 62036
this section, as applicable. 62037

(a) If the student entered the ninth grade prior to July 1, 2014, the student either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments prescribed under that division;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code.

(3) Has met additional criteria for granting an honors diploma.

These additional criteria shall be the same as those prescribed by the ~~state board~~ department of education and workforce under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division and not more than one honors diploma shall be granted to any student under this division.

(C) A diploma or honors diploma awarded under this section shall be signed by the director of education and workforce and the superintendent of Ohio deaf and blind education services. Each diploma shall bear the date of its issue and be in such form as the superintendent of Ohio deaf and blind education services prescribes.

(D) Upon granting a diploma to a student under this section, the superintendent of Ohio deaf and blind education services shall provide notice of receipt of the diploma to the board of education of the school district where the student is

entitled to attend school under section 3313.64 or 3313.65 of 62067
the Revised Code when not ~~residing at~~ attending the state school 62068
for the blind ~~or~~, the state school for the deaf, or Rita 62069
community school. The notice shall indicate the type of diploma 62070
granted. 62071

Sec. 3325.09. (A) Ohio deaf and blind education services 62072
shall institute and establish career-technical education and 62073
work training programs for secondary and post-secondary students 62074
who are blind, visually impaired, deaf, hard of hearing, ~~or~~ 62075
deafblind, or have multiple disabilities if one of the 62076
disabilities is vision related, hearing related, or related to 62077
communication such that the student would benefit from the use 62078
of American sign language. These programs shall develop 62079
communication, mobility, and work skills and assist students in 62080
becoming productive members of society so that they can 62081
contribute to their communities and living environments. 62082

(B) Ohio deaf and blind education services may use any 62083
gifts, donations, or bequests it receives under section 3325.10 62084
or 3325.15 of the Revised Code for one or more of the following 62085
purposes that are related to career-technical and work training 62086
programs for secondary and post-secondary students who are 62087
blind, visually impaired, deaf, hard of hearing, ~~or~~ deafblind, 62088
or have multiple disabilities if one of the disabilities is 62089
vision related, hearing related, or related to communication 62090
such that the student would benefit from the use of American 62091
sign language: 62092

- (1) Room and board; 62093
- (2) Training in mobility and orientation; 62094
- (3) Activities that teach daily living skills; 62095

(4) Rehabilitation technology;	62096
(5) Activities that teach group and individual social and interpersonal skills;	62097 62098
(6) Work placement in the community by the school or a community agency;	62099 62100
(7) Transportation to and from work sites or locations of community interaction;	62101 62102
(8) Supervision and management of programs and services.	62103
(C) For the purposes of division (B) of this section, Ohio deaf and blind education services shall use funds received under section 3325.10 or 3325.15 of the Revised Code only for the school for which the funds were designated.	62104 62105 62106 62107
Sec. 3325.11. There is hereby created in the state treasury Ohio deaf and blind education services student activity and work-study fund. Moneys received from donations, bequests, the vocational programs of the state school for the blind and, the state school for the deaf, <u>and Rita community school,</u> and any other moneys designated for deposit in the fund by the superintendent of Ohio deaf and blind education services, shall be credited to the fund. Notwithstanding section 3325.01 of the Revised Code, the approval of the department of education and workforce is not required to designate money for deposit into the fund. Ohio deaf and blind education services shall use money in the fund for the state school for the blind, the state school for the deaf, <u>Rita community school,</u> and Ohio deaf and blind education services' operating expenses, including, but not limited to, personal services, maintenance, and equipment related to student support, activities, and vocational programs, and for providing scholarships to students for further training	62108 62109 62110 62111 62112 62113 62114 62115 62116 62117 62118 62119 62120 62121 62122 62123 62124

upon graduation.

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Sec. 3325.12. Money deposited with the superintendent of Ohio deaf and blind education services by parents, relatives, guardians, and friends for the special benefit of any pupil at the state school for the blind~~or~~, the state school for the deaf, or Rita community school, shall remain in the hands of the superintendent for use accordingly. The superintendent shall deposit the money into one or more personal deposit funds. The superintendent shall keep itemized book accounts of the receipt and disposition of the money, which books shall be open at all times to the inspection of the director of education and workforce. The superintendent of Ohio deaf and blind education services shall adopt procedures governing the deposit, transfer, withdrawal, or investment of the money and the investment earnings of the money.

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Whenever a pupil ceases to be enrolled in the state school for the blind~~or~~, the state school for the deaf, or Rita community school, if personal money of the pupil remains in the hands of the superintendent of Ohio deaf and blind education services and no demand is made upon the superintendent by the pupil or the pupil's parent or guardian, the superintendent shall hold the money in a personal deposit fund for a period of at least one year. During that time, the superintendent shall make every effort possible to locate the pupil or the pupil's parent or guardian. If, at the end of this period, no demand has been made for the money of a pupil in the state school for the blind, the superintendent shall dispose of the money by transferring it to the state school for the blind educational program expense fund established by section 3325.17 of the Revised Code. If at the end of this period, no demand has been made for the money of a pupil in the state school for the deaf,

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the superintendent shall dispose of the money by transferring it 62156
to the state school for the deaf educational program expenses 62157
fund established by section 3325.16 of the Revised Code. If at 62158
the end of this period, no demand has been made for the money of 62159
a pupil in Rita community school, the superintendent shall 62160
dispose of the money by transferring it to the Rita community 62161
school educational program expenses fund established under 62162
section 3325.18 of the Revised Code. 62163

Sec. 3325.13. Ohio deaf and blind education services 62164
employees food service fund is hereby created in the state 62165
treasury. The fund shall consist of payments received from 62166
employees who make purchases from the food service program of 62167
the state school for the blind~~or~~, state school for the deaf, 62168
or Rita community school. Notwithstanding section 3325.01 of the 62169
Revised Code, the approval of the department of education and 62170
workforce is not required to designate money for deposit into 62171
the fund. Ohio deaf and blind education services shall use money 62172
in the fund to pay costs associated with Ohio deaf and blind 62173
education services' food service program. 62174

Sec. 3325.15. Ohio deaf and blind education services may 62175
receive and administer any federal funds relating to the 62176
education of deaf, hard of hearing, or deafblind students, or 62177
students who have multiple disabilities if one of the 62178
disabilities is hearing related or related to communication such 62179
that the student would benefit from the use of American sign 62180
language. Ohio deaf and blind education services also may accept 62181
and administer any gifts, donations, or bequests given to it for 62182
programs or services relating to the education of deaf~~or~~, hard 62183
of hearing, or deafblind students~~and~~, or students who have 62184
multiple disabilities if one of the disabilities is hearing 62185
related or related to communication such that the student would 62186

benefit from the use of American sign language, the state school 62187
for the deaf, or Rita community school. 62188

Sec. 3325.16. There is hereby created in the state 62189
treasury the state school for the deaf educational program 62190
expenses fund. Moneys received by Ohio deaf and blind education 62191
services for the state school for the deaf from donations, 62192
bequests, student fundraising activities, fees charged for camps 62193
and workshops, gate receipts from athletic contests, and the 62194
student work experience program operated by the school, and any 62195
other moneys designated for deposit in the fund by the 62196
superintendent of Ohio deaf and blind education services, shall 62197
be credited to the fund. All investment earnings on money in the 62198
fund shall be credited to the fund. Notwithstanding section 62199
3325.01 of the Revised Code, the approval of the department of 62200
education and workforce is not required to designate money for 62201
deposit into the fund. Ohio deaf and blind education services 62202
shall use moneys in the fund for educational programs, after- 62203
school activities, and expenses associated with student 62204
activities and clubs at the state school for the deaf. 62205

Sec. 3325.17. There is hereby created in the state 62206
treasury the state school for the blind educational program 62207
expense fund. Moneys received by Ohio deaf and blind education 62208
services for the state school for the blind from donations, 62209
bequests, student fundraising activities, fees charged for 62210
camps, workshops, and summer work and learn cooperative 62211
programs, gate receipts from school activities, and any other 62212
moneys designated for deposit in the fund by the superintendent 62213
of Ohio deaf and blind education services, shall be credited to 62214
the fund. All investment earnings on money in the fund shall be 62215
credited to the fund. Notwithstanding section 3325.01 of the 62216
Revised Code, the approval of the department of education and 62217

workforce is not required to designate money for deposit into 62218
the fund. Ohio deaf and blind education services shall use 62219
moneys in the fund for educational programs, after-school 62220
activities, and expenses associated with student activities at 62221
the state school for the blind. 62222

Sec. 3325.18. The Rita community school educational 62223
program expenses fund is created in the state treasury. Money 62224
received by Ohio deaf and blind education services for Rita 62225
community school from donations, bequests, student fundraising 62226
activities, fees charged for camps and workshops, gate receipts 62227
from athletic contests, the student work experience program 62228
operated by the school, and any other money designated for 62229
deposit in the fund by the superintendent of Ohio deaf and blind 62230
education services shall be credited to the fund. All investment 62231
earnings on money in the fund shall be credited to the fund. 62232
Notwithstanding section 3325.01 of the Revised Code, the 62233
approval of the department of education and workforce is not 62234
required to designate money for deposit into the fund. Ohio deaf 62235
and blind education services shall use money in the fund for 62236
educational programs, after-school activities, and expenses 62237
associated with student activities and clubs at Rita community 62238
school. 62239

Sec. 3326.11. Each science, technology, engineering, and 62240
mathematics school established under this chapter and its 62241
governing body shall comply with sections 9.90, 9.91, 109.65, 62242
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 62243
3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 62244
3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 62245
3313.473, 3313.474, 3313.48, 3313.481, 3313.482, 3313.50, 62246
3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 62247
3313.6013, 3313.6014, 3313.6020, 3313.6021, 3313.6023, 62248

3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.61, 62249
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 62250
3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 62251
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 62252
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 62253
3313.716, 3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, _ 62254
3313.7118, 3313.721, 3313.753, 3313.80, 3313.801, 3313.814, 62255
3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 62256
3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 62257
3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 62258
3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3319.90, 62259
3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 62260
3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 62261
3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 62262
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 62263
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 62264
4167. of the Revised Code as if it were a school district. 62265

Sec. 3326.39. (A) In any fiscal year, a STEM school 62266
receiving funds calculated under division (A) (7) of section 62267
3317.022 of the Revised Code shall spend those funds only for 62268
the purposes that the department designates as approved for 62269
career-technical education expenses. Career-technical education 62270
expenses approved by the department shall include only expenses 62271
connected to the delivery of career-technical programming to 62272
career-technical students. The department shall require the 62273
school to report data annually so that the department may 62274
monitor the school's compliance with the requirements regarding 62275
the manner in which funding received under division (A) (7) of 62276
section 3317.022 of the Revised Code may be spent. 62277

(B) All funds received under division (A) (7) of section 62278
3317.022 of the Revised Code shall be spent in the following 62279

manner: 62280

(1) At least seventy-five per cent of the funds shall be 62281
spent on curriculum development, purchase, and implementation; 62282
instructional resources and supplies; industry-based program 62283
certification; student assessment, credentialing, and placement; 62284
curriculum specific equipment purchases and leases; career- 62285
technical student organization fees and expenses; home and 62286
agency linkages; work-based learning experiences; professional 62287
development; and other costs directly associated with career- 62288
technical education programs including development of new 62289
programs. 62290

(2) Not more than twenty-five per cent of the funds shall 62291
be used for personnel expenditures. 62292

~~(C) In any fiscal year, a science, technology, 62293
engineering, and mathematics school receiving funds under 62294
division (H) of section 3317.014 of the Revised Code shall spend 62295
those funds only for the following purposes:— 62296~~

~~(1) Delivery of career awareness programs to students 62297
enrolled in grades kindergarten through twelve;— 62298~~

~~(2) Provision of a common, consistent curriculum to 62299
students throughout their primary and secondary education;— 62300~~

~~(3) Assistance to teachers in providing a career 62301
development curriculum to students;— 62302~~

~~(4) Development of a career development plan for each 62303
student that stays with that student for the duration of the 62304
student's primary and secondary education;— 62305~~

~~(5) Provision of opportunities for students to engage in 62306
activities, such as career fairs, hands-on experiences, and job— 62307~~

~~shadowing, across all career pathways at each grade level.~~ 62308

~~The department may deny payment under division (E) of~~ 62309
~~section 3317.014 of the Revised Code to any school that the~~ 62310
~~department determines is using funds paid under division (H) of~~ 62311
~~section 3317.014 of the Revised Code for other purposes.~~ 62312

Sec. 3326.44. For fiscal years ~~2024-2026~~ and ~~2025~~2027, a 62313
STEM school shall spend the funding it receives under division 62314
(A) (5) of section 3317.022 of the Revised Code only for services 62315
for English learners. 62316

Sec. 3327.017. (A) As used in this section: 62317

(1) "Eligible student" has the same meaning as in section 62318
3327.016 of the Revised Code. 62319

(2) "Mass transit system" has the same meaning as in 62320
section 4511.78 of the Revised Code. 62321

(B) No city, local, ~~or~~ exempted village, or municipal 62322
school district shall provide or arrange for transportation for 62323
any eligible student enrolled in any of grades kindergarten 62324
through eight in a community school established under Chapter 62325
3314. of the Revised Code or chartered nonpublic school to and 62326
from school using vehicles operated by a mass transit system, 62327
unless the district enters into an agreement with that school 62328
authorizing such transportation. An agreement under division (B) 62329
of this section shall not be effective unless both the school 62330
district and community or chartered nonpublic school approve it. 62331

(C) A city, local, ~~or~~ exempted village, or municipal 62332
school district that elects to provide or arrange for 62333
transportation for any eligible student enrolled in any of 62334
grades nine through twelve in a community or chartered nonpublic 62335
school to and from school using vehicles operated by a mass 62336

transit system shall ensure that the student is assigned to a route that does not require the student to make more than one transfer. With respect to a mass transit system with a central transfer hub located in a county that is ranked as one of the eight most populous counties in this state according to the most recent decennial census, the city, local, exempted village, or municipal school district shall ensure that any transfer does not occur at the central transfer hub for the mass transit system.

(D) If a city, local, exempted village, or municipal school district elects to pay the cost of mass transit system passes for students in any of grades nine through twelve who are enrolled in a community school in lieu of directly transporting those students for a school year, the community school may purchase the passes for the students and certify the cost of the passes to the department of education and workforce. In that event, the department shall deduct the cost of the passes from the school district's state foundation payments under Chapter 3317. of the Revised Code and pay the amount deducted to the community school.

Sec. 3327.18. (A) The director of education and workforce shall establish a workgroup on student transportation. The workgroup shall consist of members selected by the director and shall include representatives from each of the following:

(1) The chairpersons of the standing committees of the house of representatives and the senate that consider primary and secondary education legislation;

(2) The ranking members of the standing committees of the house of representatives and the senate that consider primary and secondary education legislation;

(3) School districts, including districts from rural, 62367
small town, suburban, and urban typologies; 62368

(4) Career-technical education centers; 62369

(5) Educational service centers; 62370

(6) Community schools established under Chapter 3314. of 62371
the Revised Code; 62372

(7) Chartered nonpublic schools; 62373

(8) The Ohio association for pupil transportation. 62374

(B) The workgroup annually shall monitor and review the 62375
student transportation system and develop recommendations for 62376
changes to better meet the transportation needs of Ohio 62377
students. 62378

(C) Not later than June 30, 2026, and annually thereafter, 62379
the workgroup shall submit to the governor and the general 62380
assembly, in accordance with section 101.68 of the Revised Code, 62381
a report on its findings and recommendations for the year. 62382

Sec. 3328.24. A college-preparatory boarding school 62383
established under this chapter and its board of trustees shall 62384
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 62385
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.474, 3313.5318, 62386
3313.5319, 3313.6013, 3313.6021, 3313.6023, 3313.6024, 62387
3313.6026, 3313.6029, 3313.6031, 3313.617, 3313.618, 3313.6114, 62388
3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717, 62389
3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, 3319.073, 62390
3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 62391
3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251, 62392
and 5502.262, and Chapter 3365. of the Revised Code as if the 62393
school were a school district and the school's board of trustees 62394

were a district board of education.

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Sec. 3332.081. The student tuition recovery authority is created as a body corporate and politic of this state. The purpose of the authority is to protect students of any school registered by the state board of career colleges and schools from prepaid tuition loss for the academic term due to a school closure.

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The authority shall consist of five members as follows: the executive director of the state board of career colleges and schools, the executive director of the Ohio association of career colleges and schools, the treasurer of state or the treasurer of state's designee, ~~the chairperson~~ a member of the senate committee that primarily deals with education appointed by the president of the senate, and ~~the chairperson of the committee~~ a member of the house of representatives that primarily deals with education appointed by the speaker of the house of representatives. The ~~chairpersons of the legislative committees that primarily deal with education~~ general assembly members shall be nonvoting ~~ex officio~~ members. Each voting member of the authority, before entering upon the member's official duties, shall take an oath as provided by Section 7 of Article XV, Ohio Constitution. The authority shall elect one of its voting members as chairperson and another as vice-chairperson, and shall appoint a secretary-treasurer who need not be a member of the authority.

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All meetings of the authority shall be public. All final actions of the authority shall be journalized and such journal and the records of the authority shall be open to public inspection at all reasonable times.

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Sec. 3332.17. Each college or school that holds a

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certificate of registration under this chapter annually shall 62425
certify to state board of career colleges and schools, on a date 62426
and in the form and manner determined by the state board, a plan 62427
to preserve student records indefinitely if the college or 62428
school is to cease operations. The plan shall include the 62429
designation and signed confirmation of an official custodian of 62430
student records. If the state board determines it necessary, the 62431
the state board may require a college or school to produce an 62432
executed agreement with the designated custodian of student 62433
records, paid in full, to ensure the college or school's plan 62434
can be implemented. 62435

The director of the state board of career colleges and 62436
schools may consult with the chancellor of higher education, 62437
higher learning commission, and other appropriate entities to 62438
establish plans, processes, and procedures for colleges and 62439
schools to provide indefinite access to student records. 62440

Sec. 3332.21. (A) Each school that holds a certificate of 62441
registration from or is authorized to offer a certificate, 62442
diploma, or degree under a certificate of authorization issued 62443
by the state board of career colleges under this chapter 62444
annually shall provide to the state board and the chancellor of 62445
higher education all of the following: 62446

(1) Verification of current accreditation status and a 62447
copy of the most recent institutional report from the school's 62448
accrediting organization; 62449

(2) A plan to preserve student records indefinitely in the 62450
event of closure of the school or discontinuation of service. 62451
The plan shall include a method by which students and alumni of 62452
the school may retrieve student records by request. The plan 62453
also shall include a designation and signed confirmation of an 62454

<u>official custodian of student records. Student records preserved</u>	62455
<u>under the plan shall include, but not be limited to:</u>	62456
<u>(a) Academic transcripts;</u>	62457
<u>(b) Financial aid documents;</u>	62458
<u>(c) International student forms;</u>	62459
<u>(d) Tax information.</u>	62460
<u>(3) The following program information:</u>	62461
<u>(a) A list of current degree programs offered by the</u>	62462
<u>school in this state;</u>	62463
<u>(b) The results of any external degree program evaluations</u>	62464
<u>conducted in the last year;</u>	62465
<u>(c) A list of any degree programs that have been</u>	62466
<u>eliminated in the last year;</u>	62467
<u>(4) The latest financial statement for the most recent</u>	62468
<u>fiscal year compiled and audited by an independent certified</u>	62469
<u>public accountant, including any management letters provided by</u>	62470
<u>the independent auditor;</u>	62471
<u>(5) Any other information requested by the state board or</u>	62472
<u>the chancellor.</u>	62473
<u>(B) If a school fails to submit the information required</u>	62474
<u>under division (A) of this section or if the state board or the</u>	62475
<u>chancellor finds that the information submitted under that</u>	62476
<u>division is insufficient, the state board may suspend, withdraw,</u>	62477
<u>or revoke a school's certificate of registration or program</u>	62478
<u>authorization.</u>	62479
<u>(C) Each school subject to this chapter that is authorized</u>	62480
<u>to offer courses or degrees under a certificate of authorization</u>	62481

shall immediately notify the state board and the chancellor if 62482
the school does any of the following: 62483

(1) Receives notice from the federal government or an 62484
institutional accrediting organization that the school is 62485
subject to heightened reporting standards or special monitoring 62486
status, such as the United States department of education's 62487
heightened cash monitoring process; 62488

(2) Receives preliminary or final accreditation findings; 62489

(3) Becomes the subject of an investigation by a 62490
government agency related to the school's academic quality, 62491
financial stability, or student consumer protection; 62492

(4) Fails to make any payments to applicable retirement 62493
systems; 62494

(5) Fails to make any scheduled payroll payments; 62495

(6) Fails to make any payments to vendors when due as a 62496
result of a cash deficiency or a substantial deficiency in the 62497
payment processing system of the school; 62498

(7) Fails to make any scheduled payment of principal or 62499
interest for short- or long-term debt; 62500

(8) Makes budget revisions resulting in a substantially 62501
reduced ending fund balance or larger deficit; 62502

(9) Becomes aware of significant negative variance between 62503
the most recently adopted annual budget and actual revenues or 62504
expenses as projected at the end of the fiscal year. 62505

(D) A document received by the state board or the 62506
chancellor under division (C) (1), (2), or (3) of this section 62507
that is confidential under federal law is not subject to release 62508

under a public records request until such time as the document 62509
is released publicly by the appropriate entity. Further, 62510
financial documentation of the school received by the state 62511
board or the chancellor under this section is not a public 62512
record under section 149.43 of the Revised Code. 62513

Sec. 3332.22. (A) As used in this section, "contractual 62514
agreement" means a contract under which a school that holds a 62515
certificate of registration from or is authorized to offer a 62516
certificate, diploma, or degree under a certificate of 62517
authorization issued by the state board of career colleges under 62518
this chapter grants an unaccredited online program manager input 62519
on or authority over any of the following for an academic 62520
program: 62521

(1) Curriculum development, design, or maintenance; 62522

(2) Student assessment and grading; 62523

(3) Course assessment; 62524

(4) Admissions requirements; 62525

(5) Appointment of faculty; 62526

(6) Faculty assessment; 62527

(7) Decision to award course credit or credential; 62528

(8) Institutional governance. 62529

(B) Annually, each school to which this section applies 62530
shall disclose to the state board, in a form and manner 62531
determined by the board, any unaccredited online program manager 62532
the institution has contracted with to provide instruction to 62533
its students. The state board may request that a school with a 62534
certificate of registration or program authorization, or seeking 62535

a certificate of registration or program authorization, provide 62536
the state board with all information concerning a contractual 62537
agreement, including a copy of the agreement. 62538

(C) A school intending to enter into a contractual 62539
agreement for a program shall submit appropriate documentation 62540
as requested by the state board and obtain prior approval from 62541
the state board before entering into such an agreement. 62542

(D) Each school shall include in each contractual 62543
agreement a provision that requires the school to maintain 62544
responsibility for and oversight of the program. The school 62545
shall ensure each program is offered in the manner approved by 62546
the state board or formally shall request approval of a 62547
significant change to the previously approved program or 62548
approval of a new program. 62549

(E) A school that enters a contractual agreement shall 62550
notify students which parties are providing instruction, 62551
recruitment, and other services under the agreement. 62552

(F) A school shall not enter into a contractual agreement 62553
unless the agreement includes a provision that grants the state 62554
board the authority to invalidate the contract if the state 62555
board determines the agreement is not in compliance with the 62556
standards and procedures for program authorization under section 62557
3332.05 of the Revised Code. If the state board invalidates a 62558
contract, the school shall not enroll new students and shall 62559
offer each current student either remediated instruction at no 62560
cost to the student or a full refund on tuition. 62561

(G) The state board shall coordinate with the chancellor 62562
of higher education to implement this section. 62563

Sec. 3333.04. The chancellor of higher education shall: 62564

(A) Make studies of state policy in the field of higher 62565
education and formulate a master plan for higher education for 62566
the state, considering the needs of the people, the needs of the 62567
state, and the role of individual public and private 62568
institutions within the state in fulfilling these needs; 62569

(B) (1) Report annually to the governor and the general 62570
assembly on the findings from the chancellor's studies and the 62571
master plan for higher education for the state; 62572

(2) Report at least semiannually to the general assembly 62573
and the governor the enrollment numbers at each state-assisted 62574
institution of higher education. 62575

(C) Approve or disapprove the establishment of new 62576
branches or academic centers of state colleges and universities; 62577

(D) Approve or disapprove the establishment of state 62578
technical colleges or any other state institution of higher 62579
education; 62580

(E) Recommend the nature of the programs, undergraduate, 62581
graduate, professional, state-financed research, and public 62582
services which should be offered by the state colleges, 62583
universities, and other state-assisted institutions of higher 62584
education in order to utilize to the best advantage their 62585
facilities and personnel; 62586

(F) Recommend to the state colleges, universities, and 62587
other state-assisted institutions of higher education graduate 62588
or professional programs, including, but not limited to, doctor 62589
of philosophy, doctor of education, and juris doctor programs, 62590
that could be eliminated because they constitute unnecessary 62591
duplication, as shall be determined using the process developed 62592
pursuant to this division, or for other good and sufficient 62593

cause. Prior to recommending a program for elimination, the 62594
chancellor shall hold at least one public hearing on the matter 62595
to determine whether the program should be recommended for 62596
elimination. The chancellor shall provide notice of each hearing 62597
within a reasonable amount of time prior to its scheduled date. 62598

For purposes of determining the amounts of any state 62599
instructional subsidies paid to state colleges, universities, 62600
and other state-assisted institutions of higher education, the 62601
chancellor may exclude students enrolled in any program that the 62602
chancellor has recommended for elimination pursuant to this 62603
division except that the chancellor shall not exclude any such 62604
student who enrolled in the program prior to the date on which 62605
the chancellor initially commences to exclude students under 62606
this division. 62607

The chancellor and state colleges, universities, and other 62608
state-assisted institutions of higher education shall jointly 62609
develop a process for determining which existing graduate or 62610
professional programs constitute unnecessary duplication. 62611

(G) Recommend to the state colleges, universities, and 62612
other state-assisted institutions of higher education programs 62613
which should be added to their present programs; 62614

(H) Conduct studies for the state colleges, universities, 62615
and other state-assisted institutions of higher education to 62616
assist them in making the best and most efficient use of their 62617
existing facilities and personnel; 62618

(I) Make recommendations to the governor and general 62619
assembly concerning the development of state-financed capital 62620
plans for higher education; the establishment of new state 62621
colleges, universities, and other state-assisted institutions of 62622

higher education; and the establishment of new programs at the 62623
existing state colleges, universities, and other institutions of 62624
higher education; 62625

(J) Review the appropriation requests of the public 62626
community colleges and the state colleges and universities and 62627
submit to the office of budget and management and to the 62628
chairpersons of the finance committees of the house of 62629
representatives and of the senate the chancellor's 62630
recommendations in regard to the biennial higher education 62631
appropriation for the state, including appropriations for the 62632
individual state colleges and universities and public community 62633
colleges. For the purpose of determining the amounts of 62634
instructional subsidies to be paid to state-assisted colleges 62635
and universities, the chancellor shall define "full-time 62636
equivalent student" by program per academic year. The definition 62637
may take into account the establishment of minimum enrollment 62638
levels in technical education programs below which support 62639
allowances will not be paid. Except as otherwise provided in 62640
this section, the chancellor shall make no change in the 62641
definition of "full-time equivalent student" in effect on 62642
November 15, 1981, which would increase or decrease the number 62643
of subsidy-eligible full-time equivalent students, without first 62644
submitting a fiscal impact statement to the president of the 62645
senate, the speaker of the house of representatives, the 62646
legislative service commission, and the director of budget and 62647
management. The chancellor shall work in close cooperation with 62648
the director of budget and management in this respect and in all 62649
other matters concerning the expenditures of appropriated funds 62650
by state colleges, universities, and other institutions of 62651
higher education. 62652

(K) Seek the cooperation and advice of the officers and 62653

trustees of both public and private colleges, universities, and 62654
other institutions of higher education in the state in 62655
performing the chancellor's duties and making the chancellor's 62656
plans, studies, and recommendations; 62657

(L) Appoint advisory committees consisting of persons 62658
associated with public or private secondary schools, members of 62659
the state board of education, or personnel of the department of 62660
education and workforce; 62661

(M) Appoint advisory committees consisting of college and 62662
university personnel, or other persons knowledgeable in the 62663
field of higher education, or both, in order to obtain their 62664
advice and assistance in defining and suggesting solutions for 62665
the problems and needs of higher education in this state; 62666

(N) Approve or disapprove all new degrees and new degree 62667
programs at all state colleges, universities, and other state- 62668
assisted institutions of higher education. 62669

When considering approval of a new degree or degree 62670
program for a state institution of higher education, as defined 62671
in section 3345.011 of the Revised Code, the chancellor shall 62672
take into account the extent to which the degree or degree 62673
program aligns with the state's workforce development 62674
priorities. 62675

(O) Adopt such rules as are necessary to carry out the 62676
chancellor's duties and responsibilities. The rules shall 62677
prescribe procedures for the chancellor to follow when taking 62678
actions associated with the chancellor's duties and 62679
responsibilities and shall indicate which types of actions are 62680
subject to those procedures. The procedures adopted under this 62681
division shall be in addition to any other procedures prescribed 62682

by law for such actions. However, if any other provision of the
Revised Code or rule adopted by the chancellor prescribes
different procedures for such an action, the procedures adopted
under this division shall not apply to that action to the extent
they conflict with the procedures otherwise prescribed by law.
The procedures adopted under this division shall include at
least the following:

(1) Provision for public notice of the proposed action;

(2) An opportunity for public comment on the proposed
action, which may include a public hearing on the action by the
chancellor;

(3) Methods for parties that may be affected by the
proposed action to submit comments during the public comment
period;

(4) Written publication of the final action taken by the
chancellor and the chancellor's rationale for the action;

(5) A timeline for the process described in divisions (O)
(1) to (4) of this section.

(P) Make recommendations to the governor and the general
assembly regarding the design and funding of the student
financial aid programs specified in sections 3333.122, 3333.21
to 3333.26, and 5910.02 of the Revised Code;

(Q) Participate in education-related state or federal
programs on behalf of the state and assume responsibility for
the administration of such programs in accordance with
applicable state or federal law;

(R) Adopt rules for student financial aid programs as
required by sections 3333.122, 3333.21 to 3333.26, 3333.28, and

5910.02 of the Revised Code, and perform any other 62711
administrative functions assigned to the chancellor by those 62712
sections; 62713

(S) Conduct enrollment audits of state-supported 62714
institutions of higher education; 62715

(T) Appoint consortia of college and university personnel 62716
to advise or participate in the development and operation of 62717
statewide collaborative efforts, including the Ohio 62718
supercomputer center, the Ohio academic resources network, 62719
OhioLink, and the Ohio learning network. For each consortium, 62720
the chancellor shall designate a college or university to serve 62721
as that consortium's fiscal agent, financial officer, and 62722
employer. Any funds appropriated for the consortia shall be 62723
distributed to the fiscal agents for the operation of the 62724
consortia. ~~A consortium shall follow the rules of the college or~~ 62725
~~university that serves as its fiscal agent.~~ The chancellor may 62726
restructure existing consortia, appointed under this division, 62727
in accordance with procedures adopted under divisions (O) (1) to 62728
(5) of this section. 62729

A consortium shall follow the rules of the college or 62730
university that serves as its fiscal agent, except that when 62731
making a purchase with appropriated funds of any product that 62732
includes semiconductors, a consortium shall conduct the purchase 62733
in accordance with rules adopted by the director of 62734
administrative services under division (B) of section 125.09 of 62735
the Revised Code for giving preference to Buy Ohio products. 62736

(U) Adopt rules establishing advisory duties and 62737
responsibilities of the department of higher education not 62738
otherwise prescribed by law; 62739

(V) Respond to requests for information about higher 62740
education from members of the general assembly and direct staff 62741
to conduct research or analysis as needed for this purpose. 62742

Sec. 3333.041. (A) On or before the last day of December 62743
of each year, the chancellor of higher education shall submit to 62744
the governor and, in accordance with section 101.68 of the 62745
Revised Code, the general assembly a report or reports 62746
concerning all of the following: 62747

(1) The status of graduates of Ohio school districts at 62748
state institutions of higher education during the twelve-month 62749
period ending on the thirtieth day of September of the current 62750
calendar year. The report shall list, by school district, the 62751
number of graduates of each school district who attended a state 62752
institution of higher education and the percentage of each 62753
district's graduates enrolled in a state institution of higher 62754
education during the reporting period who were required during 62755
such period by the college or university, as a prerequisite to 62756
enrolling in those courses generally required for first-year 62757
students, to enroll in a remedial course in English, including 62758
composition or reading, mathematics, and any other area 62759
designated by the chancellor. The chancellor also shall make the 62760
information described in division (A)(1) of this section 62761
available to the board of education of each city, exempted 62762
village, and local school district. 62763

Each state institution of higher education shall, by the 62764
first day of November of each year, submit to the chancellor in 62765
the form specified by the chancellor the information the 62766
chancellor requires to compile the report. 62767

(2) The following information with respect to the Ohio 62768
tuition trust authority: 62769

(a) The name of each investment manager that is a minority 62770
business enterprise or a women's business enterprise with which 62771
the chancellor contracts; 62772

(b) The amount of assets managed by investment managers 62773
that are minority business enterprises or women's business 62774
enterprises, expressed as a percentage of assets managed by 62775
investment managers with which the chancellor has contracted; 62776

(c) Efforts by the chancellor to increase utilization of 62777
investment managers that are minority business enterprises or 62778
women's business enterprises. 62779

(3) The chancellor's strategy in assigning choose Ohio 62780
first scholarships, as established under section 3333.61 of the 62781
Revised Code, among state universities and colleges and how the 62782
actual awards fit that strategy. 62783

~~(4) The academic and economic impact of the Ohio-~~ 62784
~~co-op/internship program established under section 3333.72 of~~ 62785
~~the Revised Code. At a minimum, the report shall include the~~ 62786
~~following:—~~ 62787

~~(a) Progress and performance metrics for each initiative~~ 62788
~~that received an award in the previous fiscal year;—~~ 62789

~~(b) Economic indicators of the impact of each initiative,~~ 62790
~~and all initiatives as a whole, on the regional economies and~~ 62791
~~the statewide economy;—~~ 62792

~~(c) The chancellor's strategy in allocating awards among~~ 62793
~~state institutions of higher education and how the actual awards~~ 62794
~~fit that strategy.—~~ 62795

(B) On or before the fifteenth day of February of each 62796
year, the chancellor shall submit to the governor and, in 62797

accordance with section 101.68 of the Revised Code, the general 62798
assembly a report concerning aggregate academic growth data for 62799
students assigned to graduates of teacher preparation programs 62800
approved under section 3333.048 of the Revised Code who teach 62801
English language arts or mathematics in any of grades four to 62802
eight in a public school in Ohio. For this purpose, the 62803
chancellor shall use the value-added progress dimension 62804
prescribed by section 3302.021 of the Revised Code or the 62805
alternative student academic progress measure if adopted under 62806
division (C)(1)(e) of section 3302.03 of the Revised Code. The 62807
chancellor shall aggregate the data by graduating class for each 62808
approved teacher preparation program, except that if a 62809
particular class has ten or fewer graduates to which this 62810
division applies, the chancellor shall report the data for a 62811
group of classes over a three-year period. In no case shall the 62812
report identify any individual graduate. The department of 62813
education and workforce shall share any data necessary for the 62814
report with the chancellor. 62815

(C) As used in this section: 62816

(1) "Minority business enterprise" has the same meaning as 62817
in section 122.71 of the Revised Code. 62818

(2) "State institution of higher education" and "state 62819
university" have the same meanings as in section 3345.011 of the 62820
Revised Code. 62821

(3) "State university or college" has the same meaning as 62822
in section 3345.12 of the Revised Code. 62823

(4) "Women's business enterprise" means a business, or a 62824
partnership, corporation, limited liability company, or joint 62825
venture of any kind, that is owned and controlled by women who 62826

are United States citizens and residents of this state. 62827

Sec. 3333.0415. Not later than December 31, 2025, the 62828
chancellor of higher education, in collaboration with the 62829
department of education and workforce and the governor's office 62830
of workforce transformation, shall establish the level of 62831
attainment necessary to achieve identified performance targets 62832
across a range of degrees and credentials. 62833

Sec. 3333.0420. (A) As used in this section: 62834

(1) "Contractual agreement" means a contract in which a 62835
state institution of higher education grants an online program 62836
manager input on or authority over any of the following for an 62837
online academic program: 62838

(a) Curriculum development, design, or maintenance; 62839

(b) Student instruction; 62840

(c) Course assessment; 62841

(d) Admissions requirements; 62842

(e) Appointment of faculty; 62843

(f) Faculty assessment; 62844

(g) Decision to award course credit or credential; 62845

(h) Institutional governance. 62846

(2) "State institution of higher education" has the same 62847
meaning as in section 3345.011 of the Revised Code. 62848

(3) "Online program manager" means a for-profit entity in 62849
a contractual agreement with a state institution of higher 62850
education to develop or administer curriculum on behalf of the 62851
institution or school for online courses or programs. 62852

(B) Annually, each state institution of higher education 62853
shall report to the chancellor of higher education, in a form 62854
and manner determined by the chancellor, each contractual 62855
agreement the institution entered into in that year. The 62856
chancellor may request that a state institution provide the 62857
chancellor with all information concerning a contractual 62858
agreement, including a copy of the agreement. 62859

(C) The chancellor may require each state institution to 62860
submit a contractual agreement to the chancellor prior to the 62861
execution of the agreement for a review to ensure compliance 62862
with the standards and procedures for academic program approval. 62863

(D) A state institution shall include in each contractual 62864
agreement a provision that requires the institution to maintain 62865
responsibility for and oversight of the academic program as 62866
specified in the standards and procedures for academic program 62867
approval pursuant to section 3333.04 of the Revised Code. The 62868
state institution shall ensure each academic program is offered 62869
in the manner approved by the chancellor or formally shall 62870
request approval of a significant change to a previously 62871
approved program or approval of a new academic program. 62872

(E) A state institution that enters a contractual 62873
agreement shall notify students which parties are providing 62874
instruction, recruitment, and other services under the 62875
agreement. 62876

(F) A state institution shall not enter a contractual 62877
agreement unless the agreement includes a provision that grants 62878
the chancellor the authority to invalidate the contract if the 62879
contract was not approved by the chancellor or if the chancellor 62880
determines the agreement is not in compliance with the standards 62881
and procedures for academic program approval. If the chancellor 62882

invalidates a contract, the state institution shall not enroll 62883
new students and shall offer each current student either 62884
remediated instruction at no cost to the student or a full 62885
refund on tuition. 62886

Sec. 3333.074. (A) Each state institution of higher 62887
education, as defined in section 3345.011 of the Revised Code, 62888
annually shall submit, in a form and manner determined by the 62889
chancellor of higher education, the following information to 62890
assess the performance and compliance of the state institution: 62891

(1) Verification of current accreditation status and a 62892
copy of the state institution's most recent higher learning 62893
commission institutional update report; 62894

(2) A plan to preserve student records indefinitely in the 62895
event of closure of the state institution or discontinuation of 62896
service. The plan shall include a method by which students and 62897
alumni of the state institution may retrieve student records by 62898
request. The plan shall also include a designation and signed 62899
confirmation of an official custodian of student records. 62900
Student records preserved under the plan shall include, but not 62901
be limited to: 62902

(a) Academic transcripts; 62903

(b) Financial aid documents; 62904

(c) International student forms; 62905

(d) Tax information. 62906

(3) The results of any external degree program evaluations 62907
conducted in the last year; 62908

(4) A list of any degree programs that have been 62909
eliminated in the last year; 62910

- (5) Any other information requested by the chancellor. 62911
- (B) The chancellor may rescind program approval if a state 62912
institution of higher education fails to submit the information 62913
required under division (A) of this section or if the chancellor 62914
finds that the information submitted under that division is 62915
insufficient. 62916
- (C) Each state institution of higher education shall 62917
immediately inform the chancellor if the state institution does 62918
any of the following: 62919
- (1) Receives notice from the federal government or an 62920
institutional accrediting organization that the state 62921
institution is subject to heightened reporting standards or 62922
special monitoring status, such as the United States department 62923
of education's heightened cash monitoring process; 62924
- (2) Receives preliminary or final accreditation findings; 62925
- (3) Becomes the subject of an investigation by a 62926
government agency related to the institution's academic quality, 62927
financial stability, or student consumer protection; 62928
- (4) Requests an advance of a state subsidy; 62929
- (5) Fails to make any payments to applicable retirement 62930
systems, such as the public employees retirement system or the 62931
state teachers retirement system; 62932
- (6) Fails to make any scheduled payroll payments; 62933
- (7) Fails to make any payments to vendors when due as a 62934
result of a cash deficiency or a substantial deficiency in the 62935
payment processing system of the state institution; 62936
- (8) Fails to make any scheduled payment of principal or 62937

interest for short- or long-term debt; 62938

(9) Makes budget revisions resulting in a substantially 62939
reduced ending fund balance or larger deficit; 62940

(10) Becomes aware of significant negative variance 62941
between the most recently adopted annual budget and actual 62942
revenues or expenses as projected at the end of the fiscal year. 62943

(D) A document received by the chancellor under division 62944
(C) (1), (2), or (3) of this section that is confidential under 62945
federal law is not subject to release under a public record 62946
request until such time as the document is released publicly by 62947
the appropriate entity. 62948

Sec. 3333.129. (A) The "Teach CS" grant program is 62949
established to ~~fund coursework, materials, and exams to support~~ 62950
~~the increasing~~ the number of existing ~~Ohio~~ teachers who qualify 62951
to teach computer science, or expand the knowledge of existing 62952
teachers, through all of the following: 62953

(1) A supplemental license that involves a mentorship- 62954
based pathway for existing teachers; 62955

(2) A university endorsement program that involves a 62956
coursework-based path for existing teachers; 62957

(3) An alternative resident educator licensure pathway for 62958
industry experts and other nonteachers; 62959

(4) A continuing education program that offers 62960
professional development to existing teachers, including those 62961
that teach pre-kindergarten to twelve who are generalists and 62962
those seeking advanced content knowledge. 62963

The chancellor of higher education shall administer the 62964
program. Funds may be spent on coursework, materials, exams, 62965

teacher stipends, performance-based incentives, and for other 62966
purposes as determined by the chancellor to support the 62967
expansion of computer science education. 62968

(B) The chancellor, in consultation with the department of 62969
education and workforce, shall develop an application process 62970
and criteria for awards. Priority may be given to education 62971
consortia that include economically disadvantaged schools in 62972
which there are limited computer science courses offered or 62973
where there is an unmet need for teachers credentialed to teach 62974
computer science courses, as determined by the chancellor. 62975

Sec. 3333.13. As used in sections 3333.13 to 3333.137 of 62976
the Revised Code, "employed as a service attorney" means ~~either~~ 62977
any of the following: 62978

(A) An attorney who works a minimum of thirty-five hours 62979
per week for a minimum of forty-five weeks each service year and 62980
who is employed by any of the following: 62981

(1) The state public defender; 62982

(2) The prosecuting attorney of a county; 62983

(3) A county public defender commission; 62984

(4) A joint county public defender commission to represent 62985
indigent persons. 62986

(B) Counsel appointed by the court or selected by an 62987
indigent person under division (E) of section 120.16 or division 62988
(E) of section 120.26 of the Revised Code, who works in an area 62989
designated as an underserved community under section 3333.132 of 62990
the Revised Code for a minimum of five hundred twenty hours each 62991
service year. 62992

(C) An attorney engaged in the private practice of law, 62993

who practices civil law, and who works in an area designated as 62994
an underserved community under section 3333.132 of the Revised 62995
Code for a minimum of five hundred twenty hours each service 62996
year. 62997

Sec. 3333.164. (A) As used in this section, ~~"state":~~ 62998

(1) "Armed forces" has the same meaning as in section 62999
3313.471 of the Revised Code. 63000

(2) "Private institution of higher education" has the same 63001
meaning as in section 5919.34 of the Revised Code. 63002

(3) "State institution of higher education" has the same 63003
meaning as in section 3345.011 of the Revised Code. 63004

(B) ~~Not later than December 31, 2014, the~~ The chancellor 63005
of higher education shall do all of the following with regard to 63006
the awarding of college credit for military training, 63007
experience, and coursework: 63008

(1) Develop a set of standards and procedures for state 63009
institutions of higher education to utilize in the granting of 63010
college credit for military training, experience, and 63011
coursework; 63012

(2) Create a military articulation and transfer assurance 63013
guide for college credit that is earned through military 63014
training, experience, and coursework. The chancellor shall use 63015
the current articulation and transfer policy adopted pursuant to 63016
section 3333.16 of the Revised Code as a model in developing 63017
this guide. 63018

(3) Create a web site that contains information related to 63019
the awarding of college credit for military training, 63020
experience, and coursework. The web site shall include both of 63021

the following:

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(a) Standardized resources that address frequently asked
questions regarding the awarding of such credit and related
issues;

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(b) A statewide database that shows how specified military
training, experience, and coursework translates to college
credit.

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(4) Develop a statewide training program that prepares
faculty and staff of state institutions of higher education to
evaluate various military training, experience, and coursework
and to award appropriate equivalent credit. The training program
shall incorporate the best practices of awarding credit for
military experiences, including both the recommendations of the
American council on education and the standards developed by the
council for adult and experiential learning.

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(C) ~~Beginning on July 1, 2015, state~~ State institutions of
higher education shall ensure that appropriate equivalent credit
is awarded for military training, experience, and coursework
that meet the standards developed by the chancellor pursuant to
this section.

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(D) Notwithstanding any provision of law to the contrary,
the chancellor may require a state institution of higher
education or a private institution of higher education to
establish a process to systematically evaluate military
training, experience, and coursework and to award appropriate
equivalent college credit to a student who is a veteran of the
armed forces. The chancellor may adopt rules to implement this
division.

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Sec. 3333.24. (A) As used in this section:

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(1) "Eligible student" means a student to whom all of the 63051
following apply: 63052

(a) The student is a resident of this state under rules 63053
adopted by the chancellor of higher education under section 63054
3333.31 of the Revised Code. 63055

(b) The student has completed a free application for 63056
federal student aid for the year for which the grant is to be 63057
awarded. 63058

(c) The student enrolls in a qualified program at a 63059
community, state community, or technical college, an Ohio 63060
technical center, or a state university branch campus. 63061

(2) "Qualified program" means either of the following: 63062

(a) For a student who received a first-time grant under 63063
this section prior to the effective date of this amendment, a 63064
credit or noncredit program that leads to an industry-recognized 63065
credential, certificate, or degree and prepares the student for 63066
a job that meets either of the following criteria: 63067

~~(a)~~ (i) It is identified as an "in-demand" or "critical" 63068
job as determined by the office of workforce transformation. 63069

~~(b)~~ (ii) It is submitted by a community, state community, 63070
or technical college, an Ohio technical center, or a state 63071
university branch campus and will meet regional workforce needs, 63072
as approved by the chancellor. 63073

(b) For a student who receives a first-time grant under 63074
this section on or after the effective date of this amendment, a 63075
program that meets alternative criteria established by the 63076
chancellor of higher education, in consultation with the office 63077
of workforce transformation, based on the emerging workforce 63078

needs of the state.

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(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible students enrolled in a qualified program. Grant award amounts made to eligible students enrolled on either a full-time or part-time basis shall be computed in accordance with rules adopted by the chancellor. No student shall be eligible to receive a grant for more than six semesters or the equivalent of three academic years.

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(C) Eligible students shall apply to participate in the program in a form and manner prescribed by the chancellor. The chancellor shall determine the form and manner of payments.

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(D) (1) The program shall be funded in the sums and manner designated for such purpose by the general assembly, but the chancellor also may receive funds from other sources to support the program.

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(2) If, for any academic year, the amounts available for support of the program are inadequate to provide grants to all eligible students, the chancellor may establish different grant amounts based on the number of applicants and the total amount of funds set aside for that purpose.

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(E) The chancellor, in consultation with the providers of qualified programs, shall collect and report program metrics that include all of the following:

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(1) Demographics of recipients, including:

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(a) Age, disaggregated as follows:

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(i) Twenty-four years and younger;

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(ii) Twenty-five to thirty-four years;	63107
(iii) Thirty-five to forty-nine years;	63108
(iv) Fifty years and older.	63109
(b) Gender;	63110
(c) Race and ethnicity;	63111
(d) Enrollment status as full- or part-time;	63112
(e) Pell grant status.	63113
(2) Success rates of recipients, including program retention and completion;	63114 63115
(3) Total number of industry-recognized credentials, <u>including technician-aligned associate degrees</u> , awarded, disaggregated by subject or program area.	63116 63117 63118
Sec. 3333.374. (A) After receipt of recommendations from the scholarship rules advisory committee or if no recommendations are received, the The chancellor of higher education, with the approval of the treasurer of state, shall adopt rules, in accordance with Chapter 119. of the Revised Code, establishing policy guidelines for the implementation of the scholarship and fellowship programs.	63119 63120 63121 63122 63123 63124 63125
(B) Nothing in this section or section 3333.373 of the Revised Code shall prevent the chancellor, with the approval of the treasurer of state, from amending or rescinding rules adopted pursuant to division (A) of this section, or from adopting new rules, in accordance with Chapter 119. of the Revised Code, from time to time as are necessary to further the purposes of sections 3333.37 to 3333.375 of the Revised Code.	63126 63127 63128 63129 63130 63131 63132
Sec. 3333.952. (A) <u>The chancellor of higher education, in</u>	63133

collaboration with the department of education and workforce, 63134
the department of job and family services, the inter-university 63135
council, the association of independent colleges and 63136
universities, and any other relevant entities, shall establish 63137
the public policy research consortium on higher education. The 63138
consortium shall develop and maintain a biennial statewide 63139
research agenda that identifies key policy challenges and 63140
research priorities crucial to the state's future, drawing on 63141
input from policymakers, practitioners, and community 63142
stakeholders. The goals of the statewide research agenda shall 63143
be to do all of the following: 63144

(1) Provide policymakers and practitioners with timely, 63145
relevant, and rigorous research findings on problems of 63146
significant importance to the state's citizens, enabling 63147
informed decision-making and effective policies; 63148

(2) Increase the active engagement of the state's higher 63149
education institutions in addressing real-world issues of direct 63150
relevance to the state's social, economic, and civic well-being, 63151
fostering a stronger connection between academia and public 63152
service; 63153

(3) Cultivate the next generation of policy-focused 63154
researchers and practitioners by providing valuable research 63155
opportunities to faculty and post-graduate students. 63156

(B) The chancellor shall do all of the following: 63157

(1) Award competitive research grants to faculty and post- 63158
graduate students whose research aligns with the biennial 63159
research agenda established under division (A) of this section. 63160
Grants shall be awarded in a tiered structure based on project 63161
scope and complexity. A grant award shall not exceed ten 63162

thousand dollars. Fifty per cent of funding shall be disbursed 63163
upon grant approval, with the remaining balance released upon 63164
successful completion of the research and submission of the 63165
final report. 63166

(2) Establish a clear rubric to evaluate proposed research 63167
projects that contains a peer-reviewed process, involving both 63168
academic experts and relevant practitioners; 63169

(3) Manage the grant process and disseminate research 63170
findings through the department's web site, policy briefs, 63171
annual presentations to the standing committees of each house of 63172
the general assembly that consider higher education legislation, 63173
and community forums. 63174

Sec. 3333.96. (A) The strategic square footage reduction 63175
fund is created in the state treasury. The fund shall consist of 63176
money credited or transferred to it and grants, gifts, and 63177
contributions made directly to it. In addition to any such 63178
money, gift, or contribution, funds may be transferred from the 63179
Ohio tuition trust reserve fund to the strategic square footage 63180
reduction fund, in accordance with section 3334.11 of the 63181
Revised Code. 63182

(B) The strategic square footage reduction fund shall be 63183
used to make revolving loans to state institutions of higher 63184
education, as defined in section 3345.011 of the Revised Code, 63185
that enable the voluntary reduction of physical square footage. 63186

(C) The chancellor of higher education shall administer 63187
and award, in consultation with the Ohio facilities construction 63188
commission, the revolving loans described in division (B) of 63189
this section. The chancellor, in consultation with the 63190
commission, shall establish all of the following: 63191

- (1) Procedures and forms by which state institutions of 63192
higher education may apply for a loan; 63193
- (2) A competitive process for ranking applicants and 63194
awarding the loans, with priority consideration given to state 63195
institutions of higher education that have experienced a 63196
decrease in their general student populations, as determined by 63197
the chancellor; 63198
- (3) Procedures and timelines for distributing loans and 63199
collecting payments for the strategic square footage reduction 63200
fund. 63201
- (D) Each state institution of higher education shall 63202
include in its application all of the following: 63203
- (1) The extent to which the square footage may have value 63204
if sold or reallocated to serve other purposes, which may 63205
include kindergarten through twelve, career-technical, or adult 63206
educational purposes, community interests, or business and 63207
industry partnerships; 63208
- (2) The relative age and condition of the facilities to be 63209
deconstructed; 63210
- (3) Historical enrollment patterns as well as future 63211
enrollment projections; 63212
- (4) The composition of classes offered in person versus in 63213
an online format; 63214
- (5) The level of deferred maintenance; 63215
- (6) The prior level of state investment; 63216
- (7) The amount of annual operating expenses defrayed by 63217
eliminating the square footage; 63218

(8) A report from the office of budget and management 63219
detailing the extent and the status of past capital budget 63220
appropriations supporting the project and the existence of any 63221
outstanding bonded debt derived from such support. 63222

The chancellor and the Ohio facilities construction 63223
commission shall consider the information supplied under this 63224
division in making final awards. 63225

(E) Each state institution of higher education that 63226
receives a loan under this section annually shall certify to the 63227
chancellor, on a date and in such form and manner as prescribed 63228
by the chancellor, a summary of financial information regarding 63229
the loan. 63230

(F) Prior to a state institution using the loan to pay the 63231
demolition costs of a facility, the following shall occur: 63232

(1) The board of trustees of that institution shall adopt 63233
a resolution approving the demolition. 63234

(2) Notwithstanding anything to the contrary in the 63235
Revised Code, any net proceeds received from any demolition of 63236
real property made pursuant to this section shall, at the 63237
direction of the director of budget and management, be credited 63238
to a fund or funds in the state treasury, or to accounts held by 63239
the state institution of higher education for purposes to be 63240
determined by that institution. 63241

(G) Each state institution of higher education receiving 63242
loans under this section shall not construct any new facility 63243
during the time period in which demolition is occurring. 63244

Sec. 3333.97. (A) As used in this section, "state 63245
institution of higher education" and "state university" have the 63246
same meanings as in section 3345.011 of the Revised Code. 63247

(B) The chancellor of higher education shall do all of the 63248
following: 63249

(1) Determine and provide the criteria for approving 63250
accelerated ninety-hour degree programs established under the 63251
accelerated college and career pathways program established 63252
under section 3345.88 of the Revised Code; 63253

(2) Provide technical assistance to each state university 63254
during the development of accelerated ninety-hour degree 63255
programs and aligned model college credit plus pathways as 63256
required under section 3345.88 of the Revised Code; 63257

(3) Identify how students can count credit earned in high 63258
school, a nontraditional training program, another state 63259
institution of higher education, or work experiences as part of 63260
the ninety-hour degree programs at a state university. Each 63261
state university shall accept credit from incoming students that 63262
meet the criteria under this division. 63263

(4) Annually publish on the chancellor's web site all of 63264
the following: 63265

(a) Each ninety-hour degree program offered by a state 63266
university; 63267

(b) The number of students participating in each ninety- 63268
hour degree program; 63269

(c) The number of students that complete each ninety-hour 63270
degree program; 63271

(d) Any additional information as determined by the 63272
chancellor. 63273

Sec. 3334.11. (A) The assets of the Ohio tuition trust 63274
authority reserved for payment of the obligations of the 63275

authority pursuant to tuition payment contracts shall be placed 63276
in a fund, which is hereby created and shall be known as the 63277
Ohio tuition trust fund. The fund shall be in the custody of the 63278
treasurer of state, but shall not be part of the state treasury. 63279
That portion of payments received by the authority or the 63280
treasurer of state from persons purchasing tuition units under 63281
tuition payment contracts that the authority determines is 63282
actuarially necessary for the payment of obligations of the 63283
authority pursuant to tuition payment contracts, all interest 63284
and investment income earned by the fund, and all other receipts 63285
of the authority from any other source that the authority 63286
determines appropriate, shall be deposited in the fund. No 63287
purchaser or beneficiary of tuition units shall have any claim 63288
against the funds of any state institution of higher education. 63289
All investment fees and other costs incurred in connection with 63290
the exercise of the investment powers of the authority pursuant 63291
to divisions (D) and (E) of this section shall be paid from the 63292
assets of the fund. 63293

(B) Unless otherwise provided by the authority, the assets 63294
of the Ohio tuition trust fund shall be expended in the 63295
following order: 63296

(1) To make payments to beneficiaries, or institutions of 63297
higher education on behalf of beneficiaries, under division (B) 63298
of section 3334.09 of the Revised Code; 63299

(2) To make refunds as provided in divisions (A) and (C) 63300
of section 3334.10 of the Revised Code; 63301

(3) To pay the investment fees and other costs of 63302
administering the fund. 63303

(C) (1) Except as may be provided in an agreement under 63304

division (A) (19) of section 3334.08 of the Revised Code, all 63305
disbursements from the Ohio tuition trust fund shall be made by 63306
the treasurer of state on order of a designee of the authority. 63307

(2) The treasurer of state shall deposit any portion of 63308
the Ohio tuition trust fund not needed for immediate use in the 63309
same manner as state funds are deposited. 63310

(D) The authority is the trustee of the Ohio tuition trust 63311
fund. The authority shall have full power to invest the assets 63312
of the fund and in exercising this power shall be subject to the 63313
limitations and requirements contained in divisions (K) to (M) 63314
of this section and sections 145.112 and 145.113 of the Revised 63315
Code. The evidences of title of all investments shall be 63316
delivered to the treasurer of state or to a qualified trustee 63317
designated by the treasurer of state as provided in section 63318
135.18 of the Revised Code. Assets of the fund shall be 63319
administered by the authority in a manner designed to be 63320
actuarially sound so that the assets of the fund will be 63321
sufficient to satisfy the obligations of the authority pursuant 63322
to tuition payment contracts and defray the reasonable expenses 63323
of administering the fund. 63324

(E) The authority may enter into an agreement with any 63325
business, entity, or governmental agency to perform the 63326
investment duties of the authority as set forth in division (D) 63327
of this section. The investment powers shall be exercised by the 63328
business, entity, or governmental agency that entered into an 63329
agreement with the authority in a manner agreed upon by the 63330
authority that maximizes the return on investment and minimizes 63331
the administrative expenses. 63332

(F) (1) The authority shall maintain a separate account for 63333
each tuition payment contract entered into pursuant to division 63334

(A) of section 3334.09 of the Revised Code for the purchase of 63335
tuition units on behalf of a beneficiary or beneficiaries 63336
showing the beneficiary or beneficiaries of that contract and 63337
the number of tuition units purchased pursuant to that contract. 63338
Upon request of any beneficiary or person who has entered into a 63339
tuition payment contract, the authority shall provide a 63340
statement indicating, in the case of a beneficiary, the number 63341
of tuition units purchased on behalf of the beneficiary, or in 63342
the case of a person who has entered into a tuition payment 63343
contract, the number of tuition units purchased, used, or 63344
refunded pursuant to that contract. A beneficiary and person 63345
that have entered into a tuition payment contract each may file 63346
only one request under this division in any year. 63347

(2) The authority shall maintain an account for each 63348
scholarship program showing the number of tuition units that 63349
have been purchased for or donated to the program and the number 63350
of tuition units that have been used. Upon the request of the 63351
entity that established the scholarship program, the authority 63352
shall provide a statement indicating these numbers. 63353

(G) (1) In addition to the Ohio tuition trust fund, there 63354
is hereby established a reserve fund that shall be in the 63355
custody of the treasurer of state but shall not be part of the 63356
state treasury, and shall be known as the Ohio tuition trust 63357
reserve fund, and an operating fund that shall be part of the 63358
state treasury, and shall be known as the Ohio tuition trust 63359
operating fund. That portion of payments received by the 63360
authority or the treasurer of state from persons purchasing 63361
tuition units under tuition payment contracts that the authority 63362
determines is not actuarially necessary for the payment of 63363
obligations of the authority pursuant to tuition payment 63364
contracts, any interest and investment income earned by the 63365

reserve fund, any administrative charges and fees imposed by the 63366
authority on transactions under this chapter or on purchasers or 63367
beneficiaries of tuition units, and all other receipts from any 63368
other source that the authority determines appropriate, shall be 63369
deposited in the reserve fund to pay the operating expenses of 63370
the authority and the costs of administering the program. The 63371
assets of the reserve fund may be invested in the same manner 63372
and subject to the same limitations set forth in divisions (D), 63373
(E), and (K) to (M) of this section and sections 145.112 and 63374
145.113 of the Revised Code. All investment fees and other costs 63375
incurred in connection with the exercise of the investment 63376
powers shall be paid from the assets of the reserve fund. Except 63377
as otherwise provided for in this chapter, all operating 63378
expenses of the authority and costs of administering the program 63379
shall be paid from the operating fund. 63380

(2) The treasurer of state shall, upon request of the 63381
authority, transfer funds from the reserve fund to the operating 63382
fund as the authority determines appropriate to pay those 63383
current operating expenses of the authority and costs of 63384
administering the program as the authority designates. Any 63385
interest or investment income earned on the assets of the 63386
operating fund shall be deposited in the operating fund. 63387

(3) The treasurer of state shall, upon request by the 63388
chancellor of higher education and approval by the director of 63389
budget and management, transfer funds from the reserve fund to 63390
the strategic square footage reduction fund created under 63391
section 3334.13 of the Revised Code. 63392

(H) In January of each year the authority shall report to 63393
each person who received any payments or refunds from the 63394
authority during the preceding year information relative to the 63395

value of the payments or refunds to assist in determining that 63396
person's tax liability. 63397

(I) The authority shall report to the tax commissioner any 63398
information, and at the times, as the tax commissioner requires 63399
to determine any tax liability that a person may have incurred 63400
during the preceding year as a result of having received any 63401
payments or refunds from the authority. 63402

(J) All records of the authority indicating the identity 63403
of purchasers and beneficiaries of tuition units or college 63404
savings bonds, the number of tuition units purchased, used, or 63405
refunded under a tuition payment contract, and the number of 63406
college savings bonds purchased, held, or redeemed are not 63407
public records within the meaning of section 149.43 of the 63408
Revised Code. 63409

(K) (1) The authority and other fiduciaries shall discharge 63410
their duties with respect to the funds with care, skill, 63411
prudence, and diligence under the circumstances then prevailing 63412
that a prudent person acting in a like capacity and familiar 63413
with such matters would use in the conduct of an enterprise of a 63414
like character and with like aims; and by diversifying the 63415
investments of the assets of the funds so as to minimize the 63416
risk of large losses, unless under the circumstances it is 63417
clearly prudent not to do so. 63418

(2) To facilitate investment of the funds, the authority 63419
may establish a partnership, trust, limited liability company, 63420
corporation, including a corporation exempt from taxation under 63421
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 63422
amended, or any other legal entity authorized to transact 63423
business in this state. 63424

(L) In exercising its fiduciary responsibility with 63425
respect to the investment of the assets of the funds, it shall 63426
be the intent of the authority to give consideration to 63427
investments that enhance the general welfare of the state and 63428
its citizens where the investments offer quality, return, and 63429
safety comparable to other investments currently available to 63430
the authority. In fulfilling this intent, equal consideration 63431
shall also be given to investments otherwise qualifying under 63432
this section that involve minority owned and controlled firms 63433
and firms owned and controlled by women, either alone or in 63434
joint venture with other firms. 63435

The authority shall adopt, in regular meeting, policies, 63436
objectives, or criteria for the operation of the investment 63437
program that include asset allocation targets and ranges, risk 63438
factors, asset class benchmarks, time horizons, total return 63439
objectives, and performance evaluation guidelines. In adopting 63440
policies and criteria for the selection of agents with whom the 63441
authority may contract for the administration of the assets of 63442
the funds, the authority shall give equal consideration to 63443
minority owned and controlled firms, firms owned and controlled 63444
by women, and ventures involving minority owned and controlled 63445
firms and firms owned and controlled by women that otherwise 63446
meet the policies and criteria established by the authority. 63447
Amendments and additions to the policies and criteria shall be 63448
adopted in regular meeting. The authority shall publish its 63449
policies, objectives, and criteria under this provision no less 63450
often than annually and shall make copies available to 63451
interested parties. 63452

When reporting on the performance of investments, the 63453
authority shall comply with the performance presentation 63454
standards established by the association for investment 63455

management and research. 63456

(M) All investments shall be purchased at current market 63457
prices and the evidences of title of the investments shall be 63458
placed in the hands of the treasurer of state, who is hereby 63459
designated as custodian thereof, or in the hands of the 63460
treasurer of state's authorized agent. The treasurer of state or 63461
the agent shall collect the principal, dividends, distributions, 63462
and interest thereon as they become due and payable and place 63463
them when so collected into the custodial funds. 63464

The treasurer of state shall pay for investments purchased 63465
by the authority on receipt of written or electronic 63466
instructions from the authority or the authority's designated 63467
agent authorizing the purchase and pending receipt of the 63468
evidence of title of the investment by the treasurer of state or 63469
the treasurer of state's authorized agent. The authority may 63470
sell investments held by the authority, and the treasurer of 63471
state or the treasurer of state's authorized agent shall accept 63472
payment from the purchaser and deliver evidence of title of the 63473
investment to the purchaser on receipt of written or electronic 63474
instructions from the authority or the authority's designated 63475
agent authorizing the sale, and pending receipt of the moneys 63476
for the investments. The amount received shall be placed in the 63477
custodial funds. The authority and the treasurer of state may 63478
enter into agreements to establish procedures for the purchase 63479
and sale of investments under this division and the custody of 63480
the investments. 63481

No purchase or sale of any investment shall be made under 63482
this section except as authorized by the authority. 63483

Any statement of financial position distributed by the 63484
authority shall include fair value, as of the statement date, of 63485

all investments held by the authority under this section. 63486

Sec. 3335.39. (A) (1) The Salmon P. Chase center for 63487
civics, culture, and society is established as an independent 63488
academic unit within the Ohio state university, ~~physically~~ 63489
~~located in the college of public affairs.~~ The center shall 63490
conduct teaching and research in the historical ideas, 63491
traditions, and texts that have shaped the American 63492
constitutional order and society. 63493

(2) The center shall establish bylaws requiring the center 63494
to do all of the following: 63495

(a) Educate students by means of free, open, and rigorous 63496
intellectual inquiry to seek the truth; 63497

(b) Affirm its duty to equip students with the skills, 63498
habits, and dispositions of mind they need to reach their own 63499
informed conclusions on matters of social and political 63500
importance; 63501

(c) Affirm the value of intellectual diversity in higher 63502
education and aspire to enhance the intellectual diversity of 63503
the university; 63504

(d) Affirm a commitment to create a community dedicated to 63505
an ethic of civil and free inquiry, which respects the 63506
intellectual freedom of each member, supports individual 63507
capacities for growth, and welcomes the differences of opinion 63508
that shall naturally exist in a public university community. 63509

The requirements prescribed under divisions (A) (2) (a) to 63510
(d) of this section shall take priority over any other bylaws 63511
adopted by the center. 63512

(3) The board of trustees of the university may change the 63513

name of the center in accordance with the philanthropic naming 63514
policies and practices of the university. 63515

(B) The center shall be an independent academic unit 63516
~~physically located at the college of public affairs with the~~ 63517
authority to house tenure-track faculty who hold their 63518
appointments within the center. Faculty appointed to the center 63519
shall not be required, but may, hold joint appointments within 63520
any other division of the university. Not fewer than fifteen 63521
tenure-track faculty positions shall be allotted to teach under 63522
the center. No faculty outside of the center shall have the 63523
authority to block faculty hires into the center. 63524

(C) (1) The center shall offer instruction in all of the 63525
following: 63526

(a) The books and major debates which form the 63527
intellectual foundation of free societies, especially that of 63528
the United States; 63529

(b) The principles, ideals, and institutions of the 63530
American constitutional order; 63531

(c) The foundations of responsible leadership and informed 63532
citizenship. 63533

(2) The center also shall focus on both of the following: 63534

(a) Offering university-wide programming related to the 63535
values of free speech and civil discourse; 63536

(b) Expanding the intellectual diversity of the 63537
university's academic community. 63538

(D) (1) ~~Not later than November 20, 2023, the~~ The board of 63539
trustees of the university shall appoint, with the advice and 63540
consent of the senate, a seven-member Chase center academic 63541

council. An initial member shall not begin service until 63542
confirmed by the senate. Four members shall form a quorum. 63543

(2) The academic council shall be comprised of scholars 63544
with relevant expertise and experience. Not more than one member 63545
of the council may be an employee of the university. Best 63546
efforts shall be made to have not fewer than three members of 63547
the advisory board be from Ohio. 63548

(3) Three members of the academic council shall serve 63549
initial terms of two years and four members shall serve initial 63550
terms of four years, which the members shall determine at their 63551
first meeting, and select replacements for vacant seats. 63552

(E) (1) The academic council established under division (D) 63553
of this section shall conduct a nationwide search for candidates 63554
for the director of the center and shall strictly adhere to all 63555
relevant state and federal laws. The academic council shall 63556
submit to the president of the university a list of finalists 63557
from which the president shall select and appoint a director, 63558
subject to approval by the board of trustees. Future directors 63559
shall be chosen in the same manner. 63560

(2) The director shall have the protection of tenure or 63561
tenure eligibility. The director shall consult with the dean of 63562
the college of public affairs; however, the director shall 63563
report directly to the provost or the president of the 63564
university. 63565

(3) The director shall have the sole and exclusive 63566
authority to manage the recruitment and hiring process and to 63567
extend offers for employment for all faculty and staff, and to 63568
terminate employment of all staff. The director shall oversee, 63569
develop, and approve the center's curriculum, including approval 63570

of the center's courses that meet the university's general 63571
education requirements. The center shall be granted the 63572
authority to offer courses and develop certificate, minor, and 63573
major programs as well as graduate programs, and offer degrees. 63574

(F) The director of the center shall submit an annual 63575
report to the board of trustees of the university and the 63576
general assembly in accordance with section 101.68 of the 63577
Revised Code. The report shall provide a full account of the 63578
center's achievements, opportunities, challenges, and obstacles 63579
in the development of this academic unit. 63580

Sec. 3339.06. (A) (1) The Miami university center for 63581
civics, culture, and society is established as an independent 63582
academic unit within Miami university, physically located in the 63583
college of arts and sciences. The center shall conduct teaching 63584
and research in the historical ideas, traditions, and texts that 63585
have shaped the American constitutional order and society. 63586

(2) The center shall establish bylaws requiring the center 63587
to do all of the following: 63588

(a) Educate students by means of free, open, and rigorous 63589
intellectual inquiry to seek the truth; 63590

(b) Affirm its duty to equip students with the skills, 63591
habits, and dispositions of mind they need to reach their own 63592
informed conclusions on matters of social and political 63593
importance; 63594

(c) Affirm the value of intellectual diversity in higher 63595
education and aspire to enhance the intellectual diversity of 63596
the university; 63597

(d) Affirm a commitment to create a community dedicated to 63598
an ethic of civil and free inquiry, which respects the 63599

intellectual freedom of each member, supports individual 63600
capacities for growth, and welcomes the differences of opinion 63601
that shall naturally exist in a public university community. 63602

The requirements prescribed under divisions (A) (2) (a) to 63603
(d) of this section shall take priority over any other bylaws 63604
adopted by the center. 63605

(3) The board of trustees of the university may name the 63606
center in accordance with the philanthropic naming policies and 63607
practices of the university. 63608

(B) The center shall be an independent academic unit 63609
physically located at the college of arts and sciences with the 63610
authority to house tenure-track faculty who hold their 63611
appointments within the center. Faculty appointed to the center 63612
shall not be required, but may, hold joint appointments within 63613
any other division of the university. Not fewer than ten tenure- 63614
track faculty positions shall be allotted to teach under the 63615
center. No faculty outside of the center shall have the 63616
authority to block faculty hires into the center. 63617

(C) (1) The center shall offer instruction in all of the 63618
following: 63619

(a) The books and major debates which form the 63620
intellectual foundation of free societies, especially that of 63621
the United States; 63622

(b) The principles, ideals, and institutions of the 63623
American constitutional order; 63624

(c) The foundations of responsible leadership and informed 63625
citizenship. 63626

(2) The center also shall focus on both of the following: 63627

(a) Offering university-wide programming related to the 63628
values of free speech and civil discourse; 63629

(b) Expanding the intellectual diversity of the 63630
university's academic community. 63631

(D) (1) ~~Not later than December 31, 2023, the~~ The board of 63632
trustees of the university shall appoint, with the advice and 63633
consent of the senate, a seven-member center academic council. 63634
An initial member shall not begin service until confirmed by the 63635
senate. Four members shall form a quorum. 63636

(2) The academic council shall be comprised of scholars 63637
with relevant expertise and experience. Not more than one member 63638
of the council may be an employee of the university. Best 63639
efforts shall be made to have not fewer than three members of 63640
the advisory board be from Ohio. 63641

(3) Three members of the academic council shall serve 63642
initial terms of two years and four members shall serve initial 63643
terms of four years, which the members shall determine at their 63644
first meeting, and select replacements for vacant seats. 63645

(E) (1) The academic council established under division (D) 63646
of this section shall conduct a nationwide search for candidates 63647
for the director of the center and shall strictly adhere to all 63648
relevant state and federal laws. The academic council shall 63649
submit to the president of the university a list of finalists 63650
from which the president shall select and appoint a director, 63651
subject to approval by the board of trustees. Future directors 63652
shall be chosen in the same manner. 63653

(2) The director shall have the protection of tenure or 63654
tenure eligibility. The director shall consult with the dean of 63655
the college of arts and sciences; however, the director shall 63656

report directly to the provost or the president of the 63657
university. 63658

(3) The director shall have the sole and exclusive 63659
authority to manage the recruitment and hiring process and to 63660
extend offers for employment for all faculty and staff of the 63661
center, and to terminate employment of all staff. The director 63662
shall oversee, develop, and approve the center's curriculum, 63663
including approval of the center's courses that meet the 63664
university's general education requirements. The center shall be 63665
granted the authority to offer courses and develop certificate, 63666
minor, and major programs as well as graduate programs, and 63667
offer degrees. 63668

(F) The director of the center shall submit an annual 63669
report to the board of trustees of the university and the 63670
general assembly in accordance with section 101.68 of the 63671
Revised Code. The report shall provide a full account of the 63672
center's achievements, opportunities, challenges, and obstacles 63673
in the development of this academic unit. 63674

Sec. 3344.07. (A) (1) The Cleveland state university center 63675
for civics, culture, and society is established as an 63676
independent academic unit within Cleveland state university, 63677
physically located in the Levin college of public affairs and 63678
education. The center shall conduct teaching and research in the 63679
historical ideas, traditions, and texts that have shaped the 63680
American constitutional order and society. 63681

(2) The center shall establish bylaws requiring the center 63682
to do all of the following: 63683

(a) Educate students by means of free, open, and rigorous 63684
intellectual inquiry to seek the truth; 63685

(b) Affirm its duty to equip students with the skills, 63686
habits, and dispositions of mind they need to reach their own 63687
informed conclusions on matters of social and political 63688
importance; 63689

(c) Affirm the value of intellectual diversity in higher 63690
education and aspire to enhance the intellectual diversity of 63691
the university; 63692

(d) Affirm a commitment to create a community dedicated to 63693
an ethic of civil and free inquiry, which respects the 63694
intellectual freedom of each member, supports individual 63695
capacities for growth, and welcomes the differences of opinion 63696
that shall naturally exist in a public university community. 63697

The requirements prescribed under divisions (A) (2) (a) to 63698
(d) of this section shall take priority over any other bylaws 63699
adopted by the center. 63700

(3) The board of trustees of the university may name the 63701
center in accordance with the philanthropic naming policies and 63702
practices of the university. 63703

(B) The center shall be an independent academic unit 63704
physically located at the college of public affairs and 63705
education with the authority to house tenure-track faculty who 63706
hold their appointments within the center. Faculty appointed to 63707
the center shall not be required, but may, hold joint 63708
appointments within any other division of the university. Not 63709
fewer than ten tenure-track faculty positions shall be allotted 63710
to teach under the center. No faculty outside of the center 63711
shall have the authority to block faculty hires into the center. 63712

(C) (1) The center shall offer instruction in all of the 63713
following: 63714

(a) The books and major debates which form the intellectual foundation of free societies, especially that of the United States;

(b) The principles, ideals, and institutions of the American constitutional order;

(c) The foundations of responsible leadership and informed citizenship.

(2) The center also shall focus on both of the following:

(a) Offering university-wide programming related to the values of free speech and civil discourse;

(b) Expanding the intellectual diversity of the university's academic community.

(D) (1) ~~Not later than December 31, 2023, the~~ The board of trustees of the university shall appoint, with the advice and consent of the senate, a seven-member center academic council. An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum.

(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio.

(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats.

(E) (1) The academic council established under division (D) of this section shall conduct a nationwide search for candidates

for the director of the center and shall strictly adhere to all 63743
relevant state and federal laws. The academic council shall 63744
submit to the president of the university a list of finalists 63745
from which the president shall select and appoint a director, 63746
subject to approval by the board of trustees. Future directors 63747
shall be chosen in the same manner. 63748

(2) The director shall have the protection of tenure or 63749
tenure eligibility. The director shall consult with the dean of 63750
the college of public affairs and education; however, the 63751
director shall report directly to the provost or the president 63752
of the university. 63753

(3) The director shall have the sole and exclusive 63754
authority to manage the recruitment and hiring process and to 63755
extend offers for employment for all faculty and staff of the 63756
center, and to terminate employment of all staff. The director 63757
shall oversee, develop, and approve the center's curriculum, 63758
including approval of the center's courses that meet the 63759
university's general education requirements. The center shall be 63760
granted the authority to offer courses and develop certificate, 63761
minor, and major programs as well as graduate programs, and 63762
offer degrees. 63763

(F) The director of the center shall submit an annual 63764
report to the board of trustees of the university and the 63765
general assembly in accordance with section 101.68 of the 63766
Revised Code. The report shall provide a full account of the 63767
center's achievements, opportunities, challenges, and obstacles 63768
in the development of this academic unit. 63769

Sec. 3345.06. As used in this section, "state institution 63770
of higher education" and "state university" have the same 63771
meanings as in section 3345.011 of the Revised Code. 63772

~~(A)~~ (A) (1) Subject to divisions (B) and (C) of this 63773
section, a graduate of the twelfth grade shall be entitled to 63774
admission without examination to any ~~college or university which~~ 63775
~~is supported wholly or in part by the state~~ state institution of 63776
higher education, but for unconditional admission may be 63777
required to complete such units not included in the graduate's 63778
high school course as may be prescribed, not less than two years 63779
prior to the graduate's entrance, by the faculty of the 63780
institution. 63781

(2) Subject to divisions (B) and (C) of this section, each 63782
graduate of the twelfth grade who is in the top ten per cent of 63783
a graduating class as determined by the chancellor of higher 63784
education shall be entitled to admission to any state 63785
institution of higher education. If the student does not meet 63786
the standards for unconditional admission under division (A) of 63787
this section, a state university may delay main campus admission 63788
and admit the student to a university branch campus. 63789

(3) Subject to divisions (B) and (C) of this section, each 63790
recipient of the governor's merit scholarship shall be entitled 63791
to admission to the main campus of a state institution of higher 63792
education. 63793

(B) Beginning with the 2014-2015 academic year, each state 63794
university ~~listed in section 3345.011 of the Revised Code,~~ 63795
except for Central state university, Shawnee state university, 63796
and Youngstown state university, shall permit a resident of this 63797
state who entered ninth grade for the first time on or after 63798
July 1, 2010, to begin undergraduate coursework at the 63799
university only if the person has successfully completed the 63800
requirements for high school graduation prescribed in division 63801
(C) of section 3313.603 of the Revised Code, unless one of the 63802

following applies: 63803

(1) The person has earned at least ten semester hours, or 63804
the equivalent, at a community college, state community college, 63805
university branch, technical college, or another post-secondary 63806
institution except a state university to which division (B) of 63807
this section applies, in courses that are college-credit-bearing 63808
and may be applied toward the requirements for a degree. The 63809
university shall grant credit for successful completion of those 63810
courses pursuant to any applicable articulation and transfer 63811
policy of the chancellor of higher education or any agreements 63812
the university has entered into in accordance with policies and 63813
procedures adopted under section 3333.16, 3333.161, or 3333.162 63814
of the Revised Code. The university may count college credit 63815
that the student earned while in high school through the college 63816
credit plus program under Chapter 3365. of the Revised Code, or 63817
through other advanced standing programs, toward the 63818
requirements of division (B) (1) of this section if the credit 63819
may be applied toward a degree. 63820

(2) The person qualified to graduate from high school 63821
under division (D) or (F) of section 3313.603 of the Revised 63822
Code and has successfully completed the topics or courses that 63823
the person lacked to graduate under division (C) of that section 63824
at any post-secondary institution or at a summer program at the 63825
state university. A state university may admit a person for 63826
enrollment contingent upon completion of such topics or courses 63827
or summer program. 63828

(3) The person met the high school graduation requirements 63829
by successfully completing the person's individualized education 63830
program developed under section 3323.08 of the Revised Code. 63831

(4) The person is receiving or has completed the final 63832

year of education at home as authorized under section 3321.042 63833
of the Revised Code, or has graduated from a nonchartered, 63834
nonpublic school in Ohio, and demonstrates mastery of the 63835
academic content and skills in reading, writing, and mathematics 63836
needed to successfully complete introductory level coursework at 63837
an institution of higher education and to avoid remedial 63838
coursework. 63839

(5) The person is a high school student participating in 63840
the college credit plus program under Chapter 3365. of the 63841
Revised Code or another advanced standing program. 63842

(C) A state university subject to division (B) of this 63843
section may delay admission for or admit conditionally an 63844
undergraduate student who has successfully completed the 63845
requirements prescribed in division (C) of section 3313.603 of 63846
the Revised Code if the university determines the student 63847
requires academic remedial or developmental coursework. The 63848
university may delay admission pending, or make admission 63849
conditional upon, the student's successful completion of the 63850
academic remedial or developmental coursework at a university 63851
branch, community college, state community college, or technical 63852
college. 63853

(D) This section does not deny the right of a college of 63854
law, medicine, or other specialized education to require college 63855
training for admission, or the right of a department of music or 63856
other art to require particular preliminary training or talent. 63857

Sec. 3345.451. (A) As used in this section, "state 63858
institution of higher education" has the same meaning as in 63859
section 3345.011 of the Revised Code. 63860

(B) The board of trustees of each state institution of 63861

higher education has unilateral and ultimate authority to 63862
establish new academic programs, schools, colleges, institutes, 63863
departments, and centers at the institution. Notwithstanding 63864
anything in section 3333.0420 of the Revised Code to the 63865
contrary, the board of trustees may not delegate the board's 63866
authority to adopt a curricular approval process under this 63867
section or to approve or reject academic programs. 63868

(C) The board of trustees of each state institution of 63869
higher education shall adopt a curricular approval process to 63870
establish and modify academic programs, curricula, courses, 63871
general education requirements, and degree programs. The process 63872
developed under this division shall do all of the following: 63873

(1) Grant the faculty senate, or comparable representative 63874
body, the opportunity to provide advice, feedback, and 63875
recommendations on the establishment and modification of 63876
academic programs, curricula, courses, general education 63877
requirements, and degree programs; 63878

(2) Clarify that all feedback and recommendations by the 63879
faculty senate, or comparable representative body, is advisory 63880
in nature; 63881

(3) Retain the board's final, overriding authority to 63882
approve or reject any establishment or modification of academic 63883
programs, curricula, courses, general education requirements, 63884
and degree programs. 63885

(D) Each board of trustees shall complete the initial 63886
curricular approval process developed under this section not 63887
later than six months after the effective date of this section, 63888
unless the institution's president grants a one-month extension, 63889
and every five years thereafter. The board of trustees shall 63890

submit each completed version of the approval process developed 63891
under this section to the chancellor of higher education. 63892

Sec. 3345.48. (A) As used in this section: 63893

(1) "Cohort" means a group of students who will complete 63894
their bachelor's degree requirements and graduate from a state 63895
university at the same time. A cohort may include transfer 63896
students and other selected undergraduate student academic 63897
programs as determined by the board of trustees of a state 63898
university. 63899

(2) "Eligible student" means an undergraduate student who: 63900

(a) Is enrolled full-time in a bachelor's degree program 63901
at a state university; 63902

(b) Is a resident of this state, as defined by the 63903
chancellor of higher education under section 3333.31 of the 63904
Revised Code. 63905

(3) "State university" has the same meaning as in section 63906
3345.011 of the Revised Code. 63907

(B) The board of trustees of each state university shall 63908
establish an undergraduate tuition guarantee program that allows 63909
eligible students in the same cohort to pay a fixed rate for 63910
general and instructional fees for four years. A board of 63911
trustees may include room and board and any additional fees in 63912
the program. 63913

The board shall adopt rules for the program that include, 63914
but are not limited to, all of the following: 63915

(1) The number of credit hours required to earn an 63916
undergraduate degree in each major; 63917

(2) A guarantee that the general and instructional fees 63918
for each student in the cohort shall remain constant for four 63919
years so long as the student complies with the requirements of 63920
the program, except that, notwithstanding any law to the 63921
contrary, the board may increase the guaranteed amount by up to 63922
six per cent above what has been charged in the previous 63923
academic year one time for the first cohort enrolled under the 63924
tuition guarantee program. If the board of trustees determines 63925
that economic conditions or other circumstances require an 63926
increase for the first cohort of above six per cent, the board 63927
shall submit a request to increase the amount by a specified 63928
percentage to the chancellor. The chancellor, based on 63929
information the chancellor requires from the board of trustees, 63930
shall approve or disapprove such a request. Thereafter, except 63931
as provided in division (F) of this section, the board of 63932
trustees may increase the guaranteed amount by up to the sum of 63933
the following above what has been charged in the previous 63934
academic year one time per subsequent cohort: 63935

(a) The average rate of inflation, as measured by the 63936
consumer price index prepared by the bureau of labor statistics 63937
of the United States department of labor (all urban consumers, 63938
all items), for the previous thirty-six-month period; and 63939

(b) The percentage amount the general assembly restrains 63940
increases on in-state undergraduate instructional and general 63941
fees for the applicable fiscal year. If the general assembly 63942
does not enact a limit on the increase of in-state undergraduate 63943
instructional and general fees, then no limit shall apply under 63944
this division for the cohort that first enrolls in any academic 63945
year for which the general assembly does not prescribe a limit. 63946

If, beginning with the academic year that starts four 63947

years after September 29, 2013, the board of trustees determines 63948
that the general and instructional fees charged under the 63949
tuition guarantee have fallen significantly lower than those of 63950
other state universities, the board of trustees may submit a 63951
request to increase the amount charged to a cohort by a 63952
specified percentage to the chancellor, who shall approve or 63953
disapprove such a request. 63954

(3) A benchmark by which the board sets annual increases 63955
in general and instructional fees. This benchmark and any 63956
subsequent change to the benchmark shall be subject to approval 63957
of the chancellor. 63958

(4) Eligibility requirements for students to participate 63959
in the program; 63960

(5) Student rights and privileges under the program; 63961

(6) Consequences to the university for students unable to 63962
complete a degree program within four years, as follows: 63963

(a) For a student who could not complete the program in 63964
four years due to a lack of available classes or space in 63965
classes provided by the university, the university shall provide 63966
the necessary course or courses for completion to the student 63967
free of charge. 63968

(b) For a student who could not complete the program in 63969
four years due to military service or other circumstances beyond 63970
a student's control, as determined by the board of trustees, the 63971
university shall provide the necessary course or courses for 63972
completion to the student at the student's initial cohort rate. 63973

(c) For a student who did not complete the program in four 63974
years for any other reason, as determined by the board of 63975
trustees, the university shall provide the necessary course or 63976

courses for completion to the student at a rate determined 63977
through a method established by the board under division (B) (7) 63978
of this section. 63979

(7) Guidelines for adjusting a student's annual charges if 63980
the student, due to circumstances under the student's control, 63981
is unable to complete a degree program within four years; 63982

(8) A requirement that the rules adopted under division 63983
(B) of this section be published or posted in the university 63984
handbook, course catalog, and web site. 63985

(C) The board shall submit the rules adopted under 63986
division (B) of this section to the chancellor for approval 63987
before beginning implementation of the program. 63988

The chancellor shall not unreasonably withhold approval of 63989
a program if the program conforms in principle with the 63990
parameters and guidelines of this section. 63991

(D) A board of trustees of a state university may 63992
establish an undergraduate tuition guarantee program for 63993
nonresident students. 63994

(E) Except as provided in this section, no other 63995
limitation on the increase of in-state undergraduate 63996
instructional and general fees shall apply to a state university 63997
that has established an undergraduate tuition guarantee program 63998
under this section. 63999

(F) Notwithstanding anything in this section to the 64000
contrary, the board of trustees of a state university shall not 64001
charge the cohort entering in the 2023-2024 ~~or~~, 2024-2025, 2025- 64002
2026, or 2026-2027 academic year a guaranteed amount of general 64003
and instructional fees that is more than three per cent above 64004
what was charged to the cohort that entered the university in 64005

the previous academic year. 64006

Sec. 3345.601. Each state institution of higher education, 64007
as defined in section 3345.011 of the Revised Code, annually 64008
shall certify to the chancellor of higher education, on a date 64009
and in the form and manner determined by the chancellor, a plan 64010
to preserve student records indefinitely if the state 64011
institution was to cease operations. The plan shall include the 64012
designation and signed confirmation of an official custodian of 64013
student records. If the chancellor determines it necessary, the 64014
chancellor may require a state institution to produce an 64015
executed agreement with the designated custodian of student 64016
records, paid in full, to ensure the state institution's plan 64017
can be implemented. 64018

The chancellor may consult with the higher learning 64019
commission, the state board of career colleges and schools, and 64020
other appropriate entities to establish plans, processes, and 64021
procedures for state institutions to provide indefinite access 64022
to student records. 64023

Sec. 3345.691. A state institution of higher education, as 64024
defined in section 3345.011 of the Revised Code, shall comply 64025
with section ~~125.092~~125.091 of the Revised Code regarding the 64026
purchase of biobased products. 64027

Sec. 3345.692. (A) Not later than September 15, 2010, and 64028
the fifteenth day of September each year thereafter, a state 64029
institution of higher education shall prepare and submit to the 64030
chancellor of higher education a report that describes the 64031
number and types of biobased products purchased under section 64032
~~125.092~~125.091 of the Revised Code and the amount of money 64033
spent by the state institution of higher education for those 64034
biobased products. 64035

(B) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 3345.71. As used in sections 3345.72 to 3345.77 of the Revised Code:

(A) "State university or college" means any state university listed in section 3345.011 of the Revised Code, the northeast Ohio medical university, any community college under Chapter 3354. of the Revised Code, any technical college under Chapter 3357. of the Revised Code, and any state community college under Chapter 3358. of the Revised Code.

(B) "Fiscal caution" means the existence of a fiscal caution declared under section 3345.721 of the Revised Code.

(C) "Fiscal watch" means the existence of a fiscal watch declared under section 3345.72 of the Revised Code.

Sec. 3345.721. (A) The chancellor of higher education, in consultation with the office of budget and management, shall adopt rules in accordance with section 111.15 of the Revised Code that include all of the following:

(1) Criteria for determining when to review and, if necessary, declare a state university or college under fiscal caution. The criteria may include, but not be limited to, consideration of the following:

(a) A significant drop in enrollment from the prior year;

(b) A decline in enrollment for consecutive years;

(c) A significant increase in enrollment;

(d) A significant increase in adjunct faculty;

<u>(e) An increase in student complaints;</u>	64063
<u>(f) An increase in the number of or a notable presence of</u>	64064
<u>third-party providers, which may include online program</u>	64065
<u>managers;</u>	64066
<u>(g) Federal financial aid processing delays;</u>	64067
<u>(h) Reduced or increased reliance on state share of</u>	64068
<u>instruction;</u>	64069
<u>(i) Receipt of substantial nonrecurring revenue, from any</u>	64070
<u>source, that could signify a structural budget deficit;</u>	64071
<u>(j) A delay in completing a yearly audit even if granted</u>	64072
<u>an extension;</u>	64073
<u>(k) A lack of proper institutional segregation of critical</u>	64074
<u>duties, functions, or responsibilities;</u>	64075
<u>(l) Significant turnover of faculty, staff, or</u>	64076
<u>administrators.</u>	64077
<u>(2) A requirement that a state university or college</u>	64078
<u>declared to be on fiscal caution shall submit a financial</u>	64079
<u>recovery plan, within a defined period of time after the</u>	64080
<u>declaration as determined by the chancellor, that may include,</u>	64081
<u>but is not limited to, any of the following:</u>	64082
<u>(a) Projections of revenues and expenditures over a three-</u>	64083
<u>year time horizon and on such other time horizons as may be</u>	64084
<u>requested by the chancellor;</u>	64085
<u>(b) A comprehensive review of current staffing levels and</u>	64086
<u>a five-year historical summary of staffing levels;</u>	64087
<u>(c) A review of the most recent submission of</u>	64088
<u>institutional recommendations for courses and programs based on</u>	64089

enrollment and duplication with other state institutions of 64090
higher education, as required by section 3345.35 of the Revised 64091
Code, and submission of revised recommendations as determined to 64092
be necessary; 64093

(d) A review of any approved tuition waivers or 64094
scholarship programs; 64095

(e) A plan to reduce expenditures over a six-month, 64096
twelve-month, eighteen-month, and twenty-four-month period, as 64097
necessary, to align ongoing revenue with ongoing expenses; 64098

(f) A review of contracts that are the largest portion of 64099
the state university's or college's expenditures; 64100

(g) A program viability analysis, or analyses, as 64101
determined by the chancellor to be necessary in accordance with 64102
section 3333.073 of the Revised Code. 64103

(3) A requirement that a state university or college 64104
declared to be on fiscal caution shall submit a three-year 64105
forecast of revenues and expenditures, approved in a resolution 64106
adopted by the board of trustees of the state university or 64107
college. The three-year forecast shall be structurally balanced 64108
based on a set of underlying assumptions, including enrollment 64109
projections, tuition revenue, and state funding levels, that are 64110
evidence-based and practicable; 64111

(4) A requirement that a state university or college 64112
declared to be on fiscal caution shall consult with the auditor 64113
of state regarding any necessary or appropriate steps to bring 64114
the books of account, accounting systems, and financial 64115
procedures and reports of the state university or college into 64116
compliance with requirements prescribed by the auditor of state 64117
regarding desirable modifications and supplementary systems and 64118

procedures pertinent to the university or college. The auditor 64119
of state shall provide a written report to the board of trustees 64120
of the state university or college outlining the nature of the 64121
financial accounting and reporting problems of the university or 64122
college and recommendations for actions to be undertaken to 64123
correct the financial accounting and reporting problems. If 64124
requested by the state university or college or recommended by 64125
the chancellor, the auditor of state may additionally perform a 64126
performance audit of the state university or college. 64127

(5) A requirement that for the duration of a fiscal 64128
caution, a state university or college shall submit regular 64129
reports on any of the above matters or new matters identified by 64130
the auditor of state or the chancellor as contributing to the 64131
reason for the declaration, preventing the recovery of the state 64132
university or college, or the inability to be removed from 64133
fiscal caution. 64134

(6) Criteria for determining when to declare the 64135
termination of the fiscal caution of a state university or 64136
college. 64137

(B) A state university or college shall provide the 64138
chancellor with all information requested under this section in 64139
the time and manner determined by the chancellor. 64140
Notwithstanding any law to the contrary, failure to comply in a 64141
satisfactory manner, as determined by the chancellor, may result 64142
in a declaration of fiscal watch under section 3345.72 of the 64143
Revised Code. 64144

(C) Notwithstanding any law to the contrary, the 64145
chancellor may impose limitations on a state university or 64146
college that fails to comply with this section or the rules 64147
adopted pursuant to this section or fails to take decisive 64148

action to improve the state university's or college's financial 64149
condition. Such limitations may include, but are not limited to, 64150
the following: 64151

(1) Limitations on eligibility to participate in grants 64152
and programs administered by the chancellor; 64153

(2) Limitations on approval of a new degree program or 64154
associated certificates; 64155

(3) Suspension of additional enrollment in an educational 64156
program; 64157

(4) Restriction of an increase in any special fee or a 64158
creation of a new fee; 64159

(5) Limitations on the power of the board of trustees to 64160
enter into new or renewed contracts without prior approval from 64161
the chancellor; 64162

(6) Withholding approval of any controlling board request 64163
for capital projects. 64164

Sec. 3345.74. (A) The chancellor of higher education at 64165
least annually shall apply the indicators and standards adopted 64166
under division (A) of section 3345.73 of the Revised Code to 64167
determine whether a state university or college under a fiscal 64168
watch is experiencing sufficient fiscal difficulties to warrant 64169
the appointment of a conservator under this section or if the 64170
board of trustees of a state university or college has taken any 64171
action related to pausing or stopping enrollment, submitted a 64172
withdrawal of accreditation, or taken any other action 64173
indicating it will no longer offer educational activity or will 64174
undergo a wind down and dissolution of existence. Upon making a 64175
determination that appointment of a conservator is warranted, 64176
the chancellor shall request from the office of budget and 64177

management, which shall provide, certification that sufficient 64178
fiscal difficulties exist to warrant appointment of a 64179
conservator. The chancellor shall then certify this 64180
determination to the governor. 64181

Notwithstanding section 3333.021 of the Revised Code, that 64182
section does not apply to certification by the chancellor under 64183
this section or to the declaration of a fiscal watch under 64184
section 3345.72 of the Revised Code. 64185

A determination by the chancellor under this division that 64186
sufficient fiscal difficulties exist or do not exist to warrant 64187
appointing a conservator is final and conclusive and not 64188
appealable. 64189

(B) The governor may appoint a conservator for any state 64190
university or college under a fiscal watch, upon certification 64191
by the chancellor under division (A) of this section that the 64192
appointment is warranted. The governor shall consult with the 64193
speaker and minority leader of the house of representatives and 64194
the president and minority leader of the senate before making 64195
the appointment. From the time a conservator is appointed until 64196
the time the governor issues an order terminating the governance 64197
authority under division (B) of section 3345.76 of the Revised 64198
Code, the governor may remove any member of the board of 64199
trustees of the state university or college from office and not 64200
fill the vacancy. 64201

(C) Upon appointment of a conservator under this section 64202
for a state university or college, all of the following shall 64203
occur effective immediately: 64204

(1) All duties, responsibilities, and powers of the board 64205
of trustees of the university or college are suspended; 64206

(2) The management and control of the state university or college is assumed by the conservator;

(3) Notwithstanding any section of the Revised Code, all duties, responsibilities, and powers assigned by law to the board of trustees are assigned to the conservator, and the conservator becomes the successor to, assumes the lawful obligations of, and otherwise constitutes the continuation of the board of trustees for purposes of all pending legal actions, contracts or other agreements, and obligations of the university or college;

(4) Wherever the board of trustees is referred to in any contract or legal document, the reference is deemed to refer to the conservator. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the assumption of the board's authority by the conservator under this section and any such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the conservator. No action or proceeding pending on the effective date of the assumption by the conservator of the board's authority is affected by that assumption and any such action or proceeding shall be prosecuted or defended in the name of the conservator.

(5) The conservator assumes custody of all equipment, records, files, effects, and all other property real or personal of the state university or college;

(6) All authority and duties of the president or chief executive officer, and the pay of the president or chief executive officer, are suspended.

(D) The conservator for a state university or college

shall conduct a preliminary performance evaluation of the 64236
president or chief executive officer of the university or 64237
college and provide a copy of findings and any recommendations 64238
to the governance authority established for the university or 64239
college under section 3345.75 of the Revised Code. 64240

(E) A conservator appointed under this section shall be 64241
immune, indemnified, and held harmless from civil liability, 64242
including any cause of action, legal, equitable, or otherwise, 64243
for any action taken or duties performed by the conservator in 64244
good faith and in furtherance of the performance of the duties 64245
of the conservator under this section. 64246

(F) The governor shall set the compensation for a 64247
conservator appointed for a state university or college. The 64248
expenses and compensation of the conservator and others employed 64249
by the conservator shall be paid out of the operating funds and 64250
revenues of that university or college. 64251

Sec. 3345.75. (A) Not later than thirty days after the 64252
date of the appointment of a conservator for a state university 64253
or college under section 3345.74 of the Revised Code, the 64254
governor shall appoint, with the advice and consent of the 64255
senate, a governance authority for the university or college 64256
consisting of five members, of which one shall have expertise in 64257
academic affairs and accreditation and one shall have expertise 64258
in either state agency budgets or state university or college 64259
finances. The members shall serve at the pleasure of the 64260
governor and any vacancies shall be filled in the same manner as 64261
an original appointment. 64262

The governor shall designate one of the members of the 64263
governance authority as the chairperson and shall call the first 64264
meeting of the authority. A majority of the members of a 64265

governance authority constitutes a quorum and the affirmative 64266
vote of a majority of the members shall be necessary for any 64267
action taken by an authority. Meetings of a governance authority 64268
shall be called in the manner and at the times prescribed by the 64269
authority, but the authority shall meet at least four times 64270
annually and at other times necessary for the best interest of 64271
the university or college. A governance authority may adopt 64272
procedures for the conduct of its business. 64273

The members of a governance authority shall not receive 64274
compensation for their services, but shall be paid their 64275
reasonable and necessary expenses while engaged in the discharge 64276
of their official duties. 64277

(B) (1) A governance authority established under this 64278
section shall appoint an executive director who shall serve at 64279
the pleasure of the authority and with the compensation and 64280
other terms and conditions established by it. With the approval 64281
of the chairperson of the authority, the executive director may 64282
appoint additional personnel as the director considers 64283
appropriate. The executive director shall oversee the day-to-day 64284
operation of the university or college under the direction and 64285
supervision of the authority. 64286

(2) The governance authority shall conduct a final 64287
performance evaluation of the president or chief executive 64288
officer of the university or college. Following the evaluation, 64289
the governance authority may reinstate any duties, authority, or 64290
pay previously suspended under division (C) (6) of section 64291
3345.74 of the Revised Code, or may terminate the president or 64292
chief executive officer in accordance with the terms of the 64293
person's employment contract. 64294

(C) Upon appointment of all members of a governance 64295

authority under this section and upon the effective date for the 64296
commencement of the duties of the executive director appointed 64297
by that authority under this section, all authority, 64298
responsibilities, duties, and references assumed by or conferred 64299
upon the conservator under divisions (C) (2) to (6) of section 64300
3345.74 of the Revised Code terminate and all of the following 64301
shall occur, effective immediately: 64302

(1) The management and control of the state university or 64303
college is assumed by the governance authority; 64304

(2) Notwithstanding any section of the Revised Code, all 64305
duties, responsibilities, and powers assigned by law to the 64306
board of trustees or to the conservator are assigned to the 64307
governance authority and the governance authority becomes the 64308
successor to, assumes the lawful obligations of, and otherwise 64309
constitutes the continuation of the board of trustees and the 64310
conservator for purposes of all pending legal actions, contracts 64311
or other agreements, and obligations of the university or 64312
college; 64313

(3) Wherever the board of trustees or conservator is 64314
referred to in any contract or legal document, the reference is 64315
deemed to refer to the governance authority. No validation, 64316
cure, right, privilege, remedy, obligation, or liability is lost 64317
or impaired by reason of the assumption of the authority of the 64318
board of trustees and the conservator by the governance 64319
authority under this section and any such validation, cure, 64320
right, privilege, remedy, obligation, or liability shall be 64321
administered by the governance authority. No action or 64322
proceeding pending on the effective date of the assumption by 64323
the governance authority of the authority of the board of 64324
trustees and the conservator is affected by that assumption and 64325

any such action or proceeding shall be prosecuted or defended in 64326
the name of the governance authority. 64327

(4) The governance authority assumes custody of all 64328
equipment, records, files, effects, and all other property real 64329
or personal of the state university or college. 64330

(D) A governance authority and executive director 64331
appointed under this section shall be immune, indemnified, and 64332
held harmless from civil liability, including any cause of 64333
action, legal, equitable, or otherwise, for any action taken or 64334
duties performed by the governance authority and executive 64335
director in good faith and in furtherance of the performance of 64336
the duties of the governance authority and executive director 64337
under this section. 64338

(E) The expenses of a governance authority and the 64339
expenses and compensation of an executive director appointed for 64340
a state university or college under this section and others 64341
employed by the executive director under this section shall be 64342
paid out of the operating funds and revenues of that university 64343
or college. 64344

(F) A governance authority appointed under this section 64345
shall prepare, in accordance with rules adopted by the office of 64346
budget and management, and submit to the chancellor of higher 64347
education, the governor, the speaker and minority leader of the 64348
house of representatives, and the president and minority leader 64349
of the senate a quarterly report setting forth all of the 64350
following: 64351

(1) The general condition of the university or college; 64352

(2) The amounts of receipts and disbursements and the 64353
items for which the disbursements were made; 64354

(3) The numbers of professors, officers, teachers, and 64355
other employees and the position and compensation of each and 64356
the numbers of students by courses of instruction; 64357

(4) An estimate of expenses for the ensuing quarter; 64358

(5) A statement of the general progress of the university 64359
or college with indication of any improvements and specification 64360
of any experiments with institutional reform and the costs and 64361
results of those experiments; 64362

(6) If the governance authority determines closure is 64363
necessary or is appointed to facilitate an orderly closure as 64364
determined to be necessary by the board of trustees prior to the 64365
governance authority's appointment, all matters related to 64366
compliance with the requirements of a closure of an institution 64367
of higher education as specified by the chancellor; 64368

(7) Any other matters the governance authority considers 64369
useful to report. 64370

(G) The attorney general shall be the legal adviser to the 64371
conservator and the governance authority, and the attorney 64372
general may employ special counsel to aid the conservator or 64373
governance authority with respect to any legal matter on behalf 64374
of the institution. The conservator and the governance authority 64375
may as otherwise provided by law request the attorney general to 64376
bring or defend suits or proceedings in the name of the 64377
institution. 64378

Sec. 3345.79. As used in this section, "state university 64379
or college" has the same meaning as in section 3345.71 of the 64380
Revised Code. 64381

(A) Pursuant to the authority of the general assembly to 64382
provide for the public health, safety, and welfare, it is 64383

declared to be the public policy and a public purpose of the 64384
state to require fiscal integrity of state universities and 64385
colleges so that they can educate students, pay when due 64386
principal and interest on their debt obligations, meet financial 64387
obligations to their employees, vendors, and suppliers, and 64388
provide for proper financial accounting procedures, budgeting, 64389
and taxing practices. The failure of a state university or 64390
college to so act is hereby determined to affect adversely the 64391
health, safety, and welfare not only of the students but also of 64392
other people of the state. 64393

(B) The chancellor may make recommendations, and the 64394
controlling board may grant money from the catastrophic 64395
expenditures account to any state university or college that 64396
suffers an unforeseen catastrophic event that severely depletes 64397
the university or college's financial resources. The chancellor 64398
shall make recommendations for the grants in accordance with 64399
rules adopted by the chancellor, after consulting with the 64400
director of budget and management. A state university or college 64401
shall not be required to repay any grant awarded to the state 64402
university or college under this division, unless the state 64403
university or college receives money from this state or a third 64404
party, including an agency of the government of the United 64405
States, specifically for the purpose of compensating the state 64406
university or college for revenue lost or expenses incurred as a 64407
result of the unforeseen catastrophic event. 64408

Sec. 3345.83. (A) Beginning not later than the 2027-2028 64409
academic year, each state institution of higher education, as 64410
defined in section 3345.011 of the Revised Code, shall develop 64411
and implement a co-op internship program that aligns with 64412
JobsOhio's target economic sectors and connects students with 64413
Ohio-based employers to facilitate work-based learning 64414

opportunities, which may include apprenticeships, internships, 64415
externships, and co-ops, related to the student's course of 64416
study. Institutions shall work with JobsOhio to develop and 64417
implement their program, which shall include identifying 64418
industry and employer partners. 64419

(B) The chancellor of higher education shall consult with 64420
JobsOhio and any other appropriate stakeholders to develop the 64421
goals, structure, and parameters of the program. The chancellor 64422
may consult with other stakeholders. 64423

(C) Beginning on the thirtieth day of June following the 64424
academic year in which the co-op internship program under 64425
division (A) of this section is implemented and annually 64426
thereafter, each institution shall issue a report to the 64427
chancellor on the status of the institution's program, including 64428
the number of participating students, which employers are 64429
partnering with the institution, and how many participating 64430
students have received or accepted offers of employment after 64431
graduation as a direct result of their participation in the 64432
program. 64433

Sec. 3345.86. (A) As used in this section: 64434

(1) "Competency-based educational program" and "eligible 64435
individual" have the same meanings as in section 3313.902 of the 64436
Revised Code. 64437

(2) "Eligible provider" means a community college 64438
established under Chapter 3354. of the Revised Code, a 64439
university branch established under Chapter 3355. of the Revised 64440
Code, a technical college established under Chapter 3357. of the 64441
Revised Code, a state community college established under 64442
Chapter 3358. of the Revised Code, or an Ohio technical center 64443

as defined in section 3333.94 of the Revised Code.

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(B) An eligible provider may establish a competency-based educational program that complies with standards adopted by the department of education and workforce and may enroll eligible individuals in the program for up to three consecutive school years for the purpose of earning a high school diploma. The provider shall establish a career plan for each individual enrolled in the program that specifies the individual's career goals and describes how the individual will demonstrate competency or earn course credits under division (C) of section 3313.902 of the Revised Code to earn a diploma and attain the individual's career goals. Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the department shall award a high school diploma to an individual enrolled in a program who satisfies one of the conditions specified in division (C) of section 3313.902 of the Revised Code.

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(C) An eligible provider shall report each individual enrolled in a program under division (B) of this section to the department. The department annually shall certify the enrollment and attendance of each individual reported under this division and shall pay the provider up to \$7,500 per school year, as determined by the department based on the extent of the individual's successful completion of the diploma requirements prescribed in division (C) of section 3313.902 of the Revised Code.

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(D) An eligible provider that enrolls individuals under division (B) of this section is subject to the requirements of section 3313.902 of the Revised Code, as applicable.

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Sec. 3345.88. (A) As used in this section:

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(1) "College credit plus pathways" means the pathways 64474
developed under section 3365.13 of the Revised Code. 64475

(2) "State university" has the same meaning as in section 64476
3345.011 of the Revised Code. 64477

(B) The accelerated college and career pathways program is 64478
established. Under the program, each state university shall 64479
establish at least one accelerated ninety-hour degree program 64480
aligned to an in-demand career area by the 2026-2027 academic 64481
year. Each state university shall determine the number and types 64482
of accelerated degrees to be offered. Each state university 64483
shall do all of the following: 64484

(1) Include accelerated ninety-hour degree programs in 64485
course and program catalogues; 64486

(2) Ensure that accelerated ninety-hour degree programs 64487
are properly accredited and meet the requirements for reduced 64488
credit hour degree programs. The chancellor of higher education 64489
shall approve each accelerated ninety-hour degree program 64490
developed by a state university that meets the requirements 64491
established under section 3345.88 of the Revised Code. 64492

(3) Work collaboratively with local and regional business 64493
community partners to identify in-demand career areas during the 64494
development of accelerated ninety-hour degree programs. 64495

(4) Report to the chancellor all of the following: 64496

(a) The accelerated ninety-hour degree programs the state 64497
university offers; 64498

(b) The number of students participating in each program; 64499

(c) The number of students that complete each program; 64500

(d) Any additional information required by the chancellor 64501
under section 3333.97 of the Revised Code. 64502

(C) (1) Each state university shall develop, in 64503
consultation with local and regional primary and secondary 64504
education partners, model college credit plus pathways that are 64505
aligned with the accelerated ninety-hour degree programs offered 64506
by the state university and regional and state workforce needs. 64507

(2) Each public and participating nonpublic secondary 64508
school shall include the model college credit plus pathways 64509
developed under division (C) (1) of this section in the 64510
information required to be provided to students and parents 64511
under section 3365.04 of the Revised Code. 64512

(D) The chancellor shall not distribute state share of 64513
instruction funds to a state university in any fiscal year in 64514
which it does not comply with this section, as determined by the 64515
chancellor. 64516

Sec. 3352.16. (A) (1) The Wright state university center 64517
for civics, culture, and workforce development is established as 64518
an independent academic division within Wright state university, 64519
physically located on the Dayton campus of Wright state 64520
university. The center shall conduct teaching and research in 64521
the historical ideas, traditions, and texts that have shaped the 64522
American constitutional order and society and the United States 64523
armed forces. 64524

(2) The center shall establish bylaws requiring the center 64525
to do all of the following: 64526

(a) Educate students by means of free, open, and rigorous 64527
intellectual inquiry to seek the truth; 64528

(b) Affirm its duty to equip students with the skills, 64529

habits, and dispositions of mind they need to reach their own 64530
informed conclusions on matters of social and political 64531
importance; 64532

(c) Affirm the value of intellectual diversity in higher 64533
education and aspire to enhance the intellectual diversity of 64534
the university; 64535

(d) Affirm a commitment to create a community dedicated to 64536
an ethic of civil and free inquiry, which respects the 64537
intellectual freedom of each member, supports individual 64538
capacities for growth, and welcomes the differences of opinion 64539
that shall naturally exist in a public university community. 64540

The requirements prescribed under divisions (A) (2) (a) to 64541
(d) of this section shall take priority over any other bylaws 64542
adopted by the center. 64543

(3) The board of trustees of the university may name the 64544
center in accordance with the philanthropic naming policies and 64545
practices of the university. 64546

(B) The center shall be an independent academic division, 64547
physically located on the Dayton campus of Wright state 64548
university, with the authority to house faculty who hold their 64549
appointments within the center. Faculty appointed to the center 64550
shall not be required, but may, hold joint appointments within 64551
any other division of the university. No faculty outside of the 64552
center shall have the authority to block faculty hires into the 64553
center. No university policy shall govern the development and 64554
approval of curriculum within the center. 64555

(C) (1) The center shall offer instruction in all of the 64556
following: 64557

(a) The books and major debates which form the 64558

intellectual foundation of free societies, especially that of 64559
the United States; 64560

(b) The principles, ideals, and institutions of the 64561
American constitutional order, including the United States armed 64562
forces; 64563

(c) The foundations of responsible leadership and informed 64564
citizenship; 64565

(d) The origins, purpose, and role of Wright-Patterson air 64566
force base and surrounding defense-related industries in 64567
supporting the United States; 64568

(e) The workforce needs of Wright-Patterson air force base 64569
and industries that support the base. 64570

(2) The center also shall focus on all of the following: 64571

(a) Offering university-wide programming related to the 64572
values of free speech and civil discourse; 64573

(b) Expanding the intellectual diversity of the 64574
university's academic community; 64575

(c) Increasing the awareness of Wright-Patterson air force 64576
base and supporting workforce needs to sustain and attract 64577
missions at the base. 64578

(D) (1) ~~Not later than ninety days after the effective date~~ 64579
~~of this section, the~~ The board of trustees of the university 64580
shall appoint, with the advice and consent of the senate, a 64581
seven-member center academic council. An initial member shall 64582
not begin service until confirmed by the senate. Four members 64583
shall form a quorum. 64584

(2) The academic council shall be comprised of scholars 64585

with relevant expertise and experience. Not more than three 64586
members of the council may be employees of the university. Best 64587
efforts shall be made to have not fewer than three members of 64588
the advisory board be from Ohio. 64589

(3) Three members of the academic council shall serve 64590
initial terms of two years and four members shall serve initial 64591
terms of four years, which the members shall determine at their 64592
first meeting, and select replacements for vacant seats. 64593

(E) (1) The academic council established under division (D) 64594
of this section shall conduct a nationwide search for candidates 64595
for the director of the center and shall strictly adhere to all 64596
relevant state and federal laws. The academic council shall 64597
submit to the president of the university a list of finalists 64598
from which the president shall select and appoint a director, 64599
subject to approval by the board of trustees. Future directors 64600
shall be chosen in the same manner. 64601

(2) The director shall consult with the provost; however, 64602
the director shall report directly to the president of the 64603
university. 64604

(3) The director shall have the sole and exclusive 64605
authority to manage the recruitment and hiring process and to 64606
extend offers for employment for all faculty and staff of the 64607
center, and to terminate employment of all staff, subject to the 64608
approval of the board of trustees of the university. The 64609
director shall oversee, develop, and approve the center's 64610
curriculum, including approval of the center's courses that meet 64611
the university's general education requirements. The center 64612
shall be granted the authority to offer courses independently 64613
and develop certificate, minor, and major programs as well as 64614
graduate programs, and offer degrees. 64615

(4) Notwithstanding section 3333.164 of the Revised Code, 64616
the center shall develop a set of standards and procedures to 64617
maximize the granting of academic credit for military training, 64618
experience, and coursework. 64619

(5) Notwithstanding section 3333.31 of the Revised Code, 64620
Wright state university shall not charge more than its in-state 64621
instructional and general fees to any current or honorably 64622
discharged member of the United States armed forces, or the 64623
spouse or dependents of such a member, who enrolls in a program 64624
offered by the center, regardless of whether that member, 64625
spouse, or dependent is a resident of this state under rules 64626
adopted under section 3333.31 of the Revised Code. 64627

(F) The director of the center shall submit an annual 64628
report to the board of trustees of the university and the 64629
general assembly in accordance with section 101.68 of the 64630
Revised Code. The report shall provide a full account of the 64631
center's achievements, opportunities, challenges, and obstacles 64632
in the development of this academic division. 64633

Sec. 3354.19. ~~(A)~~ As used in sections 3354.19 to 64634
~~3354.24~~ 3354.21 of the Revised Code, "displaced homemaker" means 64635
an individual who: 64636

(A) Is twenty-seven years of age or older; 64637

(B) Has worked without pay as a homemaker for his or her 64638
family; 64639

(C) Is not gainfully employed and has had, or would be 64640
likely to have, difficulty in securing employment; and 64641

(D) Has either been deprived of the support of a person on 64642
whom he or she was dependent, or has become ineligible for 64643
public assistance as the parent of a needy child. 64644

Sec. 3358.08. The board of trustees of a state community college district may:

(A) Own and operate a state community college;

(B) Hold, encumber, control, acquire by donation, purchase or condemn, construct, own, lease, use, and sell, real and personal property as necessary for the conduct of the program of the state community college on whatever terms and for whatever consideration may be appropriate for the purpose of the institution;

(C) Accept gifts, grants, bequests, and devises absolute or in trust for support of the state community college;

(D) Employ a president, and appoint or approve the appointment of other necessary administrative officers, full-time faculty members, and operating staff. The board may delegate the appointment of operating staff and part-time faculty members to the college president. The board shall fix the rate of compensation of the president and all officers and full-time employees as are necessary and proper for state community colleges.

(E) Provide for the state community college necessary lands, buildings, or other structures, equipment, means, and appliances;

(F) Establish within the maximum amounts permitted by law, schedules of fees and tuition for students who are Ohio residents and students who are not⁺. If electors approve a levy under section 3358.11 of the Revised Code for current operating expenses, the board shall charge students who reside in the county in which the tax is levied a lower tuition rate than the rate charged to students who are residents of other counties in

the state. 64674

(G) Grant appropriate degrees to students successfully 64675
completing the state community college's programs, and 64676
certificates of achievement to students who complete other 64677
programs; 64678

(H) Prescribe policies for the effective operation of the 64679
state community college and exercise such other powers as are 64680
necessary for the efficient management of the college; 64681

(I) Enter into contracts with neighboring colleges and 64682
universities for the conduct of state community college programs 64683
or technical courses outside the state community college 64684
district; 64685

(J) Purchase: 64686

(1) A policy or policies of insurance insuring the 64687
district against loss or damage to property, whether real, 64688
personal, or mixed, which is owned by the district or leased by 64689
it as lessee or which is in the process of construction by or 64690
for the district; 64691

(2) A policy or policies of fidelity insurance in such 64692
amounts and covering such trustees, officers, and employees of 64693
the district as the board may consider necessary or desirable; 64694

(3) A policy or policies of liability insurance from an 64695
insurer or insurers licensed to do business in this state 64696
insuring its members, officers, and employees against all civil 64697
liability arising from an act or omission by the member, 64698
officer, or employee, when the member, officer, or employee is 64699
not acting manifestly outside the scope of employment or 64700
official responsibilities with the institution, with malicious 64701
purpose or bad faith, or in a wanton or reckless manner, or may 64702

otherwise provide for the indemnification of such persons 64703
against such liability. All or any portion of the cost, premium, 64704
or charge for such a policy or policies or indemnification 64705
payment may be paid from any funds under the institution's 64706
control. The policy or policies of liability insurance or the 64707
indemnification policy of the institution may cover any risks 64708
including, but not limited to, damages resulting from injury to 64709
property or person, professional liability, and other special 64710
risks, including legal fees and expenses incurred in the defense 64711
or settlement claims of such damages. 64712

(4) A policy or policies of insurance insuring the 64713
district against any liabilities to which it may be subject on 64714
account of damage or injury to persons or property, including 64715
liability for wrongful death. 64716

Any instrument by which real property is acquired pursuant 64717
to this section shall identify the agency of the state that has 64718
the use and benefit of the real property as specified in section 64719
5301.012 of the Revised Code. 64720

Sec. 3358.11. (A) In the same manner as a tax may be 64721
proposed by a board of trustees of a community college district 64722
under section 3354.12 of the Revised Code, the board of trustees 64723
of a state community college district may adopt and certify a 64724
resolution to the board of elections of one or more of the 64725
counties comprising the state community college district 64726
directing the board of elections to place on the ballot at any 64727
general or special election the question of levying a tax in 64728
excess of the ten-mill limitation on all the taxable property in 64729
that county or those counties. The tax may be for any of the 64730
following purposes, as stated in the resolution: 64731

(1) The acquisition of sites in that county or those 64732

counties; 64733

(2) The erection, furnishing, and equipment of buildings 64734
in that county or those counties; 64735

(3) The acquisition, construction, or improvement of any 64736
property in that county or those counties which the board of 64737
trustees of a state community college is authorized to acquire, 64738
construct, or improve and which has an estimated life or 64739
usefulness of five years or more as certified by the treasurer 64740
of the board of trustees; 64741

(4) The payment of current expenses of the state community 64742
college district. This tax may only be levied in the county in 64743
which the main campus of the state community college is located. 64744

The resolution shall declare that, if the levy is for one 64745
or more of the purposes described in divisions (A) (1) to (3) of 64746
this section, the proceeds of the levy or issue may be used 64747
solely within the county or counties in which the tax is levied— 64748
and. If the levy is for the purpose described in division (A) 64749
(4) of this section, the resolution shall declare that the 64750
proceeds of the levy shall be used for costs associated with 64751
operations in the county in which the tax is levied. The 64752
resolution shall also state, regardless of the purposes for 64753
which the tax is levied, the term of the tax, which may be for 64754
any term authorized for a tax levied under section 3354.12 of 64755
the Revised Code. The question of such a tax may not be 64756
submitted at more than two special elections held in any one 64757
calendar year. Levies for a continuing period of time adopted 64758
under this section may be reduced in accordance with section 64759
5705.261 of the Revised Code. 64760

The election shall be held, canvassed, and certified in 64761

the manner provided for the submission of a tax levy under 64762
section 3354.12 of the Revised Code. A tax levied under this 64763
section may be renewed in the same manner as a tax levied under 64764
section 3354.12 of the Revised Code or replaced in accordance 64765
with section 5705.192 of the Revised Code. 64766

If electors approve the levy, the board of trustees may 64767
anticipate a fraction of the proceeds of the levy and may, from 64768
time to time, issue anticipation notes in the same manner and 64769
subject to the same limitations provided under section 3354.12 64770
of the Revised Code. 64771

(B) In accordance with Chapter 133. of the Revised Code, 64772
the board of trustees of a state community college district may 64773
adopt and certify a resolution to the board of elections of one 64774
or more of the counties comprising the district directing the 64775
board of elections to place on the ballot at any election 64776
authorized under section 133.18 of the Revised Code both of the 64777
following questions: 64778

(1) The question of issuing bonds for paying all or part 64779
of the cost of the following: 64780

(a) The purchase of sites in that county or those 64781
counties; 64782

(b) The erection, furnishings, and equipment of buildings 64783
in that county or those counties; 64784

(c) The acquisition or construction of any property in 64785
that county or those counties which the board of trustees is 64786
authorized to acquire or construct and which has an estimated 64787
life or usefulness of five years or more as certified by the 64788
treasurer of the board of trustees. 64789

(2) The question of levying a tax in excess of the ten- 64790

mill limitation on all the taxable property in that county or 64791
those counties to pay the interest on and retire any bonds 64792
approved by the electors under division (B) (1) of this section. 64793

The election shall be held, canvassed, and certified in 64794
the manner provided for the submission of a bond issuance and 64795
tax levy under section 3354.11 of the Revised Code. Bonds 64796
approved by electors under division (B) (1) of this section may 64797
be issued for one or more improvements which the district is 64798
authorized to acquire or construct, notwithstanding the fact 64799
that such improvements may not be for more than one purpose 64800
under Chapter 133. of the Revised Code. 64801

Notes may be issued in anticipation of any bonds that may 64802
be approved by the electors under division (B) (1) of this 64803
section in the manner provided under section 133.22 of the 64804
Revised Code. 64805

For the purpose of applying Chapter 133. of the Revised 64806
Code to division (B) of this section, the treasurer of the state 64807
community college district shall be considered to be the 64808
district's fiscal officer, and the board of trustees of the 64809
state community college district shall be considered to be the 64810
taxing authority. 64811

(C) The board of trustees of a state community college 64812
district that levies a tax or proposes to levy a tax under 64813
division (A) or (B) of this section shall be considered to be a 64814
taxing authority, the county or counties in which the tax is 64815
levied shall be considered to be a subdivision, and the 64816
treasurer of the board of trustees shall be considered to be a 64817
fiscal officer for the purposes of Chapter 5705. of the Revised 64818
Code, except for section 5705.19 of the Revised Code. 64819

Sec. 3364.07. (A) The institute of American constitutional 64820
thought and leadership is established for the purpose of 64821
creating and disseminating knowledge about American 64822
constitutional thought and to form future leaders of the legal 64823
profession through research, scholarship, teaching, 64824
collaboration, and mentorship. The institute shall be an 64825
independent academic unit within the university of Toledo, 64826
initially physically located at the college of law. The 64827
university shall require the college of law to provide adequate 64828
administrative space for the institute. 64829

(B) The institute shall pursue all of the following goals: 64830

(1) To enrich the curriculum in American constitutional 64831
studies, including the core texts and great debates of western 64832
civilization; 64833

(2) To educate university students in the principles, 64834
ideals, and institutions of the American and Ohio constitutional 64835
order; 64836

(3) To educate university students in the foundations of 64837
responsible leadership and informed citizenship and to cultivate 64838
the next generation of leaders in the legal profession; 64839

(4) To offer university-wide programming related to the 64840
values of open inquiry and civil discourse; 64841

(5) To expand the intellectual diversity of the 64842
university's academic community and to create a rich forum for 64843
the development of ideas across the political and ideological 64844
spectrum; 64845

(6) To support faculty and graduate student scholarship 64846
that advances understanding of American constitutional thought 64847
and institutions; 64848

(7) To promote scholarly collaboration within the university and beyond;

(8) To host lectures, debates, and symposia, and sponsor visiting scholars, jurists, and teachers.

(C) The institute shall adhere to the following policies:

(1) The institute shall educate students by means of free, open, and rigorous intellectual inquiry to seek the truth.

(2) The institute shall equip students with the skills, habits, and dispositions of mind they need to reach their own informed conclusions on matters of legal, social, and political importance.

(3) The institute shall value intellectual diversity in higher education, including in faculty recruitment, hiring, and appointment, and aspire to enhance the intellectual diversity of academic life at the university.

(4) The institute shall create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that naturally occur in a public university community.

(D) (1) ~~Not later than sixty days after the effective date of this section, the~~ The talent, compensation, and governance committee of the board of trustees of the university, if such a committee exists, shall appoint, with the advice and consent of the senate, a seven-member institute academic council. If no such committee exists, the board of trustees shall appoint members under this division. An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum.

(2) The academic council shall be comprised of scholars 64878
with relevant expertise and experience. Not more than one member 64879
of the council may be an employee of the university. Best 64880
efforts shall be made to have not fewer than three members of 64881
the council be from Ohio. 64882

(3) Three members of the academic council shall serve 64883
initial terms of two years and four members shall serve initial 64884
terms of four years, which the members shall determine at their 64885
first meeting, and select replacements for vacant seats. 64886

(4) To fill a vacancy for the institute director after the 64887
initial director, following a national search, the academic 64888
council shall transmit to the president a list of finalists from 64889
which the president shall select a director, subject to the 64890
approval of the talent, compensation, and governance committee 64891
of the board of trustees. 64892

(E) (1) The institute shall be led by a director who shall 64893
report directly to the president and provost of the university 64894
and consult with the dean of the college of law. The president 64895
of the university shall appoint ~~an initial the director not~~ 64896
~~later than thirty days after the effective date of this section~~ 64897
. The director shall be an expert of the western tradition, the 64898
American founding, and American constitutional thought, and 64899
shall have shown a commitment to the purposes, goals, and 64900
policies of the institute. The director's term shall be for five 64901
years and shall be renewable. 64902

(2) The director shall have the protection of tenure or 64903
tenure eligibility. Any existing tenure with the university held 64904
by a director shall be maintained with the university. 64905

(F) The institute shall be an independent academic unit of 64906

the university with the authority to house tenure-track faculty 64907
who hold their appointments within the institute. Not fewer than 64908
five tenure-track faculty positions shall be allotted to the 64909
institute. Faculty appointed within the institute shall not be 64910
required, but may be permitted, to hold joint or courtesy 64911
appointments within any other division of the university. No 64912
faculty from outside the institute shall have the authority to 64913
block faculty hires into the institute. 64914

(G) (1) The director shall have the sole and exclusive 64915
authority to manage the recruitment and hiring process and to 64916
extend offers for employment for all faculty and staff, and to 64917
terminate employment of all staff. The director shall oversee, 64918
develop, and approve the institute's curriculum, including 64919
approval of the center's courses that meet the university's 64920
general education requirements. The institute shall be granted 64921
the authority to offer courses and develop certificate, minor, 64922
major, and graduate programs, and offer degrees. 64923

(2) Employment contracts offered under division (G) (1) of 64924
this section to tenure-track faculty appointed to the institute 64925
shall guarantee reappointment elsewhere in the university, at 64926
the same rank and compensation, in the event the institute is 64927
discontinued. 64928

(H) The director of the institute shall submit an annual 64929
report to the board of trustees of the university and the 64930
general assembly in accordance with section 101.68 of the 64931
Revised Code. The report shall provide a full account of the 64932
institute's achievements, opportunities, challenges, and 64933
obstacles in the development of this academic unit. 64934

(I) The board of trustees of the university may change the 64935
name of the institute in accordance with the philanthropic 64936

naming policies and practices of the university. 64937

Sec. 3365.01. As used in this chapter: 64938

(A) "Articulated credit" means post-secondary credit that 64939
is reflected on the official record of a student at an 64940
institution of higher education only upon enrollment at that 64941
institution after graduation from a secondary school. 64942

(B) "Default ceiling amount" means one of the following 64943
amounts, whichever is applicable: 64944

(1) For a participant enrolled in a college operating on a 64945
semester schedule, the amount calculated according to the 64946
following formula: 64947

$$((0.83 \times \text{formula amount}) / 30)$$
 64948

X number of enrolled credit hours 64949

(2) For a participant enrolled in a college operating on a 64950
quarter schedule, the amount calculated according to the 64951
following formula: 64952

$$((0.83 \times \text{formula amount}) / 45)$$
 64953

X number of enrolled credit hours 64954

(C) "Default floor amount" means twenty-five per cent of 64955
the default ceiling amount. 64956

(D) "Eligible out-of-state college" means any institution 64957
of higher education that is located outside of Ohio and is 64958
approved by the chancellor of higher education to participate in 64959
the college credit plus program. 64960

(E) "Fee" means any course-related fee and any other fee 64961
imposed by the college, but not included in tuition, for 64962
participation in the program established by this chapter. 64963

(F) "Formula amount" means \$6,020.	64964
(G) "Governing entity" means any of the following:	64965
(1) A board of education of a school district;	64966
(2) A governing authority of a community school established under Chapter 3314. of the Revised Code;	64967 64968
(3) A governing body of a STEM school established under Chapter 3326. of the Revised Code;	64969 64970
(4) A board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	64971 64972
(5) When referring to the state school for the deaf or, the state school for the blind, <u>or Rita community school</u> , the department of education and workforce;	64973 64974 64975
(6) When referring to an institution operated by the department of youth services, the superintendent of that institution.	64976 64977 64978
(H) "Home-educated participant" means a student who is exempt from the compulsory attendance law for the purpose of home education under section 3321.042 of the Revised Code, and is participating in the program established by this chapter.	64979 64980 64981 64982
(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable:	64983 64984
(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	64985 64986 64987
((formula amount / 30)	64988
X number of enrolled credit hours)	64989

(2) For a participant enrolled in a college operating on a 64990
quarter schedule, the amount calculated according to the 64991
following formula: 64992

((formula amount / 45) 64993

X number of enrolled credit hours) 64994

(J) "Nonpublic secondary school" means a chartered school 64995
for which minimum standards are prescribed by the director of 64996
education and workforce pursuant to division (D) of section 64997
3301.07 of the Revised Code. 64998

(K) "Number of enrolled credit hours" means the number of 64999
credit hours for a course in which a participant is enrolled 65000
during the previous term after the date on which a withdrawal 65001
from a course would have negatively affected the participant's 65002
transcripted grade, as prescribed by the college's established 65003
withdrawal policy. 65004

(L) "Parent" has the same meaning as in section 3313.64 of 65005
the Revised Code. 65006

(M) "Participant" means any student enrolled in a college 65007
under the program established by this chapter. 65008

(N) "Partnering college" means a college with which a 65009
public or nonpublic secondary school has entered into an 65010
agreement in order to offer the program established by this 65011
chapter. 65012

(O) "Partnering secondary school" means a public or 65013
nonpublic secondary school with which a college has entered into 65014
an agreement in order to offer the program established by this 65015
chapter. 65016

(P) "Private college" means any of the following: 65017

- (1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 65018
65019
- (2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code; 65020
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- (3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. 65024
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- (Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university. 65027
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- (R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, a college-preparatory boarding school established under Chapter 3328. of the Revised Code, the state school for the deaf, the state school for the blind, Rita community school, or an institution operated by the department of youth services. 65030
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- (S) "School year" has the same meaning as in section 3313.62 of the Revised Code. 65039
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- (T) "Secondary grade" means any of grades nine through twelve. 65041
65042
- (U) "Standard rate" means the amount per credit hour assessed by the college for an in-state student who is enrolled in an undergraduate course at that college, but who is not participating in the college credit plus program, as prescribed 65043
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by the college's established tuition policy. 65047

(V) "Transcribed credit" means post-secondary credit that 65048
is conferred by an institution of higher education and is 65049
reflected on a student's official record at that institution 65050
upon completion of a course. 65051

Sec. 3365.032. (A) For purposes of this section: 65052

(1) The "expulsion of a student" or "expelling a student" 65053
means the following: 65054

(a) For a public secondary school that is a school 65055
operated by a city, local, exempted village, or joint vocational 65056
school district, community school established under Chapter 65057
3314. of the Revised Code, or STEM school established under 65058
Chapter 3326. of the Revised Code, the expulsion of a student or 65059
the act of expelling a student under division (B) of section 65060
3313.66 of the Revised Code; 65061

(b) For a public secondary school that is a college- 65062
preparatory boarding school, the expulsion of a student or the 65063
act of expelling a student in accordance with the school's 65064
bylaws adopted pursuant to section 3328.13 of the Revised Code; 65065

(c) For a public secondary school that is the state school 65066
for the deaf-~~er~~, the state school for the blind, or Rita 65067
community school, the expulsion of a student or the act of 65068
expelling a student in accordance with rules adopted by the 65069
department of education and workforce. 65070

(2) A "policy to deny high school credit for courses taken 65071
under the college credit plus program during an expulsion" means 65072
the following: 65073

(a) For a public secondary school that is a school 65074

operated by a city, local, exempted village, or joint vocational 65075
school district, community school established under Chapter 65076
3314. of the Revised Code, or STEM school established under 65077
Chapter 3326. of the Revised Code, a policy adopted under 65078
section 3313.613 of the Revised Code; 65079

(b) For a college-preparatory boarding school established 65080
under Chapter 3328. of the Revised Code, a policy adopted in 65081
accordance with the school's bylaws adopted pursuant to section 65082
3328.13 of the Revised Code; 65083

(c) For the state school for the deaf~~or~~, the state 65084
school for the blind, or Rita community school, a policy adopted 65085
in accordance with any rules adopted by the department requiring 65086
such a policy. 65087

(B) When a public secondary school expels a student, the 65088
superintendent, or equivalent, shall send a written notice of 65089
the expulsion to any college in which the expelled student is 65090
enrolled under section 3365.03 of the Revised Code at the time 65091
the expulsion is imposed. The notice shall indicate the date the 65092
expulsion is scheduled to expire. The notice also shall indicate 65093
whether the school has adopted a policy to deny high school 65094
credit for courses taken under the college credit plus program 65095
during an expulsion. If the expulsion is extended, the 65096
superintendent, or equivalent, shall notify the college of the 65097
extension. 65098

(C) A college may withdraw its acceptance under section 65099
3365.03 of the Revised Code of a student who is expelled from 65100
school. As provided in section 3365.03 of the Revised Code, 65101
regardless of whether the college withdraws its acceptance of 65102
the student for the college term in which the student is 65103
expelled, the student is ineligible to enroll in a college under 65104

that section for subsequent college terms during the period of 65105
the expulsion, unless the student enrolls in another public 65106
school or a participating nonpublic school during that period. 65107

If a college withdraws its acceptance of an expelled 65108
student who elected either option of division (A) (1) or (2) of 65109
section 3365.06 of the Revised Code, the college shall refund 65110
tuition and fees paid by the student in the same proportion that 65111
it refunds tuition and fees to students who voluntarily withdraw 65112
from the college at the same time in the term. 65113

If a college withdraws its acceptance of an expelled 65114
student who elected the option of division (B) of section 65115
3365.06 of the Revised Code, the public school shall not award 65116
high school credit for the college courses in which the student 65117
was enrolled at the time the college withdrew its acceptance, 65118
and any reimbursement under section 3365.07 of the Revised Code 65119
for the student's attendance prior to the withdrawal shall be 65120
the same as would be paid for a student who voluntarily withdrew 65121
from the college at the same time in the term. If the withdrawal 65122
results in the college's receiving no reimbursement, the college 65123
or secondary school may require the student to return or pay for 65124
any textbooks and materials it provided the student free of 65125
charge. 65126

(D) When a student who elected the option of division (B) 65127
of section 3365.06 of the Revised Code is expelled from a public 65128
school that has adopted a policy to deny high school credit for 65129
courses taken under the college credit plus program during an 65130
expulsion, that election is automatically revoked for all 65131
college courses in which the student is enrolled during the 65132
college term in which the expulsion is imposed. Any 65133
reimbursement under section 3365.07 of the Revised Code for the 65134

student's attendance prior to the expulsion shall be the same as 65135
would be paid for a student who voluntarily withdrew from the 65136
college at the same time in the term. If the revocation results 65137
in the college's receiving no reimbursement, the college or 65138
secondary school may require the student to return or pay for 65139
any textbooks and materials it provided the student free of 65140
charge. 65141

Not later than five days after receiving an expulsion 65142
notice from the superintendent, or equivalent, of a public 65143
school that has adopted a policy to deny high school credit for 65144
courses taken under the college credit plus program during an 65145
expulsion, the college shall send a written notice to the 65146
expelled student that the student's election of division (B) of 65147
section 3365.06 of the Revised Code is revoked. If the college 65148
elects not to withdraw its acceptance of the student, the 65149
student shall pay all applicable tuition and fees for the 65150
college courses and shall pay for any textbooks and materials 65151
that the college or secondary school provided to the student. 65152

Sec. 3365.07. The department of education and workforce 65153
shall calculate and pay state funds to colleges for participants 65154
in the college credit plus program under division (B) of section 65155
3365.06 of the Revised Code pursuant to this section. For a 65156
nonpublic secondary school participant, a nonchartered nonpublic 65157
secondary school participant, or a home-educated participant, 65158
the department shall pay state funds pursuant to this section 65159
only if that participant is awarded funding according to rules 65160
adopted by the chancellor of higher education, in consultation 65161
with the department of education and workforce, pursuant to 65162
section 3365.071 of the Revised Code. The program shall be the 65163
sole mechanism by which state funds are paid to colleges for 65164
students to earn transcribed credit for college courses while 65165

enrolled in both a secondary school and a college, with the 65166
exception of state funds paid to colleges according to an 65167
agreement described in division (A) (1) of section 3365.02 of the 65168
Revised Code. 65169

(A) For each public or nonpublic secondary school 65170
participant enrolled in a public college: 65171

(1) If no agreement has been entered into under division 65172
(A) (2) of this section, both of the following shall apply: 65173

(a) The department shall pay to the college the applicable 65174
amount as follows: 65175

(i) For a participant enrolled in a college course 65176
delivered on the college campus, at another location operated by 65177
the college, or online, the lesser of the default ceiling amount 65178
or the college's standard rate; 65179

(ii) For a participant enrolled in a college course 65180
delivered at the participant's secondary school but taught by 65181
college faculty, the lesser of fifty per cent of the default 65182
ceiling amount or the college's standard rate; 65183

(iii) For a participant enrolled in a college course 65184
delivered at the participant's secondary school and taught by a 65185
high school teacher who has met the credential requirements 65186
established for purposes of the program in rules adopted by the 65187
chancellor, the default floor amount. 65188

(b) The participant's secondary school shall pay for 65189
textbooks, and the college shall waive payment of all other fees 65190
related to participation in the program. 65191

(2) The governing entity of a participant's secondary 65192
school and the college may enter into an agreement to establish 65193

an alternative payment structure for tuition, textbooks, and 65194
fees. Under such an agreement, payments for each participant 65195
made by the department shall be not less than the default floor 65196
amount, unless approved by the chancellor, and not more than 65197
either the default ceiling amount or the college's standard 65198
rate, whichever is less. The chancellor may approve an agreement 65199
that includes a payment below the default floor amount, as long 65200
as the provisions of the agreement comply with all other 65201
requirements of this chapter to ensure program quality. If no 65202
agreement is entered into under division (A) (2) of this section, 65203
both of the following shall apply: 65204

(a) The department shall pay to the college the applicable 65205
default amounts prescribed by division (A) (1) (a) of this 65206
section, depending upon the method of delivery and instruction. 65207

(b) In accordance with division (A) (1) (b) of this section, 65208
the participant's secondary school shall pay for textbooks, and 65209
the college shall waive payment of all other fees related to 65210
participation in the program. 65211

(3) No participant that is enrolled in a public college 65212
shall be charged for any tuition, textbooks, or other fees 65213
related to participation in the program. 65214

(B) For each public secondary school participant enrolled 65215
in a private college: 65216

(1) If no agreement has been entered into under division 65217
(B) (2) of this section, the department shall pay to the college 65218
the applicable amount calculated in the same manner as in 65219
division (A) (1) (a) of this section. 65220

(2) The governing entity of a participant's secondary 65221
school and the college may enter into an agreement to establish 65222

an alternative payment structure for tuition, textbooks, and 65223
fees. Under such an agreement, payments shall be not less than 65224
the default floor amount, unless approved by the chancellor, and 65225
not more than either the default ceiling amount or the college's 65226
standard rate, whichever is less. 65227

If an agreement is entered into under division (B) (2) of 65228
this section, both of the following shall apply: 65229

(a) The department shall make a payment to the college for 65230
each participant that is equal to the default floor amount, 65231
unless approved by the chancellor to pay an amount below the 65232
default floor amount. The chancellor may approve an agreement 65233
that includes a payment below the default floor amount, as long 65234
as the provisions of the agreement comply with all other 65235
requirements of this chapter to ensure program quality. 65236

(b) Payment for costs for the participant that exceed the 65237
amount paid by the department pursuant to division (B) (2) (a) of 65238
this section shall be negotiated by the school and the college. 65239
The agreement may include a stipulation permitting the charging 65240
of a participant. 65241

However, under no circumstances shall: 65242

(i) Payments for a participant made by the department 65243
under division (B) (2) of this section exceed the lesser of the 65244
default ceiling amount or the college's standard rate; 65245

(ii) The amount charged to a participant under division 65246
(B) (2) of this section exceed the difference between the maximum 65247
per participant charge amount and the default floor amount; 65248

(iii) The sum of the payments made by the department for a 65249
participant and the amount charged to that participant under 65250
division (B) (2) of this section exceed the following amounts, as 65251

applicable: 65252

(I) For a participant enrolled in a college course 65253
delivered on the college campus, at another location operated by 65254
the college, or online, the maximum per participant charge 65255
amount; 65256

(II) For a participant enrolled in a college course 65257
delivered at the participant's secondary school but taught by 65258
college faculty, one hundred twenty-five dollars; 65259

(III) For a participant enrolled in a college course 65260
delivered at the participant's secondary school and taught by a 65261
high school teacher who has met the credential requirements 65262
established for purposes of the program in rules adopted by the 65263
chancellor, one hundred dollars. 65264

(iv) A participant that is identified as economically 65265
disadvantaged according to rules adopted by the department be 65266
charged under division (B) (2) of this section for any tuition, 65267
textbooks, or other fees related to participation in the 65268
program. 65269

(C) For each nonpublic secondary school participant 65270
enrolled in a private or eligible out-of-state college, the 65271
department shall pay to the college the applicable amount 65272
calculated in the same manner as in division (A) (1) (a) of this 65273
section. Payment for costs for the participant that exceed the 65274
amount paid by the department shall be negotiated by the 65275
governing body of the nonpublic secondary school and the 65276
college. 65277

However, under no circumstances shall: 65278

(1) The payments for a participant made by the department 65279
under this division exceed the lesser of the default ceiling 65280

amount or the college's standard rate. 65281

(2) Any nonpublic secondary school participant, who is 65282
enrolled in that secondary school with a scholarship awarded 65283
under either the educational choice scholarship pilot program, 65284
as prescribed by sections 3310.01 to 3310.17, or the pilot 65285
project scholarship program, as prescribed by sections 3313.974 65286
to 3313.979 of the Revised Code, and who qualifies as a low- 65287
income student, as determined by a method established by the 65288
department be charged for any tuition, textbooks, or other fees 65289
related to participation in the college credit plus program. 65290

(D) For each nonchartered nonpublic secondary school 65291
participant and each home-educated participant enrolled in a 65292
public, private, or eligible out-of-state college, the 65293
department shall pay to the college the lesser of the default 65294
ceiling amount or the college's standard rate, if that 65295
participant is enrolled in a college course delivered on the 65296
college campus, at another location operated by the college, or 65297
online. 65298

(E) Not later than thirty days after the end of each term, 65299
each college expecting to receive payment for the costs of a 65300
participant under this section shall notify the department of 65301
the number of enrolled credit hours for each participant. 65302

(F) The department shall make the applicable payments 65303
under this section to each college, which provided proper 65304
notification to the department under division (E) of this 65305
section, for the number of enrolled credit hours for 65306
participants enrolled in the college under division (B) of 65307
section 3365.06 of the Revised Code. Except in cases involving 65308
incomplete participant information or a dispute of participant 65309
information, payments shall be made by the last day of January 65310

for participants who were enrolled during the fall term and by 65311
the last day of July for participants who were enrolled during 65312
the spring term. The department shall not make any payments to a 65313
college under this section if a participant withdrew from a 65314
course prior to the date on which a withdrawal from the course 65315
would have negatively affected the participant's transcribed 65316
grade, as prescribed by the college's established withdrawal 65317
policy. 65318

(1) Payments made for public secondary school participants 65319
under this section shall be deducted as follows: 65320

(a) For a participant enrolled in a school district, from 65321
the school foundation payments made to the participant's school 65322
district. If the participant is enrolled in a joint vocational 65323
school district, a portion of the amount shall be deducted from 65324
the payments to the joint vocational school district and a 65325
portion shall be deducted from the payments to the participant's 65326
city, local, or exempted village school district in accordance 65327
with the full-time equivalency of the student's enrollment in 65328
each district. 65329

(b) For a participant enrolled in a community school 65330
established under Chapter 3314. of the Revised Code, from the 65331
payments made to that school under section 3317.022 of the 65332
Revised Code; 65333

(c) For a participant enrolled in a STEM school, from the 65334
payments made to that school under section 3317.022 of the 65335
Revised Code; 65336

(d) For a participant enrolled in a college-preparatory 65337
boarding school, from the payments made to that school under 65338
section 3328.34 of the Revised Code; 65339

(e) For a participant enrolled in the state school for the 65340
~~deaf-or,~~ the state school for the blind, or Rita community 65341
school, from the amount paid to that school with funds 65342
appropriated by the general assembly for support of Ohio deaf 65343
and blind education services; 65344

(f) For a participant enrolled in an institution operated 65345
by the department of youth services, from the amount paid to 65346
that institution with funds appropriated by the general assembly 65347
for support of that institution. 65348

Amounts deducted under divisions (F) (1) (a) to (f) of this 65349
section shall be calculated in accordance with rules adopted by 65350
the chancellor, in consultation with the department of education 65351
and workforce, pursuant to division (B) of section 3365.071 of 65352
the Revised Code 65353

(2) Payments made for nonpublic secondary school 65354
participants, nonchartered nonpublic secondary school 65355
participants, and home-educated participants under this section 65356
shall be deducted from moneys appropriated by the general 65357
assembly for such purpose. Payments shall be allocated and 65358
distributed in accordance with rules adopted by the chancellor, 65359
in consultation with the department of education and workforce, 65360
pursuant to division (A) of section 3365.071 of the Revised 65361
Code. 65362

(G) Any public college that enrolls a student under 65363
division (B) of section 3365.06 of the Revised Code may include 65364
that student in the calculation used to determine its state 65365
share of instruction funds appropriated to the department of 65366
higher education by the general assembly. 65367

Sec. 3365.15. The chancellor of higher education and the 65368

department of education and workforce jointly shall do all of 65369
the following: 65370

(A) Adopt data reporting guidelines specifying the types 65371
of data that public and participating nonpublic secondary 65372
schools and public and participating private colleges, including 65373
eligible out-of-state colleges participating in the program, 65374
must annually collect, report, and track under division (G) of 65375
section 3365.04 and division (H) of section 3365.05 of the 65376
Revised Code. The types of data shall include all of the 65377
following: 65378

(1) For each secondary school and college: 65379

(a) The number of participants disaggregated by grade 65380
level, socioeconomic status, race, gender, and disability; 65381

(b) The number of completed courses and credit hours, 65382
disaggregated by the college in which participants were 65383
enrolled; 65384

(c) The number of courses in which participants enrolled, 65385
disaggregated by subject area and level of difficulty. 65386

(2) For each secondary school, the number of students who 65387
were denied participation in the program under division (A) (1) 65388

(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of 65389
the Revised Code. Each participating nonpublic secondary school 65390
shall also include the number of students who were denied 65391
participation due to the student not being awarded funding by 65392
the department pursuant to section 3365.071 of the Revised Code. 65393

(3) For each college: 65394

(a) The number of students who applied to enroll in the 65395
college under the program but were not granted admission; 65396

(b) The average number of completed courses per participant; 65397
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(c) The average grade point average for participants in college courses under the program. 65399
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The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data. 65401
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(B) Annually compile the data required under division (A) of this section. Not later than the thirty-first day of December of each year, the data from the previous school year shall be posted in a prominent location on both the chancellor of higher education's and the department's web sites. 65404
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(C) Submit an annual report on outcomes of the college credit plus program that are supported by empirical evidence to the governor, the president of the senate, the speaker of the house of representatives, and the chairpersons of the education committees of the senate and house of representatives not later than the thirty-first day of December each year. The report shall include all of the following, disaggregated by cohort: 65409
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(1) Number of degrees attained; 65416

(2) Level and type of degrees attained; 65417

(3) Number of students who receive a degree in two different subject areas; 65418
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(4) Time to completion of a degree, disaggregated by level and type of degree attained; 65420
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(5) Time to enrollment in a graduate or doctoral degree program; 65422
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(6) The number of students who participate in a study 65424
abroad course; 65425

(7) How all of the measures described in division (C) of 65426
this section compare to both: 65427

(a) The overall student population who did not participate 65428
in the college credit plus program; 65429

(b) Any similar measures compiled under the former 65430
postsecondary enrollment options program, to the extent that 65431
such data is available. 65432

The first report shall be submitted not later than 65433
December 31, 2018, and each subsequent report shall be submitted 65434
not later than the thirty-first day of December each year 65435
thereafter ~~until December 2023~~. 65436

(D) Establish a college credit plus advisory committee to 65437
assist in the development of performance metrics and the 65438
monitoring of the program's progress. At least one member of the 65439
advisory committee shall be a school guidance counselor. 65440

The chancellor shall also, in consultation with the 65441
department, create a standard packet of information for the 65442
college credit plus program directed toward students and parents 65443
that are interested in the program. 65444

(E) The chancellor and the department also may submit a 65445
biennial report detailing the status of the college credit plus 65446
program, including an analysis of quality assurance measures 65447
related to the program, to the governor, the president of the 65448
senate, the speaker of the house of representatives, and the 65449
chairpersons of the education committees of the senate and house 65450
of representatives. If the chancellor and the department choose 65451
to jointly submit the biennial report, both of the following 65452

shall apply:

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(1) The report shall include only data available through
the higher education information system administered by the
chancellor.

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(2) The first report shall be submitted not later than
December 31, 2017, and each subsequent report shall be submitted
not later than the thirty-first day of December every two years
thereafter.

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(F) For purposes of this section, "cohort" means a group
of students who participated in the college credit plus program
and who, upon graduation from high school, enroll in an Ohio
institution of higher education during the same academic year.

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Sec. 3375.15. (A) In any school district in which a free
public library has been established by resolution adopted by the
board of education of such school district prior to September 4,
1947, or by resolution adopted by the board of education of such
school district under section 3375.151 of the Revised Code after
the effective date of this amendment but prior to January 1,
2014, such library shall be under the control and management of
a board of library trustees consisting of seven members. No one
is eligible to membership on such board of library trustees who
is or has been for a year previous to appointment a member of a
board of education making such appointment. A majority of the
trustees shall be qualified electors of the school district, but
a minority may be qualified electors of the county who reside
outside the school district, and all shall be appointed by the
board of education of the school district.

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(B) The trustees shall serve ~~for a term of seven years and~~
without compensation. Trustees appointed prior to the effective

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date of this amendment shall serve for a term of seven years. 65482
Trustees appointed on or after that date shall serve for a term 65483
of four years. Except as otherwise provided in this section, all 65484
vacancies on the board of library trustees shall be filled by 65485
the board of education by appointment for the unexpired term. 65486
The board of library trustees shall organize in accordance with 65487
section 3375.32 of the Revised Code. The board of library 65488
trustees shall have the control and management of the school 65489
district free public library and in the exercise of such control 65490
and management shall be governed by sections 3375.33 to 3375.41 65491
of the Revised Code. This section does not affect the term of 65492
any member of a board of library trustees of a school district 65493
free public library appointed prior to September 4, 1947. 65494

(C) The board of education shall make appointments to the 65495
board of library trustees not later than forty-five days after 65496
the date a member's term expires or after the date a vacancy 65497
occurs, whichever is applicable. If the board of education does 65498
not make an appointment by that time, the appointment shall be 65499
made within the next fourteen days by the probate court of the 65500
county in which the library is situated. 65501

Sec. 3375.22. In any county in which there has been 65502
created a county library district, the free public library of 65503
said district shall be under the control and management of a 65504
board of library trustees consisting of seven members. Such 65505
trustees shall be qualified electors of the library district or 65506
county. Three shall be appointed by the judges of the court of 65507
common pleas and four shall be appointed by the board of county 65508
commissioners of the county in which said district is situated. 65509
The term of office of said trustees, if appointed prior to the 65510
effective date of this amendment, shall be seven years, except 65511
that at the first appointment the terms of those appointed by 65512

the judges shall expire in two, four, and six years 65513
respectively, and the terms of those appointed by the board of 65514
county commissioners shall expire in one, three, five, and seven 65515
years respectively. The term of office of trustees appointed on 65516
or after the effective date of this amendment shall be four 65517
years, except that at the first appointment the terms of those 65518
appointed by the judges shall expire in two, three, and four 65519
years respectively, and the terms of those appointed by the 65520
board of county commissioners shall expire in one, two, three, 65521
and four years respectively. Any appointment made to fill a 65522
vacancy shall be made by the same body which appointed the 65523
trustee whose place has become vacant and shall be for ~~his~~ the 65524
remainder of the unexpired term. The successor of any trustee of 65525
any county library district shall be appointed by the same board 65526
or officers which appointed ~~his~~ the trustee's predecessor and 65527
all subsequent appointments shall be for seven years. The 65528
members of such board of library trustees shall serve without 65529
compensation but shall be reimbursed for their actual and 65530
necessary expenses incurred in the performance of their duties. 65531
Such board of library trustees shall organize in accordance with 65532
section 3375.32 of the Revised Code. Such board of library 65533
trustees shall have the control and management of the county 65534
district free public library and in the exercise of such control 65535
and management shall be governed by sections 3375.33 to 3375.41~~r~~ 65536
~~inclusive,~~ of the Revised Code. 65537

Sec. 3375.30. In any two or more contiguous counties in 65538
which there has been created a regional library district, there 65539
shall be a board of library trustees consisting of seven 65540
members. Such trustees shall be qualified electors of the 65541
district. The first appointments to such board of library 65542
trustees shall be made by the boards of county commissioners of 65543

such counties in joint meeting. Thereafter each appointment to 65544
fill an expiring term shall be made by the board of county 65545
commissioners of a participating county in the rotating order 65546
represented by the alphabetical arrangement of the names of the 65547
counties. The term of office of said trustees, if appointed 65548
prior to the effective date of this amendment, shall be seven 65549
years, or, if appointed on or after that date, shall be four 65550
years, except that at the first appointment the terms must be 65551
such that one member retires each year. Any appointment made to 65552
fill a vacancy shall be made by the same body which appointed 65553
the trustee whose place has become vacant and shall be for ~~his~~ 65554
the remainder of the unexpired term. The members of such board 65555
of library trustees shall serve without compensation but shall 65556
be reimbursed for their actual and necessary expenses incurred 65557
in the performance of their duties. Such board of library 65558
trustees shall organize in accordance with section 3375.32 of 65559
the Revised Code. Such board of library trustees shall have the 65560
control and management of the regional district free public 65561
library and in exercise of such control and management shall be 65562
governed by sections 3375.33 to 3375.41, ~~inclusive,~~ and section 65563
3375.19 of the Revised Code. 65564

Sec. 3375.47. A public library created under Chapter 3375. 65565
of the Revised Code shall place material related to sexual 65566
orientation or gender identity or expression in a portion of the 65567
public library that is not primarily open to the view of persons 65568
under the age of eighteen. 65569

Sec. 3501.01. As used in the sections of the Revised Code 65570
relating to elections and political communications: 65571

(A) "General election" means the election held on the 65572
first Tuesday after the first Monday in each November. 65573

(B) "Regular municipal election" means the election held 65574
on the first Tuesday after the first Monday in November in each 65575
odd-numbered year. 65576

(C) "Regular state election" means the election held on 65577
the first Tuesday after the first Monday in November in each 65578
even-numbered year. 65579

(D) "Special election" means any election other than those 65580
elections defined in other divisions of this section. A special 65581
election may be held only on the first Tuesday after the first 65582
Monday in May or November, on the first Tuesday after the first 65583
Monday in August in accordance with section 3501.022 of the 65584
Revised Code, or on the day authorized by a particular municipal 65585
or county charter for the holding of a primary election, except 65586
that in any year in which a presidential primary election is 65587
held, no special election shall be held in May, except as 65588
authorized by a municipal or county charter, but may be held on 65589
the third Tuesday after the first Monday in March. 65590

(E) (1) "Primary" or "primary election" means an election 65591
held for the purpose of nominating persons as candidates of 65592
political parties for election to offices, and for the purpose 65593
of electing persons as members of the controlling committees of 65594
political parties and as delegates and alternates to the 65595
conventions of political parties. Primary elections shall be 65596
held on the first Tuesday after the first Monday in May of each 65597
year except in years in which a presidential primary election is 65598
held. 65599

(2) "Presidential primary election" means a primary 65600
election as defined by division (E) (1) of this section at which 65601
an election is held for the purpose of choosing delegates and 65602
alternates to the national conventions of the major political 65603

parties pursuant to section 3513.12 of the Revised Code. Unless 65604
otherwise specified, presidential primary elections are included 65605
in references to primary elections. In years in which a 65606
presidential primary election is held, all primary elections 65607
shall be held on the third Tuesday after the first Monday in 65608
March except as otherwise authorized by a municipal or county 65609
charter. 65610

(F) "Political party" means any group of voters meeting 65611
the requirements set forth in section 3517.01 of the Revised 65612
Code for the formation and existence of a political party. 65613

(1) "Major political party" means any political party 65614
organized under the laws of this state whose candidate for 65615
governor or nominees for presidential electors received not less 65616
than twenty per cent of the total vote cast for such office at 65617
the most recent regular state election. 65618

(2) "Minor political party" means any political party 65619
organized under the laws of this state that meets either of the 65620
following requirements: 65621

(a) Except as otherwise provided in this division, the 65622
political party's candidate for governor or nominees for 65623
presidential electors received less than twenty per cent but not 65624
less than three per cent of the total vote cast for such office 65625
at the most recent regular state election. A political party 65626
that meets the requirements of this division remains a political 65627
party for a period of four years after meeting those 65628
requirements. 65629

(b) The political party has filed with the secretary of 65630
state, subsequent to its failure to meet the requirements of 65631
division (F) (2) (a) of this section, a petition that meets the 65632

requirements of section 3517.01 of the Revised Code. 65633

A newly formed political party shall be known as a minor 65634
political party until the time of the first election for 65635
governor or president which occurs not less than twelve months 65636
subsequent to the formation of such party, after which election 65637
the status of such party shall be determined by the vote for the 65638
office of governor or president. 65639

(G) "Dominant party in a precinct" or "dominant political 65640
party in a precinct" means that political party whose candidate 65641
for election to the office of governor at the most recent 65642
regular state election at which a governor was elected received 65643
more votes than any other person received for election to that 65644
office in such precinct at such election. 65645

(H) "Candidate" means any qualified person certified in 65646
accordance with the provisions of the Revised Code for placement 65647
on the official ballot of a primary, general, or special 65648
election to be held in this state, or any qualified person who 65649
claims to be a write-in candidate, or who knowingly assents to 65650
being represented as a write-in candidate by another at either a 65651
primary, general, or special election to be held in this state. 65652

(I) "Independent candidate" means any candidate who claims 65653
not to be affiliated with a political party, and whose name has 65654
been certified on the office-type ballot at a general or special 65655
election through the filing of a statement of candidacy and 65656
nominating petition, as prescribed in section 3513.257 of the 65657
Revised Code. 65658

(J) "Nonpartisan candidate" means any candidate whose name 65659
is required, pursuant to section 3505.04 of the Revised Code, to 65660
be listed on the nonpartisan ballot, including all candidates 65661

for judge of a municipal court, county court, or court of common 65662
pleas, for member of any board of education, for municipal or 65663
township offices in which primary elections are not held for 65664
nominating candidates by political parties, and for offices of 65665
municipal corporations having charters that provide for separate 65666
ballots for elections for these offices. 65667

(K) "Party candidate" means any candidate who claims to be 65668
a member of a political party and who has been certified to 65669
appear on the office-type ballot at a general or special 65670
election as the nominee of a political party because the 65671
candidate has won the primary election of the candidate's party 65672
for the public office the candidate seeks, has been nominated 65673
under section 3517.012, or is selected by party committee in 65674
accordance with section 3513.31 of the Revised Code. 65675

(L) "Officer of a political party" includes, but is not 65676
limited to, any member, elected or appointed, of a controlling 65677
committee, whether representing the territory of the state, a 65678
district therein, a county, township, a city, a ward, a 65679
precinct, or other territory, of a major or minor political 65680
party. 65681

(M) "Question or issue" means any question or issue 65682
certified in accordance with the Revised Code for placement on 65683
an official ballot at a general or special election to be held 65684
in this state. 65685

(N) "Elector" or "qualified elector" means a person having 65686
the qualifications provided by law to be entitled to vote. 65687

(O) "Voter" means an elector who votes at an election. 65688

(P) "Voting residence" means that place of residence of an 65689
elector which shall determine the precinct in which the elector 65690

may vote. 65691

(Q) "Precinct" means a district within a county 65692
established by the board of elections of such county within 65693
which all qualified electors having a voting residence therein 65694
may vote at the same polling place. 65695

(R) "Polling place" means that place provided for each 65696
precinct at which the electors having a voting residence in such 65697
precinct may vote. 65698

(S) "Board" or "board of elections" means the board of 65699
elections appointed in a county pursuant to section 3501.06 of 65700
the Revised Code. 65701

(T) "Political subdivision" means a county, township, 65702
city, village, or school district. 65703

(U) "Election officer" or "election official" means any of 65704
the following: 65705

(1) Secretary of state; 65706

(2) Employees of the secretary of state serving the 65707
division of elections in the capacity of attorney, 65708
administrative officer, administrative assistant, elections 65709
administrator, office manager, or clerical supervisor; 65710

(3) Director of a board of elections; 65711

(4) Deputy director of a board of elections; 65712

(5) Member of a board of elections; 65713

(6) Employees of a board of elections; 65714

(7) Precinct election officials; 65715

(8) Employees appointed by the boards of elections on a 65716

temporary or part-time basis. 65717

(V) "Acknowledgment notice" means a notice sent by a board 65718
of elections, on a form prescribed by the secretary of state, 65719
informing a voter registration applicant or an applicant who 65720
wishes to change the applicant's residence or name of the status 65721
of the application; the information necessary to complete or 65722
update the application, if any; and if the application is 65723
complete, the precinct in which the applicant is to vote. 65724

(W) "Confirmation notice" means a notice sent by a board 65725
of elections, on a form prescribed by the secretary of state, to 65726
a registered elector to confirm the registered elector's current 65727
address. 65728

(X) "Designated agency" means an office or agency in the 65729
state that provides public assistance or that provides state- 65730
funded programs primarily engaged in providing services to 65731
persons with disabilities and that is required by the National 65732
Voter Registration Act of 1993 to implement a program designed 65733
and administered by the secretary of state for registering 65734
voters, or any other public or government office or agency that 65735
implements a program designed and administered by the secretary 65736
of state for registering voters, including the department of job 65737
and family services, the program administered under section 65738
3701.132 of the Revised Code by the department of health, the 65739
department of mental health and addiction services, the 65740
department of developmental disabilities, the opportunities for 65741
Ohioans with disabilities agency, and any other agency the 65742
secretary of state designates. "Designated agency" does not 65743
include public high schools and vocational schools, public 65744
libraries, or the office of a county treasurer. 65745

(Y) "National Voter Registration Act of 1993" means the 65746

"National Voter Registration Act of 1993," 107 Stat. 77, 42 65747
U.S.C.A. 1973gg. 65748

(Z) "Voting Rights Act of 1965" means the "Voting Rights 65749
Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 65750

(AA) (1) "Photo identification" means one of the following 65751
documents that includes the individual's name and photograph and 65752
is not expired: 65753

(a) An Ohio driver's license, state identification card, 65754
or interim identification form issued by the registrar of motor 65755
vehicles or a deputy registrar under Chapter 4506. or 4507. of 65756
the Revised Code; 65757

(b) A United States passport or passport card; 65758

(c) A United States military identification card, Ohio 65759
national guard identification card, or United States department 65760
of veterans affairs identification card. 65761

(2) A "copy" of an individual's photo identification means 65762
images of both the front and back of a document described in 65763
division (AA) (1) of this section, except that if the document is 65764
a United States passport, a copy of the photo identification 65765
means an image of the passport's identification page that 65766
includes the individual's name, photograph, and other 65767
identifying information and the passport's expiration date. 65768

(BB) "Driver's license" means a license or permit issued 65769
by the registrar or a deputy registrar under Chapter 4506. or 65770
4507. of the Revised Code that authorizes an individual to 65771
drive. "Driver's license" includes a driver's license, 65772
commercial driver's license, probationary license, restricted 65773
license, motorcycle operator's license, or temporary instruction 65774
permit identification card. "Driver's license" does not include 65775

a limited term license issued under section 4506.14 or 4507.09 65776
of the Revised Code. 65777

(CC) "State identification card" means a card issued by 65778
the registrar or a deputy registrar under sections 4507.50 to 65779
4507.52 of the Revised Code. 65780

(DD) "Interim identification form" means the document 65781
issued by the registrar or a deputy registrar to an applicant 65782
for a driver's license or state identification card that 65783
contains all of the information otherwise found on the license 65784
or card and that an applicant may use as a form of 65785
identification until the physical license or card arrives in the 65786
mail. 65787

Sec. 3501.02. General elections in the state and its 65788
political subdivisions shall be held as follows: 65789

(A) For the election of electors of president and vice- 65790
president of the United States, in the year of 1932 and every 65791
four years thereafter; 65792

(B) For the election of a member of the senate of the 65793
United States, in the years 1932 and 1934, and every six years 65794
after each of such years; except as otherwise provided for 65795
filling vacancies; 65796

(C) For the election of representatives in the congress of 65797
the United States and of elective state and county officers 65798
~~including elected members of the state board of education,~~ in 65799
the even-numbered years; except as otherwise provided for 65800
filling vacancies; 65801

(D) For municipal and township officers, members of boards 65802
of education, judges and clerks of municipal courts, in the odd- 65803
numbered years; 65804

(E) Proposed constitutional amendments or proposed 65805
measures submitted by the general assembly or by initiative or 65806
referendum petitions to the voters of the state at large may be 65807
submitted to the general election in any year occurring at least 65808
~~sixty days, in case of a referendum, and ninety one hundred~~ 65809
~~twenty-five days, in the case of an initiated measure,~~ 65810
subsequent to the filing of the petitions therefor. Proposed 65811
constitutional amendments submitted by the general assembly to 65812
the voters of the state at large may be submitted at a special 65813
election occurring on the day in any year specified by division 65814
(E) of section 3501.01 of the Revised Code for the holding of a 65815
primary election, when a special election on that date is 65816
designated by the general assembly in the resolution adopting 65817
the proposed constitutional amendment. 65818

No special election shall be held on a day other than the 65819
day of a general election, unless a law or charter provides 65820
otherwise, regarding the submission of a question or issue to 65821
the voters of a county, township, city, village, or school 65822
district. 65823

(F) (1) Notwithstanding any provision of the Revised Code 65824
to the contrary, any question or issue, except a candidacy, to 65825
be voted upon at an election shall be certified, for placement 65826
upon the ballot, to the board of elections not later than four 65827
p.m. of the ninetieth day before the day of the election. 65828

(2) Any question or issue that is certified for placement 65829
on a ballot on or after ~~the effective date of this amendment~~ July 65830
2, 2010, shall be certified not later than the ninetieth day 65831
before the day of the applicable election, notwithstanding any 65832
deadlines appearing in any section of the Revised Code governing 65833
the placement of that question or issue on the ballot. 65834

Sec. 3501.05. The secretary of state shall do all of the 65835
following: 65836

(A) Appoint all members of boards of elections; 65837

(B) Issue instructions by directives and advisories in 65838
accordance with section 3501.053 of the Revised Code to members 65839
of the boards as to the proper methods of conducting elections. 65840

(C) Prepare rules and instructions for the conduct of 65841
elections; 65842

(D) Publish and furnish to the boards from time to time a 65843
sufficient number of indexed copies of all election laws then in 65844
force; 65845

(E) Edit and issue all pamphlets concerning proposed laws 65846
or amendments required by law to be submitted to the voters; 65847

(F) Prescribe the form of registration cards, blanks, and 65848
records; 65849

(G) Determine and prescribe the forms of ballots and the 65850
forms of all blanks, cards of instructions, pollbooks, tally 65851
sheets, certificates of election, and forms and blanks required 65852
by law for use by candidates, committees, and boards; 65853

(H) Prepare the ballot title or statement to be placed on 65854
the ballot for any proposed law or amendment to the constitution 65855
to be submitted to the voters of the state; 65856

(I) Except as otherwise provided in section 3519.08 of the 65857
Revised Code, certify to the several boards the forms of ballots 65858
and names of candidates for state offices, and the form and 65859
wording of state referendum questions and issues, as they shall 65860
appear on the ballot; 65861

(J) Except as otherwise provided in division (I) (2) (b) of
section 3501.38 of the Revised Code, give final approval to
ballot language for any local question or issue approved and
transmitted by boards of elections under section 3501.11 of the
Revised Code;

(K) Receive all initiative and referendum petitions on
state questions and issues and determine and certify to the
sufficiency of those petitions;

(L) Require such reports from the several boards as are
provided by law, or as the secretary of state considers
necessary;

(M) Compel the observance by election officers in the
several counties of the requirements of the election laws;

(N) (1) Except as otherwise provided in division (N) (2) of
this section, investigate the administration of election laws,
frauds, and irregularities in elections in any county, and
report violations of election laws to the attorney general or
prosecuting attorney, or both, for prosecution;

(2) ~~On and after August 24, 1995, report a~~ Investigate and
adjudicate complaints regarding any alleged failure to comply
with, or a violation of, a provision in sections 145.054,
742.043, 3307.073, 3309.073, 3517.08 to 3517.13, 3517.20 to
3517.22, 3599.03, or 5505.045 of the Revised Code,
~~whenever the secretary of state has or should have knowledge of~~
~~a failure to comply with or a violation of a provision in one of~~
~~those sections, by filing a complaint with the Ohio elections~~
~~commission under section 3517.153 in accordance with sections~~
3517.14 to 3517.18 of the Revised Code.

(O) Make an annual report to the governor containing the

results of elections, the cost of elections in the various 65891
counties, a tabulation of the votes in the several political 65892
subdivisions, and other information and recommendations relative 65893
to elections the secretary of state considers desirable; 65894

(P) Prescribe and distribute to boards of elections a list 65895
of instructions indicating all legal steps necessary to petition 65896
successfully for local option elections under sections 4301.32 65897
to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 65898

(Q) Adopt rules pursuant to Chapter 119. of the Revised 65899
Code for the removal by boards of elections of ineligible voters 65900
from the statewide voter registration database and, if 65901
applicable, from the poll list or signature pollbook used in 65902
each precinct, which rules shall provide for all of the 65903
following: 65904

(1) A process for the removal of voters who have changed 65905
residence, which shall be uniform, nondiscriminatory, and in 65906
compliance with the Voting Rights Act of 1965 and the National 65907
Voter Registration Act of 1993, including a program that uses 65908
the national change of address service provided by the United 65909
States postal system through its licensees; 65910

(2) A process for the removal of ineligible voters under 65911
section 3503.21 of the Revised Code; 65912

(3) A uniform system for marking or removing the name of a 65913
voter who is ineligible to vote from the statewide voter 65914
registration database and, if applicable, from the poll list or 65915
signature pollbook used in each precinct and noting the reason 65916
for that mark or removal. 65917

(R) (1) Prescribe a general program for registering voters 65918
or updating voter registration information, such as name and 65919

residence changes, by boards of elections, designated agencies, 65920
public high schools and vocational schools, public libraries, 65921
and offices of county treasurers consistent with the 65922
requirements of section 3503.09 of the Revised Code; 65923

(2) Prescribe a general program for registering voters or 65924
updating voter registration information through the registrar of 65925
motor vehicles and deputy registrars, consistent with the 65926
requirements of section 3503.11 of the Revised Code. 65927

(S) Prescribe a program of distribution of voter 65928
registration forms through boards of elections, designated 65929
agencies, offices of the registrar and deputy registrars of 65930
motor vehicles, public high schools and vocational schools, 65931
public libraries, and offices of county treasurers; 65932

(T) To the extent feasible, provide copies, at no cost and 65933
upon request, of the voter registration form in post offices in 65934
this state; 65935

(U) Adopt rules pursuant to section 111.15 of the Revised 65936
Code for the purpose of implementing the programs for 65937
registering voters through boards of elections, designated 65938
agencies, and the offices of the registrar and deputy registrars 65939
of motor vehicles consistent with this chapter; 65940

(V) Establish the full-time position of Americans with 65941
Disabilities Act coordinator within the office of the secretary 65942
of state to do all of the following: 65943

(1) Assist the secretary of state with ensuring that there 65944
is equal access to polling places for persons with disabilities; 65945

(2) Assist the secretary of state with ensuring that each 65946
voter may cast the voter's ballot in a manner that provides the 65947
same opportunity for access and participation, including privacy 65948

and independence, as for other voters; 65949

(3) Advise the secretary of state in the development of 65950
standards for the certification of voting machines, marking 65951
devices, and automatic tabulating equipment. 65952

(W) Establish and maintain a computerized statewide 65953
database of all legally registered voters under section 3503.15 65954
of the Revised Code that complies with the requirements of the 65955
"Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 65956
1666, and provide training in the operation of that system; 65957

(X) Ensure that all directives, advisories, other 65958
instructions, or decisions issued or made during or as a result 65959
of any conference or teleconference call with a board of 65960
elections to discuss the proper methods and procedures for 65961
conducting elections, to answer questions regarding elections, 65962
or to discuss the interpretation of directives, advisories, or 65963
other instructions issued by the secretary of state are posted 65964
on a web site of the office of the secretary of state as soon as 65965
is practicable after the completion of the conference or 65966
teleconference call, but not later than the close of business on 65967
the same day as the conference or teleconference call takes 65968
place. 65969

(Y) Publish a report on a web site of the office of the 65970
secretary of state not later than one month after the completion 65971
of the canvass of the election returns for each primary and 65972
general election, identifying, by county, the number of absent 65973
voter's ballots cast and the number of those ballots that were 65974
counted, and the number of provisional ballots cast and the 65975
number of those ballots that were counted, for that election. 65976
The secretary of state shall maintain the information on the web 65977
site in an archive format for each subsequent election. 65978

(Z) Conduct voter education outlining voter 65979
identification, absent voters ballot, provisional ballot, and 65980
other voting requirements; 65981

(AA) Establish a procedure by which a registered elector 65982
may make available to a board of elections a more recent 65983
signature to be used in the poll list or signature pollbook 65984
produced by the board of elections of the county in which the 65985
elector resides; 65986

(BB) Disseminate information, which may include all or 65987
part of the official explanations and arguments, by means of 65988
direct mail or other written publication, broadcast, or other 65989
means or combination of means, as directed by the Ohio ballot 65990
board under division (F) of section 3505.062 of the Revised 65991
Code, in order to inform the voters as fully as possible 65992
concerning each proposed constitutional amendment, proposed law, 65993
or referendum; 65994

(CC) Be the single state office responsible for the 65995
implementation of the "Uniformed and Overseas Citizens Absentee 65996
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 65997
1973ff, et seq., as amended, in this state. The secretary of 65998
state may delegate to the boards of elections responsibilities 65999
for the implementation of that act, including responsibilities 66000
arising from amendments to that act made by the "Military and 66001
Overseas Voter Empowerment Act," Subtitle H of the "National 66002
Defense Authorization Act for Fiscal Year 2010," Pub. L. No. 66003
111-84, 123 Stat. 3190. 66004

(DD) Adopt rules, under Chapter 119. of the Revised Code, 66005
to establish procedures and standards for determining when a 66006
board of elections shall be placed under the official oversight 66007
of the secretary of state, placing a board of elections under 66008

the official oversight of the secretary of state, a board that 66009
is under official oversight to transition out of official 66010
oversight, and the secretary of state to supervise a board of 66011
elections that is under official oversight of the secretary of 66012
state. 66013

(EE) Perform other duties required by law. 66014

Whenever a primary election is held under section 3513.32 66015
of the Revised Code or a special election is held under section 66016
3521.03 of the Revised Code to fill a vacancy in the office of 66017
representative to congress, the secretary of state shall 66018
establish a deadline, notwithstanding any other deadline 66019
required under the Revised Code, by which any or all of the 66020
following shall occur: the filing of a declaration of candidacy 66021
and petitions or a statement of candidacy and nominating 66022
petition together with the applicable filing fee; the filing of 66023
protests against the candidacy of any person filing a 66024
declaration of candidacy or nominating petition; the filing of a 66025
declaration of intent to be a write-in candidate; the filing of 66026
campaign finance reports; the preparation of, and the making of 66027
corrections or challenges to, precinct voter registration lists; 66028
the receipt of applications for absent voter's ballots or 66029
uniformed services or overseas absent voter's ballots; the 66030
supplying of election materials to precincts by boards of 66031
elections; the holding of hearings by boards of elections to 66032
consider challenges to the right of a person to appear on a 66033
voter registration list; and the scheduling of programs to 66034
instruct or reinstruct election officers. 66035

In the performance of the secretary of state's duties as 66036
the chief election officer, the secretary of state may 66037
administer oaths, issue subpoenas, summon witnesses, compel the 66038

production of books, papers, records, and other evidence, and 66039
fix the time and place for hearing any matters relating to the 66040
administration and enforcement of the election laws, including 66041
for the purposes described in division (N)(2) of this section. 66042

In any controversy involving or arising out of the 66043
adoption of registration or the appropriation of funds for 66044
registration, the secretary of state may, through the attorney 66045
general, bring an action in the name of the state in the court 66046
of common pleas of the county where the cause of action arose or 66047
in an adjoining county, to adjudicate the question. 66048

In any action involving the laws in Title XXXV of the 66049
Revised Code wherein the interpretation of those laws is in 66050
issue in such a manner that the result of the action will affect 66051
the lawful duties of the secretary of state or of any board of 66052
elections, the secretary of state may, on the secretary of 66053
state's motion, be made a party. 66054

The secretary of state may apply to any court that is 66055
hearing a case in which the secretary of state is a party, for a 66056
change of venue as a substantive right, and the change of venue 66057
shall be allowed, and the case removed to the court of common 66058
pleas of an adjoining county named in the application or, if 66059
there are cases pending in more than one jurisdiction that 66060
involve the same or similar issues, the court of common pleas of 66061
Franklin county. 66062

Public high schools and vocational schools, public 66063
libraries, and the office of a county treasurer shall implement 66064
voter registration programs as directed by the secretary of 66065
state pursuant to this section. 66066

Sec. 3501.11. Each board of elections shall exercise by a 66067

majority vote all powers granted to the board by Title XXXV of 66068
the Revised Code, shall perform all the duties imposed by law, 66069
and shall do all of the following: 66070

(A) Establish, define, provide, rearrange, and combine 66071
election precincts; 66072

(B) Fix and provide the places for registration and for 66073
holding primaries and elections; 66074

(C) Provide for the purchase, preservation, and 66075
maintenance of booths, ballot boxes, books, maps, flags, blanks, 66076
cards of instructions, and other forms, papers, and equipment 66077
used in registration, nominations, and elections; 66078

(D) Appoint and remove its director, deputy director, and 66079
employees and all registrars, precinct election officials, and 66080
other officers of elections, fill vacancies, and designate the 66081
ward or district and precinct in which each shall serve; 66082

(E) Make and issue rules and instructions, not 66083
inconsistent with law or the rules, directives, or advisories 66084
issued by the secretary of state, as it considers necessary for 66085
the guidance of election officers and voters; 66086

(F) Advertise and contract for the printing of all ballots 66087
and other supplies used in registrations and elections; 66088

(G) Provide for the issuance of all notices, 66089
advertisements, and publications concerning elections, except as 66090
otherwise provided in division (G) of section 3501.17 and 66091
divisions (F) and (G) of section 3505.062 of the Revised Code; 66092

(H) Provide for the delivery of ballots, pollbooks, and 66093
other required papers and material to the polling places; 66094

(I) Cause the polling places to be suitably provided with 66095

voting machines, marking devices, automatic tabulating 66096
equipment, stalls, and other required supplies. In fulfilling 66097
this duty, each board of a county that uses voting machines, 66098
marking devices, or automatic tabulating equipment shall conduct 66099
a full vote of the board during a public session of the board on 66100
the allocation and distribution of voting machines, marking 66101
devices, and automatic tabulating equipment for each precinct in 66102
the county. 66103

~~(J) Investigate~~ (J) (1) Subject to division (J) (2) of this 66104
section, investigate irregularities, nonperformance of duties, 66105
or violations of Title XXXV of the Revised Code by election 66106
officers and other persons; administer oaths, issue subpoenas, 66107
summon witnesses, and compel the production of books, papers, 66108
records, and other evidence in connection with any such 66109
investigation; and report the facts to the prosecuting attorney 66110
or the secretary of state; 66111

(2) The board shall investigate and adjudicate complaints 66112
regarding any alleged failure to comply with, or violation of, a 66113
provision in sections 145.054, 742.043, 3307.073, 3309.073, 66114
3517.08 to 3517.991, 3599.03, 3599.031, or 5505.045 of the 66115
Revised Code, in accordance with sections 3517.14 to 3517.18 of 66116
the Revised Code. The board may administer oaths, issue 66117
subpoenas, summon witnesses, and compel the production of books, 66118
papers, records, and other evidence in connection with any such 66119
investigation or adjudication. 66120

(K) (1) Review, examine, and certify the sufficiency and 66121
validity of petitions and nomination papers, and, after 66122
certification, return to the secretary of state all petitions 66123
and nomination papers that the secretary of state forwarded to 66124
the board; 66125

(2) Examine each initiative petition, or a petition filed 66126
under section 307.94 or 307.95 of the Revised Code, received by 66127
the board to determine whether the petition falls within the 66128
scope of authority to enact via initiative and whether the 66129
petition satisfies the statutory prerequisites to place the 66130
issue on the ballot, as described in division (M) of section 66131
3501.38 of the Revised Code. The petition shall be invalid if 66132
any portion of the petition is not within the initiative power. 66133

(L) Receive the returns of elections, canvass the returns, 66134
make abstracts of them, and transmit those abstracts to the 66135
proper authorities; 66136

(M) Issue certificates of election on forms to be 66137
prescribed by the secretary of state; 66138

(N) Make an annual report to the secretary of state, on 66139
the form prescribed by the secretary of state, containing a 66140
statement of the number of voters registered, elections held, 66141
votes cast, appropriations received, expenditures made, and 66142
other data required by the secretary of state; 66143

(O) Prepare and submit to the proper appropriating officer 66144
a budget estimating the cost of elections for the ensuing fiscal 66145
year; 66146

(P) Perform other duties as prescribed by law or the 66147
rules, directives, or advisories of the secretary of state; 66148

(Q) Investigate and determine the residence qualifications 66149
of electors; 66150

(R) Administer oaths in matters pertaining to the 66151
administration of the election laws; 66152

(S) Prepare and submit to the secretary of state, whenever 66153

the secretary of state requires, a report containing the names 66154
and residence addresses of all incumbent county, municipal, 66155
township, and board of education officials serving in their 66156
respective counties; 66157

(T) Establish and maintain a voter registration database 66158
of all qualified electors in the county who offer to register; 66159

(U) Maintain voter registration records, make reports 66160
concerning voter registration as required by the secretary of 66161
state, and remove ineligible electors from voter registration 66162
lists in accordance with law and directives of the secretary of 66163
state; 66164

(V) Give approval to ballot language for any local 66165
question or issue and transmit the language to the secretary of 66166
state for the secretary of state's final approval; 66167

(W) Prepare and cause the following notice to be displayed 66168
in a prominent location in every polling place: 66169

"NOTICE 66170

Ohio law prohibits any person from voting or attempting to 66171
vote more than once at the same election. 66172

Violators are guilty of a felony of the fourth degree and 66173
shall be imprisoned and additionally may be fined in accordance 66174
with law." 66175

(X) In all cases of a tie vote or a disagreement in the 66176
board, if no decision can be arrived at, the director or 66177
chairperson shall submit the matter in controversy, not later 66178
than fourteen days after the tie vote or the disagreement, to 66179
the secretary of state, who shall summarily decide the question, 66180
and the secretary of state's decision shall be final. 66181

(Y) Assist each designated agency, deputy registrar of motor vehicles, public high school and vocational school, public library, and office of a county treasurer in the implementation of a program for registering voters at all voter registration locations as prescribed by the secretary of state. Under this program, each board of elections shall direct to the appropriate board of elections any voter registration applications for persons residing outside the county where the board is located within five days after receiving the applications.

(Z) On any day on which an elector may vote in person at the office of the board or at another site designated by the board, consider the board or other designated site a polling place for that day. All requirements or prohibitions of law that apply to a polling place shall apply to the office of the board or other designated site on that day.

(AA) Perform any duties with respect to voter registration and voting by uniformed services and overseas voters that are delegated to the board by law or by the rules, directives, or advisories of the secretary of state.

(BB) Prepare an election administration plan and submit it to the secretary of state not later than seventy-five days before each presidential primary election and not later than one hundred twenty days before each general election held in an even-numbered year. The election administration plan shall be on a template prescribed by the secretary of state and shall include all of the following:

(1) Precinct election official recruitment, training, and accountability;

(2) Resource allocation;

- (3) Communication before and on the day of the election; 66211
 - (4) Materials; 66212
 - (5) Contingencies and continuity planning; 66213
 - (6) Security; 66214
 - (7) Voter registration; 66215
 - (8) Absent voting; 66216
 - (9) Polling places and accessibility; 66217
 - (10) Ballot preparation; 66218
 - (11) Pre-election testing; 66219
 - (12) Reconciliation and audits; 66220
 - (13) A master calendar; 66221
 - (14) Any other topic prescribed by the secretary of state. 66222
- Sec. 3501.12.** (A) The annual compensation of members of 66223
the board of elections shall be determined on the basis of the 66224
population of the county according to the next preceding federal 66225
census, and shall be paid monthly out of the appropriations made 66226
to the board and upon vouchers or payrolls certified by the 66227
chairperson, or a member of the board designated by it, and 66228
countersigned by the director or in the director's absence by 66229
the deputy director. Upon presentation of any such voucher or 66230
payroll, the county auditor shall issue a warrant upon the 66231
county treasurer for the amount thereof as in the case of 66232
vouchers or payrolls for county offices and the treasurer shall 66233
pay such warrant. 66234
- (B) In calendar year 2018, the amount of annual 66235
compensation of each member of the board of elections shall be 66236

the greater of the following: 66237

(1) The sum of the following: 66238

(a) One hundred two dollars and forty-one cents for each 66239
full one thousand of the first one hundred thousand population; 66240

(b) Forty-eight dollars and seventy-nine cents for each 66241
full one thousand of the second one hundred thousand population; 66242

(c) Twenty-six dollars and fifty cents for each full one 66243
thousand of the third one hundred thousand population; 66244

(d) Eight dollars and thirteen cents for each full one 66245
thousand above three hundred thousand population. 66246

(2) Six thousand dollars. 66247

(C) The annual compensation of each member of the board 66248
shall be computed after increasing the dollar amounts specified 66249
in divisions (B) (1) and (2) of this section as follows: 66250

(1) In calendar year 2019 and in each calendar year 66251
thereafter through calendar year 2028~~2025, the annual~~ 66252
~~compensation of each member of the board shall be computed after~~ 66253
~~increasing the dollar amounts specified in divisions (B) (1) and~~ 66254
~~(2) of this section by one and three-quarters per cent;~~ 66255

(2) In calendar year 2026 and in each calendar year 66256
thereafter through calendar year 2029, by five per cent; 66257

(3) In calendar year 2030 and in each calendar year 66258
thereafter, by the percentage increase, if any, in the consumer 66259
price index as defined in section 141.04 of the Revised Code 66260
over the twelve-month period that ends on the thirtieth day of 66261
September of the immediately preceding year, rounded to the 66262
nearest one-tenth of one per cent, not to exceed three per cent. 66263

(D) For the purposes of this section, members of boards of elections shall be deemed to be appointed and not elected, and therefore not subject to Section 20 of Article II of the Ohio Constitution.

Sec. 3501.17. (A) The expenses of the board of elections shall be paid from the county treasury, in pursuance of appropriations by the board of county commissioners, in the same manner as other county expenses are paid. If the board of county commissioners fails to appropriate an amount sufficient to provide for the necessary and proper expenses of the board of elections pertaining to the conduct of elections, the board of elections may apply to the court of common pleas within the county, which shall fix the amount necessary to be appropriated and the amount shall be appropriated. Payments shall be made upon vouchers of the board of elections certified to by its chairperson or acting chairperson and the director or deputy director, upon warrants of the county auditor.

The board of elections shall not incur any obligation involving the expenditure of money unless there are moneys sufficient in the funds appropriated therefor to meet the obligation. If the board of elections requests a transfer of funds from one of its appropriation items to another, the board of county commissioners shall adopt a resolution providing for the transfer except as otherwise provided in section 5705.40 of the Revised Code. The expenses of the board of elections shall be apportioned among the county and the various subdivisions as provided in this section, and the amount chargeable to each subdivision shall be paid as provided in division (J) of this section or withheld by the county auditor from the moneys payable thereto at the time of the next tax settlement. At the time of submitting budget estimates in each year, the board of

elections shall submit to the taxing authority of each 66295
subdivision, upon the request of the subdivision, an estimate of 66296
the amount to be paid or withheld from the subdivision during 66297
the current or next fiscal year. 66298

A board of township trustees may, by resolution, request 66299
that the county auditor withhold expenses charged to the 66300
township from a specified township fund that is to be credited 66301
with revenue at a tax settlement. The resolution shall specify 66302
the tax levy ballot issue, the date of the election on the levy 66303
issue, and the township fund from which the expenses the board 66304
of elections incurs related to that ballot issue shall be 66305
withheld. 66306

(B) Except as otherwise provided in division (F) of this 66307
section, the compensation of the members of the board of 66308
elections and of the director, deputy director, and regular 66309
employees in the board's offices, other than compensation for 66310
overtime worked; the expenditures for the rental, furnishing, 66311
and equipping of the office of the board and for the necessary 66312
office supplies for the use of the board; the expenditures for 66313
the acquisition, repair, care, and custody of the polling 66314
places, booths, guardrails, and other equipment for polling 66315
places; the cost of tally sheets, maps, flags, ballot boxes, and 66316
all other permanent records and equipment; the cost of all 66317
elections held in and for the state and county; and all other 66318
expenses of the board which are not chargeable to a political 66319
subdivision in accordance with this section shall be paid in the 66320
same manner as other county expenses are paid. 66321

(C) The compensation of precinct election officials and 66322
intermittent employees in the board's offices; the cost of 66323
renting, moving, heating, and lighting polling places and of 66324

placing and removing ballot boxes and other fixtures and 66325
equipment thereof, including voting machines, marking devices, 66326
and automatic tabulating equipment; the cost of printing and 66327
delivering ballots, cards of instructions, registration lists 66328
required under section 3503.23 of the Revised Code, and other 66329
election supplies, including the supplies required to comply 66330
with division (H) of section 3506.01 of the Revised Code; the 66331
cost of contractors engaged by the board to prepare, program, 66332
test, and operate voting machines, marking devices, and 66333
automatic tabulating equipment; and all other expenses of 66334
conducting primaries and elections in the odd-numbered years 66335
shall be charged to the subdivisions in and for which such 66336
primaries or elections are held. The charge for each primary or 66337
general election in odd-numbered years for each subdivision 66338
shall be determined in the following manner: first, the total 66339
cost of all chargeable items used in conducting such elections 66340
shall be ascertained; second, the total charge shall be divided 66341
by the number of precincts participating in such election, in 66342
order to fix the cost per precinct; third, the cost per precinct 66343
shall be prorated by the board of elections to the subdivisions 66344
conducting elections for the nomination or election of offices 66345
in such precinct; fourth, the total cost for each subdivision 66346
shall be determined by adding the charges prorated to it in each 66347
precinct within the subdivision. 66348

~~(D) The~~ (D) (1) Except as otherwise provided in division 66349
(D) (2) of this section, the entire cost of special elections 66350
held on a day other than the day of a primary or general 66351
election, both in odd-numbered or in even-numbered years, shall 66352
be charged to the subdivision. Where a special election is held 66353
on the same day as a primary or general election in an even- 66354
numbered year, the subdivision submitting the special election 66355

shall be charged only for the cost of ballots and advertising. 66356
Where a special election is held on the same day as a primary or 66357
general election in an odd-numbered year, the subdivision 66358
submitting the special election shall be charged for the cost of 66359
ballots and advertising for such special election, in addition 66360
to the charges prorated to such subdivision for the election or 66361
nomination of candidates in each precinct within the 66362
subdivision, as set forth in the preceding paragraph. 66363

(2) The entire cost of a local option election held 66364
pursuant to sections 4301.32 to 4301.391 of the Revised Code on 66365
a day other than the day of a primary or general election, both 66366
in odd-numbered or in even-numbered years, or on a day other 66367
than the day of a special election of a political subdivision 66368
seeking to submit a question or issue, a nomination for office, 66369
or an election to office, shall be charged to the petitioner. 66370

(E) Where a special election is held on the day specified 66371
by division (E) of section 3501.01 of the Revised Code for the 66372
holding of a primary election, for the purpose of submitting to 66373
the voters of the state constitutional amendments proposed by 66374
the general assembly, and a subdivision conducts a special 66375
election on the same day, the entire cost of the special 66376
election shall be divided proportionally between the state and 66377
the subdivision based upon a ratio determined by the number of 66378
issues placed on the ballot by each, except as otherwise 66379
provided in division (G) of this section. Such proportional 66380
division of cost shall be made only to the extent funds are 66381
available for such purpose from amounts appropriated by the 66382
general assembly to the secretary of state. If a primary 66383
election is also being conducted in the subdivision, the costs 66384
shall be apportioned as otherwise provided in this section. 66385

(F) When a precinct is open during a general, primary, or 66386
special election solely for the purpose of submitting to the 66387
voters a statewide ballot issue, the state shall bear the entire 66388
cost of the election in that precinct and shall reimburse the 66389
county for all expenses incurred in opening the precinct. 66390

(G) (1) The state shall bear the entire cost of advertising 66391
in newspapers statewide ballot issues, explanations of those 66392
issues, and arguments for or against those issues, as required 66393
by Section 1g of Article II and Section 1 of Article XVI, Ohio 66394
Constitution, and any other section of law. Appropriations made 66395
to the controlling board shall be used to reimburse the 66396
secretary of state for all expenses the secretary of state 66397
incurs for such advertising under division (G) of section 66398
3505.062 of the Revised Code. 66399

(2) There is hereby created in the state treasury the 66400
statewide ballot advertising fund. The fund shall receive 66401
transfers approved by the controlling board, and shall be used 66402
by the secretary of state to pay the costs of advertising state 66403
ballot issues as required under division (G) (1) of this section. 66404
Any such transfers may be requested from and approved by the 66405
controlling board prior to placing the advertising, in order to 66406
facilitate timely provision of the required advertising. 66407

(H) The cost of renting, heating, and lighting 66408
registration places; the cost of the necessary books, forms, and 66409
supplies for the conduct of registration; and the cost of 66410
printing and posting precinct registration lists shall be 66411
charged to the subdivision in which such registration is held. 66412

(I) (1) (a) At the request of a majority of the members of 66413
the board of elections, the board of county commissioners may, 66414
by resolution, establish an elections revenue fund. Except as 66415

otherwise provided in this division and in division (I) (2) of 66416
this section, the purpose of the fund shall be to accumulate 66417
revenue withheld by or paid to the county under this section for 66418
the payment of any expense related to the duties of the board of 66419
elections specified in section 3501.11 of the Revised Code, upon 66420
approval of a majority of the members of the board of elections. 66421
The fund shall not accumulate any revenue withheld by or paid to 66422
the county under this section for the compensation of the 66423
members of the board of elections or of the director, deputy 66424
director, or other regular employees in the board's offices, 66425
other than compensation for overtime worked. 66426

(b) Notwithstanding sections 5705.14, 5705.15, and 5705.16 66427
of the Revised Code, the board of county commissioners may, by 66428
resolution, transfer money to the elections revenue fund from 66429
any other fund of the political subdivision from which such 66430
payments lawfully may be made. Following an affirmative vote of 66431
a majority of the members of the board of elections, the board 66432
of county commissioners may, by resolution, rescind an elections 66433
revenue fund established under this division. If an elections 66434
revenue fund is rescinded, money that has accumulated in the 66435
fund shall be transferred to the county general fund. 66436

(2) (a) The board of county commissioners of a county that 66437
receives a payment from a political subdivision under division 66438
(J) of this section shall, by resolution, establish a special 66439
elections fund. The purpose of the fund shall be to accumulate 66440
revenue paid to the county by political subdivisions under 66441
division (J) of this section for the cost of preparing for and 66442
conducting special elections. 66443

(b) If both of the following apply, the board of county 66444
commissioners may, by resolution, rescind the special elections 66445

fund and transfer any remaining money in the fund to the county 66446
general fund or to the elections revenue fund: 66447

(i) All notifications and payments required under division 66448
(J) (3) of this section have been made. 66449

(ii) The county has not received any payments from 66450
political subdivisions under division (J) (2) of this section for 66451
a future special election. 66452

(J) (1) Not less than fifteen business days before the 66453
deadline for submitting a question or issue for placement on the 66454
ballot at a special election, the board of elections shall 66455
prepare and file with the board of county commissioners and the 66456
office of the secretary of state the estimated cost, based on 66457
the factors enumerated in this section, for preparing for and 66458
conducting an election on one question or issue, one nomination 66459
for office, or one election to office in each precinct in the 66460
county at that special election and shall divide that cost by 66461
the number of registered voters in the county. 66462

(2) The board of elections shall provide to a political 66463
subdivision seeking to submit a question or issue, a nomination 66464
for office, or an election to office for placement on the ballot 66465
at a special election with the estimated cost for preparing for 66466
and conducting that election, which shall be calculated either 66467
by multiplying the number of registered voters in the political 66468
subdivision with the cost calculated under division (J) (1) of 66469
this section or by multiplying the cost per precinct with the 66470
number or precincts in the political subdivision. A political 66471
subdivision submitting a question or issue, a nomination for 66472
office, or an election to office for placement on the ballot at 66473
that special election shall pay to the county special elections 66474
fund sixty-five per cent of the estimated cost of the election 66475

not less than ten business days after the deadline for 66476
submitting a question or issue for placement on the ballot for 66477
that special election. 66478

(3) Not later than sixty days after the date of a special 66479
election, the board of elections shall provide to each political 66480
subdivision the true and accurate cost for the question or 66481
issue, nomination for office, or election to office that the 66482
subdivision submitted to the voters on the special election 66483
ballots. If the board of elections determines that a subdivision 66484
paid less for the cost of preparing and conducting a special 66485
election under division (J) (2) of this section than the actual 66486
cost calculated under this division, the subdivision shall remit 66487
to the county special elections fund the difference between the 66488
payment made under division (J) (2) of this section and the final 66489
cost calculated under this division within thirty days after 66490
being notified of the final cost. If the board of elections 66491
determines that a subdivision paid more for the cost of 66492
preparing and conducting a special election under division (J) 66493
(2) of this section than the actual cost calculated under this 66494
division, the board of elections promptly shall notify the board 66495
of county commissioners of that difference. The board of county 66496
commissioners shall remit from the county special elections fund 66497
to the political subdivision the difference between the payment 66498
made under division (J) (2) of this section and the final cost 66499
calculated under this division within thirty days after 66500
receiving that notification. 66501

(K) As used in this section: 66502

(1) "Political subdivision" and "subdivision" mean any 66503
board of county commissioners, board of township trustees, 66504
legislative authority of a municipal corporation, board of 66505

education, or any other board, commission, district, or 66506
authority that is empowered to levy taxes or permitted to 66507
receive the proceeds of a tax levy, regardless of whether the 66508
entity receives tax settlement moneys as described in division 66509
(A) of this section; 66510

(2) "Statewide ballot issue" means any ballot issue, 66511
whether proposed by the general assembly or by initiative or 66512
referendum, that is submitted to the voters throughout the 66513
state. 66514

Sec. 3505.03. (A) On the office type ballot shall be 66515
printed the names of all candidates for election to offices, 66516
except the office of judge of a municipal court, county court, 66517
or court of common pleas, who were nominated at the most recent 66518
primary election as candidates of a political party or who were 66519
nominated in accordance with section 3513.02 of the Revised 66520
Code, and the names of all candidates for election to offices 66521
who were nominated by nominating petitions, except candidates 66522
for the office of judge of a municipal court, county court, or 66523
court of common pleas, ~~for member of the state board of~~ 66524
~~education,~~ for member of a board of education, for municipal 66525
offices, and for township offices. 66526

(B) The face of the ballot below the stub shall be 66527
substantially in the following form: 66528

"OFFICIAL OFFICE TYPE BALLOT 66529

(1) To vote for a candidate record your vote in the manner 66530
provided next to the name of such candidate. 66531

(2) If you tear, soil, deface, or erroneously mark this 66532
ballot, return it to the precinct election officers or, if you 66533
cannot return it, notify the precinct election officers, and 66534

obtain another ballot."

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(C) The order in which the offices shall be listed on the ballot shall be prescribed by, and certified to each board of elections by, the secretary of state; provided that for state, district, and county offices the order from top to bottom shall be as follows: governor and lieutenant governor, attorney general, auditor of state, secretary of state, treasurer of state, chief justice of the supreme court, justice of the supreme court, United States senator, representative to congress, state senator, state representative, judge of a court of appeals, county commissioner, county auditor, prosecuting attorney, clerk of the court of common pleas, sheriff, county recorder, county treasurer, county engineer, and coroner. The offices of governor and lieutenant governor shall be printed on the ballot in a manner that requires a voter to cast one vote jointly for the candidates who have been nominated by the same political party or petition.

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(D) Within the rectangular space within which the title of each judicial office listed in division (C) of this section is printed on the ballot and immediately below the title shall be printed the date of the commencement of the term of the office, if it is a full term, as follows: "Full term commencing _____ (Date) _____," or the date of the end of the term of the office, if it is an unexpired term, as follows: "Unexpired term ending _____ (Date) _____"

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(E) (1) The names of all candidates for an office shall be arranged in a group under the title of that office, and, except for absentee ballots or when the number of candidates for a particular office is the same as the number of candidates to be elected for that office, shall be rotated from one precinct to

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another. On absentee ballots, the names of all candidates for an 66565
office shall be arranged in a group under the title of that 66566
office and shall be so alternated that each name shall appear, 66567
insofar as may be reasonably possible, substantially an equal 66568
number of times at the beginning, at the end, and in each 66569
intermediate place, if any, of the group in which such name 66570
belongs, unless the number of candidates for a particular office 66571
is the same as the number of candidates to be elected for that 66572
office. 66573

(2) The method of printing the ballots to meet the 66574
rotation requirement of this section shall be as follows: the 66575
least common multiple of the number of names in each of the 66576
several groups of candidates shall be used, and the number of 66577
changes made in the printer's forms in printing the ballots 66578
shall correspond with that multiple. The board of elections 66579
shall number all precincts in regular serial sequence. In the 66580
first precinct, the names of the candidates in each group shall 66581
be listed in alphabetical order. In each succeeding precinct, 66582
the name in each group that is listed first in the preceding 66583
precinct shall be listed last, and the name of each candidate 66584
shall be moved up one place. In each precinct using paper 66585
ballots, the printed ballots shall then be assembled in tablets. 66586

(F) Under the name of each candidate nominated at a 66587
primary election, nominated by petition under section 3517.012 66588
of the Revised Code, or certified by a party committee to fill a 66589
vacancy under section 3513.31 of the Revised Code shall be 66590
printed, in less prominent type face than that in which the 66591
candidate's name is printed, the name of the political party by 66592
which the candidate was nominated or certified. Under the name 66593
of each candidate appearing on the ballot who filed a nominating 66594
petition and requested a ballot designation as a nonparty 66595

candidate under section 3513.257 of the Revised Code shall be 66596
printed, in less prominent type face than that in which the 66597
candidate's name is printed, the designation of "nonparty 66598
candidate." Under the name of each candidate appearing on the 66599
ballot who filed a nominating petition and requested a ballot 66600
designation as an other-party candidate under section 3513.257 66601
of the Revised Code shall be printed, in less prominent type 66602
face than that in which the candidate's name is printed, the 66603
designation of "other-party candidate." No designation shall 66604
appear under the name of a candidate appearing on the ballot who 66605
filed a nominating petition and requested that no ballot 66606
designation appear under the candidate's name under section 66607
3513.257 of the Revised Code, or who filed a nominating petition 66608
and failed to request a ballot designation either as a nonparty 66609
candidate or as an other-party candidate under that section. 66610

(G) Except as provided in this section, no words, 66611
designations, or emblems descriptive of a candidate or the 66612
candidate's political affiliation, or indicative of the method 66613
by which the candidate was nominated or certified, shall be 66614
printed under or after a candidate's name that is printed on the 66615
ballot. 66616

Sec. 3505.04. On the nonpartisan ballot shall be printed 66617
the names of all nonpartisan candidates for election to the 66618
office of judge of a municipal court, county court, or court of 66619
common pleas, ~~the office of member of the state board of~~ 66620
~~education,~~ the office of member of a board of education, 66621
municipal or township offices for municipal corporations and 66622
townships in which primary elections are not held for nomination 66623
of candidates by political parties, and municipal offices of 66624
municipal corporations having charters which provide for 66625
separate ballots for elections for such municipal offices. 66626

Such ballots shall have printed across the top, and below 66627
the stubs, "Official Nonpartisan Ballot." 66628

The order in which the offices are listed on the ballot 66629
shall be prescribed by, and certified to each board of elections 66630
by, the secretary of state; provided that ~~the office of member~~ 66631
~~of the state board of education~~ county judicial offices shall be 66632
listed first on the ballot, ~~then county judicial offices,~~ 66633
followed by municipal and township offices, and by offices of 66634
member of a board of education, in the order stated. 66635

Within the rectangular space within which the title of 66636
each judicial office is printed on the ballot and immediately 66637
below such title shall be printed the date of the commencement 66638
of the term of the office, if a full term, as follows: "Full 66639
term commencing _____ (Date) _____," or the date of the end of 66640
the term of the office, if an unexpired term, as follows: 66641
"Unexpired term ending _____ (Date) _____" 66642

~~The secretary of state shall prescribe the information and 66643~~
~~directions to the voter to be printed on the ballot within the 66644~~
~~rectangular space in which the title of office of member of the 66645~~
~~state board of education appears. 66646~~

Within the rectangular space within which the title of 66647
each office for member of a board of education is printed on the 66648
ballot shall be printed "For Member of Board of Education," and 66649
the number to be elected, directions to the voter as to voting 66650
for one, two, or more, and, if the office to be voted for is 66651
member of a board of education of a city school district, words 66652
shall be printed in said space on the ballot to indicate whether 66653
candidates are to be elected from subdistricts or at large. 66654

The names of all nonpartisan candidates for an office 66655

shall be arranged in a group under the title of that office, and 66656
shall be rotated and printed on the ballot as provided in 66657
section 3505.03 of the Revised Code. 66658

No name or designation of any political party nor any 66659
words, designations, or emblems descriptive of a candidate or 66660
the candidate's political affiliation, or indicative of the 66661
method by which such candidate was nominated or certified, shall 66662
be printed under or after any nonpartisan candidate's name which 66663
is printed on the ballot. 66664

Sec. 3505.33. When the board of elections has completed 66665
the canvass of the election returns from the precincts in its 66666
county, in which electors were entitled to vote at any general 66667
or special election, it shall determine and declare the results 66668
of the elections determined by the electors of such county or of 66669
a district or subdivision within such county. If more than the 66670
number of candidates to be elected to an office received the 66671
largest and an equal number of votes, such tie shall be resolved 66672
by lot by the chairperson of the board in the presence of a 66673
majority of the members of the board. Such declaration shall be 66674
in writing and shall be signed by at least a majority of the 66675
members of the board. It shall bear the date of the day upon 66676
which it is made, and a copy thereof shall be posted by the 66677
board in a conspicuous place in its office. The board shall keep 66678
such copy posted for a period of at least five days. 66679

Thereupon the board shall promptly certify abstracts of 66680
the results of such elections within its county, in such forms 66681
as the secretary of state prescribes. Such forms shall be 66682
designated and shall contain abstracts as follows: 66683

Form No. 1. An abstract of the votes cast for the office 66684
of president and vice-president of the United States. 66685

Form No. 2. An abstract of the votes cast for the office 66686
of governor and lieutenant governor, secretary of state, auditor 66687
of state, treasurer of state, attorney general, chief justice of 66688
the supreme court of Ohio, judge of the supreme court of Ohio, 66689
member of the senate of the congress of the United States, 66690
member at large of the house of representatives of the congress 66691
of the United States, district member of the house of 66692
representatives of the congress of the United States, and an 66693
abstract of the votes cast upon each question or issue submitted 66694
at such election to electors throughout the entire state. 66695

Form No. 3. An abstract of the votes cast for the office 66696
of member of the senate of the general assembly, and member of 66697
the house of representatives of the general assembly. 66698

Form No. 4. A report of the votes cast for ~~the office of~~ 66699
~~member of the state board of education,~~ judge of the court of 66700
appeals, judge of the court of common pleas, judge of the 66701
probate court, judge of the county court, county commissioner, 66702
county auditor, prosecuting attorney, clerk of the court of 66703
common pleas, sheriff, county recorder, county treasurer, county 66704
engineer, and coroner. 66705

Form No. 5. A report of the votes cast upon all questions 66706
and issues other than such questions and issues which were 66707
submitted to electors throughout the entire state. 66708

Form No. 6. A report of the votes cast for municipal 66709
offices, judge of the municipal court, township offices, and the 66710
office of member of a board of education. 66711

One copy of each of these forms shall be kept in the 66712
office of the board. One copy of each of these forms shall 66713
promptly be sent to the secretary of state, who shall place the 66714

records contained in forms No. 1, No. 2, No. 3, No. 4, and No. 6 66715
in electronic format. One copy of Form No. 2 shall promptly be 66716
sent by electronic mail to the president of the senate of the 66717
general assembly. The board shall also at once upon completion 66718
of the official count send a certified copy of that part of each 66719
of the forms which pertains to an election in which only 66720
electors of a district comprised of more than one county but 66721
less than all of the counties of the state voted to the board of 66722
the most populous county in such district. It shall also at once 66723
upon completion of the official count send a certified copy of 66724
that part of each of the forms which pertains to an election in 66725
which only electors of a subdivision located partly within the 66726
county voted to the board of the county in which the major 66727
portion of the population of such subdivision is located. 66728

If, after certifying and sending abstracts and parts 66729
thereof, a board finds that any such abstract or part thereof is 66730
incorrect, it shall promptly prepare, certify, and send a 66731
corrected abstract or part thereof to take the place of each 66732
incorrect abstract or part thereof theretofore certified and 66733
sent. 66734

Sec. 3505.38. Election officials who are required to 66735
declare the results of a special or general election in which 66736
persons were elected to offices shall, unless otherwise provided 66737
by law, issue to the persons declared elected by them 66738
appropriate certificates of election in such form as is 66739
prescribed by the secretary of state. Such certificates of 66740
election shall be issued by such election officials after the 66741
time within which applications may be made for recounts of votes 66742
has expired, and after recounts of votes which have been applied 66743
for are completed. 66744

All persons declared to be elected by the president of the senate as provided for in section 3505.34 of the Revised Code shall be issued certificates of election by the secretary of state as provided for in such section and shall be issued commissions for such offices by the governor, provided that the board of elections required to determine and declare the results of the election for candidates for election to the office of member of the house of representatives of the congress of the United States ~~or member of the state board of education~~ shall, in lieu of issuing a certificate of election, certify to the secretary of state the names of such candidates declared elected, and the secretary of state, from such certification, shall issue to the persons certified to the secretary of state as elected as a member of the house of representatives of the congress of the United States ~~or member of the state board of education~~ a certificate of the person's election, signed by the governor, sealed with the great seal of the state, and countersigned by the secretary of state. Certificates of election of members of the house of representatives of the congress of the United States shall be forwarded by registered mail to the clerk of the house of representatives of the congress of the United States, Washington, D.C., and the person elected to such office shall be advised by letter from the secretary of state that the person's certificate of election has been forwarded to said clerk.

Sec. 3513.04. Candidates for party nominations to state, district, county, and municipal offices or positions, for which party nominations are provided by law, and for election as members of party controlling committees shall have their names printed on the official primary ballot by filing a declaration of candidacy and paying the ~~fees~~ fee specified for the office

under ~~divisions (A) and (B) of~~ section 3513.10 of the Revised 66776
Code, except that the joint candidates for party nomination to 66777
the offices of governor and lieutenant governor shall, for the 66778
two of them, file one declaration of candidacy. The joint 66779
candidates also shall pay the ~~fees~~ fee specified for the joint 66780
candidates under ~~divisions (A) and (B) of~~ section 3513.10 of the 66781
Revised Code. 66782

The secretary of state shall not accept for filing the 66783
declaration of candidacy of a candidate for party nomination to 66784
the office of governor unless the declaration of candidacy also 66785
shows a joint candidate for the same party's nomination to the 66786
office of lieutenant governor, shall not accept for filing the 66787
declaration of candidacy of a candidate for party nomination to 66788
the office of lieutenant governor unless the declaration of 66789
candidacy also shows a joint candidate for the same party's 66790
nomination to the office of governor, and shall not accept for 66791
filing a declaration of candidacy that shows a candidate for 66792
party nomination to the office of governor or lieutenant 66793
governor who, for the same election, has already filed a 66794
declaration of candidacy or a declaration of intent to be a 66795
write-in candidate, or has become a candidate by the filling of 66796
a vacancy under section 3513.30 of the Revised Code for any 66797
other state office or any federal or county office. 66798

No person who seeks party nomination for an office or 66799
position at a primary election by declaration of candidacy or by 66800
declaration of intent to be a write-in candidate and no person 66801
who is a first choice for president of candidates seeking 66802
election as delegates and alternates to the national conventions 66803
of the different major political parties who are chosen by 66804
direct vote of the electors as provided in this chapter shall be 66805
permitted to become a candidate by nominating petition, 66806

including a nominating petition filed under section 3517.012 of 66807
the Revised Code, by declaration of intent to be a write-in 66808
candidate, or by filling a vacancy under section 3513.31 of the 66809
Revised Code at the following general election for any office 66810
other than the ~~office of member of the state board of education,~~ 66811
office of member of a city, local, or exempted village board of 66812
education, office of member of a governing board of an 66813
educational service center, or office of township trustee. 66814

Sec. 3513.05. Each person desiring to become a candidate 66815
for a party nomination at a primary election or for election to 66816
an office or position to be voted for at a primary election, 66817
except persons desiring to become joint candidates for the 66818
offices of governor and lieutenant governor and except as 66819
otherwise provided in section 3513.051 of the Revised Code, 66820
shall, not later than four p.m. of the ninetieth day before the 66821
day of the primary election, file a declaration of candidacy and 66822
petition and pay the ~~fees~~ fee required under ~~divisions (A) and~~ 66823
~~(B)~~ of section 3513.10 of the Revised Code. The declaration of 66824
candidacy and all separate petition papers shall be filed at the 66825
same time as one instrument. When the offices are to be voted 66826
for at a primary election, persons desiring to become joint 66827
candidates for the offices of governor and lieutenant governor 66828
shall, not later than four p.m. of the ninetieth day before the 66829
day of the primary election, comply with section 3513.04 of the 66830
Revised Code. The prospective joint candidates' declaration of 66831
candidacy and all separate petition papers of candidacies shall 66832
be filed at the same time as one instrument. The secretary of 66833
state or a board of elections shall not accept for filing a 66834
declaration of candidacy and petition of a person seeking to 66835
become a candidate if that person, for the same election, has 66836
already filed a declaration of candidacy or a declaration of 66837

intent to be a write-in candidate, or has become a candidate by 66838
the filling of a vacancy under section 3513.30 of the Revised 66839
Code for any federal, state, or county office, if the 66840
declaration of candidacy is for a state or county office, or for 66841
any municipal or township office, if the declaration of 66842
candidacy is for a municipal or township office. 66843

If the declaration of candidacy declares a candidacy which 66844
is to be submitted to electors throughout the entire state, the 66845
petition, including a petition for joint candidates for the 66846
offices of governor and lieutenant governor, shall be signed by 66847
at least one thousand qualified electors who are members of the 66848
same political party as the candidate or joint candidates, and 66849
the declaration of candidacy and petition shall be filed with 66850
the secretary of state; provided that the secretary of state 66851
shall not accept or file any such petition appearing on its face 66852
to contain signatures of more than three thousand electors. 66853

Except as otherwise provided in this paragraph, if the 66854
declaration of candidacy is of one that is to be submitted only 66855
to electors within a district, political subdivision, or portion 66856
thereof, the petition shall be signed by not less than fifty 66857
qualified electors who are members of the same political party 66858
as the political party of which the candidate is a member. If 66859
the declaration of candidacy is for party nomination as a 66860
candidate for member of the legislative authority of a municipal 66861
corporation elected by ward, the petition shall be signed by not 66862
less than twenty-five qualified electors who are members of the 66863
political party of which the candidate is a member. 66864

No such petition, except the petition for a candidacy that 66865
is to be submitted to electors throughout the entire state, 66866
shall be accepted for filing if it appears to contain on its 66867

face signatures of more than three times the minimum number of 66868
signatures. When a petition of a candidate has been accepted for 66869
filing by a board of elections, the petition shall not be deemed 66870
invalid if, upon verification of signatures contained in the 66871
petition, the board of elections finds the number of signatures 66872
accepted exceeds three times the minimum number of signatures 66873
required. A board of elections may discontinue verifying 66874
signatures on petitions when the number of verified signatures 66875
equals the minimum required number of qualified signatures. 66876

If the declaration of candidacy declares a candidacy for 66877
party nomination or for election as a candidate of a minor 66878
party, the minimum number of signatures on such petition is one- 66879
half the minimum number provided in this section, except that, 66880
when the candidacy is one for election as a member of the state 66881
central committee or the county central committee of a political 66882
party, the minimum number shall be the same for a minor party as 66883
for a major party. 66884

If a declaration of candidacy is one for election as a 66885
member of the state central committee or the county central 66886
committee of a political party, the petition shall be signed by 66887
five qualified electors of the district, county, ward, township, 66888
or precinct within which electors may vote for such candidate. 66889
The electors signing such petition shall be members of the same 66890
political party as the political party of which the candidate is 66891
a member. 66892

For purposes of signing or circulating a petition of 66893
candidacy for party nomination or election, an elector is 66894
considered to be a member of a political party if the elector 66895
voted in that party's primary election within the preceding two 66896
calendar years, or if the elector did not vote in any other 66897

party's primary election within the preceding two calendar 66898
years. 66899

If the declaration of candidacy is of one that is to be 66900
submitted only to electors within a county, or within a district 66901
or subdivision or part thereof smaller than a county, the 66902
petition shall be filed with the board of elections of the 66903
county. If the declaration of candidacy is of one that is to be 66904
submitted only to electors of a district or subdivision or part 66905
thereof that is situated in more than one county, the petition 66906
shall be filed with the board of elections of the county within 66907
which the major portion of the population thereof, as 66908
ascertained by the next preceding federal census, is located. 66909

A petition shall consist of separate petition papers, each 66910
of which shall contain signatures of electors of only one 66911
county. Petitions or separate petition papers containing 66912
signatures of electors of more than one county shall not thereby 66913
be declared invalid. In case petitions or separate petition 66914
papers containing signatures of electors of more than one county 66915
are filed, the board shall determine the county from which the 66916
majority of signatures came, and only signatures from such 66917
county shall be counted. Signatures from any other county shall 66918
be invalid. 66919

Each separate petition paper shall be circulated by one 66920
person only, who shall be the candidate or a joint candidate or 66921
a member of the same political party as the candidate or joint 66922
candidates, and each separate petition paper shall be governed 66923
by the rules set forth in section 3501.38 of the Revised Code. 66924

The secretary of state shall promptly transmit to each 66925
board such separate petition papers of each petition 66926
accompanying a declaration of candidacy filed with the secretary 66927

of state as purport to contain signatures of electors of the 66928
county of such board. The board of the most populous county of a 66929
district shall promptly transmit to each board within such 66930
district such separate petition papers of each petition 66931
accompanying a declaration of candidacy filed with it as purport 66932
to contain signatures of electors of the county of each such 66933
board. The board of a county within which the major portion of 66934
the population of a subdivision, situated in more than one 66935
county, is located, shall promptly transmit to the board of each 66936
other county within which a portion of such subdivision is 66937
located such separate petition papers of each petition 66938
accompanying a declaration of candidacy filed with it as purport 66939
to contain signatures of electors of the portion of such 66940
subdivision in the county of each such board. 66941

All petition papers so transmitted to a board and all 66942
petitions accompanying declarations of candidacy filed with a 66943
board shall, under proper regulations, be open to public 66944
inspection until four p.m. of the eightieth day before the day 66945
of the next primary election. Each board shall, not later than 66946
the seventy-eighth day before the day of that primary election, 66947
examine and determine the validity or invalidity of the 66948
signatures on the petition papers so transmitted to or filed 66949
with it and shall return to the secretary of state all petition 66950
papers transmitted to it by the secretary of state, together 66951
with its certification of its determination as to the validity 66952
or invalidity of signatures thereon, and shall return to each 66953
other board all petition papers transmitted to it by such board, 66954
together with its certification of its determination as to the 66955
validity or invalidity of the signatures thereon. All other 66956
matters affecting the validity or invalidity of such petition 66957
papers shall be determined by the secretary of state or the 66958

board with whom such petition papers were filed. 66959

Protests against the candidacy of any person filing a 66960
declaration of candidacy for party nomination or for election to 66961
an office or position, as provided in this section, may be filed 66962
by any qualified elector who is a member of the same political 66963
party as the candidate and who is eligible to vote at the 66964
primary election for the candidate whose declaration of 66965
candidacy the elector objects to, or by the controlling 66966
committee of that political party. The protest shall be in 66967
writing, and shall be filed not later than four p.m. of the 66968
seventy-fourth day before the day of the primary election. The 66969
protest shall be filed with the election officials with whom the 66970
declaration of candidacy and petition was filed. Upon the filing 66971
of the protest, the election officials with whom it is filed 66972
shall promptly fix the time for hearing it, and shall forthwith 66973
mail notice of the filing of the protest and the time fixed for 66974
hearing to the person whose candidacy is so protested. They 66975
shall also forthwith mail notice of the time fixed for such 66976
hearing to the person who filed the protest. At the time fixed, 66977
such election officials shall hear the protest and determine the 66978
validity or invalidity of the declaration of candidacy and 66979
petition. If they find that such candidate is not an elector of 66980
the state, district, county, or political subdivision in which 66981
the candidate seeks a party nomination or election to an office 66982
or position, or has not fully complied with this chapter, the 66983
candidate's declaration of candidacy and petition shall be 66984
determined to be invalid and shall be rejected; otherwise, it 66985
shall be determined to be valid. That determination shall be 66986
final. 66987

A protest against the candidacy of any persons filing a 66988
declaration of candidacy for joint party nomination to the 66989

offices of governor and lieutenant governor shall be filed, 66990
heard, and determined in the same manner as a protest against 66991
the candidacy of any person filing a declaration of candidacy 66992
singly. 66993

The secretary of state shall, on the seventieth day before 66994
the day of a primary election, certify to each board in the 66995
state the forms of the official ballots to be used at the 66996
primary election, together with the names of the candidates to 66997
be printed on the ballots whose nomination or election is to be 66998
determined by electors throughout the entire state and who filed 66999
valid declarations of candidacy and petitions. 67000

The board of the most populous county in a district 67001
comprised of more than one county but less than all of the 67002
counties of the state shall, on the seventieth day before the 67003
day of a primary election, certify to the board of each county 67004
in the district the names of the candidates to be printed on the 67005
official ballots to be used at the primary election, whose 67006
nomination or election is to be determined only by electors 67007
within the district and who filed valid declarations of 67008
candidacy and petitions. 67009

The board of a county within which the major portion of 67010
the population of a subdivision smaller than the county and 67011
situated in more than one county is located shall, on the 67012
seventieth day before the day of a primary election, certify to 67013
the board of each county in which a portion of that subdivision 67014
is located the names of the candidates to be printed on the 67015
official ballots to be used at the primary election, whose 67016
nomination or election is to be determined only by electors 67017
within that subdivision and who filed valid declarations of 67018
candidacy and petitions. 67019

Sec. 3513.052. (A) No person shall seek nomination or 67020
election to any of the following offices or positions at the 67021
same election by filing a declaration of candidacy and petition, 67022
a declaration of intent to be a write-in candidate, or a 67023
nominating petition, or by becoming a candidate through party 67024
nomination in a primary election, or by the filling of a vacancy 67025
under section 3513.30 or 3513.31 of the Revised Code: 67026

(1) Two or more state offices; 67027

(2) Two or more county offices; 67028

(3) A state office and a county office; 67029

(4) A federal office and a state or county office; 67030

(5) Any combination of two or more municipal or township 67031
offices, positions as a member of a city, local, or exempted 67032
village board of education, or positions as a member of a 67033
governing board of an educational service center. 67034

(B) The secretary of state or a board of elections shall 67035
not accept for filing a declaration of candidacy and petition, a 67036
declaration of intent to be a write-in candidate, or a 67037
nominating petition of a person seeking to become a candidate if 67038
that person, for the same election, has already filed a 67039
declaration of candidacy, a declaration of intent to be a write- 67040
in candidate, or a nominating petition, or has become a 67041
candidate through party nomination at a primary election or by 67042
the filling of a vacancy under section 3513.30 or 3513.31 of the 67043
Revised Code for: 67044

(1) Any federal, state, or county office, if the 67045
declaration of candidacy, declaration of intent to be a write-in 67046
candidate, or nominating petition is for a state or county 67047
office; 67048

(2) Any municipal or township office, or for member of a 67049
city, local, or exempted village board of education, or for 67050
member of a governing board of an educational service center, if 67051
the declaration of candidacy, declaration of intent to be a 67052
write-in candidate, or nominating petition is for a municipal or 67053
township office, or for member of a city, local, or exempted 67054
village board of education, or for member of a governing board 67055
of an educational service center. 67056

(C) (1) If the secretary of state determines, before the 67057
day of the primary election, that a person is seeking nomination 67058
to more than one office at that election in violation of 67059
division (A) of this section, the secretary of state shall do 67060
one of the following: 67061

(a) If each office or the district for each office for 67062
which the person is seeking nomination is wholly within a single 67063
county and none of those offices is a federal office, the 67064
secretary of state shall notify the board of elections of that 67065
county. The board then shall determine the date on which the 67066
person first sought to become a candidate for each of those 67067
offices by filing a declaration of candidacy or a declaration of 67068
intent to be a write-in candidate or by the filling of a vacancy 67069
under section 3513.30 of the Revised Code. The board shall vote 67070
promptly to disqualify that person as a candidate for each 67071
office for which the person sought to become a candidate after 67072
the date on which the person first sought to become a candidate 67073
for any of those offices. If the board determines that the 67074
person sought to become a candidate for more than one of those 67075
offices on the same date, the board shall vote promptly to 67076
disqualify that person as a candidate for each office that would 67077
be listed on the ballot below the highest office for which that 67078
person seeks nomination, according to the ballot order 67079

prescribed under section 3505.03 of the Revised Code. 67080

(b) If one or more of the offices for which the person is 67081
seeking nomination is a state office or an office with a 67082
district larger than a single county and none of the offices for 67083
which the person is seeking nomination is a federal office, the 67084
secretary of state shall determine the date on which the person 67085
first sought to become a candidate for each of those offices by 67086
filing a declaration of candidacy or a declaration of intent to 67087
be a write-in candidate or by the filling of a vacancy under 67088
section 3513.30 of the Revised Code. The secretary of state 67089
shall order the board of elections of each county in which the 67090
person is seeking to appear on the ballot to disqualify that 67091
person as a candidate for each office for which the person 67092
sought to become a candidate after the date on which the person 67093
first sought to become a candidate for any of those offices. If 67094
the secretary of state determines that the person sought to 67095
become a candidate for more than one of those offices on the 67096
same date, the secretary of state shall order the board of 67097
elections of each county in which the person is seeking to 67098
appear on the ballot to disqualify that person as a candidate 67099
for each office that would be listed on the ballot below the 67100
highest office for which that person seeks nomination, according 67101
to the ballot order prescribed under section 3505.03 of the 67102
Revised Code. Each board of elections so notified shall vote 67103
promptly to disqualify the person as a candidate in accordance 67104
with the order of the secretary of state. 67105

(c) If each office or the district for each office for 67106
which the person is seeking nomination is wholly within a single 67107
county and any of those offices is a federal office, the 67108
secretary of state shall notify the board of elections of that 67109
county. The board then shall vote promptly to disqualify that 67110

person as a candidate for each office that is not a federal 67111
office. 67112

(d) If one or more of the offices for which the person is 67113
seeking nomination is a state office and any of the offices for 67114
which the person is seeking nomination is a federal office, the 67115
secretary of state shall order the board of elections of each 67116
county in which the person is seeking to appear on the ballot to 67117
disqualify that person as a candidate for each office that is 67118
not a federal office. Each board of elections so notified shall 67119
vote promptly to disqualify the person as a candidate in 67120
accordance with the order of the secretary of state. 67121

(2) If a board of elections determines, before the day of 67122
the primary election, that a person is seeking nomination to 67123
more than one office at that election in violation of division 67124
(A) of this section, the board shall do one of the following: 67125

(a) If each office or the district for each office for 67126
which the person is seeking nomination is wholly within that 67127
county and none of those offices is a federal office, the board 67128
shall determine the date on which the person first sought to 67129
become a candidate for each of those offices by filing a 67130
declaration of candidacy or a declaration of intent to be a 67131
write-in candidate or by the filling of a vacancy under section 67132
3513.30 of the Revised Code. The board shall vote promptly to 67133
disqualify that person as a candidate for each office for which 67134
the person sought to become a candidate after the date on which 67135
the person first sought to become a candidate for any of those 67136
offices. If the board determines that the person sought to 67137
become a candidate for more than one of those offices on the 67138
same date, the board shall vote promptly to disqualify that 67139
person as a candidate for each office that would be listed on 67140

the ballot below the highest office for which that person seeks 67141
nomination, according to the ballot order prescribed under 67142
section 3505.03 of the Revised Code. 67143

(b) If one or more of the offices for which the person is 67144
seeking nomination is a state office or an office with a 67145
district larger than a single county and none of the offices for 67146
which the person is seeking nomination is a federal office, the 67147
board shall notify the secretary of state. The secretary of 67148
state then shall determine the date on which the person first 67149
sought to become a candidate for each of those offices by filing 67150
a declaration of candidacy or a declaration of intent to be a 67151
write-in candidate or by the filling of a vacancy under section 67152
3513.30 of the Revised Code. The secretary of state shall order 67153
the board of elections of each county in which the person is 67154
seeking to appear on the ballot to disqualify that person as a 67155
candidate for each office for which the person sought to become 67156
a candidate after the date on which the person first sought to 67157
become a candidate for any of those offices. If the secretary of 67158
state determines that the person sought to become a candidate 67159
for more than one of those offices on the same date, the 67160
secretary of state shall order the board of elections of each 67161
county in which the person is seeking to appear on the ballot to 67162
disqualify that person as a candidate for each office that would 67163
be listed on the ballot below the highest office for which that 67164
person seeks nomination, according to the ballot order 67165
prescribed under section 3505.03 of the Revised Code. Each board 67166
of elections so notified shall vote promptly to disqualify the 67167
person as a candidate in accordance with the order of the 67168
secretary of state. 67169

(c) If each office or the district for each office for 67170
which the person is seeking nomination is wholly within a single 67171

county and any of those offices is a federal office, the board 67172
shall vote promptly to disqualify that person as a candidate for 67173
each office that is not a federal office. 67174

(d) If one or more of the offices for which the person is 67175
seeking nomination is a state office and any of the offices for 67176
which the person is seeking nomination is a federal office, the 67177
board shall notify the secretary of state. The secretary of 67178
state then shall order the board of elections of each county in 67179
which the person is seeking to appear on the ballot to 67180
disqualify that person as a candidate for each office that is 67181
not a federal office. Each board of elections so notified shall 67182
vote promptly to disqualify the person as a candidate in 67183
accordance with the order of the secretary of state. 67184

(D) (1) If the secretary of state determines, after the day 67185
of the primary election and before the day of the general 67186
election, that a person is seeking election to more than one 67187
office at that election in violation of division (A) of this 67188
section, the secretary of state shall do one of the following: 67189

(a) If each office or the district for each office for 67190
which the person is seeking election is wholly within a single 67191
county and none of those offices is a federal office, the 67192
secretary of state shall notify the board of elections of that 67193
county. The board then shall determine the offices for which the 67194
person seeks to appear as a candidate on the ballot. The board 67195
shall vote promptly to disqualify that person as a candidate for 67196
each office that would be listed on the ballot below the highest 67197
office for which that person seeks election, according to the 67198
ballot order prescribed under section 3505.03 of the Revised 67199
Code. If the person sought nomination at a primary election and 67200
has not yet been issued a certificate of nomination, the board 67201

shall not issue that certificate for that person for any office 67202
that would be listed on the ballot below the highest office for 67203
which that person seeks election, according to the ballot order 67204
prescribed under section 3505.03 of the Revised Code. 67205

(b) If one or more of the offices for which the person is 67206
seeking election is a state office or an office with a district 67207
larger than a single county and none of the offices for which 67208
the person is seeking election is a federal office, the 67209
secretary of state shall promptly investigate and determine the 67210
offices for which the person seeks to appear as a candidate on 67211
the ballot. The secretary of state shall order the board of 67212
elections of each county in which the person is seeking to 67213
appear on the ballot to disqualify that person as a candidate 67214
for each office that would be listed on the ballot below the 67215
highest office for which that person seeks election, according 67216
to the ballot order prescribed under section 3505.03 of the 67217
Revised Code. Each board of elections so notified shall vote 67218
promptly to disqualify the person as a candidate in accordance 67219
with the order of the secretary of state. If the person sought 67220
nomination at a primary election and has not yet been issued a 67221
certificate of nomination, the board shall not issue that 67222
certificate for that person for any office that would be listed 67223
on the ballot below the highest office for which that person 67224
seeks election, according to the ballot order prescribed under 67225
section 3505.03 of the Revised Code. 67226

(c) If each office or the district for each office for 67227
which the person is seeking election is wholly within a single 67228
county and any of those offices is a federal office, the 67229
secretary of state shall notify the board of elections of that 67230
county. The board then shall vote promptly to disqualify that 67231
person as a candidate for each office that is not a federal 67232

office. If the person sought nomination at a primary election 67233
and has not yet been issued a certificate of nomination, the 67234
board shall not issue that certificate for that person for any 67235
office that is not a federal office. 67236

(d) If one or more of the offices for which the person is 67237
seeking election is a state office and any of the offices for 67238
which the person is seeking election is a federal office, the 67239
secretary of state shall order the board of elections of each 67240
county in which the person is seeking to appear on the ballot to 67241
disqualify that person as a candidate for each office that is 67242
not a federal office. Each board of elections so notified shall 67243
vote promptly to disqualify the person as a candidate in 67244
accordance with the order of the secretary of state. If the 67245
person sought nomination at a primary election and has not yet 67246
been issued a certificate of nomination, the board shall not 67247
issue that certificate for that person for any office that is 67248
not a federal office. 67249

(2) If a board of elections determines, after the day of 67250
the primary election and before the day of the general election, 67251
that a person is seeking election to more than one office at 67252
that election in violation of division (A) of this section, the 67253
board of elections shall do one of the following: 67254

(a) If each office or the district for each office for 67255
which the person is seeking election is wholly within that 67256
county and none of those offices is a federal office, the board 67257
shall determine the offices for which the person seeks to appear 67258
as a candidate on the ballot. The board shall vote promptly to 67259
disqualify that person as a candidate for each office that would 67260
be listed on the ballot below the highest office for which that 67261
person seeks election, according to the ballot order prescribed 67262

under section 3505.03 of the Revised Code. If the person sought 67263
nomination at a primary election and has not yet been issued a 67264
certificate of nomination, the board shall not issue that 67265
certificate for that person for any office that would be listed 67266
on the ballot below the highest office for which that person 67267
seeks election, according to the ballot order prescribed under 67268
section 3505.03 of the Revised Code. 67269

(b) If one or more of the offices for which the person is 67270
seeking election is a state office or an office with a district 67271
larger than a single county and none of the offices for which 67272
the person is seeking election is a federal office, the board 67273
shall notify the secretary of state. The secretary of state 67274
promptly shall investigate and determine the offices for which 67275
the person seeks to appear as a candidate on the ballot. The 67276
secretary of state shall order the board of elections of each 67277
county in which the person is seeking to appear on the ballot to 67278
disqualify that person as a candidate for each office that would 67279
be listed on the ballot below the highest office for which that 67280
person seeks election, according to the ballot order prescribed 67281
under section 3505.03 of the Revised Code. Each board of 67282
elections so notified shall vote promptly to disqualify the 67283
person as a candidate in accordance with the order of the 67284
secretary of state. If the person sought nomination at a primary 67285
election and has not yet been issued a certificate of 67286
nomination, the board shall not issue that certificate for that 67287
person for any office that would be listed on the ballot below 67288
the highest office for which that person seeks election, 67289
according to the ballot order prescribed under section 3505.03 67290
of the Revised Code. 67291

(c) If each office or the district for each office for 67292
which the person is seeking election is wholly within that 67293

county and any of those offices is a federal office, the board 67294
shall vote promptly to disqualify that person as a candidate for 67295
each office that is not a federal office. If the person sought 67296
nomination at a primary election and has not yet been issued a 67297
certificate of nomination, the board shall not issue that 67298
certificate for that person for any office that is not a federal 67299
office. 67300

(d) If one or more of the offices for which the person is 67301
seeking election is a state office and any of the offices for 67302
which the person is seeking election is a federal office, the 67303
board shall notify the secretary of state. The secretary of 67304
state shall order the board of elections of each county in which 67305
the person is seeking to appear on the ballot to disqualify that 67306
person as a candidate for each office that is not a federal 67307
office. Each board of elections so notified shall vote promptly 67308
to disqualify the person as a candidate in accordance with the 67309
order of the secretary of state. If the person sought nomination 67310
at a primary election and has not yet been issued a certificate 67311
of nomination, the board shall not issue that certificate for 67312
that person for any office that is not a federal office. 67313

(E) When a person is disqualified as a candidate under 67314
division (C) or (D) of this section, on or before the seventieth 67315
day before the day of the applicable election, the board of 67316
elections shall remove the person's name from the ballot for any 67317
office for which that person has been disqualified as a 67318
candidate according to the directions of the secretary of state. 67319
When a person is disqualified as a candidate under division (C) 67320
or (D) of this section after the seventieth day before the day 67321
of the applicable election, the board of elections shall not 67322
remove the person's name from the ballot for any office for 67323
which that person has been disqualified as a candidate. The 67324

board of elections shall post a notice at each polling location 67325
on the day of the applicable election, and shall enclose with 67326
each absent voter's ballot given or mailed after the candidate 67327
is disqualified, a notice that votes for the person for the 67328
office for which the person has been disqualified as a candidate 67329
will be void and will not be counted. If the name is not removed 67330
from the ballots before the day of the election, the votes for 67331
the disqualified candidate are void and shall not be counted. 67332

(F) Any vacancy created by the disqualification of a 67333
person as a candidate under division (C) or (D) of this section 67334
may be filled in the manner provided for in sections 3513.30 and 67335
3513.31 of the Revised Code. 67336

(G) Nothing in this section or section 3513.04, 3513.041, 67337
3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, 67338
~~3513.259,~~ or 3513.261 of the Revised Code prohibits, and the 67339
secretary of state or a board of elections shall not disqualify, 67340
a person from being a candidate for an office, if that person 67341
timely withdraws as a candidate for any offices specified in 67342
division (A) of this section for which that person first sought 67343
to become a candidate by filing a declaration of candidacy and 67344
petition, a declaration of intent to be a write-in candidate, or 67345
a nominating petition, by party nomination in a primary 67346
election, or by the filling of a vacancy under section 3513.30 67347
or 3513.31 of the Revised Code. 67348

(H) As used in this section: 67349

(1) "State office" means the offices of governor, 67350
lieutenant governor, secretary of state, auditor of state, 67351
treasurer of state, attorney general, ~~member of the state board~~ 67352
~~of education,~~ member of the general assembly, chief justice of 67353
the supreme court, and justice of the supreme court. 67354

(2) "Timely withdraws" means either of the following: 67355

(a) Withdrawing as a candidate before the applicable 67356
deadline for filing a declaration of candidacy, declaration of 67357
intent to be a write-in candidate, or nominating petition for 67358
the subsequent office for which the person is seeking to become 67359
a candidate at the same election; 67360

(b) Withdrawing as a candidate before the applicable 67361
deadline for the filling of a vacancy under section 3513.30 or 67362
3513.31 of the Revised Code, if the person is seeking to become 67363
a candidate for a subsequent office at the same election under 67364
either of those sections. 67365

Sec. 3513.10. (A) At the time of filing a declaration of 67366
candidacy for nomination for any office, or a declaration of 67367
intent to be a write-in candidate, each candidate, except joint 67368
candidates for governor and lieutenant governor, shall pay a fee 67369
as follows: 67370
67371

1

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A	For statewide office	\$100
B	For court of appeals judge	\$50
C	For court of common pleas judge	\$50
D	For county court judge	\$50
E	For municipal court judge	\$50
F	For district office, including member of the United States house of representatives and member of the general assembly	\$50

G	For county office	\$50
H	For city office	\$20
I	For village office	\$10
J	For township office	\$10
K	For member of state board of education	\$20
L	For member of local, city, or exempted village board of education or educational service center governing board	\$10

At the time of filing a declaration of candidacy or a	67372
declaration of intent to be a write-in candidate for the offices	67373
of governor and lieutenant governor, the joint candidates shall	67374
jointly pay to the secretary of state a fee of one hundred	67375
dollars.	67376

(B) (1) At the same time the fee required under division	67377
(A) of this section is paid, each candidate shall pay an	67378
additional fee as follows:	67379
	67380

1

2

A	For the joint candidates for governor and lieutenant governor	\$50
B	For statewide office	\$50
C	For district office, including member of the United States house of representatives and member of the general assembly	\$35

D	For member of state board of education	\$35
E	For court of appeals judge	\$30
F	For court of common pleas judge	\$30
G	For county court judge	\$30
H	For municipal court judge	\$30
I	For county office	\$30
J	For city office	\$25
K	For village office	\$20
L	For township office	\$20
M	For member of local, city, or exempted village board of education or educational service center governing board	\$20

~~(2) Whoever seeks to propose a ballot question or issue to
be submitted to the electors shall pay the following fee at the
time the petition proposing the question or issue is filed;~~

~~(a) If the question or issue is to be submitted to the
electors throughout the entire state, twenty-five dollars;~~

~~(b) If the question or issue is to be submitted to the
electors of a county or of a district that consists of all or
part of two or more counties but less than the entire state,
fifteen dollars;~~

~~(c) If the question or issue is to be submitted to the
electors of a city, twelve dollars and fifty cents;~~

~~(d) If the question or issue is to be submitted to the~~ 67392
~~electors of a village, a township, a local, city, county, or~~ 67393
~~exempted village school district, a precinct, or another~~ 67394
~~district consisting of less than an entire county, ten dollars.~~ 67395

~~(C)~~ (B) No fee shall be required of candidates filing for 67396
the office of delegate or alternate to the national convention 67397
of political parties, member of the state central committee of a 67398
political party, or member of the county central committee of a 67399
political party. 67400

~~(D)~~ (C) All fees required under division (A) of this 67401
section immediately shall be paid by the officer receiving them 67402
into the state treasury to the credit of the general revenue 67403
fund, in the case of fees received by the secretary of state, 67404
and into the county treasury to the credit of the county general 67405
fund, in the case of fees received by a board of elections. 67406

~~(E) The officer who receives a fee required under division~~ 67407
~~(B) of this section immediately shall pay the fee to the credit~~ 67408
~~of the Ohio elections commission fund created by division (I) of~~ 67409
~~section 3517.152 of the Revised Code.~~ 67410

~~(F)~~ (1) (D) (1) In no case shall a fee paid under this 67411
section be returned to a candidate. 67412

(2) Whenever a section of law refers to a filing fee to be 67413
paid by a candidate or by a committee proposing a ballot 67414
question or issue to be submitted to the electors, that fee 67415
includes the ~~fees~~ fee required under ~~divisions~~ division (A) ~~and~~ 67416
~~(B)~~ of this section. 67417

~~(G)~~ (E) As used in ~~divisions~~ division (A) ~~and (B)~~ of this 67418
section, "statewide office" means the office of secretary of 67419
state, auditor of state, treasurer of state, attorney general, 67420

justice and chief justice of the supreme court, and member of 67421
the United States senate. 67422

Sec. 3513.261. A nominating petition may consist of one or 67423
more separate petition papers, each of which shall be 67424
substantially in the form prescribed in this section. If the 67425
petition consists of more than one separate petition paper, the 67426
statement of candidacy of the candidate or joint candidates 67427
named need be signed by the candidate or joint candidates on 67428
only one of such separate petition papers, but the statement of 67429
candidacy so signed shall be copied on each other separate 67430
petition paper before the signatures of electors are placed on 67431
it. Each nominating petition containing signatures of electors 67432
of more than one county shall consist of separate petition 67433
papers each of which shall contain signatures of electors of 67434
only one county; provided that petitions containing signatures 67435
of electors of more than one county shall not thereby be 67436
declared invalid. In case petitions containing signatures of 67437
electors of more than one county are filed, the board of 67438
elections shall determine the county from which the majority of 67439
the signatures came, and only signatures from this county shall 67440
be counted. Signatures from any other county shall be invalid. 67441

All signatures on nominating petitions shall be written in 67442
ink or indelible pencil. 67443

At the time of filing a nominating petition, the candidate 67444
designated in the nominating petition, and joint candidates for 67445
governor and lieutenant governor, shall pay to the election 67446
officials with whom it is filed the ~~fees-fee~~ specified for the 67447
office under ~~divisions (A) and (B) of~~ section 3513.10 of the 67448
Revised Code. The ~~fees-fee~~ shall be disposed of by those 67449
election officials in the manner that is provided in section 67450

3513.10 of the Revised Code for the disposition of other fees, 67451
and in no case shall a fee required under that section be 67452
returned to a candidate. 67453

Candidates or joint candidates whose names are written on 67454
the ballot, and who are elected, shall pay the same ~~fees~~fee 67455
under section 3513.10 of the Revised Code that candidates who 67456
file nominating petitions pay. Payment of these fees shall be a 67457
condition precedent to the granting of their certificates of 67458
election. 67459

Each nominating petition shall contain a statement of 67460
candidacy that shall be signed by the candidate or joint 67461
candidates named in it or by an attorney in fact acting pursuant 67462
to section 3501.382 of the Revised Code. Such statement of 67463
candidacy shall contain a declaration made under penalty of 67464
election falsification that the candidate desires to be a 67465
candidate for the office named in it, and that the candidate is 67466
an elector qualified to vote for the office the candidate seeks. 67467

The form of the nominating petition and statement of 67468
candidacy shall be substantially as follows: 67469

"STATEMENT OF CANDIDACY 67470

I, _____ (Name of 67471
candidate), the undersigned, hereby declare under penalty of 67472
election falsification that my voting residence is in 67473
_____ Precinct of the 67474
_____ (Township) or (Ward and City, or 67475
Village) in the county of _____ Ohio; that my post- 67476
office address is _____ (Street and 67477
Number, if any, or Rural Route and Number) of the 67478
_____ (City, Village, or post office) 67479

of _____, Ohio; and that I am a qualified elector 67480
in the precinct in which my voting residence is located. I 67481
hereby declare that I desire to be a candidate for election to 67482
the office of _____ in the _____ 67483
(State, District, County, City, Village, Township, or School 67484
District) for the _____ (Full 67485
term or unexpired term ending _____) at the General 67486
Election to be held on the _____ day of _____, ____ 67487

I further declare that I am an elector qualified to vote 67488
for the office I seek. Dated this _____ day of _____, 67489
_____ 67490

_____ 67491

(Signature of candidate) 67492

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 67493
FELONY OF THE FIFTH DEGREE. 67494

I, _____, hereby constitute 67495
the persons named below a committee to represent me: 67496

Name	Residence
------	-----------

 67497

_____	_____
-------	-------

 67498

_____	_____
-------	-------

 67499

_____	_____
-------	-------

 67500

_____	_____
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 67501

_____	_____
-------	-------

 67502

NOMINATING PETITION 67503

We, the undersigned, qualified electors of the state of 67504
Ohio, whose voting residence is in the County, City, Village, 67505

Ward, Township or Precinct set opposite our names, hereby 67506
nominate _____ as a candidate for election to the 67507
office of _____ in the 67508
_____ (State, District, County, City, 67509
Village, Township, or School District) for the _____ 67510
(Full term or unexpired term ending _____) to be 67511
voted for at the general election next hereafter to be held, and 67512
certify that this person is, in our opinion, well qualified to 67513
perform the duties of the office or position to which the person 67514
desires to be elected. 67515
67516

	1	2	3	4	5	6	7
A		Street					
B		Address					
C		or R.F.D.					
D		(Must use					
E		address on	City,				
F		file with	Village				
G		the board of	or			Date of	
H	Signature	elections)	Township	Ward	Precinct	County	Signing

_____ 67517

_____ 67518

_____ 67519

_____, declares under penalty of election 67520

falsification that such person is a qualified elector of the 67521
state of Ohio and resides at the address appearing below such 67522
person's signature hereto; that such person is the circulator of 67523
the foregoing petition paper containing _____ 67524
signatures; that such person witnessed the affixing of every 67525
signature; that all signers were to the best of such person's 67526
knowledge and belief qualified to sign; and that every signature 67527
is to the best of such person's knowledge and belief the 67528
signature of the person whose signature it purports to be or of 67529
an attorney in fact acting pursuant to section 3501.382 of the 67530
Revised Code. 67531

67532

(Signature of circulator) 67533

67534

(Address of circulator's 67535

permanent residence 67536

in this state) 67537

67538

(If petition is for a statewide 67539

candidate, the name and address 67540

of person employing circulator 67541

to circulate petition, if any) 67542

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 67543
FELONY OF THE FIFTH DEGREE." 67544

The secretary of state shall prescribe a form of 67545
nominating petition for a group of candidates for the office of 67546

member of a board of education, township office, and offices of 67547
municipal corporations of under two thousand population. 67548

The secretary of state shall prescribe a form of statement 67549
of candidacy and nominating petition, which shall be 67550
substantially similar to the form of statement of candidacy and 67551
nominating petition set forth in this section, that will be 67552
suitable for joint candidates for the offices of governor and 67553
lieutenant governor. 67554

If such petition nominates a candidate whose election is 67555
to be determined by the electors of a county or a district or 67556
subdivision within the county, it shall be filed with the board 67557
of such county. If the petition nominates a candidate whose 67558
election is to be determined by the voters of a subdivision 67559
located in more than one county, it shall be filed with the 67560
board of the county in which the major portion of the population 67561
of such subdivision is located. 67562

If the petition nominates a candidate whose election is to 67563
be determined by the electors of a district comprised of more 67564
than one county but less than all of the counties of the state, 67565
it shall be filed with the board of elections of the most 67566
populous county in such district. If the petition nominates a 67567
candidate whose election is to be determined by the electors of 67568
the state at large, it shall be filed with the secretary of 67569
state. 67570

The secretary of state or a board of elections shall not 67571
accept for filing a nominating petition of a person seeking to 67572
become a candidate if that person, for the same election, has 67573
already filed a declaration of candidacy, a declaration of 67574
intent to be a write-in candidate, or a nominating petition, or 67575
has become a candidate through party nomination at a primary 67576

election or by the filling of a vacancy under section 3513.30 or 67577
3513.31 of the Revised Code for any federal, state, or county 67578
office, if the nominating petition is for a state or county 67579
office, or for any municipal or township office, for member of a 67580
city, local, or exempted village board of education, or for 67581
member of a governing board of an educational service center, if 67582
the nominating petition is for a municipal or township office, 67583
or for member of a city, local, or exempted village board of 67584
education, or for member of a governing board of an educational 67585
service center. 67586

Sec. 3517.01. (A) (1) A political party within the meaning 67587
of Title XXXV of the Revised Code is any group of voters that 67588
meets either of the following requirements: 67589

(a) Except as otherwise provided in this division, at the 67590
most recent regular state election, the group polled for its 67591
candidate for governor in the state or nominees for presidential 67592
electors at least three per cent of the entire vote cast for 67593
that office. A group that meets the requirements of this 67594
division remains a political party for a period of four years 67595
after meeting those requirements. 67596

(b) The group filed with the secretary of state, 67597
subsequent to its failure to meet the requirements of division 67598
(A) (1) (a) of this section, a party formation petition that meets 67599
all of the following requirements: 67600

(i) The petition is signed by qualified electors equal in 67601
number to at least one per cent of the total vote for governor 67602
or nominees for presidential electors at the most recent 67603
election for such office. 67604

(ii) The petition is signed by not fewer than five hundred 67605

qualified electors from each of at least a minimum of one-half 67606
of the congressional districts in this state. If an odd number 67607
of congressional districts exists in this state, the number of 67608
districts that results from dividing the number of congressional 67609
districts by two shall be rounded up to the next whole number. 67610

(iii) The petition declares the petitioners' intention of 67611
organizing a political party, the name of which shall be stated 67612
in the declaration, and of participating in the succeeding 67613
general election, held in even-numbered years, that occurs more 67614
than one hundred twenty-five days after the date of filing. 67615

(iv) The petition designates a committee of not less than 67616
three nor more than five individuals of the petitioners, who 67617
shall represent the petitioners in all matters relating to the 67618
petition. Notice of all matters or proceedings pertaining to the 67619
petition may be served on the committee, or any of them, either 67620
personally or by registered mail, or by leaving such notice at 67621
the usual place of residence of each of them. 67622

(2) No such group of electors shall assume a name or 67623
designation that is similar, in the opinion of the secretary of 67624
state, to that of an existing political party as to confuse or 67625
mislead the voters at an election. 67626

(B) A campaign committee shall be legally liable for any 67627
debts, contracts, or expenditures incurred or executed in its 67628
name. 67629

(C) Notwithstanding the definitions found in section 67630
3501.01 of the Revised Code, as used in this section and 67631
sections 3517.08 to ~~3517.14, 3517.99, and 3517.992~~ 3517.991 of 67632
the Revised Code: 67633

(1) "Campaign committee" means a candidate or a 67634

combination of two or more persons authorized by a candidate 67635
under section 3517.081 of the Revised Code to receive 67636
contributions and make expenditures. 67637

(2) "Campaign treasurer" means an individual appointed by 67638
a candidate under section 3517.081 of the Revised Code. 67639

(3) "Candidate" has the same meaning as in division (H) of 67640
section 3501.01 of the Revised Code and also includes any person 67641
who, at any time before or after an election, receives 67642
contributions or makes expenditures or other use of 67643
contributions, has given consent for another to receive 67644
contributions or make expenditures or other use of 67645
contributions, or appoints a campaign treasurer, for the purpose 67646
of bringing about the person's nomination or election to public 67647
office. When two persons jointly seek the offices of governor 67648
and lieutenant governor, "candidate" means the pair of 67649
candidates jointly. "Candidate" does not include candidates for 67650
election to the offices of member of a county or state central 67651
committee, presidential elector, and delegate to a national 67652
convention or conference of a political party. 67653

(4) "Continuing association" means an association, other 67654
than a campaign committee, political party, legislative campaign 67655
fund, political contributing entity, or labor organization, that 67656
is intended to be a permanent organization that has a primary 67657
purpose other than supporting or opposing specific candidates, 67658
political parties, or ballot issues, and that functions on a 67659
regular basis throughout the year. "Continuing association" 67660
includes organizations that are determined to be not organized 67661
for profit under subsection 501 and that are described in 67662
subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal 67663
Revenue Code. 67664

(5) "Contribution" means a loan, gift, deposit, 67665
forgiveness of indebtedness, donation, advance, payment, or 67666
transfer of funds or anything of value, including a transfer of 67667
funds from an inter vivos or testamentary trust or decedent's 67668
estate, and the payment by any person other than the person to 67669
whom the services are rendered for the personal services of 67670
another person, which contribution is made, received, or used 67671
for the purpose of influencing the results of an election. Any 67672
loan, gift, deposit, forgiveness of indebtedness, donation, 67673
advance, payment, or transfer of funds or of anything of value, 67674
including a transfer of funds from an inter vivos or 67675
testamentary trust or decedent's estate, and the payment by any 67676
campaign committee, political action committee, legislative 67677
campaign fund, political party, political contributing entity, 67678
or person other than the person to whom the services are 67679
rendered for the personal services of another person, that is 67680
made, received, or used by a state or county political party, 67681
other than the moneys an entity may receive under sections 67682
3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be 67683
considered to be a "contribution" for the purpose of section 67684
3517.10 of the Revised Code and shall be included on a statement 67685
of contributions filed under that section. 67686

"Contribution" does not include any of the following: 67687

(a) Services provided without compensation by individuals 67688
volunteering a portion or all of their time on behalf of a 67689
person; 67690

(b) Ordinary home hospitality; 67691

(c) The personal expenses of a volunteer paid for by that 67692
volunteer campaign worker; 67693

(d) Any gift given to an entity pursuant to section	67694
3517.101 of the Revised Code;	67695
(e) Any contribution as defined in section 3517.1011 of	67696
the Revised Code that is made, received, or used to pay the	67697
direct costs of producing or airing an electioneering	67698
communication;	67699
(f) Any gift given to a state or county political party	67700
for the party's restricted fund under division (A) (2) of section	67701
3517.1012 of the Revised Code;	67702
(g) Any gift given to a state political party for deposit	67703
in a Levin account pursuant to section 3517.1013 of the Revised	67704
Code. As used in this division, "Levin account" has the same	67705
meaning as in that section.	67706
(h) Any donation given to a transition fund under section	67707
3517.1014 of the Revised Code.	67708
(6) "Expenditure" means the disbursement or use of a	67709
contribution for the purpose of influencing the results of an	67710
election or of making a charitable donation under division (G)	67711
of section 3517.08 of the Revised Code. Any disbursement or use	67712
of a contribution by a state or county political party is an	67713
expenditure and shall be considered either to be made for the	67714
purpose of influencing the results of an election or to be made	67715
as a charitable donation under division (G) of section 3517.08	67716
of the Revised Code and shall be reported on a statement of	67717
expenditures filed under section 3517.10 of the Revised Code.	67718
During the thirty days preceding a primary or general election,	67719
any disbursement to pay the direct costs of producing or airing	67720
a broadcast, cable, or satellite communication that refers to a	67721
clearly identified candidate shall be considered to be made for	67722

the purpose of influencing the results of that election and 67723
shall be reported as an expenditure or as an independent 67724
expenditure under section 3517.10 or 3517.105 of the Revised 67725
Code, as applicable, except that the information required to be 67726
reported regarding contributors for those expenditures or 67727
independent expenditures shall be the same as the information 67728
required to be reported under divisions (D) (1) and (2) of 67729
section 3517.1011 of the Revised Code. 67730

As used in this division, "broadcast, cable, or satellite 67731
communication" and "refers to a clearly identified candidate" 67732
have the same meanings as in section 3517.1011 of the Revised 67733
Code. 67734

(7) "Personal expenses" includes, but is not limited to, 67735
ordinary expenses for accommodations, clothing, food, personal 67736
motor vehicle or airplane, and home telephone. 67737

(8) "Political action committee" means a combination of 67738
two or more persons, the primary or major purpose of which is to 67739
support or oppose any candidate, political party, or issue, or 67740
to influence the result of any election through express 67741
advocacy, and that is not a political party, a campaign 67742
committee, a political contributing entity, or a legislative 67743
campaign fund. "Political action committee" does not include 67744
either of the following: 67745

(a) A continuing association that makes disbursements for 67746
the direct costs of producing or airing electioneering 67747
communications and that does not engage in express advocacy; 67748

(b) A political club that is formed primarily for social 67749
purposes and that consists of one hundred members or less, has 67750
officers and periodic meetings, has less than two thousand five 67751

hundred dollars in its treasury at all times, and makes an 67752
aggregate total contribution of one thousand dollars or less per 67753
calendar year. 67754

(9) "Public office" means any state, county, municipal, 67755
township, or district office, except an office of a political 67756
party, that is filled by an election and the offices of United 67757
States senator and representative. 67758

(10) "Anything of value" has the same meaning as in 67759
section 1.03 of the Revised Code. 67760

(11) "Beneficiary of a campaign fund" means a candidate, a 67761
public official or employee for whose benefit a campaign fund 67762
exists, and any other person who has ever been a candidate or 67763
public official or employee and for whose benefit a campaign 67764
fund exists. 67765

(12) "Campaign fund" means money or other property, 67766
including contributions. 67767

(13) "Public official or employee" has the same meaning as 67768
in section 102.01 of the Revised Code. 67769

(14) "Caucus" means all of the members of the house of 67770
representatives or all of the members of the senate of the 67771
general assembly who are members of the same political party. 67772

(15) "Legislative campaign fund" means a fund that is 67773
established as an auxiliary of a state political party and 67774
associated with one of the houses of the general assembly. 67775

(16) "In-kind contribution" means anything of value other 67776
than money that is used to influence the results of an election 67777
or is transferred to or used in support of or in opposition to a 67778
candidate, campaign committee, legislative campaign fund, 67779

political party, political action committee, or political 67780
contributing entity and that is made with the consent of, in 67781
coordination, cooperation, or consultation with, or at the 67782
request or suggestion of the benefited candidate, committee, 67783
fund, party, or entity. The financing of the dissemination, 67784
distribution, or republication, in whole or part, of any 67785
broadcast or of any written, graphic, or other form of campaign 67786
materials prepared by the candidate, the candidate's campaign 67787
committee, or their authorized agents is an in-kind contribution 67788
to the candidate and an expenditure by the candidate. 67789

(17) "Independent expenditure" means an expenditure by a 67790
person advocating the election or defeat of an identified 67791
candidate or candidates, that is not made with the consent of, 67792
in coordination, cooperation, or consultation with, or at the 67793
request or suggestion of any candidate or candidates or of the 67794
campaign committee or agent of the candidate or candidates. As 67795
used in division (C) (17) of this section: 67796

(a) "Person" means an individual, partnership, 67797
unincorporated business organization or association, political 67798
action committee, political contributing entity, separate 67799
segregated fund, association, or other organization or group of 67800
persons, but not a labor organization or a corporation unless 67801
the labor organization or corporation is a political 67802
contributing entity. 67803

(b) "Advocating" means any communication containing a 67804
message advocating election or defeat. 67805

(c) "Identified candidate" means that the name of the 67806
candidate appears, a photograph or drawing of the candidate 67807
appears, or the identity of the candidate is otherwise apparent 67808
by unambiguous reference. 67809

(d) "Made in coordination, cooperation, or consultation with, or at the request or suggestion of, any candidate or the campaign committee or agent of the candidate" means made pursuant to any arrangement, coordination, or direction by the candidate, the candidate's campaign committee, or the candidate's agent prior to the publication, distribution, display, or broadcast of the communication. An expenditure is presumed to be so made when it is any of the following:

(i) Based on information about the candidate's plans, projects, or needs provided to the person making the expenditure by the candidate, or by the candidate's campaign committee or agent, with a view toward having an expenditure made;

(ii) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of the candidate's campaign committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate or the candidate's campaign committee or agent;

(iii) Except as otherwise provided in division (D) of section 3517.105 of the Revised Code, made by a political party in support of a candidate, unless the expenditure is made by a political party to conduct voter registration or voter education efforts.

(e) "Agent" means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position with the candidate's campaign committee or organization such that it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.

(18) "Labor organization" means a labor union; an employee organization; a federation of labor unions, groups, locals, or other employee organizations; an auxiliary of a labor union, employee organization, or federation of labor unions, groups, locals, or other employee organizations; or any other bona fide organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment.

(19) "Separate segregated fund" means a separate segregated fund established pursuant to the Federal Election Campaign Act.

(20) "Federal Election Campaign Act" means the "Federal Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et seq., as amended.

(21) "Restricted fund" means the fund a state or county political party must establish under division (A) (1) of section 3517.1012 of the Revised Code.

(22) "Electioneering communication" has the same meaning as in section 3517.1011 of the Revised Code.

(23) "Express advocacy" means a communication that contains express words advocating the nomination, election, or defeat of a candidate or that contains express words advocating the adoption or defeat of a question or issue, as determined by a final judgment of a court of competent jurisdiction.

(24) "Political committee" has the same meaning as in section 3517.1011 of the Revised Code.

(25) "Political contributing entity" means any entity, including a corporation or labor organization, that may lawfully

make contributions and expenditures and that is not an 67868
individual or a political action committee, continuing 67869
association, campaign committee, political party, legislative 67870
campaign fund, designated state campaign committee, or state 67871
candidate fund. For purposes of this division, "lawfully" means 67872
not prohibited by any section of the Revised Code, or authorized 67873
by a final judgment of a court of competent jurisdiction. 67874

(26) "Internet identifier of record" has the same meaning 67875
as in section 9.312 of the Revised Code. 67876

(27) "Appropriate enforcement authority" means the 67877
secretary of state or the board of elections, as applicable, 67878
that has jurisdiction to hear a complaint under section 3517.14 67879
of the Revised Code, and includes a hearing officer appointed to 67880
adjudicate a complaint filed with the secretary of state under 67881
section 3517.15 of the Revised Code. 67882

Sec. 3517.08. (A) The personal expenses of a candidate 67883
paid for by the candidate, from the candidate's personal funds, 67884
shall not be considered as a contribution by or an expenditure 67885
by the candidate and shall not be reported under section 3517.10 67886
of the Revised Code. 67887

(B) (1) An expenditure by a political action committee or a 67888
political contributing entity shall not be considered a 67889
contribution by the political action committee or the political 67890
contributing entity or an expenditure by or on behalf of the 67891
candidate if the purpose of the expenditure is to inform only 67892
its members by means of mailed publications of its activities or 67893
endorsements. 67894

(2) An expenditure by a political party shall not be 67895
considered a contribution by the political party or an 67896

expenditure by or on behalf of the candidate if the purpose of 67897
the expenditure is to inform predominantly the party's members 67898
by means of mailed publications or other direct communication of 67899
its activities or endorsements, or for voter contact such as 67900
sample ballots, absent voter's ballots application mailings, 67901
voter registration, or get-out-the-vote activities. 67902

(C) An expenditure by a continuing association, political 67903
contributing entity, or political party shall not be considered 67904
a contribution to any campaign committee or an expenditure by or 67905
on behalf of any campaign committee if the purpose of the 67906
expenditure is for the staff and maintenance of the continuing 67907
association's, political contributing entity's, or political 67908
party's headquarters, or for a political poll, survey, index, or 67909
other type of measurement not on behalf of a specific candidate. 67910

(D) The expenses of maintaining a constituent office paid 67911
for, from the candidate's personal funds, by a candidate who is 67912
a member of the general assembly at the time of the election 67913
shall not be considered a contribution by or an expenditure by 67914
or on behalf of the candidate, and shall not be reported, if the 67915
constituent office is not used for any candidate's campaign 67916
activities. 67917

(E) The net contribution of each social or fund-raising 67918
activity shall be calculated by totaling all contributions to 67919
the activity minus the expenditures made for the activity. 67920

(F) An expenditure that purchases goods or services shall 67921
be attributed to an election when the disbursement of funds is 67922
made, rather than at the time the goods or services are used. 67923
The secretary of state, under the procedures of Chapter 119. of 67924
the Revised Code, shall establish rules for the attribution of 67925
expenditures to a candidate when the candidate is a candidate 67926

for more than one office during a reporting period and for 67927
expenditures made in a year in which no election is held. The 67928
secretary of state shall further define by rule those 67929
expenditures that are or are not by or on behalf of a candidate. 67930

(G) An expenditure for the purpose of a charitable 67931
donation may be made if it is made to an organization that is 67932
exempt from federal income taxation under subsection 501(a) and 67933
described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c) 67934
(10), or 501(c)(19) of the Internal Revenue Code or is approved 67935
by advisory opinion of the ~~Ohio elections commission~~ secretary 67936
of state as a legitimate charitable organization. Each 67937
expenditure under this division shall be separately itemized on 67938
statements made pursuant to section 3517.10 of the Revised Code. 67939

Sec. 3517.081. (A) Each candidate shall have no more than 67940
one campaign committee for purposes of receiving contributions 67941
and making expenditures. No campaign committee shall receive any 67942
contribution or make any expenditure other than through the 67943
campaign treasurer. The campaign treasurer shall file all 67944
statements required of a candidate or campaign committee under 67945
section 3517.10 of the Revised Code. 67946

The candidate shall designate the candidate or a member of 67947
the candidate's campaign committee as the candidate's campaign 67948
treasurer as required by division (D) of section 3517.10 of the 67949
Revised Code. The campaign treasurer may appoint deputy campaign 67950
treasurers as required. Deputy campaign treasurers may exercise 67951
any of the powers and duties of a campaign treasurer when 67952
specifically authorized to do so by the campaign treasurer or 67953
the candidate. 67954

Each candidate shall file a written statement, as required 67955
by division (D) of section 3517.10 of the Revised Code, setting 67956

forth the full name and address of the campaign treasurer and 67957
also of each deputy treasurer. Each candidate shall file 67958
supplemental statements giving the full name and address of each 67959
deputy treasurer at the time of appointment. 67960

A candidate may remove the campaign treasurer or any 67961
deputy campaign treasurer at any time. In the case of death, 67962
resignation, or removal of the treasurer or deputy treasurer 67963
before compliance with all obligations of a campaign treasurer, 67964
the candidate shall fill the vacancy thus created in the same 67965
manner as provided in the case of an original appointment. 67966

(B) (1) Two or more candidates may be the beneficiaries of 67967
a single campaign committee if all of the following apply: 67968

(a) Each candidate is seeking nomination or election to 67969
the same office at the same election. 67970

(b) The office for which each candidate is seeking 67971
nomination or election is the office of member of a board, 67972
commission, or other similar body of elected officials to which 67973
multiple members are nominated or elected at the same election. 67974

(c) The number of candidates who will be the beneficiaries 67975
of the campaign committee does not exceed the number of open 67976
positions on the board, commission, or other similar body of 67977
elected officials to which the candidates are seeking nomination 67978
or election. 67979

(d) The candidates jointly designate one of the candidates 67980
or one member of the campaign committee as the treasurer of that 67981
campaign committee as required under division (A) of this 67982
section. 67983

(e) The candidates jointly file the written statements 67984
required under division (A) of this section. 67985

(2) Except as otherwise provided in this division, any 67986
penalty that may be imposed on a candidate under section 67987
~~3517.992~~ 3517.99 of the Revised Code for a violation of this 67988
chapter shall be imposed jointly and severally on each 67989
beneficiary of a multi-beneficiary campaign committee. If the 67990
~~Ohio elections commission appropriate enforcement authority~~ or 67991
the appropriate prosecutor is able to determine that a specific 67992
beneficiary of a multi-beneficiary campaign committee violated 67993
this chapter, the applicable penalty under section ~~3517.992~~ 67994
3517.99 of the Revised Code shall be imposed only on that 67995
candidate and not on the other beneficiaries of that multi- 67996
beneficiary campaign committee. 67997

(3) (a) If any of the following occur after a multi- 67998
beneficiary campaign committee is established, that campaign 67999
committee shall be terminated: 68000

(i) The beneficiaries of the campaign committee disagree 68001
as to the designation or removal of a campaign treasurer. 68002

(ii) Any beneficiary of the campaign committee desires to 68003
end the beneficiary's candidacy for the office for which the 68004
beneficiaries are seeking nomination or election. 68005

(iii) Any beneficiary of the campaign committee desires to 68006
form an individual campaign committee. 68007

(b) Prior to the termination of a multi-beneficiary 68008
campaign committee in accordance with division (B) (3) (a) of this 68009
section, any contributions received by that campaign committee 68010
that have not been expended shall be disposed of in the manner 68011
provided in division (C) of section 3517.109 of the Revised 68012
Code. No contributions from the multi-beneficiary campaign 68013
committee shall be contributed or transferred into any 68014

candidate's individual campaign committee. 68015

(4) No candidate who has a campaign committee for which 68016
that candidate is the sole beneficiary shall become the 68017
beneficiary of a campaign committee with multiple beneficiaries 68018
under division (B) (1) of this section unless the candidate first 68019
terminates the candidate's individual campaign committee. Prior 68020
to the termination of that individual campaign committee, any 68021
contributions received by that campaign committee that have not 68022
been expended shall be disposed of in the manner provided in 68023
division (C) of section 3517.109 of the Revised Code. No 68024
contributions from the candidate's individual campaign committee 68025
shall be contributed or transferred into the multi-beneficiary 68026
campaign committee. 68027

Sec. 3517.092. (A) As used in this section: 68028

(1) "Appointing authority" has the same meaning as in 68029
section 124.01 of the Revised Code. 68030

(2) "State elected officer" means any person appointed or 68031
elected to a state elective office. 68032

(3) "State elective office" means any of the offices of 68033
governor, lieutenant governor, secretary of state, auditor of 68034
state, treasurer of state, attorney general, ~~member of the state~~ 68035
~~board of education,~~ member of the general assembly, and justice 68036
and chief justice of the supreme court. 68037

(4) "Contribution" includes a contribution to any 68038
political party, campaign committee, political action committee, 68039
political contributing entity, or legislative campaign fund. 68040

(B) (1) No state elected officer, no campaign committee of 68041
such an officer, no employee of the state elected officer's 68042
office, and no other person or entity shall knowingly solicit a 68043

contribution to a state elected officer or to such an officer's 68044
campaign committee, and no state elected officer and no campaign 68045
committee of such an officer shall accept a contribution, from 68046
any of the following: 68047

(a) A state employee whose appointing authority is the 68048
state elected officer; 68049

(b) A state employee whose appointing authority is 68050
authorized or required by law to be appointed by the state 68051
elected officer; 68052

(c) A state employee who functions in or is employed in or 68053
by the same public agency, department, division, or office as 68054
the state elected officer. 68055

(2) No candidate for a state elective office, no campaign 68056
committee of such a candidate, no employee of the candidate's 68057
office if the candidate is a state elected officer or an elected 68058
officer of a political subdivision of the state, and no other 68059
person or entity shall knowingly solicit a contribution to a 68060
candidate for a state elective office or to such a candidate's 68061
campaign committee, and no candidate for a state elective office 68062
and no campaign committee of such a candidate shall accept a 68063
contribution, from any of the following: 68064

(a) A state employee at the time of the solicitation, 68065
whose appointing authority will be the candidate, if elected; 68066

(b) A state employee at the time of the solicitation, 68067
whose appointing authority will be appointed by the candidate, 68068
if elected, as authorized or required by law; 68069

(c) A state employee at the time of the solicitation, who 68070
will function in or be employed in or by the same public agency, 68071
department, division, or office as the candidate, if elected. 68072

(C) (1) No elected officer of a political subdivision of the state, no campaign committee of such an officer, no employee of such an officer's office, and no other person or entity shall knowingly solicit a contribution to an elected officer of a political subdivision of the state or to such an officer's campaign committee from any of the following:

(a) An employee of that political subdivision whose appointing authority is that elected officer;

(b) An employee of that political subdivision whose appointing authority is authorized or required by law to be appointed by that elected officer;

(c) An employee of that political subdivision who functions in or is employed in or by the same public agency, department, division, or office as that elected officer.

(2) No candidate for an elective office of a political subdivision of the state, no campaign committee of such a candidate, no employee of the candidate's office if the candidate is a state elected officer or elected officer of a political subdivision of the state, and no other person or entity shall knowingly solicit a contribution to a candidate for an elective office of a political subdivision of the state or to such a candidate's campaign committee from any of the following:

(a) An employee of that political subdivision at the time of the solicitation, whose appointing authority will be the candidate, if elected;

(b) An employee of that political subdivision at the time of the solicitation, whose appointing authority will be appointed by the candidate, if elected, as authorized or required by law;

(c) An employee of that political subdivision at the time 68102
of the solicitation, who will function in or be employed in or 68103
by the same public agency, department, division, or office as 68104
the candidate, if elected. 68105

(D) (1) No public employee shall solicit a contribution 68106
from any person while the public employee is performing the 68107
public employee's official duties or in those areas of a public 68108
building where official business is transacted or conducted. 68109

(2) No person shall solicit a contribution from any public 68110
employee while the public employee is performing the public 68111
employee's official duties or is in those areas of a public 68112
building where official business is transacted or conducted. 68113

(3) As used in division (D) of this section, "public 68114
employee" does not include any person holding an elective 68115
office. 68116

(E) The prohibitions in divisions (B), (C), and (D) of 68117
this section are in addition to the prohibitions in sections 68118
124.57, 3304.22, and 4503.032 of the Revised Code. 68119

Sec. 3517.10. (A) Except as otherwise provided in this 68120
division, every campaign committee, political action committee, 68121
legislative campaign fund, political party, and political 68122
contributing entity that made or received a contribution or made 68123
an expenditure in connection with the nomination or election of 68124
any candidate or in connection with any ballot issue or question 68125
at any election held or to be held in this state shall file, on 68126
a form prescribed under this section or by electronic means of 68127
transmission as provided in this section and section 3517.106 of 68128
the Revised Code, a full, true, and itemized statement, made 68129
under penalty of election falsification, setting forth in detail 68130

the contributions and expenditures, not later than four p.m. of 68131
the following dates: 68132

(1) The twelfth day before the election to reflect 68133
contributions received and expenditures made from the close of 68134
business on the last day reflected in the last previously filed 68135
statement, if any, to the close of business on the twentieth day 68136
before the election; 68137

(2) The thirty-eighth day after the election to reflect 68138
the contributions received and expenditures made from the close 68139
of business on the last day reflected in the last previously 68140
filed statement, if any, to the close of business on the seventh 68141
day before the filing of the statement; 68142

(3) The last business day of January of every year to 68143
reflect the contributions received and expenditures made from 68144
the close of business on the last day reflected in the last 68145
previously filed statement, if any, to the close of business on 68146
the last day of December of the previous year; 68147

(4) The last business day of July of every year to reflect 68148
the contributions received and expenditures made from the close 68149
of business on the last day reflected in the last previously 68150
filed statement, if any, to the close of business on the last 68151
day of June of that year. 68152

A campaign committee shall only be required to file the 68153
statements prescribed under divisions (A)(1) and (2) of this 68154
section in connection with the nomination or election of the 68155
committee's candidate. 68156

The statement required under division (A)(1) of this 68157
section shall not be required of any campaign committee, 68158
political action committee, legislative campaign fund, political 68159

party, or political contributing entity that has received 68160
contributions of less than one thousand dollars and has made 68161
expenditures of less than one thousand dollars at the close of 68162
business on the twentieth day before the election. Those 68163
contributions and expenditures shall be reported in the 68164
statement required under division (A) (2) of this section. 68165

If an election to select candidates to appear on the 68166
general election ballot is held within sixty days before a 68167
general election, the campaign committee of a successful 68168
candidate in the earlier election may file the statement 68169
required by division (A) (1) of this section for the general 68170
election instead of the statement required by division (A) (2) of 68171
this section for the earlier election if the pregeneral election 68172
statement reflects the status of contributions and expenditures 68173
for the period twenty days before the earlier election to twenty 68174
days before the general election. 68175

If a person becomes a candidate less than twenty days 68176
before an election, the candidate's campaign committee is not 68177
required to file the statement required by division (A) (1) of 68178
this section. 68179

No statement under division (A) (3) of this section shall 68180
be required for any year in which a campaign committee, 68181
political action committee, legislative campaign fund, political 68182
party, or political contributing entity is required to file a 68183
postgeneral election statement under division (A) (2) of this 68184
section. However, a statement under division (A) (3) of this 68185
section may be filed, at the option of the campaign committee, 68186
political action committee, legislative campaign fund, political 68187
party, or political contributing entity. 68188

No campaign committee of a candidate for the office of 68189

chief justice or justice of the supreme court, and no campaign
committee of a candidate for the office of judge of any court in
this state, shall be required to file a statement under division
(A) (4) of this section.

Except as otherwise provided in this paragraph and in the
next paragraph of this section, the only campaign committees
required to file a statement under division (A) (4) of this
section are the campaign committee of a statewide candidate and
the campaign committee of a candidate for county office. The
campaign committee of a candidate for any other nonjudicial
office is required to file a statement under division (A) (4) of
this section if that campaign committee receives, during that
period, contributions exceeding ten thousand dollars.

No statement under division (A) (4) of this section shall
be required of a campaign committee, a political action
committee, a legislative campaign fund, a political party, or a
political contributing entity for any year in which the campaign
committee, political action committee, legislative campaign
fund, political party, or political contributing entity is
required to file a postprimary election statement under division
(A) (2) of this section. However, a statement under division (A)
(4) of this section may be filed at the option of the campaign
committee, political action committee, legislative campaign
fund, political party, or political contributing entity.

No statement under division (A) (3) or (4) of this section
shall be required if the campaign committee, political action
committee, legislative campaign fund, political party, or
political contributing entity has no contributions that it has
received and no expenditures that it has made since the last
date reflected in its last previously filed statement. However,

the campaign committee, political action committee, legislative 68220
campaign fund, political party, or political contributing entity 68221
shall file a statement to that effect, on a form prescribed 68222
under this section and made under penalty of election 68223
falsification, on the date required in division (A) (3) or (4) of 68224
this section, as applicable. 68225

The campaign committee of a statewide candidate shall file 68226
a monthly statement of contributions received during each of the 68227
months of July, August, and September in the year of the general 68228
election in which the candidate seeks office. The campaign 68229
committee of a statewide candidate shall file the monthly 68230
statement not later than three business days after the last day 68231
of the month covered by the statement. During the period 68232
beginning on the nineteenth day before the general election in 68233
which a statewide candidate seeks election to office and 68234
extending through the day of that general election, each time 68235
the campaign committee of the joint candidates for the offices 68236
of governor and lieutenant governor or of a candidate for the 68237
office of secretary of state, auditor of state, treasurer of 68238
state, or attorney general receives a contribution from a 68239
contributor that causes the aggregate amount of contributions 68240
received from that contributor during that period to equal or 68241
exceed ten thousand dollars and each time the campaign committee 68242
of a candidate for the office of chief justice or justice of the 68243
supreme court receives a contribution from a contributor that 68244
causes the aggregate amount of contributions received from that 68245
contributor during that period to exceed ten thousand dollars, 68246
the campaign committee shall file a two-business-day statement 68247
reflecting that contribution. Contributions reported on a two- 68248
business-day statement required to be filed by a campaign 68249
committee of a statewide candidate in a primary election shall 68250

also be included in the postprimary election statement required 68251
to be filed by that campaign committee under division (A) (2) of 68252
this section. A two-business-day statement required by this 68253
paragraph shall be filed not later than two business days after 68254
receipt of the contribution. The statements required by this 68255
paragraph shall be filed in addition to any other statements 68256
required by this section. 68257

Subject to the secretary of state having implemented, 68258
tested, and verified the successful operation of any system the 68259
secretary of state prescribes pursuant to divisions (C) (6) (b) 68260
and (D) (6) of this section and division (F) (1) of section 68261
3517.106 of the Revised Code for the filing of campaign finance 68262
statements by electronic means of transmission, a campaign 68263
committee of a statewide candidate shall file a two-business-day 68264
statement under the preceding paragraph by electronic means of 68265
transmission if the campaign committee is required to file a 68266
pre-election, postelection, or monthly statement of 68267
contributions and expenditures by electronic means of 68268
transmission under this section or section 3517.106 of the 68269
Revised Code. 68270

If a campaign committee or political action committee has 68271
no balance on hand and no outstanding obligations and desires to 68272
terminate itself, it shall file a statement to that effect, on a 68273
form prescribed under this section and made under penalty of 68274
election falsification, with the official with whom it files a 68275
statement under division (A) of this section after filing a 68276
final statement of contributions and a final statement of 68277
expenditures, if contributions have been received or 68278
expenditures made since the period reflected in its last 68279
previously filed statement. 68280

(B) Except as otherwise provided in division (C) (7) of 68281
this section, each statement required by division (A) of this 68282
section shall contain the following information: 68283

(1) The full name and address of each campaign committee, 68284
political action committee, legislative campaign fund, political 68285
party, or political contributing entity, including any treasurer 68286
of the committee, fund, party, or entity, filing a contribution 68287
and expenditure statement; 68288

(2) (a) In the case of a campaign committee, the 68289
candidate's full name and address; 68290

(b) In the case of a political action committee, the 68291
registration number assigned to the committee under division (D) 68292
(1) of this section. 68293

(3) The date of the election and whether it was or will be 68294
a general, primary, or special election; 68295

(4) A statement of contributions received, which shall 68296
include the following information: 68297

(a) The month, day, and year of the contribution; 68298

(b) (i) The full name and address of each person, political 68299
party, campaign committee, legislative campaign fund, political 68300
action committee, or political contributing entity from whom 68301
contributions are received and the registration number assigned 68302
to the political action committee under division (D) (1) of this 68303
section. The requirement of filing the full address does not 68304
apply to any statement filed by a state or local committee of a 68305
political party, to a finance committee of such committee, or to 68306
a committee recognized by a state or local committee as its 68307
fund-raising auxiliary. Notwithstanding division (F) of this 68308
section, the requirement of filing the full address shall be 68309

considered as being met if the address filed is the same address 68310
the contributor provided under division (E) (1) of this section. 68311

(ii) If a political action committee, political 68312
contributing entity, legislative campaign fund, or political 68313
party that is required to file campaign finance statements by 68314
electronic means of transmission under section 3517.106 of the 68315
Revised Code or a campaign committee of a statewide candidate or 68316
candidate for the office of member of the general assembly 68317
receives a contribution from an individual that exceeds one 68318
hundred dollars, the name of the individual's current employer, 68319
if any, or, if the individual is self-employed, the individual's 68320
occupation and the name of the individual's business, if any; 68321

(iii) If a campaign committee of a statewide candidate or 68322
candidate for the office of member of the general assembly 68323
receives a contribution transmitted pursuant to section 3599.031 68324
of the Revised Code from amounts deducted from the wages and 68325
salaries of two or more employees that exceeds in the aggregate 68326
one hundred dollars during any one filing period under division 68327
(A) (1), (2), (3), or (4) of this section, the full name of the 68328
employees' employer and the full name of the labor organization 68329
of which the employees are members, if any. 68330

(c) A description of the contribution received, if other 68331
than money; 68332

(d) The value in dollars and cents of the contribution; 68333

(e) A separately itemized account of all contributions and 68334
expenditures regardless of the amount, except a receipt of a 68335
contribution from a person in the sum of twenty-five dollars or 68336
less at one social or fund-raising activity and a receipt of a 68337
contribution transmitted pursuant to section 3599.031 of the 68338

Revised Code from amounts deducted from the wages and salaries 68339
of employees if the contribution from the amount deducted from 68340
the wages and salary of any one employee is twenty-five dollars 68341
or less aggregated in a calendar year. An account of the total 68342
contributions from each social or fund-raising activity shall 68343
include a description of and the value of each in-kind 68344
contribution received at that activity from any person who made 68345
one or more such contributions whose aggregate value exceeded 68346
two hundred fifty dollars and shall be listed separately, 68347
together with the expenses incurred and paid in connection with 68348
that activity. A campaign committee, political action committee, 68349
legislative campaign fund, political party, or political 68350
contributing entity shall keep records of contributions from 68351
each person in the amount of twenty-five dollars or less at one 68352
social or fund-raising activity and contributions from amounts 68353
deducted under section 3599.031 of the Revised Code from the 68354
wages and salary of each employee in the amount of twenty-five 68355
dollars or less aggregated in a calendar year. No continuing 68356
association that is recognized by a state or local committee of 68357
a political party as an auxiliary of the party and that makes a 68358
contribution from funds derived solely from regular dues paid by 68359
members of the auxiliary shall be required to list the name or 68360
address of any members who paid those dues. 68361

Contributions that are other income shall be itemized 68362
separately from all other contributions. The information 68363
required under division (B) (4) of this section shall be provided 68364
for all other income itemized. As used in this paragraph, "other 68365
income" means a loan, investment income, or interest income. 68366

(f) In the case of a campaign committee of a state elected 68367
officer, if a person doing business with the state elected 68368
officer in the officer's official capacity makes a contribution 68369

to the campaign committee of that officer, the information 68370
required under division (B) (4) of this section in regard to that 68371
contribution, which shall be filed together with and considered 68372
a part of the committee's statement of contributions as required 68373
under division (A) of this section but shall be filed on a 68374
separate form provided by the secretary of state. As used in 68375
this division: 68376

(i) "State elected officer" has the same meaning as in 68377
section 3517.092 of the Revised Code. 68378

(ii) "Person doing business" means a person or an officer 68379
of an entity who enters into one or more contracts with a state 68380
elected officer or anyone authorized to enter into contracts on 68381
behalf of that officer to receive payments for goods or 68382
services, if the payments total, in the aggregate, more than 68383
five thousand dollars during a calendar year. 68384

(5) A statement of expenditures which shall include the 68385
following information: 68386

(a) The month, day, and year of the expenditure; 68387

(b) The full name and address of each person, political 68388
party, campaign committee, legislative campaign fund, political 68389
action committee, or political contributing entity to whom the 68390
expenditure was made and the registration number assigned to the 68391
political action committee under division (D) (1) of this 68392
section; 68393

(c) The object or purpose for which the expenditure was 68394
made; 68395

(d) The amount of each expenditure. 68396

(C) (1) The statement of contributions and expenditures 68397

shall be signed by the person completing the form. If a 68398
statement of contributions and expenditures is filed by 68399
electronic means of transmission pursuant to this section or 68400
section 3517.106 of the Revised Code, the electronic signature 68401
of the person who executes the statement and transmits the 68402
statement by electronic means of transmission, as provided in 68403
division (F) of section 3517.106 of the Revised Code, shall be 68404
attached to or associated with the statement and shall be 68405
binding on all persons and for all purposes under the campaign 68406
finance reporting law as if the signature had been handwritten 68407
in ink on a printed form. 68408

(2) The person filing the statement, under penalty of 68409
election falsification, shall include with it a list of each 68410
anonymous contribution, the circumstances under which it was 68411
received, and the reason it cannot be attributed to a specific 68412
donor. 68413

(3) Each statement of a campaign committee of a candidate 68414
who holds public office shall contain a designation of each 68415
contributor who is an employee in any unit or department under 68416
the candidate's direct supervision and control. In a space 68417
provided in the statement, the person filing the statement shall 68418
affirm that each such contribution was voluntarily made. 68419

(4) A campaign committee that did not receive 68420
contributions or make expenditures in connection with the 68421
nomination or election of its candidate shall file a statement 68422
to that effect, on a form prescribed under this section and made 68423
under penalty of election falsification, on the date required in 68424
division (A) (2) of this section. 68425

(5) The campaign committee of any person who attempts to 68426
become a candidate and who, for any reason, does not become 68427

certified in accordance with Title XXXV of the Revised Code for 68428
placement on the official ballot of a primary, general, or 68429
special election to be held in this state, and who, at any time 68430
prior to or after an election, receives contributions or makes 68431
expenditures, or has given consent for another to receive 68432
contributions or make expenditures, for the purpose of bringing 68433
about the person's nomination or election to public office, 68434
shall file the statement or statements prescribed by this 68435
section and a termination statement, if applicable. Division (C) 68436
(5) of this section does not apply to any person with respect to 68437
an election to the offices of member of a county or state 68438
central committee, presidential elector, or delegate to a 68439
national convention or conference of a political party. 68440

(6) (a) The statements required to be filed under this 68441
section shall specify the balance in the hands of the campaign 68442
committee, political action committee, legislative campaign 68443
fund, political party, or political contributing entity and the 68444
disposition intended to be made of that balance. 68445

(b) The secretary of state shall prescribe the form for 68446
all statements required to be filed under this section and shall 68447
furnish the forms to the boards of elections in the several 68448
counties. The boards of elections shall supply printed copies of 68449
those forms without charge. The secretary of state shall 68450
prescribe the appropriate methodology, protocol, and data file 68451
structure for statements required or permitted to be filed by 68452
electronic means of transmission to the secretary of state or a 68453
board of elections under division (A) of this section, division 68454
(E) of section 3517.106, division (D) of section 3517.1011, 68455
division (B) of section 3517.1012, division (C) of section 68456
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 68457
Revised Code. Subject to division (A) of this section, division 68458

(E) of section 3517.106, division (D) of section 3517.1011, 68459
division (B) of section 3517.1012, division (C) of section 68460
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 68461
Revised Code, the statements required to be stored on computer 68462
by the secretary of state under division (B) of section 3517.106 68463
of the Revised Code shall be filed in whatever format the 68464
secretary of state considers necessary to enable the secretary 68465
of state to store the information contained in the statements on 68466
computer. Any such format shall be of a type and nature that is 68467
readily available to whoever is required to file the statements 68468
in that format. 68469

(c) The secretary of state shall assess the need for 68470
training regarding the filing of campaign finance statements by 68471
electronic means of transmission and regarding associated 68472
technologies for candidates, campaign committees, political 68473
action committees, legislative campaign funds, political 68474
parties, or political contributing entities, for individuals, 68475
partnerships, or other entities, for persons making 68476
disbursements to pay the direct costs of producing or airing 68477
electioneering communications, or for treasurers of transition 68478
funds, required or permitted to file statements by electronic 68479
means of transmission under this section or section 3517.105, 68480
3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the 68481
Revised Code. If, in the opinion of the secretary of state, 68482
training in these areas is necessary, the secretary of state 68483
shall arrange for the provision of voluntary training programs 68484
for candidates, campaign committees, political action 68485
committees, legislative campaign funds, political parties, or 68486
political contributing entities, for individuals, partnerships, 68487
and other entities, for persons making disbursements to pay the 68488
direct costs of producing or airing electioneering 68489

communications, or for treasurers of transition funds, as 68490
appropriate. 68491

(7) Each monthly statement and each two-business-day 68492
statement required by division (A) of this section shall contain 68493
the information required by divisions (B)(1) to (4), (C)(2), 68494
and, if appropriate, (C)(3) of this section. Each statement 68495
shall be signed as required by division (C)(1) of this section. 68496

(D)(1)(a) Prior to receiving a contribution or making an 68497
expenditure, every campaign committee, political action 68498
committee, legislative campaign fund, political party, or 68499
political contributing entity shall appoint a treasurer and 68500
shall file, on a form prescribed by the secretary of state, a 68501
designation of that appointment, including the full name and 68502
address of the treasurer and of the campaign committee, 68503
political action committee, legislative campaign fund, political 68504
party, or political contributing entity. That designation shall 68505
be filed with the official with whom the campaign committee, 68506
political action committee, legislative campaign fund, political 68507
party, or political contributing entity is required to file 68508
statements under section 3517.11 of the Revised Code. The name 68509
of a campaign committee shall include at least the last name of 68510
the campaign committee's candidate. If two or more candidates 68511
are the beneficiaries of a single campaign committee under 68512
division (B) of section 3517.081 of the Revised Code, the name 68513
of the campaign committee shall include at least the last name 68514
of each candidate who is a beneficiary of that campaign 68515
committee. The secretary of state shall assign a registration 68516
number to each political action committee that files a 68517
designation of the appointment of a treasurer under this 68518
division if the political action committee is required by 68519
division (A)(1) of section 3517.11 of the Revised Code to file 68520

the statements prescribed by this section with the secretary of 68521
state. 68522

(b) The secretary of state shall not accept for filing a 68523
designation of treasurer of a political action committee or 68524
political contributing entity if, in the opinion of the 68525
secretary of state, the name of the political action committee 68526
or political contributing entity would lead a reasonable person 68527
to believe that the political action committee or political 68528
contributing entity acts on behalf of or represents a county 68529
political party, unless the designation is accompanied by a 68530
written statement, signed by the chairperson of the county 68531
political party's executive committee, granting the political 68532
action committee or political contributing entity permission to 68533
act on behalf of or represent the county political party. 68534

(2) The treasurer appointed under division (D)(1) of this 68535
section shall keep a strict account of all contributions, from 68536
whom received and the purpose for which they were disbursed. 68537

(3) (a) Except as otherwise provided in section 3517.108 of 68538
the Revised Code, a campaign committee shall deposit all 68539
monetary contributions received by the committee into an account 68540
separate from a personal or business account of the candidate or 68541
campaign committee. 68542

(b) A political action committee shall deposit all 68543
monetary contributions received by the committee into an account 68544
separate from all other funds. 68545

(c) A state or county political party may establish a 68546
state candidate fund that is separate from all other funds. A 68547
state or county political party may deposit into its state 68548
candidate fund any amounts of monetary contributions that are 68549

made to or accepted by the political party subject to the 68550
applicable limitations, if any, prescribed in section 3517.102 68551
of the Revised Code. A state or county political party shall 68552
deposit all other monetary contributions received by the party 68553
into one or more accounts that are separate from its state 68554
candidate fund. 68555

(d) Each state political party shall have only one 68556
legislative campaign fund for each house of the general 68557
assembly. Each such fund shall be separate from any other funds 68558
or accounts of that state party. A legislative campaign fund is 68559
authorized to receive contributions and make expenditures for 68560
the primary purpose of furthering the election of candidates who 68561
are members of that political party to the house of the general 68562
assembly with which that legislative campaign fund is 68563
associated. Each legislative campaign fund shall be administered 68564
and controlled in a manner designated by the caucus. As used in 68565
this division, "caucus" has the same meaning as in section 68566
3517.01 of the Revised Code and includes, as an ex officio 68567
member, the chairperson of the state political party with which 68568
the caucus is associated or that chairperson's designee. 68569

(4) Every expenditure in excess of twenty-five dollars 68570
shall be vouched for by a receipted bill, stating the purpose of 68571
the expenditure, that shall be filed with the statement of 68572
expenditures. A canceled check with a notation of the purpose of 68573
the expenditure is a receipted bill for purposes of division (D) 68574
(4) of this section. 68575

(5) The secretary of state or the board of elections, as 68576
the case may be, shall issue a receipt for each statement filed 68577
under this section and shall preserve a copy of the receipt for 68578
a period of at least six years. All statements filed under this 68579

section shall be open to public inspection in the office where 68580
they are filed and shall be carefully preserved for a period of 68581
at least six years after the year in which they are filed. 68582

(6) The secretary of state, by rule adopted pursuant to 68583
section 3517.23 of the Revised Code, shall prescribe both of the 68584
following: 68585

(a) The manner of immediately acknowledging, with date and 68586
time received, and preserving the receipt of statements that are 68587
transmitted by electronic means of transmission to the secretary 68588
of state or a board of elections pursuant to this section or 68589
section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 68590
of the Revised Code; 68591

(b) The manner of preserving the contribution and 68592
expenditure, contribution and disbursement, deposit and 68593
disbursement, gift and disbursement, or donation and 68594
disbursement information in the statements described in division 68595
(D) (6) (a) of this section. The secretary of state shall preserve 68596
the contribution and expenditure, contribution and disbursement, 68597
deposit and disbursement, gift and disbursement, or donation and 68598
disbursement information in those statements for at least ten 68599
years after the year in which they are filed by electronic means 68600
of transmission. 68601

(7) (a) The secretary of state, pursuant to division (G) of 68602
section 3517.106 of the Revised Code, shall make available 68603
online to the public through the internet the contribution and 68604
expenditure, contribution and disbursement, deposit and 68605
disbursement, gift and disbursement, or donation and 68606
disbursement information in all of the following documents: 68607

(i) All statements, all addenda, amendments, or other 68608

corrections to statements, and all amended statements filed with 68609
the secretary of state by electronic or other means of 68610
transmission under this section, division (B) (2) (b) or (C) (2) (b) 68611
of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 68612
3517.1013, 3517.1014, or 3517.11 of the Revised Code; 68613

(ii) All statements filed with a board of elections by 68614
electronic means of transmission, and all addenda, amendments, 68615
corrections, and amended versions of those statements, filed 68616
with the board under this section, division (B) (2) (b) or (C) (2) 68617
(b) of section 3517.105, or section 3517.106, 3517.1012, or 68618
3517.11 of the Revised Code. 68619

(b) The secretary of state may remove the information from 68620
the internet after a reasonable period of time. 68621

(E) (1) Any person, political party, campaign committee, 68622
legislative campaign fund, political action committee, or 68623
political contributing entity that makes a contribution in 68624
connection with the nomination or election of any candidate or 68625
in connection with any ballot issue or question at any election 68626
held or to be held in this state shall provide its full name and 68627
address to the recipient of the contribution at the time the 68628
contribution is made. The political action committee also shall 68629
provide the registration number assigned to the committee under 68630
division (D) (1) of this section to the recipient of the 68631
contribution at the time the contribution is made. 68632

(2) Any individual who makes a contribution that exceeds 68633
one hundred dollars to a political action committee, political 68634
contributing entity, legislative campaign fund, or political 68635
party or to a campaign committee of a statewide candidate or 68636
candidate for the office of member of the general assembly shall 68637
provide the name of the individual's current employer, if any, 68638

or, if the individual is self-employed, the individual's 68639
occupation and the name of the individual's business, if any, to 68640
the recipient of the contribution at the time the contribution 68641
is made. Sections 3599.39 and 3599.40 of the Revised Code do not 68642
apply to division (E)(2) of this section. 68643

(3) If a campaign committee shows that it has exercised 68644
its best efforts to obtain, maintain, and submit the information 68645
required under divisions (B)(4)(b)(ii) and (iii) of this 68646
section, that committee is considered to have met the 68647
requirements of those divisions. A campaign committee shall not 68648
be considered to have exercised its best efforts unless, in 68649
connection with written solicitations, it regularly includes a 68650
written request for the information required under division (B) 68651
(4)(b)(ii) of this section from the contributor or the 68652
information required under division (B)(4)(b)(iii) of this 68653
section from whoever transmits the contribution. 68654

(4) Any check that a political action committee uses to 68655
make a contribution or an expenditure shall contain the full 68656
name and address of the committee and the registration number 68657
assigned to the committee under division (D)(1) of this section. 68658

(F) As used in this section: 68659

(1)(a) Except as otherwise provided in division (F)(1) of 68660
this section, "address" means all of the following if they 68661
exist: apartment number, street, road, or highway name and 68662
number, rural delivery route number, city or village, state, and 68663
zip code as used in a person's post-office address, but not 68664
post-office box. 68665

(b) Except as otherwise provided in division (F)(1) of 68666
this section, if an address is required in this section, a post- 68667

office box and office, room, or suite number may be included in 68668
addition to, but not in lieu of, an apartment, street, road, or 68669
highway name and number. 68670

(c) If an address is required in this section, a campaign 68671
committee, political action committee, legislative campaign 68672
fund, political party, or political contributing entity may use 68673
the business or residence address of its treasurer or deputy 68674
treasurer. The post-office box number of the campaign committee, 68675
political action committee, legislative campaign fund, political 68676
party, or political contributing entity may be used in addition 68677
to that address. 68678

(d) For the sole purpose of a campaign committee's 68679
reporting of contributions on a statement of contributions 68680
received under division (B) (4) of this section, "address" has 68681
one of the following meanings at the option of the campaign 68682
committee: 68683

(i) The same meaning as in division (F) (1) (a) of this 68684
section; 68685

(ii) All of the following, if they exist: the 68686
contributor's post-office box number and city or village, state, 68687
and zip code as used in the contributor's post-office address. 68688

(e) As used with regard to the reporting under this 68689
section of any expenditure, "address" means all of the following 68690
if they exist: apartment number, street, road, or highway name 68691
and number, rural delivery route number, city or village, state, 68692
and zip code as used in a person's post-office address, or post- 68693
office box. If an address concerning any expenditure is required 68694
in this section, a campaign committee, political action 68695
committee, legislative campaign fund, political party, or 68696

political contributing entity may use the business or residence 68697
address of its treasurer or deputy treasurer or its post-office 68698
box number. 68699

(2) "Statewide candidate" means the joint candidates for 68700
the offices of governor and lieutenant governor or a candidate 68701
for the office of secretary of state, auditor of state, 68702
treasurer of state, attorney general, ~~member of the state board~~ 68703
~~of education~~, chief justice of the supreme court, or justice of 68704
the supreme court. 68705

(3) "Candidate for county office" means a candidate for 68706
the office of county auditor, county treasurer, clerk of the 68707
court of common pleas, judge of the court of common pleas, 68708
sheriff, county recorder, county engineer, county commissioner, 68709
prosecuting attorney, or coroner. 68710

(G) An independent expenditure shall be reported whenever 68711
and in the same manner that an expenditure is required to be 68712
reported under this section and shall be reported pursuant to 68713
division (B) (2) (a) or (C) (2) (a) of section 3517.105 of the 68714
Revised Code. 68715

(H) (1) Except as otherwise provided in division (H) (2) of 68716
this section, if, during the combined pre-election and 68717
postelection reporting periods for an election, a campaign 68718
committee has received contributions of five hundred dollars or 68719
less and has made expenditures in the total amount of five 68720
hundred dollars or less, it may file a statement to that effect, 68721
under penalty of election falsification, in lieu of the 68722
statement required by division (A) (2) of this section. The 68723
statement shall indicate the total amount of contributions 68724
received and the total amount of expenditures made during those 68725
combined reporting periods. 68726

(2) In the case of a successful candidate at a primary election, if either the total contributions received by or the total expenditures made by the candidate's campaign committee during the preprimary, postprimary, pregeneral, and postgeneral election periods combined equal more than five hundred dollars, the campaign committee may file the statement under division (H) (1) of this section only for the primary election. The first statement that the campaign committee files in regard to the general election shall reflect all contributions received and all expenditures made during the preprimary and postprimary election periods.

(3) Divisions (H) (1) and (2) of this section do not apply if a campaign committee receives contributions or makes expenditures prior to the first day of January of the year of the election at which the candidate seeks nomination or election to office or if the campaign committee does not file a termination statement with its postprimary election statement in the case of an unsuccessful primary election candidate or with its postgeneral election statement in the case of other candidates.

(I) In the case of a contribution made by a partner of a partnership or an owner or a member of another unincorporated business from any funds of the partnership or other unincorporated business, all of the following apply:

(1) The recipient of the contribution shall report the contribution by listing both the partnership or other unincorporated business and the name of the partner, owner, or member making the contribution.

(2) In reporting the contribution, the recipient of the contribution shall be entitled to conclusively rely upon the

information provided by the partnership or other unincorporated 68757
business, provided that the information includes one of the 68758
following: 68759

(a) The name of each partner, owner, or member as of the 68760
date of the contribution or contributions, and a statement that 68761
the total contributions are to be allocated equally among all of 68762
the partners, owners, or members; or 68763

(b) The name of each partner, owner, or member as of the 68764
date of the contribution or contributions who is participating 68765
in the contribution or contributions, and a statement that the 68766
contribution or contributions are to be allocated to those 68767
individuals in accordance with the information provided by the 68768
partnership or other unincorporated business to the recipient of 68769
the contribution. 68770

(3) For purposes of section 3517.102 of the Revised Code, 68771
the contribution shall be considered to have been made by the 68772
partner, owner, or member reported under division (I)(1) of this 68773
section. 68774

(4) No contribution from a partner of a partnership or an 68775
owner or a member of another unincorporated business shall be 68776
accepted from any funds of the partnership or other 68777
unincorporated business unless the recipient reports the 68778
contribution under division (I)(1) of this section together with 68779
the information provided under division (I)(2) of this section. 68780

(5) No partnership or other unincorporated business shall 68781
make a contribution or contributions solely in the name of the 68782
partnership or other unincorporated business. 68783

(6) As used in division (I) of this section, "partnership 68784
or other unincorporated business" includes, but is not limited 68785

to, a cooperative, a sole proprietorship, a general partnership, 68786
a limited partnership, a limited partnership association, a 68787
limited liability partnership, and a limited liability company. 68788

(J) A candidate shall have only one campaign committee at 68789
any given time for all of the offices for which the person is a 68790
candidate or holds office. 68791

(K) (1) In addition to filing a designation of appointment 68792
of a treasurer under division (D) (1) of this section, the 68793
campaign committee of any candidate for an elected municipal 68794
office that pays an annual amount of compensation of five 68795
thousand dollars or less, the campaign committee of any 68796
candidate for member of a board of education ~~except member of~~ 68797
~~the state board of education~~, or the campaign committee of any 68798
candidate for township trustee or township fiscal officer may 68799
sign, under penalty of election falsification, a certificate 68800
attesting that the committee will not accept contributions 68801
during an election period that exceed in the aggregate two 68802
thousand dollars from all contributors and one hundred dollars 68803
from any one individual, and that the campaign committee will 68804
not make expenditures during an election period that exceed in 68805
the aggregate two thousand dollars. 68806

The certificate shall be on a form prescribed by the 68807
secretary of state and shall be filed not later than ten days 68808
after the candidate files a declaration of candidacy and 68809
petition, a nominating petition, or a declaration of intent to 68810
be a write-in candidate. 68811

(2) Except as otherwise provided in division (K) (3) of 68812
this section, a campaign committee that files a certificate 68813
under division (K) (1) of this section is not required to file 68814
the statements required by division (A) of this section. 68815

(3) If, after filing a certificate under division (K) (1) 68816
of this section, a campaign committee exceeds any of the 68817
limitations described in that division during an election 68818
period, the certificate is void and thereafter the campaign 68819
committee shall file the statements required by division (A) of 68820
this section. If the campaign committee has not previously filed 68821
a statement, then on the first statement the campaign committee 68822
is required to file under division (A) of this section after the 68823
committee's certificate is void, the committee shall report all 68824
contributions received and expenditures made from the time the 68825
candidate filed the candidate's declaration of candidacy and 68826
petition, nominating petition, or declaration of intent to be a 68827
write-in candidate. 68828

(4) As used in division (K) of this section, "election 68829
period" means the period of time beginning on the day a person 68830
files a declaration of candidacy and petition, nominating 68831
petition, or declaration of intent to be a write-in candidate 68832
through the day of the election at which the person seeks 68833
nomination to office if the person is not elected to office, or, 68834
if the candidate was nominated in a primary election, the day of 68835
the election at which the candidate seeks office. 68836

(L) A political contributing entity that receives 68837
contributions from the dues, membership fees, or other 68838
assessments of its members or from its officers, shareholders, 68839
and employees may report the aggregate amount of contributions 68840
received from those contributors and the number of individuals 68841
making those contributions, for each filing period under 68842
divisions (A) (1), (2), (3), and (4) of this section, rather than 68843
reporting information as required under division (B) (4) of this 68844
section, including, when applicable, the name of the current 68845
employer, if any, of a contributor whose contribution exceeds 68846

one hundred dollars or, if such a contributor is self-employed, 68847
the contributor's occupation and the name of the contributor's 68848
business, if any. Division (B) (4) of this section applies to a 68849
political contributing entity with regard to contributions it 68850
receives from all other contributors. 68851

Sec. 3517.102. (A) Except as otherwise provided in section 68852
3517.103 of the Revised Code, as used in this section and 68853
sections 3517.103 and 3517.104 of the Revised Code: 68854

(1) "Candidate" has the same meaning as in section 3517.01 68855
of the Revised Code but includes only candidates for the offices 68856
of governor, lieutenant governor, secretary of state, auditor of 68857
state, treasurer of state, attorney general, ~~member of the state~~ 68858
~~board of education,~~ member of the general assembly, chief 68859
justice of the supreme court, and justice of the supreme court. 68860

(2) "Statewide candidate" or "any one statewide candidate" 68861
means the joint candidates for the offices of governor and 68862
lieutenant governor or a candidate for the office of secretary 68863
of state, auditor of state, treasurer of state, attorney 68864
general, ~~member of the state board of education,~~ chief justice 68865
of the supreme court, or justice of the supreme court. 68866

(3) "Senate candidate" means a candidate for the office of 68867
state senator. 68868

(4) "House candidate" means a candidate for the office of 68869
state representative. 68870

(5) (a) "Primary election period" for a candidate begins on 68871
the beginning date of the candidate's pre-filing period 68872
specified in division (A) (9) of section 3517.109 of the Revised 68873
Code and ends on the day of the primary election. 68874

(b) In regard to any candidate, the "general election 68875

period" begins on the day after the primary election immediately 68876
preceding the general election at which the candidate seeks an 68877
office specified in division (A) (1) of this section and ends on 68878
the thirty-first day of December following that general 68879
election. 68880

(6) "State candidate fund" means the state candidate fund 68881
established by a state or county political party under division 68882
(D) (3) (c) of section 3517.10 of the Revised Code. 68883

(7) "Postgeneral election statement" means the statement 68884
filed under division (A) (2) of section 3517.10 of the Revised 68885
Code by the campaign committee of a candidate after the general 68886
election in which the candidate ran for office or filed by 68887
legislative campaign fund after the general election in an even- 68888
numbered year. 68889

(8) "Contribution" means any contribution that is required 68890
to be reported in the statement of contributions under section 68891
3517.10 of the Revised Code. 68892

(9) (a) Except as otherwise provided in division (A) (9) (b) 68893
of this section, "designated state campaign committee" means: 68894

(i) In the case of contributions to or from a state 68895
political party, a campaign committee of a statewide candidate, 68896
statewide officeholder, senate candidate, house candidate, or 68897
member of the general assembly. 68898

(ii) In the case of contributions to or from a county 68899
political party, a campaign committee of a senate candidate or 68900
house candidate whose candidacy is to be submitted to some or 68901
all of the electors in that county, or member of the general 68902
assembly whose district contains all or part of that county. 68903

(iii) In the case of contributions to or from a 68904

legislative campaign fund, a campaign committee of any of the 68905
following: 68906

(I) A senate or house candidate who, if elected, will be a 68907
member of the same party that established the legislative 68908
campaign fund and the same house with which the legislative 68909
campaign fund is associated; 68910

(II) A state senator or state representative who is a 68911
member of the same party that established the legislative 68912
campaign fund and the same house with which the legislative 68913
campaign fund is associated. 68914

(b) A campaign committee is no longer a "designated state 68915
campaign committee" after the campaign committee's candidate 68916
changes the designation of treasurer required to be filed under 68917
division (D)(1) of section 3517.10 of the Revised Code to 68918
indicate that the person intends to be a candidate for, or 68919
becomes a candidate for nomination or election to, any office 68920
that, if elected, would not qualify that candidate's campaign 68921
committee as a "designated state campaign committee" under 68922
division (A)(9)(a) of this section. 68923

(B)(1)(a) No individual who is seven years of age or older 68924
shall make a contribution or contributions aggregating more 68925
than: 68926

(i) Ten thousand dollars to the campaign committee of any 68927
one statewide candidate in a primary election period or in a 68928
general election period; 68929

(ii) Ten thousand dollars to the campaign committee of any 68930
one senate candidate in a primary election period or in a 68931
general election period; 68932

(iii) Ten thousand dollars to the campaign committee of 68933

any one house candidate in a primary election period or in a	68934
general election period;	68935
(iv) Ten thousand dollars to a county political party of	68936
the county in which the individual's designated Ohio residence	68937
is located for the party's state candidate fund in a calendar	68938
year;	68939
(v) Fifteen thousand dollars to any one legislative	68940
campaign fund in a calendar year;	68941
(vi) Thirty thousand dollars to any one state political	68942
party for the party's state candidate fund in a calendar year;	68943
(vii) Ten thousand dollars to any one political action	68944
committee in a calendar year;	68945
(viii) Ten thousand dollars to any one political	68946
contributing entity in a calendar year.	68947
(b) No individual shall make a contribution or	68948
contributions to the state candidate fund of a county political	68949
party of any county other than the county in which the	68950
individual's designated Ohio residence is located.	68951
(c) No individual who is under seven years of age shall	68952
make any contribution.	68953
(2) (a) Subject to division (D) (1) of this section, no	68954
political action committee shall make a contribution or	68955
contributions aggregating more than:	68956
(i) Ten thousand dollars to the campaign committee of any	68957
one statewide candidate in a primary election period or in a	68958
general election period;	68959
(ii) Ten thousand dollars to the campaign committee of any	68960

one senate candidate in a primary election period or in a 68961
general election period; 68962

(iii) Ten thousand dollars to the campaign committee of 68963
any one house candidate in a primary election period or in a 68964
general election period; 68965

(iv) Fifteen thousand dollars to any one legislative 68966
campaign fund in a calendar year; 68967

(v) Thirty thousand dollars to any one state political 68968
party for the party's state candidate fund in a calendar year; 68969

(vi) Ten thousand dollars to another political action 68970
committee or to a political contributing entity in a calendar 68971
year. This division does not apply to a political action 68972
committee that makes a contribution to a political action 68973
committee or a political contributing entity affiliated with it. 68974
For purposes of this division, a political action committee is 68975
affiliated with another political action committee or with a 68976
political contributing entity if they are both established, 68977
financed, maintained, or controlled by, or if they are, the same 68978
corporation, organization, labor organization, continuing 68979
association, or other person, including any parent, subsidiary, 68980
division, or department of that corporation, organization, labor 68981
organization, continuing association, or other person. 68982

(b) No political action committee shall make a 68983
contribution or contributions to a county political party for 68984
the party's state candidate fund. 68985

(3) No campaign committee shall make a contribution or 68986
contributions aggregating more than: 68987

(a) Ten thousand dollars to the campaign committee of any 68988
one statewide candidate in a primary election period or in a 68989

general election period; 68990

(b) Ten thousand dollars to the campaign committee of any 68991
one senate candidate in a primary election period or in a 68992
general election period; 68993

(c) Ten thousand dollars to the campaign committee of any 68994
one house candidate in a primary election period or in a general 68995
election period; 68996

(d) Ten thousand dollars to any one political action 68997
committee in a calendar year; 68998

(e) Ten thousand dollars to any one political contributing 68999
entity in a calendar year. 69000

(4) (a) Subject to division (D) (3) of this section, no 69001
political party shall make a contribution or contributions 69002
aggregating more than ten thousand dollars to any one political 69003
action committee or to any one political contributing entity in 69004
a calendar year. 69005

(b) No county political party shall make a contribution or 69006
contributions to another county political party. 69007

(5) (a) Subject to division (B) (5) (b) of this section, no 69008
campaign committee, other than a designated state campaign 69009
committee, shall make a contribution or contributions 69010
aggregating in a calendar year more than: 69011

(i) Thirty thousand dollars to any one state political 69012
party for the party's state candidate fund; 69013

(ii) Fifteen thousand dollars to any one legislative 69014
campaign fund; 69015

(iii) Ten thousand dollars to any one county political 69016

party for the party's state candidate fund. 69017

(b) No campaign committee shall make a contribution or 69018
contributions to a county political party for the party's state 69019
candidate fund unless one of the following applies: 69020

(i) The campaign committee's candidate will appear on a 69021
ballot in that county. 69022

(ii) The campaign committee's candidate is the holder of 69023
an elected public office that represents all or part of the 69024
population of that county at the time the contribution is made. 69025

(6) (a) No state candidate fund of a county political party 69026
shall make a contribution or contributions, except a 69027
contribution or contributions to a designated state campaign 69028
committee, in a primary election period or a general election 69029
period, aggregating more than: 69030

(i) Two hundred fifty thousand dollars to the campaign 69031
committee of any one statewide candidate; 69032

(ii) Ten thousand dollars to the campaign committee of any 69033
one senate candidate; 69034

(iii) Ten thousand dollars to the campaign committee of 69035
any one house candidate. 69036

(b) (i) No state candidate fund of a state or county 69037
political party shall make a transfer or a contribution or 69038
transfers or contributions of cash or cash equivalents to a 69039
designated state campaign committee in a primary election period 69040
or in a general election period aggregating more than: 69041

(I) Five hundred thousand dollars to the campaign 69042
committee of any one statewide candidate; 69043

(II) One hundred thousand dollars to the campaign 69044
committee of any one senate candidate; 69045

(III) Fifty thousand dollars to the campaign committee of 69046
any one house candidate. 69047

(ii) No legislative campaign fund shall make a transfer or 69048
a contribution or transfers or contributions of cash or cash 69049
equivalents to a designated state campaign committee aggregating 69050
more than: 69051

(I) Fifty thousand dollars in a primary election period or 69052
one hundred thousand dollars in a general election period to the 69053
campaign committee of any one senate candidate; 69054

(II) Twenty-five thousand dollars in a primary election 69055
period or fifty thousand dollars in a general election period to 69056
the campaign committee of any one house candidate. 69057

(iii) As used in divisions (B) (6) (b) and (C) (6) of this 69058
section, "transfer or contribution of cash or cash equivalents" 69059
does not include any in-kind contributions. 69060

(c) A county political party that has no state candidate 69061
fund and that is located in a county having a population of less 69062
than one hundred fifty thousand may make one or more 69063
contributions from other accounts to any one statewide candidate 69064
or to any one designated state campaign committee that do not 69065
exceed, in the aggregate, two thousand five hundred dollars in 69066
any primary election period or general election period. 69067

(d) No legislative campaign fund shall make a 69068
contribution, other than to a designated state campaign 69069
committee or to the state candidate fund of a political party. 69070

(7) (a) Subject to division (D) (1) of this section, no 69071

political contributing entity shall make a contribution or 69072
contributions aggregating more than: 69073

(i) Ten thousand dollars to the campaign committee of any 69074
one statewide candidate in a primary election period or in a 69075
general election period; 69076

(ii) Ten thousand dollars to the campaign committee of any 69077
one senate candidate in a primary election period or in a 69078
general election period; 69079

(iii) Ten thousand dollars to the campaign committee of 69080
any one house candidate in a primary election period or in a 69081
general election period; 69082

(iv) Fifteen thousand dollars to any one legislative 69083
campaign fund in a calendar year; 69084

(v) Thirty thousand dollars to any one state political 69085
party for the party's state candidate fund in a calendar year; 69086

(vi) Ten thousand dollars to another political 69087
contributing entity or to a political action committee in a 69088
calendar year. This division does not apply to a political 69089
contributing entity that makes a contribution to a political 69090
contributing entity or a political action committee affiliated 69091
with it. For purposes of this division, a political contributing 69092
entity is affiliated with another political contributing entity 69093
or with a political action committee if they are both 69094
established, financed, maintained, or controlled by, or if they 69095
are, the same corporation, organization, labor organization, 69096
continuing association, or other person, including any parent, 69097
subsidiary, division, or department of that corporation, 69098
organization, labor organization, continuing association, or 69099
other person. 69100

(b) No political contributing entity shall make a 69101
contribution or contributions to a county political party for 69102
the party's state candidate fund. 69103

(C) (1) (a) Subject to division (D) (1) of this section, no 69104
campaign committee of a statewide candidate shall do any of the 69105
following: 69106

(i) Knowingly accept a contribution or contributions from 69107
any individual who is under seven years of age; 69108

(ii) Accept a contribution or contributions aggregating 69109
more than ten thousand dollars from any one individual who is 69110
seven years of age or older, from any one political action 69111
committee, from any one political contributing entity, or from 69112
any one other campaign committee in a primary election period or 69113
in a general election period; 69114

(iii) Accept a contribution or contributions aggregating 69115
more than two hundred fifty thousand dollars from any one or 69116
combination of state candidate funds of county political parties 69117
in a primary election period or in a general election period. 69118

(b) No campaign committee of a statewide candidate shall 69119
accept a contribution or contributions aggregating more than two 69120
thousand five hundred dollars in a primary election period or in 69121
a general election period from a county political party that has 69122
no state candidate fund and that is located in a county having a 69123
population of less than one hundred fifty thousand. 69124

(2) (a) Subject to division (D) (1) of this section and 69125
except for a designated state campaign committee, no campaign 69126
committee of a senate candidate shall do either of the 69127
following: 69128

(i) Knowingly accept a contribution or contributions from 69129

any individual who is under seven years of age; 69130

(ii) Accept a contribution or contributions aggregating 69131
more than ten thousand dollars from any one individual who is 69132
seven years of age or older, from any one political action 69133
committee, from any one political contributing entity, from any 69134
one state candidate fund of a county political party, or from 69135
any one other campaign committee in a primary election period or 69136
in a general election period. 69137

(b) No campaign committee of a senate candidate shall 69138
accept a contribution or contributions aggregating more than two 69139
thousand five hundred dollars in a primary election period or in 69140
a general election period from a county political party that has 69141
no state candidate fund and that is located in a county having a 69142
population of less than one hundred fifty thousand. 69143

(3) (a) Subject to division (D) (1) of this section and 69144
except for a designated state campaign committee, no campaign 69145
committee of a house candidate shall do either of the following: 69146

(i) Knowingly accept a contribution or contributions from 69147
any individual who is under seven years of age; 69148

(ii) Accept a contribution or contributions aggregating 69149
more than ten thousand dollars from any one individual who is 69150
seven years of age or older, from any one political action 69151
committee, from any one political contributing entity, from any 69152
one state candidate fund of a county political party, or from 69153
any one other campaign committee in a primary election period or 69154
in a general election period. 69155

(b) No campaign committee of a house candidate shall 69156
accept a contribution or contributions aggregating more than two 69157
thousand five hundred dollars in a primary election period or in 69158

a general election period from a county political party that has 69159
no state candidate fund and that is located in a county having a 69160
population of less than one hundred fifty thousand. 69161

(4) (a) (i) Subject to division (C) (4) (a) (ii) of this 69162
section and except for a designated state campaign committee, no 69163
county political party shall knowingly accept a contribution or 69164
contributions from any individual who is under seven years of 69165
age, or accept a contribution or contributions for the party's 69166
state candidate fund aggregating more than ten thousand dollars 69167
from any one individual whose designated Ohio residence is 69168
located within that county and who is seven years of age or 69169
older or from any one campaign committee in a calendar year. 69170

(ii) Subject to division (D) (1) of this section, no county 69171
political party shall accept a contribution or contributions for 69172
the party's state candidate fund from any individual whose 69173
designated Ohio residence is located outside of that county and 69174
who is seven years of age or older, from any campaign committee 69175
unless the campaign committee's candidate will appear on a 69176
ballot in that county or unless the campaign committee's 69177
candidate is the holder of an elected public office that 69178
represents all or part of the population of that county at the 69179
time the contribution is accepted, or from any political action 69180
committee or any political contributing entity. 69181

(iii) No county political party shall accept a 69182
contribution or contributions from any other county political 69183
party. 69184

(b) Subject to division (D) (1) of this section, no state 69185
political party shall do either of the following: 69186

(i) Knowingly accept a contribution or contributions from 69187

any individual who is under seven years of age; 69188

(ii) Accept a contribution or contributions for the 69189
party's state candidate fund aggregating more than thirty 69190
thousand dollars from any one individual who is seven years of 69191
age or older, from any one political action committee, from any 69192
one political contributing entity, or from any one campaign 69193
committee, other than a designated state campaign committee, in 69194
a calendar year. 69195

(5) Subject to division (D)(1) of this section, no 69196
legislative campaign fund shall do either of the following: 69197

(a) Knowingly accept a contribution or contributions from 69198
any individual who is under seven years of age; 69199

(b) Accept a contribution or contributions aggregating 69200
more than fifteen thousand dollars from any one individual who 69201
is seven years of age or older, from any one political action 69202
committee, from any one political contributing entity, or from 69203
any one campaign committee, other than a designated state 69204
campaign committee, in a calendar year. 69205

(6) (a) No designated state campaign committee shall accept 69206
a transfer or contribution of cash or cash equivalents from a 69207
state candidate fund of a state political party aggregating in a 69208
primary election period or a general election period more than: 69209

(i) Five hundred thousand dollars, in the case of a 69210
campaign committee of a statewide candidate; 69211

(ii) One hundred thousand dollars, in the case of a 69212
campaign committee of a senate candidate; 69213

(iii) Fifty thousand dollars, in the case of a campaign 69214
committee of a house candidate. 69215

(b) No designated state campaign committee shall accept a 69216
transfer or contribution of cash or cash equivalents from a 69217
legislative campaign fund aggregating more than: 69218

(i) Fifty thousand dollars in a primary election period or 69219
one hundred thousand dollars in a general election period, in 69220
the case of a campaign committee of a senate candidate; 69221

(ii) Twenty-five thousand dollars in a primary election 69222
period or fifty thousand dollars in a general election period, 69223
in the case of a campaign committee of a house candidate. 69224

(c) No campaign committee of a candidate for the office of 69225
member of the general assembly, including a designated state 69226
campaign committee, shall accept a transfer or contribution of 69227
cash or cash equivalents from any one or combination of state 69228
candidate funds of county political parties aggregating in a 69229
primary election period or a general election period more than: 69230

(i) One hundred thousand dollars, in the case of a 69231
campaign committee of a senate candidate; 69232

(ii) Fifty thousand dollars, in the case of a campaign 69233
committee of a house candidate. 69234

(7) (a) Subject to division (D) (3) of this section, no 69235
political action committee and no political contributing entity 69236
shall do either of the following: 69237

(i) Knowingly accept a contribution or contributions from 69238
any individual who is under seven years of age; 69239

(ii) Accept a contribution or contributions aggregating 69240
more than ten thousand dollars from any one individual who is 69241
seven years of age or older, from any one campaign committee, or 69242
from any one political party in a calendar year. 69243

(b) Subject to division (D) (1) of this section, no political action committee shall accept a contribution or contributions aggregating more than ten thousand dollars from another political action committee or from a political contributing entity in a calendar year. Subject to division (D) (1) of this section, no political contributing entity shall accept a contribution or contributions aggregating more than ten thousand dollars from another political contributing entity or from a political action committee in a calendar year. This division does not apply to a political action committee or political contributing entity that accepts a contribution from a political action committee or political contributing entity affiliated with it. For purposes of this division, a political action committee is affiliated with another political action committee or with a political contributing entity if they are both established, financed, maintained, or controlled by the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person.

(D) (1) (a) For purposes of the limitations prescribed in division (B) (2) of this section and the limitations prescribed in divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this section, whichever is applicable, all contributions made by and all contributions accepted from political action committees that are established, financed, maintained, or controlled by, or that are, the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person, are considered to have been made by or accepted

from a single political action committee. 69275

(b) For purposes of the limitations prescribed in division 69276
(B) (7) of this section and the limitations prescribed in 69277
divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this 69278
section, whichever is applicable, all contributions made by and 69279
all contributions accepted from political contributing entities 69280
that are established, financed, maintained, or controlled by, or 69281
that are, the same corporation, organization, labor 69282
organization, continuing association, or other person, including 69283
any parent, subsidiary, division, or department of that 69284
corporation, organization, labor organization, continuing 69285
association, or other person, are considered to have been made 69286
by or accepted from a single political contributing entity. 69287

(2) As used in divisions (B) (1) (a) (vii), (B) (3) (d), (B) (4) 69288
(a), and (C) (7) of this section, "political action committee" 69289
does not include a political action committee that is organized 69290
to support or oppose a ballot issue or question and that makes 69291
no contributions to or expenditures on behalf of a political 69292
party, campaign committee, legislative campaign fund, political 69293
action committee, or political contributing entity. As used in 69294
divisions (B) (1) (a) (viii), (B) (3) (e), (B) (4) (a), and (C) (7) of 69295
this section, "political contributing entity" does not include a 69296
political contributing entity that is organized to support or 69297
oppose a ballot issue or question and that makes no 69298
contributions to or expenditures on behalf of a political party, 69299
campaign committee, legislative campaign fund, political action 69300
committee, or political contributing entity. 69301

(3) For purposes of the limitations prescribed in 69302
divisions (B) (4) and (C) (7) (a) of this section, all 69303
contributions made by and all contributions accepted from a 69304

national political party, a state political party, and a county 69305
political party are considered to have been made by or accepted 69306
from a single political party and shall be combined with each 69307
other to determine whether the limitations have been exceeded. 69308

(E) (1) If a legislative campaign fund has kept a total 69309
amount of contributions exceeding one hundred fifty thousand 69310
dollars at the close of business on the seventh day before the 69311
postgeneral election statement is required to be filed under 69312
section 3517.10 of the Revised Code, the legislative campaign 69313
fund shall comply with division (E) (2) of this section. 69314

(2) (a) Any legislative campaign fund that has kept a total 69315
amount of contributions in excess of the amount specified in 69316
division (E) (1) of this section at the close of business on the 69317
seventh day before the postgeneral election statement is 69318
required to be filed under section 3517.10 of the Revised Code 69319
shall dispose of the excess amount in the manner prescribed in 69320
division ~~(E) (2) (b) (i), (ii), or (iii)~~ (E) (2) (b) of this section 69321
not later than ninety days after the day the postgeneral 69322
election statement is required to be filed under section 3517.10 69323
of the Revised Code. Any legislative campaign fund that is 69324
required to dispose of an excess amount of contributions under 69325
this division shall file a statement on the ninetieth day after 69326
the postgeneral election statement is required to be filed under 69327
section 3517.10 of the Revised Code indicating the total amount 69328
of contributions the fund has at the close of business on the 69329
seventh day before the postgeneral election statement is 69330
required to be filed under section 3517.10 of the Revised Code 69331
and that the excess contributions were disposed of pursuant to 69332
this division and division (E) (2) (b) of this section. The 69333
statement shall be on a form prescribed by the secretary of 69334
state and shall contain any additional information the secretary 69335

of state considers necessary. 69336

(b) Any legislative campaign fund that is required to 69337
dispose of an excess amount of contributions under division (E) 69338
(2) of this section shall dispose of that excess amount by doing 69339
any one or both of the following: 69340

~~(i) Giving the amount to the treasurer of state for~~ 69341
~~deposit into the state treasury to the credit of the Ohio~~ 69342
~~elections commission fund created by division (I) of section~~ 69343
~~3517.152 of the Revised Code;~~ 69344

~~(ii)~~ Giving the amount to individuals who made 69345
contributions to that legislative campaign fund as a refund of 69346
all or part of their contributions; 69347

~~(iii)~~ (ii) Giving the amount to a corporation that is 69348
exempt from federal income taxation under subsection 501(a) and 69349
described in subsection 501(c) of the Internal Revenue Code. 69350

(F) (1) No legislative campaign fund shall fail to file a 69351
statement required by division (E) of this section. 69352

(2) No legislative campaign fund shall fail to dispose of 69353
excess contributions as required by division (E) of this 69354
section. 69355

(G) Nothing in this section shall affect, be used in 69356
determining, or supersede a limitation on campaign contributions 69357
as provided for in the Federal Election Campaign Act. 69358

Sec. 3517.103. (A) For purposes of this section: 69359

(1) "Statewide candidate" means the joint candidates for 69360
the offices of governor and lieutenant governor or a candidate 69361
for the office of secretary of state, auditor of state, 69362
treasurer of state, or attorney general, ~~or member of the state~~ 69363

~~board of education.~~

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(2) (a) "Personal funds" means contributions to the
campaign committee of a candidate by the candidate.

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(b) A loan obtained by, guaranteed by, or for the benefit
of a statewide candidate, senate candidate, or house candidate
shall be considered "personal funds" subject to the provisions
of this section to the extent that the loan is obtained or
guaranteed by the candidate. A loan that is obtained or
guaranteed and that is for the benefit of a statewide candidate,
senate candidate, or house candidate shall not be considered
"personal funds" for the purposes of this section but shall be
considered to be a "contribution" for the purposes of this
chapter if the loan is obtained or guaranteed by anyone other
than the candidate.

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(c) When a debt or other obligation incurred by a
committee or by a candidate on behalf of the candidate's
committee is to be paid from "personal funds," those funds are
considered to be expended when the debt or other obligation is
incurred, regardless of when it is paid.

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(B) (1) Except as otherwise provided in division (B) (2) of
this section, no statewide candidate or candidate for the office
of member of the general assembly shall make an expenditure of
personal funds to influence the results of an election for that
candidate's nomination or election to office unless the personal
funds are first deposited into the campaign fund of that
candidate's campaign committee.

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(2) A statewide candidate or candidate for the office of
member of the general assembly may make an expenditure of
personal funds without first depositing those funds into the

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campaign committee's funds as long as the aggregate total of 69393
those expenditures does not exceed five hundred dollars at any 69394
time during an election period. After the candidate's campaign 69395
committee reimburses the candidate for any direct expenditure of 69396
personal funds, the amount that was reimbursed is no longer 69397
included in the aggregate total of expenditures of personal 69398
funds subject to the five-hundred-dollar limit. 69399

Sec. 3517.104. (A) In January of each odd-numbered year, 69400
the secretary of state, in accordance with this division and 69401
division (B) of this section, shall adjust each amount specified 69402
in section 3517.102, in division (B) (4) (e) of section 3517.10, 69403
and in division (B) of section 3517.101 of the Revised Code. The 69404
adjustment shall be based on the yearly average of the previous 69405
two years of the Consumer Price Index for All Urban Consumers or 69406
its successive equivalent, as determined by the United States 69407
department of labor, bureau of labor statistics, or its 69408
successor in responsibility, for all items, Series A. Using the 69409
1996 yearly average as the base year, the secretary of state 69410
shall compare the most current average consumer price index with 69411
that determined in the preceding odd-numbered year, and shall 69412
determine the percentage increase or decrease. The percentage 69413
increase or decrease shall be multiplied by the actual dollar 69414
figure for each office or entity specified in section 3517.102 69415
of the Revised Code and by each actual dollar figure specified 69416
in division (B) (4) (e) of section 3517.10 and in division (B) of 69417
section 3517.101 of the Revised Code as determined in the 69418
previous odd-numbered year, and the product shall be added to or 69419
subtracted from its corresponding actual dollar figure, as 69420
necessary, for that previous odd-numbered year. 69421

The resulting amount shall be rounded to the nearest 69422
twenty-five dollars if the calculations are made regarding the 69423

amounts specified in division (B) (4) (e) of section 3517.10 of 69424
the Revised Code. 69425

If the calculations are made regarding the amounts 69426
specified in section 3517.101 or 3517.102 of the Revised Code, 69427
the resulting amount shall not be rounded. If that resulting 69428
amount is less than one hundred dollars, the secretary of state 69429
shall retain a record of the resulting amount and the manner in 69430
which it was calculated, but shall not make an adjustment unless 69431
the resulting amount, when added to the resulting amount 69432
calculated in each prior odd-numbered year since the last 69433
adjustment was made, equals or exceeds one hundred dollars. 69434

(B) (1) The secretary of state shall calculate the 69435
adjustment under division (A) of this section and shall report 69436
the calculations and necessary materials to the auditor of 69437
state, on or before the thirty-first day of January of each odd- 69438
numbered year. The secretary of state shall base the adjustment 69439
on the most current consumer price index that is described in 69440
division (A) of this section and that is in effect as of the 69441
first day of January of each odd-numbered year. 69442

(2) The calculations made by the secretary of state under 69443
divisions (A) and (B) (1) of this section shall be certified by 69444
the auditor of state on or before the fifteenth day of February 69445
of each odd-numbered year. 69446

(3) On or before the twenty-fifth day of February of each 69447
odd-numbered year, the secretary of state shall prepare a report 69448
setting forth the maximum contribution limitations under section 69449
3517.102 of the Revised Code, the maximum amounts, if any, of 69450
contributions permitted to be kept under that section, the 69451
amounts required under division (B) (4) (e) of section 3517.10 of 69452
the Revised Code for reporting contributions and in-kind 69453

contributions at social or fund-raising activities and 69454
contributions from amounts deducted from an employee's wages and 69455
salary, and the maximum office facility gift limitations under 69456
section 3517.101 of the Revised Code, as calculated and 69457
certified pursuant to divisions (A) and (B)(1) and (2) of this 69458
section. The report and all documents relating to the 69459
calculations contained in the report are public records. The 69460
report shall contain an indication of the period in which the 69461
limitations, the maximum contribution or gift amounts, and the 69462
reporting amounts apply, a summary of how the limitations, the 69463
maximum contribution or gift amounts, and the reporting amounts 69464
were calculated, and a statement that the report and all related 69465
documents are available for inspection and copying at the office 69466
of the secretary of state. 69467

(4) On or before the twenty-fifth day of February of each 69468
odd-numbered year, the secretary of state shall transmit the 69469
report to the general assembly and shall send the report by mail 69470
to the board of elections of each county. 69471

(5) The secretary of state shall send the report by mail 69472
to each person who files a declaration of candidacy or 69473
nominating petition with the secretary of state for the office 69474
of governor, lieutenant governor, secretary of state, auditor of 69475
state, treasurer of state, attorney general, ~~member of the state~~ 69476
~~board of education,~~ chief justice of the supreme court, or 69477
justice of the supreme court. The report shall be mailed on or 69478
before the tenth day after the filing. 69479

(6) A board of elections shall send the report by mail to 69480
each person who files a declaration of candidacy or nominating 69481
petition with the board for the office of state representative 69482
or state senator. The report shall be mailed on or before the 69483

tenth day after the filing. 69484

Sec. 3517.108. (A) As used in divisions (A) and (B) of 69485
this section: 69486

(1) "Candidate" has the same meaning as in section 3517.01 69487
of the Revised Code but includes only candidates for the offices 69488
of governor, lieutenant governor, secretary of state, auditor of 69489
state, treasurer of state, attorney general, ~~member of the state~~ 69490
~~board of education,~~ member of the general assembly, chief 69491
justice of the supreme court, and justice of the supreme court. 69492

(2) A "general election period" begins on the day after 69493
the primary election immediately preceding the general election 69494
at which a candidate seeks an office specified in division (A) 69495
(1) of this section and ends on the thirty-first day of December 69496
following that general election. 69497

(3) A "primary election period" begins on the first day of 69498
January of the year following the year in which the general 69499
election was held for the office that the candidate seeks, 69500
including any mid-term election, and ends on the day of the 69501
primary election. 69502

(B) Whenever the campaign committee of a candidate has 69503
unpaid debt at the end of a primary election period or at the 69504
end of a general election period, the committee may accept 69505
additional contributions during the immediately following 69506
election period up to the applicable limitation prescribed under 69507
section 3517.102 of the Revised Code from any individual, 69508
political action committee, political contributing entity, or 69509
other campaign committee who, during the primary or general 69510
election period for which debt remains unpaid, has contributed 69511
less than the contribution limitations prescribed under section 69512

3517.102 of the Revised Code applicable to that individual, 69513
political action committee, political contributing entity, or 69514
other campaign committee. Any additional contribution that a 69515
campaign committee accepts under this division shall count 69516
toward the applicable limitations prescribed under section 69517
3517.102 of the Revised Code for that primary or general 69518
election period at the end of which the debt remains unpaid, and 69519
shall not count toward the applicable limitations for any other 69520
primary or general election period if all of the following 69521
conditions apply: 69522

(1) The campaign committee reports, on the statement 69523
required to be filed under division (A)(2) of section 3517.10 of 69524
the Revised Code, all debt remaining unpaid at the end of the 69525
election period. The committee shall also file a separate 69526
statement, on a form prescribed by the secretary of state, at 69527
the same time that the committee is required to file a statement 69528
of contributions and expenditures under section 3517.10 of the 69529
Revised Code. The separate statement shall include the name and 69530
address of each contributor who makes an additional contribution 69531
under division (B) of this section, how the contribution was 69532
applied to pay the unpaid debt as required by division (B)(3) of 69533
this section, and the balance of the unpaid debt after each 69534
contribution was applied to it. 69535

(2) The additional contributions are accepted only during 69536
the primary or general election period, whichever is applicable, 69537
immediately following the election period covered in the 69538
statement filed under division (B)(1) of this section. 69539

(3) All additional contributions made under division (B) 69540
of this section are used by the campaign committee that receives 69541
them only to pay the debt of the committee reported under 69542

division (B) (1) of this section. 69543

(4) The campaign committee maintains a separate account 69544
for all additional contributions made under division (B) of this 69545
section and uses moneys in that account only to pay the unpaid 69546
debt reported under division (B) (1) of this section and to 69547
administer the account. 69548

(5) The campaign committee stops accepting additional 69549
contributions after funds sufficient to repay the unpaid debt 69550
reported under division (B) (1) of this section have been raised 69551
and promptly disposes of any contributions received that exceed 69552
the amount of the unpaid debt by returning the excess 69553
contributions to the contributors or by giving the excess 69554
contributions to an organization that is exempt from federal 69555
income taxation under subsection 501(a) and described in 69556
subsection 501(c) (3), (4), (8), (10), or (19) of the Internal 69557
Revenue Code. 69558

Sec. 3517.109. (A) As used in this section: 69559

(1) "Candidate" has the same meaning as in section 3517.01 69560
of the Revised Code but includes only candidates for the offices 69561
of governor, lieutenant governor, secretary of state, auditor of 69562
state, treasurer of state, attorney general, ~~member of the state~~ 69563
~~board of education,~~ and member of the general assembly. 69564

(2) "Statewide candidate" means the joint candidates for 69565
the offices of governor and lieutenant governor or a candidate 69566
for the office of secretary of state, auditor of state, 69567
treasurer of state, and attorney general, ~~and member of the~~ 69568
~~state board of education.~~ 69569

(3) "Senate candidate" means a candidate for the office of 69570
state senator. 69571

(4) "House candidate" means a candidate for the office of
state representative.

(5) "State office" means the offices of governor,
lieutenant governor, secretary of state, auditor of state,
treasurer of state, attorney general, ~~member of the state board~~
~~of education~~, and member of the general assembly.

(6) "Aggregate contribution" means the total of all
contributions from a contributor during the pre-filing period.

(7) "Allowable aggregate contribution" means all of the
following:

(a) In the case of a contribution from a contributor whose
contributions are subject to the contribution limits described
in division (B)(1), (2), (3), (6)(a), or (7) of section 3517.102
of the Revised Code, that portion of the amount of the
contributor's aggregate contribution that does not exceed the
preprimary contribution limit applicable to that contributor.

(b) In the case of a contribution or contributions from a
contributor whose contributions are not subject to the
contribution limits described in divisions (B)(1), (2), (3), (6)
(a), or (7) of section 3517.102 of the Revised Code, the total
of the following:

(i) That portion of the aggregate contribution that was
received as in-kind services;

(ii) That portion of the aggregate contribution that was
received as cash and does not exceed the applicable preprimary
cash transfer or contribution limits described in division (B)
(6)(b) of section 3517.102 of the Revised Code.

(8) "Excess aggregate contribution" means, for each

contributor, the amount by which that contributor's aggregate 69600
contribution exceeds that contributor's allowable aggregate 69601
contribution. 69602

(9) "Pre-filing period" means the period of time ending on 69603
the day that the candidacy petitions are due for the state 69604
office for which the candidate has filed and beginning on the 69605
latest date of the following: 69606

(a) The first day of January of the year following the 69607
general election in which that state office was last on the 69608
ballot; 69609

(b) The first day of January of the year following the 69610
general election in which the candidate was last a candidate for 69611
any office; 69612

(c) The first day of the month following the primary 69613
election in which the candidate was last a candidate for any 69614
office. 69615

(10) "Filing date" means the last date on which a 69616
candidacy petition may be filed for an office. 69617

(11) "Applicable carry-in limit" means thirty-five 69618
thousand dollars if the candidate is a house candidate ~~or a~~ 69619
~~candidate for the state board of education,~~ one hundred thousand 69620
dollars if the candidate is a senate candidate, and two hundred 69621
thousand dollars if the candidate is a statewide candidate ~~other~~ 69622
~~than a candidate for the state board of education.~~ 69623

(12) "Campaign asset" means prepaid, purchased, or donated 69624
assets available to the candidate on the date of the filing 69625
deadline for the office the candidate is seeking that will be 69626
consumed or depleted in the course of the candidate's election 69627
campaign, including, but not limited to, postage, prepaid rent 69628

for campaign headquarters, prepaid radio, television, and 69629
newspaper advertising, and other prepaid consulting and personal 69630
services. 69631

(13) "Permitted funds" means the sum of the following: 69632

(a) The total of the allowable aggregate contribution of 69633
each contributor; 69634

(b) The applicable carry-in limit. 69635

(14) "Excess funds" means the amount by which the sum of 69636
the total cash on hand and total reported campaign assets 69637
exceeds permitted funds. 69638

(15) "Covered candidate" means both of the following: 69639

(a) A candidate who, during the pre-filing period, accepts 69640
or has a campaign committee that accepts contributions on the 69641
candidate's behalf for the purpose of nominating or electing the 69642
candidate to any office not subject to the contribution limits 69643
prescribed in section 3517.102 of the Revised Code; 69644

(b) A person who, during the pre-filing period, accepts or 69645
has a campaign committee that accepts contributions on the 69646
person's behalf prior to the person deciding upon or announcing 69647
the office for which the person will become a candidate for 69648
nomination or election. 69649

(B) Each candidate who files for state office, not later 69650
than the filing date for that office, shall dispose of any 69651
excess funds. Each covered candidate who files for state office, 69652
not later than the filing date for that office, shall dispose of 69653
any excess aggregate contributions. 69654

(C) Any campaign committee that is required to dispose of 69655
excess funds or excess aggregate contributions under division 69656

(B) of this section shall dispose of that excess amount or 69657
amounts by doing ~~any~~ one or both of the following: 69658

~~(1) Giving the amount to the treasurer of state for 69659
deposit into the state treasury to the credit of the Ohio 69660
elections commission fund created by division (I) of section 69661
3517.152 of the Revised Code; 69662~~

~~(2) Giving the amount to individuals who made 69663
contributions to that campaign committee as a refund of all or 69664
part of their contributions; 69665~~

~~(3)~~ (2) Giving the amount to a corporation that is exempt 69666
from federal income taxation under subsection 501(a) and 69667
described in subsection 501(c) of the Internal Revenue Code. 69668

(D) (1) Subject to division (D) (2) of this section, no 69669
candidate or covered candidate shall appear on the ballot, even 69670
if certified to appear on the ballot, unless the candidate's or 69671
covered candidate's campaign committee has disposed of excess 69672
funds, excess aggregate contributions, or both as required by 69673
divisions (B) and (C) of this section. 69674

(2) If the excess aggregate contributions accepted by a 69675
covered candidate or a covered candidate's campaign committee 69676
aggregate a total of less than five thousand dollars from all 69677
contributors, that candidate shall not be prohibited from 69678
appearing on the ballot under division (D) (1) of this section. 69679

(E) (1) The campaign committee of each candidate required 69680
to dispose of excess funds under this section shall file a 69681
report, on a form prescribed by the secretary of state, with the 69682
official or board with which the candidate is required to file 69683
statements under section 3517.11 of the Revised Code. The report 69684
shall be filed by the seventh day following the filing deadline 69685

for the office the candidate is seeking, shall indicate the 69686
amount of excess funds disposed of, and shall describe the 69687
manner in which the campaign committee disposed of the excess 69688
amount. 69689

(2) In addition to the information required to be included 69690
in a report filed under division (E)(1) of this section, the 69691
campaign committee of each covered candidate required to dispose 69692
of excess aggregate contributions under this section shall 69693
include in that report the source and amount of each excess 69694
aggregate contribution disposed of and shall describe the manner 69695
in which the campaign committee disposed of the excess amount. 69696

(F)(1) Each campaign committee of a candidate who has 69697
filed a declaration of candidacy or a nominating petition for a 69698
state office, not later than seven days after the filing date 69699
for the office the candidate is seeking, shall file a 69700
declaration of filing-day finances, on a form prescribed by the 69701
secretary of state, with the official or board with which the 69702
candidate is required to file statements under section 3517.11 69703
of the Revised Code. 69704

(2) A declaration of filing-day finances shall list all of 69705
the following: 69706

(a) The amount of cash on hand in the candidate's campaign 69707
fund on the filing date for the office the candidate is seeking. 69708

(b) The value and description of all campaign assets worth 69709
five hundred dollars or more available to the candidate on the 69710
filing date. Assets purchased by the campaign shall be valued at 69711
actual cost, and in-kind contributions shall be valued at market 69712
value. 69713

(c) The total of all aggregate contributions; 69714

- (d) The total of all allowable aggregate contributions; 69715
- (e) The applicable carry-in limit, if any. 69716
- (3) In addition to the information required to be included 69717
in a report of filing-day finances filed under division (F) (1) 69718
of this section, the campaign committee of each covered 69719
candidate shall include both of the following in that report: 69720
- (a) The total of all excess aggregate contributions; 69721
- (b) For each contributor, if any, for whom there is an 69722
excess aggregate contribution, the name, address, aggregate 69723
contribution, and excess aggregate contribution. 69724
- (G) A campaign committee of a candidate is not required to 69725
file a declaration of filing-day finances under division (F) of 69726
this section if all of the following apply: 69727
- (1) The campaign committee has not accepted, during the 69728
pre-filing period, any aggregate contribution greater than the 69729
applicable amount. 69730
- (2) The campaign committee had less than the carry-in 69731
amount in cash on hand at the beginning of the pre-filing 69732
period. 69733
- (3) The candidate files a declaration, on a form 69734
prescribed by the secretary of state, with the official or board 69735
with which the candidate is required to file statements under 69736
section 3517.11 of the Revised Code not later than seven days 69737
after the filing date for the office that candidate is seeking, 69738
stating that the candidate's campaign committee has not accepted 69739
aggregate contributions as described in division (G) (1) of this 69740
section and has less than the carry-in amount in cash on hand as 69741
described in division (G) (2) of this section. 69742

Sec. 3517.1012. (A) (1) Each state and county political 69743
party shall establish a restricted fund that is separate from 69744
all other accounts of the political party. 69745

(2) A state or county political party shall deposit into 69746
its restricted fund all gifts that are made to or accepted by 69747
the political party from a corporation or labor organization 69748
subject to the applicable limitations prescribed in division (X) 69749
of section 3517.13 of the Revised Code. A state or county 69750
political party may deposit into its restricted fund any gifts 69751
that are made to or accepted by the political party from a 69752
source other than a corporation or labor organization. 69753

(3) Moneys in a state or county political party's 69754
restricted fund may be disbursed to pay costs incurred for any 69755
of the following purposes specified in division (A) of section 69756
3517.18 of the Revised Code: 69757

(a) The defraying of operating and maintenance costs 69758
associated with political party headquarters, including rental 69759
or leasing costs, staff salaries, office equipment and supplies, 69760
postage, and the purchase, lease, or maintenance of computer 69761
hardware and software; 69762

(b) The organization of voter registration programs and 69763
get-out-the-vote campaigns and the costs associated with voter 69764
registration and get-out-the-vote activities, including, but not 69765
limited to, rental costs for booth spaces at fairs, festivals, 69766
or similar events if voter registration forms are available at 69767
those booths, printing costs for registration forms, mailing 69768
costs for communications soliciting voter registration, and 69769
payments for the services of persons conducting voter 69770
registration and get-out-the-vote activities; 69771

(c) The administration of party fund-raising drives; 69772

(d) Direct mail campaigns or other communications with the 69773
registered voters of a party that are not related to any 69774
particular candidate or election; 69775

(e) The preparation of reports required by law. 69776

(B) Except as otherwise provided in this division, a state 69777
or county political party shall file deposit and disbursement 69778
statements, in the same manner as the party is required to file 69779
statements of contributions and expenditures under section 69780
3517.10 of the Revised Code, regarding all deposits made into, 69781
and all disbursements made from, the party's restricted fund. 69782
Deposit and disbursement statements filed in accordance with 69783
this division by a county political party shall be filed by 69784
electronic means of transmission to the office of the secretary 69785
of state at the times specified in division (A) of section 69786
3517.10 of the Revised Code for the filing of statements of 69787
contributions and expenditures if the county political party 69788
accepts gifts from a corporation or labor organization under 69789
division (A) (2) of this section. 69790

Sec. 3517.11. (A) (1) Campaign committees of candidates for 69791
~~statewide office or the state board of education,~~ political 69792
action committees or political contributing entities that make 69793
contributions to campaign committees of candidates that are 69794
required to file the statements prescribed by section 3517.10 of 69795
the Revised Code with the secretary of state, political action 69796
committees or political contributing entities that make 69797
contributions to campaign committees of candidates for member of 69798
the general assembly, political action committees or political 69799
contributing entities that make contributions to state and 69800
national political parties and to legislative campaign funds, 69801

political action committees or political contributing entities 69802
that receive contributions or make expenditures in connection 69803
with a statewide ballot issue, political action committees or 69804
political contributing entities that make contributions to other 69805
political action committees or political contributing entities, 69806
political parties, and campaign committees, except as set forth 69807
in division (A) (3) of this section, legislative campaign funds, 69808
and state and national political parties shall file the 69809
statements prescribed by section 3517.10 of the Revised Code 69810
with the secretary of state. 69811

(2) (a) Except as otherwise provided in division (E) of 69812
section 3517.106 of the Revised Code, campaign committees of 69813
candidates for all other offices shall file the statements 69814
prescribed by section 3517.10 of the Revised Code with the board 69815
of elections where their candidates are required to file their 69816
petitions or other papers for nomination or election. 69817

(b) A campaign committee of a candidate for office of 69818
member of the general assembly or a campaign committee of a 69819
candidate for the office of judge of a court of appeals shall 69820
file two copies of the printed version of any statement, 69821
addendum, or amended statement if the committee does not file 69822
pursuant to division (E) or (J) of section 3517.106 of the 69823
Revised Code but files by printed version only with the 69824
appropriate board of elections. The board of elections shall 69825
send one of those copies by certified mail or an electronic copy 69826
to the secretary of state before the close of business on the 69827
day the board of elections receives the statement, addendum, or 69828
amended statement. 69829

(3) Political action committees or political contributing 69830
entities that only contribute to a county political party, 69831

contribute to campaign committees of candidates whose nomination 69832
or election is to be submitted only to electors within a county, 69833
subdivision, or district, excluding candidates for member of the 69834
general assembly, and receive contributions or make expenditures 69835
in connection with ballot questions or issues to be submitted 69836
only to electors within a county, subdivision, or district shall 69837
file the statements prescribed by section 3517.10 of the Revised 69838
Code with the board of elections in that county or in the county 69839
contained in whole or part within the subdivision or district 69840
having a population greater than that of any other county 69841
contained in whole or part within that subdivision or district, 69842
as the case may be. 69843

(4) Except as otherwise provided in division (E) (1) (e) of 69844
section 3517.106 of the Revised Code with respect to state 69845
candidate funds, county political parties shall file the 69846
statements prescribed by section 3517.10 of the Revised Code 69847
with the board of elections of their respective counties. 69848

(B) (1) The official with whom petitions and other papers 69849
for nomination or election to public office are filed shall 69850
furnish each candidate at the time of that filing a copy of 69851
sections 3517.01, 3517.08 to 3517.11, 3517.13 to 69852
~~3517.993~~3517.991, 3599.03, and 3599.031 of the Revised Code and 69853
any other materials that the secretary of state may require. 69854
Each candidate receiving the materials shall acknowledge their 69855
receipt in writing. 69856

(2) On or before the tenth day before the dates on which 69857
statements are required to be filed by section 3517.10 of the 69858
Revised Code, the secretary of state shall notify every 69859
candidate subject to the provisions of this section and sections 69860
3517.10 and 3517.106 of the Revised Code of the requirements and 69861

applicable penalties of those sections. The secretary of state 69862
shall notify all candidates required to file those statements 69863
with the secretary of state's office either by certified mail, 69864
or, if the secretary of state has record of an internet 69865
identifier of record associated with the candidate, by ordinary 69866
mail and by that internet identifier of record. The board of 69867
elections of every county shall notify by first class mail any 69868
candidate who has personally appeared at the office of the board 69869
on or before the tenth day before the statements are required to 69870
be filed and signed a form, to be provided by the secretary of 69871
state, attesting that the candidate has been notified of the 69872
candidate's obligations under the campaign finance law. The 69873
board shall forward the completed form to the secretary of 69874
state. The board shall notify all other candidates required to 69875
file those statements with it either by certified mail, or, if 69876
the secretary of state has record of an internet identifier of 69877
record associated with the candidate, by ordinary mail and by 69878
that internet identifier of record. 69879

(3) (a) Any statement required to be filed under sections 69880
3517.081 to ~~3517.14~~ 3517.13 of the Revised Code that is found to 69881
be incomplete or inaccurate by the officer to whom it is 69882
submitted shall be accepted on a conditional basis, and the 69883
person who filed it shall be notified by certified mail as to 69884
the incomplete or inaccurate nature of the statement. The 69885
secretary of state may examine statements filed for candidates 69886
for the office of member of the general assembly and candidates 69887
for the office of judge of a court of appeals for completeness 69888
and accuracy. The secretary of state shall examine for 69889
completeness and accuracy statements that campaign committees of 69890
candidates for the office of member of the general assembly and 69891
campaign committees of candidates for the office of judge of a 69892

court of appeals file pursuant to division (E) or (J) of section 69893
3517.106 of the Revised Code. If an officer at the board of 69894
elections where a statement filed for a candidate for the office 69895
of member of the general assembly or for a candidate for the 69896
office of judge of a court of appeals was submitted finds the 69897
statement to be incomplete or inaccurate, the officer shall 69898
immediately notify the secretary of state of its incomplete or 69899
inaccurate nature. If either an officer at the board of 69900
elections or the secretary of state finds a statement filed for 69901
a candidate for the office of member of the general assembly or 69902
for a candidate for the office of judge of a court of appeals to 69903
be incomplete or inaccurate, only the secretary of state shall 69904
send the notification as to the incomplete or inaccurate nature 69905
of the statement. 69906

Within twenty-one days after receipt of the notice, in the 69907
case of a pre-election statement, a postelection statement, a 69908
monthly statement, an annual statement, or a semiannual 69909
statement prescribed by section 3517.10, an annual statement 69910
prescribed by section 3517.101, or a statement prescribed by 69911
division (B) (2) (b) or (C) (2) (b) of section 3517.105 or section 69912
3517.107 of the Revised Code, the recipient shall file an 69913
addendum, amendment, or other correction to the statement 69914
providing the information necessary to complete or correct the 69915
statement. The secretary of state may require that, in lieu of 69916
filing an addendum, amendment, or other correction to a 69917
statement that is filed by electronic means of transmission to 69918
the office of the secretary of state or a board of elections 69919
pursuant to section 3517.106 of the Revised Code, the recipient 69920
of the notice described in this division file by electronic 69921
means of transmission an amended statement that incorporates the 69922
information necessary to complete or correct the statement. 69923

The secretary of state shall determine by rule when an 69924
addendum, amendment, or other correction to any of the following 69925
or when an amended statement of any of the following shall be 69926
filed: 69927

(i) A two-business-day statement prescribed by section 69928
3517.10 of the Revised Code; 69929

(ii) A disclosure of electioneering communications 69930
statement prescribed by division (D) of section 3517.1011 of the 69931
Revised Code; 69932

(iii) A deposit and disbursement statement prescribed 69933
under division (B) of section 3517.1012 of the Revised Code; 69934

(iv) A gift and disbursement statement prescribed under 69935
section 3517.1013 of the Revised Code; 69936

(v) A donation and disbursement statement prescribed under 69937
section 3517.1014 of the Revised Code. 69938

An addendum, amendment, or other correction to a statement 69939
that is filed by electronic means of transmission pursuant to 69940
section 3517.106 of the Revised Code shall be filed in the same 69941
manner as the statement. 69942

The provisions of sections 3517.10, 3517.106, 3517.1011, 69943
3517.1012, 3517.1013, and 3517.1014 of the Revised Code 69944
pertaining to the filing of statements of contributions and 69945
expenditures, statements of independent expenditures, disclosure 69946
of electioneering communications statements, deposit and 69947
disbursement statements, gift and disbursement statements, and 69948
donation and disbursement statements by electronic means of 69949
transmission apply to the filing of addenda, amendments, or 69950
other corrections to those statements by electronic means of 69951
transmission and the filing of amended statements by electronic 69952

means of transmission. 69953

(b) Within five business days after the secretary of state 69954
receives, by electronic or other means of transmission, an 69955
addendum, amendment, or other correction to a statement or an 69956
amended statement under division (B)(3)(a) of this section, the 69957
secretary of state, pursuant to divisions (E) and (G) of section 69958
3517.106 or division (D) of section 3517.1011 of the Revised 69959
Code, shall make the contribution and expenditure, contribution 69960
and disbursement, deposit and disbursement, gift and 69961
disbursement, or donation and disbursement information in that 69962
addendum, amendment, correction, or amended statement available 69963
online to the public through the internet. 69964

(4) (a) The secretary of state or the board of elections 69965
shall examine all statements for compliance with sections 69966
3517.08 to ~~3517.14~~ 3517.13 of the Revised Code. 69967

(b) The secretary of state may contract with an individual 69968
or entity not associated with the secretary of state and 69969
experienced in interpreting the campaign finance law of this 69970
state to conduct examinations of statements filed by any 69971
statewide candidate, as defined in section 3517.103 of the 69972
Revised Code. 69973

(c) The examination shall be conducted by a person or 69974
entity qualified to conduct it. The results of the examination 69975
shall be available to the public, and, when the examination is 69976
conducted by an individual or entity not associated with the 69977
secretary of state, the results of the examination shall be 69978
reported to the secretary of state. 69979

(C) (1) In the event of a failure to file or a late filing 69980
of a statement required to be filed under sections 3517.081 to 69981

~~3517.14~~ 3517.13 of the Revised Code, or if a filed statement or 69982
any addendum, amendment, or other correction to a statement or 69983
any amended statement, if an addendum, amendment, or other 69984
correction or an amended statement is required to be filed, is 69985
incomplete or inaccurate or appears to disclose a failure to 69986
comply with or a violation of law, the official whose duty it is 69987
to examine the statement shall promptly file a complaint with 69988
the ~~Ohio elections commission~~ appropriate enforcement authority 69989
under section ~~3517.153~~ 3517.14 of the Revised Code if the law is 69990
one over which the ~~commission~~ authority has jurisdiction to hear 69991
complaints under that section, or the official shall promptly 69992
report the failure or violation to the board of elections and 69993
the board shall promptly report it to the prosecuting attorney 69994
in accordance with division (J) of section 3501.11 of the 69995
Revised Code. ~~If the official files a complaint with the~~ 69996
~~commission, the commission shall proceed in accordance with~~ 69997
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 69998

(2) For purposes of division (C)(1) of this section, a 69999
statement or an addendum, amendment, or other correction to a 70000
statement or an amended statement required to be filed under 70001
sections 3517.081 to ~~3517.14~~ 3517.13 of the Revised Code is 70002
incomplete or inaccurate under this section if the statement, 70003
addendum, amendment, other correction, or amended statement 70004
fails to disclose substantially all contributions, gifts, or 70005
donations that are received or deposits that are made that are 70006
required to be reported under sections 3517.10, 3517.107, 70007
3517.108, 3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the 70008
Revised Code or if the statement, addendum, amendment, other 70009
correction, or amended statement fails to disclose at least 70010
ninety per cent of the total contributions, gifts, or donations 70011
received or deposits made or of the total expenditures or 70012

disbursements made during the reporting period. 70013

(D) No certificate of nomination or election shall be 70014
issued to a person, and no person elected to an office shall 70015
enter upon the performance of the duties of that office, until 70016
that person or that person's campaign committee, as appropriate, 70017
has fully complied with this section and sections 3517.08, 70018
3517.081, 3517.10, and 3517.13 of the Revised Code. 70019

Sec. 3517.121. Notwithstanding any contrary provision of 70020
the Revised Code: 70021

(A) As used in this section: 70022

(1) "Electioneering communication" has the same meaning as 70023
in section 3517.1011 of the Revised Code. 70024

(2) "Foreign national" means any of the following, as 70025
applicable: 70026

(a) In the case of an individual, an individual who is not 70027
a United States citizen or national; 70028

(b) A government of a foreign country or of a political 70029
subdivision of a foreign country; 70030

(c) A foreign political party; 70031

(d) A person, other than an individual, that is organized 70032
under the laws of, or has its principal place of business in, a 70033
foreign country. 70034

(B) No foreign national shall, directly or indirectly 70035
through any person or entity, do any of the following: 70036

(1) Make a contribution, expenditure, or independent 70037
expenditure in support of or opposition to a candidate for any 70038
elective office in this state, including an office of a 70039

political party; 70040

(2) Make a contribution, expenditure, or independent 70041
expenditure in support of or opposition to a statewide ballot 70042
issue or question, regardless of whether the ballot issue or 70043
question has yet been certified to appear on the ballot; 70044

(3) Make a disbursement for the direct cost of producing 70045
or airing an electioneering communication; 70046

(4) Make a contribution to a candidate, campaign 70047
committee, political action committee, political contributing 70048
entity, legislative campaign fund, state candidate fund, 70049
political party, or separate segregated fund, to any committee 70050
created to support or oppose a ballot issue or question, or, to 70051
the maximum extent permitted by law and by the constitutions of 70052
the United States and of this state, to a continuing 70053
association; 70054

(5) Promise, either expressly or implicitly, to make a 70055
contribution, expenditure, independent expenditure, or 70056
disbursement described in division (B) (1), (2), (3), or (4) of 70057
this section. 70058

(C) No individual, candidate, campaign committee, 70059
political action committee, political contributing entity, 70060
legislative campaign fund, state candidate fund, political 70061
party, separate segregated fund, or committee created to support 70062
or oppose a ballot issue or question and, to the maximum extent 70063
permitted by law and by the constitutions of the United States 70064
and of this state, no continuing association shall, directly or 70065
indirectly through any other person or entity, knowingly do 70066
either of the following: 70067

(1) Solicit, accept, or receive any funds from a foreign 70068

national for any purpose described in division (B) of this 70069
section; 70070

(2) Make a contribution, expenditure, or independent 70071
expenditure using any funds the person knows were received from 70072
a foreign national for any purpose described in division (B) of 70073
this section. 70074

(D) No person shall knowingly aid or facilitate a 70075
violation of division (B) or (C) of this section. 70076

(E) Any complaint that alleges a violation of division (W) 70077
of section 3517.13 of the Revised Code shall be treated as 70078
instead alleging a violation of this section. 70079

(F) (1) Whoever knowingly violates division (B) of this 70080
section is guilty of a misdemeanor of the first degree on a 70081
first offense and is guilty of a felony of the fifth degree on a 70082
second or subsequent offense. The violator also shall be fined 70083
an amount equal to three times the amount involved in the 70084
violation or ten thousand dollars, whichever amount is greater. 70085

(2) Whoever knowingly violates division (C) of this 70086
section is guilty of a misdemeanor of the first degree on a 70087
first offense and is guilty of a felony of the fifth degree on a 70088
second or subsequent offense. The violator also shall be fined 70089
an amount equal to three times the amount involved in the 70090
violation or ten thousand dollars, whichever amount is greater, 70091
and shall be required to return the total amount accepted in 70092
violation of that division to the foreign national from whom it 70093
was accepted. 70094

(3) Whoever knowingly violates division (D) of this 70095
section is guilty of a misdemeanor of the first degree and shall 70096
be fined one thousand dollars. 70097

(G) (1) (a) Except as otherwise provided in division (G) (1) 70098
(b) of this section, the attorney general has exclusive 70099
authority to prosecute a violation of this section and has 70100
exclusive supervision and control of all investigations, 70101
prosecutions, and enforcement proceedings under this section. 70102

(b) If the attorney general is a victim or witness or 70103
otherwise involved in an alleged violation of this section, the 70104
attorney general shall refer the matter to the appropriate 70105
prosecutor, as determined under division (A) (2) of section 70106
~~3517.155~~ 3517.17 of the Revised Code, except that if applicable, 70107
the attorney general shall make the determination described in 70108
division (A) (2) (b) of that section instead of the ~~Ohio elections~~ 70109
~~commission~~ appropriate enforcement authority. 70110

(2) Upon the occurrence of either of the following, the 70111
attorney general shall investigate an alleged violation of this 70112
section in consultation with the secretary of state: 70113

(a) The submission of a written request to the attorney 70114
general by the governor, the secretary of state, or the general 70115
assembly, ~~or the Ohio elections commission~~, alleging a violation 70116
of this section; 70117

(b) The filing of a complaint with the attorney general by 70118
an elector of this state, alleging a violation of this section. 70119

(3) If it appears to the attorney general, after 70120
conducting an investigation under division (G) (2) of this 70121
section, that there is probable cause to believe that a 70122
violation of this section has occurred, the attorney general may 70123
prosecute the violation in a court of competent jurisdiction. 70124

(H) When proceeding under this section, the attorney 70125
general and any assistant or special counsel designated by the 70126

attorney general for that purpose have all the rights, 70127
privileges, and powers conferred by law on prosecuting 70128
attorneys, including the power to appear before grand juries and 70129
to interrogate witnesses before such grand juries. These powers 70130
of the attorney general are in addition to any other applicable 70131
powers of the attorney general. 70132

Sec. 3517.13. (A) (1) No campaign committee of a statewide 70133
candidate shall fail to file a complete and accurate statement 70134
required under division (A) (1) of section 3517.10 of the Revised 70135
Code. 70136

(2) No campaign committee of a statewide candidate shall 70137
fail to file a complete and accurate monthly statement, and no 70138
campaign committee of a statewide candidate or a candidate for 70139
the office of chief justice or justice of the supreme court 70140
shall fail to file a complete and accurate two-business-day 70141
statement, as required under section 3517.10 of the Revised 70142
Code. 70143

As used in this division, "statewide candidate" has the 70144
same meaning as in division (F) (2) of section 3517.10 of the 70145
Revised Code. 70146

(B) No campaign committee shall fail to file a complete 70147
and accurate statement required under division (A) (1) of section 70148
3517.10 of the Revised Code. 70149

(C) No campaign committee shall fail to file a complete 70150
and accurate statement required under division (A) (2) of section 70151
3517.10 of the Revised Code. 70152

(D) No campaign committee shall fail to file a complete 70153
and accurate statement required under division (A) (3) or (4) of 70154
section 3517.10 of the Revised Code. 70155

(E) No person other than a campaign committee shall 70156
knowingly fail to file a statement required under section 70157
3517.10 or 3517.107 of the Revised Code. 70158

(F) No person shall make cash contributions to any person 70159
totaling more than one hundred dollars in each primary, special, 70160
or general election. 70161

(G) (1) No person shall knowingly conceal or misrepresent 70162
contributions given or received, expenditures made, or any other 70163
information required to be reported by a provision in sections 70164
3517.08 to 3517.13 of the Revised Code. 70165

(2) (a) No person shall make a contribution to a campaign 70166
committee, political action committee, political contributing 70167
entity, legislative campaign fund, political party, or person 70168
making disbursements to pay the direct costs of producing or 70169
airing electioneering communications in the name of another 70170
person. 70171

(b) A person does not make a contribution in the name of 70172
another when either of the following applies: 70173

(i) An individual makes a contribution from a partnership 70174
or other unincorporated business account, if the contribution is 70175
reported by listing both the name of the partnership or other 70176
unincorporated business and the name of the partner or owner 70177
making the contribution as required under division (I) of 70178
section 3517.10 of the Revised Code. 70179

(ii) A person makes a contribution in that person's 70180
spouse's name or in both of their names. 70181

(H) No person within this state, publishing a newspaper or 70182
other periodical, shall charge a campaign committee for 70183
political advertising a rate in excess of the rate such person 70184

would charge if the campaign committee were a general rate 70185
advertiser whose advertising was directed to promoting its 70186
business within the same area as that encompassed by the 70187
particular office that the candidate of the campaign committee 70188
is seeking. The rate shall take into account the amount of space 70189
used, as well as the type of advertising copy submitted by or on 70190
behalf of the campaign committee. All discount privileges 70191
otherwise offered by a newspaper or periodical to general rate 70192
advertisers shall be available upon equal terms to all campaign 70193
committees. 70194

No person within this state, operating a radio or 70195
television station or network of stations in this state, shall 70196
charge a campaign committee for political broadcasts a rate that 70197
exceeds: 70198

(1) During the forty-five days preceding the date of a 70199
primary election and during the sixty days preceding the date of 70200
a general or special election in which the candidate of the 70201
campaign committee is seeking office, the lowest unit charge of 70202
the station for the same class and amount of time for the same 70203
period; 70204

(2) At any other time, the charges made for comparable use 70205
of that station by its other users. 70206

(I) Subject to divisions (K), (L), (M), and (N) of this 70207
section, no agency or department of this state or any political 70208
subdivision shall award any contract, other than one let by 70209
competitive bidding or a contract incidental to such contract or 70210
which is by force account, for the purchase of goods costing 70211
more than five hundred dollars or services costing more than 70212
five hundred dollars to any individual, partnership, 70213
association, including, without limitation, a professional 70214

association organized under Chapter 1785. of the Revised Code, 70215
estate, or trust if the individual has made or the individual's 70216
spouse has made, or any partner, shareholder, administrator, 70217
executor, or trustee or the spouse of any of them has made, as 70218
an individual, within the two previous calendar years, one or 70219
more contributions totaling in excess of one thousand dollars to 70220
the holder of the public office having ultimate responsibility 70221
for the award of the contract or to the public officer's 70222
campaign committee. 70223

(J) Subject to divisions (K), (L), (M), and (N) of this 70224
section, no agency or department of this state or any political 70225
subdivision shall award any contract, other than one let by 70226
competitive bidding or a contract incidental to such contract or 70227
which is by force account, for the purchase of goods costing 70228
more than five hundred dollars or services costing more than 70229
five hundred dollars to a corporation or business trust, except 70230
a professional association organized under Chapter 1785. of the 70231
Revised Code, if an owner of more than twenty per cent of the 70232
corporation or business trust or the spouse of that person has 70233
made, as an individual, within the two previous calendar years, 70234
taking into consideration only owners for all of that period, 70235
one or more contributions totaling in excess of one thousand 70236
dollars to the holder of a public office having ultimate 70237
responsibility for the award of the contract or to the public 70238
officer's campaign committee. 70239

(K) For purposes of divisions (I) and (J) of this section, 70240
if a public officer who is responsible for the award of a 70241
contract is appointed by the governor, whether or not the 70242
appointment is subject to the advice and consent of the senate, 70243
excluding members of boards, commissions, committees, 70244
authorities, councils, boards of trustees, task forces, and 70245

other such entities appointed by the governor, the office of the 70246
governor is considered to have ultimate responsibility for the 70247
award of the contract. 70248

(L) For purposes of divisions (I) and (J) of this section, 70249
if a public officer who is responsible for the award of a 70250
contract is appointed by the elected chief executive officer of 70251
a municipal corporation, or appointed by the elected chief 70252
executive officer of a county operating under an alternative 70253
form of county government or county charter, excluding members 70254
of boards, commissions, committees, authorities, councils, 70255
boards of trustees, task forces, and other such entities 70256
appointed by the chief executive officer, the office of the 70257
chief executive officer is considered to have ultimate 70258
responsibility for the award of the contract. 70259

(M) (1) Divisions (I) and (J) of this section do not apply 70260
to contracts awarded by the board of commissioners of the 70261
sinking fund, municipal legislative authorities, boards of 70262
education, boards of county commissioners, boards of township 70263
trustees, or other boards, commissions, committees, authorities, 70264
councils, boards of trustees, task forces, and other such 70265
entities created by law, by the supreme court or courts of 70266
appeals, by county courts consisting of more than one judge, 70267
courts of common pleas consisting of more than one judge, or 70268
municipal courts consisting of more than one judge, or by a 70269
division of any court if the division consists of more than one 70270
judge. This division shall apply to the specified entity only if 70271
the members of the entity act collectively in the award of a 70272
contract for goods or services. 70273

(2) Divisions (I) and (J) of this section do not apply to 70274
actions of the controlling board. 70275

(N) (1) Divisions (I) and (J) of this section apply to 70276
contributions made to the holder of a public office having 70277
ultimate responsibility for the award of a contract, or to the 70278
public officer's campaign committee, during the time the person 70279
holds the office and during any time such person was a candidate 70280
for the office. Those divisions do not apply to contributions 70281
made to, or to the campaign committee of, a candidate for or 70282
holder of the office other than the holder of the office at the 70283
time of the award of the contract. 70284

(2) Divisions (I) and (J) of this section do not apply to 70285
contributions of a partner, shareholder, administrator, 70286
executor, trustee, or owner of more than twenty per cent of a 70287
corporation or business trust made before the person held any of 70288
those positions or after the person ceased to hold any of those 70289
positions in the partnership, association, estate, trust, 70290
corporation, or business trust whose eligibility to be awarded a 70291
contract is being determined, nor to contributions of the 70292
person's spouse made before the person held any of those 70293
positions, after the person ceased to hold any of those 70294
positions, before the two were married, after the granting of a 70295
decree of divorce, dissolution of marriage, or annulment, or 70296
after the granting of an order in an action brought solely for 70297
legal separation. Those divisions do not apply to contributions 70298
of the spouse of an individual whose eligibility to be awarded a 70299
contract is being determined made before the two were married, 70300
after the granting of a decree of divorce, dissolution of 70301
marriage, or annulment, or after the granting of an order in an 70302
action brought solely for legal separation. 70303

(O) No beneficiary of a campaign fund or other person 70304
shall convert for personal use, and no person shall knowingly 70305
give to a beneficiary of a campaign fund or any other person, 70306

for the beneficiary's or any other person's personal use, 70307
anything of value from the beneficiary's campaign fund, 70308
including, without limitation, payments to a beneficiary for 70309
services the beneficiary personally performs, except as 70310
reimbursement for any of the following: 70311

(1) Legitimate and verifiable prior campaign expenses 70312
incurred by the beneficiary; 70313

(2) Legitimate and verifiable ordinary and necessary prior 70314
expenses incurred by the beneficiary in connection with duties 70315
as the holder of a public office, including, without limitation, 70316
expenses incurred through participation in nonpartisan or 70317
bipartisan events if the participation of the holder of a public 70318
office would normally be expected; 70319

(3) Legitimate and verifiable ordinary and necessary prior 70320
expenses incurred by the beneficiary while doing any of the 70321
following: 70322

(a) Engaging in activities in support of or opposition to 70323
a candidate other than the beneficiary, political party, or 70324
ballot issue; 70325

(b) Raising funds for a political party, political action 70326
committee, political contributing entity, legislative campaign 70327
fund, campaign committee, or other candidate; 70328

(c) Participating in the activities of a political party, 70329
political action committee, political contributing entity, 70330
legislative campaign fund, or campaign committee; 70331

(d) Attending a political party convention or other 70332
political meeting. 70333

For purposes of this division, an expense is incurred 70334

whenever a beneficiary has either made payment or is obligated 70335
to make payment, as by the use of a credit card or other credit 70336
procedure or by the use of goods or services received on 70337
account. 70338

(P) No beneficiary of a campaign fund shall knowingly 70339
accept, and no person shall knowingly give to the beneficiary of 70340
a campaign fund, reimbursement for an expense under division (O) 70341
of this section to the extent that the expense previously was 70342
reimbursed or paid from another source of funds. If an expense 70343
is reimbursed under division (O) of this section and is later 70344
paid or reimbursed, wholly or in part, from another source of 70345
funds, the beneficiary shall repay the reimbursement received 70346
under division (O) of this section to the extent of the payment 70347
made or reimbursement received from the other source. 70348

(Q) No candidate or public official or employee shall 70349
accept for personal or business use anything of value from a 70350
political party, political action committee, political 70351
contributing entity, legislative campaign fund, or campaign 70352
committee other than the candidate's or public official's or 70353
employee's own campaign committee, and no person shall knowingly 70354
give to a candidate or public official or employee anything of 70355
value from a political party, political action committee, 70356
political contributing entity, legislative campaign fund, or 70357
such a campaign committee, except for the following: 70358

(1) Reimbursement for legitimate and verifiable ordinary 70359
and necessary prior expenses not otherwise prohibited by law 70360
incurred by the candidate or public official or employee while 70361
engaged in any legitimate activity of the political party, 70362
political action committee, political contributing entity, 70363
legislative campaign fund, or such campaign committee. Without 70364

limitation, reimbursable expenses under this division include 70365
those incurred while doing any of the following: 70366

(a) Engaging in activities in support of or opposition to 70367
another candidate, political party, or ballot issue; 70368

(b) Raising funds for a political party, legislative 70369
campaign fund, campaign committee, or another candidate; 70370

(c) Attending a political party convention or other 70371
political meeting. 70372

(2) Compensation not otherwise prohibited by law for 70373
actual and valuable personal services rendered under a written 70374
contract to the political party, political action committee, 70375
political contributing entity, legislative campaign fund, or 70376
such campaign committee for any legitimate activity of the 70377
political party, political action committee, political 70378
contributing entity, legislative campaign fund, or such campaign 70379
committee. 70380

Reimbursable expenses under this division do not include, 70381
and it is a violation of this division for a candidate or public 70382
official or employee to accept, or for any person to knowingly 70383
give to a candidate or public official or employee from a 70384
political party, political action committee, political 70385
contributing entity, legislative campaign fund, or campaign 70386
committee other than the candidate's or public official's or 70387
employee's own campaign committee, anything of value for 70388
activities primarily related to the candidate's or public 70389
official's or employee's own campaign for election, except for 70390
contributions to the candidate's or public official's or 70391
employee's campaign committee. 70392

For purposes of this division, an expense is incurred 70393

whenever a candidate or public official or employee has either 70394
made payment or is obligated to make payment, as by the use of a 70395
credit card or other credit procedure, or by the use of goods or 70396
services on account. 70397

(R) (1) Division (O) or (P) of this section does not 70398
prohibit a campaign committee from making direct advance or post 70399
payment from contributions to vendors for goods and services for 70400
which reimbursement is permitted under division (O) of this 70401
section, except that no campaign committee shall pay its 70402
candidate or other beneficiary for services personally performed 70403
by the candidate or other beneficiary. 70404

(2) If any expense that may be reimbursed under division 70405
(O), (P), or (Q) of this section is part of other expenses that 70406
may not be paid or reimbursed, the separation of the two types 70407
of expenses for the purpose of allocating for payment or 70408
reimbursement those expenses that may be paid or reimbursed may 70409
be by any reasonable accounting method, considering all of the 70410
surrounding circumstances. 70411

(3) For purposes of divisions (O), (P), and (Q) of this 70412
section, mileage allowance at a rate not greater than that 70413
allowed by the internal revenue service at the time the travel 70414
occurs may be paid instead of reimbursement for actual travel 70415
expenses allowable. 70416

(S) (1) As used in division (S) of this section: 70417

(a) "State elective office" has the same meaning as in 70418
section 3517.092 of the Revised Code. 70419

(b) "Federal office" means a federal office as defined in 70420
the Federal Election Campaign Act. 70421

(c) "Federal campaign committee" means a principal 70422

campaign committee or authorized committee as defined in the 70423
Federal Election Campaign Act. 70424

(2) No person who is a candidate for state elective office 70425
and who previously sought nomination or election to a federal 70426
office shall transfer any funds or assets from that person's 70427
federal campaign committee for nomination or election to the 70428
federal office to that person's campaign committee as a 70429
candidate for state elective office. 70430

(3) No campaign committee of a person who is a candidate 70431
for state elective office and who previously sought nomination 70432
or election to a federal office shall accept any funds or assets 70433
from that person's federal campaign committee for that person's 70434
nomination or election to the federal office. 70435

(T) (1) Except as otherwise provided in division (B) (6) (c) 70436
of section 3517.102 of the Revised Code, a state or county 70437
political party shall not disburse moneys from any account other 70438
than a state candidate fund to make contributions to any of the 70439
following: 70440

(a) A state candidate fund; 70441

(b) A legislative campaign fund; 70442

(c) A campaign committee of a candidate for the office of 70443
governor, lieutenant governor, secretary of state, auditor of 70444
state, treasurer of state, attorney general, ~~member of the state~~ 70445
~~board of education,~~ or member of the general assembly. 70446

(2) No state candidate fund, legislative campaign fund, or 70447
campaign committee of a candidate for any office described in 70448
division (T) (1) (c) of this section shall knowingly accept a 70449
contribution in violation of division (T) (1) of this section. 70450

(U) No person shall fail to file a statement required 70451
under section 3517.12 of the Revised Code. 70452

(V) No campaign committee shall fail to file a statement 70453
required under division (K) (3) of section 3517.10 of the Revised 70454
Code. 70455

(W) (1) No foreign national shall, directly or indirectly 70456
through any other person or entity, make a contribution, 70457
expenditure, or independent expenditure or promise, either 70458
expressly or implicitly, to make a contribution, expenditure, or 70459
independent expenditure in support of or opposition to a 70460
candidate for any elective office in this state, including an 70461
office of a political party. 70462

(2) No candidate, campaign committee, political action 70463
committee, political contributing entity, legislative campaign 70464
fund, state candidate fund, political party, or separate 70465
segregated fund shall solicit or accept a contribution, 70466
expenditure, or independent expenditure from a foreign national. 70467
The secretary of state may direct any candidate, committee, 70468
entity, fund, or party that accepts a contribution, expenditure, 70469
or independent expenditure in violation of this division to 70470
return the contribution, expenditure, or independent expenditure 70471
or, if it is not possible to return the contribution, 70472
expenditure, or independent expenditure, then to return instead 70473
the value of it, to the contributor. 70474

(3) As used in division (W) of this section, "foreign 70475
national" has the same meaning as in section 441e(b) of the 70476
Federal Election Campaign Act. 70477

(X) (1) No state or county political party shall transfer 70478
any moneys from its restricted fund to any account of the 70479

political party into which contributions may be made or from 70480
which contributions or expenditures may be made. 70481

(2) (a) No state or county political party shall deposit a 70482
contribution or contributions that it receives into its 70483
restricted fund. 70484

(b) No state or county political party shall make a 70485
contribution or an expenditure from its restricted fund. 70486

(3) (a) No corporation or labor organization shall make a 70487
gift or gifts from the corporation's or labor organization's 70488
money or property aggregating more than ten thousand dollars to 70489
any one state or county political party for the party's 70490
restricted fund in a calendar year. 70491

(b) No state or county political party shall accept a gift 70492
or gifts for the party's restricted fund aggregating more than 70493
ten thousand dollars from any one corporation or labor 70494
organization in a calendar year. 70495

(4) No state or county political party shall transfer any 70496
moneys in the party's restricted fund to any other state or 70497
county political party. 70498

(5) No state or county political party shall knowingly 70499
fail to file a statement required under section 3517.1012 of the 70500
Revised Code. 70501

(Y) The administrator of workers' compensation and the 70502
employees of the bureau of workers' compensation shall not 70503
conduct any business with or award any contract, other than one 70504
awarded by competitive bidding, for the purchase of goods 70505
costing more than five hundred dollars or services costing more 70506
than five hundred dollars to any individual, partnership, 70507
association, including, without limitation, a professional 70508

association organized under Chapter 1785. of the Revised Code, 70509
estate, or trust, if the individual has made, or the 70510
individual's spouse has made, or any partner, shareholder, 70511
administrator, executor, or trustee, or the spouses of any of 70512
those individuals has made, as an individual, within the two 70513
previous calendar years, one or more contributions totaling in 70514
excess of one thousand dollars to the campaign committee of the 70515
governor or lieutenant governor or to the campaign committee of 70516
any candidate for the office of governor or lieutenant governor. 70517

(Z) The administrator of workers' compensation and the 70518
employees of the bureau of workers' compensation shall not 70519
conduct business with or award any contract, other than one 70520
awarded by competitive bidding, for the purchase of goods 70521
costing more than five hundred dollars or services costing more 70522
than five hundred dollars to a corporation or business trust, 70523
except a professional association organized under Chapter 1785. 70524
of the Revised Code, if an owner of more than twenty per cent of 70525
the corporation or business trust, or the spouse of the owner, 70526
has made, as an individual, within the two previous calendar 70527
years, taking into consideration only owners for all of such 70528
period, one or more contributions totaling in excess of one 70529
thousand dollars to the campaign committee of the governor or 70530
lieutenant governor or to the campaign committee of any 70531
candidate for the office of governor or lieutenant governor. 70532

Sec. 3517.153 3517.14. ~~(A) Upon the filing of a complaint~~ 70533
~~with the Ohio elections commission, which shall be made by~~ 70534
~~affidavit of any person, on personal knowledge, and subject to~~ 70535
~~the penalties for perjury, or upon the filing of a complaint~~ 70536
~~made by the secretary of state or an official at the board of~~ 70537
~~elections, setting forth a failure to comply with or a violation~~ 70538
~~of any provision in sections 3517.08 to 3517.13, 3517.20 to~~ 70539

~~3517.22, 3599.03, or 3599.031 of the Revised Code, the~~ 70540
~~commission shall proceed in accordance with sections 3517.154 to~~ 70541
~~3517.157 of the Revised Code.~~ 70542

~~(B) The commission shall prescribe the form for complaints~~ 70543
~~made under division (A) of this section. The secretary of state~~ 70544
~~and boards of elections shall furnish the information that the~~ 70545
~~commission requests. The commission or a member of the~~ 70546
~~commission may administer oaths, and the commission may issue~~ 70547
~~subpoenas to any person in the state compelling the attendance~~ 70548
~~of witnesses and the production of relevant papers, books,~~ 70549
~~accounts, and reports. Section 101.42 of the Revised Code~~ 70550
~~governs the issuance of subpoenas insofar as applicable. Upon~~ 70551
~~the refusal of any person to obey a subpoena or to be sworn or~~ 70552
~~to answer as a witness, the commission may apply to the court of~~ 70553
~~common pleas of Franklin county under section 2705.03 of the~~ 70554
~~Revised Code. The court shall hold proceedings in accordance~~ 70555
~~with Chapter 2705. of the Revised Code.~~ 70556

~~(C)~~ (A) (1) No prosecution shall commence for a violation 70557
of a provision in sections 145.054, 742.043, 3307.073, 3309.073, 70558
3517.08 to 3517.12, 3517.13, 3517.17, 3517.18, 3517.20 to 70559
3517.22, 3599.03, or 5505.045 of the Revised Code 70560
unless a complaint has been filed with the ~~commission~~ 70561
appropriate enforcement authority under this section and all 70562
proceedings of the ~~commission or a panel of the commission, as~~ 70563
~~appropriate, authority~~ under sections ~~3517.154 to 3517.157~~ 70564
3517.15 to 3517.18 of the Revised Code are completed. 70565

~~(D)~~ (2) A complaint alleging a violation of any of those 70566
provisions by any of the following persons shall be filed with 70567
the secretary of state: 70568

(a) A candidate for a statewide office, member of the 70569

general assembly, or judge of a court of appeals or that 70570
candidate's campaign committee; 70571

(b) A candidate for an office of a district or political 70572
subdivision that has territory in more than one county or that 70573
candidate's campaign committee; 70574

(c) A political party or legislative campaign fund; 70575

(d) A political action committee or political contributing 70576
entity that is required to file statements with the secretary of 70577
state under section 3517.11 of the Revised Code; 70578

(e) A candidate for the office of member of the public 70579
employees retirement board, the board of trustees of the Ohio 70580
police and fire pension fund, the state teachers retirement 70581
board, the school employees retirement board, or the state 70582
highway patrol retirement board or the candidate's campaign 70583
committee; 70584

(f) Any person, other than a candidate, campaign 70585
committee, political party, legislative campaign fund, political 70586
action committee, or political contributing entity, that is not 70587
domiciled in this state. 70588

(3) A complaint alleging a violation of any of those 70589
provisions by any of the following persons shall be filed with 70590
the board of elections of the applicable county: 70591

(a) A candidate for an office other than an office 70592
described in division (A) (2) of this section or the candidate's 70593
campaign committee; 70594

(b) A political action committee or political contributing 70595
entity that is required to file statements with the board under 70596
section 3517.11 of the Revised Code; 70597

(c) Any person, other than a candidate, campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity, that is domiciled in the county. 70598
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(B) (1) Any person who has personal knowledge of a failure to comply with, or a violation of, any provision of sections 145.054, 742.043, 3517.08 to 3517.12, 3517.13, 3517.20 to 3517.22, 3599.03, 3599.031, or 5505.045 of the Revised Code may file a complaint with the appropriate enforcement authority. 70602
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(2) The secretary of state or a member of a board of elections may file a complaint with the appropriate enforcement authority, alleging a failure to comply with, or a violation of, any provision of sections 145.054, 742.043, 3307.073, 3309.073, 3517.08 to 3517.12, 3517.13, 3517.20 to 3517.22, 3599.03, 3599.031, or 5505.045 of the Revised Code. 70607
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(3) A complaint filed under division (B) (1) or (2) of this section shall be on a form prescribed by the secretary of state and shall require the complainant to execute an affidavit under penalty of perjury. 70613
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(4) A complaint shall be filed with the appropriate enforcement authority within two years after the occurrence of the act or failure to act that is the subject of the complaint, except that if the act or failure to act involves fraud, concealment, or misrepresentation and was not discovered during that two-year period, a complaint may be filed within one year after discovery of such act or failure to act. 70617
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(5) Whoever files a complaint with the appropriate enforcement authority may withdraw it at the following times: 70624
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(a) If the complaint receives an expedited hearing, at any 70626

time before the hearing without the permission of the 70627
appropriate enforcement authority, or at any time after the 70628
hearing begins but only with the permission of the appropriate 70629
enforcement authority; 70630

(b) If the complaint does not receive an expedited 70631
hearing, at any time. 70632

(C) The ~~commission may recommend legislation and~~ secretary 70633
of state may render advisory opinions concerning sections 70634
149.054, 742.043, 3307.073, 3309.073, 3517.08, 3517.082, 70635
3517.092, 3517.102, 3517.105, 3517.1014, 3517.13, 3517.20 to 70636
3517.22, 3599.03, ~~and~~ 3599.031, and 5505.045 of the Revised Code 70637
for persons ~~ever~~ whose acts ~~it has or are~~ or may have 70638
~~jurisdiction~~ be subject to those sections. When the ~~commission~~ 70639
secretary of state renders an advisory opinion relating to a 70640
specific set of circumstances involving any of those sections 70641
stating that there is no violation of a provision in those 70642
sections, the person to whom the opinion is directed or a person 70643
who is similarly situated may reasonably rely on the opinion and 70644
is immune from criminal prosecution and a civil action, 70645
including, without limitation, a civil action for removal from 70646
public office or employment, based on facts and circumstances 70647
covered by the opinion. An advisory opinion issued by the Ohio 70648
elections commission that is in effect as of the effective date 70649
of this amendment is considered an advisory opinion of the 70650
secretary of state, unless and until the secretary of state 70651
amends or rescinds the advisory opinion. 70652

~~(E)~~ (D) The ~~commission shall establish a web site on which~~ 70653
~~it~~ secretary of state shall post, ~~at a minimum,~~ on the secretary 70654
of state's official web site all decisions and advisory opinions 70655
issued by the ~~commission~~ secretary of state under this chapter, 70656

all decisions issued by a board of elections under this chapter, 70657
all decisions and advisory opinions issued by the Ohio elections 70658
commission, and copies of each election law as it is amended by 70659
the general assembly. The ~~commission~~-secretary of state shall 70660
update the web site regularly to reflect any changes to those 70661
decisions and advisory opinions and any new decisions and 70662
advisory opinions. 70663

Sec. 3517.15. (A) (1) The secretary of state shall 70664
designate a member of the staff of the secretary of state who is 70665
an attorney in good standing before the supreme court of Ohio to 70666
review complaints filed with the secretary of state under 70667
section 3517.14 of the Revised Code. Upon the filing of a 70668
complaint, the attorney shall review the complaint and make a 70669
recommendation to the secretary of state for its disposition. 70670

(2) The attorney may join two or more complaints if the 70671
attorney determines that the allegations in each complaint are 70672
of the same or similar character, are based on the same act or 70673
failure to act, or are based on two or more acts or failures to 70674
act constituting parts of a common scheme or plan. If one 70675
complaint contains two or more allegations, the attorney may 70676
separate the allegations if they are not of the same or similar 70677
character, if they are not based on the same act or failure to 70678
act, or if they are not based on two or more acts or failures to 70679
act constituting parts of a common scheme or plan. If the 70680
attorney separates the allegations in a complaint, the attorney 70681
may make separate recommendations under division (A) (1) of this 70682
section for each allegation. 70683

(3) After receiving the attorney's recommendation, the 70684
secretary of state shall either refer the complaint for a 70685
hearing under division (B) of this section or dismiss the 70686

complaint.

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(B) (1) When the secretary of state refers a complaint for a hearing, the secretary of state shall appoint a hearing officer who is an attorney in good standing before the supreme court of Ohio to adjudicate the matter in accordance with the provisions of Chapter 119. of the Revised Code that are not inconsistent with the requirements of this chapter and of rules adopted by the secretary of state under this section.

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(2) If the hearing officer determines that the evidence is insufficient to determine whether or not the failure to act or the violation alleged in the complaint has occurred, the hearing officer may request that an investigatory attorney appointed by the secretary of state investigate the complaint. Upon that request, an investigatory attorney shall make an investigation in order to produce sufficient evidence for the hearing officer to decide the matter.

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(3) Subject to division (B) (4) of this section, the hearing officer shall dispose of the complaint under section 3517.17 of the Revised Code not later than one hundred eighty days after the complaint is filed with the secretary of state.

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(4) If a complaint is filed during the period beginning on the ninetieth day before the day of an election and ending on the day of the election, and the complaint involves a candidate for nomination or election at that election, or involves a ballot issue or question that appears on the ballot at that election, the complaint shall receive an expedited hearing. The hearing officer shall hold the first hearing on the complaint not later than two business days after the complaint is referred to the hearing officer, unless the hearing officer has good cause to hold the hearing after that time, in which case the

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hearing officer shall hold the first hearing not later than 70717
seven business days after the complaint is referred to the 70718
hearing officer. If practicable, the hearing officer shall 70719
dispose of the complaint under section 3517.17 of the Revised 70720
Code before the day of the election. 70721

(C) (1) The secretary of state shall adopt rules under 70722
Chapter 119. of the Revised Code governing the procedures to be 70723
used in hearing complaints under this section and section 70724
3517.16 of the Revised Code. 70725

(2) The Rules of Evidence apply to all hearings conducted 70726
under this section and section 3517.16 of the Revised Code. 70727

(3) The Rules of Civil Procedure apply to all hearings 70728
conducted under this section and section 3517.16 of the Revised 70729
Code, except as those rules are inconsistent with this chapter 70730
or Chapter 119. of the Revised Code or with the rules adopted by 70731
the secretary of state under this section. 70732

(D) (1) If any of the following apply to a complaint filed 70733
with the secretary of state under section 3517.14 of the Revised 70734
Code, the secretary of state shall proceed under division (D) (2) 70735
of this section: 70736

(a) The secretary of state is a party to the complaint. 70737

(b) A candidate for an office for which the secretary of 70738
state is also a candidate is a party to the complaint or is 70739
otherwise involved in the complaint. 70740

(c) The complaint involves a contribution, expenditure, or 70741
independent expenditure made to advocate the election or defeat 70742
of the secretary of state or a candidate for an office for which 70743
the secretary of state is also a candidate. 70744

(d) The secretary of state determines that the secretary 70745
of state otherwise has a conflict of interest with respect to 70746
the complaint or that the secretary of state should proceed 70747
under division (D) (2) of this section to avoid any appearance of 70748
impropriety. 70749

(2) Notwithstanding any contrary provision of divisions 70750
(A) and (B) of this section, when division (D) (1) of this 70751
section applies to a complaint, the secretary of state shall 70752
request the attorney general to appoint an independent attorney 70753
who is in good standing before the supreme court of Ohio to 70754
review the complaint and either refer the complaint for a 70755
hearing under division (B) of this section or dismiss the 70756
complaint. If the independent attorney refers the complaint for 70757
a hearing, the attorney general shall appoint an independent 70758
hearing officer who is an attorney in good standing before the 70759
supreme court of Ohio to hear and dispose of the complaint under 70760
division (B) of this section. 70761

Sec. 3517.16. (A) (1) Upon the filing of a complaint with a 70762
board of elections under section 3517.14 of the Revised Code, 70763
the board shall appoint an attorney in good standing before the 70764
supreme court of Ohio to review the complaint and make a 70765
recommendation to the board for its disposition. 70766

(2) The attorney may join two or more complaints if the 70767
attorney determines that the allegations in each complaint are 70768
of the same or similar character, are based on the same act or 70769
failure to act, or are based on two or more acts or failures to 70770
act constituting parts of a common scheme or plan. If one 70771
complaint contains two or more allegations, the attorney may 70772
separate the allegations if they are not of the same or similar 70773
character, if they are not based on the same act or failure to 70774

act, or if they are not based on two or more acts or failures to 70775
act constituting parts of a common scheme or plan. If the 70776
attorney separates the allegations in a complaint, the attorney 70777
may make separate recommendations under division (A) (1) of this 70778
section for each allegation. 70779

(3) After receiving the attorney's recommendation, the 70780
board shall either hear the complaint under this section or 70781
dismiss the complaint. The board shall determine whether to hear 70782
or dismiss the complaint by the affirmative vote of at least 70783
three of its members. The secretary of state shall not break any 70784
tie vote under this division. 70785

(B) (1) When the board hears a complaint under this 70786
section, it shall adjudicate the matter in accordance with all 70787
of the following: 70788

(a) The provisions of Chapter 119. of the Revised Code 70789
that are not inconsistent with the requirements of this chapter 70790
and of rules adopted by the secretary of state under section 70791
3517.15 of the Revised Code; 70792

(b) The rules adopted by the secretary of state under 70793
section 3517.15 of the Revised Code; 70794

(c) The Rules of Evidence; 70795

(d) The Rules of Civil Procedure, except as those rules 70796
are inconsistent with this chapter or Chapter 119. of the 70797
Revised Code or with the rules adopted by the secretary of state 70798
under section 3517.15 of the Revised Code. 70799

(2) The board shall appoint an attorney in good standing 70800
before the supreme court of Ohio to advise the board regarding 70801
the requirements of division (B) (1) of this section while it 70802
hears and adjudicates the complaint. 70803

(3) If the board determines that the evidence is 70804
insufficient to determine whether or not the failure to act or 70805
the violation alleged in the complaint has occurred, the board 70806
may appoint an investigatory attorney in good standing before 70807
the supreme court of Ohio to investigate the complaint. The 70808
investigatory attorney shall make an investigation in order to 70809
produce sufficient evidence for the board to decide the matter. 70810

(C) (1) Subject to division (C) (2) of this section, not 70811
later than one hundred eighty days after the complaint is filed 70812
with the board, the board shall dispose of the complaint under 70813
section 3517.17 of the Revised Code by the affirmative vote of 70814
at least three of its members. The secretary of state shall not 70815
break any tie vote under this division. 70816

(2) If a complaint is filed during the period beginning on 70817
the ninetieth day before the day of an election and ending on 70818
the day of the election, and the complaint involves a candidate 70819
for nomination or election at that election, or involves a 70820
ballot issue or question that appears on the ballot at that 70821
election, the complaint shall receive an expedited hearing. The 70822
board shall hold the first hearing on the complaint not later 70823
than two business days after the complaint is filed with the 70824
board, unless the board has good cause to hold the hearing after 70825
that time, in which case the board shall hold the first hearing 70826
not later than seven business days after the complaint is filed 70827
with the board. If practicable, the board shall dispose of the 70828
complaint under section 3517.17 of the Revised Code before the 70829
day of the election. 70830

(D) The board promptly shall certify a copy of each 70831
decision it makes under division (C) of this section to the 70832
secretary of state. 70833

Sec. ~~3517.155~~ 3517.17. (A) (1) ~~Except as otherwise provided~~ 70834
~~in division (B) of this section, the Ohio elections commission~~ 70835
~~shall hold its first hearing on a complaint filed with it, other~~ 70836
~~than a complaint that receives an expedited hearing under~~ 70837
~~section 3517.156 of the Revised Code, not later than ninety~~ 70838
~~business days after the complaint is filed unless the commission~~ 70839
~~has good cause to hold the hearing after that time, in which~~ 70840
~~case it shall hold the hearing not later than one hundred eighty~~ 70841
~~business days after the complaint is filed. At the hearing~~ After 70842
hearing a complaint under section 3517.15 or 3517.16 of the 70843
Revised Code, as applicable, the commission appropriate 70844
enforcement authority shall determine whether or not the failure 70845
to act or the violation alleged in the complaint has occurred 70846
and shall do only one of the following, ~~except as otherwise~~ 70847
~~provided in division (B) of this section or in division (B) of~~ 70848
~~section 3517.151 of the Revised Code:~~ 70849

(a) Enter a finding that good cause has been shown not to 70850
impose a fine or not to refer the matter to the appropriate 70851
prosecutor; 70852

(b) Impose a fine under section ~~3517.993~~ 3517.18 of the 70853
Revised Code; 70854

(c) Refer the matter to the appropriate prosecutor~~7~~. 70855

(2) As used in division (A) of this section, "appropriate 70856
prosecutor" means a prosecutor as defined in section 2935.01 of 70857
the Revised Code and ~~either one of the following,~~ as applicable: 70858

(a) ~~In~~ Subject to division (A) (2) (c) of this section, in 70859
the case of a failure to comply with or a violation of law- 70860
~~involving a campaign committee or the committee's candidate, a~~ 70861
~~political party, a legislative campaign fund, a political action~~ 70862

~~committee, or a political contributing entity, that is required~~ 70863
~~to file a statement of contributions and expenditures with the~~ 70864
~~secretary of state under division (A) of section 3517.11 of the~~ 70865
~~Revised Code by a person who is domiciled in this state, the~~ 70866
prosecutor of the county in which the person is domiciled; 70867

(b) Subject to division (A) (2) (c) of this section, in the 70868
case of a failure to comply with or a violation of law by a 70869
person who is not domiciled in this state, the prosecutor of 70870
Franklin county; 70871

~~(b) In the case of a failure to comply with or a violation~~ 70872
~~of law involving any other campaign committee or committee's~~ 70873
~~candidate, or any other political party, political action~~ 70874
~~committee, or political contributing entity either of the~~ 70875
~~following as determined by the commission:~~ 70876

~~(i) The prosecutor of Franklin county;~~ 70877

~~(ii) The prosecutor of the county in which the candidacy~~ 70878
~~or ballot question or issue is submitted to the electors or, if~~ 70879
~~it is submitted in more than one county, the most populous of~~ 70880
~~those counties.~~ 70881

~~(B) If the commission decides that the evidence is~~ 70882
~~insufficient for it to determine whether or not the failure to~~ 70883
~~act or the violation alleged in the complaint has occurred, the~~ 70884
~~commission, by the affirmative vote of five members, may request~~ 70885
~~that an investigatory attorney investigate the complaint. Upon~~ 70886
~~that request, an investigatory attorney shall make an~~ 70887
~~investigation in order to produce sufficient evidence for the~~ 70888
~~commission to decide the matter. If the commission requests an~~ 70889
~~investigation under this division, for good cause shown by the~~ 70890
~~investigatory attorney, the commission may extend by sixty days~~ 70891

~~the deadline for holding its first hearing on the complaint as~~ 70892
~~required in division (A) of this section.~~ 70893

~~(C) The commission shall take one of the actions required~~ 70894
~~under division (A) of this section not later than thirty days~~ 70895
~~after the close of all the evidence presented.~~ 70896

~~(D) (1) (c) If the appropriate enforcement authority~~ 70897
determines that the applicable prosecutor under division (A) (2) 70898
(a) or (b) of this section has a conflict of interest with 70899
respect to the matter, a special prosecutor appointed by the 70900
attorney general. 70901

(B) (1) The commission-appropriate enforcement authority 70902
shall make any finding of a failure to comply with or a 70903
violation of law in regard to a complaint that alleges a 70904
violation of division (A) or (B) of section 3517.21, or division 70905
(A) or (B) of section 3517.22 of the Revised Code by clear and 70906
convincing evidence. The commission-appropriate enforcement 70907
authority shall make any finding of a failure to comply with or 70908
a violation of law in regard to any other complaint by a 70909
preponderance of the evidence. 70910

(2) If the commission-appropriate enforcement authority 70911
finds a violation of division (B) of section 3517.21 or division 70912
(B) of section 3517.22 of the Revised Code, it shall refer the 70913
matter to the appropriate prosecutor under division (A) (1) (c) of 70914
this section and shall not impose a fine under ~~division (A) (1)~~ 70915
~~(b) of this section or section 3517.993~~ 3517.18 of the Revised 70916
Code. 70917

~~(E) In an action before the commission or a panel of the~~ 70918
~~commission, if~~ (C) If the allegations of the complainant are not 70919
proved, and the ~~commission-appropriate enforcement authority~~ 70920

takes the action described in division (A) (1) (a) of this section 70921
~~or a panel of the commission takes the action described in~~ 70922
~~division (C) (1) of section 3517.156 of the Revised Code, the~~ 70923
~~commission or a panel of the commission authority~~ may find that 70924
the complaint is frivolous, and, if the ~~commission or panel~~ 70925
authority so finds, the ~~commission authority~~ shall order the 70926
complainant to pay reasonable attorney's fees and to pay the 70927
costs of the ~~commission or panel~~ as determined by a majority of 70928
~~the members of the commission authority. The costs paid to the~~ 70929
~~commission or panel under this division shall be deposited into~~ 70930
~~the Ohio elections commission fund.~~ 70931

(D) Notwithstanding any contrary provision of section 70932
119.12 of the Revised Code, a party adversely affected by a 70933
decision of the appropriate enforcement authority issued 70934
pursuant to this section who is domiciled in this state may 70935
appeal from the decision to the court of common pleas of the 70936
county in which the party is domiciled. A party adversely 70937
affected by a decision of the appropriate enforcement authority 70938
issued pursuant to this section who is not domiciled in this 70939
state may appeal from the decision to the court of common pleas 70940
of Franklin county. 70941

Sec. ~~3517.993~~ 3517.18. ~~This section authorizes the~~ 70942
~~establishment of fines that may be imposed only with respect to~~ 70943
~~acts or failures to act that occur on and after August 24, 1995.~~ 70944

(A) Except as otherwise provided in division ~~(D) (2)~~ (D) of 70945
~~this section 3517.155 of the Revised Code, when section 3517.17~~ 70946
~~of the Revised Code authorizes the imposition of an~~ 70947
~~administrative fine, the Ohio elections commission appropriate~~ 70948
~~enforcement authority may impose an administrative fines under~~ 70949
~~division (A) (1) (b) of section 3517.155 of the Revised Code in~~ 70950

~~accordance with the amounts set forth~~ fine that does not exceed 70951
the maximum applicable fine a court could impose for the 70952
violation under ~~sections 3517.992,~~ this chapter or under section 70953
145.99, 742.99, 3307.99, 3309.99, 3599.03, ~~and 3599.031,~~ or 70954
5505.99 of the Revised Code. 70955

(B) The ~~commission~~ appropriate enforcement authority may 70956
suspend all or part of a fine it imposes under division (A) of 70957
this section upon whatever terms and conditions the ~~commission~~ 70958
authority considers just. 70959

(C) (1) The ~~commission~~ appropriate enforcement authority 70960
shall consider any of the following circumstances in determining 70961
whether to impose a maximum fine under division (A) of this 70962
section: 70963

(a) Whether the violator has been found guilty of any 70964
other violation of section 145.054, 742.043, 3307.073, 3309.073, 70965
or 5505.045 or Title XXXV of the Revised Code; 70966

(b) Whether the violation was made knowingly or purposely; 70967

(c) Whether any relevant statements, addenda, or 70968
affidavits required to be filed have not been filed; 70969

(d) Whether the violator has any outstanding fines imposed 70970
for a violation of section 145.054, 742.043, 3307.073, 3309.073, 70971
or 5505.045 or Title XXXV of the Revised Code; 70972

(e) Whether the violation occurred during the course of a 70973
campaign. 70974

(2) The ~~commission~~ appropriate enforcement authority shall 70975
consider any of the following circumstances in determining 70976
whether to impose a minimal fine or no fine under division (A) 70977
of this section: 70978

(a) Whether the violator previously has not been found 70979
guilty of any other violation of section 145.054, 742.043, 70980
3307.073, 3309.073, or 5505.045 or Title XXXV of the Revised 70981
Code; 70982

(b) Whether the violator has promptly corrected the 70983
violator's violation; 70984

(c) Whether the nature and circumstances of the violation 70985
merit a minimum fine; 70986

(d) Whether there are substantial grounds tending to 70987
excuse or justify the violation, although failing to establish a 70988
defense to the violation; 70989

(e) Whether the violation was not purposely committed. 70990

(3) The circumstances set forth in divisions (C) (1) and 70991
(2) of this section shall be considered by, but shall not 70992
control the decision of, the ~~commission~~ appropriate enforcement 70993
authority in imposing a fine. 70994

(D) Notwithstanding divisions (A), (B), and (C) of this 70995
section, when section 3517.17 of the Revised Code authorizes the 70996
imposition of an administrative fine with respect to an act or 70997
failure to act that occurred during the period beginning on 70998
April 4, 1985, and ending on August 23, 1995, the appropriate 70999
enforcement authority shall impose the applicable fine 71000
established in the schedule of fines adopted by the Ohio 71001
elections commission that was in effect at the time of the act 71002
or failure to act. 71003

(E) (1) Fines imposed by the ~~commission~~ secretary of state 71004
under this section shall be paid deposited into the ~~Ohio~~ 71005
~~elections commission~~ state treasury to the credit of the 71006
corporate and uniform commercial code filing fund created by 71007

section 1309.528 of the Revised Code. 71008

(2) Fines imposed by a board of elections under this 71009
section shall be deposited into the county's general fund. 71010

Sec. 3517.20. (A) As used in this section: 71011

(1) "Political publication for or against a candidate" 71012
means a notice, placard, advertisement, sample ballot, brochure, 71013
flyer, direct mailer, or other form of general publication that 71014
is designed to promote the nomination, election, or defeat of a 71015
candidate. 71016

(2) "Political publication for or against an issue" means 71017
a notice, placard, advertisement, sample ballot, brochure, 71018
flyer, direct mailer, or other form of general publication that 71019
is designed to promote the adoption or defeat of a ballot issue 71020
or question or to influence the voters in an election. 71021

(3) "Public political advertising" means newspapers, 71022
magazines, outdoor advertising facilities, direct mailings, or 71023
other similar types of general public political advertising, or 71024
flyers, handbills, or other nonperiodical printed matter. 71025

(4) "Statewide candidate" has the same meaning as in 71026
section 3517.102 of the Revised Code. 71027

(5) "Legislative candidate" means a candidate for the 71028
office of member of the general assembly. 71029

(6) "Local candidate" means a candidate for an elective 71030
office of a political subdivision of this state. 71031

(7) "Legislative campaign fund" has the same meaning as in 71032
section 3517.01 of the Revised Code. 71033

(8) "Limited political action committee" means a political 71034

action committee of fewer than ten members. 71035

(9) "Limited political contributing entity" means a 71036
political contributing entity of fewer than ten members. 71037

(10) "Designated amount" means one hundred dollars in the 71038
case of a local candidate or a local ballot issue, two hundred 71039
fifty dollars in the case of a legislative candidate, or five 71040
hundred dollars in the case of a statewide candidate or a 71041
statewide ballot issue. 71042

(11) "To issue" includes to print, post, distribute, 71043
reproduce for distribution, or cause to be issued, printed, 71044
posted, distributed, or reproduced for distribution. 71045

(12) "Telephone bank" means more than five hundred 71046
telephone calls of an identical or substantially similar nature 71047
within any thirty-day period, whether those telephone calls are 71048
made by individual callers or by recording. 71049

(B) (1) Except as otherwise provided in division (B) (2) of 71050
this section, no entity shall do any of the following unless the 71051
name of the entity appears in a conspicuous place on or is 71052
contained or included within the publication, communication, or 71053
telephone call: 71054

(a) Issue a form of political publication in support of or 71055
opposition to a candidate or a ballot issue or question; 71056

(b) Make an expenditure for the purpose of financing 71057
political communications in support of or opposition to a 71058
candidate or a ballot issue or question through public political 71059
advertising; 71060

(c) Utter or cause to be uttered, over the broadcasting 71061
facilities of any radio or television station within this state, 71062

any communication in support of or opposition to a candidate or 71063
a ballot issue or question or any communication that is designed 71064
to influence the voters in an election; 71065

(d) Conduct a telephone bank for the purpose of supporting 71066
or opposing a candidate or a ballot issue or question or for the 71067
purpose of influencing the voters in an election. 71068

(2) A limited political action committee or limited 71069
political contributing entity may do any of the following 71070
without including its name in the publication or communication: 71071

(a) Issue a form of political publication in support of or 71072
opposition to a candidate or a ballot issue or question that 71073
does not cost in excess of the designated amount or that is not 71074
issued in cooperation, consultation, or concert with, or at the 71075
request or suggestion of, a candidate, a campaign committee, a 71076
legislative campaign fund, a political party, a political action 71077
committee with ten or more members, a political contributing 71078
entity with ten or more members, or a limited political action 71079
committee or limited political contributing entity that spends 71080
in excess of the designated amount on a related or the same or 71081
similar political publication in support of or opposition to a 71082
candidate or a ballot issue or question; 71083

(b) Make an expenditure that is not in excess of the 71084
designated amount in support of or opposition to a candidate or 71085
a ballot issue or question or make an expenditure that is not 71086
made in cooperation, consultation, or concert with, or at the 71087
request or suggestion of, a candidate, a campaign committee, a 71088
legislative campaign fund, a political party, a political action 71089
committee with ten or more members, a political contributing 71090
entity with ten or more members, or a limited political action 71091
committee or limited political contributing entity that spends 71092

in excess of the designated amount in support of or opposition 71093
to the same candidate or a ballot issue or question, for the 71094
purpose of financing political communications in support of or 71095
opposition to that candidate or a ballot issue or question 71096
through public political advertising. 71097

(C) If more than one piece of printed matter or printed 71098
political communications are mailed as a single packet, the 71099
requirements of division (B) of this section are met if one of 71100
the pieces of printed matter or printed political communications 71101
in the packet contains the name of the organization or entity 71102
that issues or is responsible for the printed matter or other 71103
printed political communications. 71104

(D) This section does not apply to the transmittal of 71105
personal correspondence that is not reproduced by machine for 71106
general distribution. 71107

(E) The secretary of state, by rule, may exempt from the 71108
requirements of this section, printed matter and certain other 71109
kinds of printed communications such as campaign buttons, 71110
balloons, pencils, or similar items, the size or nature of which 71111
makes it unreasonable to add an identification or disclaimer. 71112

(F) The disclaimer or identification described in division 71113
(B) of this section, when paid for by a candidate, legislative 71114
campaign fund, or campaign committee, shall be identified by the 71115
words "paid for by" followed by the name of the entity. The 71116
identification or disclaimer may use reasonable abbreviations 71117
for common terms such as "committee." 71118

The disclaimer "paid political advertisement" is not 71119
sufficient to meet the requirements of this section. 71120

(G) (1) No person operating a broadcast station or an organ 71121

of printed media shall broadcast or print a paid political 71122
communication that does not contain the identification required 71123
by this section. 71124

(2) Division (B)(1)(c) of this section does not apply to 71125
any communications made on behalf of a radio or television 71126
station or network by any employee of such radio or television 71127
station or network while acting in the course of the employee's 71128
employment. 71129

(H)(1) No candidate or entity shall use or cause to be 71130
used a false, fictitious, or fraudulent name or address in the 71131
making or issuing of a publication or communication included 71132
within the provisions of this section. 71133

(2) No political action committee or political 71134
contributing entity shall use or cause to be used, in the making 71135
or issuing of a publication or communication included within the 71136
provisions of this section, a name or address that would lead a 71137
reasonable person to believe that the publication or 71138
communication is made by or on behalf of a county political 71139
party, unless the political action committee or political 71140
contributing ~~committee~~ entity has obtained a written statement, 71141
signed by the chairperson of the county political party's 71142
executive committee, granting the political action committee or 71143
political contributing entity permission to act on behalf of or 71144
represent the county political party. 71145

~~(I) Before a prosecution may commence under this section,~~ 71146
~~a complaint shall be filed with the Ohio elections commission~~ 71147
~~under section 3517.153 of the Revised Code. After the complaint~~ 71148
~~is filed, the commission shall proceed in accordance with~~ 71149
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 71150

Sec. 3517.21. (A) No person, during the course of any 71151
campaign for nomination or election to public office or office 71152
of a political party, shall knowingly and with intent to affect 71153
the outcome of such campaign do any of the following: 71154

(1) Serve, or place another person to serve, as an agent 71155
or employee in the election campaign organization of a candidate 71156
for the purpose of acting to impede the conduct of the 71157
candidate's campaign for nomination or election or of reporting 71158
information to the employee's employer or the agent's principal 71159
without the knowledge of the candidate or the candidate's 71160
organization; 71161

(2) Promise, offer, or give any valuable thing or valuable 71162
benefit to any person who is employed by or is an agent of a 71163
candidate or a candidate's election campaign organization for 71164
the purpose of influencing the employee or agent with respect to 71165
the improper discharge of the employee's or agent's campaign 71166
duties or to obtain information about the candidate or the 71167
candidate's campaign organization. 71168

(B) No person, during the course of any campaign for 71169
nomination or election to public office or office of a political 71170
party, by means of campaign materials, including sample ballots, 71171
an advertisement on radio or television or in a newspaper or 71172
periodical, a public speech, press release, or otherwise, shall 71173
knowingly and with intent to affect the outcome of such campaign 71174
do any of the following: 71175

(1) Use the title of an office not currently held by a 71176
candidate in a manner that implies that the candidate does 71177
currently hold that office or use the term "re-elect" when the 71178
candidate has never been elected at a primary, general, or 71179
special election to the office for which he or she is a 71180

candidate; 71181

(2) Make a false statement concerning the formal schooling 71182
or training completed or attempted by a candidate; a degree, 71183
diploma, certificate, scholarship, grant, award, prize, or honor 71184
received, earned, or held by a candidate; or the period of time 71185
during which a candidate attended any school, college, community 71186
technical school, or institution; 71187

(3) Make a false statement concerning the professional, 71188
occupational, or vocational licenses held by a candidate, or 71189
concerning any position the candidate held for which the 71190
candidate received a salary or wages; 71191

(4) Make a false statement that a candidate or public 71192
official has been indicted or convicted of a theft offense, 71193
extortion, or other crime involving financial corruption or 71194
moral turpitude; 71195

(5) Make a statement that a candidate has been indicted 71196
for any crime or has been the subject of a finding by the Ohio 71197
elections commission without disclosing the outcome of any legal 71198
proceedings resulting from the indictment or finding; 71199

(6) Make a false statement that a candidate or official 71200
has a record of treatment or confinement for mental disorder; 71201

(7) Make a false statement that a candidate or official 71202
has been subjected to military discipline for criminal 71203
misconduct or dishonorably discharged from the armed services; 71204

(8) Falsely identify the source of a statement, issue 71205
statements under the name of another person without 71206
authorization, or falsely state the endorsement of or opposition 71207
to a candidate by a person or publication; 71208

(9) Make a false statement concerning the voting record of 71209
a candidate or public official; 71210

(10) Post, publish, circulate, distribute, or otherwise 71211
disseminate a false statement concerning a candidate, either 71212
knowing the same to be false or with reckless disregard of 71213
whether it was false or not, if the statement is designed to 71214
promote the election, nomination, or defeat of the candidate. 71215

As used in this section, "voting record" means the 71216
recorded "yes" or "no" vote on a bill, ordinance, resolution, 71217
motion, amendment, or confirmation. 71218

~~(C) Before a prosecution may commence under this section, 71219~~
~~a complaint shall be filed with the Ohio elections commission 71220~~
~~under section 3517.153 of the Revised Code. After the complaint 71221~~
~~is filed, the commission shall proceed in accordance with 71222~~
~~sections 3517.154 to 3517.157 of the Revised Code. 71223~~

Sec. 3517.22. (A) No person during the course of any 71224
campaign in advocacy of or in opposition to the adoption of any 71225
proposition or issue submitted to the voters shall knowingly and 71226
with intent to affect the outcome of such campaign do any of the 71227
following: 71228

(1) Serve, or place another person to serve, as an agent 71229
or employee in the election campaign organization of a committee 71230
which advocates or is in opposition to the adoption of any 71231
ballot proposition or issue for the purpose of acting to impede 71232
the conduct of the campaign on the proposition or issue or of 71233
reporting information to the employee's employer or the agent's 71234
principal without the knowledge of the committee; 71235

(2) Promise, offer, or give any valuable thing or valuable 71236
benefit to any person who is employed by or is an agent of a 71237

committee in advocacy of or in opposition to the adoption of any 71238
ballot proposition or issue, for the purpose of influencing the 71239
employee or agent with respect to the improper discharge of the 71240
employee's or agent's campaign duties or to obtain information 71241
about the committee's campaign organization. 71242

(B) No person, during the course of any campaign in 71243
advocacy of or in opposition to the adoption of any ballot 71244
proposition or issue, by means of campaign material, including 71245
sample ballots, an advertisement on radio or television or in a 71246
newspaper or periodical, a public speech, a press release, or 71247
otherwise, shall knowingly and with intent to affect the outcome 71248
of such campaign do any of the following: 71249

(1) Falsely identify the source of a statement, issue 71250
statements under the name of another person without 71251
authorization, or falsely state the endorsement of or opposition 71252
to a ballot proposition or issue by a person or publication; 71253

(2) Post, publish, circulate, distribute, or otherwise 71254
disseminate, a false statement, either knowing the same to be 71255
false or acting with reckless disregard of whether it was false 71256
or not, that is designed to promote the adoption or defeat of 71257
any ballot proposition or issue. 71258

~~(C) Before a prosecution may commence under this section,~~ 71259
~~a complaint shall be filed with the Ohio elections commission~~ 71260
~~under section 3517.153 of the Revised Code. After the complaint~~ 71261
~~is filed, the commission shall proceed in accordance with~~ 71262
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 71263

Sec. 3517.23. The secretary of state shall adopt rules in 71264
accordance with Chapter 119. of the Revised Code that are 71265
necessary for the administration and enforcement of sections 71266

3517.08 to 3517.13, ~~3517.18,~~ 3517.20 to 3517.22, 3599.03, and 71267
3599.031 of the Revised Code and shall provide each candidate, 71268
political action committee, political contributing entity, 71269
legislative campaign fund, political party, and person making 71270
disbursements to pay the direct costs of producing or airing 71271
electioneering communications with written instructions and 71272
explanations in order to ensure compliance with sections 3517.08 71273
to 3517.13, 3517.20 to 3517.22, 3599.03, and 3599.031 of the 71274
Revised Code. 71275

Sec. ~~3517.992~~ 3517.99. ~~This section establishes penalties~~ 71276
~~only with respect to acts or failures to act that occur on and~~ 71277
~~after August 24, 1995. Except as otherwise provided in section~~ 71278
3517.991 of the Revised Code: 71279

(A) (1) A candidate whose campaign committee violates 71280
division (A), (B), (C), (D), or (V) of section 3517.13 of the 71281
Revised Code, or a treasurer of a campaign committee who 71282
violates any of those divisions, shall be fined not more than 71283
one hundred dollars for each day of violation. 71284

(2) Whoever violates division (E) or (X) (5) of section 71285
3517.13 or division (E) (1) of section 3517.1014 of the Revised 71286
Code shall be fined not more than one hundred dollars for each 71287
day of violation. 71288

(B) An entity that violates division (G) (1) of section 71289
3517.101 of the Revised Code shall be fined not more than one 71290
hundred dollars for each day of violation. 71291

(C) Whoever violates division (G) (2) of section 3517.101, 71292
division (G) of section 3517.13, or division (E) (2) or (3) of 71293
section 3517.1014 of the Revised Code shall be fined not more 71294
than ten thousand dollars or, if the offender is a person who 71295

was nominated or elected to public office, shall forfeit the 71296
nomination or the office to which the offender was elected, or 71297
both. 71298

(D) Whoever violates division (F) of section 3517.13 of 71299
the Revised Code shall be fined not more than three times the 71300
amount contributed. 71301

(E) Whoever violates division (H) of section 3517.13 of 71302
the Revised Code shall be fined not more than one hundred 71303
dollars. 71304

(F) Whoever violates division (O), (P), or (Q) of section 71305
3517.13 of the Revised Code is guilty of a misdemeanor of the 71306
first degree. 71307

(G) A state or county committee of a political party that 71308
violates division (B) (1) of section 3517.18 of the Revised Code 71309
as that section existed before its repeal by H.B. 166 of the 71310
133rd general assembly shall be fined not more than twice the 71311
amount of the improper expenditure. 71312

(H) An entity that violates division (H) of section 71313
3517.101 of the Revised Code shall be fined not more than twice 71314
the amount of the improper expenditure or use. 71315

(I) (1) Any individual who violates division (B) (1) of 71316
section 3517.102 of the Revised Code and knows that the 71317
contribution the individual makes violates that division shall 71318
be fined an amount equal to three times the amount contributed 71319
in excess of the amount permitted by that division. 71320

(2) Any political action committee that violates division 71321
(B) (2) of section 3517.102 of the Revised Code shall be fined an 71322
amount equal to three times the amount contributed in excess of 71323
the amount permitted by that division. 71324

(3) Any campaign committee that violates division (B) (3) 71325
or (5) of section 3517.102 of the Revised Code shall be fined an 71326
amount equal to three times the amount contributed in excess of 71327
the amount permitted by that division. 71328

(4) (a) Any legislative campaign fund that violates 71329
division (B) (6) of section 3517.102 of the Revised Code shall be 71330
fined an amount equal to three times the amount transferred or 71331
contributed in excess of the amount permitted by that division, 71332
as applicable. 71333

(b) Any state political party, county political party, or 71334
state candidate fund of a state political party or county 71335
political party that violates division (B) (6) of section 71336
3517.102 of the Revised Code shall be fined an amount equal to 71337
three times the amount transferred or contributed in excess of 71338
the amount permitted by that division, as applicable. 71339

(c) Any political contributing entity that violates 71340
division (B) (7) of section 3517.102 of the Revised Code shall be 71341
fined an amount equal to three times the amount contributed in 71342
excess of the amount permitted by that division. 71343

(5) Any political party that violates division (B) (4) of 71344
section 3517.102 of the Revised Code shall be fined an amount 71345
equal to three times the amount contributed in excess of the 71346
amount permitted by that division. 71347

(6) Notwithstanding divisions (I) (1), (2), (3), (4), and 71348
(5) of this section, no violation of division (B) of section 71349
3517.102 of the Revised Code occurs, and the secretary of state 71350
shall not refer parties to the ~~Ohio elections commission~~ 71351
appropriate enforcement authority, if the amount transferred or 71352
contributed in excess of the amount permitted by that division 71353

meets either of the following conditions: 71354

(a) It is completely refunded within five business days 71355
after it is accepted. 71356

(b) It is completely refunded on or before the tenth 71357
business day after notification to the recipient of the excess 71358
transfer or contribution by the board of elections or the 71359
secretary of state that a transfer or contribution in excess of 71360
the permitted amount has been received. 71361

(J) (1) Any campaign committee that violates division (C) 71362
(1), (2), (3), or (6) of section 3517.102 of the Revised Code 71363
shall be fined an amount equal to three times the amount 71364
accepted in excess of the amount permitted by that division. 71365

(2) (a) Any county political party that violates division 71366
(C) (4) (a) (ii) or (iii) of section 3517.102 of the Revised Code 71367
shall be fined an amount equal to three times the amount 71368
accepted. 71369

(b) Any county political party that violates division (C) 71370
(4) (a) (i) of section 3517.102 of the Revised Code shall be fined 71371
an amount from its state candidate fund equal to three times the 71372
amount accepted in excess of the amount permitted by that 71373
division. 71374

(c) Any state political party that violates division (C) 71375
(4) (b) of section 3517.102 of the Revised Code shall be fined an 71376
amount from its state candidate fund equal to three times the 71377
amount accepted in excess of the amount permitted by that 71378
division. 71379

(3) Any legislative campaign fund that violates division 71380
(C) (5) of section 3517.102 of the Revised Code shall be fined an 71381
amount equal to three times the amount accepted in excess of the 71382

amount permitted by that division. 71383

(4) Any political action committee or political 71384
contributing entity that violates division (C) (7) of section 71385
3517.102 of the Revised Code shall be fined an amount equal to 71386
three times the amount accepted in excess of the amount 71387
permitted by that division. 71388

(5) Notwithstanding divisions (J) (1), (2), (3), and (4) of 71389
this section, no violation of division (C) of section 3517.102 71390
of the Revised Code occurs, and the secretary of state shall not 71391
refer parties to the ~~Ohio elections commission~~ appropriate 71392
enforcement authority, if the amount transferred or contributed 71393
in excess of the amount permitted to be accepted by that 71394
division meets either of the following conditions: 71395

(a) It is completely refunded within five business days 71396
after its acceptance. 71397

(b) It is completely refunded on or before the tenth 71398
business day after notification to the recipient of the excess 71399
transfer or contribution by the board of elections or the 71400
secretary of state that a transfer or contribution in excess of 71401
the permitted amount has been received. 71402

(K) (1) Any legislative campaign fund that violates 71403
division (F) (1) of section 3517.102 of the Revised Code shall be 71404
fined twenty-five dollars for each day of violation. 71405

(2) Any legislative campaign fund that violates division 71406
(F) (2) of section 3517.102 of the Revised Code shall give to the 71407
treasurer of state for deposit into the state treasury to the 71408
credit of the ~~Ohio elections commission~~ general revenue fund all 71409
excess contributions not disposed of as required by division (E) 71410
of section 3517.102 of the Revised Code. 71411

(L) Whoever violates section 3517.105 of the Revised Code 71412
shall be fined one thousand dollars. 71413

(M) (1) Whoever solicits a contribution in violation of 71414
section 3517.092 or violates division (B) of section 3517.09 of 71415
the Revised Code is guilty of a misdemeanor of the first degree. 71416

(2) Whoever knowingly accepts a contribution in violation 71417
of division (B) or (C) of section 3517.092 of the Revised Code 71418
shall be fined an amount equal to three times the amount 71419
accepted in violation of either of those divisions and shall 71420
return to the contributor any amount so accepted. Whoever 71421
unknowingly accepts a contribution in violation of division (B) 71422
or (C) of section 3517.092 of the Revised Code shall return to 71423
the contributor any amount so accepted. 71424

(N) Whoever violates division (S) of section 3517.13 of 71425
the Revised Code shall be fined an amount equal to three times 71426
the amount of funds transferred or three times the value of the 71427
assets transferred in violation of that division. 71428

(O) Any campaign committee that accepts a contribution or 71429
contributions in violation of section 3517.108 of the Revised 71430
Code, uses a contribution in violation of that section, or fails 71431
to dispose of excess contributions in violation of that section 71432
shall be fined an amount equal to three times the amount 71433
accepted, used, or kept in violation of that section. 71434

(P) Any political party, state candidate fund, legislative 71435
candidate fund, or campaign committee that violates division (T) 71436
of section 3517.13 of the Revised Code shall be fined an amount 71437
equal to three times the amount contributed or accepted in 71438
violation of that section. 71439

(Q) A treasurer of a committee or another person who 71440

violates division (U) of section 3517.13 of the Revised Code 71441
shall be fined not more than two hundred fifty dollars. 71442

(R) Whoever violates division (I) or (J) of section 71443
3517.13 of the Revised Code shall be fined not more than one 71444
thousand dollars. Whenever a person is found guilty of violating 71445
division (I) or (J) of section 3517.13 of the Revised Code, the 71446
contract awarded in violation of either of those divisions shall 71447
be rescinded if its terms have not yet been performed. 71448

(S) A candidate whose campaign committee violates or a 71449
treasurer of a campaign committee who violates section 3517.081 71450
of the Revised Code, and a candidate whose campaign committee 71451
violates or a treasurer of a campaign committee or another 71452
person who violates division (C) of section 3517.10 of the 71453
Revised Code, shall be fined not more than five hundred dollars. 71454

(T) A candidate whose campaign committee violates or a 71455
treasurer of a committee who violates division (B) of section 71456
3517.09 of the Revised Code, or a candidate whose campaign 71457
committee violates or a treasurer of a campaign committee or 71458
another person who violates division (C) of section 3517.09 of 71459
the Revised Code shall be fined not more than one thousand 71460
dollars. 71461

(U) Whoever violates section 3517.20 of the Revised Code 71462
shall be fined not more than five hundred dollars. 71463

(V) Whoever violates section 3517.21 or 3517.22 of the 71464
Revised Code shall be imprisoned for not more than six months or 71465
fined not more than five thousand dollars, or both. 71466

(W) ~~A campaign committee that is required to file a~~ 71467
~~declaration of no limits under division (D) (2) of section~~ 71468
~~3517.103 of the Revised Code that, before filing that~~ 71469

~~declaration, accepts a contribution or contributions that exceed~~ 71470
~~the limitations prescribed in section 3517.102 of the Revised~~ 71471
~~Code, shall return that contribution or those contributions to~~ 71472
~~the contributor.~~ 71473

~~(X)~~ Any campaign committee that fails to file the 71474
declaration of filing-day finances required by division (F) of 71475
section 3517.109 of the Revised Code shall be fined twenty-five 71476
dollars for each day of violation. 71477

~~(Y) (1)~~ (X) (1) Any campaign committee that fails to dispose 71478
of excess funds or excess aggregate contributions under division 71479
(B) of section 3517.109 of the Revised Code in the manner 71480
required by division (C) of that section shall give to the 71481
treasurer of state for deposit into the ~~Ohio elections~~ 71482
~~commission general revenue fund created under division (I) of~~ 71483
~~section 3517.152 of the Revised Code~~ all funds not disposed of 71484
pursuant to that division. 71485

(2) Any treasurer of a transition fund that fails to 71486
dispose of assets remaining in the transition fund as required 71487
under division (H) (1) or (2) of section 3517.1014 of the Revised 71488
Code shall give to the treasurer of state for deposit into the 71489
~~Ohio elections commission general revenue~~ fund all assets not 71490
disposed of pursuant to that division. 71491

~~(Z)~~ (Y) Any individual, campaign committee, political 71492
action committee, political contributing entity, legislative 71493
campaign fund, political party, treasurer of a transition fund, 71494
or other entity that violates any provision of sections 3517.09 71495
to 3517.12 of the Revised Code for which no penalty is provided 71496
for under any other division of this section shall be fined not 71497
more than one thousand dollars. 71498

~~(AA) (1)~~ (Z) (1) Whoever knowingly violates division (W) (1) 71499
of section 3517.13 of the Revised Code shall be fined an amount 71500
equal to three times the amount contributed, expended, or 71501
promised in violation of that division or ten thousand dollars, 71502
whichever amount is greater. 71503

(2) Whoever knowingly violates division (W) (2) of section 71504
3517.13 of the Revised Code shall be fined an amount equal to 71505
three times the amount solicited or accepted in violation of 71506
that division or ten thousand dollars, whichever amount is 71507
greater. 71508

~~(BB)~~ (AA) Whoever knowingly violates division (C) or (D) 71509
of section 3517.1011 of the Revised Code shall be fined not more 71510
than ten thousand dollars plus not more than one thousand 71511
dollars for each day of violation. 71512

~~(CC) (1)~~ (BB) (1) Subject to division ~~(CC) (2)~~ (BB) (2) of 71513
this section, whoever violates division (H) of section 3517.1011 71514
of the Revised Code shall be fined an amount up to three times 71515
the amount disbursed for the direct costs of airing the 71516
communication made in violation of that division. 71517

(2) Whoever has been ordered by the ~~Ohio elections~~ 71518
~~commission~~ appropriate enforcement authority or by a court of 71519
competent jurisdiction to cease making communications in 71520
violation of division (H) of section 3517.1011 of the Revised 71521
Code who again violates that division shall be fined an amount 71522
equal to three times the amount disbursed for the direct costs 71523
of airing the communication made in violation of that division. 71524

~~(DD) (1)~~ (CC) (1) Any corporation or labor organization that 71525
violates division (X) (3) (a) of section 3517.13 of the Revised 71526
Code shall be fined an amount equal to three times the amount 71527

given in excess of the amount permitted by that division. 71528

(2) Any state or county political party that violates 71529
division (X) (3) (b) of section 3517.13 of the Revised Code shall 71530
be fined an amount equal to three times the amount accepted in 71531
excess of the amount permitted by that division. 71532

~~(EE) (1)~~ (DD) (1) Any campaign committee or person who 71533
violates division (C) (1) (b) or (c) of section 3517.1014 of the 71534
Revised Code shall be fined an amount equal to three times the 71535
amount donated in excess of the amount permitted by that 71536
division. 71537

(2) Any officeholder or treasurer of a transition fund who 71538
violates division (C) (3) (a) or (b) of section 3517.1014 of the 71539
Revised Code shall be fined an amount equal to three times the 71540
amount accepted in excess of the amount permitted by that 71541
division. 71542

Sec. 3517.991. A person who is convicted of a violation of 71543
this chapter or section 145.054, 742.043, 3307.073, 3309.073, 71544
3599.03, 3599.031, or 5505.045 of the Revised Code shall be 71545
sentenced under the law as it existed at the time the violation 71546
occurred. 71547

Sec. 3701.021. (A) The director of health shall adopt, in 71548
accordance with Chapter 119. of the Revised Code, such rules as 71549
are necessary to carry out sections 3701.021 to 3701.0210 of the 71550
Revised Code, including, but not limited to, rules to establish 71551
the following: 71552

(1) Subject to division (D) of this section, medical and 71553
financial eligibility requirements for the program for children 71554
and youth with special health care needs; 71555

(2) Subject to division (C) of this section, eligibility 71556

requirements for providers who provide goods and services for 71557
the program for children and youth with special health care 71558
needs; 71559

(3) Procedures to be followed by the department of health 71560
in disqualifying providers for violating requirements adopted 71561
under division (A) (2) of this section; 71562

(4) Procedures to be used by the department regarding 71563
application for diagnostic services under division (B) of 71564
section 3701.023 of the Revised Code and payment for those 71565
services under division (E) of that section; 71566

(5) Standards for the provision of service coordination by 71567
the department of health and city and general health districts; 71568

(6) Procedures for the department to use to determine the 71569
amount to be paid annually by each county for services for 71570
children and youth with special health care needs and to allow 71571
counties to retain funds under divisions (A) (2) and (3) of 71572
section 3701.024 of the Revised Code; 71573

(7) Financial eligibility requirements for services for 71574
Ohio residents twenty-one years of age or older who have cystic 71575
fibrosis; 71576

(8) Criteria for payment of approved providers who provide 71577
goods and services for children and youth with special health 71578
care needs; 71579

(9) Criteria for the department to use in determining 71580
whether the payment of health insurance premiums of participants 71581
in the program for children and youth with special health care 71582
needs is cost-effective; 71583

(10) Procedures for appeal of denials of applications 71584

under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;

(11) Terms of appointment for members of the children and youth with special health care needs medical advisory council created in section 3701.025 of the Revised Code;

(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;

(13) If a manufacturer discount program is established under division (J)(1) of section 3701.023 of the Revised Code, procedures for administering the program, including criteria and other requirements for participation in the program by manufacturers of drugs and nutritional formulas.

(B) The department of health shall develop a manual of operational procedures and guidelines for the program for children and youth with special health care needs to implement sections 3701.021 to 3701.0210 of the Revised Code.

(C) A medicaid provider, as defined in section 5164.01 of the Revised Code, is eligible to be a provider of the same goods and services for the program for children and youth with special health care needs that the provider is approved to provide for the medicaid program and the director shall approve such a provider for participation in the program for children and youth with special health care needs.

(D) In establishing medical and financial eligibility requirements for the program for children and youth with special health care needs, the director of health shall not specify an age restriction that excludes from eligibility an individual who is ~~either of the following:~~

~~(1) Beginning on July 1, 2021, less than twenty-two years~~ 71614
~~of age;~~ 71615

~~(2) Beginning on July 1, 2022, less than twenty-three~~ 71616
~~years of age;~~ 71617

~~(3) Beginning on July 1, 2023, less than twenty-four years~~ 71618
~~of age;~~ 71619

~~(4) Beginning on July 1, 2024, less than twenty-five years~~ 71620
~~of age~~less than twenty-six years of age. 71621

Sec. 3701.033. (A) This section establishes the order of 71622
priority to be followed by the department of health when 71623
distributing funds for the purpose of providing family planning 71624
services, including funds the department receives through the 71625
"Maternal and Child Health Block Grant," Title V of the "Social 71626
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, 71627
and funds the department receives through Title X of the "Public 71628
Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as 71629
amended. This section does not apply to grants awarded by the 71630
department under section 3701.046 of the Revised Code. 71631

(B) With respect to each period during which funds from a 71632
particular source are distributed for the purpose of providing 71633
family planning services, the department is subject to both of 71634
the following when distributing the funds to applicants seeking 71635
those funds: 71636

(1) Foremost priority shall be given to public entities 71637
that are operated by state or local government entities and that 71638
provide or are able to provide family planning services. 71639

(2) If any funds remain after the department distributes 71640
funds to public entities under division (B) (1) of this section, 71641
the department may distribute funds to nonpublic entities. If 71642

funds are distributed to nonpublic entities, the department 71643
shall distribute the funds in the following order of descending 71644
priority: 71645

(a) Nonpublic entities that are federally qualified health 71646
centers or federally qualified health center look-alikes, both 71647
as defined in section 3701.047 of the Revised Code, or community 71648
action agencies, as defined in section ~~122.66~~ 5101.311 of the 71649
Revised Code; 71650

(b) Nonpublic entities that provide comprehensive primary 71651
and preventive care services in addition to family planning 71652
services; 71653

(c) Nonpublic entities that provide family planning 71654
services, but do not provide comprehensive primary and 71655
preventive care services. 71656

Sec. 3701.045. (A) The department of health, in 71657
consultation with the ~~children's trust fund board established~~ 71658
~~under section 3109.15 of the Revised Code~~ department of children 71659
and youth and any bodies acting as child fatality review boards 71660
on October 5, 2000, shall adopt rules in accordance with Chapter 71661
119. of the Revised Code that establish a procedure for county 71662
or regional child fatality review boards to follow in conducting 71663
a review of the death of a child. The rules shall do all of the 71664
following: 71665

(1) Establish the format for the annual reports required 71666
by section 307.626 of the Revised Code; 71667

(2) Establish guidelines for a county or regional child 71668
fatality review board to follow in compiling statistics for 71669
annual reports so that the reports do not contain any 71670
information that would permit any person's identity to be 71671

ascertained from a report; 71672

(3) Establish guidelines for a county or regional child 71673
fatality review board to follow in creating and maintaining the 71674
comprehensive database of child deaths required by section 71675
307.623 of the Revised Code, including provisions establishing 71676
uniform record-keeping procedures; 71677

(4) Establish guidelines for reporting child fatality 71678
review data to the department of health or a national child 71679
death review database, either of which must maintain the 71680
confidentiality of information that would permit a person's 71681
identity to be ascertained; 71682

(5) Establish guidelines, materials, and training to help 71683
educate members of county or regional child fatality review 71684
boards about the purpose of the review process and the 71685
confidentiality of the information described in section 307.629 71686
of the Revised Code and to make them aware that such information 71687
is not a public record under section 149.43 of the Revised Code. 71688

(B) On or before the thirtieth day of September of each 71689
year, the department of health and the ~~children's trust fund~~ 71690
~~board~~ department of children and youth jointly shall prepare and 71691
publish a report organizing and setting forth the data from the 71692
department of health child death review database or the national 71693
child death review database, data in all the reports provided by 71694
county or regional child fatality review boards in their annual 71695
reports for the previous calendar year, and recommendations for 71696
any changes to law and policy that might prevent future deaths. 71697
The department of health and the ~~children's trust fund board~~ 71698
department of children and youth jointly shall provide a copy of 71699
the report to the governor, the speaker of the house of 71700
representatives, the president of the senate, the minority 71701

leaders of the house of representatives and the senate, each 71702
county or regional child fatality review board, and each county 71703
or regional family and children first council. 71704

Sec. 3701.21. (A) As used in this section: 71705

(1) "Amblyopia" means reduced vision in an eye that has 71706
not received adequate use during early childhood. 71707

(2) "501(c) organization" means an organization exempt 71708
from federal income taxation pursuant to 26 U.S.C.A. 501(a) and 71709
(c) . 71710

(B) There is hereby created in the state treasury the save 71711
our sight fund. The fund shall consist of voluntary 71712
contributions deposited as provided in ~~section~~ sections 3701.21 71713
and 4503.104 of the Revised Code. All investment earnings from 71714
the fund shall be credited to the fund. 71715

(C) The director of health shall use the money in the save 71716
our sight fund as follows: 71717

(1) To provide support to 501(c) organizations that offer 71718
vision services in all counties of the state and have 71719
demonstrated experience in the delivery of vision services to do 71720
one or more of the following: 71721

(a) Implement a voluntary children's vision screening 71722
training and certification program for volunteers, child care 71723
providers, nurses, teachers, health care professionals 71724
practicing in primary care settings, and others serving 71725
children; 71726

(b) Provide materials for the program implemented under 71727
division (C) (1) (a) of this section; 71728

(c) Develop and implement a registry and targeted 71729

voluntary case management system to determine whether children 71730
with amblyopia are receiving professional eye care and to 71731
provide their parents with information and support regarding 71732
their child's vision care; 71733

(d) Establish a matching grant program for the purchase 71734
and distribution of protective eyewear to children; 71735

(e) Provide vision health and safety programs and 71736
materials for classrooms. 71737

(2) For the purpose of section 4503.104 of the Revised 71738
Code, to develop and distribute informational materials on the 71739
importance of eye care and safety to the registrar of motor 71740
vehicles and each deputy registrar; 71741

(3) To pay costs incurred by the director in administering 71742
the fund; 71743

(4) To reimburse the bureau of motor vehicles for the 71744
administrative costs incurred in performing its duties under 71745
section 4503.104 of the Revised Code. 71746

(D) A 501(c) organization seeking funding from the save 71747
our sight fund for any of the projects specified in division (C) 71748
of this section shall submit a request for the funding to the 71749
director in accordance with rules adopted under division (E) of 71750
this section. The director shall determine the appropriateness 71751
of and approve or disapprove projects for funding and approve or 71752
disapprove the disbursement of money from the save our sight 71753
fund. 71754

(E) The director shall adopt rules in accordance with 71755
Chapter 119. of the Revised Code to implement this section. The 71756
rules shall include the parameters of the projects specified in 71757
division (C)(1) of this section that may be funded with money in 71758

the save our sight fund and procedures for 501(c) organizations 71759
to request funding from the fund. 71760

Sec. 3701.511. None of the funds appropriated to 71761
administer the programs authorized by sections 3701.501 and 71762
3701.502 of the Revised Code shall be used to counsel or refer 71763
for abortion,~~except in the case of a medical emergency.~~ 71764

Sec. 3701.79. (A) As used in this section and in sections 71765
3701.791 and 3701.792 of the Revised Code: 71766

(1) "Abortion" has the same meaning as in section 2919.11 71767
of the Revised Code. 71768

(2) "Abortion report" means a form completed pursuant to 71769
division (C) of this section. 71770

(3) "Ambulatory surgical facility" has the same meaning as 71771
in section 3702.30 of the Revised Code. 71772

(4) "Department" means the department of health. 71773

(5) "Hospital" means any building, structure, institution, 71774
or place devoted primarily to the maintenance and operation of 71775
facilities for the diagnosis, treatment, and medical or surgical 71776
care for three or more unrelated individuals having illness, 71777
disease, injury, or deformity, and regularly making available at 71778
least clinical laboratory services, diagnostic x-ray services, 71779
treatment facilities for surgery or obstetrical care, or other 71780
definitive medical treatment. "Hospital" does not include a 71781
"home" as defined in section 3721.01 of the Revised Code. 71782

(6) "Physician's office" means an office or portion of an 71783
office that is used to provide medical or surgical services to 71784
the physician's patients. "Physician's office" does not mean an 71785
ambulatory surgical facility, a hospital, or a hospital 71786

emergency department. 71787

(7) "Postabortion care" means care given after the uterus 71788
has been evacuated by abortion. 71789

(B) The department shall be responsible for collecting and 71790
collating abortion data reported to the department as required 71791
by this section. 71792

(C) The attending physician shall complete an individual 71793
abortion report for the abortion, by surgical procedure or by 71794
abortion-inducing drugs, of each zygote, blastocyte, embryo, or 71795
fetus the physician performs. The report shall be confidential 71796
and shall not contain the woman's name. The report shall 71797
include, but is not limited to, all of the following, insofar as 71798
the patient makes the data available that is not within the 71799
physician's knowledge: 71800

(1) Patient number; 71801

(2) The name and address of the facility in which the 71802
abortion was performed, and whether the facility is a hospital, 71803
ambulatory surgical facility, physician's office, or other 71804
facility; 71805

(3) The date of the abortion; 71806

(4) If a surgical abortion, the method of final 71807
disposition of the fetal remains under Chapter 3726. of the 71808
Revised Code; 71809

(5) All of the following regarding the woman on whom the 71810
abortion was performed: 71811

(a) ~~Zip~~ State and zip code of residence; 71812

(b) Age; 71813

(c) Race;	71814
(d) Marital status;	71815
(e) Number of previous pregnancies;	71816
(f) Years of education;	71817
(g) Number of living children;	71818
(h) Number of zygotes, blastocytes, embryos, or fetuses previously aborted;	71819 71820
(i) Date of last induced abortion;	71821
(j) Date of last live birth;	71822
(k) Method of contraception at the time of conception;	71823
(l) Date of the first day of the last menstrual period;	71824
(m) Medical condition at the time of the abortion;	71825
(n) Rh-type;	71826
(o) The number of weeks of gestation at the time of the abortion.	71827 71828
(6) The type of abortion procedure performed;	71829
(7) Complications by type;	71830
(8) Written acknowledgment by the attending physician that the pregnant woman is not seeking the abortion, in whole or in part, because of any of the following:	71831 71832 71833
(a) A test result indicating Down syndrome in an unborn child;	71834 71835
(b) A prenatal diagnosis of Down syndrome in an unborn child;	71836 71837

(c) Any other reason to believe that an unborn child has 71838
Down syndrome. 71839

(9) Type of procedure performed after the abortion; 71840

(10) Type of family planning recommended; 71841

(11) Type of additional counseling given; 71842

(12) Signature of attending physician. 71843

(D) The physician who completed the abortion report under 71844
division (C) of this section shall submit the abortion report to 71845
the department within fifteen days after the woman is 71846
discharged. 71847

(E) The appropriate vital records report or certificate 71848
shall be made out after the twentieth week of gestation. 71849

(F) A copy of the abortion report shall be made part of 71850
the medical record of the patient of the facility in which the 71851
abortion was performed. 71852

(G) Each hospital shall file monthly and annual reports 71853
listing the total number of women who have undergone a post- 71854
twelve-week-gestation abortion and received postabortion care. 71855
The reports also shall include the total number of Ohio 71856
residents and the total number of non-Ohio residents who have 71857
undergone a post-twelve-week gestation abortion and received 71858
postabortion care. The annual report shall be filed following 71859
the conclusion of the state's fiscal year. Each report shall be 71860
filed within thirty days after the end of the applicable 71861
reporting period. 71862

(H) Each case in which a physician treats a post abortion 71863
complication shall be reported on a postabortion complication 71864
form. The report shall be made upon a form prescribed by the 71865

department, shall be signed by the attending physician, and 71866
shall be confidential. 71867

(I) (1) Not later than the first day of ~~October~~ March of 71868
each year, the department shall issue an annual report of the 71869
abortion data reported to the department for the previous 71870
calendar year as required by this section. The department shall 71871
develop a public electronic dashboard to publish on a monthly 71872
basis the abortion data reported to the department. The annual 71873
report and monthly dashboard update shall include at least the 71874
following information: 71875

(a) The total number of zygotes, blastocytes, embryos, or 71876
fetuses that were aborted; 71877

(b) The number of abortions performed on Ohio residents 71878
and the number performed on out-of-state residents, sorted by 71879
the age of the woman on whom the abortion was performed, using 71880
the following categories: under sixteen years of age, sixteen to 71881
seventeen years of age, eighteen to twenty-four years of age, 71882
twenty-five to twenty-nine years of age, thirty to thirty-four 71883
years of age, thirty-five to thirty-nine years of age, forty to 71884
forty-four years of age, forty-five years of age or older; 71885

(c) The number of abortions performed, sorted by each of 71886
the following: 71887

(i) The age of the woman on whom the abortion was 71888
performed, using the following categories: under ~~fifteen~~ sixteen 71889
years of age, ~~fifteen~~ sixteen to ~~nineteen~~ seventeen years of 71890
age, ~~twenty~~ eighteen to twenty-four years of age, twenty-five to 71891
twenty-nine years of age, thirty to thirty-four years of age, 71892
thirty-five to thirty-nine years of age, forty to forty-four 71893
years of age, forty-five years of age or older; 71894

(ii) The race and Hispanic ethnicity of the woman on whom	71895
the abortion was performed;	71896
(iii) The education level of the woman on whom the	71897
abortion was performed, using the following categories or their	71898
equivalents: less than ninth grade, ninth through twelfth grade,	71899
one or more years of college;	71900
(iv) The marital status of the woman on whom the abortion	71901
was performed;	71902
(v) The number of living children of the woman on whom the	71903
abortion was performed, using the following categories: none,	71904
one, or two or more;	71905
(vi) The number of weeks of gestation of the woman at the	71906
time the abortion was performed, using the following categories:	71907
less than nine weeks, nine to twelve weeks, thirteen to nineteen	71908
weeks, or twenty weeks or more;	71909
(vii) The county in which the abortion was performed;	71910
(viii) The type of abortion procedure performed;	71911
(ix) The number of zygotes, blastocytes, embryos, or	71912
fetuses previously aborted by the woman on whom the abortion was	71913
performed, sorted by the age of the woman on whom the abortion	71914
<u>was performed, using the following categories: under sixteen</u>	71915
<u>years of age, sixteen to seventeen years of age, eighteen to</u>	71916
<u>twenty-four years of age, twenty-five to twenty-nine years of</u>	71917
<u>age, thirty to thirty-four years of age, thirty-five to thirty-</u>	71918
<u>nine years of age, forty to forty-four years of age, forty-five</u>	71919
<u>years of age or older;</u>	71920
(x) The type of facility in which the abortion was	71921
performed;	71922

(xi) For Ohio residents, the county of residence of the 71923
woman on whom the abortion was performed;__ 71924

(xii) The total number of abortions performed on minors by 71925
each facility in the categories of under sixteen years of age 71926
and sixteen to seventeen years of age. 71927

(2) The report also shall indicate the number and type of 71928
the abortion complications reported to the department either on 71929
the abortion report required under division (C) of this section 71930
or the postabortion complication report required under division 71931
(H) of this section. 71932

(3) In addition to the annual report required under 71933
division (I)(1) of this section, the department shall make 71934
available, on request, the number of abortions performed by zip 71935
code of residence. 71936

(J) The director of health shall implement this section 71937
and shall apply to the court of common pleas for temporary or 71938
permanent injunctions restraining a violation or threatened 71939
violation of its requirements. This action is an additional 71940
remedy not dependent on the adequacy of the remedy at law. 71941

Sec. 3704.01. As used in this chapter: 71942

(A) "Administrator" means the administrator of the United 71943
States environmental protection agency or the chief executive of 71944
any successor federal agency responsible for implementation of 71945
the federal Clean Air Act. 71946

(B) "Air contaminant" means particulate matter, dust, 71947
fumes, gas, mist, radionuclides, smoke, vapor, or odorous 71948
substances, or any combination thereof, but does not mean 71949
emissions from agricultural production activities, as defined in 71950
section 929.01 of the Revised Code, that are consistent with 71951

generally accepted agricultural practices, were established 71952
prior to adjacent nonagricultural activities, have no 71953
substantial, adverse effect on the public health, safety, or 71954
welfare, do not result from the negligent or other improper 71955
operations of any such agricultural activities, and would not be 71956
required to obtain a Title V permit. For the purposes of this 71957
chapter, agricultural production activities do not include the 71958
installation and operation of off-farm facilities for the 71959
storage or processing of agricultural products, including, but 71960
not limited to, alfalfa dehydrating facilities, rendering 71961
plants, and feed and grain mills, elevators, and terminals. 71962

(C) "Air contaminant source" means each separate operation 71963
or activity that results or may result in the emission of any 71964
air contaminant. 71965

(D) "Air pollution" means the presence in the ambient air 71966
of one or more air contaminants or any combination thereof in 71967
sufficient quantity and of such characteristics and duration as 71968
is or threatens to be injurious to human health or welfare, 71969
plant or animal life, or property, or as unreasonably interferes 71970
with the comfortable enjoyment of life or property. 71971

(E) "Ambient air" means that portion of the atmosphere 71972
outside of buildings and other enclosures, stacks, or ducts that 71973
surrounds human, plant, or animal life or property. 71974

(F) "Best available technology" means any combination of 71975
work practices, raw material specifications, throughput 71976
limitations, source design characteristics, an evaluation of the 71977
annualized cost per ton of pollutant removed, and air pollution 71978
control devices that have been previously demonstrated to the 71979
director of environmental protection to operate satisfactorily 71980
in this state or other states with similar air quality on 71981

substantially similar air pollution sources. 71982

(G) "Change within a permitted facility" means, within the 71983
context of the Title V permit program established under section 71984
3704.036 of the Revised Code, a change that is limited by a 71985
federally enforceable provision of an applicable Title V permit 71986
and that does not include physical, production, or other changes 71987
that are neither addressed nor limited by the federally 71988
enforceable portion of a Title V permit unless the change would 71989
result in a violation of a federally enforceable requirement or 71990
a modification under Title I of the federal Clean Air Act or 71991
would be subject to any requirements under Title IV of that act. 71992

(H) "Chemical speciation network," "state or local air 71993
monitoring stations," and "special purpose monitor" have the 71994
same meanings as in 40 C.F.R. part 58.1. 71995

(I) "Community air monitoring" means any measurement or 71996
quantification of emissions or ambient air concentrations of an 71997
air contaminant, including both one-time monitoring events and 71998
multi-sampling events. "Community air monitoring" does not 71999
include any of the following: 72000

(1) State or local air monitoring stations or special 72001
purpose monitors installed and operated in accordance with 40 72002
C.F.R. part 58 by the environmental protection agency or by a 72003
local air pollution control authority under the terms of a 72004
delegation agreement pursuant to section 3704.111 of the Revised 72005
Code; 72006

(2) Near-road monitors designed to measure peak hourly 72007
concentrations of carbon monoxide, nitrogen dioxide, or fine 72008
particulate matter and installed and operated in accordance with 72009
40 C.F.R. part 58, appendix D by the environmental protection 72010

agency or by a local air pollution control authority under the 72011
terms of a delegation agreement pursuant to section 3704.111 of 72012
the Revised Code; 72013

(3) Chemical speciation network stations installed and 72014
operated in accordance with 40 C.F.R. part 58, appendix D by the 72015
environmental protection agency or by a local air pollution 72016
control authority under the terms of a delegation agreement 72017
pursuant to section 3704.111 of the Revised Code; 72018

(4) Any measurement system, testing equipment, tool, or 72019
process for detecting or measuring emissions that is 72020
specifically identified or described in and either required or 72021
allowed to be used for a particular air contaminant source or 72022
source category under any of the following: 72023

(a) The federal Clean Air Act; 72024

(b) Any implementation plan promulgated or approved before 72025
the effective date of this amendment; 72026

(c) Any permit, variance, or order issued before the 72027
effective date of this amendment or any renewal thereof after 72028
the effective date of this amendment; 72029

(d) Any other permit, variance, or order issued on or 72030
after the effective date of this amendment, if the use of the 72031
measurement system, testing equipment, tool, or process was 72032
proposed, requested, or voluntarily accepted by the air 72033
contaminant source or sources subject to that permit, variance, 72034
or order; 72035

(5) Any measurement system, testing equipment, tool, or 72036
process installed and used to detect or measure odor. 72037

(J) "Emit" or "emission" means the release into the 72038

ambient air of an air contaminant.

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~~(I)~~(K) "Emission limitation" and "emission standard" mean
a requirement that limits the quantity, rate, or concentration
of emissions of air contaminants, including any requirement
relating to the operation or maintenance of an air contaminant
source.

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~~(J)~~(L) "Facility," for the purposes of the Title V permit
program established under section 3704.036 of the Revised Code,
means all of the emitting activities that are located on
contiguous or adjacent properties that are under the control of
the same person or persons or are under common control and that
are in the same major group as described in the standard
Industrial Classification Manual, 1987.

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~~(K)~~(M) "Federal Clean Air Act" means "Air Quality Act of
1967," 81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air
Act Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April
9, 1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974,"
88 Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of
1977," 91 Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act
Amendments of 1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air
Act Amendments of 1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and
any other amendments that have been or may hereafter be adopted,
or any supplements to those acts and laws of the United States
that have been or may hereafter be enacted in substitution
therefor, together with any regulations that have been or may
hereafter be adopted by the administrator by virtue of and in
accordance with those acts and laws. Reference to a particular
title or section of the federal Clean Air Act includes any
amendments that have been or may hereafter be enacted in

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substitution therefor and any regulations pertaining to the 72069
title or section that have been or may hereafter be adopted by 72070
the administrator by virtue of and in accordance with the 72071
federal Clean Air Act. 72072

~~(I)~~ (N) "Hazardous air pollutant" means any pollutant 72073
listed under section 112(b) of the federal Clean Air Act. 72074

~~(M)~~ (O) "Implementation plan" means a program for the 72075
prevention and abatement of air pollution in the state that has 72076
been promulgated or approved by the administrator pursuant to 72077
the federal Clean Air Act. 72078

~~(N)~~ (P) "Local air pollution control authority" includes 72079
all of the following unless terminated by the political 72080
subdivisions represented thereby: 72081

(1) All of the following agencies representing the 72082
following political subdivisions, as those agencies existed on 72083
July 1, 1993: 72084

(a) The Akron regional air quality management district 72085
representing Medina, Summit, and Portage counties; 72086

(b) The Canton city health department representing Stark 72087
county; 72088

(c) The Hamilton county department of environmental 72089
services, southwest Ohio air quality agency representing Butler, 72090
Warren, Hamilton, and Clermont counties; 72091

(d) The city of Cleveland division of the environment 72092
representing Cuyahoga county; 72093

(e) The regional air pollution control agency representing 72094
Darke, Preble, Miami, Montgomery, Clark, and Greene counties; 72095

(f) The Lake county general health district representing 72096
Lake and Geauga counties; 72097

(g) The Portsmouth city health department representing 72098
Brown, Adams, Scioto, and Lawrence counties; 72099

(h) The city of Toledo division of pollution control 72100
representing Lucas county and the city of Rossford in Wood 72101
county. 72102

(2) Any successor to an existing local air pollution 72103
control authority listed in divisions (N)(1)(a) to (i) of this 72104
section that results from a change in the political subdivisions 72105
comprising the local air pollution control authority through the 72106
withdrawal of a political subdivision from membership in the 72107
local air pollution control authority or the inclusion of an 72108
additional political subdivision in the membership of the local 72109
air pollution control authority; 72110

(3) Any new local air pollution control authority 72111
established on or after July 1, 1993, by one or more political 72112
subdivisions of this state for the purposes of exercising the 72113
powers reserved to political subdivisions of this state under 72114
division (A) of section 3704.11 of the Revised Code. 72115

~~(P)~~(Q) "Person" means the federal government or any agency 72116
thereof, the state or any agency thereof, any political 72117
subdivision or any agency thereof, or any public or private 72118
corporation, individual, partnership, or other entity. 72119

~~(P)~~(R) "Research and development sources" means sources 72120
whose activities are conducted for nonprofit scientific or 72121
educational purposes; sources whose activities are conducted to 72122
test more efficient production processes or methods for 72123
preventing or reducing adverse environmental impacts, provided 72124

that the activities do not include the production of an 72125
intermediate or final product for sale or exchange for 72126
commercial profit, except in a de minimis manner; a research or 72127
laboratory source the primary purpose of which is to conduct 72128
research and development into new processes and products, that 72129
is operated under the close supervision of technically trained 72130
personnel, and that is not engaged in the manufacture of 72131
products for sale or exchange for commercial profit, except in a 72132
de minimis manner; the temporary use of normal production 72133
sources in a research and development mode to test the technical 72134
or commercial viability of alternative raw materials or 72135
production processes, provided that the use does not include the 72136
production of an intermediate or final product for sale or 72137
exchange for commercial profit, except in a de minimis manner; 72138
the experimental firing of any fuel or combination of fuels in a 72139
boiler, heater, furnace, or dryer for the purpose of conducting 72140
research and development of more efficient combustion or more 72141
effective prevention or control of air pollutant emissions, 72142
provided that, during those periods of research and development, 72143
the heat generated is not used for normal production purposes or 72144
for producing a product for sale or exchange for commercial 72145
profit, except in a de minimis manner; and such other similar 72146
sources as the director may prescribe by rule. 72147

~~(Q)~~ (S) "Responsible official" means one of the following, 72148
as applicable: 72149

(1) For a corporation: a president, secretary, treasurer, 72150
or vice-president of the corporation in charge of a principal 72151
business function, any other person who performs similar policy 72152
or decision-making functions for the corporation, or a duly 72153
authorized representative of any such person if the 72154
representative is responsible for the overall operation of one 72155

or more manufacturing, production, or operating facilities 72156
applying for or subject to a Title V permit and if one of the 72157
following applies: 72158

(a) The facilities employ more than two hundred fifty 72159
individuals or have gross annual sales or expenditures exceeding 72160
twenty-five million dollars, in second quarter 1980 dollars; 72161

(b) The delegation of authority to the representative is 72162
approved in advance by the director. 72163

(2) For a partnership or sole proprietorship: a general 72164
partner or the proprietor, respectively. 72165

(3) For the federal government or any agency thereof, the 72166
state or any agency thereof, a political subdivision or any 72167
agency thereof, or any other public agency, either a principal 72168
executive officer or authorized elected official. For the 72169
purposes of this division, a principal executive officer of a 72170
federal agency includes the chief executive officer having 72171
responsibility for the overall operation of a principal 72172
geographic unit of the agency. 72173

(4) For affected sources, both of the following: 72174

(a) The designated representative insofar as actions, 72175
standards, requirements, or prohibitions under Title IV of the 72176
federal Clean Air Act or regulations adopted under it are 72177
concerned; 72178

(b) The designated representative for any other purposes 72179
under 40 C.F.R. part 70. 72180

~~(R)~~(T) "Small business stationary source" means any 72181
building, structure, facility, or installation that emits any 72182
federally regulated air pollutant and is owned or operated by a 72183

person who employs one hundred or fewer individuals; is a small 72184
business concern as defined in the "Small Business Act," 72 72185
Stat. 384 (1958), 15 U.S.C.A. 632, as amended; is not a major 72186
stationary source as defined in section 302(j) of the federal 72187
Clean Air Act; does not emit fifty tons or more per year of any 72188
federally regulated air pollutant or any hazardous air 72189
pollutant; and emits less than seventy-five tons per year of all 72190
federally regulated air pollutants. 72191

~~(S)~~(U) "Title V permit" means an operating permit required 72192
to be issued by the state under section 502 of the federal Clean 72193
Air Act and issued under section 3704.036 of the Revised Code 72194
and rules adopted under it. 72195

~~(T)~~(V) For the purposes of the Title V permit program 72196
established under this chapter and rules adopted under it, all 72197
terms defined in 40 C.F.R. part 70 have the same meaning as in 72198
that part. 72199

Sec. 3704.011. (A) In addition to any other exemption 72200
provided in this chapter or rules adopted under it, an air 72201
contaminant source is exempt from this chapter and rules adopted 72202
under it if the emissions of particulate matter, nitrogen 72203
oxides, organic compounds, sulfur dioxide, carbon monoxide, 72204
lead, or any other air contaminant from that source do not 72205
exceed ten pounds per day, as verified in accordance with 72206
division (C) of this section, provided that the exemption does 72207
not apply to any air contaminant source if any of the following 72208
applies: 72209

(1) A requirement established under the federal Clean Air 72210
Act or regulations adopted under it limits the emissions from 72211
the source to less than ten pounds per day of an air contaminant 72212
or restricts the operation of the source in a manner equivalent 72213

to an emission limit of less than ten pounds per day; 72214

(2) An emission limit adopted by the director of 72215
environmental protection to achieve and maintain the national 72216
ambient air quality standards or a rule adopted by the director 72217
to protect public health and welfare limits the emissions from 72218
the source to less than ten pounds per day of an air contaminant 72219
or restricts the operation of the source in a manner equivalent 72220
to an emission limit of less than ten pounds per day; 72221

(3) The source emits radionuclides; 72222

(4) The source, alone or in combination with similar air 72223
contaminant sources at the same facility, would result in 72224
potential emissions of any air contaminant in excess of twenty- 72225
five tons per year; 72226

(5) The source emits more than one ton per year of 72227
hazardous air pollutants. 72228

(B) (1) Nothing in this section prohibits the director from 72229
adopting rules establishing emission limits or permit 72230
requirements, or requiring the submission of information for the 72231
purpose of developing those rules, for source categories 72232
described in divisions (A) (1) to (5) of this section. 72233

(2) Nothing in this section affects the determination of 72234
whether a stationary source is a major source for purposes of 72235
the applicability of the Title V permit program to the source 72236
under section 3704.036 of the Revised Code or any requirement to 72237
list insignificant activities and emissions levels in a Title V 72238
permit application. 72239

(3) Nothing in this section restricts the director's 72240
authority to require the submission of information as necessary 72241
to comply with the requirements of the federal Clean Air Act. 72242

(C) If the potential to emit of an air contaminant source exceeds ten pounds per day of any type of air contaminant, the exemption provided in this section does not apply unless the owner or operator of the source maintains records that are adequate to demonstrate that actual emissions have not exceeded ten pounds per day. If the source emits hazardous air pollutants, the exemption provided in this section does not apply unless the owner or operator of the source maintains records that are adequate to demonstrate that actual emissions of hazardous air pollutants have not exceeded one ton per year.

Records required under this division shall be maintained on and after October 29, 1993, preserved for a period of two years, and made available upon request to the director. The director may adopt, amend, and rescind rules to provide further specificity with regard to recordkeeping requirements under this division.

(D) (1) As used in this division, "synthetic minor facility" has the same meaning as in section 3745.11 of the Revised Code.

(2) Notwithstanding any other provision of law or rules to the contrary, the director shall not require a single Title V permit for adjacent Title V facilities owned and operated by the same person or a single operating permit for adjacent synthetic minor facilities owned and operated by the same person if both of the following apply:

(a) At least one of the adjacent facilities is involved in aerospace manufacturing or rework that is subject to emission standards set forth in rule 3745-21-19 of the Ohio administrative code;

(b) The adjacent facilities are or will be located in a 72272
county with a population between three hundred ninety thousand 72273
and three hundred ninety-five thousand according to the most 72274
recent federal decennial census published by the United States 72275
census bureau. 72276

The director shall issue a variance from any law, rule, or 72277
policy requiring such adjacent facilities to operate under a 72278
single Title V permit or single operating permit. 72279

Sec. 3704.03. The director of environmental protection may 72280
do any of the following: 72281

(A) Develop programs for the prevention, control, and 72282
abatement of air pollution; 72283

(B) Advise, consult, contract, and cooperate with any 72284
governmental or private agency in the furtherance of the 72285
purposes of this chapter; 72286

(C) Encourage, participate in, or conduct studies, 72287
investigations, and research relating to air pollution, collect 72288
and disseminate information, and conduct education and training 72289
programs relating to the causes, prevention, control, and 72290
abatement of air pollution; 72291

(D) Adopt, modify, and rescind rules prescribing ambient 72292
air quality standards for the state as a whole or for various 72293
areas of the state that are consistent with and no more 72294
stringent than the national ambient air quality standards in 72295
effect under the federal Clean Air Act; 72296

(E) Adopt, modify, suspend, and rescind rules for the 72297
prevention, control, and abatement of air pollution, including 72298
rules prescribing for the state as a whole or for various areas 72299
of the state emission standards for air contaminants, and other 72300

necessary rules for the purpose of achieving and maintaining 72301
compliance with ambient air quality standards in all areas 72302
within the state as expeditiously as practicable, but not later 72303
than any deadlines applicable under the federal Clean Air Act; 72304
rules for the prevention or control of the emission of hazardous 72305
or toxic air contaminants; rules prescribing fugitive dust 72306
limitations and standards that are related, on an areawide 72307
basis, to attainment and maintenance of ambient air quality 72308
standards; rules prescribing shade, density, or opacity 72309
limitations and standards for emissions, provided that with 72310
regard to air contaminant sources for which there are 72311
particulate matter emission standards in addition to a shade, 72312
density, or opacity rule, upon demonstration by such a source of 72313
compliance with those other standards, the shade, density, or 72314
opacity rule shall provide for establishment of a shade, 72315
density, or opacity limitation for that source that does not 72316
require the source to reduce emissions below the level specified 72317
by those other standards; rules for the prevention or control of 72318
odors and air pollution nuisances; rules that prevent 72319
significant deterioration of air quality to the extent required 72320
by the federal Clean Air Act; rules for the protection of 72321
visibility as required by the federal Clean Air Act; and rules 72322
prescribing open burning limitations and standards. In adopting, 72323
modifying, suspending, or rescinding any such rules, the 72324
director, to the extent consistent with the federal Clean Air 72325
Act, shall hear and give consideration to evidence relating to 72326
all of the following: 72327

(1) Conditions calculated to result from compliance with 72328
the rules, the overall cost within this state of compliance with 72329
the rules, and their relation to benefits to the people of the 72330
state to be derived from that compliance; 72331

(2) The quantity and characteristics of air contaminants, 72332
the frequency and duration of their presence in the ambient air, 72333
and the dispersion and dilution of those contaminants; 72334

(3) Topography, prevailing wind directions and velocities, 72335
physical conditions, and other factors that may or may combine 72336
to affect air pollution. 72337

Consistent with division (K) of section 3704.036 of the 72338
Revised Code, the director shall consider alternative emission 72339
limits proposed by the owner or operator of an air contaminant 72340
source that is subject to an emission limit established in rules 72341
adopted under this division and shall accept those alternative 72342
emission limits that the director determines to be equivalent to 72343
emission limits established in rules adopted under this 72344
division. 72345

(F)(1) Adopt, modify, suspend, and rescind rules 72346
consistent with the purposes of this chapter prohibiting the 72347
location, installation, construction, or modification of any air 72348
contaminant source or any machine, equipment, device, apparatus, 72349
or physical facility intended primarily to prevent or control 72350
the emission of air contaminants unless an installation permit 72351
therefor has been obtained from the director or the director's 72352
authorized representative. 72353

(2)(a) Applications for installation permits shall be 72354
accompanied by plans, specifications, construction schedules, 72355
and such other pertinent information and data, including data on 72356
ambient air quality impact and a demonstration of best available 72357
technology, as the director may require. Installation permits 72358
shall be issued for a period specified by the director and are 72359
transferable. The director shall specify in each permit the 72360
applicable emission standards and that the permit is conditioned 72361

upon payment of the applicable fees as required by section 72362
3745.11 of the Revised Code and upon the right of the director's 72363
authorized representatives to enter upon the premises of the 72364
person to whom the permit has been issued, at any reasonable 72365
time and subject to safety requirements of the person in control 72366
of the premises, for the purpose of determining compliance with 72367
such standards, this chapter, the rules adopted thereunder, and 72368
the conditions of any permit, variance, or order issued 72369
thereunder. Each proposed new or modified air contaminant source 72370
shall provide such notice of its proposed installation or 72371
modification to other states as is required under the federal 72372
Clean Air Act. Installation permits shall include the 72373
authorization to operate sources installed and operated in 72374
accordance with terms and conditions of the installation permits 72375
for a period not to exceed one year from commencement of 72376
operation, which authorization shall constitute an operating 72377
permit under division (G) of this section and rules adopted 72378
under it. 72379

No installation permit shall be required for activities 72380
that are subject to and in compliance with a plant-wide 72381
applicability limit issued by the director in accordance with 72382
rules adopted under this section. 72383

No installation permit shall be issued except in 72384
accordance with all requirements of this chapter and rules 72385
adopted thereunder. No application shall be denied or permit 72386
revoked or modified without a written order stating the findings 72387
upon which denial, revocation, or modification is based. A copy 72388
of the order shall be sent to the applicant or permit holder by 72389
certified mail. 72390

(b) An air contaminant source that is the subject of an 72391

installation permit shall be installed or modified in accordance 72392
with the permit not later than eighteen months after the 72393
permit's effective date at which point the permit shall 72394
terminate unless one of the following applies: 72395

(i) The owner or operator has undertaken a continuing 72396
program of installation or modification during the eighteen- 72397
month period. 72398

(ii) The owner or operator has entered into a binding 72399
contractual obligation to undertake and complete within a 72400
reasonable period of time a continuing program of installation 72401
or modification of the air contaminant source during the 72402
eighteen-month period. 72403

(iii) The director has extended the date by which the air 72404
contaminant source that is the subject of the installation 72405
permit must be installed or modified. 72406

(iv) The installation permit is the subject of an appeal 72407
by a party other than the owner or operator of the air 72408
contaminant source that is the subject of the installation 72409
permit, in which case the date of termination of the permit is 72410
not later than eighteen months after the effective date of the 72411
permit plus the number of days between the date in which the 72412
permit was appealed and the date on which all appeals concerning 72413
the permit have been resolved. 72414

(v) The installation permit has been superseded by a 72415
subsequent installation permit, in which case the original 72416
installation permit terminates on the effective date of the 72417
superseding installation permit. 72418

Division (F) (2) (b) of this section applies to an 72419
installation permit that has not terminated as of October 16, 72420

2009. 72421

The director may adopt rules in accordance with Chapter 72422
119. of the Revised Code for the purpose of establishing 72423
additional requirements that are necessary for the 72424
implementation of division (F) (2) (b) of this section. 72425

(3) Not later than two years after August 3, 2006, the 72426
director shall adopt a rule in accordance with Chapter 119. of 72427
the Revised Code specifying that a permit to install is required 72428
only for new or modified air contaminant sources that emit any 72429
of the following air contaminants: 72430

(a) An air contaminant or precursor of an air contaminant 72431
for which a national ambient air quality standard has been 72432
adopted under the federal Clean Air Act; 72433

(b) An air contaminant for which the air contaminant 72434
source is regulated under the federal Clean Air Act; 72435

(c) An air contaminant that presents, or may present, 72436
through inhalation or other routes of exposure, a threat of 72437
adverse human health effects, including, but not limited to, 72438
substances that are known to be, or may reasonably be 72439
anticipated to be, carcinogenic, mutagenic, teratogenic, or 72440
neurotoxic, that cause reproductive dysfunction, or that are 72441
acutely or chronically toxic, or a threat of adverse 72442
environmental effects whether through ambient concentrations, 72443
bioaccumulation, deposition, or otherwise, and that is 72444
identified in the rule by chemical name and chemical abstract 72445
service number. 72446

The director may modify the rule adopted under division 72447
(F) (3) (c) of this section for the purpose of adding or deleting 72448
air contaminants. For each air contaminant that is contained in 72449

or deleted from the rule adopted under division (F) (3) (c) of 72450
this section, the director shall include in a notice 72451
accompanying any proposed or final rule an explanation of the 72452
director's determination that the air contaminant meets the 72453
criteria established in that division and should be added to, or 72454
no longer meets the criteria and should be deleted from, the 72455
list of air contaminants. The explanation shall include an 72456
identification of the scientific evidence on which the director 72457
relied in making the determination. Until adoption of the rule 72458
under division (F) (3) (c) of this section, nothing shall affect 72459
the director's authority to issue, deny, modify, or revoke 72460
permits to install under this chapter and rules adopted under 72461
it. 72462

(4) (a) Applications for permits to install new or modified 72463
air contaminant sources shall contain sufficient information 72464
regarding air contaminants for which the director may require a 72465
permit to install to determine conformity with the environmental 72466
protection agency's document entitled "Review of New Sources of 72467
Air Toxics Emissions, Option A," dated May 1986, which the 72468
director shall use to evaluate toxic emissions from new or 72469
modified air contaminant sources. The director shall make copies 72470
of the document available to the public upon request at no cost 72471
and post the document on the environmental protection agency's 72472
web site. Any inconsistency between the document and division 72473
(F) (4) of this section shall be resolved in favor of division 72474
(F) (4) of this section. 72475

(b) The maximum acceptable ground level concentration of 72476
an air contaminant shall be calculated in accordance with the 72477
document entitled "Review of New Sources of Air Toxics 72478
Emissions, Option A." Modeling shall be conducted to determine 72479
the increase in the ground level concentration of an air 72480

contaminant beyond the facility's boundary caused by the 72481
emissions from a new or modified source that is the subject of 72482
an application for a permit to install. Modeling shall be based 72483
on the maximum hourly rate of emissions from the source using 72484
information including, but not limited to, any emission control 72485
devices or methods, operational restrictions, stack parameters, 72486
and emission dispersion devices or methods that may affect 72487
ground level concentrations, either individually or in 72488
combination. The director shall determine whether the activities 72489
for which a permit to install is sought will cause an increase 72490
in the ground level concentration of one or more relevant air 72491
contaminants beyond the facility's boundary by an amount in 72492
excess of the maximum acceptable ground level concentration. In 72493
making the determination as to whether the maximum acceptable 72494
ground level concentration will be exceeded, the director shall 72495
give consideration to the modeling conducted under division (F) 72496
(4) (b) of this section and other relevant information submitted 72497
by the applicant. 72498

(c) If the modeling conducted under division (F) (4) (b) of 72499
this section with respect to an application for a permit to 72500
install demonstrates that the maximum ground level concentration 72501
from a new or modified source will be greater than or equal to 72502
eighty per cent, but less than one hundred per cent of the 72503
maximum acceptable ground level concentration for an air 72504
contaminant, the director may establish terms and conditions in 72505
the permit to install for the air contaminant source that will 72506
require the owner or operator of the air contaminant source to 72507
maintain emissions of that air contaminant commensurate with the 72508
modeled level, which shall be expressed as allowable emissions 72509
per day. In order to calculate the allowable emissions per day, 72510
the director shall multiply the hourly emission rate modeled 72511

under division (F) (4) (b) of this section to determine the ground 72512
level concentration by the operating schedule that has been 72513
identified in the permit to install application. Terms and 72514
conditions imposed under division (F) (4) (c) of this section are 72515
not federally enforceable requirements and, if included in a 72516
Title V permit, shall be placed in the portion of the permit 72517
that is only enforceable by the state. 72518

(d) If the modeling conducted under division (F) (4) (b) of 72519
this section with respect to an application for a permit to 72520
install demonstrates that the maximum ground level concentration 72521
from a new or modified source will be less than eighty per cent 72522
of the maximum acceptable ground level concentration, the owner 72523
or operator of the source annually shall report to the director, 72524
on a form prescribed by the director, whether operations of the 72525
source are consistent with the information regarding the 72526
operations that was used to conduct the modeling with regard to 72527
the permit to install application. The annual report to the 72528
director shall be in lieu of an emission limit or other permit 72529
terms and conditions imposed pursuant to division (F) (4) of this 72530
section. The director may consider any significant departure 72531
from the operations of the source described in the permit to 72532
install application that results in greater emissions than the 72533
emissions rate modeled to determine the ground level 72534
concentration as a modification and require the owner or 72535
operator to submit a permit to install application for the 72536
increased emissions. The requirements established in division 72537
(F) (4) (d) of this section are not federally enforceable 72538
requirements and, if included in a Title V permit, shall be 72539
placed in the portion of the permit that is only enforceable by 72540
the state. 72541

(e) Division (F) (4) of this section and the document 72542

entitled "Review of New Sources of Air Toxics Emissions, Option A" shall not be included in the state implementation plan under section 110 of the federal Clean Air Act and do not apply to an air contaminant source that is subject to a maximum achievable control technology standard or residual risk standard under section 112 of the federal Clean Air Act, to a particular air contaminant identified under 40 C.F.R. 51.166, division (b) (23), for which the director has determined that the owner or operator of the source is required to install best available control technology for that particular air contaminant, or to a particular air contaminant for which the director has determined that the source is required to meet the lowest achievable emission rate, as defined in 40 C.F.R. part 51, Appendix S, for that particular air contaminant.

(f) (i) Division (F) (4) of this section and the document entitled "Review of New Sources of Air Toxics Emissions, Option A" do not apply to parking lots, storage piles, storage tanks, transfer operations, grain silos, grain dryers, emergency generators, gasoline dispensing operations, air contaminant sources that emit air contaminants solely from the combustion of fossil fuels, or the emission of wood dust, sand, glass dust, coal dust, silica, and grain dust.

(ii) Notwithstanding division (F) (4) (f) (i) of this section, the director may require an individual air contaminant source that is within one of the source categories identified in division (F) (4) (f) (i) of this section to submit information in an application for a permit to install a new or modified source in order to determine the source's conformity to the document if the director has information to conclude that the particular new or modified source will potentially cause an increase in ground level concentration beyond the facility's boundary that exceeds

the maximum acceptable ground level concentration as set forth 72574
in the document. 72575

(iii) The director may adopt rules in accordance with 72576
Chapter 119. of the Revised Code that are consistent with the 72577
purposes of this chapter and that add to or delete from the 72578
source category exemptions established in division (F)(4)(f)(i) 72579
of this section. 72580

(5) Not later than one year after August 3, 2006, the 72581
director shall adopt rules in accordance with Chapter 119. of 72582
the Revised Code specifying activities that do not, by 72583
themselves, constitute beginning actual construction activities 72584
related to the installation or modification of an air 72585
contaminant source for which a permit to install is required 72586
such as the grading and clearing of land, on-site storage of 72587
portable parts and equipment, and the construction of 72588
foundations or buildings that do not themselves emit air 72589
contaminants. The rules also shall allow specified initial 72590
activities that are part of the installation or modification of 72591
an air contaminant source, such as the installation of 72592
electrical and other utilities for the source, prior to issuance 72593
of a permit to install, provided that the owner or operator of 72594
the source has filed a complete application for a permit to 72595
install, the director or the director's designee has determined 72596
that the application is complete, and the owner or operator of 72597
the source has notified the director that this activity will be 72598
undertaken prior to the issuance of a permit to install. Any 72599
activity that is undertaken by the source under those rules 72600
shall be at the risk of the owner or operator. The rules shall 72601
not apply to activities that are precluded prior to permit 72602
issuance under section 111, section 112, Part C of Title I, and 72603
Part D of Title I of the federal Clean Air Act. 72604

(G) Adopt, modify, suspend, and rescind rules prohibiting 72605
the operation or other use of any new, modified, or existing air 72606
contaminant source unless an operating permit has been obtained 72607
from the director or the director's authorized representative, 72608
or the air contaminant source is being operated in compliance 72609
with the conditions of a variance issued pursuant to division 72610
(H) of this section. Applications for operating permits shall be 72611
accompanied by such plans, specifications, and other pertinent 72612
information as the director may require. Operating permits may 72613
be issued for a period determined by the director not to exceed 72614
ten years, are renewable, and are transferable. The director 72615
shall specify in each operating permit that the permit is 72616
conditioned upon payment of the applicable fees as required by 72617
section 3745.11 of the Revised Code and upon the right of the 72618
director's authorized representatives to enter upon the premises 72619
of the person to whom the permit has been issued, at any 72620
reasonable time and subject to safety requirements of the person 72621
in control of the premises, for the purpose of determining 72622
compliance with this chapter, the rules adopted thereunder, and 72623
the conditions of any permit, variance, or order issued 72624
thereunder. Operating permits may be denied or revoked for 72625
failure to comply with this chapter or the rules adopted 72626
thereunder. An operating permit shall be issued only upon a 72627
showing satisfactory to the director or the director's 72628
representative that the air contaminant source is being operated 72629
in compliance with applicable emission standards and other rules 72630
or upon submission of a schedule of compliance satisfactory to 72631
the director for a source that is not in compliance with all 72632
applicable requirements at the time of permit issuance, provided 72633
that the compliance schedule shall be consistent with and at 72634
least as stringent as that contained in any judicial consent 72635
decree or administrative order to which the air contaminant 72636

source is subject. The rules shall provide for the issuance of 72637
conditional operating permits for such reasonable periods as the 72638
director may determine to allow the holder of an installation 72639
permit, who has constructed, installed, located, or modified a 72640
new air contaminant source in accordance with the provisions of 72641
an installation permit, to make adjustments or modifications 72642
necessary to enable the new air contaminant source to comply 72643
with applicable emission standards and other rules. Terms and 72644
conditions of operating permits issued pursuant to this division 72645
shall be federally enforceable for the purpose of establishing 72646
the potential to emit of a stationary source and shall be 72647
expressly designated as federally enforceable. Any such 72648
federally enforceable restrictions on a source's potential to 72649
emit shall include both an annual limit and a short-term limit 72650
of not more than thirty days for each pollutant to be restricted 72651
together with adequate methods for establishing compliance with 72652
the restrictions. In other respects, operating permits issued 72653
pursuant to this division are enforceable as state law only. No 72654
application shall be denied or permit revoked or modified 72655
without a written order stating the findings upon which denial, 72656
revocation, or modification is based. A copy of the order shall 72657
be sent to the applicant or permit holder by certified mail. 72658

(H) Adopt, modify, and rescind rules governing the 72659
issuance, revocation, modification, or denial of variances that 72660
authorize emissions in excess of the applicable emission 72661
standards. 72662

No variance shall be issued except pursuant to those 72663
rules. The rules shall prescribe conditions and criteria in 72664
furtherance of the purposes of this chapter and consistent with 72665
the federal Clean Air Act governing eligibility for issuance of 72666
variances, which shall include all of the following: 72667

(1) Provisions requiring consistency of emissions 72668
authorized by a variance with timely attainment and maintenance 72669
of ambient air quality standards; 72670

(2) Provisions prescribing the classes and categories of 72671
air contaminants and air contaminant sources for which variances 72672
may be issued; 72673

(3) Provisions defining the circumstances under which an 72674
applicant shall demonstrate that compliance with applicable 72675
emission standards is technically infeasible, economically 72676
unreasonable, or impossible because of conditions beyond the 72677
control of the applicant; 72678

(4) Other provisions prescribed in furtherance of the 72679
goals of this chapter. 72680

The rules shall prohibit the issuance of variances from 72681
any emission limitation that was applicable to a source pursuant 72682
to an installation permit and shall prohibit issuance of 72683
variances that conflict with the federal Clean Air Act. 72684

Applications for variances shall be accompanied by such 72685
information as the director may require. In issuing variances, 72686
the director may order the person to whom a variance is issued 72687
to furnish plans and specifications and such other information 72688
and data, including interim reports, as the director may require 72689
and to proceed to take such action within such time as the 72690
director may determine to be appropriate and reasonable to 72691
prevent, control, or abate the person's existing emissions of 72692
air contaminants. The director shall specify in each variance 72693
that the variance is conditioned upon payment of the applicable 72694
fees as required by section 3745.11 of the Revised Code and upon 72695
the right of the director's authorized representatives to enter 72696

upon the premises of the person to whom the variance has been 72697
issued, at any reasonable time and subject to safety 72698
requirements of the person in control of the premises, for the 72699
purpose of determining compliance with this chapter, the rules 72700
adopted thereunder, and the conditions of any permit, variance, 72701
or order issued thereunder. 72702

The director may hold a public hearing on an application 72703
for a variance or renewal thereof at a location in the county 72704
where the variance is sought. The director shall give not less 72705
than twenty days' notice of the hearing to the applicant by 72706
certified mail or another type of mail accompanied by a receipt. 72707
The director also shall cause at least one publication of notice 72708
in a newspaper with general circulation in the county where the 72709
variance is sought or may instead provide public notice by 72710
publication on the environmental protection agency's web site. 72711
The director shall keep available for public inspection at the 72712
principal office of the environmental protection agency a 72713
current schedule of pending applications for variances and a 72714
current schedule of pending variance hearings. The director 72715
shall make a complete stenographic record or electronic record 72716
of testimony and other evidence submitted at the hearing. The 72717
director shall make a written determination to issue, renew, or 72718
deny the variance and shall enter the determination and the 72719
basis therefor into the record of the hearing. The director 72720
shall issue, renew, or deny an application for a variance or 72721
renewal thereof, or issue a proposed action upon the application 72722
pursuant to section 3745.07 of the Revised Code, within six 72723
months of the date upon which the director receives a complete 72724
application with all pertinent information and data required by 72725
the director. 72726

Any variance granted pursuant to rules adopted under this 72727

division shall be for a period specified by the director, not to 72728
exceed three years, and may be renewed from time to time on such 72729
terms and for such periods, not to exceed three years each, as 72730
the director determines to be appropriate. A variance may be 72731
revoked, or renewal denied, for failure to comply with 72732
conditions specified in the variance. No variance shall be 72733
issued, denied, revoked, or modified without a written order 72734
stating the findings upon which the issuance, denial, 72735
revocation, or modification is based. A copy of the order shall 72736
be sent to the applicant or variance holder by certified mail. 72737

(I) Require the owner or operator of an air contaminant 72738
source to install, employ, maintain, and operate such emissions, 72739
ambient air quality, meteorological, or other monitoring devices 72740
or methods as the director shall prescribe; to sample those 72741
emissions at such locations, at such intervals, and in such 72742
manner as the director prescribes; to maintain records and file 72743
periodic reports with the director containing information as to 72744
location, size, and height of emission outlets, rate, duration, 72745
and composition of emissions, and any other pertinent 72746
information the director prescribes; and to provide such written 72747
notice to other states as the director shall prescribe. In 72748
requiring monitoring devices, records, and reports, the 72749
director, to the extent consistent with the federal Clean Air 72750
Act, shall give consideration to technical feasibility and 72751
economic reasonableness and allow reasonable time for 72752
compliance. For sources where a specific monitoring, record- 72753
keeping, or reporting requirement is specified for a particular 72754
air contaminant from a particular air contaminant source in an 72755
applicable regulation adopted by the United States environmental 72756
protection agency under the federal Clean Air Act or in an 72757
applicable rule adopted by the director, the director shall not 72758

impose an additional requirement in a permit that is a different 72759
monitoring, record-keeping, or reporting requirement other than 72760
the requirement specified in the applicable regulation or rule 72761
for that air contaminant except as otherwise agreed to by the 72762
owner or operator of the air contaminant source and the 72763
director. For sources where no specific monitoring requirement 72764
is specified for a particular air contaminant from a particular 72765
air contaminant source in an applicable regulation adopted by 72766
the United States environmental protection agency under the 72767
federal Clean Air Act or in an applicable rule adopted by the 72768
director, the director shall not impose a monitoring requirement 72769
in a permit that requires community air monitoring, except as 72770
otherwise agreed to by the owner or air operator of the air 72771
contaminant source and the director. If two or more regulations 72772
or rules impose different monitoring, record-keeping, or 72773
reporting requirements for the same air contaminant from the 72774
same air contaminant source, the director may impose permit 72775
terms and conditions that consolidate or streamline the 72776
monitoring, record-keeping, or reporting requirements in a 72777
manner that conforms with each applicable requirement. To the 72778
extent consistent with the federal Clean Air Act and except as 72779
otherwise agreed to by the owner or operator of an air 72780
contaminant source and the director, the director shall not 72781
require an operating restriction that has the practical effect 72782
of increasing the stringency of an existing applicable emission 72783
limitation or standard. 72784

(J) Establish, operate, and maintain monitoring stations 72785
and other devices designed to measure air pollution and enter 72786
into contracts with any public or private agency for the 72787
establishment, operation, or maintenance of such stations and 72788
devices, except for community air monitoring where the intended 72789

use of the data produced by such monitoring stations and other 72790
devices would violate divisions (B) or (C) of section 3704.09 of 72791
the Revised Code; 72792

(K) By rule adopt procedures for giving reasonable public 72793
notice and conducting public hearings on any plans for the 72794
prevention, control, and abatement of air pollution that the 72795
director is required to submit to the federal government; 72796

(L) Through any employee, agent, or authorized 72797
representative of the director or the environmental protection 72798
agency, enter upon private or public property, including 72799
improvements thereon, at any reasonable time, to make 72800
inspections, take samples, conduct tests, and examine records or 72801
reports pertaining to any emission of air contaminants and any 72802
monitoring equipment or methods and to determine if there are 72803
any actual or potential emissions from such premises and, if so, 72804
to determine the sources, amounts, contents, and extent of those 72805
emissions, or to ascertain whether there is compliance with this 72806
chapter, any orders issued or rules adopted thereunder, or any 72807
other determination of the director. The director, at reasonable 72808
times, may have access to and copy any such records. If entry or 72809
inspection authorized by this division is refused, hindered, or 72810
thwarted, the director or the director's authorized 72811
representative may by affidavit apply for, and any judge of a 72812
court of record may issue, an appropriate inspection warrant 72813
necessary to achieve the purposes of this chapter within the 72814
court's territorial jurisdiction. 72815

(M) Accept and administer gifts or grants from the federal 72816
government and from any other source, public or private, for 72817
carrying out any of the functions under this chapter; 72818

(N) Obtain necessary scientific, technical, and laboratory 72819

services; 72820

(O) Establish advisory boards in accordance with section 72821
121.13 of the Revised Code; 72822

(P) Delegate to any city or general health district or 72823
political subdivision of the state any of the director's 72824
enforcement and monitoring powers and duties, other than rule- 72825
making powers, as the director elects to delegate, and in 72826
addition employ, compensate, and prescribe the powers and duties 72827
of such officers, employees, and consultants as are necessary to 72828
enable the director to exercise the authority and perform duties 72829
imposed upon the director by law. Technical and other services 72830
shall be performed, insofar as practical, by personnel of the 72831
environmental protection agency. 72832

(Q) Certify to the government of the United States or any 72833
agency thereof that an industrial air pollution facility is in 72834
conformity with the state program or requirements for control of 72835
air pollution whenever such certificate is required for a 72836
taxpayer pursuant to any federal law or requirements; 72837

(R) Issue, modify, or revoke orders requiring abatement of 72838
or prohibiting emissions that violate applicable emission 72839
standards or other requirements of this chapter and rules 72840
adopted thereunder, or requiring emission control devices or 72841
measures in order to comply with applicable emission standards 72842
or other requirements of this chapter and rules adopted 72843
thereunder. Any such order shall require compliance with 72844
applicable emission standards by a specified date and shall not 72845
conflict with any requirement of the federal Clean Air Act. In 72846
the making of such orders, the director, to the extent 72847
consistent with the federal Clean Air Act, shall give 72848
consideration to, and base the determination on, evidence 72849

relating to the technical feasibility and economic 72850
reasonableness of compliance with such orders and their relation 72851
to benefits to the people of the state to be derived from such 72852
compliance. If, under the federal Clean Air Act, any such order 72853
shall provide for the posting of a bond or surety to secure 72854
compliance with the order as a condition of issuance of the 72855
order, the order shall so provide, but only to the extent 72856
required by the federal Clean Air Act. 72857

(S) To the extent provided by the federal Clean Air Act, 72858
adopt, modify, and rescind rules providing for the 72859
administrative assessment and collection of monetary penalties, 72860
not in excess of those required pursuant to the federal Clean 72861
Air Act, for failure to comply with any emission limitation or 72862
standard, compliance schedule, or other requirement of any rule, 72863
order, permit, or variance issued or adopted under this chapter 72864
or required under the applicable implementation plan whether or 72865
not the source is subject to a federal or state consent decree. 72866
The director may require the submission of compliance schedules, 72867
calculations of penalties for noncompliance, and related 72868
information. Any orders, payments, sanctions, or other 72869
requirements imposed pursuant to rules adopted under this 72870
division shall be in addition to any other permits, orders, 72871
payments, sanctions, or other requirements established under 72872
this chapter and shall not affect any civil or criminal 72873
enforcement proceedings brought under any provision of this 72874
chapter or any other provision of state or local law. This 72875
division does not apply to any requirement of this chapter 72876
regarding the prevention or abatement of odors. 72877

(T) Require new or modified air contaminant sources to 72878
install best available technology, but only in accordance with 72879
this division. With respect to permits issued pursuant to 72880

division (F) of this section beginning three years after August 3, 2006, best available technology for air contaminant sources and air contaminants emitted by those sources that are subject to standards adopted under section 112, Part C of Title I, and Part D of Title I of the federal Clean Air Act shall be equivalent to and no more stringent than those standards. For an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act, best available technology only shall be required to the extent required by rules adopted under Chapter 119. of the Revised Code for permit to install applications filed three or more years after August 3, 2006.

Best available technology requirements established in rules adopted under this division shall be expressed only in one of the following ways that is most appropriate for the applicable source or source categories:

- (1) Work practices;
- (2) Source design characteristics or design efficiency of applicable air contaminant control devices;
- (3) Raw material specifications or throughput limitations averaged over a twelve-month rolling period;
- (4) Monthly allowable emissions averaged over a twelve-month rolling period.

Best available technology requirements shall not apply to an air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, less than ten tons per year of emissions of an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean

Air Act. In addition, best available technology requirements 72910
established in rules adopted under this division shall not apply 72911
to any existing, new, or modified air contaminant source that is 72912
subject to a plant-wide applicability limit that has been 72913
approved by the director. Further, best available technology 72914
requirements established in rules adopted under this division 72915
shall not apply to general permits issued prior to January 1, 72916
2006, under rules adopted under this chapter. 72917

For permits to install issued three or more years after 72918
August 3, 2006, any new or modified air contaminant source that 72919
has the potential to emit, taking into account air pollution 72920
controls installed on the source, ten or more tons per year of 72921
volatile organic compounds or nitrogen oxides shall meet, at a 72922
minimum, the requirements of any applicable reasonably available 72923
control technology rule in effect as of January 1, 2006, 72924
regardless of the location of the source. 72925

(U) Consistent with section 507 of the federal Clean Air 72926
Act, adopt, modify, suspend, and rescind rules for the 72927
establishment of a small business stationary source technical 72928
and environmental compliance assistance program as provided in 72929
section 3704.18 of the Revised Code; 72930

(V) Provide for emissions trading, marketable permits, 72931
auctions of emission rights, and economic incentives that would 72932
reduce the cost or increase the efficiency of achieving a 72933
specified level of environmental protection; 72934

(W) Provide for the construction of an air contaminant 72935
source prior to obtaining a permit to install pursuant to 72936
division (F) of this section if the applicant demonstrates that 72937
the source will be installed to comply with all applicable 72938
emission limits and will not adversely affect public health or 72939

safety or the environment and if the director determines that 72940
such an action will avoid an unreasonable hardship on the owner 72941
or operator of the source. Any such determination shall be 72942
consistent with the federal Clean Air Act. 72943

(X) Exercise all incidental powers, including adoption of 72944
rules, required to carry out this chapter. 72945

The environmental protection agency shall develop a plan 72946
to control air pollution resulting from state-operated 72947
facilities and property. 72948

Sec. 3704.031. ~~Prior~~ (A) Except as provided in division 72949
(B) of this section, prior to issuance or renewal of a permit or 72950
a variance under division (F), (G), or (H) of section 3704.03 of 72951
the Revised Code, the director of environmental protection may 72952
require the applicant to install such equipment and conduct such 72953
tests and analyses as the director finds reasonable and 72954
necessary to determine adequately the amount and content of any 72955
emissions from such sources, the ambient air quality at the 72956
proposed site and in areas that may be affected by emissions 72957
from such sources, and any violation or potential violation of 72958
Chapter 3704. of the Revised Code, or the regulations or orders 72959
promulgated thereunder. 72960

(B) The director shall not require an applicant to conduct 72961
community air monitoring other than any analysis or measurement 72962
of an air pollutant in the ambient air pursuant to a federal 72963
reference method or federal equivalent method. 72964

Sec. 3704.09. (A) Determinations made by the director of 72965
environmental protection or other persons acting under sections 72966
3704.03 and 3704.04 of the Revised Code shall not be used as 72967
evidence in civil actions nor create any presumption of law or 72968

finding of fact which shall inure to or be for the benefit of 72969
any person other than the state, and sections 3704.01 to 3704.07 72970
of the Revised Code do not create, enlarge, or abrogate existing 72971
private rights. Nothing in Chapter 3704. of the Revised Code 72972
shall be construed to abridge, limit, or otherwise impair the 72973
right of any person to damages or other relief on account of 72974
injury to persons or property and to maintain any action or 72975
other appropriate proceedings therefor. 72976

(B) Data produced from community air monitoring shall not 72977
be used as evidence, or disclosed or disseminated by the 72978
environmental protection agency, a local air pollution control 72979
authority, or any person, to support either of the following: 72980

(1) A fine, penalty, or notice of violation against any 72981
person for violations of or noncompliance with the federal Clean 72982
Air Act, this chapter, the rules adopted thereunder, or any 72983
other applicable law, rule, or regulation for which the state 72984
has primary enforcement authority; 72985

(2) An administrative, regulatory, or judicial enforcement 72986
action, lawsuit, or proceeding for violations of or 72987
noncompliance with the federal Clean Air Act, this chapter, the 72988
rules adopted thereunder, or any other applicable law, rule, or 72989
regulation for which the state has primary enforcement 72990
authority. 72991

(C) Data produced from community air monitoring shall not 72992
be considered or relied upon by the environmental protection 72993
agency or a local air pollution control authority in any 72994
rulemaking action or in any action relating to the issuance of 72995
an installation permit or operating permit unless such 72996
consideration or reliance is requested by the owner or operator 72997
of the air contaminant source requesting the permit. 72998

Sec. 3704.111. (A) Not later than October 1, 1993, the 72999
director of environmental protection shall enter into a 73000
delegation agreement with each local air pollution control 73001
authority listed in divisions ~~(N) (1) (a) to (h)~~ (P) (1) of section 73002
3704.01 of the Revised Code under which the local air pollution 73003
control authority agrees to perform on behalf of the 73004
environmental protection agency air pollution control regulatory 73005
services within the political subdivision represented by the 73006
local air pollution control authority. The director may enter 73007
into such a delegation agreement with a local air pollution 73008
control authority established on or after the effective date of 73009
this section, subject to the condition established in division 73010
(B) of this section. Each delegation agreement shall be self- 73011
renewing on an annual basis on the first day of October of each 73012
year. The terms of each such delegation agreement shall remain 73013
unchanged from year to year unless they are amended by mutual 73014
agreement of the director and the local air pollution control 73015
authority. 73016

(B) The director may conduct a periodic performance 73017
evaluation of the air pollution control program operated by each 73018
local air pollution control authority. Based upon the findings 73019
of such a performance evaluation, the director may terminate or 73020
refuse to renew the delegation agreement with a local air 73021
pollution control authority if the director determines that the 73022
local air pollution control authority is not adequately 73023
performing its obligations under the agreement. 73024

(C) The director may enter into contracts for payments to 73025
local air pollution control authorities from moneys credited to 73026
the clean air fund created in section 3704.035 of the Revised 73027
Code, subject to the limitation specified in that section, and 73028
any other moneys appropriated by the general assembly for that 73029

purpose. The director shall distribute the moneys available for 73030
making payments to the local air pollution control authorities 73031
pursuant to such contracts equitably among the local air 73032
pollution control authorities based upon the amount of local 73033
funding and the workload of each local air pollution control 73034
authority, including, without limitation, population served, 73035
number of air permits issued for both new and existing sources, 73036
land area, and number of air contaminant sources. The director 73037
biennially shall review the workload of each local air pollution 73038
control authority and shall determine the percentage of the 73039
moneys available for the purpose of making payments under the 73040
contracts. In determining the percentage of those moneys that is 73041
to be so distributed, the director shall consider the 73042
recommendations of the local air pollution control authorities. 73043

(D) The director may modify a contract between the 73044
director and a local air pollution control authority to 73045
authorize the local air pollution control authority to perform 73046
air pollution control activities outside the geographic 73047
boundaries of that local air pollution control authority. 73048

Sec. 3704.112. For the purpose of fulfilling the duties 73049
and obligations imposed pursuant to a delegation agreement 73050
entered into under section 3704.111 of the Revised Code, a local 73051
air pollution control authority, in the name of the 73052
environmental protection agency, may do all of the following 73053
within the political subdivisions that it represents: 73054

(A) Establish, maintain, and operate air quality 73055
monitoring stations and other devices designed to measure air 73056
pollution or ambient air quality, except for community air 73057
monitoring where the intended use of the data produced by such 73058
monitoring stations and other devices would violate divisions 73059

(B) or (C) of section 3704.09 of the Revised Code; 73060

(B) Enter upon public or private property, real or 73061
personal, at any reasonable time to make inspections, conduct 73062
tests, examine or copy records or reports, determine actual or 73063
potential emissions of air contaminants from a premises, and 73064
ascertain compliance with this chapter and any rules, orders, 73065
terms or conditions of permits or variances, or other 73066
determinations made or issued under it. If the entry or 73067
inspection authorized under this division is refused, hindered, 73068
or thwarted, an authorized representative of the local air 73069
pollution control authority may apply for, and any judge of a 73070
court of record may issue, an administrative inspection warrant 73071
under division (F) of section 2933.21 of the Revised Code, or 73072
other appropriate search warrant, to achieve the purposes of 73073
this chapter within the court's territorial jurisdiction. 73074

(C) Investigate or make inquiries into any alleged 73075
violation of this chapter or a rule, order, term or condition of 73076
a permit or variance, or other determination made or issued 73077
under it, or act of air pollution, upon the complaint of any 73078
person, the local air pollution control authority's own 73079
initiative, or the request of the environmental protection 73080
agency; 73081

(D) In accordance with Chapter 119. of the Revised Code 73082
and the rules adopted under section 3704.03 of the Revised Code 73083
governing open burning, grant or deny permission to conduct open 73084
burning to persons making application for permission to do so; 73085

(E) Encourage, participate in, or conduct studies, 73086
investigations, research, and education and training programs, 73087
and collect and disseminate information, relating to air 73088
pollution; 73089

(F) Accept and administer grants from the federal 73090
government and any other source, public or private, for the 73091
purpose of carrying out any function under this chapter. 73092

Sec. 3704.14. (A) (1) If the director of environmental 73093
protection determines that implementation of a motor vehicle 73094
inspection and maintenance program is necessary for the state to 73095
effectively comply with the federal Clean Air Act after June 30, 73096
~~2023~~2025, the director may provide for the implementation of the 73097
program in those counties in this state in which such a program 73098
is federally mandated. Upon making such a determination, the 73099
director of environmental protection may request the director of 73100
administrative services to extend the terms of the contract that 73101
was entered into under the authority of ~~Am. Sub. H.B. 64-33~~ of 73102
the ~~131st~~135th general assembly. Upon receiving the request, 73103
the director of administrative services shall extend the 73104
contract, beginning on July 1, ~~2023~~2025, in accordance with this 73105
section. The contract shall be extended for a period of up to 73106
twenty-four months with the contractor who conducted the motor 73107
vehicle inspection and maintenance program under that contract. 73108

(2) Prior to the expiration of the contract extension that 73109
~~is was~~ authorized by division (A) (1) of this section under the 73110
authority of H.B. 33 of the 135th general assembly, the director 73111
of environmental protection shall request the director of 73112
administrative services to enter into a contract with a vendor 73113
to operate a decentralized motor vehicle inspection and 73114
maintenance program in each county in this state in which such a 73115
program is federally mandated through June 30, 2027, ~~with an~~ 73116
~~option for the state to renew the contract for a period of up to~~ 73117
~~twenty-four months through June 30, 2029~~. The contract shall 73118
ensure that the decentralized motor vehicle inspection and 73119
maintenance program achieves at least the same an equivalent 73120

amount of emission reductions as achieved by the program 73121
operated under the authority of the contract that was extended 73122
under division (A) (1) of this section under the authority of 73123
H.B. 33 of the 135th general assembly. The director of 73124
administrative services shall select a vendor through a 73125
competitive selection process in compliance with Chapter 125. of 73126
the Revised Code. 73127

(3) Notwithstanding any law to the contrary, the director 73128
of administrative services shall ensure that a competitive 73129
selection process regarding a contract to operate a 73130
decentralized motor vehicle inspection and maintenance program 73131
in this state incorporates the following, which shall be 73132
included in the contract: 73133

(a) For purposes of expanding the number of testing 73134
locations for consumer convenience, a requirement that the 73135
vendor utilize established local businesses, auto repair 73136
facilities, or leased properties to operate state-approved 73137
inspection and maintenance testing facilities; 73138

(b) A requirement that the vendor selected to operate the 73139
program provide notification of the program's requirements to 73140
each owner of a motor vehicle that is required to be inspected 73141
under the program. The contract shall require the notification 73142
to be provided not later than sixty days prior to the date by 73143
which the owner of the motor vehicle is required to have the 73144
motor vehicle inspected. The director of environmental 73145
protection and the vendor shall jointly agree on the content of 73146
the notice. However, the notice shall include at a minimum the 73147
locations of all inspection facilities within a specified 73148
distance of the address that is listed on the owner's motor 73149
vehicle registration; 73150

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

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

(B) The decentralized motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following:

(1) Comply with the federal Clean Air Act;

(2) Provide for the issuance of inspection certificates;

(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period;

(4) Provide for an exemption for battery electric motor vehicles.

(C) (1) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly,

provided that the rules do not conflict with this section. 73180

(2) The director of environmental protection shall issue 73181
an inspection certificate provided for under division (B) (2) of 73182
this section in accordance with Chapter 4796. of the Revised 73183
Code to an applicant if either of the following applies: 73184

(a) The individual holds a certificate or license in 73185
another state. 73186

(b) The individual has satisfactory work experience, a 73187
government certification, or a private certification as 73188
described in that chapter as a vehicle inspector in a state that 73189
does not issue that certificate. 73190

(D) There is hereby created in the state treasury the auto 73191
emissions test fund, which shall consist of money received by 73192
the director from any cash transfers, state and local grants, 73193
and other contributions that are received for the purpose of 73194
funding the program established under this section. The director 73195
of environmental protection shall use money in the fund solely 73196
for the implementation, supervision, administration, operation, 73197
and enforcement of the motor vehicle inspection and maintenance 73198
program established under this section. Money in the fund shall 73199
not be used for either of the following: 73200

(1) To pay for the inspection costs incurred by a motor 73201
vehicle dealer so that the dealer may provide inspection 73202
certificates to an individual purchasing a motor vehicle from 73203
the dealer when that individual resides in a county that is 73204
subject to the motor vehicle inspection and maintenance program; 73205

(2) To provide payment for more than one free passing 73206
emissions inspection or a total of three emissions inspections 73207
for a motor vehicle in any three-hundred-sixty-five-day period. 73208

The owner or lessee of a motor vehicle is responsible for 73209
inspection fees that are related to emissions inspections beyond 73210
one free passing emissions inspection or three total emissions 73211
inspections in any three-hundred-sixty-five-day period. 73212
Inspection fees that are charged by a contractor conducting 73213
emissions inspections under a motor vehicle inspection and 73214
maintenance program shall be approved by the director of 73215
environmental protection. 73216

(E) The motor vehicle inspection and maintenance program 73217
established under this section expires upon the termination of 73218
all contracts entered into under this section and shall not be 73219
implemented beyond the final date on which termination occurs. 73220

(F) If the United States environmental protection agency 73221
determines that the motor vehicle inspection and maintenance 73222
program implemented in accordance with this section is not 73223
necessary for the state or any area of the state to comply with 73224
the federal Clean Air Act, the director shall immediately 73225
discontinue the program and take any actions necessary to 73226
effectuate the termination of the program. 73227

(G) As used in this section "battery electric motor 73228
vehicle" has the same meaning as in section 4501.01 of the 73229
Revised Code. 73230

Sec. 3705.126. The department of health shall neither open 73231
an adoption file nor make its contents available except as 73232
follows: 73233

(A) The department shall inspect the file to determine the 73234
court involved for the purpose of division (D) of section 73235
3107.09 or section 3107.091 or 3107.171 of the Revised Code. 73236

(B) The department shall make the file's contents 73237

available to an adopted person or lineal descendant of an 73238
adopted person in accordance with section 3107.38 of the Revised 73239
Code. 73240

(C) The department shall open the file to transfer 73241
releases to the file in accordance with section 3107.381 of the 73242
Revised Code. 73243

(D) The department shall open the file to file a contact 73244
preference form from a biological parent pursuant to section 73245
3107.39 of the Revised Code and remove any previously filed 73246
contact preference form from the biological parent. 73247

(E) The department shall open the file to ~~file a~~ 73248
~~biological parent's name redaction request form pursuant to~~ 73249
~~division (C) of section 3107.391 of the Revised Code or to~~ 73250
remove and destroy ~~the~~ a name redaction request form pursuant to 73251
division ~~(D)~~ (A) of ~~that~~ section 3107.391 of the Revised Code. 73252

(F) The department shall open the file to file a denial of 73253
release form under division (A) of section 3107.46 of the 73254
Revised Code or an authorization of release form under division 73255
(B) of that section. 73256

(G) The department shall make the file's contents 73257
available to an adopted person or adoptive parent in accordance 73258
with section 3107.47 of the Revised Code. 73259

(H) The department shall open the file to file a request 73260
from an adopted person under division (A) of section 3107.48 of 73261
the Revised Code or to remove and destroy the request pursuant 73262
to division (B) of that section. 73263

(I) The department shall inspect the file to assist a 73264
birth parent or birth sibling in finding the adopted person's 73265
name by adoption in accordance with section 3107.49 of the 73266

Revised Code.

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(J) The court that decreed the adoption may order that the contents be made open for inspection or available for copying.

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Sec. 3705.17. The body of a person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of by a funeral director until a burial permit is issued by a local registrar or sub-registrar of vital statistics. No such permit shall be issued by a local registrar or sub-registrar until a satisfactory death, fetal death, or provisional death certificate is filed with the local registrar or sub-registrar. When the medical certification as to the cause of death cannot be provided by the attending physician or coroner prior to burial, for sufficient cause, as determined by rule of the director of health, the funeral director may file a provisional death certificate with the local registrar or sub-registrar for the purpose of securing a burial or burial-transit permit. When the funeral director files a provisional death certificate to secure a burial or burial-transit permit, the funeral director shall file a satisfactory and complete death certificate within five days after the date of death. The director of health, by rule, may provide additional time for filing a satisfactory death certificate. A burial permit authorizing cremation shall not be issued upon the filing of a provisional certificate of death.

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When a funeral director or other person obtains a burial permit from a local registrar or sub-registrar, the registrar or sub-registrar shall charge a fee of ~~three~~ten dollars for the issuance of the burial permit. ~~Two~~Nine dollars and fifty cents of each fee collected for a burial permit shall be paid into the state treasury to the credit of the cemetery registration fund

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created under section 4767.03 of the Revised Code to be used by 73297
the division of real estate and professional licensing in the 73298
department of commerce in discharging its duties prescribed in 73299
Chapter 4767. of the Revised Code and the Ohio cemetery dispute 73300
resolution commission created by section 4767.05 of the Revised 73301
Code. A local registrar or sub-registrar shall transmit payments 73302
of that portion of the amount of each fee collected under this 73303
section to the treasurer of state on a quarterly basis or more 73304
frequently, if possible. The director of health, by rule, shall 73305
provide for the issuance of a burial permit without the payment 73306
of the fee required by this section if the total cost of the 73307
burial will be paid by an agency or instrumentality of the 73308
United States, the state or a state agency, or a political 73309
subdivision of the state. 73310

The director of commerce may by rule adopted in accordance 73311
with Chapter 119. of the Revised Code reduce the total amount of 73312
the fee required by this section and that portion of the amount 73313
of the fee required to be paid to the credit of the division of 73314
real estate and professional licensing for the use of the 73315
division and the Ohio cemetery dispute resolution commission, if 73316
the director determines that the total amount of funds the fee 73317
is generating at the amount required by this section exceeds the 73318
amount of funds the division of real estate and professional 73319
licensing and the commission need to carry out their powers and 73320
duties prescribed in Chapter 4767. of the Revised Code. 73321

No person in charge of any premises in which interments or 73322
cremations are made shall inter or cremate or otherwise dispose 73323
of a body, unless it is accompanied by a burial permit. Each 73324
person in charge of a cemetery, crematory, or other place of 73325
disposal shall indorse upon a burial permit the date of 73326
interment, cremation, or other disposal and shall retain such 73327

permits for a period of at least five years. The person in 73328
charge shall keep an accurate record of all interments, 73329
cremations, or other disposal of dead bodies, made in the 73330
premises under the person's charge, stating the name of the 73331
deceased person, place of death, date of burial, cremation, or 73332
other disposal, and name and address of the funeral director. 73333
Such record shall at all times be open to public inspection. 73334

Sec. 3706.01. As used in this chapter: 73335

(A) "Governmental agency" means a department, division, or 73336
other unit of state government, a municipal corporation, county, 73337
township, and other political subdivision, or any other public 73338
corporation or agency having the power to acquire, construct, or 73339
operate air quality facilities, the United States or any agency 73340
thereof, and any agency, commission, or authority established 73341
pursuant to an interstate compact or agreement. 73342

(B) "Person" means any individual, firm, partnership, 73343
association, or corporation, or any combination thereof. 73344

(C) "Air contaminant" means particulate matter, dust, 73345
fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, 73346
radiation, or odorous substance, or any combination thereof. 73347

(D) "Air pollution" means the presence in the ambient air 73348
of one or more air contaminants in sufficient quantity and of 73349
such characteristics and duration as to injure human health or 73350
welfare, plant or animal life, or property, or that unreasonably 73351
interferes with the comfortable enjoyment of life or property. 73352

(E) "Ambient air" means that portion of the atmosphere 73353
outside of buildings and other enclosures, stacks, or ducts that 73354
surrounds human, plant, or animal life, or property. 73355

(F) "Emission" means the release into the outdoor 73356

atmosphere of an air contaminant. 73357

(G) "Air quality facility" means any of the following: 73358

(1) Any method, modification or replacement of property, 73359
process, device, structure, or equipment that removes, reduces, 73360
prevents, contains, alters, conveys, stores, disperses, or 73361
disposes of air contaminants or substances containing air 73362
contaminants, or that renders less noxious or reduces the 73363
concentration of air contaminants in the ambient air, including, 73364
without limitation, facilities and expenditures that qualify as 73365
air pollution control facilities under section 103 (C) (4) (F) of 73366
the Internal Revenue Code of 1954, as amended, and regulations 73367
adopted thereunder; 73368

(2) Motor vehicle inspection stations operated in 73369
accordance with, and any equipment used for motor vehicle 73370
inspections conducted under, section 3704.14 of the Revised Code 73371
and rules adopted under it; 73372

(3) Ethanol or other biofuel facilities, including any 73373
equipment used at the ethanol or other biofuel facility for the 73374
production of ethanol or other biofuels; 73375

(4) Any property or portion thereof used for the 73376
collection, storage, treatment, utilization, processing, or 73377
final disposal of a by-product or solid waste resulting from any 73378
method, process, device, structure, or equipment that removes, 73379
reduces, prevents, contains, alters, conveys, stores, disperses, 73380
or disposes of air contaminants, or that renders less noxious or 73381
reduces the concentration of air contaminants in the ambient 73382
air; 73383

(5) Any property, device, or equipment that promotes the 73384
reduction of emissions of air contaminants into the ambient air 73385

through improvements in the efficiency of energy utilization or 73386
energy conservation; 73387

(6) Any coal research and development project conducted 73388
under Chapter 1555. of the Revised Code; 73389

(7) As determined by the director of the Ohio coal 73390
development office, any property or portion thereof that is used 73391
for the collection, storage, treatment, utilization, processing, 73392
or final disposal of a by-product resulting from a coal research 73393
and development project as defined in section 1555.01 of the 73394
Revised Code or from the use of clean coal technology, excluding 73395
any property or portion thereof that is used primarily for other 73396
subsequent commercial purposes; 73397

(8) ~~Any property or portion thereof that is part of the~~ 73398
~~FutureGen project of the United States department of energy or~~ 73399
~~related to the siting of the FutureGen project~~Any property, 73400
device, or equipment comprising a facility generating green 73401
energy; 73402

(9) Any property, device, or equipment that promotes the 73403
reduction of emissions of air contaminants into the ambient air 73404
through the generation of clean, renewable energy with renewable 73405
energy resources or advanced energy resources as defined in 73406
section 3706.25 of the Revised Code; 73407

(10) Any property, device, structure, or equipment 73408
necessary for the manufacture and production of equipment 73409
described as an air quality facility under this chapter; 73410

(11) Any property, device, or equipment related to the 73411
recharging or refueling of vehicles that promotes the reduction 73412
of emissions of air contaminants into the ambient air through 73413
the use of an alternative fuel as defined in section 125.831 of 73414

the Revised Code or the use of a renewable energy resource as 73415
defined in section 3706.25 of the Revised Code; 73416

(12) Any special energy improvement project, as defined in 73417
section 1710.01 of the Revised Code, that promotes the reduction 73418
of emissions of air contaminants into the ambient air. 73419

"Air quality facility" further includes any property or 73420
system to be used in whole or in part for any of the purposes in 73421
divisions (G) (1) to (12) of this section, whether another 73422
purpose is also served, and any property or system incidental to 73423
or that has to do with, or the end purpose of which is, any of 73424
the foregoing. Air quality facilities that are defined in this 73425
division for industry, commerce, distribution, or research, 73426
including public utility companies, are hereby determined to be 73427
those that qualify as facilities for the control of air 73428
pollution and thermal pollution related to air under Section 13 73429
of Article VIII, Ohio Constitution. 73430

(H) "Project" or "air quality project" means any air 73431
quality facility, including undivided or other interests 73432
therein, acquired or to be acquired or constructed or to be 73433
constructed by the Ohio air quality development authority under 73434
this chapter, or acquired or to be acquired or constructed or to 73435
be constructed by a governmental agency or person with all or a 73436
part of the cost thereof being paid from a loan or grant from 73437
the authority under this chapter or otherwise paid from the 73438
proceeds of air quality revenue bonds, including all buildings 73439
and facilities that the authority determines necessary for the 73440
operation of the project, together with all property, rights, 73441
easements, and interests that may be required for the operation 73442
of the project. 73443

(I) "Cost" as applied to an air quality project means the 73444

cost of acquisition and construction, the cost of acquisition of 73445
all land, rights-of-way, property rights, easements, franchise 73446
rights, and interests required for such acquisition and 73447
construction, the cost of demolishing or removing any buildings 73448
or structures on land so acquired, including the cost of 73449
acquiring any lands to which such buildings or structures may be 73450
moved, the cost of acquiring or constructing and equipping a 73451
principal office and sub-offices of the authority, the cost of 73452
diverting highways, interchange of highways, and access roads to 73453
private property, including the cost of land or easements for 73454
such access roads, the cost of public utility and common carrier 73455
relocation or duplication, the cost of all machinery, 73456
furnishings, and equipment, financing charges, interest prior to 73457
and during construction and for no more than eighteen months 73458
after completion of construction, engineering, expenses of 73459
research and development with respect to air quality facilities, 73460
the cost of any commodity contract, including fees and expenses 73461
related thereto, legal expenses, plans, specifications, surveys, 73462
studies, estimates of cost and revenues, working capital, other 73463
expenses necessary or incident to determining the feasibility or 73464
practicability of acquiring or constructing such project, 73465
administrative expense, and such other expense as may be 73466
necessary or incident to the acquisition or construction of the 73467
project, the financing of such acquisition or construction, 73468
including the amount authorized in the resolution of the 73469
authority providing for the issuance of air quality revenue 73470
bonds to be paid into any special funds from the proceeds of 73471
such bonds, and the financing of the placing of such project in 73472
operation. Any obligation, cost, or expense incurred by any 73473
governmental agency or person for surveys, borings, preparation 73474
of plans and specifications, and other engineering services, or 73475
any other cost described above, in connection with the 73476

acquisition or construction of a project may be regarded as a 73477
part of the cost of that project and may be reimbursed out of 73478
the proceeds of air quality revenue bonds as authorized by this 73479
chapter. 73480

(J) "Owner" includes an individual, copartnership, 73481
association, or corporation having any title or interest in any 73482
property, rights, easements, or interests authorized to be 73483
acquired by this chapter. 73484

(K) "Revenues" means all rentals and other charges 73485
received by the authority for the use or services of any air 73486
quality project, any gift or grant received with respect to any 73487
air quality project, any moneys received with respect to the 73488
lease, sublease, sale, including installment sale or conditional 73489
sale, or other disposition of an air quality project, moneys 73490
received in repayment of and for interest on any loans made by 73491
the authority to a person or governmental agency, whether from 73492
the United States or any department, administration, or agency 73493
thereof, or otherwise, proceeds of such bonds to the extent that 73494
use thereof for payment of principal of, premium, if any, or 73495
interest on the bonds is authorized by the authority, amounts 73496
received or otherwise derived from a commodity contract or from 73497
the sale of the related commodity under such a contract, 73498
proceeds from any insurance, condemnation, or guaranty 73499
pertaining to a project or property mortgaged to secure bonds or 73500
pertaining to the financing of the project, and income and 73501
profit from the investment of the proceeds of air quality 73502
revenue bonds or of any revenues. 73503

(L) "Public roads" includes all public highways, roads, 73504
and streets in the state, whether maintained by the state, 73505
county, city, township, or other political subdivision. 73506

(M) "Public utility facilities" includes tracks, pipes, 73507
mains, conduits, cables, wires, towers, poles, and other 73508
equipment and appliances of any public utility. 73509

(N) "Construction," unless the context indicates a 73510
different meaning or intent, includes reconstruction, 73511
enlargement, improvement, or providing furnishings or equipment. 73512

(O) "Air quality revenue bonds," unless the context 73513
indicates a different meaning or intent, includes air quality 73514
revenue notes, air quality revenue renewal notes, and air 73515
quality revenue refunding bonds, except that notes issued in 73516
anticipation of the issuance of bonds shall have a maximum 73517
maturity of five years as provided in section 3706.05 of the 73518
Revised Code and notes or renewal notes issued as the definitive 73519
obligation may be issued maturing at such time or times with a 73520
maximum maturity of forty years from the date of issuance of the 73521
original note. 73522

(P) "Solid waste" means any garbage; refuse; sludge from a 73523
waste water treatment plant, water supply treatment plant, or 73524
air pollution control facility; and other discarded material, 73525
including solid, liquid, semisolid, or contained gaseous 73526
material resulting from industrial, commercial, mining, and 73527
agricultural operations, and from community activities, but not 73528
including solid or dissolved material in domestic sewage, or 73529
solid or dissolved material in irrigation return flows or 73530
industrial discharges that are point sources subject to permits 73531
under section 402 of the "Federal Water Pollution Control Act 73532
Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, 73533
or source, special nuclear, or byproduct material as defined by 73534
the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, 73535
as amended. 73536

(Q) "Sludge" means any solid, semisolid, or liquid waste, 73537
other than a recyclable by-product, generated from a municipal, 73538
commercial, or industrial waste water treatment plant, water 73539
supply plant, or air pollution control facility or any other 73540
such wastes having similar characteristics and effects. 73541

(R) "Ethanol or other biofuel facility" means a plant at 73542
which ethanol or other biofuel is produced. 73543

(S) "Ethanol" means fermentation ethyl alcohol derived 73544
from agricultural products, including potatoes, cereal, grains, 73545
cheese whey, and sugar beets; forest products; or other 73546
renewable or biomass resources, including residue and waste 73547
generated from the production, processing, and marketing of 73548
agricultural products, forest products, and other renewable or 73549
biomass resources, that meets all of the specifications in the 73550
American society for testing and materials (ASTM) specification 73551
D 4806-88 and is denatured as specified in Parts 20 and 21 of 73552
Title 27 of the Code of Federal Regulations. 73553

(T) "Biofuel" means any fuel that is made from cellulosic 73554
biomass resources, including renewable organic matter, crop 73555
waste residue, wood, aquatic plants and other crops, animal 73556
waste, solid waste, or sludge, and that is used for the 73557
production of energy for transportation or other purposes. 73558

(U) "FutureGen project" means the buildings, equipment, 73559
and real property and functionally related buildings, equipment, 73560
and real property, including related research projects that 73561
support the development and operation of the buildings, 73562
equipment, and real property, designated by the United States 73563
department of energy and the FutureGen industrial alliance, 73564
inc., as the coal-fueled, zero-emissions power plant designed to 73565
prove the technical and economic feasibility of producing 73566

electricity and hydrogen from coal and nearly eliminating carbon 73567
dioxide emissions through capture and permanent storage. 73568

(V) "Commodity contract" means a contract or series of 73569
contracts entered into in connection with the acquisition or 73570
construction of air quality facilities for the purchase or sale 73571
of a commodity that is eligible for prepayment with the proceeds 73572
of federally tax exempt bonds under sections 103, 141, and 148 73573
of the Internal Revenue Code of 1986, as amended, and 73574
regulations adopted under it. 73575

(W) "Green energy" has the same meaning as in section 73576
4928.01 of the Revised Code. 73577

Sec. 3707.61. (A) The department of health shall create 73578
informational materials on type 1 diabetes for parents, 73579
guardians, educators, and other persons having care or charge of 73580
children. The materials shall include pertinent information to 73581
inform and educate parents, guardians, educators, and other 73582
caretakers about type 1 diabetes in children, including the 73583
following: 73584

(1) A description of type 1 diabetes; 73585

(2) A description of type 1 diabetes risk factors and 73586
warning signs; 73587

(3) A recommendation that the parents or guardian of a 73588
student who is displaying type 1 diabetes warning signs should 73589
immediately consult with the student's primary care provider to 73590
determine if immediate screening is appropriate; 73591

(4) A description of the type 1 diabetes screening 73592
process, the significance of the three stages of type 1 73593
diabetes, and the implications of test results identifying the 73594
presence of each stage; 73595

(5) A recommendation that, following a diagnosis of type 1 73596
diabetes, the student's parents or guardian should consult with 73597
the student's primary care provider to develop an appropriate 73598
treatment plan, which may include consultation with and 73599
examination by a specialty care provider, including a properly 73600
qualified endocrinologist. 73601

(B) The department shall make the informational materials 73602
available on its internet web site in a format suitable for easy 73603
downloading and printing. 73604

Sec. 3715.021. (A) As used in this section, ~~"food :~~ 73605

(1) "Food processing establishment" means a premises or 73606
part of a premises where food is processed, packaged, 73607
manufactured, or otherwise held or handled for distribution to 73608
another location or for sale at wholesale. "Food processing 73609
establishment" includes the activities of a bakery, 73610
confectionery, cannery, bottler, warehouse, or distributor, and 73611
the activities of an entity that receives or salvages distressed 73612
food for sale or use as food. A "food processing establishment" 73613
does not include a cottage food production operation; a small 73614
egg producer; a processor of tree syrup who boils sap when a 73615
minimum of seventy-five per cent of the sap used to produce the 73616
syrup is collected directly from trees by that processor; a 73617
processor of sorghum who processes sorghum juice when a minimum 73618
of seventy-five per cent of the sorghum juice used to produce 73619
the sorghum is extracted directly from sorghum plants by that 73620
processor; a beekeeper who jars honey when a minimum of seventy- 73621
five per cent of the honey is from that beekeeper's own hives; 73622
or a processor of apple syrup or apple butter who directly 73623
harvests from trees a minimum of seventy-five per cent of the 73624
apples used to produce the apple syrup or apple butter. 73625

(2) "Small egg producer" means any person that is engaged 73626
in the operation of egg production and annually maintains five 73627
hundred or fewer birds. 73628

(B) The director of agriculture shall adopt rules in 73629
accordance with Chapter 119. of the Revised Code that establish, 73630
when otherwise not established by the Revised Code, standards 73631
and good manufacturing practices for food processing 73632
establishments, including the facilities of food processing 73633
establishments and their sanitation. The rules shall conform 73634
with or be equivalent to the standards for foods established by 73635
the United States food and drug administration in Title 21 of 73636
the Code of Federal Regulations. 73637

A business or that portion of a business that is regulated 73638
by the department of agriculture under Chapter 917. or 918. of 73639
the Revised Code is not subject to regulation under this section 73640
as a food processing establishment. 73641

Sec. 3718.02. (A) The director of health, in accordance 73642
with Chapter 119. of the Revised Code, shall adopt, and 73643
subsequently may amend and rescind, rules of general application 73644
throughout the state to administer this chapter. Rules adopted 73645
under division (A) of this section shall do at least all of the 73646
following: 73647

(1) Require that the appropriate board of health approve 73648
or disapprove the installation, operation, and alteration of a 73649
sewage treatment system if it is not connected to a sanitary 73650
sewerage system; 73651

(2) Require a board of health, or other person as 73652
established by rule, to conduct a site evaluation for any 73653
proposed installation of a sewage treatment system; 73654

(3) Prescribe standards for the siting, design, 73655
installation, operation, monitoring, maintenance, and 73656
abandonment of sewage treatment systems that may be used in this 73657
state and for the progressive or incremental alteration or 73658
repair of an existing sewage treatment system or the progressive 73659
or incremental installation of a new system to replace an 73660
existing sewage treatment system. The rules shall be adopted so 73661
as to establish a preference for the repair of an existing 73662
sewage treatment system, when technically and economically 73663
feasible, rather than its replacement with a new system. The 73664
standards shall include at a minimum all of the following: 73665

(a) Soil absorption specifications and vertical separation 73666
distances. 73667

(i) Soil absorption specifications established in rules 73668
shall include standards regarding the sizing of sewage treatment 73669
systems in use in the state. 73670

(ii) In establishing soil absorption specifications and 73671
vertical separation distances, the rules shall identify those 73672
soil conditions that present a low or moderate risk of 73673
inadequate treatment or dispersal of sewage from sewage 73674
treatment systems. For low and moderate risk conditions, the 73675
required vertical separation distance shall not exceed eighteen 73676
inches except as authorized pursuant to rules adopted under 73677
divisions (A) (3) (a) (iii) and (iv) of this section. 73678

In addition, the rules shall identify those soil 73679
conditions that present a high risk of inadequate treatment or 73680
dispersal of sewage. For such high risk conditions, the vertical 73681
separation distance shall be set at a depth from twenty-four to 73682
thirty-six inches and shall not be lowered unless a reduction of 73683
vertical separation is granted in accordance with rules adopted 73684

under division (A) (3) (a) (iii) of this section. 73685

(iii) The rules shall establish options to be utilized by 73686
a board of health when approving the reductions of or compliance 73687
with vertical separation distances that are established in rules 73688
adopted under division (A) (3) (a) (ii) of this section. The 73689
options for a board of health in providing such approval shall 73690
include, but not be limited to: the use where deemed appropriate 73691
for a particular site of subsurface interceptor drains, 73692
perimeter drains, or engineered drainage; pretreatment of 73693
sewage; or soil elevation. 73694

(iv) The rules shall provide that a board of health may 73695
petition the director to increase the vertical separation 73696
distances required for sewage treatment systems in the 73697
applicable health district or a portion of the district when 73698
conditions present a high risk of inadequate treatment or 73699
dispersal of sewage. The rules also shall provide that the 73700
director may approve such a request upon a demonstration by the 73701
board of health that unusual or unique local conditions relating 73702
to terrain, bedrock, water table, soil fragments, or soil 73703
textures require the establishment of greater vertical 73704
separation distances within the jurisdiction of the board of 73705
health or a portion thereof. If, under the rules, the director 73706
of health approves a greater vertical separation distance, a 73707
board of health still may approve a reduction of that vertical 73708
separation distance for an individual sewage treatment system 73709
pursuant to rules adopted under division (A) (3) (a) (iii) of this 73710
section. Further, if, under the rules, the director approves a 73711
greater vertical separation distance, a person who is denied 73712
permission by a board of health to install or replace a sewage 73713
treatment system as a result of the director's approval may 73714
request a hearing in accordance with section 3718.11 of the 73715

Revised Code. 73716

(b) Specifications for the quality of treated sewage 73717
effluent from household sewage treatment systems that is applied 73718
to soil on the property where a household sewage treatment 73719
system is located. The specifications established in the rules 73720
for the quality of effluent from discharging systems shall 73721
comply with discharge requirements imposed by the national 73722
pollutant discharge elimination system permit program 73723
established under section 6111.03 of the Revised Code and rules 73724
adopted under it. 73725

(c) Requirements for the reasonable maintenance of a 73726
system according to maintenance requirements approved by the 73727
director of health as recommended by the sewage treatment system 73728
technical advisory committee or according to accepted standards 73729
and practices established in rules, as applicable. The 73730
requirements may include standards for service contracts or 73731
other arrangements that assure regular maintenance and upkeep of 73732
the system. In determining the reasonableness of a maintenance 73733
requirement, the director shall consider a manufacturer's 73734
maintenance requirements as well as all other maintenance 73735
alternatives. 73736

(4) Prescribe procedures for notification to boards of 73737
health of the approval of a sewage treatment system or 73738
components of a system by the director of health under section 73739
3718.04 of the Revised Code; 73740

(5) Prescribe criteria and procedures under which boards 73741
of health shall issue installation permits, operation permits, 73742
and alteration permits for sewage treatment systems. The rules 73743
shall require as a condition of an installation permit that the 73744
installer of a system must warrant that the system was installed 73745

in accordance with all applicable rules and design requirements. 73746
In addition, the rules shall require a board of health, not 73747
later than sixty days after the issuance of an installation, 73748
operation, or alteration permit, to notify the director that the 73749
permit was issued. The rules shall require the notification to 73750
be in a format prescribed by the director and to include 73751
information related to the issuance of the permit. With the 73752
assistance of the department of health, a board of health, to 73753
the extent practicable, shall computerize the process of the 73754
issuance of permits for sewage treatment systems. 73755

(6) Require a board of health to inspect a sewage 73756
treatment system not later than twelve months after its 73757
installation to ensure that the system is operating properly. 73758
The rules shall require a board of health, not later than sixty 73759
days after the inspection, to certify to the director on a form 73760
provided by the director that the inspection was performed. 73761

(7) Require each board of health to develop a program for 73762
the administration of maintenance requirements established in 73763
rules adopted under division (A) (3) (c) of this section. The 73764
rules shall include requirements and procedures under which a 73765
person may demonstrate the required maintenance of a system in 73766
lieu of having an inspection conducted when an inspection 73767
otherwise is required. The rules shall require a board of health 73768
to provide written notice to a person that is demonstrating 73769
maintenance of a system in lieu of an inspection that if proof 73770
of the required maintenance of the system is not provided as 73771
required by rules, the system is subject to inspection by the 73772
board and the reasonable cost of the inspection must be paid by 73773
the person. The rules shall authorize a board of health to 73774
inspect any sewage treatment system if there is a good-faith 73775
complaint regarding the system, there is probable cause for the 73776

inspection, or proof of the required maintenance of the system 73777
has not been provided as required by rules. In addition, the 73778
rules shall authorize a board of health to inspect a sewage 73779
treatment system without prior notice in any instance in which 73780
the board has probable cause to believe that the system is 73781
endangering or threatening to endanger public health. The rules 73782
shall require that the reasonable costs for sewage effluent 73783
testing or evaluation be paid by the owner of a sewage treatment 73784
system that is being investigated. Further, the rules shall 73785
establish a methodology for determining the reasonable costs of 73786
an inspection in accordance with section 3709.09 of the Revised 73787
Code. The rules shall allow, but shall not require, a board of 73788
health to continue an inspection program that was established by 73789
the board prior to the effective date of the rules, provided 73790
that the program authorizes a person to demonstrate the required 73791
maintenance of a system in lieu of an inspection. 73792

(8) Require a board of health to register installers, 73793
service providers, and septage haulers that perform work within 73794
the health district; prescribe criteria and procedures for the 73795
registration; and prescribe criteria for a demonstration of 73796
competency as a part of the registration. The rules shall 73797
establish uniform statewide bonding requirements or other 73798
financial security requirements for installers, service 73799
providers, and septage haulers as a condition of registration 73800
within any health district. The rules shall establish a 73801
methodology by which the required amount of a bond or other 73802
security may be calculated for each installer, service provider, 73803
and septage hauler. The methodology, at a minimum, shall 73804
consider the number of systems installed or serviced and the 73805
type of system installed or serviced by an installer, service 73806
provider, or septage hauler on an annual basis. The rules shall 73807

provide that no board of health shall require an additional or 73808
different bond or security requirement as a condition of 73809
registration beyond the bonding and security requirements 73810
established in the rules adopted under division (A) (8) of this 73811
section. 73812

The rules shall establish a cost methodology for 73813
determining the fee for the registration of an installer, 73814
service provider, or septage hauler in any health district. 73815

(9) Prescribe requirements for the collection, 73816
transportation, disposal, and land application of domestic 73817
septage in this state from a sewage treatment system; 73818

(10) Require boards of health to maintain records that are 73819
determined necessary to ascertain compliance with this chapter 73820
and the rules adopted under it; 73821

(11) Require the manufacturer of a sewage treatment system 73822
that is authorized for use in this state in rules adopted under 73823
this section or that is approved for use in this state under 73824
section 3718.04 of the Revised Code to provide instructions for 73825
the operation and maintenance of the system. The rules shall 73826
provide that a board of health may require a copy of a 73827
manufacturer's instructions for the operation and maintenance of 73828
a system to be filed with the board prior to the installation 73829
and use of the system in the health district in which the board 73830
has jurisdiction. In addition, the rules shall require a board 73831
of health and a manufacturer to provide a copy of the operation 73832
and maintenance instructions, if available, when a board of 73833
health or a manufacturer receives a written request for 73834
instructions. 73835

(12) Prescribe criteria for the provision of written 73836

evidence of compliance with rules pertaining to sewage treatment 73837
for purposes of sections 711.05 and 711.10 of the Revised Code; 73838

(13) Pursuant to divisions (A) (1) and (3) of this section, 73839
prescribe standards for the siting, design, installation, 73840
operation, monitoring, maintenance, and abandonment of small 73841
flow on-site sewage treatment systems that may be used in this 73842
state; 73843

(14) Prescribe minimum criteria and procedures under which 73844
boards of health may establish household sewage treatment 73845
district management programs for the purpose of providing a 73846
responsive approach toward preventing or solving sewage 73847
treatment problems resulting from household sewage treatment 73848
systems within the districts established under the program. For 73849
purposes of division (A) (14) of this section, a board of health 73850
may enter into a contract with any entity to administer a 73851
household sewage treatment district management program. 73852

(15) Prescribe standards for the use of subsurface 73853
interceptor drains, perimeter drains, and engineered drainage to 73854
remove or divert any subsurface water from an area to be used 73855
for soil absorption of sewage in the soil of a sewage treatment 73856
system; 73857

(16) Prescribe standards for the inspection of septage 73858
hauling truck tanks by boards of health, including, but not 73859
limited to, tank seal safety specifications; 73860

(17) Establish standards and testing methods to ensure 73861
that all septic tanks, other disposal component tanks, dosing 73862
tanks, pump vaults, household sewage treatment disposal system 73863
holding tanks and privy vaults, or other applicable sewage 73864
disposal system components manufactured after September 17, 73865

2010, and used in this state are watertight and structurally sound; 73866
73867

(18) Require a board of health to give notice and an opportunity for a hearing, pursuant to section 3718.11 of the Revised Code, to an affected property owner regarding any of the following: 73868
73869
73870
73871

(a) The denial of an installation, operation, or alteration permit for a sewage treatment system; 73872
73873

(b) The imposition of a condition on the installation of a sewage treatment system; 73874
73875

(c) The required replacement of a sewage treatment system; 73876

(d) Any other final order or decision of a board of health that is made under this chapter concerning which a property owner is claiming to be aggrieved or adversely affected. 73877
73878
73879

The rules also shall establish procedures for giving such notice and for conducting the hearing required in rules adopted under division (A) (18) of this section. 73880
73881
73882

(19) Prescribe standards for the regulation of gray water recycling systems; 73883
73884

(20) Prohibit a sewage treatment system from causing a public health nuisance; 73885
73886

(21) Define economic impact for purposes of division (B) of this section and section 3718.022 of the Revised Code. 73887
73888

The director may adopt other rules under division (A) of this section that the director determines are necessary to implement this chapter and to protect the public health and welfare. 73889
73890
73891
73892

At least sixty days prior to adopting a rule under 73893
division (A) of this section, the director shall provide boards 73894
of health and any other interested parties an opportunity to 73895
comment on the rule. 73896

(B) (1) In accordance with section 3709.20 or 3709.21 of 73897
the Revised Code, as applicable, and subject to review by and 73898
approval of the director under division (C) of section 3718.05 73899
of the Revised Code, a board of health may adopt rules necessary 73900
for the public health providing for more stringent standards 73901
than those established in rules adopted by the director under 73902
division (A) of this section. In proposing or adopting the 73903
rules, a board of health shall consider and document the 73904
economic impact of the rules on property owners within the 73905
applicable health district. 73906

(2) A board that intends to adopt rules shall notify the 73907
department of health of the proposed rules and submit a copy of 73908
the proposed rules and the documentation of the economic impact 73909
of the rules at least ninety days prior to the proposed date of 73910
adoption. The director shall approve or disapprove any such 73911
proposed rule within ninety days after receiving a copy of the 73912
proposed rule from the board of health. 73913

(3) In reviewing a proposed rule, the director shall 73914
approve the rule if all of the following apply: 73915

(a) The proposed rule is not in conflict with this chapter 73916
or rules adopted under it. 73917

(b) The proposed rule is authorized by division (B) of 73918
this section. 73919

(c) The proposed rule is no less stringent than rules 73920
adopted by the director. 73921

(d) Unless otherwise authorized by this chapter or rules 73922
adopted under it, the proposed rule does not require design 73923
changes to a sewage treatment system, or component thereof, that 73924
differ from a design authorized in rules adopted under division 73925
(A) of this section, including rules adopted under division (A) 73926
(1) or (A) (3) (a) (iii) or (iv) of this section, or approved by 73927
the director under section 3718.04 of the Revised Code. 73928

(e) The proposed rule does not require operation or 73929
maintenance procedures for a sewage treatment system that 73930
conflict with operation or maintenance procedures authorized in 73931
rules adopted under division (A) of this section, including 73932
rules adopted under division (A) (1) or (A) (3) (a) (iii) or (iv) of 73933
this section, or approved by the director under section 3718.04 73934
of the Revised Code. 73935

(4) If a board of health fails to submit a proposed rule 73936
to the director or fails to demonstrate that the board has 73937
considered the economic impact of the proposed rule, the rule 73938
shall have no force or effect and is not enforceable. 73939

(C) The director shall not adopt rules under this chapter 73940
requiring a soil evaluator or soil scientist to evaluate the 73941
soil type and slope with respect to a sewage treatment system or 73942
a proposed sewage treatment system. 73943

Sec. 3719.04. (A) A person ~~identified in division (B) (1)~~ 73944
~~(a) of section 4729.52 of the Revised Code~~ who holds a ~~category-~~ 73945
~~III~~ license issued under that section 4729.52 of the Revised 73946
Code granting authority with respect to controlled substances 73947
may sell at wholesale controlled substances to any of the 73948
following persons and is subject to the following conditions: 73949

(1) To another person who holds a ~~category III~~ license 73950

issued under section 4729.52 of the Revised Code granting 73951
authority with respect to controlled substances or to a terminal 73952
distributor of dangerous drugs with a ~~category III~~ license 73953
issued under section 4729.54 of the Revised Code granting 73954
authority with respect to controlled substances; 73955

(2) To a person in the employ of the United States 73956
government or of any state, territorial, district, county, 73957
municipal, or insular government, purchasing, receiving, 73958
possessing, or dispensing controlled substances by reason of 73959
official duties; 73960

(3) To a master of a ship or a person in charge of any 73961
aircraft upon which no physician is regularly employed, for the 73962
actual medical needs of persons on board the ship or aircraft, 73963
when not in port; provided such controlled substances shall be 73964
sold to the master of the ship or person in charge of the 73965
aircraft only in pursuance of a special official written order 73966
approved by a commissioned medical officer or acting assistant 73967
surgeon of the United States public health service; 73968

(4) To a person in a foreign country, if the federal drug 73969
abuse control laws are complied with. 73970

(B) An official written order for any schedule II 73971
controlled substances shall comply with all requirements of the 73972
federal drug abuse control laws and rules adopted by the state 73973
board of pharmacy. Except as provided in section 3719.05 of the 73974
Revised Code or as otherwise specified in rules adopted by the 73975
board, each party engaged in the sale of schedule II controlled 73976
substances shall maintain all records relating to the order for 73977
a period of five years in such a way as to be readily accessible 73978
for inspection by any public officer or employee engaged in the 73979
enforcement of this chapter. 73980

Sec. 3721.074. (A) As used in this section:

(1) "Independent living facility" has the same meaning as
in section 5709.12 of the Revised Code.

(2) "Residential facility" has the same meaning as in
section 5119.34 of the Revised Code.

(B) (1) Notwithstanding any provision of the Revised Code
to the contrary, an independent living facility or residential
facility that applies to the director of health pursuant to
section 3721.07 of the Revised Code for a license as a
residential care facility may continue to operate as an
independent living facility or residential facility in
accordance with this section during the period of time that the
application is under consideration by the director.

(2) An independent living facility or residential facility
shall not provide care to more than two residents while its
application under section 3721.07 of the Revised Code is
pending.

Sec. 3721.32. (A) The director of health shall establish a
state nurse aide registry listing all individuals who have done
any of the following:

(1) Were used by a long-term care facility as nurse aides
on a full-time, temporary, per diem, or other basis at any time
during the period commencing July 1, 1989, and ending January 1,
1990, and successfully completed, not later than October 1,
1990, a competency evaluation program approved by the director
under division (A) of section 3721.31 of the Revised Code or
conducted by the director under division (C) of that section;

(2) Successfully completed a training and competency
evaluation program approved by the director under division (A)

of section 3721.31 of the Revised Code or met the conditions 74010
specified in division (F) (1) or (2) of section 3721.28 of the 74011
Revised Code, and, if the training and competency evaluation 74012
program or the training, instruction, or education the 74013
individual completed in meeting the conditions specified in 74014
division (F) (1) of section 3721.28 of the Revised Code was 74015
conducted in or by a long-term care facility, has successfully 74016
completed a competency evaluation program conducted by the 74017
director; 74018

(3) Successfully completed a training and competency 74019
evaluation program conducted by the director under division (C) 74020
of section 3721.31 of the Revised Code; 74021

(4) Successfully completed, prior to July 1, 1989, a 74022
program that the director has determined under division (B) (3) 74023
of section 3721.28 of the Revised Code included a competency 74024
evaluation component no less stringent than the competency 74025
evaluation programs approved or conducted by the director under 74026
section 3721.31 of the Revised Code, and was otherwise 74027
comparable to the training and competency evaluation program 74028
being approved by the director under section 3721.31 of the 74029
Revised Code; 74030

(5) Are listed in a nurse aide registry maintained by 74031
another state that certifies that its program for training and 74032
evaluation of competency of nurse aides complies with Titles 74033
XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 74034
42 U.S.C.A. 301, as amended, or regulations adopted thereunder; 74035

(6) Were found competent, as provided in division (B) (5) 74036
of section 3721.28 of the Revised Code, prior to July 1, 1989, 74037
after the completion of a course of nurse aide training of at 74038
least one hundred hours' duration; 74039

(7) Are enrolled in a prelicensure program of nursing 74040
education approved by the board of nursing or by an agency of 74041
another state that regulates nursing education, have provided 74042
the long-term care facility with a certificate from the program 74043
indicating that the individual has successfully completed the 74044
courses that teach basic nursing skills including infection 74045
control, safety and emergency procedures, and personal care, and 74046
have successfully completed a competency evaluation program 74047
conducted by the director under division (A) of section 3721.31 74048
of the Revised Code; 74049

(8) Have the equivalent of twelve months or more of full- 74050
time employment in the five years preceding listing in the 74051
registry as a hospital aide or orderly and have successfully 74052
completed a competency evaluation program conducted by the 74053
director under division (C) of section 3721.31 of the Revised 74054
Code; 74055

(9) Successfully completed a prelicensure program of 74056
nursing education approved by the board of nursing under section 74057
4723.06 of the Revised Code or by an agency of another state 74058
that regulates nursing education and passed the examination 74059
accepted by the board of nursing under section 4723.10 of the 74060
Revised Code, which shall be deemed as successfully completing a 74061
competency evaluation program conducted by the director under 74062
division (C) of section 3721.31 of the Revised Code; 74063

(10) Successfully completed both of the following: 74064

(a) A training course provided by the United States 74065
department of veterans affairs in a community living center 74066
operated by the department of veterans affairs that the director 74067
of health determines is similar to a training and competency 74068
evaluation program conducted by the director under division (C) 74069

of section 3721.31 of the Revised Code; 74070

(b) A competency evaluation program conducted by the 74071
director of health under division (C) of section 3721.31 of the 74072
Revised Code. 74073

(B) In addition to the list of individuals required by 74074
division (A) of this section, the registry shall include both of 74075
the following: 74076

(1) The statement required by section 3721.23 of the 74077
Revised Code detailing findings by the director under that 74078
section regarding alleged abuse, neglect, or exploitation of a 74079
resident or misappropriation of resident property; 74080

(2) Any statement provided by an individual under section 74081
3721.23 of the Revised Code disputing the director's findings. 74082

Whenever an inquiry is received as to the information 74083
contained in the registry concerning an individual about whom a 74084
statement required by section 3721.23 of the Revised Code is 74085
included in the registry, the director shall disclose the 74086
statement or a summary of the statement together with any 74087
statement provided by the individual under section 3721.23 or a 74088
clear and accurate summary of that statement. 74089

(C) The director may by rule specify additional 74090
information that must be provided to the registry by long-term 74091
care facilities and persons or government agencies conducting 74092
approved training and competency evaluation programs. 74093

(D) Information contained in the registry is a public 74094
record for the purposes of section 149.43 of the Revised Code, 74095
and is subject to inspection and copying under section 1347.08 74096
of the Revised Code. 74097

(E) An individual who is listed on the registry in good standing shall be referred to as a certified nurse aide. Only individuals listed on the registry shall use the designation "certified nurse aide" or "CNA."

Sec. 3722.04. ~~If a hospital licensed under this chapter is assigned, sold, or transferred to a new owner, within thirty days of the assignment, sale, or transfer, the new owner shall apply to the director of health for a license transfer. The application shall be submitted to the director in the form and manner prescribed in rules adopted under section 3722.06 of the Revised Code.~~ (A) As used in this section:

(1) "Entering owner" means the person, political subdivision, agency, or instrumentality of this state, including a state university, that will become the owner and operator of a hospital when a change of owner occurs.

(2) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, the entering owner.

(a) An individual who is a relative of an entering owner is a related party.

(b) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the entering owner and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the entering owner and another organization

from which the entering owner purchases or leases real property. 74127

(c) Control exists when an individual or organization has 74128
the power, directly or indirectly, to significantly influence or 74129
direct the actions or policies of an organization. 74130

(d) An individual or organization that supplies goods or 74131
services to an entering owner shall not be considered a related 74132
party if all of the following conditions are met: 74133

(i) The supplier is a separate bona fide organization. 74134

(ii) A substantial part of the supplier's business 74135
activity of the type carried on with the entering owner is 74136
transacted with others than the entering owner and there is an 74137
open, competitive market for the types of goods or services the 74138
supplier furnishes. 74139

(iii) The types of goods or services are commonly obtained 74140
by other hospitals from outside organizations and are not a 74141
basic element of patient care ordinarily furnished directly to 74142
patients by hospitals. 74143

(iv) The charge to the entering owner is in line with the 74144
charge for the goods or services in the open market and not more 74145
than the charge made under comparable circumstances to others by 74146
the supplier. 74147

(B) If a change of owner is proposed for a hospital for 74148
which a license to operate has been issued under this chapter, a 74149
person or political subdivision, agency, or instrumentality of 74150
the state, including a state university, seeking to operate the 74151
hospital as its entering owner shall apply to the director of 74152
health for a license to operate the hospital. 74153

An application shall be submitted not later than forty- 74154

five days before the date of the proposed change of owner, 74155
except that the director may waive that timeline in the event of 74156
an emergency. 74157

(C) To be eligible for the license, an applicant shall 74158
satisfy all of the following: 74159

(1) Submit a complete application and pay the change of 74160
owner fee specified in rules adopted under section 3722.06 of 74161
the Revised Code; 74162

(2) Identify the one or more individuals, that own, 74163
directly or indirectly, at least five per cent of each of the 74164
following: 74165

(a) The entering owner, if the entering owner is an 74166
entity; 74167

(b) The owner of the building or buildings in which the 74168
main hospital and, if applicable, any of its remote locations 74169
are located, if the owner of the building or buildings differs 74170
from the entering owner; 74171

(c) Each related party that provides or will provide 74172
services to the hospital, through contracts with any individual 74173
identified in division (C) (2) of this section. 74174

(3) With respect to an individual identified as described 74175
in division (C) (2) of this section, disclose the exact 74176
percentage of the individual's ownership interest; 74177

(4) Disclose the following: 74178

(a) Whether or not an individual identified in division 74179
(C) (2) of this section owns or owned, directly or indirectly, an 74180
interest in a hospital licensed by the director or by another 74181
state; 74182

(b) With respect to the hospital described in division (C) 74183
(4) (a) of this section, whether or not any of the following 74184
events occurred within the five years immediately preceding the 74185
date of application: 74186

(i) The hospital closed, either voluntarily or 74187
involuntarily; 74188

(ii) The hospital or its owner was the subject of 74189
voluntary or involuntary bankruptcy proceedings; 74190

(iii) The hospital or its owner was the subject of 74191
voluntary or involuntary receivership proceedings; 74192

(iv) The hospital's license to operate was suspended, 74193
denied, or revoked; 74194

(v) The hospital was the subject of injunction proceedings 74195
initiated by a regulatory agency; 74196

(vi) A civil or criminal action was filed against the 74197
hospital by a state or federal entity. 74198

(4) Provide any additional information that the director 74199
of health considers necessary. 74200

(D) Except for an application identifying direct or 74201
indirect ownership of at least fifty per cent of the entering 74202
owner, the applicant also shall submit to the director evidence 74203
of a bond in an amount not less than the product of the number 74204
of beds reported by the hospital in its most recent license 74205
application or renewal, multiplied by ten thousand dollars. 74206

(1) The bond shall be renewed, replaced, or maintained for 74207
five years after the effective date of the change of owner. The 74208
aggregate liability of a surety shall not exceed the sum of the 74209
bond, which is not cumulative from period to period. If the bond 74210

is not renewed, replaced, or maintained in accordance with this 74211
division, the director shall revoke the hospital's license after 74212
providing thirty days' notice to the owner. The bond shall be 74213
released five years after the effective date of the change of 74214
owner if none of the events described in division (C) (2) of this 74215
section have occurred. 74216

(2) The director may utilize the bond required under this 74217
division to pay expenses incurred by the director or another 74218
state official or agency if any of the following occur during 74219
the five-year period for which the bond is required: 74220

(a) The hospital is voluntarily or involuntarily closed. 74221

(b) The hospital or its owner is the subject of voluntary 74222
or involuntary bankruptcy proceedings. 74223

(c) The hospital or its owner is the subject of voluntary 74224
or involuntary receivership proceedings. 74225

(d) The license to operate the hospital is suspended, 74226
denied, or revoked. 74227

(e) The hospital undergoes a change of ownership, unless 74228
the new applicant submits a bond in accordance with this 74229
section. 74230

(E) The applicant also shall demonstrate to the director 74231
that the entering owner or person who will have operational 74232
control of the hospital has at least five years of experience 74233
with operational control of a hospital licensed by the director 74234
or by another state. 74235

(F) The applicant also shall attest to the director all of 74236
the following: 74237

(1) That the entering owner has developed quality 74238

assurance and risk management plans for the hospital's 74239
operation; 74240

(2) That the entering owner has general and professional 74241
liability insurance coverage that provides coverage of at least 74242
one million dollars per occurrence and three million dollars 74243
aggregate; 74244

(3) That sufficient numbers of qualified staff, by 74245
training or experience, will be employed to properly care for 74246
the type and number of hospital patients. 74247

(G) As soon as practicable after receiving a completed 74248
application, the director shall review it to determine if the 74249
requirements of this section, rules adopted under this section, 74250
or rules regarding changes of owner adopted under section 74251
3722.06 of the Revised Code have been met. If the director makes 74252
such a determination, the director shall issue to the applicant 74253
a notice of intent to grant a change of owner license, with the 74254
license's issuance contingent on the submission of documents 74255
evidencing completion of the change of owner transaction. 74256

(H) The director shall deny a change of owner application 74257
if any of the following is the case: 74258

(1) The requirements of this section, any rules adopted 74259
under it, or any rules regarding changes of owner adopted under 74260
section 3722.06 of the Revised Code have not been met. 74261

(2) The entering owner or individual identified in 74262
division (C) (2) of this section as owning, directly or 74263
indirectly, twenty-five per cent or more of the entering owner 74264
meets both of the following criteria: 74265

(a) The entering owner or individual has or had either of 74266
the following relationships with a currently or previously 74267

licensed hospital by the director or by another state: 74268

(i) Fifty per cent or more direct or indirect ownership in 74269
the hospital; 74270

(ii) Alone or together with one or more other persons, 74271
operational control of the hospital. 74272

(b) Any of the following occurred with respect to the 74273
current or previously licensed hospital described in division 74274
(H) (2) (a) of this section within the five years immediately 74275
preceding the date of application: 74276

(i) Involuntary closure of the hospital by a regulatory 74277
agency or voluntary closure in response to licensure or 74278
certification action; 74279

(ii) Voluntary or involuntary bankruptcy proceedings that 74280
are not dismissed within sixty days of filing for bankruptcy; 74281

(iii) Voluntary or involuntary receivership proceedings 74282
that are not dismissed within sixty days of the proceedings' 74283
initiation; 74284

(iv) License suspension, denial, or revocation for failure 74285
to comply with operating standards. 74286

(3) If a change of twenty-five per cent or more of the 74287
property ownership interest in a hospital occurs in connection 74288
with the change of owner, the person who acquired the property 74289
ownership interest meets both of the following criteria: 74290

(a) The person has or had either of the following 74291
relationships to a hospital currently or previously licensed by 74292
the director or by another state: 74293

(i) Fifty per cent or more direct or indirect property 74294

<u>ownership in the hospital;</u>	74295
<u>(ii) Alone or together with one or more other persons,</u>	74296
<u>operational control of the hospital.</u>	74297
<u>(b) Any of the following occurred with respect to the</u>	74298
<u>current or previously licensed hospital described in division</u>	74299
<u>(H) (3) (a) of this section within the five years immediately</u>	74300
<u>preceding the date of application:</u>	74301
<u>(i) Involuntary closure of the hospital by a regulatory</u>	74302
<u>agency or voluntary closure in response to licensure or</u>	74303
<u>certification action;</u>	74304
<u>(ii) Voluntary or involuntary bankruptcy proceedings that</u>	74305
<u>are not dismissed within sixty days of filing for bankruptcy;</u>	74306
<u>(iii) Voluntary or involuntary receivership proceedings</u>	74307
<u>that are not dismissed within sixty days of the proceedings'</u>	74308
<u>initiation;</u>	74309
<u>(iv) License suspension, denial, or revocation for failure</u>	74310
<u>to comply with operating standards.</u>	74311
<u>(I) An applicant may appeal, in accordance with Chapter</u>	74312
<u>119. of the Revised Code, the denial of a change of owner</u>	74313
<u>license.</u>	74314
<u>(J) An entering owner shall do all of the following:</u>	74315
<u>(1) As soon as practicable after the entering owner</u>	74316
<u>discovers an error, omission, or change of information in the</u>	74317
<u>entering owner's application submitted under this section,</u>	74318
<u>notify the director of the error, omission, or change;</u>	74319
<u>(2) When a change in the information or documentation</u>	74320
<u>required by this section occurs after the change of owner</u>	74321

license is issued, notify the director of the change in the 74322
information or documentation within ten days of its occurrence; 74323

(3) Truthfully supply to the director any additional 74324
information or documentation that the director requests; 74325

(4) Refrain from completing the change of owner 74326
transaction until after the director issues to the entering 74327
owner notice of the director's intent to grant a change of owner 74328
as described in division (G) of this section; 74329

(5) Not later than five days after completing the change 74330
of owner transaction, submit to the director the final document 74331
evidencing its completion. 74332

If an entering owner fails to notify the director or to 74333
supply additional information or documentation as required by 74334
divisions (J) (1) to (3) of this section, the director shall 74335
impose on the entering owner a civil penalty of two thousand 74336
dollars for each day of noncompliance. 74337

(K) (1) The director shall investigate either of the 74338
following: 74339

(a) An allegation that a change of owner has occurred and 74340
the entering owner failed to submit an application under this 74341
section; 74342

(b) An allegation that an application filed under this 74343
section included information that was fraudulent. 74344

The director may request the attorney general's assistance 74345
in conducting such an investigation. 74346

(2) If the director becomes aware, by means of an 74347
investigation or otherwise, that either of the events described 74348
in division (K) (1) of this section are the case, the director 74349

shall impose on the entering owner a civil penalty of two 74350
thousand dollars for each day of noncompliance after the date 74351
the change of owner has occurred. 74352

If the entering owner fails to submit an application or 74353
new application for a change of owner license within sixty days 74354
of the director becoming aware of the change of owner, the 74355
director shall begin the process for license revocation 74356
specified in section 3722.07 of the Revised Code. 74357

(L) The ~~new~~ entering owner is responsible for compliance 74358
with any action taken or proposed by the director under section 74359
3722.07 or 3722.08 of the Revised Code. If a notice has been 74360
served under sections 119.05 and 119.07 of the Revised Code, the 74361
~~new~~ entering owner becomes party to the notice. 74362

(M) In addition to the rules establishing procedures for 74363
changing owners required by section 3722.06 of the Revised Code, 74364
the director may adopt any other rules as necessary to implement 74365
this section. The rules shall be adopted in accordance with 74366
Chapter 119. of the Revised Code. 74367

(N) It is the intent of the general assembly in amending 74368
this section to require full and complete disclosure and 74369
transparency with respect to the ownership, operation, and 74370
management of each licensed hospital undergoing a change of 74371
owner. 74372

Sec. 3722.06. (A) Not later than the date that is one year 74373
after ~~the effective date of this section~~ September 30, 2022, the 74374
director of health shall adopt rules establishing health, 74375
safety, welfare, and quality standards for hospitals licensed 74376
under this chapter, including standards for all of the 74377
following: 74378

(1) Maternity units;	74379
(2) Newborn care nurseries;	74380
(3) Health care services.	74381
(B) Not later than the date that is one year after the	74382
effective date of this section <u>September 30, 2022</u> , the director	74383
shall adopt rules establishing standards and procedures for the	74384
licensure of hospitals, including all of the following:	74385
(1) Procedures for applying and renewing licenses as	74386
described in section 3722.03 of the Revised Code;	74387
(2) Procedures for transferring licenses <u>changing owners</u>	74388
as described in section 3722.04 of the Revised Code;	74389
(3) Procedures for inspections following complaints;	74390
(4) Subject to division (C)(1) of this section, fees for	74391
initial applications, license renewals, and license	74392
transfers <u>changes of owner</u> , as well as inspections conducted	74393
under section 3722.05 of the Revised Code;	74394
(5) Subject to division (C)(2) of this section, standards	74395
and procedures for imposing civil penalties as described in	74396
section 3722.07 of the Revised Code;	74397
(6) Subject to division (C)(3) of this section, standards	74398
and procedures for correcting violations, including through the	74399
submission of correction plans;	74400
(7) Standards and procedures for identifying, monitoring,	74401
managing, reporting, and reducing exposures to risk conditions,	74402
such as Legionella, including through the use of environmental	74403
facility assessments, the development of water management plans,	74404
and the use of disinfection measures;	74405

(8) Standards and procedures for data reporting;	74406
(9) Standards and procedures for emergency preparedness;	74407
(10) Standards and procedures for the provision of	74408
technical assistance as described in section 3722.09 of the	74409
Revised Code;	74410
(11) Standards and procedures for new hospitals to	74411
demonstrate eligibility as described in division (B) (2) of	74412
section 3722.03 of the Revised Code;	74413
(12) Standards and procedures to address changes to a	74414
hospital's license, including adding or removing a location of	74415
the hospital.	74416
(C) (1) In the case of an inspection fee described in	74417
division (B) (4) of this section, the director shall establish an	74418
amount to cover only the cost of the inspection. All other fees	74419
established under that division shall be limited to what is	74420
necessary to support the hospital licensure program.	74421
(2) The director shall establish a scale for use in	74422
determining the amount of a civil penalty that may be imposed	74423
under section 3722.07 of the Revised Code. The scale shall	74424
include per day amounts for ongoing violations. The total amount	74425
of a civil penalty shall not exceed two hundred fifty thousand	74426
dollars for each violation.	74427
(3) The director shall accept a corrective action plan	74428
that also was accepted by the federal centers for medicare and	74429
medicaid services or an accrediting organization approved under	74430
42 U.S.C. 1395bb(a) provided that the plan was submitted to the	74431
centers or organization in response to the same deficiencies	74432
identified by the director.	74433

(D) The director may adopt any other rules as necessary to 74434
implement this chapter. 74435

(E) When adopting rules under this section, all of the 74436
following apply: 74437

(1) The director shall adopt the rules in accordance with 74438
Chapter 119. of the Revised Code; 74439

(2) Any rules adopted are not subject to division (F) of 74440
section 121.95 of the Revised Code; 74441

(3) The director shall collaborate with representatives of 74442
this state's hospital industry to maximize the public health 74443
utility of rules adopted under this section and limit the 74444
administrative burden of and costs of complying with such rules. 74445

(4) The director shall not adopt rules that conflict with 74446
requirements under federal laws or regulations. 74447

Sec. 3722.15. (A) A hospital that is a medicaid provider 74448
and that operates a maternity unit shall agree to a written 74449
transfer agreement with any freestanding birthing center if both 74450
of the following apply: 74451

(1) The freestanding birthing center is located within a 74452
thirty mile radius of the hospital. 74453

(2) The freestanding birthing center has requested a 74454
transfer agreement. 74455

(B) A transfer agreement shall specify an effective 74456
procedure for the safe and immediate transfer of patients from 74457
the freestanding birthing center to the hospital when medical 74458
care beyond the care that can be provided at the freestanding 74459
birthing center is necessary, including when emergency 74460
situations occur or medical complications arise. 74461

(C) The freestanding birthing center shall file a copy of 74462
the transfer agreement with the director of health. 74463

Sec. 3728.01. As used in this chapter: 74464

(A) "Administer epinephrine" means to inject an individual 74465
with epinephrine using an autoinjector in a manufactured dosage 74466
form. 74467

(B) "Peace officer" has the same meaning as in section 74468
109.71 of the Revised Code and also includes a sheriff. 74469

(C) "Prescriber" means an individual who is authorized by 74470
law to prescribe drugs or dangerous drugs or drug therapy 74471
related devices in the course of the individual's professional 74472
practice, including only the following: 74473

(1) A clinical nurse specialist, certified nurse-midwife, 74474
or certified nurse practitioner who holds a certificate to 74475
prescribe issued under section 4723.48 of the Revised Code; 74476

(2) A physician authorized under Chapter 4731. of the 74477
Revised Code to practice medicine and surgery, osteopathic 74478
medicine and surgery, or podiatric medicine and surgery; 74479

(3) A physician assistant who is licensed under Chapter 74480
4730. of the Revised Code, holds a valid prescriber number 74481
issued by the state medical board, and has been granted 74482
physician-delegated prescriptive authority. 74483

(D) "Qualified entity" means either of the following: 74484

(1) Any public or private entity that is associated with a 74485
location where allergens capable of causing anaphylaxis may be 74486
present, including child care centers, colleges and 74487
universities, places of employment, restaurants, amusement 74488
parks, recreation camps, sports playing fields and arenas, and 74489

other similar locations, except that "qualified entity" does not 74490
include either of the following: 74491

(a) A chartered or nonchartered nonpublic school; 74492
community school; science, technology, engineering, and 74493
mathematics school; college-preparatory boarding school; or a 74494
school operated by the board of education of a city, local, 74495
exempted village, or joint vocational school district, as those 74496
entities are otherwise authorized to procure epinephrine 74497
autoinjectors pursuant to sections 3313.7110, 3313.7111, 74498
3314.143, 3326.28, or 3328.29 of the Revised Code; 74499

(b) A camp described in section ~~5101.76~~5180.26 of the 74500
Revised Code that is authorized to procure epinephrine 74501
autoinjectors pursuant to that section; 74502

(2) Either of the following served by a peace officer: a 74503
law enforcement agency or other entity described in division (A) 74504
of section 109.71 of the Revised Code. 74505

Sec. 3734.021. (A) Infectious wastes shall be segregated, 74506
managed, treated, and disposed of in accordance with rules 74507
adopted under this section. 74508

(B) The director of environmental protection, in 74509
accordance with Chapter 119. of the Revised Code, shall adopt 74510
rules necessary or appropriate to protect human health or safety 74511
or the environment that do both of the following: 74512

(1) Establish standards for generators of infectious 74513
wastes that include, without limitation, the following 74514
requirements and authorizations that: 74515

(a) All generators of infectious wastes: 74516

(i) Either treat all specimen cultures and cultures of 74517

viable infectious agents on the premises where they are 74518
generated to render them noninfectious by methods, techniques, 74519
or practices prescribed by rules adopted under division (B) (2) 74520
(a) of this section before they are transported off that 74521
premises for disposal or ensure that such wastes are treated to 74522
render them noninfectious at an infectious waste treatment 74523
facility off that premises prior to disposal of the wastes; 74524

(ii) Transport and dispose of infectious wastes, if a 74525
generator produces fewer than fifty pounds of infectious wastes 74526
during any one month that are subject to and packaged and 74527
labeled in accordance with federal requirements, in the same 74528
manner as solid wastes. Such generators who treat specimen 74529
cultures and cultures of viable infectious agents on the 74530
premises where they are generated shall not be considered 74531
treatment facilities as "treatment" and "facility" are defined 74532
in section 3734.01 of the Revised Code. 74533

(iii) Dispose of infectious wastes subject to and treated 74534
in accordance with rules adopted under division (B) (1) (a) (i) of 74535
this section in the same manner as solid wastes; 74536

(iv) May take wastes generated in providing care to a 74537
patient by an emergency medical services organization, as 74538
defined in section 4765.01 of the Revised Code, to and leave 74539
them at a hospital, as defined in section 3727.01 of the Revised 74540
Code, for treatment at a treatment facility owned or operated by 74541
the hospital or, in conjunction with infectious wastes generated 74542
by the hospital, at another treatment facility regardless of 74543
whether the wastes were generated in providing care to the 74544
patient at the scene of an emergency or during the 74545
transportation of the patient to a hospital; 74546

(v) May take wastes generated by an individual for 74547

purposes of the individual's own care or treatment to and leave 74548
them at a hospital, as defined in section 3727.01 of the Revised 74549
Code, for treatment at a treatment facility owned or operated by 74550
the hospital or, in conjunction with infectious wastes generated 74551
by the hospital, at another treatment facility. 74552

(b) Each generator of fifty pounds or more of infectious 74553
wastes during any one month: 74554

(i) Register with the environmental protection agency as a 74555
generator of infectious wastes and obtain a registration 74556
certificate. ~~The fee for issuance of a generator registration~~ 74557
~~certificate is one hundred forty dollars payable at the time of~~ 74558
~~application.~~ The registration certificate applies to all the 74559
premises owned or operated by the generator in this state where 74560
infectious wastes are generated and shall list the address of 74561
each such premises. If a generator owns or operates facilities 74562
for the treatment of infectious wastes it generates, the 74563
certificate shall list the address and method of treatment used 74564
at each such facility. 74565

A generator registration certificate is valid for three 74566
years from the date of issuance and shall be renewed for a term 74567
of three years upon the generator's submission of an application 74568
for renewal ~~and payment of a one hundred forty dollar renewal~~ 74569
~~fee.~~ 74570

The rules may establish a system of staggered renewal 74571
dates with approximately one-third of such certificates subject 74572
to renewal each year. The applicable renewal date shall be 74573
prescribed on each registration certificate. ~~Registration fees~~ 74574
~~shall be prorated according to the time remaining in the~~ 74575
~~registration cycle to the nearest year.~~ 74576

~~The registration and renewal fees collected under division (B) (1) (b) (i) of this section shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.~~

(ii) Segregate infectious wastes from other wastes at the point of generation. Nothing in this section and rules adopted under it prohibits a generator of infectious wastes from designating and managing any wastes, in addition to those defined as infectious wastes under section 3734.01 of the Revised Code, as infectious wastes. After designating any such other wastes as infectious, the generator shall manage those wastes in compliance with the requirements of this chapter and rules adopted under it applicable to the management of infectious wastes.

(iii) Either treat the infectious wastes that it generates at a facility owned or operated by the generator by methods, techniques, or practices prescribed by rules adopted under division (B) (2) (a) of this section to render them noninfectious, or designate the wastes for treatment off that premises at an infectious waste treatment facility holding a license issued under division (B) of section 3734.05 of the Revised Code, at an infectious waste treatment facility that is located in another state that is in compliance with applicable state and federal laws, or at a treatment facility authorized by rules adopted under division (B) (2) (d) of this section, prior to disposal of the wastes. After being treated to render them noninfectious, the wastes shall be disposed of at a solid waste disposal facility holding a license issued under division (A) of section 3734.05 of the Revised Code or at a disposal facility in another state that is in compliance with applicable state and federal laws.

(iv) Not compact or grind any type of infectious wastes 74608
prior to treatment in accordance with rules adopted under 74609
division (B) (2) (a) of this section; 74610

(v) May discharge untreated liquid or semiliquid 74611
infectious wastes consisting of blood, blood products, body 74612
fluids, and excreta into a disposal system, as defined in 74613
section 6111.01 of the Revised Code, unless the discharge of 74614
those wastes into a disposal system is inconsistent with the 74615
terms and conditions of the permit for the system issued under 74616
Chapter 6111. of the Revised Code; 74617

(vi) May transport or cause to be transported infectious 74618
wastes that have been treated to render them noninfectious in 74619
the same manner as solid wastes are transported. 74620

(2) Establish standards for owners and operators of 74621
infectious waste treatment facilities that include, without 74622
limitation, the following requirements and authorizations that: 74623

(a) Require treatment of all wastes received to be 74624
performed in accordance with methods, techniques, and practices 74625
approved by the director; 74626

(b) Govern the location, design, construction, and 74627
operation of infectious waste treatment facilities. The rules 74628
adopted under division (B) (2) (b) of this section shall require 74629
that a new infectious waste incineration facility be located so 74630
that the incinerator unit and all areas where infectious wastes 74631
are handled on the premises where the facility is proposed to be 74632
located are at least three hundred feet inside the property line 74633
of the tract of land on which the facility is proposed to be 74634
located and are at least one thousand feet from any domicile, 74635
school, prison, or jail that is in existence on the date on 74636

which the application for the permit to establish the 74637
incinerator is submitted under division (B) (2) (b) of section 74638
3734.05 of the Revised Code. 74639

(c) Establish quality control and testing procedures to 74640
ensure compliance with the rules adopted under division (B) (2) 74641
(b) of this section; 74642

(d) Authorize infectious wastes to be treated at a 74643
facility that holds a license or renewal of a license to operate 74644
a crematory facility issued under Chapter 4717., and a permit 74645
issued under Chapter 3704., of the Revised Code to the extent 74646
that the treatment of those wastes is consistent with that 74647
permit and its terms and conditions. The rules adopted under 74648
divisions (B) (2) (b) and (c) of this section do not apply to a 74649
facility holding such a license and permit. 74650

In adopting the rules required by divisions (B) (2) (a) to 74651
(d) of this section, the director shall consider and, to the 74652
maximum feasible extent, utilize existing standards and 74653
guidelines established by professional and governmental 74654
organizations having expertise in the fields of infection 74655
control and infectious wastes management. 74656

(e) Require shipping papers to accompany shipments of 74657
wastes that have been treated to render them noninfectious. The 74658
shipping papers shall include only the following elements: 74659

(i) The name of the owner or operator of the facility 74660
where the wastes were treated and the address of the treatment 74661
facility; 74662

(ii) A certification by the owner or operator of the 74663
treatment facility where the wastes were treated indicating that 74664
the wastes have been treated by the methods, techniques, and 74665

practices prescribed in rules adopted under division (B) (2) (a) 74666
of this section. 74667

(C) This section and rules adopted under it do not apply 74668
to the treatment or disposal of wastes consisting of dead 74669
animals or parts thereof, or the blood of animals: 74670

(1) By the owner of the animal after slaughter by the 74671
owner on the owner's premises to obtain meat for consumption by 74672
the owner and the members of the owner's household; 74673

(2) In accordance with Chapter 941. of the Revised Code; 74674
or 74675

(3) By persons who are subject to any of the following: 74676

(a) Inspection under the "Federal Meat Inspection Act," 81 74677
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 74678

(b) Chapter 918. of the Revised Code; 74679

(c) Chapter 953. of the Revised Code. 74680

(D) As used in this section, "generator" means a person 74681
who produces infectious wastes at a specific premises. 74682

(E) Rules adopted under this section shall not concern or 74683
relate to personnel policies, salaries, wages, fringe benefits, 74684
or other conditions of employment of employees of persons owning 74685
or operating infectious waste treatment facilities. 74686

(F) (1) The director, in accordance with Chapter 119. of 74687
the Revised Code, shall adopt rules governing the issuance, 74688
modification, revocation, suspension, and denial of variances 74689
from the rules adopted under division (B) of this section. 74690
Variances shall be issued, modified, revoked, suspended, or 74691
denied in accordance with division (F) of this section, rules 74692

adopted under it, and Chapter 3745. of the Revised Code. 74693

(2) A person who desires to obtain a variance or renew a 74694
variance from the rules adopted under division (B) of this 74695
section shall submit to the director an application as 74696
prescribed by the director. The application shall contain detail 74697
plans, specifications, and information regarding objectives, 74698
procedures, controls, and any other information that the 74699
director may require. The director shall issue, renew, or deny a 74700
variance or renewal of a variance within six months of the date 74701
on which the director receives a complete application with all 74702
required information and data. 74703

(3) The director may hold a public hearing on an 74704
application submitted under division (F) of this section for a 74705
variance at a location in the county in which the operations 74706
that are the subject of the application for a variance or 74707
renewal of variance are conducted. Not less than twenty days 74708
before the hearing, the director shall provide to the applicant 74709
notice of the hearing by certified mail or by another type of 74710
mail that is accompanied by a receipt and shall publish notice 74711
of the hearing at least one time in a newspaper of general 74712
circulation in the county in which the hearing is to be held or 74713
may instead provide public notice by publication on the 74714
environmental protection agency's web site. The director shall 74715
make a complete stenographic record or electronic record of 74716
testimony and other evidence submitted at the hearing. Not later 74717
than ten days after the hearing, the director shall make a 74718
written determination to issue, renew, or deny the variance and 74719
shall enter the determination and the basis for it into the 74720
record of the hearing. 74721

(4) A variance shall not be issued, modified, revoked, or 74722

denied under division (F) of this section until the director has 74723
considered the relative interests of the applicant, other 74724
persons and property that will be affected by the variance, and 74725
the general public. The director shall grant a variance only if 74726
the applicant demonstrates to the director's satisfaction that 74727
the requested action will not create a nuisance or a hazard to 74728
the health or safety of the public or to the environment. In 74729
granting a variance, the director shall state the specific 74730
provision or provisions whose terms are to be varied and also 74731
shall state specific terms or conditions imposed on the 74732
applicant in place of the provision or provisions. 74733

(5) A variance granted under division (F) of this section 74734
shall be for a period specified by the director and may be 74735
renewed from time to time on terms and for periods that the 74736
director determines to be appropriate. The director may order 74737
the person to whom a variance has been issued to take action 74738
within the time that the director determines to be appropriate 74739
and reasonable to prevent the creation of a nuisance or a hazard 74740
to the health or safety of the public or to the environment. 74741

(6) An application submitted under division (F) of this 74742
section shall not be denied and a variance shall not be revoked 74743
or modified under that division without a written order of the 74744
director stating the findings on which the denial, revocation, 74745
or modification is based. A copy of the order shall be sent to 74746
the applicant or holder of a variance by certified mail or by 74747
another type of mail that is accompanied by a receipt. 74748

(7) The director shall make available for public 74749
inspection at the principal office of the environmental 74750
protection agency a current list of pending applications for 74751
variances submitted under division (F) of this section and a 74752

current schedule of pending variance hearings under it. 74753

Sec. 3734.05. (A) (1) Except as provided in divisions (A) 74754
(6) and (7) of this section, no person shall operate or maintain 74755
a solid waste facility without a license issued under this 74756
division by the board of health of the health district in which 74757
the facility is located or by the director of environmental 74758
protection when the health district in which the facility is 74759
located is not on the approved list under section 3734.08 of the 74760
Revised Code. 74761

During the month of December, but before the first day of 74762
January of the next year, every person proposing to continue to 74763
operate an existing solid waste facility shall procure a license 74764
under this division to operate the facility for that year from 74765
the board of health of the health district in which the facility 74766
is located or, if the health district is not on the approved 74767
list under section 3734.08 of the Revised Code, from the 74768
director. The application for such a license shall be submitted 74769
to the board of health or to the director, as appropriate, on or 74770
before the last day of September of the year preceding that for 74771
which the license is sought. In addition to the application fee 74772
prescribed in division (A) (2) of this section, a person who 74773
submits an application after that date shall pay an additional 74774
ten per cent of the amount of the application fee for each week 74775
that the application is late. Late payment fees accompanying an 74776
application submitted to the board of health shall be credited 74777
to the special fund of the health district created in division 74778
(B) of section 3734.06 of the Revised Code, and late payment 74779
fees accompanying an application submitted to the director shall 74780
be credited to the general revenue fund. A person who has 74781
received a license, upon sale or disposition of a solid waste 74782
facility, and upon consent of the board of health and the 74783

director, may have the license transferred to another person. 74784
The board of health or the director may include such terms and 74785
conditions in a license or revision to a license as are 74786
appropriate to ensure compliance with this chapter and rules 74787
adopted under it. The terms and conditions may establish the 74788
authorized maximum daily waste receipts for the facility. 74789
Limitations on maximum daily waste receipts shall be specified 74790
in cubic yards of volume for the purpose of regulating the 74791
design, construction, and operation of solid waste facilities. 74792
Terms and conditions included in a license or revision to a 74793
license by a board of health shall be consistent with, and 74794
pertain only to the subjects addressed in, the rules adopted 74795
under division (A) of section 3734.02 and division (D) of 74796
section 3734.12 of the Revised Code. 74797

(2) (a) Except as provided in divisions (A) (2) (b), (6), and 74798
(7) of this section, each person proposing to open a new solid 74799
waste facility or to modify an existing solid waste facility 74800
shall submit an application for a permit with accompanying 74801
detail plans and specifications to the environmental protection 74802
agency for required approval under the rules adopted by the 74803
director pursuant to division (A) of section 3734.02 of the 74804
Revised Code and applicable rules adopted under division (D) of 74805
section 3734.12 of the Revised Code at least two hundred seventy 74806
days before proposed operation of the facility and shall 74807
concurrently make application for the issuance of a license 74808
under division (A) (1) of this section with the board of health 74809
of the health district in which the proposed facility is to be 74810
located. 74811

(b) On and after the effective date of the rules adopted 74812
under division (A) of section 3734.02 of the Revised Code and 74813
division (D) of section 3734.12 of the Revised Code governing 74814

solid waste transfer facilities, each person proposing to open a 74815
new solid waste transfer facility or to modify an existing solid 74816
waste transfer facility shall submit an application for a permit 74817
with accompanying engineering detail plans, specifications, and 74818
information regarding the facility and its method of operation 74819
to the environmental protection agency for required approval 74820
under those rules at least two hundred seventy days before 74821
commencing proposed operation of the facility and concurrently 74822
shall make application for the issuance of a license under 74823
division (A)(1) of this section with the board of health of the 74824
health district in which the facility is located or proposed. 74825

(c) Each application for a permit under division (A)(2)(a) 74826
or (b) of this section shall be accompanied by a nonrefundable 74827
application fee of four hundred dollars that shall be credited 74828
to the general revenue fund. Each application for an annual 74829
license under division (A)(1) or (2) of this section shall be 74830
accompanied by a nonrefundable application fee of one hundred 74831
dollars. If the application for an annual license is submitted 74832
to a board of health on the approved list under section 3734.08 74833
of the Revised Code, the application fee shall be credited to 74834
the special fund of the health district created in division (B) 74835
of section 3734.06 of the Revised Code. If the application for 74836
an annual license is submitted to the director, the application 74837
fee shall be credited to the general revenue fund. If a permit 74838
or license is issued, the amount of the application fee paid 74839
shall be deducted from the amount of the permit fee due under 74840
division ~~(Q)~~ (P) of section 3745.11 of the Revised Code or the 74841
amount of the license fee due under division (A)(1), (2), (3), 74842
(4), or (5) of section 3734.06 of the Revised Code. 74843

(d) As used in divisions (A)(2)(d), (e), and (f) of this 74844
section, "modify" means any of the following: 74845

(i) Any increase of more than ten per cent in the total 74846
capacity of a solid waste facility; 74847

(ii) Any expansion of the limits of solid waste placement 74848
at a solid waste facility; 74849

(iii) Any increase in the depth of excavation at a solid 74850
waste facility; 74851

(iv) Any change in the technique of waste receipt or type 74852
of waste received at a solid waste facility that may endanger 74853
human health, as determined by the director by rules adopted in 74854
accordance with Chapter 119. of the Revised Code. 74855

Not later than forty-five days after submitting an 74856
application under division (A) (2) (a) or (b) of this section for 74857
a permit to open a new or modify an existing solid waste 74858
facility, the applicant, in conjunction with an officer or 74859
employee of the environmental protection agency, shall hold a 74860
public meeting on the application within the county in which the 74861
new or modified solid waste facility is or is proposed to be 74862
located or within a contiguous county. ~~Not~~ 74863

Not less than thirty days before holding the public 74864
meeting on the application, the applicant shall publish notice 74865
of the meeting in each newspaper of general circulation that is 74866
published in the county in which the facility is or is proposed 74867
to be located. If no newspaper of general circulation is 74868
published in the county, the applicant shall publish the notice 74869
in a newspaper of general circulation in the county. The notice 74870
shall contain the date, time, and location of the public meeting 74871
and a general description of the proposed new or modified 74872
facility. ~~Not~~ 74873

Not later than five days after publishing the notice, the 74874

applicant shall send by certified mail a copy of the notice and 74875
the date the notice was published to the director and the 74876
legislative authority of each municipal corporation, township, 74877
and county, and to the chief executive officer of each municipal 74878
corporation, in which the facility is or is proposed to be 74879
located. ~~At~~ 74880

At the public meeting, the applicant shall provide 74881
information and describe the application and respond to comments 74882
or questions concerning the application, and the officer or 74883
employee of the agency shall describe the permit application 74884
process. At the public meeting, any person may submit written or 74885
oral comments on or objections to the application. ~~Not~~ 74886

Not more than thirty days after the public meeting, the 74887
applicant shall provide the director with a copy of a transcript 74888
of the full meeting, copies of any exhibits, displays, or other 74889
materials presented by the applicant at the meeting, and the 74890
original copy of any written comments submitted at the meeting. 74891

(e) Except as provided in division (A) (2) (f) of this 74892
section, prior to taking an action, other than a proposed or 74893
final denial, upon an application submitted under division (A) 74894
(2) (a) of this section for a permit to open a new or modify an 74895
existing solid waste facility, the director shall hold a public 74896
information session and a public hearing on the application 74897
within the county in which the new or modified solid waste 74898
facility is or is proposed to be located or within a contiguous 74899
county. If the application is for a permit to open a new solid 74900
waste facility, the director shall hold the hearing not less 74901
than fourteen days after the information session. If the 74902
application is for a permit to modify an existing solid waste 74903
facility, the director may hold both the information session and 74904

the hearing on the same day unless any individual affected by 74905
the application requests in writing that the information session 74906
and the hearing not be held on the same day, in which case the 74907
director shall hold the hearing not less than fourteen days 74908
after the information session. The director shall publish notice 74909
of the public information session or public hearing not less 74910
than thirty days before holding the information session or 74911
hearing, as applicable. The notice shall be published in each 74912
newspaper of general circulation that is published in the county 74913
in which the facility is or is proposed to be located. ~~If no~~ 74914
~~newspaper of general circulation is published in the county, the~~ 74915
~~director shall publish the notice in a newspaper of general~~ 74916
~~circulation in the county~~ or by publication on the environmental 74917
protection agency's official web site. The notice shall contain 74918
the date, time, and location of the information session or 74919
hearing, as applicable, and a general description of the 74920
proposed new or modified facility. At the public information 74921
session, an officer or employee of the environmental protection 74922
agency shall describe the status of the permit application and 74923
be available to respond to comments or questions concerning the 74924
application. At the public hearing, any person may submit 74925
written or oral comments on or objections to the approval of the 74926
application. The applicant, or a representative of the applicant 74927
who has knowledge of the location, construction, and operation 74928
of the facility, shall attend the information session and public 74929
hearing to respond to comments or questions concerning the 74930
facility directed to the applicant or representative by the 74931
officer or employee of the environmental protection agency 74932
presiding at the information session and hearing. 74933

(f) The solid waste management policy committee of a 74934
county or joint solid waste management district may adopt a 74935

resolution requesting expeditious consideration of a specific 74936
application submitted under division (A) (2) (a) of this section 74937
for a permit to modify an existing solid waste facility within 74938
the district. The resolution shall make the finding that 74939
expedited consideration of the application without the public 74940
information session and public hearing under division (A) (2) (e) 74941
of this section is in the public interest and will not endanger 74942
human health, as determined by the director by rules adopted in 74943
accordance with Chapter 119. of the Revised Code. Upon receiving 74944
such a resolution, the director, at the director's discretion, 74945
may issue a final action upon the application without holding a 74946
public information session or public hearing pursuant to 74947
division (A) (2) (e) of this section. 74948

(3) The director may issue an order in accordance with 74949
Chapter 3745. of the Revised Code to the owner or operator of a 74950
solid waste facility requiring the person to submit to the 74951
director updated engineering detail plans, specifications, and 74952
information regarding the facility and its method of operation 74953
for approval under rules adopted under division (A) of section 74954
3734.02 of the Revised Code and applicable rules adopted under 74955
division (D) of section 3734.12 of the Revised Code if, in the 74956
director's judgment, conditions at the facility constitute a 74957
substantial threat to public health or safety or are causing or 74958
contributing to or threatening to cause or contribute to air or 74959
water pollution or soil contamination. Any person who receives 74960
such an order shall submit the updated engineering detail plans, 74961
specifications, and information to the director within one 74962
hundred eighty days after the effective date of the order. 74963

(4) The director shall act upon any updated engineering 74964
plans, specifications, and information submitted under division 74965
(A) (3) of this section within one hundred eighty days after 74966

receiving them. If the director issues an order disapproving the 74967
plans, specifications, and information submitted under division 74968
(A) (3) of this section, the order shall include all of the 74969
following requirements: 74970

(a) That the owner or operator submit a plan for closure 74971
and post-closure care of the facility to the director for 74972
approval within six months after issuance of the order; 74973

(b) That the owner or operator cease accepting solid 74974
wastes for disposal or transfer at the facility; and 74975

(c) The owner or operator commence closure of the facility 74976
not later than one year after issuance of the order. 74977

If the director determines that closure of the facility 74978
within that one-year period would result in the unavailability 74979
of sufficient solid waste management facility capacity within 74980
the county or joint solid waste management district in which the 74981
facility is located to dispose of or transfer the solid waste 74982
generated within the district, the director in the order of 74983
disapproval may postpone commencement of closure of the facility 74984
for such period of time as the director finds necessary for the 74985
board of county commissioners or directors of the district to 74986
secure access to or for there to be constructed within the 74987
district sufficient solid waste management facility capacity to 74988
meet the needs of the district, provided that the director shall 74989
certify in the director's order that postponing the date for 74990
commencement of closure will not endanger ground water or any 74991
property surrounding the facility, allow methane gas migration 74992
to occur, or cause or contribute to any other type of 74993
environmental damage. 74994

If an emergency need for disposal capacity that may affect 74995

public health and safety exists as a result of closure of a 74996
facility under division (A) (4) of this section, the director may 74997
issue an order designating another solid waste facility to 74998
accept the wastes that would have been disposed of at the 74999
facility to be closed. 75000

(5) If the director determines that standards more 75001
stringent than those applicable in rules adopted under division 75002
(A) of section 3734.02 of the Revised Code and division (D) of 75003
section 3734.12 of the Revised Code, or standards pertaining to 75004
subjects not specifically addressed by those rules, are 75005
necessary to ensure that a solid waste facility constructed at 75006
the proposed location will not cause a nuisance, cause or 75007
contribute to water pollution, or endanger public health or 75008
safety, the director may issue a permit for the facility with 75009
such terms and conditions as the director finds necessary to 75010
protect public health and safety and the environment. If a 75011
permit is issued, the director shall state in the order issuing 75012
it the specific findings supporting each such term or condition. 75013

(6) Divisions (A) (1) and (2) (a) of this section do not 75014
apply to a solid waste compost facility that accepts exclusively 75015
source separated yard wastes and that is registered under 75016
division (C) of section 3734.02 of the Revised Code or, unless 75017
otherwise provided in rules adopted under division (N) (3) of 75018
section 3734.02 of the Revised Code, to a solid waste compost 75019
facility if the director has adopted rules establishing an 75020
alternative system for authorizing the establishment, operation, 75021
or modification of a solid waste compost facility under that 75022
division. 75023

(7) Divisions (A) (1) to (5) of this section do not apply 75024
to scrap tire collection, storage, monocell, monofill, and 75025

recovery facilities. The approval of plans and specifications, 75026
as applicable, and the issuance of registration certificates, 75027
permits, and licenses for those facilities are subject to 75028
sections 3734.75 to 3734.78 of the Revised Code, as applicable, 75029
and section 3734.81 of the Revised Code. 75030

(B) (1) No person shall operate or maintain an infectious 75031
waste treatment facility without a license issued by the board 75032
of health of the health district in which the facility is 75033
located or by the director when the health district in which the 75034
facility is located is not on the approved list under section 75035
3734.08 of the Revised Code. 75036

(2) (a) During the month of December, but before the first 75037
day of January of the next year, every person proposing to 75038
continue to operate an existing infectious waste treatment 75039
facility shall procure a license to operate the facility for 75040
that year from the board of health of the health district in 75041
which the facility is located or, if the health district is not 75042
on the approved list under section 3734.08 of the Revised Code, 75043
from the director. The application for such a license shall be 75044
submitted to the board of health or to the director, as 75045
appropriate, on or before the last day of September of the year 75046
preceding that for which the license is sought. In addition to 75047
the application fee prescribed in division (B) (2) (c) of this 75048
section, a person who submits an application after that date 75049
shall pay an additional ten per cent of the amount of the 75050
application fee for each week that the application is late. Late 75051
payment fees accompanying an application submitted to the board 75052
of health shall be credited to the special infectious waste fund 75053
of the health district created in division (C) of section 75054
3734.06 of the Revised Code, and late payment fees accompanying 75055
an application submitted to the director shall be credited to 75056

the general revenue fund. A person who has received a license, 75057
upon sale or disposition of an infectious waste treatment 75058
facility and upon consent of the board of health and the 75059
director, may have the license transferred to another person. 75060
The board of health or the director may include such terms and 75061
conditions in a license or revision to a license as are 75062
appropriate to ensure compliance with the infectious waste 75063
provisions of this chapter and rules adopted under them. 75064

(b) Each person proposing to open a new infectious waste 75065
treatment facility or to modify an existing infectious waste 75066
treatment facility shall submit an application for a permit with 75067
accompanying detail plans and specifications to the 75068
environmental protection agency for required approval under the 75069
rules adopted by the director pursuant to section 3734.021 of 75070
the Revised Code two hundred seventy days before proposed 75071
operation of the facility and concurrently shall make 75072
application for a license with the board of health of the health 75073
district in which the facility is or is proposed to be located. 75074
Not later than ninety days after receiving a complete 75075
application under division (B) (2) (b) of this section for a 75076
permit to open a new infectious waste treatment facility or 75077
modify an existing infectious waste treatment facility to expand 75078
its treatment capacity, or receiving a complete application 75079
under division (A) (2) (a) of this section for a permit to open a 75080
new solid waste incineration facility, or modify an existing 75081
solid waste incineration facility to also treat infectious 75082
wastes or to increase its infectious waste treatment capacity, 75083
that pertains to a facility for which a notation authorizing 75084
infectious waste treatment is included or proposed to be 75085
included in the solid waste incineration facility's license 75086
pursuant to division (B) (3) of this section, the director shall 75087

hold a public hearing on the application within the county in 75088
which the new or modified infectious waste or solid waste 75089
facility is or is proposed to be located or within a contiguous 75090
county. Not less than thirty days before holding the public 75091
hearing on the application, the director shall publish notice of 75092
the hearing in each newspaper that has general circulation and 75093
that is published in the county in which the facility is or is 75094
proposed to be located. ~~If there is no newspaper that has~~ 75095
~~general circulation and that is published in the county, the~~ 75096
~~director shall publish the notice in a newspaper of general~~ 75097
~~circulation in the county or by publication on the environmental~~ 75098
protection agency's official web site. The notice shall contain 75099
the date, time, and location of the public hearing and a general 75100
description of the proposed new or modified facility. At the 75101
public hearing, any person may submit written or oral comments 75102
on or objections to the approval or disapproval of the 75103
application. The applicant, or a representative of the applicant 75104
who has knowledge of the location, construction, and operation 75105
of the facility, shall attend the public hearing to respond to 75106
comments or questions concerning the facility directed to the 75107
applicant or representative by the officer or employee of the 75108
environmental protection agency presiding at the hearing. 75109

(c) Each application for a permit under division (B) (2) (b) 75110
of this section shall be accompanied by a nonrefundable 75111
application fee of four hundred dollars that shall be credited 75112
to the general revenue fund. Each application for an annual 75113
license under division (B) (2) (a) of this section shall be 75114
accompanied by a nonrefundable application fee of one hundred 75115
dollars. If the application for an annual license is submitted 75116
to a board of health on the approved list under section 3734.08 75117
of the Revised Code, the application fee shall be credited to 75118

the special infectious waste fund of the health district created 75119
in division (C) of section 3734.06 of the Revised Code. If the 75120
application for an annual license is submitted to the director, 75121
the application fee shall be credited to the general revenue 75122
fund. If a permit or license is issued, the amount of the 75123
application fee paid shall be deducted from the amount of the 75124
permit fee due under division ~~(Q)~~(P) of section 3745.11 of the 75125
Revised Code or the amount of the license fee due under division 75126
(C) of section 3734.06 of the Revised Code. 75127

(d) The director may issue an order in accordance with 75128
Chapter 3745. of the Revised Code to the owner or operator of an 75129
infectious waste treatment facility requiring the person to 75130
submit to the director updated engineering detail plans, 75131
specifications, and information regarding the facility and its 75132
method of operation for approval under rules adopted under 75133
section 3734.021 of the Revised Code if, in the director's 75134
judgment, conditions at the facility constitute a substantial 75135
threat to public health or safety or are causing or contributing 75136
to or threatening to cause or contribute to air or water 75137
pollution or soil contamination. Any person who receives such an 75138
order shall submit the updated engineering detail plans, 75139
specifications, and information to the director within one 75140
hundred eighty days after the effective date of the order. 75141

(e) The director shall act on any updated engineering 75142
plans, specifications, and information submitted under division 75143
(B) (2) (d) of this section within one hundred eighty days after 75144
receiving them. If the director disapproves any such updated 75145
engineering plans, specifications, and information, the director 75146
shall include in the order disapproving the plans the 75147
requirement that the owner or operator cease accepting 75148
infectious wastes for treatment at the facility. 75149

(3) Division (B) of this section does not apply to a 75150
generator of infectious wastes that meets any of the following 75151
conditions: 75152

(a) Treats, by methods, techniques, and practices 75153
established by rules adopted under division (B) (2) (a) of section 75154
3734.021 of the Revised Code, any of the following wastes: 75155

(i) Infectious wastes that are generated on any premises 75156
that are owned or operated by the generator; 75157

(ii) Infectious wastes that are generated by a generator 75158
who has staff privileges at a hospital as defined in section 75159
3727.01 of the Revised Code; 75160

(iii) Infectious wastes that are generated in providing 75161
care to a patient by an emergency medical services organization 75162
as defined in section 4765.01 of the Revised Code. 75163

(b) Holds a license or renewal of a license to operate a 75164
crematory facility issued under Chapter 4717. and a permit 75165
issued under Chapter 3704. of the Revised Code; 75166

(c) Treats or disposes of dead animals or parts thereof, 75167
or the blood of animals, and is subject to any of the following: 75168

(i) Inspection under the "Federal Meat Inspection Act," 81 75169
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 75170

(ii) Chapter 918. of the Revised Code; 75171

(iii) Chapter 953. of the Revised Code. 75172

Nothing in division (B) of this section requires a 75173
facility that holds a license issued under division (A) of this 75174
section as a solid waste facility and that also treats 75175
infectious wastes by the same method, technique, or process to 75176

obtain a license under division (B) of this section as an 75177
infectious waste treatment facility. However, the solid waste 75178
facility license for the facility shall include the notation 75179
that the facility also treats infectious wastes. 75180

The director shall not issue a permit to open a new solid 75181
waste incineration facility unless the proposed facility 75182
complies with the requirements for the location of new 75183
infectious waste incineration facilities established in rules 75184
adopted under division (B) (2) (b) of section 3734.021 of the 75185
Revised Code. 75186

(C) Except for a facility or activity described in 75187
division (E) (3) of section 3734.02 of the Revised Code, a person 75188
who proposes to establish or operate a hazardous waste facility 75189
shall submit a complete application for a hazardous waste 75190
facility installation and operation permit and accompanying 75191
detail plans, specifications, and such information as the 75192
director may require to the environmental protection agency at 75193
least one hundred eighty days before the proposed beginning of 75194
operation of the facility. The applicant shall notify by 75195
certified mail the legislative authority of each municipal 75196
corporation, township, and county in which the facility is 75197
proposed to be located of the submission of the application 75198
within ten days after the submission or at such earlier time as 75199
the director may establish by rule. If the application is for a 75200
proposed new hazardous waste disposal or thermal treatment 75201
facility, the applicant also shall give actual notice of the 75202
general design and purpose of the facility to the legislative 75203
authority of each municipal corporation, township, and county in 75204
which the facility is proposed to be located at least ninety 75205
days before the permit application is submitted to the 75206
environmental protection agency. 75207

In accordance with rules adopted under section 3734.12 of 75208
the Revised Code, prior to the submission of a complete 75209
application for a hazardous waste facility installation and 75210
operation permit, the applicant shall hold at least one meeting 75211
in the township or municipal corporation in which the facility 75212
is proposed to be located, whichever is geographically closer to 75213
the proposed location of the facility. The meeting shall be open 75214
to the public and shall be held to inform the community of the 75215
proposed hazardous waste management activities and to solicit 75216
questions from the community concerning the activities. 75217

(D) (1) Except as provided in section 3734.123 of the 75218
Revised Code, upon receipt of a complete application for a 75219
hazardous waste facility installation and operation permit under 75220
division (C) of this section, the director shall consider the 75221
application and accompanying information to determine whether 75222
the application complies with agency rules and the requirements 75223
of division (D) (2) of this section. After making a 75224
determination, the director shall issue either a draft permit or 75225
a notice of intent to deny the permit. The director, in 75226
accordance with rules adopted under section 3734.12 of the 75227
Revised Code or with rules adopted to implement Chapter 3745. of 75228
the Revised Code, shall provide public notice of the application 75229
and the draft permit or the notice of intent to deny the permit, 75230
provide an opportunity for public comments, and, if significant 75231
interest is shown, schedule a public meeting in the county in 75232
which the facility is proposed to be located and give public 75233
notice of the date, time, and location of the public meeting in 75234
a newspaper of general circulation in that county. 75235

(2) The director shall not approve an application for a 75236
hazardous waste facility installation and operation permit or an 75237
application for a modification under division (I) (3) of this 75238

section unless the director finds and determines as follows: 75239

(a) The nature and volume of the waste to be treated, 75240
stored, or disposed of at the facility; 75241

(b) That the facility complies with the director's 75242
hazardous waste standards adopted pursuant to section 3734.12 of 75243
the Revised Code; 75244

(c) That the facility represents the minimum adverse 75245
environmental impact, considering the state of available 75246
technology and the nature and economics of various alternatives, 75247
and other pertinent considerations; 75248

(d) That the facility represents the minimum risk of all 75249
of the following: 75250

(i) Fires or explosions from treatment, storage, or 75251
disposal methods; 75252

(ii) Release of hazardous waste during transportation of 75253
hazardous waste to or from the facility; 75254

(iii) Adverse impact on the public health and safety. 75255

(e) That the facility will comply with this chapter and 75256
Chapters 3704. and 6111. of the Revised Code and all rules and 75257
standards adopted under them; 75258

(f) That if the owner of the facility, the operator of the 75259
facility, or any other person in a position with the facility 75260
from which the person may influence the installation and 75261
operation of the facility has been involved in any prior 75262
activity involving transportation, treatment, storage, or 75263
disposal of hazardous waste, that person has a history of 75264
compliance with this chapter and Chapters 3704. and 6111. of the 75265
Revised Code and all rules and standards adopted under them, the 75266

"Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 75267
42 U.S.C.A. 6921, as amended, and all regulations adopted under 75268
it, and similar laws and rules of other states if any such prior 75269
operation was located in another state that demonstrates 75270
sufficient reliability, expertise, and competency to operate a 75271
hazardous waste facility under the applicable provisions of this 75272
chapter and Chapters 3704. and 6111. of the Revised Code, the 75273
applicable rules and standards adopted under them, and terms and 75274
conditions of a hazardous waste facility installation and 75275
operation permit, given the potential for harm to the public 75276
health and safety and the environment that could result from the 75277
irresponsible operation of the facility. For off-site 75278
facilities, as defined in section 3734.41 of the Revised Code, 75279
the director may use the investigative reports of the attorney 75280
general prepared pursuant to section 3734.42 of the Revised Code 75281
as a basis for making a finding and determination under division 75282
(D) (2) (f) of this section. 75283

(g) That the active areas within a new hazardous waste 75284
facility where acute hazardous waste as listed in 40 C.F.R. 75285
261.33 (e), as amended, or organic waste that is toxic and is 75286
listed under 40 C.F.R. 261, as amended, is being stored, 75287
treated, or disposed of and where the aggregate of the storage 75288
design capacity and the disposal design capacity of all 75289
hazardous waste in those areas is greater than two hundred fifty 75290
thousand gallons, are not located or operated within any of the 75291
following: 75292

(i) Two thousand feet of any residence, school, hospital, 75293
jail, or prison; 75294

(ii) Any naturally occurring wetland; 75295

(iii) Any flood hazard area if the applicant cannot show 75296

that the facility will be designed, constructed, operated, and 75297
maintained to prevent washout by a one-hundred-year flood. 75298

Division (D) (2) (g) of this section does not apply to the 75299
facility of any applicant who demonstrates to the director that 75300
the limitations specified in that division are not necessary 75301
because of the nature or volume of the waste and the manner of 75302
management applied, the facility will impose no substantial 75303
danger to the health and safety of persons occupying the 75304
structures listed in division (D) (2) (g) (i) of this section, and 75305
the facility is to be located or operated in an area where the 75306
proposed hazardous waste activities will not be incompatible 75307
with existing land uses in the area. 75308

(h) That the facility will not be located within the 75309
boundaries of a state park established or dedicated under 75310
Chapter 1546. of the Revised Code, a state park purchase area 75311
established under section 1546.06 of the Revised Code, any unit 75312
of the national park system, or any property that lies within 75313
the boundaries of a national park or recreation area, but that 75314
has not been acquired or is not administered by the secretary of 75315
the United States department of the interior, located in this 75316
state, or any candidate area located in this state identified 75317
for potential inclusion in the national park system in the 75318
edition of the "national park system plan" submitted under 75319
paragraph (b) of section 8 of "The Act of August 18, 1970," 84 75320
Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of 75321
filing of the application for the permit, unless the facility 75322
will be used exclusively for the storage of hazardous waste 75323
generated within the park or recreation area in conjunction with 75324
the operation of the park or recreation area. Division (D) (2) (h) 75325
of this section does not apply to the facility of any applicant 75326
for modification of a permit unless the modification application 75327

proposes to increase the land area included in the facility or 75328
to increase the quantity of hazardous waste that will be 75329
treated, stored, or disposed of at the facility. 75330

(3) Not later than one hundred eighty days after the end 75331
of the public comment period, the director, without prior 75332
hearing, shall issue or deny the permit in accordance with 75333
Chapter 3745. of the Revised Code. If the director approves an 75334
application for a hazardous waste facility installation and 75335
operation permit, the director shall issue the permit, upon such 75336
terms and conditions as the director finds are necessary to 75337
ensure the construction and operation of the hazardous waste 75338
facility in accordance with the standards of this section. 75339

(E) No political subdivision of this state shall require 75340
any additional zoning or other approval, consent, permit, 75341
certificate, or condition for the construction or operation of a 75342
hazardous waste facility authorized by a hazardous waste 75343
facility installation and operation permit issued pursuant to 75344
this chapter, nor shall any political subdivision adopt or 75345
enforce any law, ordinance, or rule that in any way alters, 75346
impairs, or limits the authority granted in the permit. 75347

(F) The director may issue a single hazardous waste 75348
facility installation and operation permit to a person who 75349
operates two or more adjoining facilities where hazardous waste 75350
is stored, treated, or disposed of if the application includes 75351
detail plans, specifications, and information on all facilities. 75352
For the purposes of this section, "adjoining" means sharing a 75353
common boundary, separated only by a public road, or in such 75354
proximity that the director determines that the issuance of a 75355
single permit will not create a hazard to the public health or 75356
safety or the environment. 75357

(G) No person shall falsify or fail to keep or submit any 75358
plans, specifications, data, reports, records, manifests, or 75359
other information required to be kept or submitted to the 75360
director by this chapter or the rules adopted under it. 75361

(H) (1) Each person who holds an installation and operation 75362
permit issued under this section and who wishes to obtain a 75363
permit renewal shall submit a completed application for an 75364
installation and operation permit renewal and any necessary 75365
accompanying general plans, detail plans, specifications, and 75366
such information as the director may require to the director no 75367
later than one hundred eighty days prior to the expiration date 75368
of the existing permit or upon a later date prior to the 75369
expiration of the existing permit if the permittee can 75370
demonstrate good cause for the late submittal. The director 75371
shall consider the application and accompanying information, 75372
inspection reports of the facility, results of performance 75373
tests, a report regarding the facility's compliance or 75374
noncompliance with the terms and conditions of its permit and 75375
rules adopted by the director under this chapter, and such other 75376
information as is relevant to the operation of the facility and 75377
shall issue a draft renewal permit or a notice of intent to deny 75378
the renewal permit. The director, in accordance with rules 75379
adopted under this section or with rules adopted to implement 75380
Chapter 3745. of the Revised Code, shall give public notice of 75381
the application and draft renewal permit or notice of intent to 75382
deny the renewal permit, provide for the opportunity for public 75383
comments within a specified time period, schedule a public 75384
meeting in the county in which the facility is located if 75385
significant interest is shown, and give public notice of the 75386
public meeting. 75387

(2) Within sixty days after the public meeting or close of 75388

the public comment period, the director, without prior hearing, 75389
shall issue or deny the renewal permit in accordance with 75390
Chapter 3745. of the Revised Code. The director shall not issue 75391
a renewal permit unless the director determines that the 75392
facility under the existing permit has a history of compliance 75393
with this chapter, rules adopted under it, the existing permit, 75394
or orders entered to enforce such requirements that demonstrates 75395
sufficient reliability, expertise, and competency to operate the 75396
facility henceforth under this chapter, rules adopted under it, 75397
and the renewal permit. If the director approves an application 75398
for a renewal permit, the director shall issue the permit 75399
subject to the payment of the annual permit fee required under 75400
division (E) of section 3734.02 of the Revised Code and upon 75401
such terms and conditions as the director finds are reasonable 75402
to ensure that continued operation, maintenance, closure, and 75403
post-closure care of the hazardous waste facility are in 75404
accordance with the rules adopted under section 3734.12 of the 75405
Revised Code. 75406

(3) An installation and operation permit renewal 75407
application submitted to the director that also contains or 75408
would constitute an application for a modification shall be 75409
acted upon by the director in accordance with division (I) of 75410
this section in the same manner as an application for a 75411
modification. In approving or disapproving the renewal portion 75412
of a permit renewal application containing an application for a 75413
modification, the director shall apply the criteria established 75414
under division (H) (2) of this section. 75415

(4) An application for renewal or modification of a permit 75416
that does not contain an application for a modification as 75417
described in divisions (I) (3) (a) to (d) of this section shall 75418
not be subject to division (D) (2) of this section. 75419

(I) (1) As used in this section, "modification" means a 75420
change or alteration to a hazardous waste facility or its 75421
operations that is inconsistent with or not authorized by its 75422
existing permit or authorization to operate. Modifications shall 75423
be classified as Class 1, 2, or 3 modifications in accordance 75424
with rules adopted under division (K) of this section. 75425
Modifications classified as Class 3 modifications, in accordance 75426
with rules adopted under that division, shall be further 75427
classified by the director as either Class 3 modifications that 75428
are to be approved or disapproved by the director under 75429
divisions (I) (3) (a) to (d) of this section or as Class 3 75430
modifications that are to be approved or disapproved by the 75431
director under division (I) (5) of this section. Not later than 75432
thirty days after receiving a request for a modification under 75433
division (I) (4) of this section that is not listed in Appendix I 75434
to 40 C.F.R. 270.42 or in rules adopted under division (K) of 75435
this section, the director shall classify the modification and 75436
shall notify the owner or operator of the facility requesting 75437
the modification of the classification. Notwithstanding any 75438
other law to the contrary, a modification that involves the 75439
transfer of a hazardous waste facility installation and 75440
operation permit to a new owner or operator for any off-site 75441
facility as defined in section 3734.41 of the Revised Code shall 75442
be classified as a Class 3 modification. The transfer of a 75443
hazardous waste facility installation and operation permit to a 75444
new owner or operator for a facility that is not an off-site 75445
facility shall be classified as a Class 1 modification requiring 75446
prior approval of the director. 75447

(2) Except as provided in section 3734.123 of the Revised 75448
Code, a hazardous waste facility installation and operation 75449
permit may be modified at the request of the director or upon 75450

the written request of the permittee only if any of the 75451
following applies: 75452

(a) The permittee desires to accomplish alterations, 75453
additions, or deletions to the permitted facility or to 75454
undertake alterations, additions, deletions, or activities that 75455
are inconsistent with or not authorized by the existing permit; 75456

(b) New information or data justify permit conditions in 75457
addition to or different from those in the existing permit; 75458

(c) The standards, criteria, or rules upon which the 75459
existing permit is based have been changed by new, amended, or 75460
rescinded standards, criteria, or rules, or by judicial decision 75461
after the existing permit was issued, and the change justifies 75462
permit conditions in addition to or different from those in the 75463
existing permit; 75464

(d) The permittee proposes to transfer the permit to 75465
another person. 75466

(3) The director shall approve or disapprove an 75467
application for a modification in accordance with division (D) 75468
(2) of this section and rules adopted under division (K) of this 75469
section for all of the following categories of Class 3 75470
modifications: 75471

(a) Authority to conduct treatment, storage, or disposal 75472
at a site, location, or tract of land that has not been 75473
authorized for the proposed category of treatment, storage, or 75474
disposal activity by the facility's permit; 75475

(b) Modification or addition of a hazardous waste 75476
management unit, as defined in rules adopted under section 75477
3734.12 of the Revised Code, that results in an increase in a 75478
facility's storage capacity of more than twenty-five per cent 75479

over the capacity authorized by the facility's permit, an 75480
increase in a facility's treatment rate of more than twenty-five 75481
per cent over the rate so authorized, or an increase in a 75482
facility's disposal capacity over the capacity so authorized. 75483
The authorized disposal capacity for a facility shall be 75484
calculated from the approved design plans for the disposal units 75485
at that facility. In no case during a five-year period shall a 75486
facility's storage capacity or treatment rate be modified to 75487
increase by more than twenty-five per cent in the aggregate 75488
without the director's approval in accordance with division (D) 75489
(2) of this section. Notwithstanding any provision of division 75490
(I) of this section to the contrary, a request for modification 75491
of a facility's annual total waste receipt limit shall be 75492
classified and approved or disapproved by the director under 75493
division (I) (5) of this section. 75494

(c) Authority to add any of the following categories of 75495
regulated activities not previously authorized at a facility by 75496
the facility's permit: storage at a facility not previously 75497
authorized to store hazardous waste, treatment at a facility not 75498
previously authorized to treat hazardous waste, or disposal at a 75499
facility not previously authorized to dispose of hazardous 75500
waste; or authority to add a category of hazardous waste 75501
management unit not previously authorized at the facility by the 75502
facility's permit. Notwithstanding any provision of division (I) 75503
of this section to the contrary, a request for authority to add 75504
or to modify an activity or a hazardous waste management unit 75505
for the purposes of performing a corrective action shall be 75506
classified and approved or disapproved by the director under 75507
division (I) (5) of this section. 75508

(d) Authority to treat, store, or dispose of waste types 75509
listed or characterized as reactive or explosive, in rules 75510

adopted under section 3734.12 of the Revised Code, or any acute 75511
hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a 75512
facility not previously authorized to treat, store, or dispose 75513
of those types of wastes by the facility's permit unless the 75514
requested authority is limited to wastes that no longer exhibit 75515
characteristics meeting the criteria for listing or 75516
characterization as reactive or explosive wastes, or for listing 75517
as acute hazardous waste, but still are required to carry those 75518
waste codes as established in rules adopted under section 75519
3734.12 of the Revised Code because of the requirements 75520
established in 40 C.F.R. 261(a) and (e), as amended, that is, 75521
the "mixture," "derived-from," or "contained-in" regulations. 75522

(4) A written request for a modification from the 75523
permittee shall be submitted to the director and shall contain 75524
such information as is necessary to support the request. 75525
Requests for modifications shall be acted upon by the director 75526
in accordance with this section and rules adopted under it. 75527

(5) Class 1 modification applications that require prior 75528
approval of the director, as provided in division (I)(1) of this 75529
section or as determined in accordance with rules adopted under 75530
division (K) of this section, Class 2 modification applications, 75531
and Class 3 modification applications that are not described in 75532
divisions (I)(3)(a) to (d) of this section shall be approved or 75533
disapproved by the director in accordance with rules adopted 75534
under division (K) of this section. The board of county 75535
commissioners of the county, the board of township trustees of 75536
the township, and the city manager or mayor of the municipal 75537
corporation in which a hazardous waste facility is located shall 75538
receive notification of any application for a modification for 75539
that facility and shall be considered as interested persons with 75540
respect to the director's consideration of the application. 75541

As used in division (I) of this section:

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(a) "Owner" means the person who owns a majority or
controlling interest in a facility.

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(b) "Operator" means the person who is responsible for the
overall operation of a facility.

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The director shall approve or disapprove an application
for a Class 1 modification that requires the director's approval
within sixty days after receiving the request for modification.
The director shall approve or disapprove an application for a
Class 2 modification within three hundred days after receiving
the request for modification. The director shall approve or
disapprove an application for a Class 3 modification within
three hundred sixty-five days after receiving the request for
modification.

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(6) The approval or disapproval by the director of a Class
1 modification application is not a final action that is
appealable under Chapter 3745. of the Revised Code. The approval
or disapproval by the director of a Class 2 modification or a
Class 3 modification is a final action that is appealable under
that chapter. In approving or disapproving a request for a
modification, the director shall consider all comments
pertaining to the request that are received during the public
comment period and the public meetings. The administrative
record for appeal of a final action by the director in approving
or disapproving a request for a modification shall include all
comments received during the public comment period relating to
the request for modification, written materials submitted at the
public meetings relating to the request, and any other documents
related to the director's action.

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(7) Notwithstanding any other provision of law to the contrary, a change or alteration to a hazardous waste facility described in division (E) (3) (a) or (b) of section 3734.02 of the Revised Code, or its operations, is a modification for the purposes of this section. An application for a modification at such a facility shall be submitted, classified, and approved or disapproved in accordance with divisions (I) (1) to (6) of this section in the same manner as a modification to a hazardous waste facility installation and operation permit.

(J) (1) Except as provided in division (J) (2) of this section, an owner or operator of a hazardous waste facility that is operating in accordance with a permit by rule under rules adopted by the director under division (E) (3) (b) of section 3734.02 of the Revised Code shall submit either a hazardous waste facility installation and operation permit application for the facility or a modification application, whichever is required under division (J) (1) (a) or (b) of this section, within one hundred eighty days after the director has requested the application or upon a later date if the owner or operator demonstrates to the director good cause for the late submittal.

(a) If the owner or operator does not have a hazardous waste facility installation and operation permit for any hazardous waste treatment, storage, or disposal activities at the facility, the owner or operator shall submit an application for such a permit to the director for the activities authorized by the permit by rule. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the application for the permit in accordance with the procedures governing the approval or disapproval of permit renewals under division (H) of this section.

(b) If the owner or operator has a hazardous waste 75601
facility installation and operation permit for hazardous waste 75602
treatment, storage, or disposal activities at the facility other 75603
than those authorized by the permit by rule, the owner or 75604
operator shall submit to the director a request for modification 75605
in accordance with division (I) of this section. Notwithstanding 75606
any other provision of law to the contrary, the director shall 75607
approve or disapprove the modification application in accordance 75608
with division (I)(5) of this section. 75609

(2) The owner or operator of a boiler or industrial 75610
furnace that is conducting thermal treatment activities in 75611
accordance with a permit by rule under rules adopted by the 75612
director under division (E)(3)(b) of section 3734.02 of the 75613
Revised Code shall submit a hazardous waste facility 75614
installation and operation permit application if the owner or 75615
operator does not have such a permit for any hazardous waste 75616
treatment, storage, or disposal activities at the facility or, 75617
if the owner or operator has such a permit for hazardous waste 75618
treatment, storage, or disposal activities at the facility other 75619
than thermal treatment activities authorized by the permit by 75620
rule, a modification application to add those activities 75621
authorized by the permit by rule, whichever is applicable, 75622
within one hundred eighty days after the director has requested 75623
the submission of the application or upon a later date if the 75624
owner or operator demonstrates to the director good cause for 75625
the late submittal. The application shall be accompanied by 75626
information necessary to support the request. The director shall 75627
approve or disapprove an application for a hazardous waste 75628
facility installation and operation permit in accordance with 75629
division (D) of this section and approve or disapprove an 75630
application for a modification in accordance with division (I) 75631

(3) of this section, except that the director shall not 75632
disapprove an application for the thermal treatment activities 75633
on the basis of the criteria set forth in division (D) (2) (g) or 75634
(h) of this section. 75635

(3) As used in division (J) of this section: 75636

(a) "Modification application" means a request for a 75637
modification submitted in accordance with division (I) of this 75638
section. 75639

(b) "Thermal treatment," "boiler," and "industrial 75640
furnace" have the same meanings as in rules adopted under 75641
section 3734.12 of the Revised Code. 75642

(K) The director shall adopt, and may amend, suspend, or 75643
rescind, rules in accordance with Chapter 119. of the Revised 75644
Code in order to implement divisions (H) and (I) of this 75645
section. Except when in actual conflict with this section, rules 75646
governing the classification of and procedures for the 75647
modification of hazardous waste facility installation and 75648
operation permits shall be substantively and procedurally 75649
identical to the regulations governing hazardous waste facility 75650
permitting and permit modifications adopted under the "Resource 75651
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 75652
U.S.C.A. 6921, as amended. 75653

Sec. 3734.57. (A) The following fees are hereby levied on 75654
the transfer or disposal of solid wastes in this state: 75655

(1) Seventy-one cents per ton through June 30, ~~2026~~2028, 75656
eleven cents of the proceeds of which shall be deposited in the 75657
state treasury to the credit of the hazardous waste facility 75658
management fund created in section 3734.18 of the Revised Code 75659
and sixty cents of the proceeds of which shall be deposited in 75660

the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code; 75661
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(2) An additional ninety cents per ton through June 30, 2026~~2028~~, the proceeds of which shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code; 75663
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(3) An additional two dollars and eighty-one cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code; 75667
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(4) An additional twenty-five cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code; 75672
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(5) An additional eight cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the national priority list remedial support fund created in section 3734.579 of the Revised Code. 75677
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In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under 75681
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this division. In the case of solid wastes that are not taken to 75690
a solid waste transfer facility located in this state prior to 75691
being transported to a solid waste disposal facility, the fees 75692
shall be collected by the owner or operator of the solid waste 75693
disposal facility as a trustee for the state. The amount of fees 75694
required to be collected under this division at such a disposal 75695
facility shall equal the total tonnage of solid wastes received 75696
at the facility that was not previously taken to a solid waste 75697
transfer facility located in this state multiplied by the fees 75698
levied under this division. Fees levied under this division do 75699
not apply to materials separated from a mixed waste stream for 75700
recycling by a generator or materials removed from the solid 75701
waste stream through recycling, as "recycling" is defined in 75702
rules adopted under section 3734.02 of the Revised Code. 75703

The owner or operator of a solid waste transfer facility 75704
or disposal facility, as applicable, shall prepare and file with 75705
the director of environmental protection each month a return 75706
indicating the total tonnage of solid wastes received at the 75707
facility during that month and the total amount of the fees 75708
required to be collected under this division during that month. 75709
In addition, the owner or operator of a solid waste disposal 75710
facility shall indicate on the return the total tonnage of solid 75711
wastes received from transfer facilities located in this state 75712
during that month for which the fees were required to be 75713
collected by the transfer facilities. The monthly returns shall 75714
be filed on a form prescribed by the director. Not later than 75715
thirty days after the last day of the month to which a return 75716
applies, the owner or operator shall mail to the director the 75717
return for that month together with the fees required to be 75718
collected under this division during that month as indicated on 75719
the return or may submit the return and fees electronically in a 75720

manner approved by the director. If the return is filed and the
amount of the fees due is paid in a timely manner as required in
this division, the owner or operator may retain a discount of
three-fourths of one per cent of the total amount of the fees
that are required to be paid as indicated on the return.

The owner or operator may request an extension of not more
than thirty days for filing the return and remitting the fees,
provided that the owner or operator has submitted such a request
in writing to the director together with a detailed description
of why the extension is requested, the director has received the
request not later than the day on which the return is required
to be filed, and the director has approved the request. If the
fees are not remitted within thirty days after the last day of
the month to which the return applies or are not remitted by the
last day of an extension approved by the director, the owner or
operator shall not retain the three-fourths of one per cent
discount and shall pay an additional ten per cent of the amount
of the fees for each month that they are late. For purposes of
calculating the late fee, the first month in which fees are late
begins on the first day after the deadline has passed for timely
submitting the return and fees, and one additional month shall
be counted every thirty days thereafter.

The owner or operator of a solid waste facility may
request a refund or credit of fees levied under this division
and remitted to the director that have not been paid to the
owner or operator. Such a request shall be made only if the fees
have not been collected by the owner or operator, have become a
debt that has become worthless or uncollectable for a period of
six months or more, and may be claimed as a deduction, including
a deduction claimed if the owner or operator keeps accounts on
an accrual basis, under the "Internal Revenue Code of 1954," 68A

Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 75752
under it. Prior to making a request for a refund or credit, an 75753
owner or operator shall make reasonable efforts to collect the 75754
applicable fees. A request for a refund or credit shall not 75755
include any costs resulting from those efforts to collect unpaid 75756
fees. 75757

A request for a refund or credit of fees shall be made in 75758
writing, on a form prescribed by the director, and shall be 75759
supported by evidence that may be required in rules adopted by 75760
the director under this chapter. After reviewing the request, 75761
and if the request and evidence submitted with the request 75762
indicate that a refund or credit is warranted, the director 75763
shall grant a refund to the owner or operator or shall permit a 75764
credit to be taken by the owner or operator on a subsequent 75765
monthly return submitted by the owner or operator. The amount of 75766
a refund or credit shall not exceed an amount that is equal to 75767
ninety days' worth of fees owed to an owner or operator by a 75768
particular debtor of the owner or operator. A refund or credit 75769
shall not be granted by the director to an owner or operator 75770
more than once in any twelve-month period for fees owed to the 75771
owner or operator by a particular debtor. 75772

If, after receiving a refund or credit from the director, 75773
an owner or operator receives payment of all or part of the 75774
fees, the owner or operator shall remit the fees with the next 75775
monthly return submitted to the director together with a written 75776
explanation of the reason for the submittal. 75777

For purposes of computing the fees levied under this 75778
division or division (B) of this section, any solid waste 75779
transfer or disposal facility that does not use scales as a 75780
means of determining gate receipts shall use a conversion factor 75781

of three cubic yards per ton of solid waste or one cubic yard 75782
per ton for baled waste, as applicable. 75783

The fees levied under this division and divisions (B) and 75784
(C) of this section are in addition to all other applicable fees 75785
and taxes and shall be paid by the customer or a political 75786
subdivision to the owner or operator of a solid waste transfer 75787
or disposal facility. In the alternative, the fees shall be paid 75788
by a customer or political subdivision to a transporter of waste 75789
who subsequently transfers the fees to the owner or operator of 75790
such a facility. The fees shall be paid notwithstanding the 75791
existence of any provision in a contract that the customer or a 75792
political subdivision may have with the owner or operator or 75793
with a transporter of waste to the facility that would not 75794
require or allow such payment regardless of whether the contract 75795
was entered prior to or after October 16, 2009. For those 75796
purposes, "customer" means a person who contracts with, or 75797
utilizes the solid waste services of, the owner or operator of a 75798
solid waste transfer or disposal facility or a transporter of 75799
solid waste to such a facility. 75800

(B) For the purposes specified in division (G) of this 75801
section, the solid waste management policy committee of a county 75802
or joint solid waste management district may levy fees upon the 75803
following activities: 75804

(1) The disposal at a solid waste disposal facility 75805
located in the district of solid wastes generated within the 75806
district; 75807

(2) The disposal at a solid waste disposal facility within 75808
the district of solid wastes generated outside the boundaries of 75809
the district, but inside this state; 75810

(3) The disposal at a solid waste disposal facility within 75811
the district of solid wastes generated outside the boundaries of 75812
this state. 75813

The solid waste management plan of the county or joint 75814
district approved under section 3734.521 or 3734.55 of the 75815
Revised Code and any amendments to it, or the resolution adopted 75816
under this division, as appropriate, shall establish the rates 75817
of the fees levied under divisions (B) (1), (2), and (3) of this 75818
section, if any, and shall specify whether the fees are levied 75819
on the basis of tons or cubic yards as the unit of measurement. 75820
A solid waste management district that levies fees under this 75821
division on the basis of cubic yards shall do so in accordance 75822
with division (A) of this section. 75823

The fee levied under division (B) (1) of this section shall 75824
be not less than one dollar per ton nor more than two dollars 75825
per ton, the fee levied under division (B) (2) of this section 75826
shall be not less than two dollars per ton nor more than four 75827
dollars per ton, and the fee levied under division (B) (3) of 75828
this section shall be not more than the fee levied under 75829
division (B) (1) of this section. 75830

Prior to the approval of the solid waste management plan 75831
of a district under section 3734.55 of the Revised Code, the 75832
solid waste management policy committee of a district may levy 75833
fees under this division by adopting a resolution establishing 75834
the proposed amount of the fees. Upon adopting the resolution, 75835
the committee shall deliver a copy of the resolution to the 75836
board of county commissioners of each county forming the 75837
district and to the legislative authority of each municipal 75838
corporation and township under the jurisdiction of the district 75839
and shall prepare and publish the resolution and a notice of the 75840

time and location where a public hearing on the fees will be 75841
held. Upon adopting the resolution, the committee shall deliver 75842
written notice of the adoption of the resolution; of the amount 75843
of the proposed fees; and of the date, time, and location of the 75844
public hearing to the director and to the fifty industrial, 75845
commercial, or institutional generators of solid wastes within 75846
the district that generate the largest quantities of solid 75847
wastes, as determined by the committee, and to their local trade 75848
associations. The committee shall make good faith efforts to 75849
identify those generators within the district and their local 75850
trade associations, but the nonprovision of notice under this 75851
division to a particular generator or local trade association 75852
does not invalidate the proceedings under this division. The 75853
publication shall occur at least thirty days before the hearing. 75854
After the hearing, the committee may make such revisions to the 75855
proposed fees as it considers appropriate and thereafter, by 75856
resolution, shall adopt the revised fee schedule. Upon adopting 75857
the revised fee schedule, the committee shall deliver a copy of 75858
the resolution doing so to the board of county commissioners of 75859
each county forming the district and to the legislative 75860
authority of each municipal corporation and township under the 75861
jurisdiction of the district. Within sixty days after the 75862
delivery of a copy of the resolution adopting the proposed 75863
revised fees by the policy committee, each such board and 75864
legislative authority, by ordinance or resolution, shall approve 75865
or disapprove the revised fees and deliver a copy of the 75866
ordinance or resolution to the committee. If any such board or 75867
legislative authority fails to adopt and deliver to the policy 75868
committee an ordinance or resolution approving or disapproving 75869
the revised fees within sixty days after the policy committee 75870
delivered its resolution adopting the proposed revised fees, it 75871
shall be conclusively presumed that the board or legislative 75872

authority has approved the proposed revised fees. The committee 75873
shall determine if the resolution has been ratified in the same 75874
manner in which it determines if a draft solid waste management 75875
plan has been ratified under division (B) of section 3734.55 of 75876
the Revised Code. 75877

The committee may amend the schedule of fees levied 75878
pursuant to a resolution adopted and ratified under this 75879
division by adopting a resolution establishing the proposed 75880
amount of the amended fees. The committee may repeal the fees 75881
levied pursuant to such a resolution by adopting a resolution 75882
proposing to repeal them. Upon adopting such a resolution, the 75883
committee shall proceed to obtain ratification of the resolution 75884
in accordance with this division. 75885

Not later than fourteen days after declaring the new fees 75886
to be ratified or the fees to be repealed under this division, 75887
the committee shall notify by certified mail the owner or 75888
operator of each solid waste disposal facility that is required 75889
to collect the fees of the ratification and the amount of the 75890
fees or of the repeal of the fees. Collection of any fees shall 75891
commence or collection of repealed fees shall cease on the first 75892
day of the second month following the month in which 75893
notification is sent to the owner or operator. 75894

Fees levied under this division also may be established, 75895
amended, or repealed by a solid waste management policy 75896
committee through the adoption of a new district solid waste 75897
management plan, the adoption of an amended plan, or the 75898
amendment of the plan or amended plan in accordance with 75899
sections 3734.55 and 3734.56 of the Revised Code or the adoption 75900
or amendment of a district plan in connection with a change in 75901
district composition under section 3734.521 of the Revised Code. 75902

Not later than fourteen days after the director issues an order approving a district's solid waste management plan, amended plan, or amendment to a plan or amended plan that establishes, amends, or repeals a schedule of fees levied by the district, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees, if any. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees, if any. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, forty-five days or more before the beginning of a calendar year, the policy committee of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change, within fourteen days after the director's completion of the required actions, shall notify by certified mail the owner or operator of each solid

waste disposal facility that is required to collect the 75934
district's fees that the change is to take effect on the first 75935
day of January immediately following the issuance of the notice 75936
and of the amount of the fees or amended fees levied under 75937
divisions (B) (1) to (3) of this section pursuant to the 75938
district's initial or amended plan as so approved or, if 75939
appropriate, the repeal of the district's fees by that initial 75940
or amended plan. Collection of any fees set forth in such a plan 75941
or amended plan shall commence on the first day of January 75942
immediately following the issuance of the notice. If such an 75943
initial or amended plan repeals a schedule of fees, collection 75944
of the fees shall cease on that first day of January. 75945

If, in the case of a change in district composition 75946
involving the withdrawal of a county from a joint district, the 75947
director completes the actions required under division (G) (1) or 75948
(3) of section 3734.521 of the Revised Code, as appropriate, 75949
less than forty-five days before the beginning of a calendar 75950
year, the director, on behalf of each of the districts resulting 75951
from the change that obtained the director's approval of an 75952
initial or amended plan in connection with the change 75953
proceedings, shall notify by certified mail the owner or 75954
operator of each solid waste disposal facility that is required 75955
to collect the district's fees that the change is to take effect 75956
on the first day of January immediately following the mailing of 75957
the notice and of the amount of the fees or amended fees levied 75958
under divisions (B) (1) to (3) of this section pursuant to the 75959
district's initial or amended plan as so approved or, if 75960
appropriate, the repeal of the district's fees by that initial 75961
or amended plan. Collection of any fees set forth in such a plan 75962
or amended plan shall commence on the first day of the second 75963
month following the month in which notification is sent to the 75964

owner or operator. If such an initial or amended plan repeals a 75965
schedule of fees, collection of the fees shall cease on the 75966
first day of the second month following the month in which 75967
notification is sent to the owner or operator. 75968

If the schedule of fees that a solid waste management 75969
district is levying under divisions (B)(1) to (3) of this 75970
section is amended or repealed, the fees in effect immediately 75971
prior to the amendment or repeal shall continue to be collected 75972
until collection of the amended fees commences or collection of 75973
the repealed fees ceases, as applicable, as specified in this 75974
division. In the case of a change in district composition, money 75975
so received from the collection of the fees of the former 75976
districts shall be divided among the resulting districts in 75977
accordance with division (B) of section 343.012 of the Revised 75978
Code and the agreements entered into under division (B) of 75979
section 343.01 of the Revised Code to establish the former and 75980
resulting districts and any amendments to those agreements. 75981

For the purposes of the provisions of division (B) of this 75982
section establishing the times when newly established or amended 75983
fees levied by a district are required to commence and the 75984
collection of fees that have been amended or repealed is 75985
required to cease, "fees" or "schedule of fees" includes, in 75986
addition to fees levied under divisions (B)(1) to (3) of this 75987
section, those levied under section 3734.573 or 3734.574 of the 75988
Revised Code. 75989

(C) For the purposes of defraying the added costs to a 75990
municipal corporation or township of maintaining roads and other 75991
public facilities and of providing emergency and other public 75992
services, and compensating a municipal corporation or township 75993
for reductions in real property tax revenues due to reductions 75994

in real property valuations resulting from the location and 75995
operation of a solid waste disposal facility within the 75996
municipal corporation or township, a municipal corporation or 75997
township in which such a solid waste disposal facility is 75998
located may levy a fee of not more than twenty-five cents per 75999
ton on the disposal of solid wastes at a solid waste disposal 76000
facility located within the boundaries of the municipal 76001
corporation or township regardless of where the wastes were 76002
generated. 76003

The legislative authority of a municipal corporation or 76004
township may levy fees under this division by enacting an 76005
ordinance or adopting a resolution establishing the amount of 76006
the fees. Upon so doing the legislative authority shall mail a 76007
certified copy of the ordinance or resolution to the board of 76008
county commissioners or directors of the county or joint solid 76009
waste management district in which the municipal corporation or 76010
township is located or, if a regional solid waste management 76011
authority has been formed under section 343.011 of the Revised 76012
Code, to the board of trustees of that regional authority, the 76013
owner or operator of each solid waste disposal facility in the 76014
municipal corporation or township that is required to collect 76015
the fee by the ordinance or resolution, and the director of 76016
environmental protection. Although the fees levied under this 76017
division are levied on the basis of tons as the unit of 76018
measurement, the legislative authority, in its ordinance or 76019
resolution levying the fees under this division, may direct that 76020
the fees be levied on the basis of cubic yards as the unit of 76021
measurement based upon a conversion factor of three cubic yards 76022
per ton generally or one cubic yard per ton for baled wastes. 76023

Not later than five days after enacting an ordinance or 76024
adopting a resolution under this division, the legislative 76025

authority shall so notify by certified mail the owner or 76026
operator of each solid waste disposal facility that is required 76027
to collect the fee. Collection of any fee levied on or after 76028
March 24, 1992, shall commence on the first day of the second 76029
month following the month in which notification is sent to the 76030
owner or operator. 76031

(D) (1) The fees levied under divisions (A), (B), and (C) 76032
of this section do not apply to the disposal of solid wastes 76033
that: 76034

(a) Are disposed of at a facility owned by the generator 76035
of the wastes when the solid waste facility exclusively disposes 76036
of solid wastes generated at one or more premises owned by the 76037
generator regardless of whether the facility is located on a 76038
premises where the wastes are generated; 76039

(b) Are generated from the combustion of coal, or from the 76040
combustion of primarily coal, regardless of whether the disposal 76041
facility is located on the premises where the wastes are 76042
generated; 76043

(c) Are asbestos or asbestos-containing materials or 76044
products disposed of at a construction and demolition debris 76045
facility that is licensed under Chapter 3714. of the Revised 76046
Code or at a solid waste facility that is licensed under this 76047
chapter. 76048

(2) Except as provided in section 3734.571 of the Revised 76049
Code, any fees levied under division (B) (1) of this section 76050
apply to solid wastes originating outside the boundaries of a 76051
county or joint district that are covered by an agreement for 76052
the joint use of solid waste facilities entered into under 76053
section 343.02 of the Revised Code by the board of county 76054

commissioners or board of directors of the county or joint 76055
district where the wastes are generated and disposed of. 76056

(3) When solid wastes, other than solid wastes that 76057
consist of scrap tires, are burned in a disposal facility that 76058
is an incinerator or energy recovery facility, the fees levied 76059
under divisions (A), (B), and (C) of this section shall be 76060
levied upon the disposal of the fly ash and bottom ash remaining 76061
after burning of the solid wastes and shall be collected by the 76062
owner or operator of the sanitary landfill where the ash is 76063
disposed of. 76064

(4) When solid wastes are delivered to a solid waste 76065
transfer facility, the fees levied under divisions (B) and (C) 76066
of this section shall be levied upon the disposal of solid 76067
wastes transported off the premises of the transfer facility for 76068
disposal and shall be collected by the owner or operator of the 76069
solid waste disposal facility where the wastes are disposed of. 76070

(5) The fees levied under divisions (A), (B), and (C) of 76071
this section do not apply to sewage sludge that is generated by 76072
a waste water treatment facility holding a national pollutant 76073
discharge elimination system permit and that is disposed of 76074
through incineration, land application, or composting or at 76075
another resource recovery or disposal facility that is not a 76076
landfill. 76077

(6) The fees levied under divisions (A), (B), and (C) of 76078
this section do not apply to solid wastes delivered to a solid 76079
waste composting facility for processing. When any unprocessed 76080
solid waste or compost product is transported off the premises 76081
of a composting facility and disposed of at a landfill, the fees 76082
levied under divisions (A), (B), and (C) of this section shall 76083
be collected by the owner or operator of the landfill where the 76084

unprocessed waste or compost product is disposed of. 76085

(7) When solid wastes that consist of scrap tires are 76086
processed at a scrap tire recovery facility, the fees levied 76087
under divisions (A), (B), and (C) of this section shall be 76088
levied upon the disposal of the fly ash and bottom ash or other 76089
solid wastes remaining after the processing of the scrap tires 76090
and shall be collected by the owner or operator of the solid 76091
waste disposal facility where the ash or other solid wastes are 76092
disposed of. 76093

(8) The director of environmental protection may issue an 76094
order exempting from the fees levied under this section solid 76095
wastes, including, but not limited to, scrap tires, that are 76096
generated, transferred, or disposed of as a result of a contract 76097
providing for the expenditure of public funds entered into by 76098
the administrator or regional administrator of the United States 76099
environmental protection agency, the director of environmental 76100
protection, or the director of administrative services on behalf 76101
of the director of environmental protection for the purpose of 76102
remediating conditions at a hazardous waste facility, solid 76103
waste facility, or other location at which the administrator or 76104
regional administrator or the director of environmental 76105
protection has reason to believe that there is a substantial 76106
threat to public health or safety or the environment or that the 76107
conditions are causing or contributing to air or water pollution 76108
or soil contamination. An order issued by the director of 76109
environmental protection under division (D) (8) of this section 76110
shall include a determination that the amount of the fees not 76111
received by a solid waste management district as a result of the 76112
order will not adversely impact the implementation and financing 76113
of the district's approved solid waste management plan and any 76114
approved amendments to the plan. Such an order is a final action 76115

of the director of environmental protection. 76116

(E) The fees levied under divisions (B) and (C) of this 76117
section shall be collected by the owner or operator of the solid 76118
waste disposal facility where the wastes are disposed of as a 76119
trustee for the county or joint district and municipal 76120
corporation or township where the wastes are disposed of. Moneys 76121
from the fees levied under division (B) of this section shall be 76122
forwarded to the board of county commissioners or board of 76123
directors of the district in accordance with rules adopted under 76124
division (H) of this section. Moneys from the fees levied under 76125
division (C) of this section shall be forwarded to the treasurer 76126
or such other officer of the municipal corporation as, by virtue 76127
of the charter, has the duties of the treasurer or to the fiscal 76128
officer of the township, as appropriate, in accordance with 76129
those rules. 76130

(F) Moneys received by the treasurer or other officer of 76131
the municipal corporation under division (E) of this section 76132
shall be paid into the general fund of the municipal 76133
corporation. Moneys received by the fiscal officer of the 76134
township under that division shall be paid into the general fund 76135
of the township. The treasurer or other officer of the municipal 76136
corporation or the township fiscal officer, as appropriate, 76137
shall maintain separate records of the moneys received from the 76138
fees levied under division (C) of this section. 76139

(G) Moneys received by the board of county commissioners 76140
or board of directors under division (E) of this section or 76141
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 76142
Code shall be paid to the county treasurer, or other official 76143
acting in a similar capacity under a county charter, in a county 76144
district or to the county treasurer or other official designated 76145

by the board of directors in a joint district and kept in a 76146
separate and distinct fund to the credit of the district. If a 76147
regional solid waste management authority has been formed under 76148
section 343.011 of the Revised Code, moneys received by the 76149
board of trustees of that regional authority under division (E) 76150
of this section shall be kept by the board in a separate and 76151
distinct fund to the credit of the district. Moneys in the 76152
special fund of the county or joint district arising from the 76153
fees levied under division (B) of this section and the fee 76154
levied under division (A) of section 3734.573 of the Revised 76155
Code shall be expended by the board of county commissioners or 76156
directors of the district in accordance with the district's 76157
solid waste management plan or amended plan approved under 76158
section 3734.521, 3734.55, or 3734.56 of the Revised Code 76159
exclusively for the following purposes: 76160

(1) Preparation of the solid waste management plan of the 76161
district under section 3734.54 of the Revised Code, monitoring 76162
implementation of the plan, and conducting the periodic review 76163
and amendment of the plan required by section 3734.56 of the 76164
Revised Code by the solid waste management policy committee; 76165

(2) Implementation of the approved solid waste management 76166
plan or amended plan of the district, including, without 76167
limitation, the development and implementation of solid waste 76168
recycling or reduction programs; 76169

(3) Providing financial assistance to boards of health 76170
within the district, if solid waste facilities are located 76171
within the district, for enforcement of this chapter and rules, 76172
orders, and terms and conditions of permits, licenses, and 76173
variances adopted or issued under it, other than the hazardous 76174
waste provisions of this chapter and rules adopted and orders 76175

and terms and conditions of permits issued under those 76176
provisions; 76177

(4) Providing financial assistance to each county within 76178
the district to defray the added costs of maintaining roads and 76179
other public facilities and of providing emergency and other 76180
public services resulting from the location and operation of a 76181
solid waste facility within the county under the district's 76182
approved solid waste management plan or amended plan; 76183

(5) Pursuant to contracts entered into with boards of 76184
health within the district, if solid waste facilities contained 76185
in the district's approved plan or amended plan are located 76186
within the district, for paying the costs incurred by those 76187
boards of health for collecting and analyzing samples from 76188
public or private water wells on lands adjacent to those 76189
facilities; 76190

(6) Developing and implementing a program for the 76191
inspection of solid wastes generated outside the boundaries of 76192
this state that are disposed of at solid waste facilities 76193
included in the district's approved solid waste management plan 76194
or amended plan; 76195

(7) Providing financial assistance to boards of health 76196
within the district for the enforcement of section 3734.03 of 76197
the Revised Code or to local law enforcement agencies having 76198
jurisdiction within the district for enforcing anti-littering 76199
laws and ordinances; 76200

(8) Providing financial assistance to boards of health of 76201
health districts within the district that are on the approved 76202
list under section 3734.08 of the Revised Code to defray the 76203
costs to the health districts for the participation of their 76204

employees responsible for enforcement of the solid waste 76205
provisions of this chapter and rules adopted and orders and 76206
terms and conditions of permits, licenses, and variances issued 76207
under those provisions in the training and certification program 76208
as required by rules adopted under division (L) of section 76209
3734.02 of the Revised Code; 76210

(9) Providing financial assistance to individual municipal 76211
corporations and townships within the district to defray their 76212
added costs of maintaining roads and other public facilities and 76213
of providing emergency and other public services resulting from 76214
the location and operation within their boundaries of a 76215
composting, energy or resource recovery, incineration, or 76216
recycling facility that either is owned by the district or is 76217
furnishing solid waste management facility or recycling services 76218
to the district pursuant to a contract or agreement with the 76219
board of county commissioners or directors of the district; 76220

(10) Payment of any expenses that are agreed to, awarded, 76221
or ordered to be paid under section 3734.35 of the Revised Code 76222
and of any administrative costs incurred pursuant to that 76223
section. In the case of a joint solid waste management district, 76224
if the board of county commissioners of one of the counties in 76225
the district is negotiating on behalf of affected communities, 76226
as defined in that section, in that county, the board shall 76227
obtain the approval of the board of directors of the district in 76228
order to expend moneys for administrative costs incurred. 76229

Prior to the approval of the district's solid waste 76230
management plan under section 3734.55 of the Revised Code, 76231
moneys in the special fund of the district arising from the fees 76232
shall be expended for those purposes in the manner prescribed by 76233
the solid waste management policy committee by resolution. 76234

Notwithstanding division (G) (6) of this section as it 76235
existed prior to October 29, 1993, or any provision in a 76236
district's solid waste management plan prepared in accordance 76237
with division (B) (2) (e) of section 3734.53 of the Revised Code 76238
as it existed prior to that date, any moneys arising from the 76239
fees levied under division (B) (3) of this section prior to 76240
January 1, 1994, may be expended for any of the purposes 76241
authorized in divisions (G) (1) to (10) of this section. 76242

(H) The director shall adopt rules in accordance with 76243
Chapter 119. of the Revised Code prescribing procedures for 76244
collecting and forwarding the fees levied under divisions (B) 76245
and (C) of this section to the boards of county commissioners or 76246
directors of county or joint solid waste management districts 76247
and to the treasurers or other officers of municipal 76248
corporations and the fiscal officers of townships. The rules 76249
also shall prescribe the dates for forwarding the fees to the 76250
boards and officials and may prescribe any other requirements 76251
the director considers necessary or appropriate to implement and 76252
administer divisions (A), (B), and (C) of this section. 76253

Sec. 3734.79. (A) Except as provided in division (B) of 76254
this section, each application for a permit submitted under 76255
sections 3734.76 to 3734.78 of the Revised Code shall be 76256
accompanied by a nonrefundable application fee of four hundred 76257
dollars that shall be credited to the scrap tire management fund 76258
created in section 3734.82 of the Revised Code. If a permit is 76259
issued, the amount of the application fee paid shall be deducted 76260
from the amount of the applicable permit fee due under division 76261
~~(R)~~(Q) of section 3745.11 of the Revised Code. 76262

(B) Division (A) of this section does not apply to an 76263
application for a permit for a scrap tire storage facility 76264

submitted under section 3734.76 of the Revised Code if the owner 76265
or operator of the facility or proposed facility is a motor 76266
vehicle salvage dealer licensed under Chapter 4738. of the 76267
Revised Code. 76268

Sec. 3734.901. (A) (1) For the purpose of providing revenue 76269
to defray the cost of administering and enforcing the scrap tire 76270
provisions of this chapter, rules adopted under those 76271
provisions, and terms and conditions of orders, variances, and 76272
licenses issued under those provisions; to abate accumulations 76273
of scrap tires; to make grants supporting market development 76274
activities for scrap tires and synthetic rubber from tire 76275
manufacturing processes and tire recycling processes and to 76276
support scrap tire amnesty and cleanup events; to make loans to 76277
promote the recycling or recovery of energy from scrap tires; 76278
and to defray the costs of administering and enforcing sections 76279
3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents 76280
per tire is hereby levied on the sale of tires. The proceeds of 76281
the fee shall be deposited in the state treasury to the credit 76282
of the scrap tire management fund created in section 3734.82 of 76283
the Revised Code. The fee is levied from the first day of the 76284
calendar month that begins next after thirty days from October 76285
29, 1993, through June 30, ~~2026~~2028. 76286

(2) Beginning on July 1, 2011, and ending on June 30, 76287
~~2026~~2041, there is hereby levied an additional fee of fifty 76288
cents per tire on the sale of tires the proceeds of which shall 76289
be deposited in the state treasury to the credit of the soil and 76290
water conservation district assistance fund created in section 76291
940.15 of the Revised Code. 76292

(B) Only one sale of the same article shall be used in 76293
computing the amount of the fee due. 76294

Sec. 3734.904. (A) By the twentieth day of each month, 76295
each person required to pay the fee imposed by section 3734.901 76296
of the Revised Code shall file with the tax commissioner a 76297
return as prescribed by the tax commissioner and shall make 76298
payment of the full amount of the fee due for the preceding 76299
month ~~after deduction of any discount provided for under~~ 76300
~~division (E) of this section.~~ The return shall be signed by the 76301
person required to file it, or an authorized employee, officer, 76302
or agent. The return shall be deemed filed when received by the 76303
tax commissioner. 76304

(B) Any person required by this section to file a return 76305
who fails to file such a return within the period prescribed may 76306
be required to pay an additional charge of fifty dollars or ten 76307
per cent of the fee required to be paid for the reporting 76308
period, whichever is greater. The commissioner may collect the 76309
additional charge by assessment pursuant to section 3734.907 of 76310
the Revised Code. ~~The commissioner may remit all or a portion of~~ 76311
~~the additional charge and may adopt rules relating thereto.~~ 76312

(C) If any fee due is not paid timely in accordance with 76313
this section, the person liable for the fee shall pay interest, 76314
calculated at the rate per annum as prescribed by section 76315
5703.47 of the Revised Code, from the date the fee payment was 76316
due to the date of payment or to the date an assessment is 76317
issued, whichever occurs first. Interest shall be paid in the 76318
same manner as the fee, and the commissioner may collect the 76319
interest by assessment pursuant to section 3734.907 of the 76320
Revised Code. 76321

(D) If, in the estimation of the tax commissioner, the 76322
average liability of the person liable for the fee is such as 76323
not to merit monthly filing, the commissioner may authorize the 76324

person to file and pay at less frequent intervals. Returns are 76325
due by the twentieth day of the month following the close of the 76326
applicable reporting period authorized under this division. 76327

~~(E) If a return is filed and the amount of the fee shown 76328
to be due on the return is paid on or before the date that the 76329
return is required to be filed under division (A) of this 76330
section or pursuant to division (D) of this section, whichever 76331
is applicable, the person liable for the fee is entitled to a 76332
discount of four per cent of the amount shown to be due on the 76333
return. 76334~~

~~(F) All money collected by the tax commissioner under this 76335
section shall be paid to the treasurer of state as revenue 76336
arising from the fee imposed by section 3734.901 of the Revised 76337
Code. 76338~~

Sec. 3734.907. (A) Any person required to pay the fee 76339
imposed by section 3734.901 of the Revised Code is personally 76340
liable for the fee. The tax commissioner may make an assessment, 76341
based upon any information in the commissioner's possession, 76342
against any person who fails to file a return or pay any fee, 76343
interest, or additional charge as required by sections 3734.90 76344
to 3734.9014 of the Revised Code. The commissioner shall give 76345
the person assessed written notice of the assessment in the 76346
manner provided in section 5703.37 of the Revised Code. With the 76347
notice, the commissioner shall provide instructions on how to 76348
petition for reassessment and request a hearing on the petition. 76349

(B) When the information in the possession of the tax 76350
commissioner indicates that a person liable for the fee imposed 76351
by section 3734.901 of the Revised Code has not paid the full 76352
amount of fee due, the commissioner may audit a representative 76353
sample of the person's business and may issue an assessment 76354

based on the audit.

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(C) A penalty of up to fifteen per cent may be added to
all amounts assessed under this section. ~~The commissioner may~~
~~adopt rules providing for the imposition and remission of the~~
~~penalties.~~

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(D) Unless the person assessed files with the tax
commissioner within sixty days after service of the notice of
assessment, ~~either personally or by certified mail,~~ a written
petition for reassessment signed by the person assessed or that
person's authorized agent having knowledge of the facts, the
assessment becomes final and the amount of the assessment is due
and payable from the person assessed to the treasurer of state.
The petition shall indicate the objections of the person
assessed, but additional objections may be raised in writing if
received by the commissioner prior to the date shown on the
final determination. If the petition has been properly filed,
the commissioner shall proceed under section 5703.60 of the
Revised Code.

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(E) After an assessment becomes final, if any portion of
the assessment, including accrued interest, remains unpaid, a
certified copy of the tax commissioner's entry making the
assessment final may be filed in the office of the clerk of the
court of common pleas in the county in which the person assessed
resides or in which the person's business is conducted. If the
person assessed maintains no place of business in this state and
is not a resident of this state, the certified copy of the entry
may be filed in the office of the clerk of the court of common
pleas of Franklin county.

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Immediately upon the filing of the entry, the clerk shall
enter a judgment for the state against the person assessed in

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the amount shown on the entry. The judgment may be filed by the 76385
clerk in a loose-leaf book entitled "special judgments for state 76386
tire fee," and shall have the same effect as other judgments. 76387
Execution shall issue upon the judgment upon the request of the 76388
tax commissioner, and all laws applicable to sales on execution 76389
shall apply to sales made under the judgment. 76390

If the assessment is not paid in its entirety within sixty 76391
days after the day the assessment was issued, the portion of the 76392
assessment consisting of the fee due shall bear interest at the 76393
rate per annum prescribed by section 5703.47 of the Revised Code 76394
from the day the commissioner issues the assessment until the 76395
day the assessment is paid or until it is certified to the 76396
attorney general for collection under section 131.02 of the 76397
Revised Code, whichever comes first. If the unpaid portion of 76398
the assessment is certified to the attorney general for 76399
collection, the entire unpaid portion of the assessment shall 76400
bear interest at the rate per annum prescribed by section 76401
5703.47 of the Revised Code from the date of certification until 76402
the date it is paid in its entirety. Interest shall be paid in 76403
the same manner as the fee and may be collected by the issuance 76404
of an assessment under this section. 76405

(F) If the tax commissioner believes that collection of 76406
the fee will be jeopardized unless proceedings to collect or 76407
secure collection of the fee are instituted without delay, the 76408
commissioner may issue a jeopardy assessment against the person 76409
liable for the fee. Immediately upon the issuance of the 76410
jeopardy assessment, the commissioner shall file an entry with 76411
the clerk of the court of common pleas in the manner prescribed 76412
by division (E) of this section. Notice of the jeopardy 76413
assessment shall be served on the person assessed or the 76414
person's legal representative, as provided in section 5703.37 of 76415

the Revised Code, within five days of the filing of the entry 76416
with the clerk. The total amount assessed is immediately due and 76417
payable, unless the person assessed files a petition for 76418
reassessment in accordance with division (D) of this section and 76419
provides security in a form satisfactory to the commissioner and 76420
in an amount sufficient to satisfy the unpaid balance of the 76421
assessment. Full or partial payment of the assessment does not 76422
prejudice the commissioner's consideration of the petition for 76423
reassessment. 76424

(G) All money collected by the tax commissioner under this 76425
section shall be paid to the treasurer of state as revenue 76426
arising from the fee imposed by section 3734.901 of the Revised 76427
Code. 76428

Sec. 3735.67. (A) The owner of real property located in a 76429
community reinvestment area and eligible for exemption from 76430
taxation under a resolution adopted pursuant to section 3735.66 76431
of the Revised Code may file an application for an exemption 76432
from real property taxation of a percentage of the assessed 76433
valuation of a new structure, or of the increased assessed 76434
valuation of an existing structure after remodeling began, if 76435
the new structure or remodeling is completed after the effective 76436
date of the resolution adopted pursuant to section 3735.66 of 76437
the Revised Code. The application shall be filed with the 76438
housing officer designated for the community reinvestment area 76439
in which the property is located. If any part of the new 76440
structure or remodeled structure that would be exempted is of 76441
real property to be used for commercial or industrial purposes, 76442
the legislative authority and the owner of the property shall 76443
enter into a written agreement pursuant to section 3735.671 of 76444
the Revised Code prior to commencement of construction or 76445
remodeling; if such an agreement is subject to approval by the 76446

board of education of the school district within the territory 76447
of which the property is or will be located, the agreement shall 76448
not be formally approved by the legislative authority until the 76449
board of education approves the agreement in the manner 76450
prescribed by that section. If a structure is already subject to 76451
a written agreement pursuant to section 3735.671 of the Revised 76452
Code, is on the site of a proposed megaproject, and is expected 76453
to be owned or occupied by a megaproject operator as defined in 76454
division (A) (12) of section 122.17 of the Revised Code, or is 76455
not situated on the site of a proposed megaproject but is 76456
expected to be owned or occupied by a megaproject supplier that 76457
meets the requirements described in division (A) (13) (b) of 76458
section 122.17 of the Revised Code, the legislative authority 76459
may amend the agreement to cause the exemption for the structure 76460
to continue for a maximum amended term not exceeding thirty 76461
years by following the process for approving an agreement 76462
described in section 3735.671 of the Revised Code. 76463

(B) The housing officer shall verify the construction of 76464
the new structure or the cost of the remodeling of the existing 76465
structure and the facts asserted in the application. The housing 76466
officer shall determine whether the construction or remodeling 76467
meets the requirements for an exemption under this section. In 76468
cases involving a structure of historical or architectural 76469
significance, the housing officer shall not determine whether 76470
the remodeling meets the requirements for a tax exemption unless 76471
the appropriateness of the remodeling has been certified, in 76472
writing, by the society, association, agency, or legislative 76473
authority that has designated the structure or by any 76474
organization or person authorized, in writing, by such society, 76475
association, agency, or legislative authority to certify the 76476
appropriateness of the remodeling. 76477

(C) If the construction or remodeling meets the 76478
requirements for exemption, the housing officer shall forward 76479
the application to the county auditor with a certification as to 76480
the division of this section under which the exemption is 76481
granted, and the period and percentage of the exemption as 76482
determined by the legislative authority pursuant to that 76483
division. If the construction or remodeling is of commercial or 76484
industrial property and the legislative authority is not 76485
required to certify a copy of a resolution under section 76486
3735.671 of the Revised Code, the housing officer shall comply 76487
with the notice requirements prescribed under section 5709.83 of 76488
the Revised Code, unless the board has adopted a resolution 76489
under that section waiving its right to receive such a notice. 76490

(D) Except as provided in division (F) of this section, 76491
the tax exemption shall first apply in the year the construction 76492
or remodeling would first be taxable but for this section. In 76493
the case of remodeling that qualifies for exemption, a 76494
percentage, not to exceed one hundred per cent, of the increased 76495
assessed valuation of an existing structure after remodeling 76496
began shall be exempted from real property taxation. In the case 76497
of construction of a structure that qualifies for exemption, a 76498
percentage, not to exceed one hundred per cent, of the assessed 76499
value of the structure shall be exempted from real property 76500
taxation. In either case, the percentage shall be the percentage 76501
set forth in the agreement if the structure or remodeling is to 76502
be used for commercial or industrial purposes, or the percentage 76503
set forth in the resolution describing the community 76504
reinvestment area if the structure or remodeling is to be used 76505
for residential purposes. 76506

The construction of new structures and the remodeling of 76507
existing structures are hereby declared to be a public purpose 76508

for which exemptions from real property taxation may be granted 76509
for the following periods: 76510

(1) For every dwelling and commercial or industrial 76511
properties, located within the same community reinvestment area, 76512
upon which the cost of remodeling is at least two thousand five 76513
hundred dollars in the case of a dwelling containing not more 76514
than two family units or at least five thousand dollars in the 76515
case of all other property, a period to be determined by the 76516
legislative authority adopting the resolution, but not exceeding 76517
fifteen years. The period of exemption for a dwelling described 76518
in division (D) (1) of this section may be extended by a 76519
legislative authority for up to an additional ten years if the 76520
dwelling is a structure of historical or architectural 76521
significance, is a certified historic structure that has been 76522
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 76523
and units within the structure have been leased to individual 76524
tenants for five consecutive years; 76525

(2) Except as provided in division (F) of this section, 76526
for construction of every dwelling, and commercial or industrial 76527
structure located within the same community reinvestment area, a 76528
period to be determined by the legislative authority adopting 76529
the resolution, but not exceeding one of the following: 76530

(a) Thirty years, if the commercial or industrial 76531
structure is situated on the site of a megaproject and is owned 76532
~~and or~~ occupied by a megaproject operator as defined in division 76533
(A) (12) of section 122.17 of the Revised Code, or is not 76534
situated on the site of a megaproject but is owned ~~and or~~ 76535
occupied by a megaproject supplier that meets the requirements 76536
described in division (A) (13) (b) of section 122.17 of the 76537
Revised Code; 76538

(b) Fifteen years, for any other dwelling or commercial or industrial structure. 76539
76540

(E) Any person, board, or officer authorized by section 76541
5715.19 of the Revised Code to file complaints with the county 76542
board of revision may file a complaint with the housing officer 76543
challenging the continued exemption of any property granted an 76544
exemption under this section. A complaint against exemption 76545
shall be filed prior to the thirty-first day of December of the 76546
tax year for which taxation of the property is requested. The 76547
housing officer shall determine whether the property continues 76548
to meet the requirements for exemption and shall certify the 76549
housing officer's findings to the complainant. If the housing 76550
officer determines that the property does not meet the 76551
requirements for exemption, the housing officer shall notify the 76552
county auditor, who shall correct the tax list and duplicate 76553
accordingly. 76554

(F) The owner of a dwelling constructed in a community 76555
reinvestment area may file an application for an exemption after 76556
the year the construction first became subject to taxation. The 76557
application shall be processed in accordance with the procedures 76558
prescribed under this section and shall be granted if the 76559
construction that is the subject of the application otherwise 76560
meets the requirements for an exemption under this section. If 76561
approved, the exemption sought in the application first applies 76562
in the year the application is filed. An exemption approved 76563
pursuant to this division continues only for those years 76564
remaining in the period described in division (D) (2) of this 76565
section. No exemption may be claimed for any year in that period 76566
that precedes the year in which the application is filed. 76567

Sec. 3735.671. (A) If construction or remodeling of 76568

commercial or industrial property is to be exempted from 76569
taxation pursuant to section 3735.67 of the Revised Code, the 76570
legislative authority and the owner of the property, prior to 76571
the commencement of construction or remodeling, shall enter into 76572
a written agreement, binding on both parties for a period of 76573
time that does not end prior to the end of the period of the 76574
exemption, that includes all of the information and statements 76575
described in divisions (B) (1) to (8) of this section. Agreements 76576
may include terms not described in those divisions or otherwise 76577
prescribed by the model agreement adopted by the director of 76578
development under division (B) of this section, but such terms 76579
shall in no way derogate from the information and statements 76580
described in divisions (B) (1) to (8) of this section. 76581

(1) Except as otherwise provided in division (A) (2) or (3) 76582
of this section, an agreement entered into under this section 76583
shall not be approved by the legislative authority unless the 76584
board of education of the city, local, or exempted village 76585
school district within the territory of which the property is or 76586
will be located approves the agreement. For the purpose of 76587
obtaining such approval, the legislative authority shall certify 76588
a copy of the agreement to the board of education not later than 76589
forty-five days prior to approving the agreement, excluding 76590
Saturday, Sunday, and a legal holiday as defined in section 1.14 76591
of the Revised Code. The board of education, by resolution 76592
adopted by a majority of the board, shall approve or disapprove 76593
the agreement and certify a copy of the resolution to the 76594
legislative authority not later than fourteen days prior to the 76595
date stipulated by the legislative authority as the date upon 76596
which approval of the agreement is to be formally considered by 76597
the legislative authority. The board of education may include in 76598
the resolution conditions under which the board would approve 76599

the agreement. The legislative authority may approve an 76600
agreement at any time after the board of education certifies its 76601
resolution approving the agreement to the legislative authority, 76602
or, if the board approves the agreement conditionally, at any 76603
time after the conditions are agreed to by the board and the 76604
legislative authority. 76605

(2) Approval of an agreement by the board of education is 76606
not required under division (A)(1) of this section if, for each 76607
tax year the real property is exempted from taxation, the sum of 76608
the following quantities, as estimated at or prior to the time 76609
the agreement is formally approved by the legislative authority, 76610
equals or exceeds twenty-five per cent of the amount of taxes, 76611
as estimated at or prior to that time, that would have been 76612
charged and payable that year upon the real property had that 76613
property not been exempted from taxation: 76614

(a) The amount of taxes charged and payable on any portion 76615
of the assessed valuation of the new structure or of the 76616
increased assessed valuation of an existing structure after 76617
remodeling began that will not be exempted from taxation under 76618
the agreement; 76619

(b) The amount of taxes charged and payable on tangible 76620
personal property located on the premises of the new structure 76621
or of the structure to be remodeled under the agreement, whether 76622
payable by the owner of the structure or by a related member, as 76623
defined in section 5733.042 of the Revised Code without regard 76624
to division (B) of that section. 76625

(c) The amount of any cash payment by the owner of the new 76626
structure or structure to be remodeled to the school district, 76627
the dollar value, as mutually agreed to by the owner and the 76628
board of education, of any property or services provided by the 76629

owner of the property to the school district, whether by gift, 76630
loan, or otherwise, and any payment by the legislative authority 76631
to the school district pursuant to section 5709.82 of the 76632
Revised Code. 76633

The estimates of quantities used for purposes of division 76634
(A) (2) of this section shall be estimated by the legislative 76635
authority. The legislative authority shall certify to the board 76636
of education that the estimates have been made in good faith. 76637
Departures of the actual quantities from the estimates 76638
subsequent to approval of the agreement by the board of 76639
education do not invalidate the agreement. 76640

(3) If a board of education has adopted a resolution 76641
waiving its right to approve agreements and the resolution 76642
remains in effect, approval of an agreement by the board is not 76643
required under division (A) (1) of this section. If a board of 76644
education has adopted a resolution allowing a legislative 76645
authority to deliver the notice required under this division 76646
fewer than forty-five business days prior to the legislative 76647
authority's execution of the agreement, the legislative 76648
authority shall deliver the notice to the board not later than 76649
the number of days prior to such execution as prescribed by the 76650
board in its resolution. If a board of education adopts a 76651
resolution waiving its right to approve agreements or shortening 76652
the notification period, the board shall certify a copy of the 76653
resolution to the legislative authority. If the board of 76654
education rescinds such a resolution, it shall certify notice of 76655
the rescission to the legislative authority. 76656

(4) If the owner of the property or the legislative 76657
authority agree to make any payment to the school district as 76658
described in division (A) (2) (c) of this section, the owner or 76659

legislative authority shall agree to make payments to the joint 76660
vocational school district within which the property is located 76661
at the same rate or amount and under the same terms received by 76662
the city, local, or exempted village school district. 76663

(B) The director of development shall adopt rules in 76664
accordance with Chapter 119. of the Revised Code prescribing the 76665
form of a model agreement that a legislative authority may, in 76666
its discretion, use as the basis for an agreement to be executed 76667
under this section. The model agreement may include any term 76668
necessary for the administration and enforcement of such 76669
agreements by the director and legislative authority, but must 76670
include all of the following: 76671

(1) A space to include the description of real property to 76672
be exempted from taxation under the agreement and to identify 76673
the property's owners; 76674

(2) A space to denote the percentage of the assessed 76675
valuation of real property exempted from taxation and the period 76676
for which the exemption is granted; 76677

(3) A statement requiring the owner to pay real property 76678
taxes not exempted under the agreement, as required by law, and 76679
requiring rescission of the agreement if the owner fails to pay 76680
those taxes beginning in and after the year any such taxes are 76681
charged; 76682

(4) A statement that the owner certifies, at the time the 76683
agreement is executed, that the owner does not owe any 76684
delinquent property taxes or taxes for which the owner is liable 76685
under Chapter 5735., 5739., 5741., 5743., 5747., or 5753. of the 76686
Revised Code, or, if such delinquent taxes are owed, that the 76687
owner is paying the delinquent taxes pursuant to an undertaking 76688

enforceable by the state or an agent or instrumentality thereof, 76689
has filed a petition in bankruptcy, or has had a bankruptcy 76690
petition filed against the owner; 76691

(5) A statement requiring the owner to provide to the 76692
property tax incentive review council any information reasonably 76693
required by the council to evaluate the applicant's compliance 76694
with the agreement; 76695

(6) A statement that the agreement is not transferable or 76696
assignable without the approval of the legislative authority; 76697

(7) A statement describing the circumstances under which 76698
the legislative authority may revoke an agreement for 76699
noncompliance; 76700

(8) A statement requiring the owner to provide an estimate 76701
of the following for each agreement: 76702

(a) The number of employment opportunities created due to 76703
the remodeling or construction, as well as the payroll 76704
attributable to those opportunities; 76705

(b) The number of employment opportunities retained due to 76706
the remodeling or construction, as well as the payroll 76707
attributable to those opportunities. 76708

The model agreement shall also provide that a legislative 76709
authority may, but is not required to, include a statement 76710
describing the manner by which the legislative authority may 76711
recover already-received benefits, which may include an action 76712
brought in law or equity, a lien on the exempted property in the 76713
amount to be recovered, or other means. In the case of a lien on 76714
the exempted property, the lien shall attach, and may be 76715
perfected, collected, and enforced, in the same manner as a 76716
mortgage lien on real property, and otherwise has the same force 76717

and effect as a mortgage lien on real property. 76718

Once the director adopts rules prescribing a model 76719
agreement under this division, the model agreement may not be 76720
changed unless the director adopts, amends, or rescinds those 76721
rules in accordance with Chapter 119. of the Revised Code. 76722

(C) If any person that is party to an agreement granting 76723
an exemption from taxation discontinues operations at the 76724
structure to which that exemption applies prior to the 76725
expiration of the term of the agreement, that person, any 76726
successor to that person, and any related member shall not enter 76727
into an agreement under this section or section 5709.62, 76728
5709.63, or 5709.632 of the Revised Code, and no legislative 76729
authority shall enter into such an agreement with such a person, 76730
successor, or related member prior to the expiration of three 76731
years after the person's discontinuation of operations. As used 76732
in this division, "successor" means a person to which the assets 76733
or equity of another person has been transferred, which transfer 76734
resulted in the full or partial nonrecognition of gain or loss, 76735
or resulted in a carryover basis, both as determined by rule 76736
adopted by the tax commissioner. "Related member" has the same 76737
meaning as defined in section 5733.042 of the Revised Code 76738
without regard to division (B) of that section. 76739

The director of development shall review all agreements 76740
submitted to the director under section 3735.672 of the Revised 76741
Code for the purpose of enforcing this division. If the director 76742
determines there has been a violation of this division, the 76743
director shall notify the legislative authority of such 76744
violation, and the legislative authority immediately shall 76745
revoke the exemption granted under the agreement. 76746

(D) A political subdivision other than the legislative 76747

authority is not required to be a party to an agreement 76748
authorized under this section unless the political subdivision 76749
is a fee simple owner of real property subject to an exemption 76750
pursuant to section 3735.67 of the Revised Code that would 76751
otherwise be obligated to pay real property taxes for such real 76752
property. 76753

Sec. 3737.83. The state fire marshal shall, as part of the 76754
state fire code, adopt rules to: 76755

(A) Establish minimum standards of performance for fire 76756
protection equipment and fire fighting equipment; 76757

(B) Establish minimum standards of training, fix minimum 76758
qualifications, and require certificates for all persons who 76759
engage in the business for profit of installing, testing, 76760
repairing, or maintaining fire protection equipment; 76761

(C) Provide for the issuance of certificates required 76762
under division (B) of this section and establish the fees to be 76763
charged for such certificates. A certificate shall be granted, 76764
renewed, or revoked according to rules the state fire marshal 76765
shall adopt, except that the state fire marshal shall grant a 76766
certificate in accordance with Chapter 4796. of the Revised Code 76767
to an applicant if either of the following applies: 76768

(1) The applicant holds a license or certificate in 76769
another state. 76770

(2) The applicant has satisfactory work experience, a 76771
government certification, or a private certification as 76772
described in that chapter as a person engaged in the business of 76773
installing, testing, repairing, or maintaining fire protection 76774
equipment in a state that does not issue that certificate. 76775

(D) Establish minimum standards of flammability for 76776

consumer goods in any case where the federal government or any 76777
department or agency thereof has established, or may from time 76778
to time establish standards of flammability for consumer goods. 76779
The standards established by the state fire marshal shall be 76780
identical to the minimum federal standards. 76781

In any case where the federal government or any department 76782
or agency thereof, establishes standards of flammability for 76783
consumer goods subsequent to the adoption of a flammability 76784
standard by the state fire marshal, standards previously adopted 76785
by the state fire marshal shall not continue in effect to the 76786
extent such standards are not identical to the minimum federal 76787
standards. 76788

With respect to the adoption of minimum standards of 76789
flammability, this division shall supersede any authority 76790
granted a political subdivision by any other section of the 76791
Revised Code. 76792

(E) Establish minimum standards pursuant to section 76793
5104.05 of the Revised Code for fire prevention and fire safety 76794
in child care centers and in type A family child care homes, as 76795
defined in section 5104.01 of the Revised Code. 76796

(F) Establish minimum standards for fire prevention and 76797
safety in a residential facility licensed under section 5119.34 76798
of the Revised Code that provides accommodations, supervision, 76799
and personal care services for three to sixteen unrelated 76800
adults. The state fire marshal shall adopt the rules under this 76801
division in consultation with the director of mental health and 76802
addiction services and interested parties designated by the 76803
director of mental health and addiction services. 76804

(G) For purposes of determining whether the state fire 76805

code requires an automatic sprinkler system or other fire 76806
suppression system in an agricultural structure, as defined 76807
under section 901.53 of the Revised Code, the state fire marshal 76808
shall not include accessory spaces that have accessible means of 76809
egress in compliance with the "Americans with Disabilities Act 76810
of 1990," 42 U.S.C. 12102 et seq., in the calculations for 76811
square footage or occupant load of the structure's fire area. 76812
"Accessory spaces" specifically includes covered or uncovered 76813
decks and patios that are not fully enclosed by surrounding 76814
walls. 76815

Sec. 3742.32. (A) The director of health shall appoint an 76816
advisory council to assist in the ongoing development and 76817
implementation of the child lead poisoning prevention program 76818
created under section 3742.31 of the Revised Code. The advisory 76819
council shall consist of the following members: 76820

(1) A representative of the department of medicaid; 76821

(2) ~~A representative of the bureau of child care in the~~ 76822
~~department of job and family services;~~ 76823

~~(3)~~ A representative of the department of environmental 76824
protection; 76825

~~(4)~~ (3) A representative of the department of education and 76826
workforce; 76827

~~(5)~~ (4) A representative of the department of development; 76828

~~(6)~~ (5) A representative of the department of children and 76829
youth; 76830

~~(7)~~ (6) A representative of the Ohio apartment owner's 76831
association; 76832

~~(8)~~ (7) A representative of the Ohio healthy homes network; 76833

~~(9)~~ (8) A representative of the Ohio environmental health association; 76834
76835

~~(10)~~ (9) An Ohio representative of the American coatings association; 76836
76837

~~(11)~~ (10) A representative from Ohio realtors; 76838

~~(12)~~ (11) A representative of the Ohio housing finance agency; 76839
76840

~~(13)~~ (12) A physician knowledgeable in the field of lead poisoning prevention; 76841
76842

~~(14)~~ (13) A certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner knowledgeable in the field of lead poisoning prevention; 76843
76844
76845

~~(15)~~ (14) A representative of the public. 76846

(B) The advisory council shall do both of the following: 76847

(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation; 76848
76849
76850
76851

(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year. 76852
76853
76854

(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code. 76855
76856

Sec. 3742.50. (A) As used in this section: 76857

(1) "Lead abatement costs" means costs incurred by a taxpayer for either of the following: 76858
76859

(a) A lead abatement specialist to conduct a lead risk assessment, a lead abatement project, or a clearance examination, provided the specialist is authorized under this chapter to conduct the respective task;

(b) Relocation costs incurred in the relocation of occupants of an eligible dwelling to achieve occupant protection, as described in 24 C.F.R. 35.1345(a).

"Lead abatement costs" do not include such costs for which the taxpayer is reimbursed or such costs the taxpayer deducts or excludes in computing the taxpayer's federal adjusted gross income for federal income tax purposes or Ohio adjusted gross income as determined under section 5747.01 of the Revised Code.

(2) "Eligible dwelling" means a residential unit constructed in this state before 1978.

(3) "Lead abatement specialist" means an individual who holds a valid license issued under section 3742.05 of the Revised Code.

(4) "Taxable year" and "taxpayer" have the same meanings as in section 5747.01 of the Revised Code.

(B) A taxpayer who incurs lead abatement costs on an eligible dwelling during a taxable year may apply to the director of health for a lead abatement tax credit certificate. The applicant shall list on the application the amount of lead abatement costs the applicant incurred for the eligible dwelling during the taxable year. The director, in consultation with the tax commissioner, shall prescribe the form of a lead abatement tax credit certificate, the manner by which an applicant shall apply for the certificate, and requirements for the submission of any record or other information an applicant must furnish

with the application to verify the lead abatement costs. 76889

(C) (1) Upon receipt of an application under division (B) 76890
of this section, the director of health shall verify all of the 76891
following: 76892

(a) The residential unit that is the subject of the 76893
application is an eligible dwelling. 76894

(b) The taxpayer incurred lead abatement costs during the 76895
taxable year related to the eligible dwelling. 76896

(c) The eligible dwelling has passed a clearance 76897
examination in accordance with standards prescribed in rules 76898
adopted by the director under section 3742.03 or 3742.45 of the 76899
Revised Code. 76900

(2) After verifying the conditions described in division 76901
(C) (1) of this section, the director shall issue a lead 76902
abatement tax credit certificate to the applicant equal to the 76903
lesser of (a) the lead abatement costs incurred by the taxpayer 76904
on the eligible dwelling during the taxable year, (b) the amount 76905
of lead abatement costs listed on the application, or (c) ~~ten-~~ 76906
fifty thousand dollars, subject to the limitation in division 76907
(C) (3) of this section. 76908

(3) The director may not issue more than five million 76909
dollars in lead abatement tax credit certificates in any fiscal 76910
year. 76911

(D) The director of health, in consultation with the tax 76912
commissioner, may adopt rules in accordance with Chapter 119. of 76913
the Revised Code as necessary for the administration of this 76914
section. 76915

Sec. 3743.04. (A) The license of a manufacturer of 76916

fireworks is effective for one year beginning on the first day 76917
of December, and the state fire marshal shall issue or renew a 76918
license only on that date and at no other time. If a 76919
manufacturer of fireworks wishes to continue manufacturing 76920
fireworks at the designated fireworks plant after its then 76921
effective license expires, it shall apply no later than the 76922
first day of October for a new license pursuant to section 76923
3743.02 of the Revised Code. The state fire marshal shall send a 76924
written notice of the expiration of its license to a licensed 76925
manufacturer at least three months before the expiration date. 76926

(B) If, during the effective period of its licensure, a 76927
licensed manufacturer of fireworks wishes to construct, locate, 76928
or relocate any buildings or other structures on the premises of 76929
its fireworks plant, to make any structural change or renovation 76930
in any building or other structure on the premises of its 76931
fireworks plant, to change the nature of its manufacturing of 76932
fireworks so as to include the processing of fireworks, or to 76933
relocate its fireworks plant to a new licensed premises, the 76934
manufacturer shall notify the state fire marshal in writing. The 76935
state fire marshal may require a licensed manufacturer also to 76936
submit documentation, including, but not limited to, plans 76937
covering the proposed construction, location, relocation, 76938
structural change or renovation, change in manufacturing of 76939
fireworks, or new licensed premises, if the state fire marshal 76940
determines the documentation is necessary for evaluation 76941
purposes in light of the proposed construction, location, 76942
relocation, structural change or renovation, change in 76943
manufacturing of fireworks, or new licensed premises. 76944

Upon receipt of the notification and additional 76945
documentation required by the state fire marshal, the state fire 76946
marshal shall inspect the existing premises of the fireworks 76947

plant, or proposed new licensed premises, to determine if the 76948
proposed construction, location, relocation, structural change 76949
or renovation, change in manufacturing of fireworks, or new 76950
licensed premises conform to sections 3743.02 to 3743.08 of the 76951
Revised Code and the rules adopted by the state fire marshal 76952
pursuant to section 3743.05 of the Revised Code. The state fire 76953
marshal shall issue a written authorization to the manufacturer 76954
for the construction, location, relocation, structural change or 76955
renovation, change in manufacturing of fireworks, or new 76956
licensed premises, if the state fire marshal determines, upon 76957
the inspection and a review of submitted documentation, that the 76958
construction, location, relocation, structural change or 76959
renovation, change in manufacturing of fireworks, or new 76960
licensed premises conform to those sections and rules. Upon 76961
authorizing a change in manufacturing of fireworks to include 76962
the processing of fireworks, the state fire marshal shall make 76963
notations on the manufacturer's license and in the list of 76964
licensed manufacturers in accordance with section 3743.03 of the 76965
Revised Code. 76966

On or before June 1, 1998, a licensed manufacturer shall 76967
install, in every licensed building in which fireworks are 76968
manufactured, stored, or displayed and to which the public has 76969
access, interlinked fire detection, smoke exhaust, and smoke 76970
evacuation systems that are approved by the superintendent of 76971
industrial compliance, and shall comply with floor plans showing 76972
occupancy load limits and internal circulation and egress 76973
patterns that are approved by the state fire marshal and 76974
superintendent, and that are submitted under seal as required by 76975
section 3791.04 of the Revised Code. Notwithstanding section 76976
3743.59 of the Revised Code, the construction and safety 76977
requirements established in this division are not subject to any 76978

variance, waiver, or exclusion. 76979

(C) The license of a manufacturer of fireworks authorizes 76980
the manufacturer to engage only in the following activities: 76981

(1) The manufacturing of fireworks on the premises of the 76982
fireworks plant as described in the application for licensure or 76983
in the notification submitted under division (B) of this 76984
section, except that a licensed manufacturer shall not engage in 76985
the processing of fireworks unless authorized to do so by its 76986
license. 76987

(2) To possess for sale at wholesale and sell at wholesale 76988
the fireworks manufactured by the manufacturer, to persons who 76989
are licensed wholesalers of fireworks, to persons in accordance 76990
with sections 3743.44 to 3743.46 of the Revised Code, or to 76991
persons located in another state provided the fireworks are 76992
shipped directly out of this state to them by the manufacturer. 76993
A person who is licensed as a manufacturer of fireworks on June 76994
14, 1988, also may possess for sale and sell pursuant to 76995
division (C) (2) of this section fireworks other than those the 76996
person manufactures. The possession for sale shall be on the 76997
premises of the fireworks plant described in the application for 76998
licensure or in the notification submitted under division (B) of 76999
this section, and the sale shall be from the inside of a 77000
licensed building and from no other structure or device outside 77001
a licensed building. At no time shall a licensed manufacturer 77002
sell any class of fireworks outside a licensed building. 77003

(3) Possess for sale at retail and sell at retail the 77004
fireworks manufactured by the manufacturer, other than 1.4G 77005
fireworks as designated by the state fire marshal in rules 77006
adopted pursuant to division (A) of section 3743.05 of the 77007
Revised Code, to licensed exhibitors in accordance with sections 77008

3743.50 to 3743.55 of the Revised Code, and possess for sale at 77009
retail and sell at retail the fireworks manufactured by the 77010
manufacturer, including 1.4G fireworks, to persons in accordance 77011
with sections 3743.44 to ~~3743.46~~ 3743.48 of the Revised Code, or 77012
to persons located in another state provided the fireworks are 77013
shipped directly out of this state to them by the manufacturer. 77014
A person who is licensed as a manufacturer of fireworks on June 77015
14, 1988, may also possess for sale and sell pursuant to 77016
division (C) (3) of this section fireworks other than those the 77017
person manufactures. The possession for sale shall be on the 77018
premises of the fireworks plant described in the application for 77019
licensure or in the notification submitted under division (B) of 77020
this section, ~~and, except as otherwise provided in section~~ 77021
3743.48 of the Revised Code, the sale shall be from the inside 77022
of a licensed building and from no other structure or device 77023
outside a licensed building. ~~At no time shall~~ Except as 77024
otherwise provided in section 3743.48 of the Revised Code, a 77025
licensed manufacturer shall not sell any class of fireworks 77026
outside a licensed building. 77027

A licensed manufacturer of fireworks shall sell under 77028
division (C) of this section only fireworks that meet the 77029
standards set by the consumer product safety commission or by 77030
the American fireworks standard laboratories or that have 77031
received an EX number from the United States department of 77032
transportation. 77033

(D) The license of a manufacturer of fireworks shall be 77034
protected under glass and posted in a conspicuous place on the 77035
premises of the fireworks plant. Except as otherwise provided in 77036
this division, the license is not transferable or assignable. 77037

(1) The ownership of a manufacturer of fireworks license 77038

may be transferred to another person for the same fireworks 77039
plant for which the license was issued, or approved pursuant to 77040
division (B) of this section, if the assets of the plant are 77041
transferred to that person by inheritance or by a sale approved 77042
by the state fire marshal. 77043

(2) The license of a manufacturer of fireworks may be 77044
geographically relocated in accordance with division (D) of 77045
section 3743.75 of the Revised Code. 77046

(3) The license is subject to revocation in accordance 77047
with section 3743.08 of the Revised Code. 77048

(E) The state fire marshal shall not place the license of 77049
a manufacturer of fireworks in a temporarily inactive status 77050
while the holder of the license is attempting to qualify to 77051
retain the license. 77052

(F) Each licensed manufacturer of fireworks that possesses 77053
fireworks for sale and sells fireworks under division (C) of 77054
section 3743.04 of the Revised Code, or a designee of the 77055
manufacturer, whose identity is provided to the state fire 77056
marshal by the manufacturer, annually shall attend a continuing 77057
education program. The state fire marshal shall develop the 77058
program and the state fire marshal or a person or public agency 77059
approved by the state fire marshal shall conduct it. A licensed 77060
manufacturer or the manufacturer's designee who attends a 77061
program as required under this division, within one year after 77062
attending the program, shall conduct in-service training as 77063
approved by the state fire marshal for other employees of the 77064
licensed manufacturer regarding the information obtained in the 77065
program. A licensed manufacturer shall provide the state fire 77066
marshal with notice of the date, time, and place of all in- 77067
service training. For any program conducted under this division, 77068

the state fire marshal shall, in accordance with rules adopted 77069
by the state fire marshal under Chapter 119. of the Revised 77070
Code, establish the subjects to be taught, the length of 77071
classes, the standards for approval, and time periods for 77072
notification by the licensee to the state fire marshal of any 77073
in-service training. 77074

(G) A licensed manufacturer shall maintain comprehensive 77075
general liability insurance coverage in the amount and type 77076
specified under division (B) (2) of section 3743.02 of the 77077
Revised Code at all times. Each policy of insurance required 77078
under this division shall contain a provision requiring the 77079
insurer to give not less than fifteen days' prior written notice 77080
to the state fire marshal before termination, lapse, or 77081
cancellation of the policy, or any change in the policy that 77082
reduces the coverage below the minimum required under this 77083
division. Prior to canceling or reducing the amount of coverage 77084
of any comprehensive general liability insurance coverage 77085
required under this division, a licensed manufacturer shall 77086
secure supplemental insurance in an amount and type that 77087
satisfies the requirements of this division so that no lapse in 77088
coverage occurs at any time. A licensed manufacturer who secures 77089
supplemental insurance shall file evidence of the supplemental 77090
insurance with the state fire marshal prior to canceling or 77091
reducing the amount of coverage of any comprehensive general 77092
liability insurance coverage required under this division. 77093

(H) The state fire marshal shall adopt rules for the 77094
expansion or contraction of a licensed premises and for approval 77095
of such expansions or contractions. The boundaries of a licensed 77096
premises, including any geographic expansion or contraction of 77097
those boundaries, shall be approved by the state fire marshal in 77098
accordance with rules the state fire marshal adopts. If the 77099

licensed premises consists of more than one parcel of real 77100
estate, those parcels shall be contiguous unless an exception is 77101
allowed pursuant to division (I) of this section. 77102

(I) (1) A licensed manufacturer may expand its licensed 77103
premises within this state to include not more than two storage 77104
locations that are located upon one or more real estate parcels 77105
that are noncontiguous to the licensed premises as that licensed 77106
premises exists on the date a licensee submits an application as 77107
described below, if all of the following apply: 77108

(a) The licensee submits an application to the state fire 77109
marshal and an application fee of one hundred dollars per 77110
storage location for which the licensee is requesting approval. 77111

(b) The identity of the holder of the license remains the 77112
same at the storage location. 77113

(c) The storage location has received a valid certificate 77114
of zoning compliance as applicable and a valid certificate of 77115
occupancy for each building or structure at the storage location 77116
issued by the authority having jurisdiction to issue the 77117
certificate for the storage location, and those certificates 77118
permit the distribution and storage of fireworks regulated under 77119
this chapter at the storage location and in the buildings or 77120
structures. The storage location shall be in compliance with all 77121
other applicable federal, state, and local laws and regulations. 77122

(d) Every building or structure located upon the storage 77123
location is separated from occupied residential and 77124
nonresidential buildings or structures, railroads, highways, or 77125
any other buildings or structures on the licensed premises in 77126
accordance with the distances specified in the rules adopted by 77127
the state fire marshal pursuant to section 3743.05 of the 77128

Revised Code. 77129

(e) Neither the licensee nor any person holding, owning, 77130
or controlling a five per cent or greater beneficial or equity 77131
interest in the licensee has been convicted of or pleaded guilty 77132
to a felony under the laws of this state, any other state, or 77133
the United States, after September 29, 2005. 77134

(f) The state fire marshal approves the application for 77135
expansion. 77136

(2) The state fire marshal shall approve an application 77137
for expansion requested under division (I) (1) of this section if 77138
the state fire marshal receives the application fee and proof 77139
that the requirements of divisions (I) (1) (b) to (e) of this 77140
section are satisfied. The storage location shall be considered 77141
part of the original licensed premises and shall use the same 77142
distinct number assigned to the original licensed premises with 77143
any additional designations as the state fire marshal deems 77144
necessary in accordance with section 3743.03 of the Revised 77145
Code. 77146

(J) (1) A licensee who obtains approval for the use of a 77147
storage location in accordance with division (I) of this section 77148
shall use the storage location exclusively for the following 77149
activities, in accordance with division (C) of this section: 77150

(a) The packaging, assembling, or storing of fireworks, 77151
which shall only occur in buildings or structures approved for 77152
such hazardous uses by the building code official having 77153
jurisdiction for the storage location or, for 1.4G fireworks, in 77154
containers or trailers approved for such hazardous uses by the 77155
state fire marshal if such containers or trailers are not 77156
subject to regulation by the building code adopted in accordance 77157

with Chapter 3781. of the Revised Code. All such storage shall 77158
be in accordance with the rules adopted by the state fire 77159
marshal under division (G) of section 3743.05 of the Revised 77160
Code for the packaging, assembling, and storage of fireworks. 77161

(b) Distributing fireworks to other parcels of real estate 77162
located on the manufacturer's licensed premises, to licensed 77163
wholesalers or other licensed manufacturers in this state or to 77164
similarly licensed persons located in another state or country; 77165

(c) Distributing fireworks to a licensed exhibitor of 77166
fireworks pursuant to a properly issued permit in accordance 77167
with section 3743.54 of the Revised Code. 77168

(2) A licensed manufacturer shall not engage in any sales 77169
activity, including the retail sale of fireworks otherwise 77170
permitted under division (C) (2) or (C) (3) of this section, or 77171
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 77172
the storage location approved under this section. 77173

(3) A storage location may not be relocated for a minimum 77174
period of five years after the storage location is approved by 77175
the state fire marshal in accordance with division (I) of this 77176
section. 77177

(K) The licensee shall prohibit public access to the 77178
storage location. The state fire marshal shall adopt rules to 77179
describe the acceptable measures a manufacturer shall use to 77180
prohibit access to the storage site. 77181

Sec. 3743.06. In addition to conforming to the rules of 77182
the fire marshal adopted pursuant to section 3743.05 of the 77183
Revised Code, licensed manufacturers of fireworks shall operate 77184
their fireworks plants in accordance with the following: 77185

(A) Signs indicating that smoking is generally forbidden 77186

and trespassing is prohibited on the premises of a fireworks 77187
plant shall be posted on the premises in a manner determined by 77188
the fire marshal. 77189

(B) Reasonable precautions shall be taken to protect the 77190
premises of a fireworks plant from trespass, loss, theft, or 77191
destruction. Only persons employed by the manufacturer, 77192
authorized governmental personnel, and persons who have obtained 77193
permission from a member of the manufacturer's office to be on 77194
the premises, are to be allowed to enter and remain on the 77195
premises. 77196

(C) Smoking or the carrying of pipes, cigarettes, or 77197
cigars, matches, lighters, other flame-producing items, or open 77198
flame on, or the carrying of a concealed source of ignition 77199
into, the premises of a fireworks plant is prohibited, except 77200
that a manufacturer may permit smoking in specified lunchrooms 77201
or restrooms in buildings or other structures in which no 77202
manufacturing, handling, sales, or storage of fireworks takes 77203
place. "NO SMOKING" signs shall be posted on the premises as 77204
required by the fire marshal. 77205

(D) Fire and explosion prevention and other reasonable 77206
safety measures and precautions shall be implemented by a 77207
manufacturer. 77208

(E) Persons shall not be permitted to have in their 77209
possession or under their control, while they are on the 77210
premises of the fireworks plant, any intoxicating liquor, beer, 77211
or controlled substance, and they shall not be permitted to 77212
enter or remain on the premises if they are found to be under 77213
the influence of any intoxicating liquor, beer, or controlled 77214
substance. 77215

(F) A manufacturer shall conform to all building, safety, 77216
and zoning statutes, ordinances, rules, or other enactments that 77217
apply to the premises of its fireworks plant. 77218

(G) Each fireworks plant shall have at least one class 1 77219
magazine that is approved by the bureau of alcohol, tobacco, and 77220
firearms of the United States department of the treasury and 77221
that is otherwise in conformity with federal law. This division 77222
does not apply to fireworks plants existing on or before August 77223
3, 1931. 77224

(H) Awnings, tents, and canopies shall not be used as 77225
facilities for the sale or storage of fireworks, except as 77226
expressly permitted by section 3743.48 of the Revised Code. This 77227
division does not prohibit the use of an awning or canopy 77228
attached to a public access showroom for storing nonflammable 77229
shopping convenience items such as shopping carts or baskets or 77230
providing a shaded area for patrons waiting to enter the public 77231
sales area. 77232

(I) Fireworks may be stored in trailers if the trailers 77233
are properly enclosed, secured, and grounded and are separated 77234
from any structure to which the public is admitted by a distance 77235
that will, in the fire marshal's judgment, allow fire-fighting 77236
equipment to have full access to the structures on the licensed 77237
premises. Such trailers may be moved into closer proximity to 77238
any structure only to accept or discharge cargo for a period not 77239
to exceed forty-eight hours. Only two such trailers may be 77240
placed in such closer proximity at any one time. At no time may 77241
trailers be used for conducting sales of any class of fireworks, 77242
nor may members of the public have access to the trailers. 77243

Storage areas for fireworks that are in the same building 77244
where fireworks are displayed and sold to the public shall be 77245

separated from the areas to which the public has access by an 77246
appropriately rated fire wall. 77247

(J) A fire suppression system as defined in section 77248
3781.108 of the Revised Code may be turned off only for repair, 77249
drainage of the system to prevent damage by freezing during the 77250
period of time, approved by the fire marshal, that the facility 77251
is closed to all public access during winter months, or 77252
maintenance of the system. If any repair or maintenance is 77253
necessary during times when the facility is open for public 77254
access and business as approved by the fire marshal, the 77255
licensed manufacturer shall notify in advance the appropriate 77256
insurance company and fire chief or fire prevention officer 77257
regarding the nature of the maintenance or repair and the time 77258
when it will be performed. 77259

(K) If any fireworks item is removed from its original 77260
package or is manufactured with any fuse other than a safety 77261
fuse approved by the consumer product safety commission, then 77262
the item shall be covered completely by repackaging or bagging 77263
or it shall otherwise be covered so as to prevent ignition prior 77264
to sale. 77265

(L) A safety officer shall be present during regular 77266
business hours at a building open to the public during the 77267
period commencing fourteen days before, and ending two days 77268
after, each fourth day of July. The officer shall be highly 77269
visible, enforce this chapter and any applicable building codes 77270
to the extent the officer is authorized by law, and be one of 77271
the following: 77272

(1) A deputy sheriff; 77273

(2) A law enforcement officer of a municipal corporation, 77274

township, or township or joint police district; 77275

(3) A private uniformed security guard registered under 77276
section 4749.06 of the Revised Code. 77277

(M) All doors of all buildings on the licensed premises 77278
shall swing outward. 77279

(N) All wholesale and commercial sales of fireworks shall 77280
be packaged, shipped, placarded, and transported in accordance 77281
with United States department of transportation regulations 77282
applicable to the transportation, and the offering for 77283
transportation, of hazardous materials. For purposes of this 77284
division, "wholesale and commercial sales" includes all sales 77285
for resale and any nonretail sale made in furtherance of a 77286
commercial enterprise. For purposes of enforcement of these 77287
regulations under section 4923.99 of the Revised Code, any sales 77288
transaction exceeding one thousand pounds shall be rebuttably 77289
presumed to be a wholesale or commercial sale. 77290

Sec. 3743.17. (A) The license of a wholesaler of fireworks 77291
is effective for one year beginning on the first day of 77292
December, and the state fire marshal shall issue or renew a 77293
license only on that date and at no other time. If a wholesaler 77294
of fireworks wishes to continue engaging in the wholesale sale 77295
of fireworks at the particular location after its then effective 77296
license expires, it shall apply not later than the first day of 77297
October for a new license pursuant to section 3743.15 of the 77298
Revised Code. The state fire marshal shall send a written notice 77299
of the expiration of its license to a licensed wholesaler at 77300
least three months before the expiration date. 77301

(B) If, during the effective period of its licensure, a 77302
licensed wholesaler of fireworks wishes to perform any 77303

construction, or make any structural change or renovation, on 77304
the premises on which the fireworks are sold, or to relocate its 77305
sales operations to a new licensed premises, the wholesaler 77306
shall notify the state fire marshal in writing. The state fire 77307
marshal may require a licensed wholesaler also to submit 77308
documentation, including, but not limited to, plans covering the 77309
proposed construction or structural change or renovation, or 77310
proposed new licensed premises, if the state fire marshal 77311
determines the documentation is necessary for evaluation 77312
purposes in light of the proposed construction, structural 77313
change or renovation, or relocation. 77314

Upon receipt of the notification and additional 77315
documentation required by the state fire marshal, the state fire 77316
marshal shall inspect the premises on which the fireworks are 77317
sold, or the proposed new licensed premises, to determine if the 77318
proposed construction, structural change or renovation, or 77319
relocation conforms to sections 3743.15 to 3743.21 of the 77320
Revised Code, divisions (C) (1) and (2) of section 3743.25 of the 77321
Revised Code, and the rules adopted by the state fire marshal 77322
pursuant to section 3743.18 of the Revised Code. The state fire 77323
marshal shall issue a written authorization to the wholesaler 77324
for the construction, structural change or renovation, or new 77325
licensed premises if the state fire marshal determines, upon the 77326
inspection and a review of submitted documentation, that the 77327
construction, structural change or renovation, or new licensed 77328
premises conform to those sections and rules. 77329

(C) The license of a wholesaler of fireworks authorizes 77330
the wholesaler to engage only in the following activities: 77331

(1) Possess for sale at wholesale and sell at wholesale 77332
fireworks to persons who are licensed wholesalers of fireworks, 77333

to persons in accordance with sections 3743.44 to 3743.46 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the wholesaler. The possession for sale shall be at the location described in the application for licensure or in the notification submitted under division (B) of this section, and the sale shall be from the inside of a licensed building and from no structure or device outside a licensed building. At no time shall a licensed wholesaler sell any class of fireworks outside a licensed building.

(2) Possess for sale at retail and sell at retail fireworks, other than 1.4G fireworks as designated by the state fire marshal in rules adopted pursuant to division (A) of section 3743.05 of the Revised Code, to licensed exhibitors in accordance with sections 3743.50 to 3743.55 of the Revised Code, and possess for sale at retail and sell at retail fireworks, including 1.4G fireworks, to persons in accordance with sections 3743.44 to ~~3743.46~~ 3743.48 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the wholesaler. The possession for sale shall be at the location described in the application for licensure or in the notification submitted under division (B) of this section, and, except as otherwise provided in section 3743.48 of the Revised Code, the sale shall be from the inside of the licensed building and from no other structure or device outside this licensed building. ~~At no time shall~~ Except as otherwise provided in section 3743.48 of the Revised Code, a licensed wholesaler shall not sell any class of fireworks outside a licensed building.

A licensed wholesaler of fireworks shall sell under division (C) of this section only fireworks that meet the

standards set by the consumer product safety commission or by 77365
the American fireworks standard laboratories or that have 77366
received an EX number from the United States department of 77367
transportation. 77368

(D) The license of a wholesaler of fireworks shall be 77369
protected under glass and posted in a conspicuous place at the 77370
location described in the application for licensure or in the 77371
notification submitted under division (B) of this section. 77372
Except as otherwise provided in this section, the license is not 77373
transferable or assignable. 77374

(1) The ownership of a wholesaler of fireworks license may 77375
be transferred to another person for the same location for which 77376
the license was issued, or approved pursuant to division (B) of 77377
this section, if the assets of the wholesaler are transferred to 77378
that person by inheritance or by a sale approved by the state 77379
fire marshal. 77380

(2) The license of a wholesaler of fireworks may be 77381
geographically relocated in accordance with division (D) of 77382
section 3743.75 of the Revised Code. 77383

(3) The license is subject to revocation in accordance 77384
with section 3743.21 of the Revised Code. 77385

(E) The state fire marshal shall adopt rules for the 77386
expansion or contraction of a licensed premises and for the 77387
approval of an expansion or contraction. The boundaries of a 77388
licensed premises, including any geographic expansion or 77389
contraction of those boundaries, shall be approved by the state 77390
fire marshal in accordance with rules the state fire marshal 77391
adopts. If the licensed premises of a licensed wholesaler from 77392
which the wholesaler operates consists of more than one parcel 77393

of real estate, those parcels must be contiguous, unless an 77394
exception is allowed pursuant to division (F) of this section. 77395

(F) (1) A licensed wholesaler may expand its licensed 77396
premises within this state to include not more than two storage 77397
locations that are located upon one or more real estate parcels 77398
that are noncontiguous to the licensed premises as that licensed 77399
premises exists on the date a licensee submits an application as 77400
described below, if all of the following apply: 77401

(a) The licensee submits an application to the state fire 77402
marshal requesting the expansion and an application fee of one 77403
hundred dollars per storage location for which the licensee is 77404
requesting approval. 77405

(b) The identity of the holder of the license remains the 77406
same at the storage location. 77407

(c) The storage location has received a valid certificate 77408
of zoning compliance, as applicable, and a valid certificate of 77409
occupancy for each building or structure at the storage location 77410
issued by the authority having jurisdiction to issue the 77411
certificate for the storage location, and those certificates 77412
permit the distribution and storage of fireworks regulated under 77413
this chapter at the storage location and in the buildings or 77414
structures. The storage location shall be in compliance with all 77415
other applicable federal, state, and local laws and regulations. 77416

(d) Every building or structure located upon the storage 77417
location is separated from occupied residential and 77418
nonresidential buildings or structures, railroads, highways, and 77419
any other buildings or structures on the licensed premises in 77420
accordance with the distances specified in the rules adopted by 77421
the state fire marshal pursuant to section 3743.18 of the 77422

Revised Code. 77423

(e) Neither the licensee nor any person holding, owning, 77424
or controlling a five per cent or greater beneficial or equity 77425
interest in the licensee has been convicted of or pleaded guilty 77426
to a felony under the laws of this state, any other state, or 77427
the United States, after September 29, 2005. 77428

(f) The state fire marshal approves the application for 77429
expansion. 77430

(2) The state fire marshal shall approve an application 77431
for expansion requested under division (F)(1) of this section if 77432
the state fire marshal receives the application fee and proof 77433
that the requirements of divisions (F)(1)(b) to (e) of this 77434
section are satisfied. The storage location shall be considered 77435
part of the original licensed premises and shall use the same 77436
distinct number assigned to the original licensed premises with 77437
any additional designations as the state fire marshal deems 77438
necessary in accordance with section 3743.16 of the Revised 77439
Code. 77440

(G)(1) A licensee who obtains approval for use of a 77441
storage location in accordance with division (F) of this section 77442
shall use the site exclusively for the following activities, in 77443
accordance with division (C)(1) of this section: 77444

(a) Packaging, assembling, or storing fireworks, which 77445
shall occur only in buildings or structures approved for such 77446
hazardous uses by the building code official having jurisdiction 77447
for the storage location or, for 1.4G fireworks, in containers 77448
or trailers approved for such hazardous uses by the state fire 77449
marshal if such containers or trailers are not subject to 77450
regulation by the building code adopted in accordance with 77451

Chapter 3781. of the Revised Code. All such storage shall be in 77452
accordance with the rules adopted by the state fire marshal 77453
under division (B) (4) of section 3743.18 of the Revised Code for 77454
the packaging, assembling, and storage of fireworks. 77455

(b) Distributing fireworks to other parcels of real estate 77456
located on the wholesaler's licensed premises, to licensed 77457
manufacturers or other licensed wholesalers in this state or to 77458
similarly licensed persons located in another state or country; 77459

(c) Distributing fireworks to a licensed exhibitor of 77460
fireworks pursuant to a properly issued permit in accordance 77461
with section 3743.54 of the Revised Code. 77462

(2) A licensed wholesaler shall not engage in any sales 77463
activity, including the retail sale of fireworks otherwise 77464
permitted under division (C) (2) of this section or pursuant to 77465
section 3743.44 or 3743.45 of the Revised Code, at a storage 77466
location approved under this section. 77467

(3) A storage location may not be relocated for a minimum 77468
period of five years after the storage location is approved by 77469
the state fire marshal in accordance with division (F) of this 77470
section. 77471

(H) A licensee shall prohibit public access to all storage 77472
locations it uses. The state fire marshal shall adopt rules 77473
establishing acceptable measures a wholesaler shall use to 77474
prohibit access to storage sites. 77475

(I) The state fire marshal shall not place the license of 77476
a wholesaler of fireworks in temporarily inactive status while 77477
the holder of the license is attempting to qualify to retain the 77478
license. 77479

(J) Each licensed wholesaler of fireworks or a designee of 77480

the wholesaler, whose identity is provided to the state fire 77481
marshal by the wholesaler, annually shall attend a continuing 77482
education program. The state fire marshal shall develop the 77483
program and the state fire marshal or a person or public agency 77484
approved by the state fire marshal shall conduct it. A licensed 77485
wholesaler or the wholesaler's designee who attends a program as 77486
required under this division, within one year after attending 77487
the program, shall conduct in-service training as approved by 77488
the state fire marshal for other employees of the licensed 77489
wholesaler regarding the information obtained in the program. A 77490
licensed wholesaler shall provide the state fire marshal with 77491
notice of the date, time, and place of all in-service training. 77492
For any program conducted under this division, the state fire 77493
marshal shall, in accordance with rules adopted by the state 77494
fire marshal under Chapter 119. of the Revised Code, establish 77495
the subjects to be taught, the length of classes, the standards 77496
for approval, and time periods for notification by the licensee 77497
to the state fire marshal of any in-service training. 77498

(K) A licensed wholesaler shall maintain comprehensive 77499
general liability insurance coverage in the amount and type 77500
specified under division (B) (2) of section 3743.15 of the 77501
Revised Code at all times. Each policy of insurance required 77502
under this division shall contain a provision requiring the 77503
insurer to give not less than fifteen days' prior written notice 77504
to the state fire marshal before termination, lapse, or 77505
cancellation of the policy, or any change in the policy that 77506
reduces the coverage below the minimum required under this 77507
division. Prior to canceling or reducing the amount of coverage 77508
of any comprehensive general liability insurance coverage 77509
required under this division, a licensed wholesaler shall secure 77510
supplemental insurance in an amount and type that satisfies the 77511

requirements of this division so that no lapse in coverage 77512
occurs at any time. A licensed wholesaler who secures 77513
supplemental insurance shall file evidence of the supplemental 77514
insurance with the state fire marshal prior to canceling or 77515
reducing the amount of coverage of any comprehensive general 77516
liability insurance coverage required under this division. 77517

Sec. 3743.19. In addition to conforming to the rules of 77518
the fire marshal adopted pursuant to section 3743.18 of the 77519
Revised Code, licensed wholesalers of fireworks shall conduct 77520
their business operations in accordance with the following: 77521

(A) A-Except as otherwise provided in section 3743.48 of 77522
the Revised Code, a wholesaler shall conduct its business 77523
operations from the location described in its application for 77524
licensure or in a notification submitted under division (B) of 77525
section 3743.17 of the Revised Code. 77526

(B) Signs indicating that smoking is generally forbidden 77527
and trespassing is prohibited on the premises of a wholesaler 77528
shall be posted on the premises as determined by the fire 77529
marshal. 77530

(C) Reasonable precautions shall be taken to protect the 77531
premises of a wholesaler from trespass, loss, theft, or 77532
destruction. 77533

(D) Smoking or the carrying of pipes, cigarettes, or 77534
cigars, matches, lighters, other flame-producing items, or open 77535
flame on, or the carrying of a concealed source of ignition 77536
into, the premises of a wholesaler is prohibited, except that a 77537
wholesaler may permit smoking in specified lunchrooms or 77538
restrooms in buildings or other structures in which no sales, 77539
handling, or storage of fireworks takes place. "NO SMOKING" 77540

signs shall be posted on the premises as required by the fire marshal. 77541
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(E) Fire and explosion prevention and other reasonable safety measures and precautions shall be implemented by a wholesaler. 77543
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(F) Persons shall not be permitted to have in their possession or under their control, while they are on the premises of a wholesaler, any intoxicating liquor, beer, or controlled substance, and they shall not be permitted to enter or remain on the premises if they are found to be under the influence of any intoxicating liquor, beer, or controlled substance. 77546
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(G) A wholesaler shall conform to all building, safety, and zoning statutes, ordinances, rules, or other enactments that apply to its premises. 77553
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(H) Each building used in the sale of fireworks shall be kept open to the public for at least four hours each day between the hours of eight a.m. and five p.m., five days of each week, every week of the year. Upon application from a licensed wholesaler, the fire marshal may waive any of the requirements of this division. 77556
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(I) Awnings, tents, or canopies shall not be used as facilities for the storage or sale of fireworks, except as expressly permitted by section 3743.48 of the Revised Code. This division does not prohibit the use of an awning or canopy attached to a public access showroom for storing nonflammable shopping convenience items such as shopping carts or baskets or providing a shaded area for patrons waiting to enter the public sales area. 77562
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(J) 1.4G fireworks may be stored in trailers if the 77570
trailers are properly enclosed, secured, and grounded and are 77571
separated from any structure to which the public is admitted by 77572
a distance that will, in the fire marshal's judgment, allow 77573
fire-fighting equipment to have full access to the structures on 77574
the licensed premises. Such trailers may be moved into closer 77575
proximity to any structure only to accept or discharge cargo for 77576
a period not to exceed forty-eight hours. Only two such trailers 77577
may be placed in such closer proximity at any one time. At no 77578
time may trailers be used for conducting sales of any class of 77579
fireworks nor may members of the public have access to the 77580
trailers. 77581

Storage areas for fireworks that are in the same building 77582
where fireworks are displayed and sold to the public shall be 77583
separated from the areas to which the public has access by an 77584
appropriately rated fire wall. If the licensee installs and 77585
properly maintains an early suppression fast response sprinkler 77586
system or equivalent fire suppression system as described in the 77587
fire code adopted by the fire marshal in accordance with section 77588
3737.82 of the Revised Code throughout the structure, a fire 77589
barrier wall may be substituted for a fire wall between the 77590
areas to which the public has access and the storage portions of 77591
the structure. 77592

(K) A fire suppression system as defined in section 77593
3781.108 of the Revised Code may be turned off only for repair, 77594
drainage of the system to prevent damage by freezing during the 77595
period of time, approved by the fire marshal under division (I) 77596
of this section, that the facility is closed to public access 77597
during winter months, or maintenance of the system. If any 77598
repair or maintenance is necessary during times when the 77599
facility is open for public access and business, the licensed 77600

wholesaler shall notify in advance the appropriate insurance 77601
company and fire chief or fire prevention officer regarding the 77602
nature of the maintenance or repair and the time when it will be 77603
performed. 77604

(L) If any fireworks item is removed from its original 77605
package or is manufactured with any fuse other than a fuse 77606
approved by the consumer product safety commission, then the 77607
item shall be covered completely by repackaging or bagging or it 77608
shall otherwise be covered so as to prevent ignition prior to 77609
sale. 77610

(M) A safety officer shall be present during regular 77611
business hours at a building open to the public during the 77612
period commencing fourteen days before, and ending two days 77613
after, each fourth day of July. The officer shall be highly 77614
visible, enforce this chapter and any applicable building codes 77615
to the extent the officer is authorized by law, and be one of 77616
the following: 77617

(1) A deputy sheriff; 77618

(2) A law enforcement officer of a municipal corporation, 77619
township, or township or joint police district; 77620

(3) A private uniformed security guard registered under 77621
section 4749.06 of the Revised Code. 77622

(N) All doors of all buildings on the licensed premises 77623
shall swing outward. 77624

(O) All wholesale and commercial sales of fireworks shall 77625
be packaged, shipped, placarded, and transported in accordance 77626
with United States department of transportation regulations 77627
applicable to the transportation, and the offering for 77628
transportation, of hazardous materials. For purposes of this 77629

division, "wholesale and commercial sales" includes all sales 77630
for resale and any nonretail sale made in furtherance of a 77631
commercial enterprise. For purposes of enforcement of these 77632
regulations under section 4923.99 of the Revised Code, any sales 77633
transaction exceeding one thousand pounds shall be rebuttably 77634
presumed to be a wholesale or commercial sale. 77635

Sec. 3743.25. (A) (1) Except as described in division (A) 77636
(2) of this section and in section 3743.48 of the Revised Code, 77637
all retail sales of 1.4G fireworks by a licensed manufacturer or 77638
wholesaler shall only occur from an approved retail sales 77639
showroom on a licensed premises or from a representative sample 77640
showroom as described in this section on a licensed premises. 77641
For the purposes of this section, a retail sale includes the 77642
transfer of the possession of the 1.4G fireworks from the 77643
licensed manufacturer or wholesaler to the purchaser of the 77644
fireworks. 77645

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 77646
properly permitted exhibition shall occur in accordance with the 77647
provisions of the Revised Code and rules adopted by the state 77648
fire marshal under Chapter 119. of the Revised Code. Such rules 77649
shall specify, at a minimum, that the licensed exhibitor holds a 77650
license under section 3743.51 of the Revised Code, that the 77651
exhibitor possesses a valid exhibition permit issued in 77652
accordance with section 3743.54 of the Revised Code, and that 77653
the fireworks shipped are to be used at the specifically 77654
permitted exhibition. 77655

(B) All wholesale sales of fireworks by a licensed 77656
manufacturer or wholesaler shall only occur from a licensed 77657
premises to persons who intend to resell the fireworks purchased 77658
at wholesale. A wholesale sale by a licensed manufacturer or 77659

wholesaler may occur as follows: 77660

(1) The direct sale and shipment of fireworks to a person 77661
outside of this state; 77662

(2) From an approved retail sales showroom as described in 77663
this section; 77664

(3) From a representative sample showroom as described in 77665
this section; 77666

(4) By delivery of wholesale fireworks to a purchaser at a 77667
licensed premises outside of a structure or building on that 77668
premises. All other portions of the wholesale sales transaction 77669
may occur at any location on a licensed premises. 77670

(5) Any other method as described in rules adopted by the 77671
state fire marshal under Chapter 119. of the Revised Code. 77672

(C) A-Except as otherwise provided in section 3743.48 of 77673
the Revised Code, a licensed manufacturer or wholesaler shall 77674
only sell 1.4G fireworks from a representative sample showroom 77675
or a retail sales showroom. Each licensed premises shall only 77676
contain one sales structure. 77677

A representative sample showroom shall consist of a 77678
structure constructed and maintained in accordance with the 77679
nonresidential building code adopted under Chapter 3781. of the 77680
Revised Code and the fire code adopted under section 3737.82 of 77681
the Revised Code for a use and occupancy group that permits 77682
mercantile sales. A representative sample showroom shall not 77683
contain any pyrotechnics, pyrotechnic materials, fireworks, 77684
explosives, explosive materials, or any similar hazardous 77685
materials or substances. A representative sample showroom shall 77686
be used only for the public viewing of fireworks product 77687
representations, including paper materials, packaging materials, 77688

catalogs, photographs, or other similar product depictions. The 77689
delivery of product to a purchaser of fireworks at a licensed 77690
premises that has a representative sample structure shall not 77691
occur inside any structure on a licensed premises. Such product 77692
delivery shall occur on the licensed premises in a manner 77693
prescribed by rules adopted by the state fire marshal pursuant 77694
to Chapter 119. of the Revised Code. 77695

If a manufacturer or wholesaler elects to conduct sales 77696
from a retail sales showroom, the showroom structures, to which 77697
the public may have any access and in which employees are 77698
required to work, on all licensed premises, shall comply with 77699
the following safety requirements: 77700

(1) A fireworks showroom that is constructed or upon which 77701
expansion is undertaken on and after June 30, 1997, shall be 77702
equipped with interlinked fire detection, fire suppression, 77703
smoke exhaust, and smoke evacuation systems that are approved by 77704
the superintendent of industrial compliance in the department of 77705
commerce. 77706

(2) (a) A fireworks showroom that first begins to operate 77707
on or after June 30, 1997, or that resumes operations at any 77708
time after a period of inactive status of licensure greater than 77709
one year, and to which the public has access for retail purposes 77710
shall not exceed seven thousand five hundred square feet in 77711
floor area. 77712

(b) A fireworks showroom that, through construction of a 77713
new showroom, expansion of an existing showroom, or similar 77714
means, first exceeds five thousand square feet, to which the 77715
public has access for retail purposes, after ~~the effective date~~ 77716
~~of this amendment~~ February 7, 2022, shall be equipped with a 77717
sprinkler system that meets the criteria for sprinkler systems 77718

in extra hazard (group 2) occupancies under "NFPA 13, Standard 77719
for the Installation of Sprinkler Systems (2019 Edition)." 77720

(c) Notwithstanding division (D) of this section, the 77721
state fire marshal may provide a variance to the requirements of 77722
division (C) (2) (b) of this section pursuant to section 3743.59 77723
of the Revised Code for a sprinkler system that matches or 77724
exceeds the degree of safety provided by a sprinkler system that 77725
meets the criteria for sprinkler systems in extra hazard (group 77726
2) occupancies under "NFPA 13, Standard for the Installation of 77727
Sprinkler Systems (2019 Edition)." 77728

(3) A newly constructed or an existing fireworks showroom 77729
structure that exists on September 23, 2008, but that, on or 77730
after September 23, 2008, is altered or added to in a manner 77731
requiring the submission of plans, drawings, specifications, or 77732
data pursuant to section 3791.04 of the Revised Code, shall 77733
comply with a graphic floor plan layout that is approved by the 77734
state fire marshal and superintendent showing width of aisles, 77735
parallel arrangement of aisles to exits, number of exits per 77736
wall, maximum occupancy load, evacuation plan for occupants, 77737
height of storage or display of merchandise, and other 77738
information as may be required by the state fire marshal and 77739
superintendent. 77740

(4) A fireworks showroom structure that exists on June 30, 77741
1997, shall be in compliance on or after June 30, 1997, with 77742
floor plans showing occupancy load limits and internal 77743
circulation and egress patterns that are approved by the state 77744
fire marshal and superintendent, and that are submitted under 77745
seal as required by section 3791.04 of the Revised Code. 77746

(D) The safety requirements established in division (C) of 77747
this section are not subject to any variance, waiver, or 77748

exclusion pursuant to this chapter or any applicable building 77749
code. 77750

Sec. 3743.48. (A) For the purposes of this section, 77751
"online sale" means a retail sale through an internet web site 77752
or other digital platform. 77753

(B) A licensed manufacturer or licensed wholesaler may 77754
conduct online sales of 1.4G fireworks in accordance with this 77755
section. A licensed manufacturer or licensed wholesaler shall 77756
ensure that all selection, ordering, and payment is carried out 77757
in accordance with the procedures and requirements of this 77758
chapter and all rules adopted thereunder, except to the extent 77759
that those procedures, requirements, and rules directly conflict 77760
with this section. 77761

(C) Each online sale of 1.4G fireworks shall be 77762
specifically associated with a single licensed manufacturer or 77763
licensed wholesaler, identified by license identification number 77764
and the address of the licensed premises. A licensed 77765
manufacturer or licensed wholesaler shall transfer possession of 77766
1.4G fireworks purchased in an online sale only in the retail 77767
showroom of the licensed premises or via curbside delivery made 77768
in accordance with all of the following: 77769

(1) The delivery is made to the verified purchaser of the 77770
1.4G fireworks. 77771

(2) The delivery occurs on the licensed premises 77772
associated with sale. 77773

(3) The delivery occurs in a designated customer pick-up 77774
zone which may be accessible by motor vehicles. 77775

(4) The purchaser is provided a safety pamphlet, in 77776
accordance with section 3743.47 of the Revised Code, at the 77777

point of delivery. 77778

(5) The purchaser is offered safety glasses for a nominal 77779
fee at the point of delivery in accordance section 3743.47 of 77780
the Revised Code. 77781

(D) A licensed manufacturer or licensed wholesaler may 77782
construct a tent or other temporary structure on a licensed 77783
premises to provide shelter for employees and purchasers at the 77784
point of curb-side delivery, provided that such structures are 77785
approved by the state fire marshal and are in compliance with 77786
all state and local laws, including the state building code, the 77787
state fire code, and any applicable zoning requirements. 77788

(E) A licensed manufacturer or licensed wholesaler shall 77789
not transfer possession of 1.4G fireworks purchased in an online 77790
sale to any person other than the verified purchaser. Before 77791
transferring possession, the licensed manufacturer or licensed 77792
wholesaler shall verify all of the following: 77793

(1) The number and types of items included in the order; 77794

(2) That the purchaser is at least eighteen years of age; 77795

(3) That the purchaser's name is the same name associated 77796
with the credit or debit card with which the order was placed; 77797

(4) That the purchaser attests to understanding and agrees 77798
to comply with all applicable federal, state, and local laws 77799
regarding consumer fireworks storage and use; 77800

(5) That the purchaser signs all forms required by law; 77801

(6) That the purchaser pays the fee imposed by section 77802
3743.22 of the Revised Code. 77803

(F) A licensed manufacturer or licensed wholesaler that 77804

conducts online sales of 1.4G fireworks shall do all of the 77805
following: 77806

(1) Comply with all applicable state and local laws, 77807
including the state building code, state fire code, and zoning 77808
requirements; 77809

(2) Implement reasonable traffic control measures for 77810
curb-side deliveries; 77811

(3) Maintain all regular fireworks sales records, 77812
including any records necessary to demonstrate compliance with 77813
this section, and make those records available upon request of 77814
the state fire marshal or any law enforcement officer, fire code 77815
official, or building code official with jurisdiction. 77816

(G) A licensed manufacturer or licensed wholesaler shall 77817
not do any of the following: 77818

(1) Deliver fireworks via mail order, parcel service, or 77819
any other delivery process that occurs outside of the licensed 77820
premises; 77821

(2) Sell or offer for sale fireworks or other items 77822
outside of the licensed retail showroom except as expressly 77823
authorized by this section; 77824

(3) Display fireworks for sale outside of a retail 77825
showroom; 77826

(4) Permit any member of the public to access any areas on 77827
the licensed premises other than the retail showroom and the 77828
designated area for curb-side delivery. 77829

(H) Nothing in this section shall be construed to do any 77830
of the following: 77831

(1) Reduce, waive, or otherwise eliminate any licensure or 77832
safety requirements in this chapter or the rules adopted 77833
thereunder; 77834

(2) Exempt any retail sales of 1.4G fireworks from the fee 77835
imposed by section 3743.22 of the Revised Code; 77836

(3) Reduce, waive, or otherwise eliminate any of a 77837
licensed manufacturer's or licensed wholesaler's liability, 77838
insurance, workers compensation, or other legal obligations. 77839

(I) (1) A licensed wholesaler or licensed manufacturer is 77840
not required to conduct online sales of fireworks. 77841

(2) A licensed wholesaler or licensed manufacturer may 77842
implement a hybrid firework purchase and delivery system 77843
composed of one or more of the following: 77844

(a) Standard retail showroom sales; 77845

(b) Online selection of, or payment for, 1.4G fireworks 77846
products and in-store showroom delivery of those products; 77847

(c) Online selection of, or payment for, 1.4G fireworks 77848
products and curb-side delivery of those products; 77849

(d) Retail showroom-based product selection and payment, 77850
and curb-side delivery of those products; 77851

(e) Other similar purchase and delivery systems approved 77852
in writing by the state fire marshal in accordance with division 77853
(J) of this section. 77854

(J) A licensed wholesaler or licensed manufacturer may 77855
submit to the state fire marshal proposals for alternative 1.4G 77856
firework purchase and delivery systems that satisfy the 77857
requirements of this section. The state fire marshal shall 77858

review each such proposal and, if the alternative firework 77859
purchase and delivery system satisfies the requirements of this 77860
section, may approve that firework purchase and delivery system 77861
for use by the licensed wholesaler or licensed manufacturer. 77862

(K) This section does not apply to 1.3G fireworks or 77863
wholesale sales. 77864

(M) The state fire marshal shall adopt rules and standards 77865
in accordance with Chapter 119. of the Revised Code as necessary 77866
to implement and enforce this section. 77867

Sec. 3743.60. (A) No person shall manufacture fireworks in 77868
this state unless it is a licensed manufacturer of fireworks, 77869
and no person shall operate a fireworks plant in this state 77870
unless it has been issued a license as a manufacturer of 77871
fireworks for the particular fireworks plant. 77872

(B) No person shall operate a fireworks plant in this 77873
state after its license as a manufacturer of fireworks for the 77874
particular fireworks plant has expired, is suspended, has been 77875
denied renewal, or has been revoked, unless a new license has 77876
been obtained or the suspension lifted. 77877

(C) No licensed manufacturer of fireworks, during the 77878
effective period of its licensure, shall construct, locate, or 77879
relocate any buildings or other structures on the premises of 77880
its fireworks plant, make any structural change or renovation in 77881
any building or other structure on the premises of its fireworks 77882
plant, or change the nature of its manufacturing of fireworks so 77883
as to include the processing of fireworks without first 77884
obtaining a written authorization from the state fire marshal 77885
pursuant to division (B) of section 3743.04 of the Revised Code. 77886

(D) No licensed manufacturer of fireworks shall 77887

manufacture fireworks, possess fireworks for sale at wholesale 77888
or retail, or sell fireworks at wholesale or retail, in a manner 77889
not authorized by division (C) of section 3743.04 of the Revised 77890
Code. 77891

(E) No licensed manufacturer of fireworks shall knowingly 77892
fail to comply with the rules adopted by the state fire marshal 77893
pursuant to ~~section~~ sections 3743.05 and 3743.48 of the Revised 77894
Code or the requirements of ~~section~~ sections 3743.06 and 3743.48 77895
of the Revised Code. 77896

(F) No licensed manufacturer of fireworks shall fail to 77897
maintain complete inventory, wholesale sale, and retail records 77898
as required by section 3743.07 of the Revised Code, or to permit 77899
inspection of these records or the premises of a fireworks plant 77900
pursuant to section 3743.08 of the Revised Code. 77901

(G) No licensed manufacturer of fireworks shall fail to 77902
comply with an order of the state fire marshal issued pursuant 77903
to division (B) (1) of section 3743.08 of the Revised Code, 77904
within the specified period of time. 77905

(H) No licensed manufacturer of fireworks shall fail to 77906
comply with an order of the state fire marshal issued pursuant 77907
to division (B) (2) of section 3743.08 of the Revised Code until 77908
the nonconformities are eliminated, corrected, or otherwise 77909
remedied or the seventy-two hour period specified in that 77910
division has expired, whichever first occurs. 77911

(I) No person shall smoke or shall carry a pipe, 77912
cigarette, or cigar, or a match, lighter, other flame-producing 77913
item, or open flame on, or shall carry a concealed source of 77914
ignition into, the premises of a fireworks plant, except as 77915
smoking is authorized in specified lunchrooms or restrooms by a 77916

manufacturer pursuant to division (C) of section 3743.06 of the 77917
Revised Code. 77918

(J) No person shall have possession or control of, or be 77919
under the influence of, any intoxicating liquor, beer, or 77920
controlled substance, while on the premises of a fireworks 77921
plant. 77922

(K) No licensed manufacturer of fireworks shall 77923
negligently fail to furnish a safety pamphlet to a purchaser of 77924
1.4G fireworks as required by division (A) of section 3743.47 of 77925
the Revised Code. 77926

(L) No licensed manufacturer of fireworks shall 77927
negligently fail to have safety glasses available for sale as 77928
required by division (B) of section 3743.47 of the Revised Code. 77929

Sec. 3743.63. (A) No person who purchases fireworks in 77930
this state shall obtain possession of the fireworks in this 77931
state unless the person complies with sections 3743.44 to 77932
~~3743.46~~3743.48 of the Revised Code. 77933

(B) Except for the purchase of 1.4G fireworks made under 77934
section 3743.45 of the Revised Code, no person who resides in 77935
another state and who purchases fireworks in this state shall 77936
obtain possession of fireworks in this state other than from a 77937
licensed manufacturer or wholesaler, or fail, when transporting 77938
1.3G fireworks, to transport them directly out of this state 77939
within seventy-two hours after the time of their purchase. 77940

(C) No person who purchases fireworks in this state under 77941
section 3743.45 of the Revised Code shall give or sell to any 77942
other person in this state fireworks that the person has 77943
acquired in this state. 77944

Sec. 3743.65. (A) No person shall possess fireworks in 77945

this state or shall possess for sale or sell fireworks in this 77946
state, except a licensed manufacturer of fireworks as authorized 77947
by sections 3743.02 to 3743.08 of the Revised Code, a licensed 77948
wholesaler of fireworks as authorized by sections 3743.15 to 77949
3743.21 of the Revised Code, a shipping permit holder as 77950
authorized by section 3743.40 of the Revised Code, a licensed 77951
fountain device retailer as authorized by section 3743.27 of the 77952
Revised Code, a person as authorized by sections 3743.44~~and~~, 77953
3743.45, and 3743.48 of the Revised Code, or a licensed 77954
exhibitor of fireworks as authorized by sections 3743.50 to 77955
3743.55 of the Revised Code, and except as provided in section 77956
3743.80 of the Revised Code. 77957

(B) Except as provided in sections 3743.45 and 3743.80 of 77958
the Revised Code and except for licensed exhibitors of fireworks 77959
authorized to conduct a fireworks exhibition pursuant to 77960
sections 3743.50 to 3743.55 of the Revised Code, no person shall 77961
discharge, ignite, or explode any fireworks in this state. 77962

(C) No person shall use in a theater or public hall, what 77963
is technically known as fireworks showers, or a mixture 77964
containing potassium chlorate and sulphur. 77965

(D) No person shall sell fireworks of any kind to a person 77966
under eighteen years of age. No person under eighteen years of 77967
age shall enter a fireworks sales showroom unless that person is 77968
accompanied by a parent, legal guardian, or other responsible 77969
adult. No person under eighteen years of age shall touch or 77970
possess fireworks on a licensed premises without the consent of 77971
the licensee. A licensee may eject any person from a licensed 77972
premises that is in any way disruptive to the safe operation of 77973
the premises. 77974

(E) Except as otherwise provided in section 3743.44 of the 77975

Revised Code, no person, other than a licensed manufacturer, 77976
licensed wholesaler, licensed exhibitor, or shipping permit 77977
holder, shall possess 1.3G fireworks in this state. 77978

(F) Except as otherwise provided in division (J) of 77979
section 3743.06 and division (K) of section 3743.19 of the 77980
Revised Code, no person shall knowingly disable a fire 77981
suppression system as defined in section 3781.108 of the Revised 77982
Code on the premises of a fireworks plant of a licensed 77983
manufacturer of fireworks or on the premises of the business 77984
operations of a licensed wholesaler of fireworks. 77985

(G) No person shall negligently discharge, ignite, or 77986
explode fireworks while in possession or control of, or under 77987
the influence of, any intoxicating liquor, beer, or controlled 77988
substance. 77989

(H) No person shall negligently discharge, ignite, or 77990
explode fireworks on the property of another person without that 77991
person's permission to use fireworks on that property. 77992

Sec. 3745.11. (A) Applicants for and holders of permits, 77993
licenses, variances, plan approvals, and certifications issued 77994
by the director of environmental protection pursuant to Chapters 77995
3704., 3734., 6109., and 6111. of the Revised Code shall pay a 77996
fee to the environmental protection agency for each such 77997
issuance and each application for an issuance as provided by 77998
this section. No fee shall be charged for any issuance for which 77999
no application has been submitted to the director. 78000

(B) Except as otherwise provided in division (C) (2) of 78001
this section, beginning July 1, 1994, each person who owns or 78002
operates an air contaminant source and who is required to apply 78003
for and obtain a Title V permit under section 3704.036 of the 78004

Revised Code shall pay an annual fee in addition to the fees set 78005
forth in this division. The additional annual fee shall be a 78006
dollar amount that equals five thousand dollars multiplied by 78007
the total tons of regulated pollutants emitted from the air 78008
contaminant source in the previous calendar year divided by one 78009
hundred. For the purposes of this division, total emissions of 78010
air contaminants may be calculated using engineering 78011
calculations, emissions factors, material balance calculations, 78012
or performance testing procedures, as authorized by the 78013
director. 78014

The following fees shall be assessed on the total actual 78015
emissions from a source in tons per year of the regulated 78016
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 78017
organic compounds, and lead: 78018

(1) Fifteen dollars per ton on the total actual emissions 78019
of each such regulated pollutant during the period July through 78020
December 1993, to be collected no sooner than July 1, 1994; 78021

(2) Twenty dollars per ton on the total actual emissions 78022
of each such regulated pollutant during calendar year 1994, to 78023
be collected no sooner than April 15, 1995; 78024

(3) Twenty-five dollars per ton on the total actual 78025
emissions of each such regulated pollutant in calendar year 78026
1995, and each subsequent calendar year, to be collected no 78027
sooner than the fifteenth day of April of the year next 78028
succeeding the calendar year in which the emissions occurred. 78029

The fees levied under this division do not apply to that 78030
portion of the emissions of a regulated pollutant at a facility 78031
that exceed four thousand tons during a calendar year. 78032

(C) (1) The fees assessed under division (B) of this 78033

section are for the purpose of providing funding for the Title V permit program. 78034
78035

(2) The fees assessed under division (B) of this section 78036
do not apply to emissions from any electric generating unit 78037
designated as a Phase I unit under Title IV of the federal Clean 78038
Air Act prior to calendar year 2000. Those fees shall be 78039
assessed on the emissions from such a generating unit commencing 78040
in calendar year 2001 based upon the total actual emissions from 78041
the generating unit during calendar year 2000 and shall continue 78042
to be assessed each subsequent calendar year based on the total 78043
actual emissions from the generating unit during the preceding 78044
calendar year. 78045

(3) The director shall issue invoices to owners or 78046
operators of air contaminant sources who are required to pay a 78047
fee assessed under division (B) or (D) of this section. Any such 78048
invoice shall be issued no sooner than the applicable date when 78049
the fee first may be collected in a year under the applicable 78050
division, shall identify the nature and amount of the fee 78051
assessed, and shall indicate that the fee is required to be paid 78052
within thirty days after the issuance of the invoice. 78053

(D) (1) Except as provided in division (D) (2) of this 78054
section, beginning January 1, 2004, each person who owns or 78055
operates an air contaminant source; who is required to apply for 78056
a permit to operate pursuant to rules adopted under division 78057
(G), or a variance pursuant to division (H), of section 3704.03 78058
of the Revised Code; and who is not required to apply for and 78059
obtain a Title V permit under section 3704.03 of the Revised 78060
Code shall pay a single fee based upon the sum of the actual 78061
annual emissions from the facility of the regulated pollutants 78062
particulate matter, sulfur dioxide, nitrogen oxides, organic 78063

compounds, and lead in accordance with the following schedule: 78064
78065

	1	2
A	Total tons per year of regulated pollutants emitted	Annual fee per facility
B	More than 0, but less than 10	\$100
C	10 or more, but less than 50	200
D	50 or more, but less than 100	300
E	100 or more	700

(2) (a) As used in division (D) of this section, "synthetic 78066
minor facility" means a facility for which one or more permits 78067
to install or permits to operate have been issued for the air 78068
contaminant sources at the facility that include terms and 78069
conditions that lower the facility's potential to emit air 78070
contaminants below the major source thresholds established in 78071
rules adopted under section 3704.036 of the Revised Code. 78072

(b) Beginning January 1, 2000, through June 30, ~~2026~~2028, 78073
each person who owns or operates a synthetic minor facility_ 78074
shall pay an annual fee, which shall be an amount in dollars 78075
equal to five thousand dollars multiplied by the total tons of 78076
regulated pollutants emitted from the synthetic minor facility 78077
in the previous calendar year divided by one hundred. In 78078
addition, through June 30, 2028, the synthetic minor facility 78079
shall pay an additional annual fee based on the sum of the 78080
actual annual emissions from the facility of particulate matter, 78081

sulfur dioxide, nitrogen dioxide, organic compounds, and lead in 78082
accordance with the following schedule: 78083
78084

1	2
A Combined total tons	Annual fee per facility
per year of all regulated	
pollutants emitted	
B Less than 10	\$170
	<u>\$255</u>
C 10 or more, but less than 20	340 <u>510</u>
D 20 or more, but less than 30	670 <u>1,005</u>
E 30 or more, but less than 40	1,010 <u>1,515</u>
F 40 or more, but less than 50	1,340 <u>2,010</u>
G 50 or more, but less than 60	1,680 <u>2,520</u>
H 60 or more, but less than 70	2,010 <u>3,015</u>
I 70 or more, but less than 80	2,350 <u>3,525</u>
J 80 or more, but less than 90	2,680 <u>4,020</u>
K 90 or more, but less than 100	3,020 <u>4,530</u>
L 100 or more	3,350 <u>5,025</u>

(3) The fees assessed under division (D)(1) of this 78085
section shall be collected annually no sooner than the fifteenth 78086

day of April, commencing in 2005. The fees assessed under 78087
division (D) (2) of this section shall be collected no sooner 78088
than the fifteenth day of April, commencing in 2000. The fees 78089
assessed under division (D) of this section in a calendar year 78090
shall be based upon the sum of the actual emissions of those 78091
regulated pollutants during the preceding calendar year. For the 78092
purpose of division (D) of this section, emissions of air 78093
contaminants may be calculated using engineering calculations, 78094
emission factors, material balance calculations, or performance 78095
testing procedures, as authorized by the director. The director, 78096
by rule, may require persons who are required to pay the fees 78097
assessed under division (D) of this section to pay those fees 78098
biennially rather than annually. 78099

(E) (1) Consistent with the need to cover the reasonable 78100
costs of the Title V permit program, the director annually shall 78101
increase the fees assessed on emissions prescribed in division 78102
(B) of this section by the percentage, if any, by which the 78103
consumer price index for the most recent calendar year ending 78104
before the beginning of a year exceeds the consumer price index 78105
for calendar year 1989. Upon calculating an increase in fees 78106
authorized by division (E) (1) of this section, the director 78107
shall compile revised fee schedules for the purposes of division 78108
(B) of this section and shall make the revised schedules 78109
available to persons required to pay the fees assessed under 78110
that division and to the public. 78111

(2) For the purposes of division (E) (1) of this section: 78112

(a) The consumer price index for any year is the average 78113
of the consumer price index for all urban consumers published by 78114
the United States department of labor as of the close of the 78115
twelve-month period ending on the thirty-first day of August of 78116

that year. 78117

(b) If the 1989 consumer price index is revised, the 78118
director shall use the revision of the consumer price index that 78119
is most consistent with that for calendar year 1989. 78120

(F) Each person who is issued a permit to install pursuant 78121
to rules adopted under division (F) of section 3704.03 of the 78122
Revised Code on or after July 1, 2003, shall pay the fees 78123
specified in the following schedules: 78124

(1) Fuel-burning equipment (boilers, furnaces, or process 78125
heaters used in the process of burning fuel for the primary 78126
purpose of producing heat or power by indirect heat transfer) 78127
78128

1

2

A	Input capacity (maximum)	Permit to install
	(million British thermal units per hour)	
B	Greater than 0, but less than 10	\$200
		<u>\$300</u>
C	10 or more, but less than 100	400 <u>600</u>
D	100 or more, but less than 300	1000 <u>1,500</u>
E	300 or more, but less than 500	2250 <u>3,375</u>
F	500 or more, but less than 1000	3750 <u>5,625</u>
G	1000 or more, but less than 5000	6000 <u>9,000</u>
H	5000 or more	9000 <u>13,500</u>

Units burning exclusively natural gas, number two fuel	78129
oil, or both shall be assessed a fee that is one-half the	78130
applicable amount shown in division (F) (1) of this section.	78131

(2) Combustion turbines and stationary internal combustion	78132
engines designed to generate electricity	78133
	78134

	1	2
A	Generating capacity (mega watts)	Permit to install
B	0 or more, but less than 10	\$25 <u>\$37.50</u>
C	10 or more, but less than 25	150 <u>225</u>
D	25 or more, but less than 50	300 <u>450</u>
E	50 or more, but less than 100	500 <u>750</u>
F	100 or more, but less than 250	1000 <u>1,500</u>
G	250 or more	2000 <u>3,000</u>

(3) Incinerators	78135
	78136

	1	2
A	Input capacity (pounds per hour)	Permit to install
B	0 to 100	\$100 <u>\$150</u>
C	101 to 500	500 <u>750</u>

D	501 to 2000	1000 <u>1,500</u>
E	2001 to 20,000	1500 <u>2,250</u>
F	more than 20,000	3750 <u>5,625</u>

(4) (a) Process 78137
78138

1

2

A	Process weight rate (pounds per hour)	Permit to install
B	0 to 1000	\$200 <u>\$300</u>
C	1001 to 5000	500 <u>750</u>
D	5001 to 10,000	750 <u>1,125</u>
E	10,001 to 50,000	1000 <u>1,500</u>
F	more than 50,000	1250 <u>1,875</u>

In any process where process weight rate cannot be 78139
ascertained, the minimum fee shall be assessed. A boiler, 78140
furnace, combustion turbine, stationary internal combustion 78141
engine, or process heater designed to provide direct heat or 78142
power to a process not designed to generate electricity shall be 78143
assessed a fee established in division (F) (4) (a) of this 78144
section. A combustion turbine or stationary internal combustion 78145
engine designed to generate electricity shall be assessed a fee 78146
established in division (F) (2) of this section. 78147

(b) Notwithstanding division (F) (4) (a) of this section, 78148

any person issued a permit to install pursuant to rules adopted 78149
under division (F) of section 3704.03 of the Revised Code shall 78150
pay the fees set forth in division (F) (4) (c) of this section for 78151
a process used in any of the following industries, as identified 78152
by the applicable two-digit, three-digit, or four-digit standard 78153
industrial classification code according to the Standard 78154
Industrial Classification Manual published by the United States 78155
office of management and budget in the executive office of the 78156
president, 1987, as revised: 78157

Major group 10, metal mining; 78158

Major group 12, coal mining; 78159

Major group 14, mining and quarrying of nonmetallic 78160
minerals; 78161

Industry group 204, grain mill products; 78162

2873 Nitrogen fertilizers; 78163

2874 Phosphatic fertilizers; 78164

3281 Cut stone and stone products; 78165

3295 Minerals and earth, ground or otherwise treated; 78166

4221 Grain elevators (storage only); 78167

5159 Farm related raw materials; 78168

5261 Retail nurseries and lawn and garden supply stores. 78169

(c) The fees set forth in the following schedule apply to 78170
the issuance of a permit to install pursuant to rules adopted 78171
under division (F) of section 3704.03 of the Revised Code for a 78172
process identified in division (F) (4) (b) of this section: 78173
78174

	1	2	
A	Process weight rate (pounds per hour)	Permit to install	
B	0 to 10,000	\$200	
		<u>\$300</u>	
C	10,001 to 50,000	400 <u>600</u>	
D	50,001 to 100,000	500 <u>750</u>	
E	100,001 to 200,000	600 <u>900</u>	
F	200,001 to 400,000	750 <u>1,125</u>	
G	400,001 or more	900 <u>1,350</u>	
	(5) Storage tanks		78175
			78176

	1	2	
A	Gallons (maximum useful capacity)	Permit to install	
B	0 to 20,000	\$100	
		<u>\$150</u>	
C	20,001 to 40,000	150 <u>225</u>	
D	40,001 to 100,000	250 <u>375</u>	
E	100,001 to 500,000	400 <u>600</u>	
F	500,001 or greater	750 <u>1,125</u>	
	(6) Gasoline/fuel dispensing facilities		78177

78178

	1	2
A	For each gasoline/fuel dispensing facility (includes all units at the facility)	Permit to install \$100 <u>\$150</u>

(7) Dry cleaning facilities 78179
78180

	1	2
A	For each dry cleaning facility (includes all units at the facility)	Permit to install \$100 <u>\$150</u>

(8) Registration status 78181
78182

	1	2
A	For each source covered by registration status	Permit to install \$75 <u>\$112.50</u>

(G) An owner or operator who is responsible for an 78183
asbestos demolition or renovation project pursuant to rules 78184
adopted under section 3704.03 of the Revised Code shall pay, 78185
upon submitting a notification pursuant to rules adopted under 78186
that section, the fees set forth in the following schedule: 78187
78188

	1	2
A	Action	Fee

B	Each notification	\$75
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C	Asbestos removal	\$3/unit
D	Asbestos cleanup	\$4/cubic yard

For purposes of this division, "unit" means any 78189
combination of linear feet or square feet equal to fifty. 78190

(H) A person who is issued an extension of time for a 78191
permit to install an air contaminant source pursuant to rules 78192
adopted under division (F) of section 3704.03 of the Revised 78193
Code shall pay a fee equal to one-half the fee originally 78194
assessed for the permit to install under this section, except 78195
that the fee for such an extension shall not exceed two hundred 78196
dollars. 78197

(I) A person who is issued a modification to a permit to 78198
install an air contaminant source pursuant to rules adopted 78199
under section 3704.03 of the Revised Code shall pay a fee equal 78200
to one-half of the fee that would be assessed under this section 78201
to obtain a permit to install the source. The fee assessed by 78202
this division only applies to modifications that are initiated 78203
by the owner or operator of the source and shall not exceed two 78204
thousand dollars. 78205

(J) Notwithstanding division (F) of this section, a person 78206
who applies for or obtains a permit to install pursuant to rules 78207
adopted under division (F) of section 3704.03 of the Revised 78208
Code after the date actual construction of the source began 78209
shall pay a fee for the permit to install that is equal to twice 78210
the fee that otherwise would be assessed under the applicable 78211
division unless the applicant received authorization to begin 78212
construction under division (W) of section 3704.03 of the 78213
Revised Code. This division only applies to sources for which 78214

actual construction of the source begins on or after July 1, 78215
1993. The imposition or payment of the fee established in this 78216
division does not preclude the director from taking any 78217
administrative or judicial enforcement action under this 78218
chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised 78219
Code, or a rule adopted under any of them, in connection with a 78220
violation of rules adopted under division (F) of section 3704.03 78221
of the Revised Code. 78222

As used in this division, "actual construction of the 78223
source" means the initiation of physical on-site construction 78224
activities in connection with improvements to the source that 78225
are permanent in nature, including, without limitation, the 78226
installation of building supports and foundations and the laying 78227
of underground pipework. 78228

(K) (1) Money received under division (B) of this section 78229
shall be deposited in the state treasury to the credit of the 78230
Title V clean air fund created in section 3704.035 of the 78231
Revised Code. Annually, not more than fifty cents per ton of 78232
each fee assessed under division (B) of this section on actual 78233
emissions from a source and received by the environmental 78234
protection agency pursuant to that division may be transferred 78235
by the director using an interstate transfer voucher to the 78236
state treasury to the credit of the small business assistance 78237
fund created in section 3706.19 of the Revised Code. In 78238
addition, annually, the amount of money necessary for the 78239
operation of the office of ombudsperson as determined under 78240
division (B) of that section shall be transferred to the state 78241
treasury to the credit of the small business ombudsperson fund 78242
created by that section. 78243

(2) Money received by the agency pursuant to divisions 78244

(D), (F), (G), (H), (I), and (J) of this section shall be 78245
deposited in the state treasury to the credit of the non-Title V 78246
clean air fund created in section 3704.035 of the Revised Code. 78247

(L) (1) A person applying for a plan approval for a 78248
wastewater treatment works pursuant to section 6111.44, 6111.45, 78249
or 6111.46 of the Revised Code shall pay a nonrefundable fee of 78250
one hundred dollars plus sixty-five one-hundredths of one per 78251
cent of the estimated project cost through June 30, ~~2026~~2028, 78252
and a nonrefundable application fee of one hundred dollars plus 78253
two-tenths of one per cent of the estimated project cost on and 78254
after July 1, ~~2026~~2028, except that the total fee shall not 78255
exceed fifteen thousand dollars through June 30, ~~2026~~2028, and 78256
five thousand dollars on and after July 1, ~~2026~~2028. The fee 78257
shall be paid at the time the application is submitted. 78258

(2) A person who has entered into an agreement with the 78259
director under section 6111.14 of the Revised Code shall pay an 78260
administrative service fee for each plan submitted under that 78261
section for approval that shall not exceed the minimum amount 78262
necessary to pay administrative costs directly attributable to 78263
processing plan approvals. The director annually shall calculate 78264
the fee and shall notify all persons who have entered into 78265
agreements under that section, or who have applied for 78266
agreements, of the amount of the fee. 78267

(3) (a) (i) Not later than January 30, ~~2024~~2026, and January 78268
30, ~~2025~~2027, a person holding an NPDES discharge permit issued 78269
pursuant to Chapter 6111. of the Revised Code with an average 78270
daily discharge flow of five thousand gallons or more shall pay 78271
a nonrefundable annual discharge fee. Any person who fails to 78272
pay the fee at that time shall pay an additional amount that 78273
equals ten per cent of the required annual discharge fee. 78274

(ii) The billing year for the annual discharge fee 78275
established in division (L) (3) (a) (i) of this section shall 78276
consist of a twelve-month period beginning on the first day of 78277
January of the year preceding the date when the annual discharge 78278
fee is due. In the case of an existing source that permanently 78279
ceases to discharge during a billing year, the director shall 78280
reduce the annual discharge fee, including the surcharge 78281
applicable to certain industrial facilities pursuant to division 78282
(L) (3) (c) of this section, by one-twelfth for each full month 78283
during the billing year that the source was not discharging, but 78284
only if the person holding the NPDES discharge permit for the 78285
source notifies the director in writing, not later than the 78286
first day of October of the billing year, of the circumstances 78287
causing the cessation of discharge. 78288

(iii) The annual discharge fee established in division (L) 78289
(3) (a) (i) of this section, except for the surcharge applicable 78290
to certain industrial facilities pursuant to division (L) (3) (c) 78291
of this section, shall be based upon the average daily discharge 78292
flow in gallons per day calculated using first day of May 78293
through thirty-first day of October flow data for the period two 78294
years prior to the date on which the fee is due. In the case of 78295
NPDES discharge permits for new sources, the fee shall be 78296
calculated using the average daily design flow of the facility 78297
until actual average daily discharge flow values are available 78298
for the time period specified in division (L) (3) (a) (iii) of this 78299
section. The annual discharge fee may be prorated for a new 78300
source as described in division (L) (3) (a) (ii) of this section. 78301

(b) (i) An NPDES permit holder that is a public discharger 78302
shall pay the fee specified in the following schedule: 78303
78304

	1	2
A	Average daily discharge flow	Fee due by January 30, 2024 <u>2026</u> , and January 30, 2025 <u>2027</u>
B	5,000 to 49,999	\$200
C	50,000 to 100,000	500
D	100,001 to 250,000	1,050
E	250,001 to 1,000,000	2,600
F	1,000,001 to 5,000,000	5,200
G	5,000,001 to 10,000,000	10,350
H	10,000,001 to 20,000,000	15,550
I	20,000,001 to 50,000,000	25,900
J	50,000,001 to 100,000,000	41,400
K	100,000,001 or more	62,100

(ii) Public dischargers owning or operating two or more	78305
publicly owned treatment works serving the same political	78306
subdivision, as "treatment works" is defined in section 6111.01	78307
of the Revised Code, and that serve exclusively political	78308
subdivisions having a population of fewer than one hundred	78309
thousand persons shall pay an annual discharge fee under	78310
division (L) (3) (b) (i) of this section that is based on the	78311
combined average daily discharge flow of the treatment works.	78312

(c) (i) An NPDES permit holder that is an industrial 78313
discharger, other than a coal mining operator identified by P in 78314
the third character of the permittee's NPDES permit number, 78315
shall pay the fee specified in the following schedule: 78316
78317

	1	2
A	Average daily discharge flow	Fee due by January 30, 2024 <u>2026</u> , and January 30, 2025 <u>2027</u>
B	5,000 to 49,999	\$250
C	50,000 to 250,000	1,200
D	250,001 to 1,000,000	2,950
E	1,000,001 to 5,000,000	5,850
F	5,000,001 to 10,000,000	8,800
G	10,000,001 to 20,000,000	11,700
H	20,000,001 to 100,000,000	14,050
I	100,000,001 to 250,000,000	16,400
J	250,000,001 or more	18,700

(ii) In addition to the fee specified in the above 78318
schedule, an NPDES permit holder that is an industrial 78319
discharger classified as a major discharger during all or part 78320
of the annual discharge fee billing year specified in division 78321
(L) (3) (a) (ii) of this section shall pay a nonrefundable annual 78322
surcharge of seven thousand five hundred dollars not later than 78323

January 30, ~~2024~~2026, and not later than January 30, ~~2025~~2027. 78324
Any person who fails to pay the surcharge at that time shall pay 78325
an additional amount that equals ten per cent of the amount of 78326
the surcharge. 78327

(d) Notwithstanding divisions (L) (3) (b) and (c) of this 78328
section, a public discharger, that is not a separate municipal 78329
storm sewer system, identified by I in the third character of 78330
the permittee's NPDES permit number and an industrial discharger 78331
identified by I, J, L, V, W, X, Y, or Z in the third character 78332
of the permittee's NPDES permit number shall pay a nonrefundable 78333
annual discharge fee of one hundred eighty dollars not later 78334
than January 30, ~~2024~~2026, and not later than January 30, 78335
~~2025~~2027. Any person who fails to pay the fee at that time shall 78336
pay an additional amount that equals ten per cent of the 78337
required fee. 78338

(4) Each person obtaining an NPDES permit for municipal 78339
storm water discharge shall pay a nonrefundable storm water 78340
annual discharge fee of ten dollars per one-tenth of a square 78341
mile of area permitted. The fee shall not exceed ten thousand 78342
dollars and shall be payable on or before January 30, 2004, and 78343
the thirtieth day of January of each year thereafter. Any person 78344
who fails to pay the fee on the date specified in division (L) 78345
(4) of this section shall pay an additional amount per year 78346
equal to ten per cent of the annual fee that is unpaid. 78347

(5) The director shall transmit all moneys collected under 78348
division (L) of this section to the treasurer of state for 78349
deposit into the state treasury to the credit of the surface 78350
water protection fund created in section 6111.038 of the Revised 78351
Code. 78352

(6) As used in this section: 78353

(a) "NPDES" means the federally approved national
pollutant discharge elimination system individual and general
program for issuing, modifying, revoking, reissuing,
terminating, monitoring, and enforcing permits and imposing and
enforcing pretreatment requirements under Chapter 6111. of the
Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES
permit identified by P in the second character of the NPDES
permit number assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES
permit identified by I in the second character of the NPDES
permit number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit
classified as major by the regional administrator of the United
States environmental protection agency in conjunction with the
director.

(M) Through June 30, ~~2026~~2028, a person applying for a
license or license renewal to operate a public water system
under section 6109.21 of the Revised Code shall pay the
appropriate fee established under this division at the time of
application to the director. Any person who fails to pay the fee
at that time shall pay an additional amount that equals ten per
cent of the required fee. The director shall transmit all moneys
collected under this division to the treasurer of state for
deposit into the drinking water protection fund created in
section 6109.30 of the Revised Code.

Except as provided in divisions (M) (4) and (5) of this
section, fees required under this division shall be calculated
and paid in accordance with the following schedule:

(1) For the initial license required under section 6109.21	78383
of the Revised Code for any public water system that is a	78384
community water system as defined in section 6109.01 of the	78385
Revised Code, and for each license renewal required for such a	78386
system prior to January 31, 2026 <u>2028</u> , the fee is:	78387
	78388

	1	2
A	Number of service connections	Fee amount
B	Not more than 49	\$112
C	50 to 99	176
D	Number of service connections	Average cost per connection
E	100 to 2,499	\$1.92
F	2,500 to 4,999	1.48
G	5,000 to 7,499	1.42
H	7,500 to 9,999	1.34
I	10,000 to 14,999	1.16
J	15,000 to 24,999	1.10
K	25,000 to 49,999	1.04
L	50,000 to 99,999	.92
M	100,000 to 149,999	.86

N	150,000 to 199,999	.80
O	200,000 or more	.76

A public water system may determine how it will pay the 78389
total amount of the fee calculated under division (M) (1) of this 78390
section, including the assessment of additional user fees that 78391
may be assessed on a volumetric basis. 78392

As used in division (M) (1) of this section, "service 78393
connection" means the number of active or inactive pipes, 78394
goosenecks, pigtails, and any other fittings connecting a water 78395
main to any building outlet. 78396

(2) For the initial license required under section 6109.21 78397
of the Revised Code for any public water system that is not a 78398
community water system and serves a nontransient population, and 78399
for each license renewal required for such a system prior to 78400
January 31, ~~2026~~2028, the fee is: 78401
78402

	1	2	
A	Population served	Fee amount	
B	Fewer than 150		\$112
C	150 to 299	176	
D	300 to 749	384	
E	750 to 1,499	628	
F	1,500 to 2,999	1,268	

G	3,000 to 7,499	2,816
H	7,500 to 14,999	5,510
I	15,000 to 22,499	9,048
J	22,500 to 29,999	12,430
K	30,000 or more	16,820

As used in division (M) (2) of this section, "population
served" means the total number of individuals having access to
the water supply during a twenty-four-hour period for at least
sixty days during any calendar year. In the absence of a
specific population count, that number shall be calculated at
the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21
of the Revised Code for any public water system that is not a
community water system and serves a transient population, and
for each license renewal required for such a system prior to
January 31, ~~2026~~2028, the fee is:

	1	2	
A	Number of wells or sources, other than surface water, supplying system		Fee amount
B	1		\$112
C	2		112
D	3		176

E	4	278
F	5	568
G	System designated as using a surface water source	792

As used in division (M) (3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M) (1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N) (1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2026~~2028, and fifteen thousand dollars on and after July 1, ~~2026~~2028. The fee shall be paid at the time the application is submitted.

~~(2)~~ (2) (a) A person who has entered into an agreement with the director under division (A) (2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each

plan submitted under that section for approval that shall not 78438
exceed the minimum amount necessary to pay administrative costs 78439
directly attributable to processing plan approvals. The director 78440
annually shall calculate the fee and shall notify all persons 78441
that have entered into agreements under that division, or who 78442
have applied for agreements, of the amount of the fee. 78443

(b) The director may adopt rules in accordance with 78444
Chapter 119. of the Revised Code to establish conditions to 78445
allow the administrative service fee established under division 78446
(N) (2) (a) of this section to be paid in lieu of the fee 78447
requirements described in division (N) (1) of this section for 78448
other plan approvals for extensions of distribution facilities 78449
or to increase the number of service connections. 78450

(3) Through June 30, ~~2026~~2028, the following fee, on a per 78451
survey basis, shall be charged any person for services rendered 78452
by the state in the evaluation of laboratories and laboratory 78453
personnel for compliance with accepted analytical techniques and 78454
procedures established pursuant to Chapter 6109. of the Revised 78455
Code for determining the qualitative characteristics of water: 78456
78457

	1	2	
A	microbiological		
B	MMO-MUG		\$2,000
C	MF	2,100	
D	MMO-MUG and MF	2,550	
E	organic chemical	5,400	

F	trace metals	5,400
G	standard chemistry	2,800
H	limited chemistry	1,550

On and after July 1, ~~2026~~2028, the following fee, on a per 78458
survey basis, shall be charged any such person: 78459
78460

	1	2	
A	microbiological		\$1,650
B	organic chemicals	3,500	
C	trace metals	3,500	
D	standard chemistry	1,800	
E	limited chemistry	1,000	

The fee for those services shall be paid at the time the 78461
request for the survey is made. Through June 30, ~~2026~~2028, an 78462
individual laboratory shall not be assessed a fee under this 78463
division more than once in any three-year period unless the 78464
person requests the addition of analytical methods or analysts, 78465
in which case the person shall pay five hundred dollars for each 78466
additional survey requested. 78467

As used in division (N) (3) of this section: 78468

- (a) "MF" means membrane filtration. 78469
- (b) "MMO" means minimal medium ONPG. 78470
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 78471

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 78472

The director shall transmit all moneys collected under 78473
this division to the treasurer of state for deposit into the 78474
drinking water protection fund created in section 6109.30 of the 78475
Revised Code. 78476

(O) Any person applying to the director to take an 78477
examination for certification as an operator of a water supply 78478
system or wastewater system under Chapter 6109. or 6111. of the 78479
Revised Code that is administered by the director, at the time 78480
the application is submitted, shall pay a fee in accordance with 78481
the following schedule through November 30, ~~2026~~2028: 78482
78483

	1	2	
A	Class A operator		\$80
B	Class I operator	105	
C	Class II operator	120	
D	Class III operator	130	
E	Class IV operator	145	

On and after December 1, ~~2026~~2028, the applicant shall pay 78484
a fee in accordance with the following schedule: 78485
78486

	1	2	
A	Class A operator		\$50
B	Class I operator	70	

C	Class II operator	80
D	Class III operator	90
E	Class IV operator	100

Any person applying to the director for certification as 78487
an operator of a water supply system or wastewater system who 78488
has passed an examination administered by an examination 78489
provider approved by the director shall pay a certification fee 78490
of forty-five dollars. 78491

A person shall pay a biennial certification renewal fee 78492
for each applicable class of certification in accordance with 78493
the following schedule: 78494
78495

	1	2	
A	Class A operator		\$25
B	Class I operator	35	
C	Class II operator	45	
D	Class III operator	55	
E	Class IV operator	65	

If a certification renewal fee is received by the director 78496
more than thirty days, but not more than one year, after the 78497
expiration date of the certification, the person shall pay a 78498
certification renewal fee in accordance with the following 78499
schedule: 78500
78501

	1	2	
A	Class A operator		\$45
B	Class I operator	55	
C	Class II operator	65	
D	Class III operator	75	
E	Class IV operator	85	

A person who requests a replacement certificate shall pay 78502
a fee of twenty-five dollars at the time the request is made. 78503

Any person applying to be a water supply system or 78504
wastewater treatment system examination provider shall pay an 78505
application fee of five hundred dollars. Any person approved by 78506
the director as a water supply system or wastewater treatment 78507
system examination provider shall pay an annual fee that is 78508
equal to ten per cent of the fees that the provider assesses and 78509
collects for administering water supply system or wastewater 78510
treatment system certification examinations in this state for 78511
the calendar year. The fee shall be paid not later than forty- 78512
five days after the end of a calendar year. 78513

The director shall transmit all moneys collected under 78514
this division to the treasurer of state for deposit into the 78515
drinking water protection fund created in section 6109.30 of the 78516
Revised Code. 78517

~~(P) Any person submitting an application for an industrial 78518~~
~~water pollution control certificate under section 6111.31 of the 78519~~
~~Revised Code, as that section existed before its repeal by H.B. 78520~~
~~95 of the 125th general assembly, shall pay a nonrefundable fee 78521~~

~~of five hundred dollars at the time the application is~~ 78522
~~submitted. The director shall transmit all moneys collected~~ 78523
~~under this division to the treasurer of state for deposit into~~ 78524
~~the surface water protection fund created in section 6111.038 of~~ 78525
~~the Revised Code. A person paying a certificate fee under this~~ 78526
~~division shall not pay an application fee under division (S)(1)~~ 78527
~~of this section. On and after June 26, 2003, persons shall file~~ 78528
~~such applications and pay the fee as required under sections~~ 78529
~~5709.20 to 5709.27 of the Revised Code, and proceeds from the~~ 78530
~~fee shall be credited as provided in section 5709.212 of the~~ 78531
~~Revised Code.~~ 78532

~~(Q)~~ Except as otherwise provided in division ~~(R)~~ (Q) of 78533
this section, a person issued a permit by the director for a new 78534
solid waste disposal facility other than an incineration or 78535
composting facility, a new infectious waste treatment facility 78536
other than an incineration facility, or a modification of such 78537
an existing facility that includes an increase in the total 78538
disposal or treatment capacity of the facility pursuant to 78539
Chapter 3734. of the Revised Code shall pay a fee of ten dollars 78540
per thousand cubic yards of disposal or treatment capacity, or 78541
one thousand dollars, whichever is greater, except that the 78542
total fee for any such permit shall not exceed eighty thousand 78543
dollars. A person issued a modification of a permit for a solid 78544
waste disposal facility or an infectious waste treatment 78545
facility that does not involve an increase in the total disposal 78546
or treatment capacity of the facility shall pay a fee of one 78547
thousand dollars. A person issued a permit to install a new, or 78548
modify an existing, solid waste transfer facility under that 78549
chapter shall pay a fee of two thousand five hundred dollars. A 78550
person issued a permit to install a new or to modify an existing 78551
solid waste incineration or composting facility, or an existing 78552

infectious waste treatment facility using incineration as its 78553
principal method of treatment, under that chapter shall pay a 78554
fee of one thousand dollars. The increases in the permit fees 78555
under this division resulting from the amendments made by 78556
Amended Substitute House Bill 592 of the 117th general assembly 78557
do not apply to any person who submitted an application for a 78558
permit to install a new, or modify an existing, solid waste 78559
disposal facility under that chapter prior to September 1, 1987; 78560
any such person shall pay the permit fee established in this 78561
division as it existed prior to June 24, 1988. In addition to 78562
the applicable permit fee under this division, a person issued a 78563
permit to install or modify a solid waste facility or an 78564
infectious waste treatment facility under that chapter who fails 78565
to pay the permit fee to the director in compliance with 78566
division ~~(V)~~ (U) of this section shall pay an additional ten per 78567
cent of the amount of the fee for each week that the permit fee 78568
is late. 78569

Permit and late payment fees paid to the director under 78570
this division shall be credited to the general revenue fund. 78571

~~(R)~~ ~~(1)~~ (Q) (1) A person issued a registration certificate 78572
for a scrap tire collection facility under section 3734.75 of 78573
the Revised Code shall pay a fee of two hundred dollars, except 78574
that if the facility is owned or operated by a motor vehicle 78575
salvage dealer licensed under Chapter 4738. of the Revised Code, 78576
the person shall pay a fee of twenty-five dollars. 78577

(2) A person issued a registration certificate for a new 78578
scrap tire storage facility under section 3734.76 of the Revised 78579
Code shall pay a fee of three hundred dollars, except that if 78580
the facility is owned or operated by a motor vehicle salvage 78581
dealer licensed under Chapter 4738. of the Revised Code, the 78582

person shall pay a fee of twenty-five dollars. 78583

(3) A person issued a permit for a scrap tire storage 78584
facility under section 3734.76 of the Revised Code shall pay a 78585
fee of one thousand dollars, except that if the facility is 78586
owned or operated by a motor vehicle salvage dealer licensed 78587
under Chapter 4738. of the Revised Code, the person shall pay a 78588
fee of fifty dollars. 78589

(4) A person issued a permit for a scrap tire monocell or 78590
monofill facility under section 3734.77 of the Revised Code 78591
shall pay a fee of ten dollars per thousand cubic yards of 78592
disposal capacity or one thousand dollars, whichever is greater, 78593
except that the total fee for any such permit shall not exceed 78594
eighty thousand dollars. 78595

(5) A person issued a registration certificate for a scrap 78596
tire recovery facility under section 3734.78 of the Revised Code 78597
shall pay a fee of one hundred dollars. 78598

(6) A person issued a permit for a scrap tire recovery 78599
facility under section 3734.78 of the Revised Code shall pay a 78600
fee of one thousand dollars. 78601

(7) In addition to the applicable registration certificate 78602
or permit fee under divisions ~~(R) (1)~~ (Q) (1) to (6) of this 78603
section, a person issued a registration certificate or permit 78604
for any such scrap tire facility who fails to pay the 78605
registration certificate or permit fee to the director in 78606
compliance with division ~~(V)~~ (U) of this section shall pay an 78607
additional ten per cent of the amount of the fee for each week 78608
that the fee is late. 78609

(8) The registration certificate, permit, and late payment 78610
fees paid to the director under divisions ~~(R) (1)~~ (Q) (1) to (7) of 78611

this section shall be credited to the scrap tire management fund 78612
created in section 3734.82 of the Revised Code. 78613

~~(S) (1) (a)~~ (R) (1) (a) Except as otherwise provided, any 78614
person applying for a permit, variance, or plan approval under 78615
Chapter 6109. or 6111. of the Revised Code shall pay a 78616
nonrefundable application fee of one hundred dollars at the time 78617
the application is submitted through June 30, ~~2026~~2028, and a 78618
nonrefundable application fee of fifteen dollars at the time the 78619
application is submitted on and after July 1, ~~2026~~2028. 78620

(b) (i) Except as otherwise provided in divisions ~~(S) (1) (b)~~ 78621
~~(iii)~~ (R) (1) (b) (iii) and (iv) of this section, through June 30, 78622
~~2026~~2028, any person applying for an NPDES permit under Chapter 78623
6111. of the Revised Code shall pay a nonrefundable application 78624
fee of two hundred dollars at the time of application for the 78625
permit. On and after July 1, ~~2026~~2028, such a person shall pay a 78626
nonrefundable application fee of fifteen dollars at the time of 78627
application. 78628

(ii) In addition to the nonrefundable application fee, any 78629
person applying for an NPDES permit under Chapter 6111. of the 78630
Revised Code shall pay a design flow discharge fee based on each 78631
point source to which the issuance is applicable in accordance 78632
with the following schedule: 78633
78634

1		2
A	Design flow discharge (gallons per day)	Fee
B	0 to 1,000	\$0
C	1,001 to 5,000	100

D	5,001 to 50,000	200
E	50,001 to 100,000	300
F	100,001 to 300,000	525
G	over 300,000	750

(iii) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) 78635
and (ii) of this section, the application and design flow 78636
discharge fee for an NPDES permit for a public discharger 78637
identified by the letter I in the third character of the NPDES 78638
permit number shall not exceed nine hundred fifty dollars. 78639

(iv) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) 78640
and (ii) of this section, the application and design flow 78641
discharge fee for an NPDES permit for a coal mining operation 78642
regulated under Chapter 1513. of the Revised Code shall not 78643
exceed four hundred fifty dollars per mine. 78644

(v) A person issued a modification of an NPDES permit 78645
shall pay a nonrefundable modification fee equal to the 78646
application fee and one-half the design flow discharge fee based 78647
on each point source, if applicable, that would be charged for 78648
an NPDES permit, except that the modification fee shall not 78649
exceed six hundred dollars. 78650

(c) In addition to the application fee established under 78651
division ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) of this section, any person 78652
applying for an NPDES general storm water construction permit 78653
shall pay a nonrefundable fee of twenty dollars per acre for 78654
each acre that is permitted above five acres at the time the 78655
application is submitted. However, the per acreage fee shall not 78656
exceed three hundred dollars. In addition to the application fee 78657

established under division ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) of this 78658
section, any person applying for an NPDES general storm water 78659
industrial permit shall pay a nonrefundable fee of one hundred 78660
fifty dollars at the time the application is submitted. 78661

(d) The director shall transmit all moneys collected under 78662
division ~~(S) (1)~~ (R) (1) of this section pursuant to Chapter 6109. 78663
of the Revised Code to the treasurer of state for deposit into 78664
the drinking water protection fund created in section 6109.30 of 78665
the Revised Code. 78666

(e) The director shall transmit all moneys collected under 78667
division ~~(S) (1)~~ (R) (1) of this section pursuant to Chapter 6111. 78668
of the Revised Code and under division ~~(S) (2)~~ (R) (2) of this 78669
section to the treasurer of state for deposit into the surface 78670
water protection fund created in section 6111.038 of the Revised 78671
Code. 78672

(f) If a person submits an electronic application for a 78673
registration certificate, permit, variance, or plan approval for 78674
which an application fee is established under division ~~(S) (1)~~ (R) 78675
(1) of this section, the person shall pay all applicable fees as 78676
expeditiously as possible after the submission of the electronic 78677
application. An application for a registration certificate, 78678
permit, variance, or plan approval for which an application fee 78679
is established under division ~~(S) (1)~~ (R) (1) of this section shall 78680
not be reviewed or processed until the applicable application 78681
fee, and any other fees established under this division, are 78682
paid. 78683

(2) A person applying for coverage under an NPDES general 78684
discharge permit for household sewage treatment systems shall 78685
pay a nonrefundable fee of two hundred dollars at the time of 78686
application for initial permit coverage. No fee is required for 78687

an application for permit coverage renewal. 78688

~~(T)~~(S) The director may adopt, amend, and rescind rules in 78689
accordance with Chapter 119. of the Revised Code that do all of 78690
the following: 78691

(1) Prescribe fees to be paid by applicants for and 78692
holders of any license, permit, variance, plan approval, or 78693
certification required or authorized by Chapter 3704., 3734., 78694
6109., or 6111. of the Revised Code that are not specifically 78695
established in this section. The fees shall be designed to 78696
defray the cost of processing, issuing, revoking, modifying, 78697
denying, and enforcing the licenses, permits, variances, plan 78698
approvals, and certifications. 78699

The director shall transmit all moneys collected under 78700
rules adopted under division ~~(T)~~(1)~~(1)~~(S) (1) of this section 78701
pursuant to Chapter 6109. of the Revised Code to the treasurer 78702
of state for deposit into the drinking water protection fund 78703
created in section 6109.30 of the Revised Code. 78704

The director shall transmit all moneys collected under 78705
rules adopted under division ~~(T)~~(1)~~(1)~~(S) (1) of this section 78706
pursuant to Chapter 6111. of the Revised Code to the treasurer 78707
of state for deposit into the surface water protection fund 78708
created in section 6111.038 of the Revised Code. 78709

(2) Exempt the state and political subdivisions thereof, 78710
including education facilities or medical facilities owned by 78711
the state or a political subdivision, or any person exempted 78712
from taxation by section 5709.07 or 5709.12 of the Revised Code, 78713
from any fee required by this section; 78714

(3) Provide for the waiver of any fee, or any part 78715
thereof, otherwise required by this section whenever the 78716

director determines that the imposition of the fee would 78717
constitute an unreasonable cost of doing business for any 78718
applicant, class of applicants, or other person subject to the 78719
fee; 78720

(4) Prescribe measures that the director considers 78721
necessary to carry out this section. 78722

~~(U)~~(T) When the director reasonably demonstrates that the 78723
direct cost to the state associated with the issuance of a 78724
permit, license, variance, plan approval, or certification 78725
exceeds the fee for the issuance or review specified by this 78726
section, the director may condition the issuance or review on 78727
the payment by the person receiving the issuance or review of, 78728
in addition to the fee specified by this section, the amount, or 78729
any portion thereof, in excess of the fee specified under this 78730
section. The director shall not so condition issuances for which 78731
a fee is prescribed in division ~~(S) (1) (b) (iii)~~ (R) (1) (b) (iii) of 78732
this section. 78733

~~(V)~~(U) Except as provided in divisions (L), (M), ~~(P)~~, and 78734
~~(S)~~ (R) of this section or unless otherwise prescribed by a rule 78735
of the director adopted pursuant to Chapter 119. of the Revised 78736
Code, all fees required by this section are payable within 78737
thirty days after the issuance of an invoice for the fee by the 78738
director or the effective date of the issuance of the license, 78739
permit, variance, plan approval, or certification. If payment is 78740
late, the person responsible for payment of the fee shall pay an 78741
additional ten per cent of the amount due for each month that it 78742
is late. 78743

~~(W)~~(V) As used in this section, "fuel-burning equipment," 78744
"fuel-burning equipment input capacity," "incinerator," 78745
"incinerator input capacity," "process," "process weight rate," 78746

"storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code. 78747
78748
78749
78750
78751

~~(X)~~(W) As used in divisions (B), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code: 78752
78753
78754
78755

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code. 78756
78757
78758

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least: 78759
78760
78761
78762

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement; 78763
78764
78765

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal; 78766
78767
78768
78769

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry; 78770
78771
78772

(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement 78773
78774
78775

actions; 78776

(e) Emission and ambient monitoring; 78777

(f) Modeling, analyses, or demonstrations; 78778

(g) Preparing inventories and tracking emissions; 78779

(h) Providing direct and indirect support to small 78780
business stationary sources to determine and meet their 78781
obligations under the federal Clean Air Act pursuant to the 78782
small business stationary source technical and environmental 78783
compliance assistance program required by section 507 of that 78784
act and established in sections 3704.18, 3704.19, and 3706.19 of 78785
the Revised Code. 78786

(3) "Organic compound" means any chemical compound of 78787
carbon, excluding carbon monoxide, carbon dioxide, carbonic 78788
acid, metallic carbides or carbonates, and ammonium carbonate. 78789

~~(Y) (1)~~ (X) (1) Except as provided in divisions ~~(Y) (2)~~ (X) (2), 78790
(3), and (4) of this section, each sewage sludge facility shall 78791
pay a nonrefundable annual sludge fee equal to three dollars and 78792
fifty cents per dry ton of sewage sludge, including the dry tons 78793
of sewage sludge in materials derived from sewage sludge, that 78794
the sewage sludge facility treats or disposes of in this state. 78795
The annual volume of sewage sludge treated or disposed of by a 78796
sewage sludge facility shall be calculated using the first day 78797
of January through the thirty-first day of December of the 78798
calendar year preceding the date on which payment of the fee is 78799
due. 78800

(2) (a) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) 78801
of this section, each sewage sludge facility shall pay a minimum 78802
annual sewage sludge fee of one hundred dollars. 78803

(b) The annual sludge fee required to be paid by a sewage
sludge facility that treats or disposes of exceptional quality
sludge in this state shall be thirty-five per cent less per dry
ton of exceptional quality sludge than the fee assessed under
division ~~(Y) (1)~~ (X) (1) of this section, subject to the following
exceptions:

(i) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) of
this section, a sewage sludge facility that treats or disposes
of exceptional quality sludge shall pay a minimum annual sewage
sludge fee of one hundred dollars.

(ii) A sewage sludge facility that treats or disposes of
exceptional quality sludge shall not be required to pay the
annual sludge fee for treatment or disposal in this state of
exceptional quality sludge generated outside of this state and
contained in bags or other containers not greater than one
hundred pounds in capacity.

A thirty-five per cent reduction for exceptional quality
sludge applies to the maximum annual fees established under
division ~~(Y) (3)~~ (X) (3) of this section.

(c) A sewage sludge facility that transfers sewage sludge
to another sewage sludge facility in this state for further
treatment prior to disposal in this state shall not be required
to pay the annual sludge fee for the tons of sewage sludge that
have been transferred. In such a case, the sewage sludge
facility that disposes of the sewage sludge shall pay the annual
sludge fee. However, the facility transferring the sewage sludge
shall pay the one-hundred-dollar minimum fee required under
division ~~(Y) (2) (a)~~ (X) (2) (a) of this section.

In the case of a sewage sludge facility that treats sewage

sludge in this state and transfers it out of this state to 78833
another entity for disposal, the sewage sludge facility in this 78834
state shall be required to pay the annual sludge fee for the 78835
tons of sewage sludge that have been transferred. 78836

(d) A sewage sludge facility that generates sewage sludge 78837
resulting from an average daily discharge flow of less than five 78838
thousand gallons per day is not subject to the fees assessed 78839
under division ~~(Y)~~(X) of this section. 78840

(3) No sewage sludge facility required to pay the annual 78841
sludge fee shall be required to pay more than the maximum annual 78842
fee for each disposal method that the sewage sludge facility 78843
uses. The maximum annual fee does not include the additional 78844
amount that may be charged under division ~~(Y)~~(5) ~~(X)~~ (5) of this 78845
section for late payment of the annual sludge fee. The maximum 78846
annual fee for the following methods of disposal of sewage 78847
sludge is as follows: 78848

(a) Incineration: five thousand dollars; 78849

(b) Preexisting land reclamation project or disposal in a 78850
landfill: five thousand dollars; 78851

(c) Land application, land reclamation, surface disposal, 78852
or any other disposal method not specified in division ~~(Y)~~(3) ~~(a)~~ 78853
(X) (3) (a) or (b) of this section: twenty thousand dollars. 78854

(4) (a) In the case of an entity that generates sewage 78855
sludge or a sewage sludge facility that treats sewage sludge and 78856
transfers the sewage sludge to an incineration facility for 78857
disposal, the incineration facility, and not the entity 78858
generating the sewage sludge or the sewage sludge facility 78859
treating the sewage sludge, shall pay the annual sludge fee for 78860
the tons of sewage sludge that are transferred. However, the 78861

entity or facility generating or treating the sewage sludge 78862
shall pay the one-hundred-dollar minimum fee required under 78863
division ~~(Y) (2) (a)~~ (X) (2) (a) of this section. 78864

(b) In the case of an entity that generates sewage sludge 78865
and transfers the sewage sludge to a landfill for disposal or to 78866
a sewage sludge facility for land reclamation or surface 78867
disposal, the entity generating the sewage sludge, and not the 78868
landfill or sewage sludge facility, shall pay the annual sludge 78869
fee for the tons of sewage sludge that are transferred. 78870

(5) Not later than the first day of April of the calendar 78871
year following March 17, 2000, and each first day of April 78872
thereafter, the director shall issue invoices to persons who are 78873
required to pay the annual sludge fee. The invoice shall 78874
identify the nature and amount of the annual sludge fee assessed 78875
and state the first day of May as the deadline for receipt by 78876
the director of objections regarding the amount of the fee and 78877
the first day of July as the deadline for payment of the fee. 78878

Not later than the first day of May following receipt of 78879
an invoice, a person required to pay the annual sludge fee may 78880
submit objections to the director concerning the accuracy of 78881
information regarding the number of dry tons of sewage sludge 78882
used to calculate the amount of the annual sludge fee or 78883
regarding whether the sewage sludge qualifies for the 78884
exceptional quality sludge discount established in division ~~(Y)~~ 78885
~~(2) (b)~~ (X) (2) (b) of this section. The director may consider the 78886
objections and adjust the amount of the fee to ensure that it is 78887
accurate. 78888

If the director does not adjust the amount of the annual 78889
sludge fee in response to a person's objections, the person may 78890
appeal the director's determination in accordance with Chapter 78891

119. of the Revised Code. 78892

Not later than the first day of June, the director shall 78893
notify the objecting person regarding whether the director has 78894
found the objections to be valid and the reasons for the 78895
finding. If the director finds the objections to be valid and 78896
adjusts the amount of the annual sludge fee accordingly, the 78897
director shall issue with the notification a new invoice to the 78898
person identifying the amount of the annual sludge fee assessed 78899
and stating the first day of July as the deadline for payment. 78900

Not later than the first day of July, any person who is 78901
required to do so shall pay the annual sludge fee. Any person 78902
who is required to pay the fee, but who fails to do so on or 78903
before that date shall pay an additional amount that equals ten 78904
per cent of the required annual sludge fee. 78905

(6) The director shall transmit all moneys collected under 78906
division ~~(Y)~~(X) of this section to the treasurer of state for 78907
deposit into the surface water protection fund created in 78908
section 6111.038 of the Revised Code. The moneys shall be used 78909
to defray the costs of administering and enforcing provisions in 78910
Chapter 6111. of the Revised Code and rules adopted under it 78911
that govern the use, storage, treatment, or disposal of sewage 78912
sludge. 78913

(7) Beginning in fiscal year 2001, and every two years 78914
thereafter, the director shall review the total amount of moneys 78915
generated by the annual sludge fees to determine if that amount 78916
exceeded six hundred thousand dollars in either of the two 78917
preceding fiscal years. If the total amount of moneys in the 78918
fund exceeded six hundred thousand dollars in either fiscal 78919
year, the director, after review of the fee structure and 78920
consultation with affected persons, shall issue an order 78921

reducing the amount of the fees levied under division ~~(Y)~~(X) of 78922
this section so that the estimated amount of moneys resulting 78923
from the fees will not exceed six hundred thousand dollars in 78924
any fiscal year. 78925

If, upon review of the fees under division ~~(Y)~~(7)(X) (7) of 78926
this section and after the fees have been reduced, the director 78927
determines that the total amount of moneys collected and 78928
accumulated is less than six hundred thousand dollars, the 78929
director, after review of the fee structure and consultation 78930
with affected persons, may issue an order increasing the amount 78931
of the fees levied under division ~~(Y)~~(X) of this section so that 78932
the estimated amount of moneys resulting from the fees will be 78933
approximately six hundred thousand dollars. Fees shall never be 78934
increased to an amount exceeding the amount specified in 78935
division ~~(Y)~~(7)(X) (7) of this section. 78936

Notwithstanding section 119.06 of the Revised Code, the 78937
director may issue an order under division ~~(Y)~~(7)(X) (7) of this 78938
section without the necessity to hold an adjudicatory hearing in 78939
connection with the order. The issuance of an order under this 78940
division is not an act or action for purposes of section 3745.04 78941
of the Revised Code. 78942

(8) As used in division ~~(Y)~~(X) of this section: 78943

(a) "Sewage sludge facility" means an entity that performs 78944
treatment on or is responsible for the disposal of sewage 78945
sludge. 78946

(b) "Sewage sludge" means a solid, semi-solid, or liquid 78947
residue generated during the treatment of domestic sewage in a 78948
treatment works as defined in section 6111.01 of the Revised 78949
Code. "Sewage sludge" includes, but is not limited to, scum or 78950

solids removed in primary, secondary, or advanced wastewater 78951
treatment processes. "Sewage sludge" does not include ash 78952
generated during the firing of sewage sludge in a sewage sludge 78953
incinerator, grit and screenings generated during preliminary 78954
treatment of domestic sewage in a treatment works, animal 78955
manure, residue generated during treatment of animal manure, or 78956
domestic septage. 78957

(c) "Exceptional quality sludge" means sewage sludge that 78958
meets all of the following qualifications: 78959

(i) Satisfies the class A pathogen standards in 40 C.F.R. 78960
503.32(a); 78961

(ii) Satisfies one of the vector attraction reduction 78962
requirements in 40 C.F.R. 503.33(b) (1) to (b) (8); 78963

(iii) Does not exceed the ceiling concentration 78964
limitations for metals listed in table one of 40 C.F.R. 503.13; 78965

(iv) Does not exceed the concentration limitations for 78966
metals listed in table three of 40 C.F.R. 503.13. 78967

(d) "Treatment" means the preparation of sewage sludge for 78968
final use or disposal and includes, but is not limited to, 78969
thickening, stabilization, and dewatering of sewage sludge. 78970

(e) "Disposal" means the final use of sewage sludge, 78971
including, but not limited to, land application, land 78972
reclamation, surface disposal, or disposal in a landfill or an 78973
incinerator. 78974

(f) "Land application" means the spraying or spreading of 78975
sewage sludge onto the land surface, the injection of sewage 78976
sludge below the land surface, or the incorporation of sewage 78977
sludge into the soil for the purposes of conditioning the soil 78978

or fertilizing crops or vegetation grown in the soil. 78979

(g) "Land reclamation" means the returning of disturbed 78980
land to productive use. 78981

(h) "Surface disposal" means the placement of sludge on an 78982
area of land for disposal, including, but not limited to, 78983
monofills, surface impoundments, lagoons, waste piles, or 78984
dedicated disposal sites. 78985

(i) "Incinerator" means an entity that disposes of sewage 78986
sludge through the combustion of organic matter and inorganic 78987
matter in sewage sludge by high temperatures in an enclosed 78988
device. 78989

(j) "Incineration facility" includes all incinerators 78990
owned or operated by the same entity and located on a contiguous 78991
tract of land. Areas of land are considered to be contiguous 78992
even if they are separated by a public road or highway. 78993

(k) "Annual sludge fee" means the fee assessed under 78994
division ~~(Y)(1)~~ (X)(1) of this section. 78995

(l) "Landfill" means a sanitary landfill facility, as 78996
defined in rules adopted under section 3734.02 of the Revised 78997
Code, that is licensed under section 3734.05 of the Revised 78998
Code. 78999

(m) "Preexisting land reclamation project" means a 79000
property-specific land reclamation project that has been in 79001
continuous operation for not less than five years pursuant to 79002
approval of the activity by the director and includes the 79003
implementation of a community outreach program concerning the 79004
activity. 79005

Sec. 3748.13. (A) The director of health shall inspect 79006

sources of radiation for which licensure or registration by the 79007
handler is required, and the sources' shielding and 79008
surroundings, according to the schedule established in rules 79009
adopted under division (D) of section 3748.04 of the Revised 79010
Code. In accordance with rules adopted under section 3748.04 of 79011
the Revised Code, the director shall inspect all records and 79012
operating procedures of handlers that install or service sources 79013
of radiation and all sources of radiation for which licensure of 79014
radioactive material or registration of radiation-generating 79015
equipment by the handler is required. The director may make 79016
other inspections upon receiving complaints or other evidence of 79017
a violation of this chapter or rules adopted under it. 79018

The director shall require any hospital registered under 79019
division (A) of section 3701.07 of the Revised Code to develop 79020
and maintain a quality assurance program for all sources of 79021
radiation-generating equipment. A certified radiation expert 79022
shall conduct oversight and maintenance of the program and shall 79023
file a report of audits of the program with the director on 79024
forms prescribed by the director. The audit reports shall become 79025
part of the inspection record. 79026

(B) (1) Except as provided in division (B) (2) of this 79027
section, a facility shall pay inspection fees for radioactive 79028
material and radiation-generating equipment according to the 79029
schedule and categories established in rules adopted under 79030
division (A) (9) of section 3748.04 of the Revised Code. 79031

(2) A facility that is, or is operated by, a medical 79032
practitioner or medical-practitioner group shall pay inspection 79033
fees for radiation-generating equipment according to the 79034
following schedule and categories: 79035
79036

	1	2
A	First dental x-ray tube	\$155.00 <u>\$310.00</u>
B	Each additional dental x-ray tube at the same location	\$77.00 <u>\$154.00</u>
C	First medical x-ray tube	\$307.00 <u>\$614.00</u>
D	Each additional medical x-ray tube at the same location	\$163.00 <u>\$326.00</u>
E	Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	\$610.00 <u>\$1,220.00</u>
F	First nonionizing radiation-generating equipment of any kind	\$307.00 <u>\$614.00</u>
G	Each additional nonionizing radiation-generating equipment of any kind at the same location	\$163.00 <u>\$326.00</u>

(C) (1) Except as provided in division (C) (2) of this	79037
section, the fee for the inspection of a facility that proposes	79038
to handle radioactive material or radiation-generating equipment	79039
and is not licensed or registered, and for which no license or	79040
registration application is pending at the time of inspection,	79041
is four hundred seventy-four dollars plus the applicable fee	79042
specified in rules adopted under division (A) (9) of section	79043

3748.04 of the Revised Code. 79044

(2) For a facility that is, or is operated by, a medical 79045
practitioner or medical-practitioner group and proposes to 79046
handle radiation-generating equipment, the fee for an inspection 79047
if the facility is not licensed or registered, and no license or 79048
registration is pending at the time of inspection, is four 79049
hundred seventy-four dollars plus the fee applicable under the 79050
schedule in division (B) (2) of this section. 79051

(D) (1) Except as provided in division (D) (2) of this 79052
section, for a facility that handles radioactive material or 79053
radiation-generating equipment, the fee for an inspection to 79054
determine whether violations cited in a previous inspection have 79055
been corrected is the amount specified in rules adopted under 79056
division (A) (9) of section 3748.04 of the Revised Code. 79057

(2) For a facility that is, or is operated by, a medical 79058
practitioner or medical-practitioner group and handles 79059
radiation-generating equipment, the fee for an inspection to 79060
determine whether violations cited in a previous inspection have 79061
been corrected is fifty per cent of the applicable fee under the 79062
schedule in division (B) (2) of this section. 79063

(E) The director may conduct a review of shielding plans 79064
or the adequacy of shielding on the request of a licensee or 79065
registrant or an applicant for licensure or registration or 79066
during an inspection when the director considers a review to be 79067
necessary. 79068

(1) Except as provided in division (E) (2) of this section, 79069
the fee for the review is the applicable amount specified in 79070
rules adopted under division (A) (9) of section 3748.04 of the 79071
Revised Code. 79072

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

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

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

(H) If the director determines that a board of health of a city or general health district is qualified to conduct inspections of radiation-generating equipment, the director may delegate to the board, by contract, the authority to conduct such inspections. In making a determination of the qualifications of a board of health to conduct those inspections, the director shall evaluate the credentials of the individuals who are to conduct the inspections of radiation-generating equipment and the radiation detection and measuring equipment available to them for that purpose. If a contract is entered into, the board shall have the same authority to make inspections of radiation-generating equipment as the director has under this chapter and rules adopted under it. The contract

shall stipulate that only individuals approved by the director 79103
as qualified shall be permitted to inspect radiation-generating 79104
equipment under the contract's provisions. The contract shall 79105
provide for such compensation for services as is agreed to by 79106
the director and the board of health of the contracting health 79107
district. The director may reevaluate the credentials of the 79108
inspection personnel and their radiation detecting and measuring 79109
equipment as often as the director considers necessary and may 79110
terminate any contract with the board of health of any health 79111
district that, in the director's opinion, is not satisfactorily 79112
performing the terms of the contract. 79113

(I) The director may enter at all reasonable times upon 79114
any public or private property to determine compliance with this 79115
chapter and rules adopted under it. 79116

Sec. 3750.02. (A) There is hereby created the emergency 79117
response commission consisting of the directors of environmental 79118
protection~~and,~~ health, and administrative services, the 79119
chairperson of the public utilities commission, the fire 79120
marshal, the director of public safety, the director of 79121
transportation, the director of natural resources, the 79122
superintendent of the highway patrol, and the attorney general 79123
as members ex officio, or their designees; notwithstanding 79124
section 101.26 of the Revised Code, ~~the chairpersons of the~~ 79125
~~respective standing committees of the senate and house of~~ 79126
~~representatives that are primarily responsible for considering~~ 79127
~~environmental issues~~ a member of the house of representatives 79128
appointed by the speaker of the house of representatives and a 79129
member of the senate appointed by the president of the senate, 79130
who may participate fully in all the commission's deliberations 79131
and activities, except that they shall serve as nonvoting 79132
members; and ten members to be appointed by the governor with 79133

the advice and consent of the senate. The appointed members, to 79134
the extent practicable, shall have technical expertise in the 79135
field of emergency response. Of the appointed members, two shall 79136
represent environmental advocacy organizations, one shall 79137
represent the interests of petroleum refiners or marketers or 79138
chemical manufacturers, one shall represent the interests of 79139
another industry subject to this chapter, one shall represent 79140
the interests of municipal corporations, one shall represent the 79141
interests of counties, one shall represent the interests of 79142
chiefs of fire departments, one shall represent the interests of 79143
professional firefighters, one shall represent the interests of 79144
volunteer firefighters, and one shall represent the interests of 79145
local emergency management agencies. 79146

An appointed member of the commission also may serve as a 79147
member of the local emergency planning committee of an emergency 79148
planning district. An appointed member of the commission who is 79149
also a member of a local emergency planning committee shall not 79150
participate as a member of the commission in the appointment of 79151
members of the local emergency planning committee of which the 79152
member is a member, in the review of the chemical emergency 79153
response and preparedness plan submitted by the local emergency 79154
planning committee of which the member is a member, in any vote 79155
to approve a grant to the member's district, or in any vote of 79156
the commission on any motion or resolution pertaining 79157
specifically to the member's district or the local emergency 79158
planning committee on which the member serves. A commission 79159
member who is also a member of a local emergency planning 79160
committee shall not lobby or otherwise act as an advocate for 79161
the member's district to other members of the commission to 79162
obtain from the commission anything of value for the member's 79163
district or the local emergency planning committee of which the 79164

member is a member. A member of the commission who is also a 79165
member of a local emergency planning committee may vote on 79166
resolutions of the commission that apply uniformly to all local 79167
emergency planning committees and districts in the state and do 79168
not provide a grant or other pecuniary benefit to the member's 79169
district or the committee of which the member is a member. 79170

The governor shall make the initial appointments to the 79171
commission within thirty days after December 14, 1988. Of the 79172
initial appointments to the commission, five shall be for a term 79173
of two years and five shall be for a term of one year. 79174
Thereafter, terms of office of the appointed members of the 79175
commission shall be for two years, with each term ending on the 79176
same day of the same month as did the term that it succeeds. 79177
Each member shall hold office from the date of appointment until 79178
the end of the term for which the member was appointed. Members 79179
may be reappointed. Vacancies shall be filled in the manner 79180
provided for original appointments. Any member appointed to fill 79181
a vacancy occurring prior to the expiration of the term for 79182
which the member's predecessor was appointed shall hold office 79183
for the remainder of that term. A member shall continue in 79184
office subsequent to the expiration date of the member's term 79185
until the member's successor takes office or until a period of 79186
sixty days has elapsed, whichever occurs first. The commission 79187
may at any time by a vote of two-thirds of all the members 79188
remove any appointed member of the commission for misfeasance, 79189
nonfeasance, or malfeasance. Members of the commission shall 79190
serve without compensation, but shall be reimbursed for the 79191
reasonable expenses incurred by them in the discharge of their 79192
duties as members of the commission. 79193

The commission shall meet at least annually and shall hold 79194
such additional meetings as are necessary to implement and 79195

administer this chapter. Additional meetings may be held at the 79196
behest of either a co-chairperson or a majority of the members. 79197
The commission shall, by adoption of internal management rules 79198
under division (B) (9) of this section, establish an executive 79199
committee and delegate to it the performance of such of the 79200
commission's duties and powers under this chapter as are 79201
required or authorized to be so delegated by that division. The 79202
commission may organize itself into such additional committees 79203
as it considers necessary or convenient to implement and 79204
administer this chapter. The director of environmental 79205
protection and the director of public safety or their designees 79206
shall serve as co-chairpersons of the commission and the 79207
executive committee. Except as otherwise provided in this 79208
chapter, a majority of the voting members of the commission 79209
constitutes a quorum and the affirmative vote of a majority of 79210
the voting members of the commission is necessary for any action 79211
taken by the commission. Meetings of the executive committee 79212
conducted for the purpose of determining whether to issue an 79213
enforcement order or request that a civil action, civil penalty 79214
action, or criminal action be brought to enforce this chapter or 79215
rules adopted or orders issued under it are not subject to 79216
section 121.22 of the Revised Code pursuant to division (D) of 79217
that section. 79218

Except for the purposes of Chapters 102. and 2921. and 79219
sections 9.86 and 109.36 to 109.366 of the Revised Code, serving 79220
as an appointed member of the commission does not constitute 79221
holding a public office or position of employment under the laws 79222
of this state and does not constitute grounds for removal of 79223
public officers or employees from their offices or positions of 79224
employment. 79225

(B) The commission shall: 79226

(1) Adopt rules in accordance with Chapter 119. of the 79227
Revised Code that are consistent with and equivalent in scope, 79228
content, and coverage to the "Emergency Planning and Community 79229
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, 79230
and applicable regulations adopted under it: 79231

(a) Identifying or listing extremely hazardous substances 79232
and establishing a threshold planning quantity for each such 79233
substance. To the extent consistent with that act and applicable 79234
regulations adopted under it, the rules may establish threshold 79235
planning quantities based upon classes of those substances or 79236
categories of facilities at which such substances are present. 79237

(b) Listing hazardous chemicals, establishing threshold 79238
quantities for those chemicals, establishing categories of 79239
health and physical hazards of those chemicals, establishing 79240
criteria or procedures for identifying those chemicals and the 79241
appropriate hazard categories of those chemicals, and 79242
establishing ranges of quantities for those chemicals to be used 79243
in preparing emergency and hazardous chemical inventory forms 79244
under section 3750.08 of the Revised Code. To the extent 79245
consistent with that act and applicable regulations adopted 79246
under it, the rules may establish threshold quantities based 79247
upon classes of those chemicals or categories of facilities 79248
where those chemicals are present. 79249

To the extent consistent with that act, the threshold 79250
quantities for purposes of the submission of lists of hazardous 79251
chemicals under section 3750.07 and the submission of emergency 79252
and hazardous chemical inventory forms under section 3750.08 of 79253
the Revised Code may differ. 79254

(c) Identifying or listing hazardous substances and 79255
establishing reportable quantities of each of those substances 79256

and each extremely hazardous substance. In addition to being 79257
consistent with and equivalent in scope, content, and coverage 79258
to that act and applicable regulations adopted under it, the 79259
rules shall be consistent with and equivalent in scope, content, 79260
and coverage to regulations identifying or listing hazardous 79261
substances and reportable quantities of those substances adopted 79262
under the "Comprehensive Environmental Response, Compensation, 79263
and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 79264
amended. 79265

(d) Prescribing the information to be included in the 79266
lists of hazardous chemicals required to be submitted under 79267
section 3750.07 of the Revised Code; 79268

(e) Prescribing the information to be included in the 79269
emergency and hazardous chemical inventory forms required to be 79270
submitted under section 3750.08 of the Revised Code. If the 79271
commission establishes its own emergency and hazardous chemical 79272
inventory form, the rules shall authorize owners and operators 79273
of facilities who also have one or more facilities located 79274
outside the state for which they are required to submit 79275
inventory forms under the federal act and regulations adopted 79276
under it to submit their annual inventories on forms prescribed 79277
by the administrator of the United States environmental 79278
protection agency under that act instead of on forms prescribed 79279
by the commission and shall require those owners or operators to 79280
submit any additional information required by the commission's 79281
inventory form on an attachment to the federal form. 79282

(f) Establishing procedures for giving verbal notice of 79283
releases under section 3750.06 of the Revised Code and 79284
prescribing the information to be provided in such a notice and 79285
in the follow-up written notice required by that section; 79286

(g) Establishing standards for determining valid needs for 79287
the release of tier II information under division (B) (4) of 79288
section 3750.10 of the Revised Code; 79289

(h) Identifying the types or categories of information 79290
submitted or obtained under this chapter and rules adopted under 79291
it that constitute confidential business information; 79292

(i) Establishing criteria and procedures to protect trade 79293
secret and confidential business information from unauthorized 79294
disclosure; 79295

(j) Establishing other requirements or authorizations that 79296
the commission considers necessary or appropriate to implement, 79297
administer, and enforce this chapter. 79298

(2) Adopt rules in accordance with Chapter 119. of the 79299
Revised Code to implement and administer this chapter that may 79300
be more stringent than the "Emergency Planning and Community 79301
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, 79302
and regulations adopted under it. Rules adopted under division 79303
(B) (2) of this section shall not be inconsistent with that act 79304
or the regulations adopted under it. The rules shall: 79305

(a) Prescribe the information to be included in the 79306
chemical emergency response and preparedness plans prepared and 79307
submitted by local emergency planning committees under section 79308
3750.04 of the Revised Code; 79309

(b) Establish criteria and procedures for reviewing the 79310
chemical emergency response and preparedness plans of local 79311
emergency planning committees required by section 3750.04 of the 79312
Revised Code and the annual exercise of those plans and for 79313
providing concurrence or requesting modifications in the plans 79314
and the exercise of those plans. The criteria shall include, 79315

without limitation, the requirement that each exercise of a 79316
committee's plan involve, in addition to local emergency 79317
response and medical personnel, either a facility that is 79318
subject to the plan or a transporter of materials that are 79319
identified or listed as hazardous materials by regulations 79320
adopted under the "Hazardous Materials Transportation Act," 88 79321
Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended. 79322

(c) Establish policies and procedures for maintaining 79323
information submitted to the commission and local emergency 79324
planning committees under this chapter, and for receiving and 79325
fulfilling requests from the public for access to review and to 79326
obtain copies of that information. The criteria and procedures 79327
shall include the following requirements and authorizations 79328
regarding that information and access to it: 79329

(i) Information that is protected as trade secret 79330
information or confidential business information under this 79331
chapter and rules adopted under it shall be kept in files that 79332
are separate from those containing information that is not so 79333
protected. 79334

(ii) The original copies of information submitted to the 79335
commission or committee shall not be removed from the custody 79336
and control of the commission or committee. 79337

(iii) A person who, either in person or by mail, requests 79338
to obtain a copy of a material safety data sheet submitted under 79339
this chapter by a facility owner or operator shall submit a 79340
separate application for each facility for which a material 79341
safety data sheet is being requested. 79342

(iv) A person who requests to receive by mail a copy of 79343
information submitted under this chapter by a facility owner or 79344

operator shall submit a separate application for each facility 79345
for which information is being requested and shall specify both 79346
the facility for which information is being requested and the 79347
particular types of documents requested. 79348

(v) Only employees of the commission or committee shall 79349
copy information in the files of the commission or committee. 79350

(vi) The commission or committee may require any person 79351
who requests to review or obtain a copy of information in its 79352
files to schedule an appointment for that purpose with the 79353
information coordinator of the commission or committee at least 79354
twenty-four hours before arriving at the office of the 79355
commission or committee for the review or copy. 79356

(vii) Any person who seeks access to information in the 79357
files of the commission or a local emergency planning committee 79358
shall submit a written application, either in person or by mail, 79359
to the information coordinator on a form provided by the 79360
commission or committee. The person also shall provide the 79361
person's name and current mailing address on the application and 79362
may be requested by the commission or committee to provide basic 79363
demographic information on the form to assist in the evaluation 79364
of the information access provisions of this chapter and rules 79365
adopted under it. Application forms may be obtained by mail or 79366
in person or by request by telephone at the office of the 79367
commission or committee during regular business hours. Upon 79368
receipt of a request for an application by telephone or mail, 79369
the information coordinator shall promptly mail an application 79370
to the person who requested it. 79371

(viii) The application form shall provide the applicant 79372
with a means of indicating that the applicant's name and address 79373
are to be kept confidential. If the applicant so indicates, that 79374

information is not a public record under section 149.43 of the Revised Code and shall not be disclosed to any person who is not a member or employee of the commission or committee or an employee of the environmental protection agency. When a name and address are to be kept confidential, they also shall be deleted from the copy of the application required to be placed in the file of the facility under division (B)(2)(c)(xii) of this section and shall be withheld from any log of information requests kept by the commission or committee pursuant to that division.

(ix) Neither the commission nor a local emergency planning committee shall charge any fee for access to review information in its files when no copies or computer searches of that information are requested.

(x) An applicant shall be informed of the cost of copying, mailing, or conducting a computer search of information on file with the commission or committee before such a copy or search is made, and the commission or committee shall collect the appropriate fees as established under section 3750.13 of the Revised Code. Each applicant shall acknowledge on the application form that the applicant is aware that the applicant will be charged for copies and computer searches of that information the applicant requests and for the costs of mailing copies of the information to the applicant.

(xi) The commission or committee may require a person requesting copies of information on file with it to take delivery of them in the office of the commission or committee whenever it considers the volume of the information to be large enough to make mailing or delivery by a parcel or package delivery service impractical.

(xii) When the commission or committee receives a request 79405
for access to review or obtain copies of information in its 79406
files, it shall not routinely notify the owner or operator of 79407
the facility involved, but instead shall either keep a log or 79408
file of requests for the information or shall place a copy of 79409
each completed application form in the file for the facility to 79410
which the application pertains. Such a log or file shall be 79411
available for review by the public and by the owners and 79412
operators of facilities required to submit information to the 79413
commission or committee under this chapter and rules adopted 79414
under it. 79415

(d) Require that claims for the protection, as a trade 79416
secret, of information obtained under this chapter regarding 79417
extremely hazardous substances identified or listed in rules 79418
adopted under division (B) (1) (a) of this section and hazardous 79419
chemicals identified or listed in rules adopted under division 79420
(B) (1) (b) of this section be submitted to the administrator of 79421
the United States environmental protection agency for 79422
determination under section 322 of the the "Emergency Planning 79423
and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 79424
U.S.C.A. 11042, and regulations adopted under that section; 79425

(e) Establish criteria and procedures for the issuance of 79426
variances under divisions (B) and (C) of section 3750.11 of the 79427
Revised Code. The rules shall require that, before approval of 79428
an application for a variance, the commission or committee find 79429
by a preponderance of the scientific evidence based upon 79430
generally accepted scientific principles or laboratory tests 79431
that the extremely hazardous substances, hazardous chemicals, or 79432
hazardous substances that would be subject to the reporting 79433
requirement pose a substantial risk of catastrophic injury to 79434
public health or safety or to the environment, or pose an 79435

extraordinary risk of injury to emergency management personnel 79436
responding to a release of the chemicals or substances, when the 79437
substances or chemicals are present at a facility in an amount 79438
equal to or exceeding the quantity for which reporting would be 79439
required under the reporting requirement for which the variance 79440
is sought. The rules shall also require that before approval of 79441
an application for a variance, the commission or committee find 79442
by a preponderance of the evidence that the development and 79443
implementation of a local emergency response plan for releases 79444
of the substances or chemicals covered by the reporting 79445
requirement will reduce the risk of catastrophic injury to 79446
public health or safety or to the environment, or will reduce 79447
the extraordinary risk of injury to responding emergency 79448
management personnel, in the event of a release of the 79449
substances or chemicals and find by a preponderance of the 79450
evidence that the reporting requirement is necessary for the 79451
development of such a local emergency response plan. The rules 79452
shall require that when determining whether the substances or 79453
chemicals that would be subject to the reporting requirement 79454
pose a substantial risk of catastrophic injury to public health 79455
or safety or to the environment, or pose an extraordinary risk 79456
of injury to emergency management personnel responding to a 79457
release of the substance or chemical, the commission or 79458
committee consider all of the following factors: 79459

(i) The specific characteristics and degree and nature of 79460
the hazards posed by a release of the extremely hazardous 79461
substances, hazardous chemicals, or hazardous substances; 79462

(ii) The proximity of the facilities that would be subject 79463
to the reporting requirement to residential areas, to areas 79464
where significantly large numbers of people are employed or 79465
otherwise congregate, and to environmental resources that are 79466

subject to injury; 79467

(iii) The quantities of the extremely hazardous 79468
substances, hazardous chemicals, or hazardous substances that 79469
are routinely present at facilities that would be subject to the 79470
reporting requirement; 79471

(iv) The frequency with which the extremely hazardous 79472
substances, hazardous chemicals, or hazardous substances are 79473
present at the facilities that would be subject to the reporting 79474
requirement in quantities for which reporting would be required 79475
thereunder. 79476

(f) Establish criteria and procedures for the issuance of 79477
orders under division (D) of section 3750.11 of the Revised Code 79478
requiring the placement of emergency response lock box units. 79479
The rules shall require that before approval of an application 79480
for issuance of such an order, the commission or committee find 79481
by a preponderance of the scientific evidence based upon 79482
generally accepted scientific principles or laboratory tests 79483
that the presence of the extremely hazardous substances, 79484
hazardous chemicals, or hazardous substances in the quantities 79485
in which they are routinely or intermittently present at the 79486
facility for which the order is sought pose a substantial risk 79487
of catastrophic injury to public health or safety or to the 79488
environment, or pose an extraordinary risk of injury to 79489
responding emergency management personnel, in the event of a 79490
release of any of those substances or chemicals from the 79491
facility. The rules shall require that before approval of an 79492
application for issuance of such an order, the commission or 79493
committee also find by a preponderance of the evidence that the 79494
placement of an emergency response lock box unit at the facility 79495
is necessary to protect against the substantial risk of 79496

catastrophic injury to public health or safety or the 79497
environment, or to protect against an extraordinary risk of 79498
injury to responding emergency management personnel, in the 79499
event of a release of any of the extremely hazardous substances, 79500
hazardous chemicals, or hazardous substances routinely or 79501
intermittently present at the facility. The rules shall require 79502
that when determining whether the extremely hazardous 79503
substances, hazardous chemicals, or hazardous substances present 79504
at the facility pose a substantial risk of catastrophic injury 79505
to public health or safety or to the environment, or pose an 79506
extraordinary risk of injury to responding emergency management 79507
personnel, in the event of a release of any of those substances 79508
or chemicals from the facility, the commission or committee 79509
consider all of the following factors: 79510

(i) The specific characteristics and the degree and nature 79511
of the hazards posed by a release of the extremely hazardous 79512
substances, hazardous chemicals, or hazardous substances present 79513
at the facility; 79514

(ii) The proximity of the facility to residential areas, 79515
to areas where significantly large numbers of people are 79516
employed or otherwise congregate, and to environmental resources 79517
that are subject to injury; 79518

(iii) The quantities of the extremely hazardous 79519
substances, hazardous chemicals, or hazardous substances that 79520
are routinely present at the facility; 79521

(iv) The frequency with which the extremely hazardous 79522
substances, hazardous chemicals, or hazardous substances are 79523
present at the facility. 79524

(g) Establish procedures to be followed by the commission 79525

and the executive committee of the commission for the issuance 79526
of orders under this chapter. 79527

(3) In accordance with Chapter 119. of the Revised Code 79528
adopt rules establishing reportable quantities for releases of 79529
oil that are consistent with and equivalent in scope, content, 79530
and coverage to section 311 of the "Federal Water Pollution 79531
Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, 79532
as amended, and applicable regulations adopted under it; 79533

(4) Adopt rules in accordance with Chapter 119. of the 79534
Revised Code establishing criteria and procedures for 79535
identifying or listing extremely hazardous substances in 79536
addition to those identified or listed in rules adopted under 79537
division (B)(1)(a) of this section and for establishing 79538
threshold planning quantities and reportable quantities for the 79539
added extremely hazardous substances; for identifying or listing 79540
hazardous chemicals in addition to those identified or listed in 79541
rules adopted under division (B)(1)(b) of this section and for 79542
establishing threshold quantities and categories of health and 79543
physical hazards for the added hazardous chemicals; and for 79544
identifying or listing hazardous substances in addition to those 79545
identified or listed in rules adopted under division (B)(1)(c) 79546
of this section and for establishing reportable quantities for 79547
the added hazardous substances. The criteria for identifying or 79548
listing additional extremely hazardous substances and 79549
establishing threshold planning quantities and reportable 79550
quantities therefor and for identifying or listing additional 79551
hazardous chemicals and establishing threshold quantities and 79552
categories of health and physical hazards for the added 79553
hazardous chemicals shall be consistent with and equivalent to 79554
applicable criteria therefor under the "Emergency Planning and 79555
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 79556

U.S.C.A. 11001, and regulations adopted under it. The criteria 79557
for identifying additional hazardous substances and for 79558
establishing reportable quantities of the added hazardous 79559
substances shall be consistent with and equivalent to the 79560
applicable criteria for identifying or listing hazardous 79561
substances and establishing reportable quantities therefor under 79562
the "Comprehensive Environmental Response, Compensation, and 79563
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 79564
amended, and regulations adopted under it. 79565

The rules shall require that, before identifying or 79566
listing any such additional extremely hazardous substance, 79567
hazardous chemical, or hazardous substance and establishing a 79568
threshold planning quantity, threshold quantity, or reportable 79569
quantity therefor, the commission find by a preponderance of the 79570
scientific evidence based on generally accepted scientific 79571
principles or laboratory tests that the substance or chemical 79572
poses a substantial risk of catastrophic injury to public health 79573
or safety or to the environment, or poses an extraordinary risk 79574
of injury to emergency management personnel responding to a 79575
release of the chemical or substance, when the chemical or 79576
substance is present at a facility in an amount equal to the 79577
proposed threshold planning quantity or threshold quantity or, 79578
in the instance of a proposed additional extremely hazardous 79579
substance or hazardous substance, poses a substantial risk of 79580
catastrophic injury to public health or safety or to the 79581
environment if a release of the proposed reportable quantity of 79582
the substance occurs. The rules shall further require that, 79583
before so identifying or listing a substance or chemical, the 79584
commission find by a preponderance of the evidence that the 79585
development and implementation of state or local emergency 79586
response plans for releases of the substance or chemical will 79587

reduce the risk of a catastrophic injury to public health or 79588
safety or to the environment, or will reduce the extraordinary 79589
risk of injury to responding emergency response personnel, in 79590
the event of a release of the substance or chemical and find by 79591
a preponderance of the evidence that the identification or 79592
listing of the substance or chemical is necessary for the 79593
development of state or local emergency response plans for 79594
releases of the substance or chemical. The rules shall require 79595
that the commission consider the toxicity of the substance or 79596
chemical in terms of both the short-term and long-term health 79597
effects resulting from exposure to it and its reactivity, 79598
volatility, dispersibility, combustibility, and flammability 79599
when determining the risks posed by a release of the substance 79600
or chemical and, as appropriate, when establishing a threshold 79601
planning quantity, threshold quantity, reportable quantity, or 79602
category of health or physical hazard for it. 79603

(5) Adopt rules in accordance with Chapter 119. of the 79604
Revised Code establishing criteria and procedures for receiving 79605
and deciding claims for protection of information as a trade 79606
secret that are applicable only to extremely hazardous 79607
substances and hazardous chemicals identified or listed in rules 79608
adopted under division (C) (5) of this section. The rules shall 79609
be equivalent in scope, content, and coverage to section 322 of 79610
the "Emergency Planning and Community Right-To-Know Act of 79611
1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations 79612
adopted under it. 79613

(6) (a) After consultation with the fire marshal, adopt 79614
rules in accordance with Chapter 119. of the Revised Code 79615
establishing standards for the construction, placement, and use 79616
of emergency response lock box units at facilities that are 79617
subject to this chapter. The rules shall establish all of the 79618

following: 79619

(i) Specific standards of construction for lock box units; 79620

(ii) The specific types of information that shall be 79621
placed in the lock box units required to be placed at a facility 79622
by an order issued under division (D) of section 3750.11 of the 79623
Revised Code, which shall include the location of on-site 79624
emergency fire-fighting and spill cleanup equipment; a diagram 79625
of the public and private water supply and sewage systems 79626
serving the facility that are known to the owner or operator of 79627
the facility; a copy of the emergency and hazardous chemical 79628
inventory form for the facility most recently required to be 79629
submitted under section 3750.08 of the Revised Code from which 79630
the owner or operator may withhold information claimed or 79631
determined to be trade secret information pursuant to rules 79632
adopted under division (B) (2) (d) of this section, or pursuant to 79633
division (B) (14) of this section and rules adopted under 79634
division (B) (5) of this section, and confidential business 79635
information identified in rules adopted under division (B) (1) (h) 79636
of this section; a copy of the local fire department's and 79637
facility's emergency management plans for the facility, if any; 79638
a current list of the names, positions, addresses, and telephone 79639
numbers of all key facility personnel knowledgeable in facility 79640
safety procedures and the locations at the facility where 79641
extremely hazardous substances, hazardous chemicals, and 79642
hazardous substances are produced, used, or stored. The rules 79643
shall stipulate that, in the instance of lock box units placed 79644
voluntarily at facilities by the owners or operators of the 79645
facilities, such information shall be maintained in them as is 79646
prescribed by agreement by the owner or operator and the fire 79647
department having jurisdiction over the facility. 79648

(iii) The conditions that shall be met in order to provide 79649
safe and expedient access to a lock box unit during a release or 79650
threatened release of an extremely hazardous substance, 79651
hazardous chemical, or hazardous substance. 79652

(b) Unless the owner or operator of a facility is issued 79653
an order under division (D) of section 3750.11 of the Revised 79654
Code requiring the owner or operator to place a lock box unit at 79655
the facility, the owner or operator may place a lock box unit at 79656
the facility at the owner's or operator's discretion. If the 79657
owner or operator chooses to place a lock box unit at the 79658
facility, the responsibility to deposit information in the lock 79659
box unit is in addition to any other obligations established in 79660
this chapter. 79661

(c) Any costs associated with the purchase, construction, 79662
or placement of a lock box unit shall be paid by the owner or 79663
operator of the facility. 79664

(7) In accordance with Chapter 119. of the Revised Code, 79665
adopt rules governing the application for and awarding of grants 79666
under division (C) of section 3750.14 and division (B) of 79667
section 3750.15 of the Revised Code; 79668

(8) Adopt rules in accordance with Chapter 119. of the 79669
Revised Code establishing reasonable maximum fees that may be 79670
charged by the commission and local emergency planning 79671
committees for copying information in the commission's or 79672
committee's files to fulfill requests from the public for that 79673
information; 79674

(9) Adopt internal management rules governing the 79675
operations of the commission. The internal management rules 79676
shall establish an executive committee of the commission 79677

consisting of the director of environmental protection or the 79678
director's designee, the director of public safety or the 79679
director's designee, the attorney general or the attorney 79680
general's designee, one of the appointed members of the 79681
commission representing industries subject to this chapter to be 79682
appointed by the commission, one of the appointed members of the 79683
commission representing the interests of environmental advocacy 79684
organizations to be appointed by the commission, and one other 79685
appointed member or member ex officio of the commission to be 79686
appointed by the commission. The executive committee has 79687
exclusive authority to issue enforcement orders under section 79688
3750.18 of the Revised Code and to request the attorney general 79689
to bring a civil action, civil penalty action, or criminal 79690
action under section 3750.20 of the Revised Code in the name of 79691
the commission regarding violations of this chapter, rules 79692
adopted under it, or orders issued under it. The internal 79693
management rules may set forth the other specific powers and 79694
duties of the commission that the executive committee may 79695
exercise and carry out and the conditions under which the 79696
executive committee may do so. The internal management rules 79697
shall not authorize the executive committee to issue variances 79698
under division (B) or (C) of section 3750.11 of the Revised Code 79699
or orders under division (D) of that section. 79700

(10) Oversee and coordinate the implementation and 79701
enforcement of this chapter and make such recommendations to the 79702
director of environmental protection and the director of public 79703
safety as it considers necessary or appropriate to improve the 79704
implementation and enforcement of this chapter; 79705

(11) Make allocations of moneys under division (B) of 79706
section 3750.14 of the Revised Code and make grants under 79707
division (C) of section 3750.14 and division (B) of section 79708

3750.15 of the Revised Code; 79709

(12) Designate an officer of the environmental protection 79710
agency to serve as the commission's information coordinator 79711
under this chapter; 79712

(13) Not later than December 14, 1989, develop and 79713
distribute a state emergency response plan that defines the 79714
emergency response roles and responsibilities of the state 79715
agencies that are represented on the commission and that 79716
provides appropriate coordination with the national contingency 79717
plan and the regional contingency plan required by section 105 79718
of the "Comprehensive Environmental Response, Compensation, and 79719
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 79720
amended. The plan shall ensure a well-coordinated response by 79721
state agencies that may be involved in assisting local emergency 79722
responders during a major release of oil or a major sudden and 79723
accidental release of a hazardous substance or extremely 79724
hazardous substance. The plan may incorporate existing state 79725
emergency response plans by reference. At least annually, the 79726
commission and the state agencies that are represented on it 79727
shall jointly exercise the state plan in conjunction with the 79728
exercise of a local emergency response plan by a local emergency 79729
planning committee under section 3750.04 of the Revised Code. 79730
After any such exercise, the commission shall review the state 79731
plan and make such revisions in it as the commission considers 79732
necessary or appropriate. 79733

(14) Receive and decide claims for the protection of 79734
information as a trade secret that pertain only to extremely 79735
hazardous substances and hazardous chemicals identified or 79736
listed by rules adopted under division (C)(5) of this section. 79737
If the commission determines that the claim meets the criteria 79738

established in rules adopted under division (B) (5) of this 79739
section, it shall issue an order to that effect in accordance 79740
with section 3750.18 of the Revised Code. If the commission 79741
determines that the claim does not meet the criteria established 79742
in those rules, it shall issue an order to that effect in 79743
accordance with section 3750.18 of the Revised Code. 79744

(15) Annually compile, make available to the public, and 79745
submit to the president of the senate and the speaker of the 79746
house of representatives a summary report on the number of 79747
facilities estimated to be subject to regulation under sections 79748
3750.05, 3750.07, and 3750.08 of the Revised Code, the number of 79749
facilities reporting to the commission, an estimate of the 79750
percentage of facilities in compliance with those sections, and 79751
recommendations regarding the types of activities the commission 79752
considers necessary to improve such compliance. The commission 79753
shall base its estimate of the number of facilities that are 79754
subject to regulation under those sections on the current 79755
estimates provided by the local emergency planning committees 79756
under division (D) (6) of section 3750.03 of the Revised Code. 79757

(C) The commission may: 79758

(1) Procure by contract the temporary or intermittent 79759
services of experts or consultants when those services are to be 79760
performed on a part-time or fee-for-service basis and do not 79761
involve the performance of administrative duties; 79762

(2) Enter into contracts or agreements with political 79763
subdivisions or emergency planning districts for the purposes of 79764
this chapter; 79765

(3) Accept on behalf of the state any gift, grant, or 79766
contribution from any governmental or private source for the 79767

purposes of this chapter; 79768

(4) Enter into contracts, agreements, or memoranda of 79769
understanding with any state department, agency, board, 79770
commission, or institution to obtain the services of personnel 79771
thereof or utilize resources thereof for the purposes of this 79772
chapter. Employees of a state department, agency, board, 79773
commission, or institution providing services to the commission 79774
under any such contract, agreement, or memorandum shall perform 79775
only those functions and provide only the services provided for 79776
in the contract, agreement, or memorandum. 79777

(5) Identify or list extremely hazardous substances in 79778
addition to those identified or listed in rules adopted under 79779
division (B)(1)(a) of this section and establish threshold 79780
planning quantities and reportable quantities for the additional 79781
extremely hazardous substances, identify or list hazardous 79782
chemicals in addition to those identified or listed in rules 79783
adopted under division (B)(1)(b) of this section and establish 79784
threshold quantities and categories of health and physical 79785
hazards for the added chemicals, and identify or list hazardous 79786
substances in addition to those identified or listed in rules 79787
adopted under division (B)(1)(c) of this section and establish 79788
reportable quantities for the added hazardous substances. The 79789
commission may establish threshold planning quantities for the 79790
additional extremely hazardous substances based upon classes of 79791
those substances or categories of facilities at which they are 79792
present and may establish threshold quantities for the 79793
additional hazardous chemicals based upon classes of those 79794
chemicals or categories of facilities where they are present. 79795
The commission shall identify or list such additional substances 79796
or chemicals and establish threshold planning quantities, 79797
threshold quantities, reportable quantities, and hazard 79798

categories therefor in accordance with the criteria and 79799
procedures established in rules adopted under division (B) (4) of 79800
this section and, after compliance with those criteria and 79801
procedures, by the adoption of rules in accordance with Chapter 79802
119. of the Revised Code. The commission shall not adopt rules 79803
under division (C) (5) of this section modifying any threshold 79804
planning quantity established in rules adopted under division 79805
(B) (1) (a) of this section, any threshold quantity established in 79806
rules adopted under division (B) (1) (b) of this section, or any 79807
reportable quantity established in rules adopted under division 79808
(B) (1) (c) of this section. 79809

If, after the commission has adopted rules under division 79810
(C) (5) of this section identifying or listing an extremely 79811
hazardous substance, hazardous chemical, or hazardous substance, 79812
the administrator of the United States environmental protection 79813
agency identifies or lists the substance or chemical as an 79814
extremely hazardous substance or hazardous chemical under the 79815
"Emergency Planning and Community Right-To-Know Act of 1986," 79816
100 Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a 79817
substance as a hazardous substance under the "Comprehensive 79818
Environmental Response, Compensation, and Liability Act of 79819
1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, the 79820
commission shall rescind its rules adopted under division (C) (5) 79821
of this section pertaining to the substance or chemical and 79822
adopt the appropriate rules under division (B) (1) (a), (b), or 79823
(c) of this section. 79824

(6) From time to time, request the director of 79825
environmental protection and the executive director of the 79826
emergency management agency to review implementation, 79827
administration, and enforcement of the chemical emergency 79828
response planning and reporting programs created by this chapter 79829

and rules adopted under it regarding their effectiveness in 79830
preparing for response to releases of extremely hazardous 79831
substances, hazardous chemicals, and hazardous substances. After 79832
completion of any such review, the director of environmental 79833
protection and the director of public safety shall report their 79834
findings to the commission. Upon receipt of their findings, the 79835
commission may make such recommendations for legislative and 79836
administrative action as the commission finds necessary or 79837
appropriate to promote achievement of the purposes of this 79838
chapter. 79839

(D) Except as provided in section 3750.06 of the Revised 79840
Code, nothing in this chapter applies to the transportation, 79841
including the storage incident to transportation, of any 79842
substance or chemical subject to the requirements of this 79843
chapter, including the transportation and distribution of 79844
natural gas. 79845

(E) This chapter authorizes the state, through the 79846
emergency response commission, the department of public safety, 79847
and the environmental protection agency, to establish and 79848
maintain chemical emergency response planning and preparedness, 79849
community right-to-know, and hazardous substance and extremely 79850
hazardous substance release reporting programs that are 79851
consistent with and equivalent in scope, coverage, and content 79852
to the "Emergency Planning and Community Right-To-Know Act of 79853
1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations 79854
adopted under it, except as otherwise specifically required or 79855
authorized in this chapter. The commission, department, and 79856
agencies may do all things necessary, incidental, or appropriate 79857
to implement, administer, and enforce this chapter and to 79858
perform the duties and exercise the powers of the state 79859
emergency response commission under that act and regulations 79860

adopted under it and under this chapter. 79861

Sec. 3769.088. (A) (1) If any permit holder required by 79862
this chapter to pay the taxes levied by sections 3769.08, 79863
3769.087, 3769.26, and 3769.28 of the Revised Code fails to pay 79864
the taxes as required, the tax commissioner may make an 79865
assessment against the permit holder based upon any information 79866
in the commissioner's possession. 79867

(2) If a permit holder required to remit taxes or file a 79868
report electronically in the manner prescribed under section 79869
3769.103 of the Revised Code fails to do so, the tax 79870
commissioner may impose an additional penalty of fifty dollars 79871
or ten per cent of the tax due as shown on the report, whichever 79872
is greater. 79873

(3) A penalty of up to fifteen per cent may be added to 79874
the amount of every assessment made under this section. 79875

~~(4) The commissioner may adopt rules providing for the 79876
imposition and remission of penalties added to assessments made 79877
under this section. 79878~~

~~(5) The commissioner shall give the party assessed written 79879
notice of the assessment in the manner provided in section 79880
5703.37 of the Revised Code. With the notice, the commissioner 79881
shall provide instructions on how to petition for reassessment 79882
and request a hearing on the petition. 79883~~

(B) Unless the party assessed files with the tax 79884
commissioner within sixty days after service of the notice of 79885
assessment, ~~either personally or by certified mail,~~ a written 79886
petition for reassessment signed by the party assessed or that 79887
party's authorized agent having knowledge of the facts, the 79888
assessment becomes final and the amount of the assessment is due 79889

and payable from the party assessed to the commissioner. The 79890
petition shall indicate the objections of the party assessed, 79891
but additional objections may be raised in writing if received 79892
by the commissioner prior to the date shown on the final 79893
determination. If the petition has been properly filed, the 79894
commissioner shall proceed under section 5703.60 of the Revised 79895
Code. 79896

(C) After an assessment becomes final, if any portion of 79897
the assessment remains unpaid, including accrued interest, a 79898
certified copy of the tax commissioner's entry making the 79899
assessment final may be filed in the office of the clerk of the 79900
court of common pleas in the county in which the place, track, 79901
or enclosure for which the permit was issued is located or the 79902
county in which the party assessed resides or has its principal 79903
place of business. If the party assessed maintains no place of 79904
business in this state and is not a resident of this state, the 79905
certified copy of the entry may be filed in the office of the 79906
clerk of the court of common pleas of Franklin county. 79907

Immediately upon the filing of the entry, the clerk shall 79908
enter a judgment for the state against the party assessed in the 79909
amount shown on the entry. The judgment may be filed by the 79910
clerk in a loose-leaf book entitled "special judgments for state 79911
horse racing tax," and shall have the same effect as other 79912
judgments. Execution shall issue upon the judgment upon the 79913
request of the tax commissioner, and all laws applicable to 79914
sales on execution shall apply to sales made under the judgment. 79915

If the assessment is not paid in its entirety within sixty 79916
days after the day the assessment was issued, the portion of the 79917
assessment consisting of tax due shall bear interest at the rate 79918
per annum prescribed by section 5703.47 of the Revised Code from 79919

the day the tax commissioner issues the assessment until the day 79920
the assessment is paid or until it is certified to the attorney 79921
general for collection under section 131.02 of the Revised Code, 79922
whichever comes first. If the unpaid portion of the assessment 79923
is certified to the attorney general for collection, the entire 79924
unpaid portion of the assessment shall bear interest at the rate 79925
per annum prescribed by section 5703.47 of the Revised Code from 79926
the date of certification until the date it is paid in its 79927
entirety. Interest shall be paid in the same manner as the tax 79928
and may be collected by the issuance of an assessment under this 79929
section. 79930

(D) All money collected by the tax commissioner under this 79931
section shall be treated as revenue arising from the taxes 79932
imposed by sections 3769.08, 3769.087, 3769.26, and 3769.28 of 79933
the Revised Code. 79934

Sec. 3770.071. (A) As used in this section, "lottery prize 79935
award" does not include a prize award from a video lottery 79936
terminal and does not include winnings from lottery sports 79937
gaming, except that "lottery prize award" includes winnings from 79938
lottery sports gaming wagers placed through a terminal described 79939
in division (B) (3) of section 3770.24 of the Revised Code. 79940

(B) If the amount of the prize money or the cost of goods 79941
or services awarded as a lottery prize award meets or exceeds 79942
the reportable winnings amounts set by 26 U.S.C. 6041, or a 79943
subsequent analogous section of the Internal Revenue Code, the 79944
director of the state lottery commission or the director's 79945
designee shall consult the data match program established under 79946
section 3123.89 of the Revised Code to determine whether the 79947
person is subject to a final and enforceable determination of 79948
default made under sections 3123.01 to 3123.07 of the Revised 79949

Code. If so, the director or the director's designee shall 79950
withhold an amount from the prize award in accordance with 79951
section 3123.89 of the Revised Code. 79952

Sec. 3770.072. (A) As used in this section, "prize 79953
winner," and "transferee," and "transferor" have the same 79954
meanings as in section 3770.10 of the Revised Code. 79955

(B) The state lottery commission shall deduct amounts from 79956
lottery prize awards and file returns in accordance with 79957
~~sections~~ section 5747.062 and ~~5747.064~~ of the Revised Code and 79958
any rules adopted by the tax commissioner pursuant to ~~those~~ 79959
~~sections~~ that section. This division also applies to lottery 79960
prize award payments the commission remits to transferees. 79961

~~(C) (1) (a)~~ (C) (1) Each transferee shall deduct and withhold 79962
from each gross amount payable to each prize winner four per 79963
cent of the gross amount payable prior to making any other 79964
reduction required by this chapter. 79965

~~(b) Subject to division (C) (1) (c) of this section, each~~ 79966
~~transferee, including any transferee that is a related member,~~ 79967
~~as defined in section 5733.042 of the Revised Code, to the~~ 79968
~~transferor, shall deduct and withhold from each amount payable~~ 79969
~~to a transferor that is not a prize winner four per cent of the~~ 79970
~~portion of the payment representing gain or income the~~ 79971
~~transferor will recognize in connection with the payment.~~ 79972

~~(c) For purposes of division (C) (1) (b) of this section,~~ 79973
~~the portion of any payment representing gain or income~~ 79974
~~recognized by the transferor shall be computed in accordance~~ 79975
~~with the Internal Revenue Code. The transferor shall prepare a~~ 79976
~~written statement setting forth that amount and sign the~~ 79977
~~statement under penalty of perjury. Within five days before the~~ 79978

~~date on which the payment is to be made, the transferor shall~~ 79979
~~deliver the written statement to the transferee and deliver a~~ 79980
~~copy of the written statement to the tax commissioner. If the~~ 79981
~~transferee does not receive the written statement by the time~~ 79982
~~the payment is made, the transferee shall withhold four per cent~~ 79983
~~of the entire amount of the payment. If the tax commissioner~~ 79984
~~notifies the transferee that the transferor has erroneously~~ 79985
~~computed the amount of gain or income recognized, the transferee~~ 79986
~~shall withhold four per cent of the entire amount of each~~ 79987
~~payment to be made after the transferee receives the notice.~~ 79988

~~(d) The tax commissioner may impose a penalty of up to one~~ 79989
~~thousand dollars for any person failing to timely deliver to the~~ 79990
~~tax commissioner the copy of the written statement as required~~ 79991
~~by division (C) (1) (c) of this section. Proceeds from the~~ 79992
~~imposition of the penalty shall be considered as revenue arising~~ 79993
~~from the tax imposed under section 5733.06 or 5747.02 of the~~ 79994
~~Revised Code, as applicable.~~ 79995

(2) With respect to amounts deducted and withheld pursuant 79996
to division (C) (1) of this section, each transferee shall comply 79997
with divisions (A) (2) to (4) of section 5747.062 of the Revised 79998
Code. 79999

(3) An employee of a corporation, limited liability 80000
company, or business trust having control or supervision of or 80001
charged with the responsibility of filing the report and making 80002
the payment required by division (C) of this section and section 80003
5747.062 of the Revised Code, or an officer, member, manager, or 80004
trustee of a corporation, limited liability company, or business 80005
trust who is responsible for the execution of the corporation's, 80006
limited liability company's, or business trust's fiscal 80007
responsibilities, shall be personally liable for failure to file 80008

the report or pay the amount due as required by division (C) of 80009
this section and section 5747.062 of the Revised Code. The 80010
dissolution, termination, or bankruptcy of a corporation, 80011
limited liability company, or business trust does not discharge 80012
a responsible officer's, member's, manager's, employee's, or 80013
trustee's liability for a failure of the corporation, limited 80014
liability company, or business trust to file returns or pay the 80015
amount due. 80016

(4) (a) The tax commissioner may make an assessment against 80017
any person listed in division (C) (1) or (3) of this section for 80018
any deficiency for any period. Section 5747.13 of the Revised 80019
Code shall apply with respect to issuing assessments, filing 80020
petitions for reassessments, conducting hearings, issuing final 80021
determinations, making the assessment final, and filing the 80022
entry that makes the assessment final. Section 5717.02 of the 80023
Revised Code shall apply to appeals of the commissioner's final 80024
decision in connection with assessments issued pursuant to 80025
division (C) (4) of this section. 80026

(b) An assessment issued against any person listed in 80027
division (C) (1) or (3) of this section shall not be considered 80028
an election of remedies or a bar to an assessment against any 80029
other person for the failure to comply with division (C) (1) of 80030
this section. No assessment shall be issued against any person 80031
who is so listed if the amount required to be withheld has been 80032
paid by another. 80033

(c) The assessment shall include interest at the rate per 80034
annum prescribed by section 5703.47 of the Revised Code on 80035
liability from the time the payment is due until the date of 80036
assessment. Interest shall continue to accrue from the date of 80037
assessment until the date the assessment is paid in full. Any 80038

interest accruing subsequent to the date of the issuance of the 80039
assessment shall be considered to be an additional deficiency 80040
for which the tax commissioner may issue subsequent assessments. 80041
The initial assessment and any subsequent assessments may 80042
include a penalty in an amount not to exceed twice the 80043
applicable interest charged under this division. 80044

Sec. 3770.073. (A) As used in this section, "lottery prize 80045
award" does not include a prize award from a video lottery 80046
terminal and does not include winnings from lottery sports 80047
gaming, except that "lottery prize award" includes winnings from 80048
lottery sports gaming wagers placed through a terminal described 80049
in division (B) (3) of section 3770.24 of the Revised Code. 80050

(B) The attorney general shall provide the state lottery 80051
commission or its designee with access to the real time data 80052
match program described in sections 3772.37 and 3775.16 of the 80053
Revised Code for the purpose of identifying prize winners who 80054
owe amounts to the state or a political subdivision. 80055

(C) If a person is entitled to a lottery prize award and 80056
is indebted to the state for the payment of any tax, workers' 80057
compensation premium, unemployment contribution, payment in lieu 80058
of unemployment contribution, or certified claim under section 80059
131.02 or 131.021 of the Revised Code, ~~or~~ is indebted to a 80060
political subdivision that has a certified claim under section 80061
131.02 of the Revised Code, owes lottery sales receipts held in 80062
trust on behalf of the state lottery commission as described in 80063
division (H) (4) of section 3770.05 of the Revised Code, or owes 80064
any charge, penalty, or interest arising from ~~these~~ any of those 80065
debts and if the amount of the prize money or the cost of goods 80066
or services awarded as a lottery prize award meets or exceeds 80067
the reportable winnings amount set by 26 U.S.C. 6041, the 80068

director of the state lottery commission, or the director's 80069
designee, shall do either of the following: 80070

(1) If the prize award will be paid in a lump sum, deduct 80071
from the prize award and pay to the attorney general an amount 80072
in satisfaction of the debt and pay any remainder to that 80073
person. If the amount of the prize award is less than the amount 80074
of the debt, the entire amount of the prize award shall be 80075
deducted and paid in partial satisfaction of the debt. 80076

(2) If the prize award will be paid in annual 80077
installments, on the date the initial installment payment is 80078
due, deduct from that installment and pay to the attorney 80079
general an amount in satisfaction of the debt and, if necessary 80080
to collect the full amount of the debt, do the same for any 80081
subsequent annual installments, at the time the installments 80082
become due and owing to the person, until the debt is fully 80083
satisfied. 80084

~~(B)~~ (D) If a person entitled to a lottery prize award owes 80085
more than one debt, any debt owed to the state shall be 80086
satisfied first, subject to both section 5739.33 and division 80087
(G) of section 5747.07 of the Revised Code having first 80088
priority, and subject to division ~~(C)~~ (E) of this section. 80089

~~(C)~~ (E) Any debt owed under section 3770.071 of the 80090
Revised Code shall be satisfied with first priority over debts 80091
owed under this section. 80092

~~(D)~~ (F) Except as provided in section 131.021 of the 80093
Revised Code, this section applies only to debts that have 80094
become final. 80095

Sec. 3770.074. If the amount of a prize award from a video 80096
lottery terminal meets or exceeds the reportable winnings amount 80097

set by 26 U.S.C. 6041, the video lottery sales agent shall 80098
consult the data match program established under section 3123.89 80099
of the Revised Code to determine whether the person is subject 80100
to a final and enforceable determination of default made under 80101
sections 3123.01 to 3123.07 of the Revised Code. If so, the 80102
video lottery sales agent shall withhold an amount from the 80103
prize award in accordance with section 3123.89 of the Revised 80104
Code. 80105

Sec. 3770.075. (A) The attorney general shall provide each 80106
video lottery sales agent with access to the real time data 80107
match program described in sections 3772.37 and 3775.16 of the 80108
Revised Code for the purpose of identifying prize winners who 80109
owe amounts to the state or a political subdivision. 80110

(B) If a person is entitled to a prize award from a video 80111
lottery terminal that meets or exceeds the reportable winnings 80112
amount set by 26 U.S.C. 6041 and the person is indebted to the 80113
state for the payment of any tax, workers' compensation premium, 80114
unemployment contribution, payment in lieu of unemployment 80115
contribution, or certified claim under section 131.02 or 131.021 80116
of the Revised Code, is indebted to a political subdivision that 80117
has a certified claim under section 131.02 of the Revised Code, 80118
owes lottery sales receipts held in trust on behalf of the state 80119
lottery commission as described in division (H) (4) of section 80120
3770.05 of the Revised Code, or owes any charge, penalty, or 80121
interest arising from any of those debts, the video lottery 80122
sales agent shall deduct from the prize award and pay to the 80123
attorney general an amount in satisfaction of the debt and pay 80124
any remainder to that person. If the amount of the prize award 80125
is less than the amount of the debt, the entire amount of the 80126
prize award shall be deducted and paid in partial satisfaction 80127
of the debt. 80128

(C) If a person entitled to a prize award from a video lottery terminal owes more than one debt, any debt owed to the state shall be satisfied first, subject to both section 5739.33 and division (G) of section 5747.07 of the Revised Code having first priority, and subject to division (C) of this section.

(D) Any debt owed under section 3770.074 of the Revised Code shall be satisfied with first priority over debts owed under this section.

(E) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

Sec. 3770.10. As used in sections 3770.07 to ~~3770.073~~ 3770.075 and 3770.10 to 3770.14 of the Revised Code:

(A) "Court of competent jurisdiction" means either the general division or the probate division of the court of common pleas of the county in which the prize winner ~~or transferor~~ resides, or, if the prize winner ~~or transferor~~ is not a resident of this state, either the general division or the probate division of the court of common pleas of Franklin county or a federal court having jurisdiction over the lottery prize award.

(B) "Discounted present value" means the present value of the future payments of a lottery prize award that is determined by discounting those payments to the present, using the most recently published applicable federal rate for determining the present value of an annuity as issued by the United States internal revenue service and assuming daily compounding.

(C) "Independent professional advice" means the advice of ~~an attorney, a certified public accountant, an actuary, or any other~~ a licensed professional adviser if all of the following apply:

(1) The prize winner has engaged the services of the 80158
licensed professional adviser to render advice concerning the 80159
legal, financial, and other implications of a transfer of the 80160
lottery prize award. 80161

(2) The licensed professional adviser is not affiliated in 80162
any manner with or compensated in any manner by the transferee 80163
of the lottery prize award. 80164

(3) The compensation of the licensed professional adviser 80165
is not affected by whether or not a transfer of a lottery prize 80166
award occurs. 80167

(D) "Prize winner" means any person that holds the right 80168
to receive all or any part of a lottery prize award as a result 80169
of being any of the following: 80170

(1) A person who is a claimant under division (A) of 80171
section 3770.07 of the Revised Code; 80172

(2) A person who is entitled to a prize award and who is 80173
under a legal disability as described in division (B) of section 80174
3770.07 of the Revised Code; 80175

(3) A person who was awarded a prize award to which 80176
another has claimed title by a federal bankruptcy court order or 80177
other court order referred to in division (D) of section 3770.07 80178
of the Revised Code; 80179

(4) A person who is receiving payments upon the death of a 80180
prize winner as provided in division (D) of section 3770.07 of 80181
the Revised Code. 80182

(E) "Transfer" means any form of sale, assignment, or 80183
redirection of payment of ~~all or any part~~ the remainder of a 80184
lottery prize award for consideration. 80185

(F) "Transfer agreement" means an agreement that is 80186
complete and valid, and that provides for the transfer of ~~all or~~ 80187
~~any part~~ the remainder of a lottery prize award from a 80188
~~transferor prize winner~~ to a transferee. A transfer agreement is 80189
incomplete and invalid unless the agreement contains both of the 80190
following: 80191

(1) A statement, signed by the ~~transferor prize winner~~ 80192
under penalties of perjury, that the ~~transferor prize winner~~ 80193
irrevocably agrees that the ~~transferor prize winner~~ is subject 80194
to the tax imposed by Chapter 5733. or 5747. of the Revised Code 80195
with respect to gain or income which the ~~transferor prize winner~~ 80196
will recognize in connection with the transfer. ~~If the~~ 80197
~~transferor is a pass-through entity, as defined in section~~ 80198
~~5733.04 of the Revised Code, each investor in the pass-through~~ 80199
~~entity shall also sign under penalties of perjury a statement~~ 80200
~~that the investor irrevocably agrees that the investor is~~ 80201
~~subject to the tax imposed by Chapter 5733. or 5747. of the~~ 80202
~~Revised Code with respect to gain or income which the transferor~~ 80203
~~and the investor will recognize in connection with the transfer.~~ 80204

(2) A statement, signed by the transferee, that the 80205
transferee irrevocably agrees that the transferee is subject to 80206
the withholding requirements imposed by division (C) of section 80207
3770.072 of the Revised Code and that the transferee is subject 80208
to the tax imposed by Chapter 5733. or 5747. of the Revised Code 80209
with respect to gain or income which the transferee will 80210
recognize in connection with a lottery prize awards award to be 80211
received as a result of the transfer. If the transferee is a 80212
pass-through entity, as defined in section 5733.04 of the 80213
Revised Code, each investor in the pass-through entity shall 80214
also sign under penalties of perjury a statement setting forth 80215
that the investor irrevocably agrees that the investor is 80216

subject to the withholding requirements imposed by division (C) 80217
of section 3770.072 of the Revised Code and is subject to the 80218
tax imposed by Chapter 5733. or 5747. of the Revised Code with 80219
respect to gain or income which the transferee and the investor 80220
will recognize in connection with a lottery prize ~~awards~~ award 80221
to be received as a result of the transfer. 80222

(G) "Transferee" means a party acquiring or proposing to 80223
acquire ~~all or any part~~ the remainder of a lottery prize award 80224
from a prize winner through a transfer. 80225

(H) ~~"Transferor" means either a prize winner or a~~ 80226
~~transferee in an earlier transfer whose interest is acquired by~~ 80227
~~or is sought to be acquired by a transferee or a new transferee~~ 80228
~~through a transfer.~~ "Licensed professional adviser" means any of 80229
the following: 80230

(1) An attorney; 80231

(2) A certified public accountant; 80232

(3) An actuary; 80233

(4) A financial planner who is accredited by a nationally 80234
recognized accreditation agency. 80235

(I) "Lottery prize award" includes winnings from lottery 80236
sports gaming, except as otherwise specified in the applicable 80237
section of the Revised Code. 80238

(J) "Video lottery terminal" has the same meaning as in 80239
section 3770.21 of the Revised Code. 80240

(K) "Video lottery sales agent" means an agent of the 80241
state lottery authorized to operate video lottery terminals 80242
under section 3770.21 of the Revised Code. 80243

Sec. 3770.12. A court of competent jurisdiction shall 80244
approve a transfer of a lottery prize award only in a final 80245
order that is based on express findings of the court. The court 80246
shall approve the transfer if each of the following conditions 80247
that applies is met and is included in the court's express 80248
findings: 80249

(A) ~~If the transferor is a prize winner, the~~ The 80250
transferee has provided to the prize winner a disclosure 80251
statement that complies with section 3770.11 of the Revised 80252
Code, and the prize winner has confirmed the prize winner's 80253
receipt of the disclosure statement, as evidenced by the prize 80254
winner's notarized signature on a copy of the disclosure 80255
statement. 80256

(B) ~~If the transferor is a~~ The prize winner, the prize 80257
~~winner~~ has received independent professional advice regarding 80258
the legal, financial, and other implications of the transfer, as 80259
evidenced by a statement signed under penalty of perjury by the 80260
prize winner and the licensed professional adviser. 80261

(C) The transferee has given written notice of the 80262
transferee's name, address, and taxpayer identification number 80263
to the state lottery commission and has filed a copy of that 80264
notice with the court in which the application for approval of 80265
the transfer was filed. 80266

(D) The transferee is a trust, limited partnership, 80267
general partnership, corporation, professional association, 80268
limited liability company, or other entity that is qualified to 80269
do business in this state and meets the registration 80270
requirements for that type of entity under Title XVII of the 80271
Revised Code. 80272

(E) The transfer complies with all applicable requirements 80273
of the Revised Code and does not contravene any applicable 80274
statute or court order. 80275

(F) The transfer does not include or cover the amounts of 80276
the lottery prize award that are required to be withheld or 80277
deducted pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 80278
3123.06, 3770.071, or 3770.072 of the Revised Code. 80279

(G) Any amounts described in division (F) of this section 80280
that are required to be withheld or deducted, as of the date of 80281
the court order, will be offset by the commission first against 80282
remaining payments due the ~~transferor~~prize winner and then 80283
against payments due the transferee. 80284

(H) Except as provided in divisions (F) and (G) of this 80285
section, that the ~~transferor's~~prize winner's interest in each 80286
and all of the future payments from a particular lottery prize 80287
award is to be paid to a single transferee, ~~or, if the payments~~ 80288
~~from the lottery prize award are to be directed from the state~~ 80289
~~lottery commission to multiple transferees, the commission has~~ 80290
~~promulgated rules under section 3770.03 of the Revised Code~~ 80291
~~permitting transfers to multiple transferees, and the transfer~~ 80292
~~is consistent with those rules.~~ 80293

~~(I) If the lottery prize award has been transferred within 80294
twelve months immediately preceding the effective date of the 80295
proposed transfer, the state lottery commission has not objected 80296
to the proposed transfer. The court shall presume that the 80297
requirements of this division are met unless the commission 80298
notifies the court in writing before the hearing on the 80299
application for transfer, or through counsel at that hearing, 80300
that a transfer of the same lottery prize award has been made 80301
within that twelve-month period and that the commission objects 80302~~

~~to a subsequent transfer within that twelve-month period. The~~ 80303
~~court shall find that the requirements of this division are not~~ 80304
~~met if the commission provides notice of a prior transfer of the~~ 80305
~~same lottery prize award within that twelve-month period and its~~ 80306
~~objection to the proposed transfer, unless the transferor or~~ 80307
~~transferee shows by clear and convincing evidence that no~~ 80308
~~previous transfer of the same lottery prize award occurred~~ 80309
~~within that twelve-month period. For purposes of this division,~~ 80310
~~any of a series of transfers of a lottery prize award that occur~~ 80311
~~simultaneously as part of a single transaction shall not be~~ 80312
~~considered to be a prior transfer of the lottery prize award~~ 80313
~~within the twelve-month period immediately preceding the~~ 80314
~~effective date of the proposed transfer, provided that the~~ 80315
~~condition set forth in division (C) of this section is met.~~ 80316

If the court determines that all of the conditions in 80317
divisions (A) to ~~(I)~~ (H) of this section that apply are met, the 80318
transfer of the lottery prize award shall be presumed to be fair 80319
and reasonable and in the best interests of the prize winner. 80320

Sec. 3770.121. Any state lottery commission rules allowing 80321
lottery prize awards to be paid in installments also shall allow 80322
a prize winner who is being paid a prize award in that manner to 80323
transfer ~~all or a portion of~~ the remainder of the prize award, 80324
subject to each of the following conditions: 80325

(A) ~~If each transfer is for less than one hundred per cent~~ 80326
~~of the remainder of the prize award, the remainder of the prize~~ 80327
~~award for each transfer must be five hundred thousand dollars or~~ 80328
~~greater at the time of the transfer. If the lottery prize award~~ 80329
~~is a lifetime prize, for each transfer the remainder of the~~ 80330
~~minimum guaranteed prize to which the prize winner is entitled~~ 80331
~~must be five hundred thousand dollars or greater at the time of~~ 80332

~~the transfer.~~

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~~(B)~~ Payments of the prize award transferred shall be
subject to the withholding or deduction of any amounts that are
required to be withheld or deducted under section 3119.80,
3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 5747.062 of the
Revised Code.

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~~(C) The maximum number of transfers~~ (B) Only one transfer
is permitted under this section with respect to any single prize
award ~~shall not exceed three unless a greater number of~~
permitted transfers has been specified by the commission in the
rules.

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Sec. 3770.13. (A) A transferee shall file an application
under sections 3770.10 to 3770.14 of the Revised Code for the
approval in advance of a transfer of a lottery prize award in a
court of competent jurisdiction.

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(B) The following procedures shall apply to an application
for the approval in advance by a court of a transfer of a
lottery prize award under division (A) of this section:

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(1) Upon the filing of the application, the court shall
set a date, time, and place for a hearing on the application and
shall notify the transferee and ~~transferor~~ the prize winner of
the date, time, and place of the hearing.

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(2) Not less than thirty days prior to the date set by the
court for the hearing on an application filed pursuant to this
section, the transferee shall file with the court and shall
serve on the state lottery commission, in the manner prescribed
in the Rules of Civil Procedure for the service of process, a
notice of the proposed transfer and the application for its
approval in advance. The notice shall include all of the

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following: 80362

(a) A copy of the application; 80363

(b) A copy of the transfer agreement ~~or, if the transferor~~ 80364
~~is not a prize winner, a redacted copy of the transfer agreement~~ 80365
~~that discloses sufficient information to allow the commission~~ 80366
~~and the court to determine the validity of the transfer~~ 80367
~~agreement;~~ 80368

(c) ~~If the transferor is a prize winner, a~~ A copy of the 80369
disclosure statement provided by the transferee pursuant to 80370
section 3770.11 of the Revised Code and signed by the prize 80371
winner pursuant to division (A) of section 3770.12 of the 80372
Revised Code; 80373

(d) A statement, signed under penalty of perjury by the 80374
prize winner and a licensed professional adviser, that the prize 80375
winner has received independent professional advice regarding 80376
the legal, financial, and other implications of the transfer; 80377

(e) The amounts and due dates of the lottery prize award 80378
payments that will be transferred under the transfer agreement; 80379

~~(e)~~ (f) Notification of the date, time, and place of the 80380
hearing on the application; 80381

~~(f)~~ (g) The complete name, address, and taxpayer 80382
identification number of the transferee. 80383

(3) The commission shall not be required to appear in or 80384
be named as a party to a hearing on the application, but may 80385
intervene as of right in the proceeding. 80386

(4) At the conclusion of the hearing on an application 80387
under this section, the court may grant or deny the approval of 80388
the transfer. The court shall enter its order accordingly. If 80389

the court grants the approval of the transfer, it shall include 80390
in its order all of the express findings specified in section 80391
3770.12 of the Revised Code. If the court denies the approval of 80392
the transfer, it shall include in its order the reasons for the 80393
denial. 80394

(5) An order of the court made under division (B) (4) of 80395
this section is a final and appealable order. 80396

Sec. 3770.25. (A) The state lottery commission shall offer 80397
lottery sports gaming only at type C sports gaming hosts' 80398
facilities on self-service or clerk-operated terminals, and only 80399
to individuals who are at least twenty-one years of age and who 80400
are physically present on the premises of the facility. 80401

(B) All of the following apply concerning lottery sports 80402
gaming: 80403

(1) If a type C sports gaming proprietor intends to 80404
install more than two terminals in any type C sports gaming 80405
host's facility, the type C sports gaming proprietor shall 80406
notify the Ohio casino control commission of that fact not later 80407
than seven days before installing the additional terminals. The 80408
commission may disallow the installation of more than two 80409
terminals in the facility, in accordance with the commission's 80410
rules. 80411

(2) The self-service terminal or the clerk, as applicable, 80412
shall verify that the lottery sports gaming participant is at 80413
least twenty-one years of age. 80414

(3) A type C sports gaming proprietor may offer only the 80415
following types of wagers on sporting events, as approved by the 80416
Ohio casino control commission: 80417

(a) Spread wagers; 80418

- (b) Over-under wagers; 80419
- (c) Moneyline wagers; 80420
- (d) Parlay wagers that are based on not more than four
component wagers. 80421
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- (4) A self-service terminal or clerk shall accept wagers 80423
only by cash, credit card, debit card, or electronic payment 80424
account. As used in this section, "electronic payment account" 80425
means an account maintained with a third party for purposes of 80426
making electronic payments, such as paypal, google pay, or apple 80427
pay, that is intended for general use and not only for sports 80428
gaming purposes. 80429
- (5) A self-service terminal or clerk shall not accept 80430
wagers aggregating more than seven hundred dollars in a calendar 80431
week from any one participant. 80432
- (6) The rules of the Ohio casino control commission and 80433
the state lottery commission concerning lottery sports gaming 80434
shall apply identically in all applicable respects to lottery 80435
sports gaming offered on a self-service terminal and to lottery 80436
sports gaming offered on a clerk-operated terminal. 80437
- (C) (1) A participant whose winnings from lottery sports 80438
gaming are of an amount that ~~is not subject to withholding under~~ 80439
~~section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised~~ 80440
~~Code does not meet or exceed the reportable winnings amount set~~ 80441
by 26 U.S.C. 6041 may receive the participant's winnings by any 80442
of the following methods: 80443
- (a) As a credit to the participant's credit card, debit 80444
card, or electronic payment account-; 80445
- (b) In cash from any type C sports gaming host; 80446

(c) By any additional method permitted by the state 80447
lottery commission by rule. 80448

(2) A participant whose winnings from lottery sports 80449
gaming are of an amount that ~~is subject to withholding under~~ 80450
~~section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised~~ 80451
~~Code meets or exceeds the reportable winnings amount set by 26~~ 80452
U.S.C. 6041 may receive the participant's winnings in the ~~same~~ 80453
~~manner as any other determined by the state lottery prize award~~ 80454
~~of an amount that is subject to~~ commission, subject to 80455
withholding by the sports gaming proprietor under those sections 80456
718.031, 3123.90, 3775.16, and 5747.063 of the Revised Code or 80457
subject to withholding by the state lottery commission under 80458
sections 718.031, 3770.071, 3770.073, and 5747.062 of the 80459
Revised Code, as applicable. 80460

Sec. 3774.01. As used in this chapter: 80461

(A) "Commission" means the Ohio casino control commission. 80462

(B) "Entry fee" means cash or cash equivalent that a 80463
fantasy contest operator requires to be paid by a fantasy 80464
contest player to participate in a fantasy contest. 80465

(C) "Fantasy contest" means a simulated game or contest 80466
with an entry fee that satisfies all of the following 80467
conditions: 80468

(1) The value of all prizes and awards offered to winning 80469
fantasy contest players is established and made known to the 80470
players in advance of the contest. 80471

(2) All winning outcomes reflect the relative knowledge 80472
and skill of the fantasy contest players and are determined 80473
predominantly by accumulated statistical results of the 80474
performance of managing rosters of athletes whose performance 80475

directly corresponds with the actual performance of athletes in 80476
professional sports competitions. 80477

(3) Winning outcomes are not based on randomized or 80478
historical events, or on the score, point spread, or any 80479
performance of any single actual team or combination of teams or 80480
solely on any single performance of an individual athlete or 80481
player in any single actual event. 80482

(4) The game or contest does not involve horses or horse 80483
racing. 80484

(D) "Fantasy contest operator" means a person that offers 80485
fantasy contests with an entry fee for a prize or award to the 80486
general public. Fantasy contest operator does not include a 80487
person that offers a pool not conducted for profit as defined 80488
under division ~~(XX)~~ (WW) of section 2915.01 of the Revised Code. 80489

(E) "Fantasy contest platform" means any digital or online 80490
method through which a fantasy contest operator provides access 80491
to a fantasy contest. 80492

(F) "Fantasy contest player" means a person who 80493
participates in a fantasy contest offered by a fantasy contest 80494
operator. 80495

(G) "Holding company" means any corporation, firm, 80496
partnership, limited partnership, limited liability company, 80497
trust, or other form of business organization not a natural 80498
person that directly or indirectly does any of the following: 80499

(1) Has the power or right to control a fantasy contest 80500
operator; 80501

(2) Holds an ownership interest of ten per cent or more, 80502
as determined by the commission, in a fantasy contest operator; 80503

(3) Holds voting rights with the power to vote ten per cent or more of the outstanding voting rights of a fantasy contest operator.

(H) "Key employee" means a person, employed by a fantasy contest operator, who is responsible for ensuring, and has the authority necessary to ensure, that all requirements under this chapter and the rules adopted under this chapter and division (L) of section 3772.03 of the Revised Code are met.

(I) "Management company" means an organization retained by a fantasy contest operator to manage a fantasy contest platform and provide services such as accounting, general administration, maintenance, recruitment, and other operational services.

(J) "Material nonpublic information" means information related to the play of a fantasy contest by a fantasy contest player that is not readily available to the general public and is obtained as a result of a person's employment.

(K) "Script" means a list of commands that a fantasy-contest-related computer program can execute and that is created by a fantasy contest player, or by a third party for a fantasy contest player, to automate processes on a fantasy contest platform.

Sec. 3775.16. (A) Pursuant to section 131.02 of the Revised Code, the attorney general shall develop and implement a real time data match program and make it available to each sports gaming proprietor to identify patrons who owe amounts to the state or a political subdivision.

(B) (1) ~~Before~~ Subject to division (E) of this section, before disbursing any sports gaming winnings to a patron in an amount for which reporting to the internal revenue service of

the amount is required by section 6041 of the Internal Revenue Code, as amended, a sports gaming proprietor shall consult the data match program to determine whether the patron owes any amounts to the state or a political subdivision. If the data match program indicates that the patron owes any amounts to the state or a political subdivision, the sports gaming proprietor shall withhold from the patron's winnings an amount sufficient to satisfy those amounts, up to the amount of the winnings.

(2) If the data match program described in section 3123.90 of the Revised Code indicates that the patron also is in default under a support order, the sports gaming proprietor shall transmit to the department of job and family services an amount sufficient to satisfy any past due support owed by the patron, up to the amount of the winnings, before transmitting any remaining amount to the attorney general under division (C) of this section.

(C) (1) Not later than fourteen days after withholding an amount under division (B) of this section, the sports gaming proprietor shall transmit to the attorney general any amount withheld and not already disbursed to the department of job and family services under section 3123.90 of the Revised Code as payment on the amount owed.

(2) If the patron owes more than one amount to the state or a political subdivision as identified by the data match program described in this section, the amount owed to the state shall be satisfied first, except that any amounts owed under section 5739.33 and division (G) of section 5747.07 of the Revised Code shall have first priority.

(D) Except as otherwise provided in section 131.021 of the Revised Code, this section applies only to amounts owed that

have become final. 80563

(E) A sports gaming proprietor that offers lottery sports 80564
gaming through a terminal described in division (B) (3) of 80565
section 3770.24 of the Revised Code shall not withhold amounts 80566
under this section from winnings from wagers placed through that 80567
terminal. The state lottery commission shall withhold amounts 80568
from those winnings under section 3770.073 of the Revised Code. 80569

(F) The attorney general, in consultation with the 80570
commission, may adopt rules under Chapter 119. of the Revised 80571
Code as necessary to implement this section. 80572

Sec. 3776.01. As used in this chapter: 80573

(A) "Environmental health science" means the aspect of 80574
public health science that includes, but is not limited to, the 80575
following bodies of knowledge: air quality, food quality and 80576
protection, hazardous and toxic substances, consumer product 80577
safety, housing, institutional health and safety, community 80578
noise control, radiation protection, recreational facilities, 80579
solid and liquid waste management, vector control, drinking 80580
water quality, milk sanitation, and rabies control. 80581

(B) "Environmental health specialist" means a person who 80582
performs for compensation educational, investigational, 80583
technical, or administrative duties requiring specialized 80584
knowledge and skills in the field of environmental health 80585
science. 80586

(C) "Registered environmental health specialist" means a 80587
person who is registered as an environmental health specialist 80588
in accordance with this chapter. 80589

(D) "Environmental health specialist in training" means a 80590
person who is registered as an environmental health specialist 80591

in training in accordance with this chapter. 80592

(E) "Practice of environmental health" means consultation, 80593
instruction, investigation, inspection, or evaluation by an 80594
employee of a city health district, a general health district, 80595
the environmental protection agency, the department of health, 80596
or the department of agriculture requiring specialized 80597
knowledge, training, and experience in the field of 80598
environmental health science, with the primary purpose of 80599
improving or conducting administration or enforcement under any 80600
of the following: 80601

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., 80602
3730., or 3733. of the Revised Code; 80603

(2) Chapter 3734. of the Revised Code as it pertains to 80604
solid ~~and hazardous~~ waste; 80605

(3) Section 955.26, 955.261, 3701.344, 3707.01, 3707.03, 80606
3707.26, or 3715.021 of the Revised Code; 80607

(4) Rules adopted under Chapter 3749. of the Revised Code 80608
pertaining to swimming pools. 80609

"Practice of environmental health" does not include 80610
sampling, testing, controlling of vectors, reporting of 80611
observations, or other duties that do not require application of 80612
specialized knowledge and skills in environmental health science 80613
performed under the supervision of a registered environmental 80614
health specialist. 80615

The director of health may further define environmental 80616
health science in relation to specific functions in the practice 80617
of environmental health through rules adopted by the director 80618
under Chapter 119. of the Revised Code. 80619

Sec. 3780.02. Authorization and purpose.

(A) Controlled and regulated sales and use of adult use cannabis shall be permitted under this chapter for the following public purposes:

(1) Reducing illegal marijuana sales and providing for a safer and regulated cannabis product;

(2) Limiting the transportation of out-of-state cannabis into the state;

(3) Providing key funding to ~~support social equity, job creation, host communities that have adult use dispensaries, cannabis research, and proper oversight and regulation of the adult cannabis industry; and~~

~~(4) Improving social equity issues to address the state's compelling interest to redress past and present effects of discrimination and economic disadvantage for individuals in the state~~
fund the needs of the state, including law enforcement training and operations, public health and safety, access to justice initiatives, and administration of adult use marijuana laws.

(B) Adult use cannabis shall only be sold to, or used by, an adult use consumer pursuant to this chapter unless otherwise authorized pursuant to the Revised Code.

(C) Nothing in this chapter shall limit any sale, use, possession, or any other activity authorized by Chapter 3796_ of the Revised Code.

Sec. 3780.03. Establishment and authority of division of cannabis control; adoption of rules.

(A) There is hereby established a division of cannabis control

within the department of commerce. 80648

(B) To ensure the proper oversight and control of the adult use 80649
cannabis industry, the division of cannabis control shall have 80650
the authority to license, regulate, investigate, and penalize 80651
adult use cannabis operators, adult use testing laboratories, 80652
and individuals required to be licensed under this chapter. 80653

(C) The division of cannabis control shall adopt, and as 80654
advisable and necessary shall amend or repeal, rules on the 80655
following: 80656

(1) Prevention of practices detrimental to the public interest 80657
consistent with this chapter, and also ways to educate the 80658
public about this chapter; 80659

(2) Establishing application, licensure, and renewal standards 80660
and procedures for license applicants or license holders related 80661
to adult use cannabis operators, adult use testing laboratories, 80662
and individuals required to be licensed, including any 80663
additional background check requirements, the disqualifying 80664
offenses under section 3780.01 of the Revised Code that prohibit 80665
licensure, and any exemption criteria from licensing 80666
requirements for institutional or private investors who do not 80667
have significant control or influence over a license applicant 80668
or license holder, and whose ownership in a license is for 80669
investment purposes only; 80670

(3) Establishing reasonable application, licensure, and renewal 80671
fees amounts to ensure license applicants and license holders 80672
under this chapter pay for the actual costs for administration 80673
and licensure for the division of cannabis control; 80674

(4) Establishing standards for provisional licenses for an 80675
individual who is required to be licensed and who has exigent 80676

circumstances. Such standards for provisional licenses must 80677
include submission of a complete application and compliance with 80678
a required background check. A provisional license shall be 80679
valid not longer than three months. A provisional license may be 80680
renewed, at the division of cannabis control's discretion, for 80681
an additional three months. In establishing standards with 80682
regard to instant background checks the division of cannabis 80683
control may use all available resources~~7~~. 80684

(5) Specifying the process and reasons for which a license 80685
holder may be fined, suspended either with or without a prior 80686
hearing, revoked, or not renewed or issued; 80687

(6) The process and requirements for division of cannabis 80688
control approval of any requested change in ownership or 80689
transfer of control of an adult use cannabis operator or adult 80690
use testing laboratory; 80691

(7) Establishing ~~process~~ processes and standards for expanding 80692
the size of the cultivation area for a cultivation facility; 80693

(8) Establishing standards and procedures for the testing of 80694
adult use cannabis by an adult use testing laboratory licensed 80695
under this chapter. When establishing standards and procedures 80696
for the testing of cannabis, the division of cannabis control 80697
shall do all of the following: 80698

(a) Specify when testing must be conducted; 80699

(b) Determine the minimum amount of adult use cannabis that must 80700
be tested; 80701

(c) Specify the manner in which testing is to be conducted in an 80702
effort to ensure uniformity of cannabis products processed ~~for~~ 80703
and dispensed; and 80704

(d) Specify the manner in which test results are provided. 80705

(9) The minimum amount of insurance or surety bond that must be 80706
maintained by an adult use cannabis operator and adult use 80707
testing laboratory; 80708

(10) Requiring the division of cannabis control to adopt 80709
reasonable standards for any adult use cannabis samples, and 80710
advertising as prescribed in section 3780.21 of the Revised 80711
Code; 80712

(11) Requiring that the records, including financial statements, 80713
of an adult use cannabis operator or adult use testing 80714
laboratory be maintained in the manner up to two years as 80715
prescribed by the division of cannabis control and which shall 80716
be made available for inspection upon demand by the division of 80717
cannabis control, but shall be subject to section 3780.31 of the 80718
Revised Code; 80719

(12) Prescribing technical standards and requirements consistent 80720
with industry standards that must be met for security and 80721
surveillance equipment necessary for the provision of security 80722
and surveillance of adult use cannabis operators and adult use 80723
testing laboratories; 80724

(13) Prescribing requirements for a license holder's provision 80725
of security services for an adult use cannabis operator and 80726
adult use testing laboratories which shall include the license 80727
holder's option to use armed or unarmed services including 80728
through agents of the license holder; 80729

(14) Prescribing standards according to which license holders 80730
shall keep accounts and standards according to which adult use 80731
cannabis operators and adult use testing laboratories accounts 80732
shall be audited, and establish guidance for assisting the 80733

department of taxation in levying and collecting the adult use	80734
tax levied under section 3780.22 of the Revised Code;	80735
(15) Determining penalties for violation of division of cannabis	80736
control rules or this chapter, and a process for imposing such	80737
penalties;	80738
(16) Training requirements for employees and agents of adult use	80739
cannabis operators and adult use laboratories;	80740
(17) Prescribing standards and procedures to allow for adult use	80741
cannabis delivery to adult use consumers, and online and mobile	80742
ordering procedures, which may only be conducted by an adult use	80743
dispensary or their agent;	80744
(18) Prescribing cannabis inventory requirements to be	80745
maintained in an electronic database consistent with section	80746
3780.05 of the Revised Code;	80747
(19) Prescribing standards and procedures for product packaging	80748
and labeling of adult use cannabis products;	80749
(20) Prescribing standards and procedures in coordination with	80750
the department of development to administer and enforce the	80751
cannabis social equity and jobs program as prescribed under	80752
3780.19 of the Revised Code;	80753
(21) Establishing a tetrahydrocannabinol content limit for adult	80754
use cannabis, which for plant material the content limit shall	80755
be no <u>not</u> less than thirty-five per cent and for extracts the	80756
content limit shall be no <u>not</u> less than ninety per cent, but	80757
that such content limits may be increased or eliminated by the	80758
division of cannabis control; and	80759
(22) <u>(21)</u> Prescribing duty to update requirements for license	80760
holders.	80761

(D) All rules adopted under this section and chapter shall be 80762
adopted in accordance with Chapter 119. of the Revised Code. 80763

(E) In addition to the rules described in division (C) of this 80764
section, the division of cannabis control may adopt any other 80765
rules it considers necessary for the administration, 80766
implementation, and enforcement of this chapter consistent with 80767
this chapter. 80768

(F) When adopting rules under this section, the division of 80769
cannabis control shall consider standards and procedures that 80770
have been found to be best practices relative to the use and 80771
regulation of adult use cannabis and shall harmonize any rules 80772
with the rules adopted pursuant to sections 3796.03 and 3796.04 80773
of the Revised Code to minimize duplication of operational 80774
requirements and fees as much as possible. If there is a 80775
conflict with Chapter 3796. of the Revised Code and related 80776
rules, and ~~chapter~~ Chapter 3780. of the Revised Code and related 80777
rules, then ~~chapter~~ Chapter 3780. of the Revised Code and 80778
related rules shall govern. 80779

**Sec. 3780.06. Information provided by the department of 80780
taxation. 80781**

(A) (1) Notwithstanding section 149.43 of the Revised Code or any 80782
other public records law to the contrary or any law relating to 80783
the confidentiality of tax return information, upon the request 80784
of the division of cannabis control, the department of taxation 80785
shall provide to the division of cannabis control all of the 80786
following information: 80787

(a) Whether an applicant for license or licensee under this 80788
chapter follows the applicable tax laws of this state; 80789

(b) Any past or pending violation by the applicant or licensee 80790

of those tax laws, and any penalty imposed on the applicant or 80791
licensee for such a violation. 80792

(2) The division of cannabis control shall request the 80793
information only as it pertains to an application for license 80794
that the division of cannabis control is reviewing or a licensee 80795
operating under this chapter. 80796

(3) The department of taxation may charge the division of 80797
cannabis control a reasonable fee to cover the administrative 80798
cost of providing the information. 80799

(B) Information received under this section is confidential. 80800
Except as otherwise permitted by other state law or federal law, 80801
the division of cannabis control shall not make the information 80802
available to any person other than the applicant for licensure_ 80803
or the licensee to whom the information applies. 80804

Sec. 3780.10. Adult use cannabis operator and adult use 80805
testing laboratory licenses. 80806

(A) No person shall operate as an adult use cannabis operator or 80807
adult use testing laboratory without a license issued pursuant 80808
to this chapter. 80809

(B) The following licenses shall be issued by the division of 80810
cannabis control within nine months of ~~the effective date of~~ 80811
~~this section~~ December 7, 2023, if the license applicant is in 80812
compliance with section 3780.11 of the Revised Code and this 80813
chapter, and the license applicant has, or the same owners of 80814
the license applicant 7 have, a certificate of operation or 80815
medical provisional license issued as of ~~the effective date of~~ 80816
~~this section~~ December 7, 2023: 80817

(1) A dispensary issued a certificate of operation or medical 80818
provisional license shall be issued an adult use dispensary 80819

license under this chapter for the current location of the 80820
dispensary; 80821

(2) A level I cultivator issued a certificate of operation or 80822
medical provisional license shall be issued under this chapter 80823
three adult use dispensary licenses at locations designated in a 80824
license application, and one level I adult use cultivator 80825
license for the current location of the level I cultivation 80826
facility; 80827

(3) A level II cultivator issued a certificate of operation or 80828
medical provisional license shall be issued under this chapter 80829
one adult use dispensary license at a location designated in the 80830
license application, and one level II adult use cultivator 80831
license for the current location of the level II cultivation 80832
facility; 80833

(4) A dispensary issued a certificate of operation or medical 80834
provisional license shall be issued under this chapter one adult 80835
use dispensary license at a different location as designated in 80836
the license application if the dispensary does not have any 80837
common ownership or control with any level I adult use 80838
cultivator, level II adult use cultivator, or adult use 80839
processor license applicant or licensee; 80840

(5) A processor issued a certificate of operation or medical 80841
provisional license shall be issued under this chapter one adult 80842
use processor license for the current location of the processor; 80843
and 80844

(6) A testing laboratory issued a certificate of operation shall 80845
be issued under this chapter one adult use testing laboratory 80846
license for the current location of the testing laboratory. 80847

Notwithstanding anything in this section, a license shall not be 80848

issued pursuant to division (B) of this section to a license 80849
applicant holding only a related medical provisional license 80850
unless the medical provisional license holder is issued a 80851
certificate of operation within two years of ~~the effective date~~ 80852
~~of this section~~ December 7, 2023. 80853

(C) The division of cannabis control shall issue up to forty 80854
level III adult use cultivator licenses consistent with this 80855
chapter ~~with preference provided to applicants who have been~~ 80856
~~certified as cannabis social equity and jobs program~~ 80857
~~participants under the cannabis social equity and jobs program~~ 80858
~~pursuant to 3780.19 of this chapter.~~ No person may have any 80859
ownership or control in more than one level III adult use 80860
cultivator license under this chapter. No adult use cultivator 80861
or adult use processor may have any ownership or control in a 80862
level III adult use cultivator license. 80863

(D) The division of cannabis control shall issue up to fifty 80864
additional adult use dispensary licenses in conformity with this 80865
chapter ~~with preference provided to applicants who have been~~ 80866
~~certified as cannabis social equity and jobs program~~ 80867
~~participants under the cannabis social equity and jobs program.~~ 80868

(E) Following twenty-four months from the first date of issuance 80869
of an adult use operator license, the division of cannabis 80870
control shall review the number of adult use cannabis operator 80871
licenses on a biannual basis and may authorize additional 80872
licenses after considering: 80873

(1) The current and anticipated market growth and consumer 80874
demand, including the number of adult use consumers seeking 80875
adult use cannabis; 80876

(2) The current and projected supply of adult use cannabis 80877

produced by licensed adult use cultivators, level III adult use
cultivators, and adult use processors; and

(3) The geographic distribution of adult use dispensary sites in
an effort to ensure adult use customer access to adult use
cannabis.

(F) (1) The division of cannabis control shall provide a report
and recommendation within ninety days of the conclusion of the
requirements in division (E) of this section to the director for
consideration.

(2) The division of cannabis control may adopt rules as
necessary to implement this division.

(3) The division of cannabis control shall adopt a rule
regarding the number of licenses a license holder may hold for
each type of license consistent with this chapter. As of ~~the~~
~~effective date of this section~~ December 7, 2023, and
notwithstanding any other provision of this chapter, no person
shall be issued more than eight adult use dispensary licenses,
~~and~~ not more than one adult use cultivator license, and not more
than one adult use processor license at any time, unless
authorized by the division of cannabis control after an analysis
supporting the licensing pursuant to rule.

(G) The division of cannabis control may authorize additional
adult use testing laboratory licenses at any time.

Sec. 3780.22. (A) Terms used in this section have the same
meanings as in section 5739.01 of the Revised Code. As used in
this section, "adult use marijuana" means marijuana that is
cultivated, processed, dispensed, or tested for, or possessed or
used by, an adult use consumer, in accordance with this chapter.

(B) For the purpose of funding the needs of the state and

providing funding for certain dispensary host communities, an 80907
excise tax is levied on the retail sale of adult use marijuana. 80908
The rate of the tax shall equal ten per cent of the price of 80909
adult use marijuana and is in addition to other taxes levied 80910
under Chapters 5739. and 5741. of the Revised Code. 80911

(C) The tax shall be paid by the consumer to the vendor at 80912
the time of the sale, and the vendor shall report and remit the 80913
tax to the state in the same manner and at the same time the 80914
vendor reports and remits the tax levied under section 5739.02 80915
of the Revised Code. The return required under this division 80916
shall be filed on a form prescribed by the tax commissioner, 80917
which shall be separate from the return required to be filed 80918
under section 5739.12 of the Revised Code. A vendor with no 80919
sales of adult use marijuana for a reporting period is not 80920
required to file this separate return. For all purposes of the 80921
Revised Code, the tax levied under this section shall be 80922
considered a tax levied under section 5739.02 of the Revised 80923
Code. 80924

(D) For the same purpose as the tax levied under division 80925
(B) of this section, a tax is levied on a vendor that sells any 80926
marijuana other than adult use marijuana or medical marijuana to 80927
a consumer. That tax equals ten per cent of the price of such 80928
marijuana, and the consumer and vendor are liable for any 80929
amounts, including tax, interest, and penalties, imposed under 80930
this section and chapter in the same manner as a vendor subject 80931
to the tax imposed under division (B) of this section. 80932

(E) For the purpose of receiving and distributing, and 80933
accounting for, revenue received from the tax levied by this 80934
section, and any civil penalty paid under division (B) (4) of 80935
section 3780.26 of the Revised Code, the adult use tax fund and 80936

host community cannabis fund are created in the state treasury. 80937
All moneys collected from that tax and civil penalty shall be 80938
deposited into the adult use tax fund, which is created in the 80939
state treasury, to be distributed as follows: 80940

(1) Beginning in fiscal year 2026, and for the following 80941
four fiscal years, the director of budget and management shall 80942
transfer twenty per cent of funds from the adult use tax fund to 80943
the host community cannabis fund, which is created in the state 80944
treasury, for the benefit of municipal corporations or townships 80945
that have, as of June 30, 2025, and at all times since, at least 80946
one adult use dispensary or location for which a provisional 80947
dispensary license has been issued under this chapter, and the 80948
municipal corporations or townships may use such funds for any 80949
approved purpose. Distributions to municipal corporations or 80950
townships shall be based on the percentage of adult use tax 80951
attributable to each municipal corporation or township. 80952

(2) All other revenue shall be credited to the general 80953
revenue fund. 80954

Sec. 3780.24. Tax administration and enforcement. 80955

The tax commissioner shall administer and enforce ~~sections~~ 80956
section 3780.22 through 3780.23 of this chapter the Revised 80957
Code. In addition to any other powers conferred upon the tax 80958
commissioner by law, the tax commissioner may: 80959

(A) Prescribe all forms that are required to be filed under 80960
~~sections~~ section 3780.22 through 3780.23 of this chapter the 80961
Revised Code; 80962

(B) Adopt rules that are necessary and proper to carry out 80963
section 3780.22 through 3780.23 of this chapter the Revised 80964
Code; and 80965

(C) Appoint professional, technical, and clerical employees as 80966
are necessary to carry out the tax commissioner's duties under 80967
~~sections section 3780.22 through 3780.23 of this chapter the~~ 80968
Revised Code. 80969

Sec. 3780.25. Local authority regarding adult use cannabis 80970
operators. 80971

(A) ~~The~~ Except as provided in divisions (B) and (C) of this 80972
section, the legislative authority of a municipal corporation 80973
may adopt an ordinance, or a board of township trustees may 80974
adopt a resolution, by majority vote to prohibit, or limit the 80975
number of, adult use cannabis operators permitted under this 80976
~~chapter~~ cultivators, adult use processors, or adult use 80977
dispensaries licensed under this chapter within the municipal 80978
corporation or within the unincorporated territory of the 80979
township, respectively. 80980

(B) ~~Notwithstanding division (A) above:~~ 80981

~~(1) Existing cultivators, processors, or dispensaries who have a 80982~~
~~certificate of operation may not be prohibited or limited by a 80983~~
~~municipal corporation or township from operating under Chapter 80984~~
~~3796 of the Revised Code and Chapter 3796 of the Administrative 80985~~
~~Code by a municipal corporation or township unless there is a 80986~~
~~revocation of the certificate of operation;~~ 80987

~~(2) Adult use cultivators, adult use processors, and adult use 80988~~
~~dispensaries that are co-located on the same parcel or 80989~~
~~contiguous parcels with an adult use cultivator and an adult use 80990~~
~~processor, who are applicants or license holders under this 80991~~
~~chapter, and whose owners also have a certificate of operation 80992~~
~~at the same location as the effective date of this section, may 80993~~
~~not be prohibited or limited by any municipal corporation or 80994~~

~~township from operating as an adult use cultivator, adult use processor, or an adult use dispensary co-located with an adult use cultivator and an adult use processor under this chapter because of the significant capital investment in the facilities, and~~ 80995
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~~(3) Dispensaries, or the owners of dispensaries, who have a certificate of operation, and who are not co-located on the same parcel or contiguous parcels with a cultivator or processor that has a certificate of operation, as of the effective date of this section, shall also be authorized to operate as an adult use dispensary without any municipal or township prohibitions upon receiving a license from the division of cannabis control, unless a majority of the members of the legislative authority of a municipal corporation affirmatively pass an ordinance, or a majority of township trustees in a township affirmatively pass a resolution, after the license is issued and within one hundred and twenty days from license issuance, prohibiting the operation of the adult use dispensary within the municipal corporation or within the unincorporated territory of the township, respectively.~~ 81000
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~~(C) If a majority of the members of the legislative authority of a municipal corporation pass an ordinance, or a majority of township trustees in a township pass a resolution, prohibiting the adult use dispensary pursuant to division (B) (3) of this section, then the adult use dispensary license holder shall cease operations within sixty days, unless the adult use dispensary license holder files with the board of elections within the sixty day timeframe a petition prescribed by the secretary of state, and signed by the lessor of one hundred qualified electors or five per cent of the qualified electors of the municipal corporation or township, requesting that the~~ 81015
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~~issue, of whether the adult use dispensary shall remain open as long as the adult use dispensary is licensed pursuant to chapter 3780 of the Revised Code by the division of cannabis control and the municipal corporation or township is eligible to receive host community cannabis funding, be placed on the next general election ballot which election shall not occur less than ninety days from petition filing. If the required signatures and form of petition is verified by the board of election, the issue shall be placed on the next general election which is ninety days or greater away from the petition filing, and notwithstanding any provision of this chapter, the adult use dispensary license holder may continue to operate until the issue is decided at the next authorized general election. A board of elections may discontinue verifying signatures when the number of verified signatures on a petition equals the minimum number of qualified signatures. The secretary of state shall adopt rules in accordance with 119 of the Revised Code for the proper administration and implementation of divisions (C) and (D) of this section.~~ 81026
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~~(D) The form of the ballot to be used at the election provided for in division (C) of this section shall be as follows:~~ 81045
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~~"Shall the following adult use dispensary, _____ (here insert name of adult use dispensary), whose owners also have had a licensed medical marijuana dispensary at _____ (here insert address) since _____ (here insert the date of opening), remain open as long as the adult use dispensary is licensed pursuant to Chapter 3780 of the Revised Code by the Division of Cannabis Control under the Department of Commerce, and the _____ (here insert name of municipal corporation or township) is eligible to receive host community cannabis funding?"~~ 81047
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~~Yes for the Issue~~ 81057

~~No for the Issue~~ 81058

~~"~~ 81059

~~(E) If a majority of the voters at the general election vote yes for the issue, then the adult use dispensary may operate within the municipal corporation or township and the municipal corporation or township shall receive related host community cannabis funding as authorized under section 3780.23 of the Revised Code.~~ 81060
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~~(F) If a majority of the voters at the general election vote no for the issue, then:~~ 81066
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~~(1) The dispensary with a certificate of operation at that location may continue to operate at its current address, or the dispensary may request to relocate the dispensary within ninety days of election certification consistent with the requirements of Chapter 3796 of the Revised Code, and related rules, which relocation request shall be approved regardless of the dispensary districts established by the board of pharmacy as long as the relocation request meets all other applicable requirements of Chapter 3796 of the Revised Code and related rules; and~~ 81068
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~~(2) The adult use dispensary must close within ninety days of election certification unless the adult use dispensary applies to the division of cannabis control for a request to relocate within ninety days of the election certification, and then the adult use dispensary may continue to operate until the request to relocate is approved by the division of cannabis control. The division of cannabis control shall review and approve a request to relocate timely once the request to relocate application is~~ 81078
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~~in compliance with this chapter and related rules.~~ 81086

~~(G) A legislative authority of a municipal corporation or a board of township trustees is prohibited from:~~ 81087
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~~(1) Adopting an ordinance or resolution limiting research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity;~~ 81089
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~~(2) Levying any tax, fee, or charge on adult use cannabis operators, their owners or their property which is not generally charged on other businesses in the municipal corporation or township;~~ 81094
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~~(3) Prohibiting or limiting home grow otherwise authorized under this chapter; and~~ 81098
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~~(4) Prohibiting or restricting an activity that is authorized by this chapter.~~ 81100
The legislative authority of a municipal 81101
corporation shall not adopt an ordinance, and a board of 81102
township trustees shall not adopt a resolution, that prohibits 81103
or limits the operations of an adult use cultivator, adult use 81104
processor, or adult use dispensary licensed under this chapter 81105
on or after the effective date of this amendment. This division 81106
does not prohibit the enforcement of a municipal ordinance or 81107
township resolution adopted before the effective date of this 81108
amendment. 81109

(C) This section does not authorize the legislative authority of 81110
a municipal corporation or a board of township trustees to adopt 81111
an ordinance or resolution limiting research related to 81112
marijuana conducted at a state university, academic medical 81113
center, or private research and development organization as part 81114

of a research protocol approved by an institutional review board 81115
or equivalent entity. 81116

Sec. 3780.26. Enforcement authority of the division of 81117
cannabis control. 81118

(A) The division of cannabis control shall enforce, or cause to 81119
be enforced, all sections of this chapter and the rules adopted 81120
thereunder. If the division of cannabis control has information 81121
that any provision of this chapter or that any rule adopted 81122
thereunder has been violated, it may investigate the matter and 81123
take any reasonable action as it considers appropriate. 81124

(B) The division of cannabis control may do any of the following 81125
for any reason specified in rules adopted under section 3780.03 81126
of the Revised Code: 81127

(1) Suspend, suspend without prior hearing upon finding clear 81128
and convincing evidence that continued distribution of adult use 81129
cannabis presents a danger of immediate and serious harm to 81130
others, revoke, restrict, or refuse to renew a license it issued 81131
under this chapter; 81132

(2) Refuse to issue a license unless a license is required in 81133
accordance with this chapter; 81134

(3) Inspect the premises of an adult use cannabis operator or an 81135
adult use testing laboratory without prior notice; or 81136

(4) Impose on a provisional license holder or license holder a 81137
civil penalty in an amount to be determined by the division of 81138
cannabis control through rule to be paid into the ~~division of~~ 81139
~~cannabis control and tax commissioner fund~~ adult use tax fund 81140
created under section 3780.22 of the Revised Code. 81141

(C) If the division of cannabis control suspends, revokes, or 81142

refuses to renew any license issued under this chapter or 81143
determines that there is clear and convincing evidence of a 81144
danger of immediate and serious harm to any individual, the 81145
division of cannabis control may place under seal all adult use 81146
cannabis owned by or in the possession, custody, or control of 81147
the affected license holder. Except as provided in this section, 81148
the division of cannabis control shall not dispose of the adult 81149
use cannabis sealed under this section until the license holder 81150
exhausts all of the license holder's appeal rights under Chapter 81151
119. of the Revised Code. The court involved in such an appeal 81152
may order the division of cannabis control, during the pendency 81153
of the appeal, to sell cannabis that is perishable. The division 81154
of cannabis control shall deposit the proceeds of the sale with 81155
the court. 81156

(D) The division of cannabis control's enforcement actions under 81157
this section shall be taken in accordance with Chapter 119. of 81158
the Revised Code. 81159

(E) Nothing in this chapter shall be construed to require the 81160
division of cannabis control to enforce minor violations of this 81161
chapter if the division of cannabis control determines that the 81162
public interest is adequately served by a notice or warning to 81163
the alleged offender. 81164

Sec. 3780.30. Cannabis addiction services; toll-free 81165
telephone numbers. 81166

(A) The division of cannabis control shall enter into an 81167
agreement with the department of mental health and addiction 81168
services under which the department shall provide a program for 81169
cannabis addiction services to be implemented on behalf of the 81170
division of cannabis control, which includes best practices for 81171
education and treatment for individuals with addiction issues 81172

related to cannabis or other controlled substances, including 81173
opioids. 81174

(B) The department of mental health and addiction services shall 81175
establish, operate, and publicize an in-state, toll-free 81176
telephone number Ohio residents may call to obtain basic 81177
information about addiction services available to ~~consumer~~ 81178
consumers, and options for an addicted consumer to obtain help. 81179
The telephone number shall be staffed twenty-four hours per day, 81180
seven days a week in order to respond to inquiries and provide 81181
that information. ~~The costs of establishing, operating, and~~ 81182
~~publicizing the telephone number shall be paid for with money in~~ 81183
~~the substance abuse and addiction fund.~~ 81184

(C) ~~The director of mental health and addiction services shall~~ 81185
~~administer the substance abuse and addiction fund.~~ The director 81186
shall ~~use the money in the fund to~~ support addiction services or 81187
other services that relate to addiction and substance abuse, and 81188
research that relates to addiction and substance abuse. 81189
Treatment and prevention services supported ~~by money in the fund~~ 81190
~~under this section~~ shall be services that are certified by the 81191
department of mental health and addiction services. 81192

(D) ~~The director mental health and addiction services shall~~ 81193
~~prepare an annual report describing the use of the fund for~~ 81194
~~these purposes. The director shall submit the report to the~~ 81195
~~director of the department of commerce, the speaker and minority~~ 81196
~~leader of the house of representatives, the president and~~ 81197
~~minority leader of the senate, and the governor.~~ 81198

~~(E)~~ License holders shall provide informational resources for 81199
patrons related to cannabis addiction issues and services. 81200

~~(F)~~ (E) License holders shall provide training for their 81201

employees regarding the cannabis addiction services resources 81202
for patrons related to this section. 81203

Sec. 3780.37. (A) As used in this section, "nonprofit 81204
corporation" has the same meaning as in section 1702.01 of the 81205
Revised Code. 81206

(B) The division of cannabis control shall contract with a 81207
statewide nonprofit corporation for the development and 81208
implementation of cannabis and related drug misuse prevention, 81209
education, and public awareness initiatives driven by data, 81210
evaluation, and research. The contract must include a provision 81211
specifying a percentage of the total funding for the 81212
initiatives, not less than ten per cent, to be raised by the 81213
statewide nonprofit corporation through private contributions. 81214

(C) The initiatives may include all of the following: 81215

(1) Providing evidence-based information on the potential 81216
health effects of cannabis and related drug use among minors; 81217

(2) Disseminating educational resources regarding the 81218
risks associated with cannabis and related drug use during 81219
pregnancy; 81220

(3) Conducting campaigns to inform the public about the 81221
dangers and legal consequences of driving under the influence of 81222
cannabis and related drugs; 81223

(4) Collaborating with employers and industry groups to 81224
develop and distribute evidence-based resources to improve the 81225
health of Ohio's workforce and promote workplace safety and 81226
recovery initiatives focused on cannabis and related drug 81227
misuse. 81228

(D) The division shall oversee and evaluate the 81229

effectiveness of the initiatives undertaken pursuant to this 81230
section and shall ensure that those initiatives align with the 81231
public health and safety objectives of this state. 81232

(E) The division shall annually compile a report detailing 81233
activities, use of funds, and measurable outcomes resulting from 81234
the initiatives undertaken pursuant to this section. The 81235
division shall submit the report to the general assembly in 81236
accordance with section 101.68 of the Revised Code. 81237

Sec. 3781.062. The director of commerce, in collaboration 81238
with the state fire marshal, the board of building standards, 81239
and representatives of local building departments, shall develop 81240
guidelines for the enforcement of the Ohio building code and 81241
state fire code in a coordinated manner, including the 81242
interaction of exemptions from one code with the requirements of 81243
the other code. 81244

Sec. 3781.10. (A) (1) The board of building standards shall 81245
formulate and adopt rules governing the erection, construction, 81246
repair, alteration, and maintenance of all buildings or classes 81247
of buildings specified in section 3781.06 of the Revised Code, 81248
including land area incidental to those buildings, the 81249
construction of industrialized units, the installation of 81250
equipment, and the standards or requirements for materials used 81251
in connection with those buildings. The board shall incorporate 81252
those rules into separate residential and nonresidential 81253
building codes. The standards shall relate to the conservation 81254
of energy and the safety and sanitation of those buildings. 81255

~~(2)~~ (2) (a) The rules governing nonresidential buildings are 81256
the lawful minimum requirements specified for those buildings 81257
and industrialized units, except that no rule other than as 81258
provided in division (C) of section 3781.108 of the Revised Code 81259

that specifies a higher requirement than is imposed by any 81260
section of the Revised Code is enforceable. 81261

(b) The rules governing residential buildings are uniform 81262
requirements ~~for residential buildings~~ in any area with a 81263
building department certified to enforce the state residential 81264
building code in accordance with division (E) of this section, 81265
for both of the following: 81266

(i) The erection and construction of new residential 81267
buildings; 81268

(ii) The repair and alteration of existing residential 81269
buildings. 81270

(c) In no case shall any local code or regulation differ 81271
from the state residential building code for either the erection 81272
and construction of new residential buildings or for the repair 81273
and alteration of existing residential buildings unless that 81274
code or regulation addresses subject matter not addressed by the 81275
state residential building code or is adopted pursuant to 81276
section 3781.01 of the Revised Code. 81277

(3) The rules adopted pursuant to this section are 81278
complete, lawful alternatives to any requirements specified for 81279
buildings or industrialized units in any section of the Revised 81280
Code. Except as otherwise provided in division (I) of this 81281
section, the board shall, on its own motion or on application 81282
made under sections 3781.12 and 3781.13 of the Revised Code, 81283
formulate, propose, adopt, modify, amend, or repeal the rules to 81284
the extent necessary or desirable to effectuate the purposes of 81285
sections 3781.06 to 3781.18 of the Revised Code. 81286

(B) The board shall report to the general assembly 81287
proposals for amendments to existing statutes relating to the 81288

purposes declared in section 3781.06 of the Revised Code that 81289
public health and safety and the development of the arts require 81290
and shall recommend any additional legislation to assist in 81291
carrying out fully, in statutory form, the purposes declared in 81292
that section. The board shall prepare and submit to the general 81293
assembly a summary report of the number, nature, and disposition 81294
of the petitions filed under sections 3781.13 and 3781.14 of the 81295
Revised Code. 81296

(C) On its own motion or on application made under 81297
sections 3781.12 and 3781.13 of the Revised Code, and after 81298
thorough testing and evaluation, the board shall determine by 81299
rule that any particular fixture, device, material, process of 81300
manufacture, manufactured unit or component, method of 81301
manufacture, system, or method of construction complies with 81302
performance standards adopted pursuant to section 3781.11 of the 81303
Revised Code. The board shall make its determination with regard 81304
to adaptability for safe and sanitary erection, use, or 81305
construction, to that described in any section of the Revised 81306
Code, wherever the use of a fixture, device, material, method of 81307
manufacture, system, or method of construction described in that 81308
section of the Revised Code is permitted by law. The board shall 81309
amend or annul any rule or issue an authorization for the use of 81310
a new material or manufactured unit on any like application. No 81311
department, officer, board, or commission of the state other 81312
than the board of building standards or the board of building 81313
appeals shall permit the use of any fixture, device, material, 81314
method of manufacture, newly designed product, system, or method 81315
of construction at variance with what is described in any rule 81316
the board of building standards adopts or issues or that is 81317
authorized by any section of the Revised Code. Nothing in this 81318
section shall be construed as requiring approval, by rule, of 81319

plans for an industrialized unit that conforms with the rules 81320
the board of building standards adopts pursuant to section 81321
3781.11 of the Revised Code. 81322

(D) The board shall recommend rules, codes, and standards 81323
to help carry out the purposes of section 3781.06 of the Revised 81324
Code and to help secure uniformity of state administrative 81325
rulings and local legislation and administrative action to the 81326
bureau of workers' compensation, the director of commerce, any 81327
other department, officer, board, or commission of the state, 81328
and to legislative authorities and building departments of 81329
counties, townships, and municipal corporations, and shall 81330
recommend that they audit those recommended rules, codes, and 81331
standards by any appropriate action that they are allowed 81332
pursuant to law or the constitution. 81333

(E) (1) The board shall certify municipal, township, and 81334
county building departments, the personnel of those building 81335
departments, persons described in division (E) (7) of this 81336
section, and employees of individuals, firms, the state, or 81337
corporations described in division (E) (7) of this section to 81338
exercise enforcement authority, to accept and approve plans and 81339
specifications, and to make inspections, pursuant to sections 81340
3781.03, 3791.04, and 4104.43 of the Revised Code. 81341

(2) The board shall certify departments, personnel, and 81342
persons to enforce the state residential building code for the 81343
erection and construction of new residential buildings, to 81344
enforce the nonresidential building code, or to enforce both the 81345
residential and the nonresidential building codes. A department 81346
certified to enforce the state residential building code for the 81347
erection and construction of new residential buildings may also 81348
enforce the state residential building code for the repair and 81349

alteration of existing residential buildings upon obtaining the 81350
appropriate certification from the board, in accordance with 81351
this section, for the department and its personnel. Any 81352
department, personnel, or person may enforce only the type of 81353
building code for which certified. 81354

(3) The board shall not require a building department, its 81355
personnel, or any persons that it employs to be certified for 81356
residential building code enforcement if that building 81357
department does not enforce the state residential building code. 81358
The board shall specify, in rules adopted pursuant to Chapter 81359
119. of the Revised Code, the requirements for certification for 81360
residential and nonresidential building code enforcement, which 81361
shall be consistent with this division. The requirements for 81362
residential and nonresidential certification may differ. Except 81363
as otherwise provided in this division, the requirements shall 81364
include, but are not limited to, the satisfactory completion of 81365
an initial examination and, to remain certified, the completion 81366
of a specified number of hours of continuing building code 81367
education within each three-year period following the date of 81368
certification which shall be not less than thirty hours. The 81369
rules shall provide that continuing education credits and 81370
certification issued by the council of American building 81371
officials, national model code organizations, and agencies or 81372
entities the board recognizes are acceptable for purposes of 81373
this division. The rules shall specify requirements that are 81374
consistent with the provisions of section 5903.12 of the Revised 81375
Code relating to active duty military service and are 81376
compatible, to the extent possible, with requirements the 81377
council of American building officials and national model code 81378
organizations establish. 81379

(4) The board shall establish and collect a certification 81380

and renewal fee for building department personnel, and persons 81381
and employees of persons, firms, or corporations as described in 81382
this section, who are certified pursuant to this division. 81383

(5) Any individual certified pursuant to this division 81384
shall complete the number of hours of continuing building code 81385
education that the board requires or, for failure to do so, 81386
forfeit certification. 81387

(6) This division does not require or authorize the board 81388
to certify personnel of municipal, township, and county building 81389
departments, and persons and employees of persons, firms, or 81390
corporations as described in this section, whose 81391
responsibilities do not include the exercise of enforcement 81392
authority, the approval of plans and specifications, or making 81393
inspections under the state residential and nonresidential 81394
building codes. 81395

(7) Enforcement authority for approval of plans and 81396
specifications and enforcement authority for inspections may be 81397
exercised, and plans and specifications may be approved and 81398
inspections may be made on behalf of a municipal corporation, 81399
township, or county, by any of the following who the board of 81400
building standards certifies: 81401

(a) Officers or employees of the municipal corporation, 81402
township, or county; 81403

(b) Persons, or employees of persons, firms, or 81404
corporations, pursuant to a contract to furnish architectural, 81405
engineering, or other services to the municipal corporation, 81406
township, or county; 81407

(c) Officers or employees of, and persons under contract 81408
with, a municipal corporation, township, county, health 81409

district, or other political subdivision, pursuant to a contract 81410
to furnish architectural, engineering, or other services; 81411

(d) Officers or employees of the division of industrial 81412
compliance in the department of commerce pursuant to a contract 81413
authorized by division (B) of section 121.083 of the Revised 81414
Code. 81415

(8) Municipal, township, and county building departments 81416
have jurisdiction within the meaning of sections 3781.03, 81417
3791.04, and 4104.43 of the Revised Code, only with respect to 81418
the types of buildings and subject matters for which they are 81419
certified under this section. 81420

(9) A certified municipal, township, or county building 81421
department may exercise enforcement authority, accept and 81422
approve plans and specifications, and make inspections pursuant 81423
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 81424
for a park district created pursuant to Chapter 1545. of the 81425
Revised Code upon the approval, by resolution, of the board of 81426
park commissioners of the park district requesting the 81427
department to exercise that authority and conduct those 81428
activities, as applicable. 81429

(10) Certification shall be granted upon application by 81430
the municipal corporation, the board of township trustees, or 81431
the board of county commissioners and approval of that 81432
application by the board of building standards. The application 81433
shall set forth: 81434

(a) Whether the certification is requested for residential 81435
or nonresidential buildings, or both; 81436

(b) If the certification is requested for residential 81437
buildings, whether the requested certification is for only the 81438

erection and construction of new residential buildings or also 81439
the repair and alteration of existing residential buildings; 81440

(c) The number and qualifications of the staff composing 81441
the building department; 81442

~~(e)~~ (d) The names, addresses, and qualifications of 81443
persons, firms, or corporations contracting to furnish work or 81444
services pursuant to division (E) (7) (b) of this section; 81445

~~(d)~~ (e) The names of any other municipal corporation, 81446
township, county, health district, or political subdivision 81447
under contract to furnish work or services pursuant to division 81448
(E) (7) of this section; 81449

~~(e)~~ (f) The proposed budget for the operation of the 81450
building department; 81451

(g) Whether the building department intends to accept 81452
plans examination and inspection reports from a third-party 81453
examiner or inspector in accordance with rules adopted by the 81454
board of building standards pursuant to division (E) (15) of this 81455
section. 81456

(11) The board of building standards shall adopt rules 81457
governing all of the following: 81458

(a) The certification of building department personnel and 81459
persons and employees of persons, firms, or corporations 81460
exercising authority pursuant to division (E) (7) of this 81461
section. The rules shall disqualify any employee of the 81462
department or person who contracts for services with the 81463
department from performing services for the department when that 81464
employee or person would have to pass upon, inspect, or 81465
otherwise exercise authority over any labor, material, or 81466
equipment the employee or person furnishes for the construction, 81467

alteration, or maintenance of a building or the preparation of 81468
working drawings or specifications for work within the 81469
jurisdictional area of the department. The department shall 81470
provide other similarly qualified personnel to enforce the 81471
residential and nonresidential building codes as they pertain to 81472
that work. 81473

(b) The minimum services to be provided by a certified 81474
building department. 81475

(12) The board of building standards may revoke or suspend 81476
certification to enforce the residential and nonresidential 81477
building codes, on petition to the board by any person affected 81478
by that enforcement or approval of plans, or by the board on its 81479
own motion. Hearings shall be held and appeals permitted on any 81480
proceedings for certification or revocation or suspension of 81481
certification in the same manner as provided in section 3781.101 81482
of the Revised Code for other proceedings of the board of 81483
building standards. 81484

(13) Upon certification, and until that authority is 81485
revoked, any county or township building department shall 81486
enforce the residential and nonresidential building codes for 81487
which it is certified without regard to limitation upon the 81488
authority of boards of county commissioners under Chapter 307. 81489
of the Revised Code or boards of township trustees under Chapter 81490
505. of the Revised Code. 81491

(14) The board shall certify a person to exercise 81492
enforcement authority, to accept and approve plans and 81493
specifications, or to make inspections in this state in 81494
accordance with Chapter 4796. of the Revised Code if either of 81495
the following applies: 81496

(a) The person holds a license or certificate in another 81497
state. 81498

(b) The person has satisfactory work experience, a 81499
government certification, or a private certification as 81500
described in that chapter in the same profession, occupation, or 81501
occupational activity as the profession, occupation, or 81502
occupational activity for which the certificate is required in 81503
this state in a state that does not issue that license or 81504
certificate. 81505

(15) (a) In addition to the personnel and persons certified 81506
by the board of building standards pursuant to this section, the 81507
board may adopt rules authorizing certified municipal, township, 81508
and county building departments to accept plans examination and 81509
inspection reports from a third-party examiner or inspector, but 81510
only with respect to the state building codes, or portions 81511
thereof, the building department is certified to enforce. 81512

(b) The rules may require the third-party examiner or 81513
inspector be certified pursuant to sections 3781.10 and 3783.03 81514
of the Revised Code and authorized to conduct such a plans 81515
examination or inspection elsewhere in this state or to 81516
demonstrate equivalent competency as specified and determined by 81517
the board of building standards. 81518

(c) Fees charged by a third-party examiner or inspector 81519
are in addition to any fees prescribed by the political 81520
subdivision pursuant to section 3781.102 of the Revised Code and 81521
are the responsibility of the building owner. 81522

(d) The issuance of certificates of plan approval under 81523
section 3791.04 of the Revised Code and certificates of 81524
occupancy or completion remains the exclusive authority of the 81525

certified personnel employed by or under contract with a 81526
certified municipal, township, and county building department 81527
and shall not be issued by a third-party examiner or inspector. 81528

(F) In addition to hearings sections 3781.06 to 3781.18 81529
and 3791.04 of the Revised Code require, the board of building 81530
standards shall make investigations and tests, and require from 81531
other state departments, officers, boards, and commissions 81532
information the board considers necessary or desirable to assist 81533
it in the discharge of any duty or the exercise of any power 81534
mentioned in this section or in sections 3781.06 to 3781.18, 81535
3791.04, and 4104.43 of the Revised Code. 81536

(G) The board shall adopt rules and establish reasonable 81537
fees for the review of all applications submitted where the 81538
applicant applies for authority to use a new material, assembly, 81539
or product of a manufacturing process. The fee shall bear some 81540
reasonable relationship to the cost of the review or testing of 81541
the materials, assembly, or products and for the notification of 81542
approval or disapproval as provided in section 3781.12 of the 81543
Revised Code. 81544

(H) The residential construction advisory committee shall 81545
provide the board with a proposal for a state residential 81546
building code that the committee recommends pursuant to division 81547
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 81548
recommendation from the committee that is acceptable to the 81549
board, the board shall adopt rules establishing that code as the 81550
state residential building code. 81551

(I) (1) The committee may provide the board with proposed 81552
rules to update or amend the state residential building code 81553
that the committee recommends pursuant to division (E) of 81554
section 4740.14 of the Revised Code. 81555

(2) If the board receives a proposed rule to update or
amend the state residential building code as provided in
division (I) (1) of this section, the board either may accept or
reject the proposed rule for incorporation into the residential
building code. If the board does not act to either accept or
reject the proposed rule within ninety days after receiving the
proposed rule from the committee as described in division (I) (1)
of this section, the proposed rule shall become part of the
residential building code.

(J) The board shall cooperate with the director of
children and youth when the director promulgates rules pursuant
to section 5104.05 of the Revised Code regarding safety and
sanitation in type A family child care homes.

(K) The board shall adopt rules to implement the
requirements of section 3781.108 of the Revised Code.

(L) The board may establish a grant program to assist
municipal, township, and county building departments certified
by the board pursuant to division (E) of this section in the
recruitment, training, and retention of qualified personnel.

Sec. 3781.102. (A) Any county or municipal building
department certified pursuant to division (E) of section 3781.10
of the Revised Code as of September 14, 1970, and that, as of
that date, was inspecting single-family, two-family, and three-
family residences, and any township building department
certified pursuant to division (E) of section 3781.10 of the
Revised Code, is hereby declared to be certified to inspect
single-family, two-family, and three-family residences
containing industrialized units, and shall inspect the buildings
or classes of buildings subject to division (E) of section
3781.10 of the Revised Code.

(B) Each board of county commissioners may adopt, by 81586
resolution, rules establishing standards and providing for the 81587
licensing of electrical and heating, ventilating, and air 81588
conditioning contractors who are not required to hold a valid 81589
and unexpired license pursuant to Chapter 4740. of the Revised 81590
Code. 81591

Rules adopted by a board of county commissioners pursuant 81592
to this division may be enforced within the unincorporated areas 81593
of the county and within any municipal corporation where the 81594
legislative authority of the municipal corporation has 81595
contracted with the board for the enforcement of the county 81596
rules within the municipal corporation pursuant to section 81597
307.15 of the Revised Code. The rules shall not conflict with 81598
rules adopted by the board of building standards pursuant to 81599
section 3781.10 of the Revised Code or by the department of 81600
commerce pursuant to Chapter 3703. of the Revised Code. This 81601
division does not impair or restrict the power of municipal 81602
corporations under Section 3 of Article XVIII, Ohio 81603
Constitution, to adopt rules concerning the erection, 81604
construction, repair, alteration, and maintenance of buildings 81605
and structures or of establishing standards and providing for 81606
the licensing of specialty contractors pursuant to section 81607
715.27 of the Revised Code. 81608

A board of county commissioners, pursuant to this 81609
division, may require all electrical contractors and heating, 81610
ventilating, and air conditioning contractors, other than those 81611
who hold a valid and unexpired license issued pursuant to 81612
Chapter 4740. of the Revised Code, to successfully complete an 81613
examination, test, or demonstration of technical skills, and may 81614
impose a fee and additional requirements for a license to engage 81615
in their respective occupations within the jurisdiction of the 81616

board's rules under this division. 81617

(C) No board of county commissioners shall require any 81618
specialty contractor who holds a valid and unexpired license 81619
issued pursuant to Chapter 4740. of the Revised Code to 81620
successfully complete an examination, test, or demonstration of 81621
technical skills in order to engage in the type of contracting 81622
for which the license is held, within the unincorporated areas 81623
of the county and within any municipal corporation whose 81624
legislative authority has contracted with the board for the 81625
enforcement of county regulations within the municipal 81626
corporation, pursuant to section 307.15 of the Revised Code. 81627

(D) A board may impose a fee for registration of a 81628
specialty contractor who holds a valid and unexpired license 81629
issued pursuant to Chapter 4740. of the Revised Code before that 81630
specialty contractor may engage in the type of contracting for 81631
which the license is held within the unincorporated areas of the 81632
county and within any municipal corporation whose legislative 81633
authority has contracted with the board for the enforcement of 81634
county regulations within the municipal corporation, pursuant to 81635
section 307.15 of the Revised Code, provided that the fee is the 81636
same for all specialty contractors who wish to engage in that 81637
type of contracting. If a board imposes such a fee, the board 81638
immediately shall permit a specialty contractor who presents 81639
proof of holding a valid and unexpired license and pays the 81640
required fee to engage in the type of contracting for which the 81641
license is held within the unincorporated areas of the county 81642
and within any municipal corporation whose legislative authority 81643
has contracted with the board for the enforcement of county 81644
regulations within the municipal corporation, pursuant to 81645
section 307.15 of the Revised Code. 81646

(E) The political subdivision associated with each 81647
municipal, township, and county building department the board of 81648
building standards certifies pursuant to division (E) of section 81649
3781.10 of the Revised Code may prescribe fees to be paid by 81650
persons, political subdivisions, or any department, agency, 81651
board, commission, or institution of the state, for the 81652
acceptance and approval of plans and specifications, and for the 81653
making of inspections, pursuant to sections 3781.03 and 3791.04 81654
of the Revised Code. 81655

(F) Each political subdivision that prescribes fees 81656
pursuant to division (E) of this section shall collect, on 81657
behalf of the board of building standards, fees equal to the 81658
following: 81659

(1) Three per cent of the fees the political subdivision 81660
collects in connection with nonresidential buildings; 81661

(2) One per cent of the fees the political subdivision 81662
collects in connection with the erection of and construction of 81663
new residential buildings and, if the political subdivision 81664
elects under division (E) of section 3781.10 of the Revised Code 81665
to enforce the state residential building code for the repair 81666
and alteration of existing residential buildings, one per cent 81667
of the fees the political subdivision collects in connection 81668
with the repair and alteration of existing residential 81669
buildings. 81670

(G) (1) The board shall adopt rules, in accordance with 81671
Chapter 119. of the Revised Code, specifying the manner in which 81672
the fee assessed pursuant to division (F) of this section shall 81673
be collected and remitted monthly to the board. The board shall 81674
pay the fees into the state treasury to the credit of the 81675
industrial compliance operating fund created in section 121.084 81676

of the Revised Code. 81677

(2) All money credited to the industrial compliance 81678
operating fund under this division shall be used exclusively for 81679
the following: 81680

(a) Operating costs of the board; 81681

(b) Providing services, including educational programs, 81682
for the building departments that are certified by the board 81683
pursuant to division (E) of section 3781.10 of the Revised Code; 81684

(c) Paying the expenses of the residential construction 81685
advisory committee, including the expenses of committee members 81686
as provided in section 4740.14 of the Revised Code; 81687

(d) Administering a grant program established under 81688
division (L) of section 3781.10 of the Revised Code and awarding 81689
grants to municipal, township, and county building departments 81690
under that program. 81691

(H) A board of county commissioners that adopts rules 81692
providing for the licensing of electrical and heating, 81693
ventilating, and air conditioning contractors, pursuant to 81694
division (B) of this section, may accept, for purposes of 81695
satisfying the requirements of rules adopted under that 81696
division, a valid and unexpired license issued pursuant to 81697
Chapter 4740. of the Revised Code that is held by an electrical 81698
or heating, ventilating, and air conditioning contractor, for 81699
the construction, replacement, maintenance, or repair of one- 81700
family, two-family, or three-family dwelling houses or accessory 81701
structures incidental to those dwelling houses. 81702

(I) A board of county commissioners shall not register a 81703
specialty contractor who is required to hold a license under 81704
Chapter 4740. of the Revised Code but does not hold a valid 81705

license issued under that chapter. 81706

(J) If a board of county commissioners regulates a 81707
profession, occupation, or occupational activity under this 81708
section, the board shall comply with Chapter 4796. of the 81709
Revised Code. 81710

(K) As used in this section, "specialty contractor" means 81711
a heating, ventilating, and air conditioning contractor, 81712
refrigeration contractor, electrical contractor, plumbing 81713
contractor, or hydronics contractor, as those contractors are 81714
described in Chapter 4740. of the Revised Code. 81715

Sec. 3781.1011. (A) As used in this section: 81716

(1) "Alarm system" means a device or system that transmits 81717
a signal intended to summon law enforcement to a county, 81718
township, or municipal corporation in response to an alleged 81719
violation of an offense under Chapter 2911. of the Revised Code 81720
occurring in a nonresidential zone of the applicable county, 81721
township, or municipal corporation. The term includes an alarm 81722
that emits an audible signal on the exterior of a structure. The 81723
term does not include an alarm installed on a vehicle or an 81724
alarm designed to alert only the inhabitants within the 81725
premises. The term includes an alarm system for which a permit 81726
may be issued under any applicable section of the Revised Code 81727
or Ohio Constitution. 81728

(2) "Battery-charged fence" means a ~~fence connected to~~ 81729
system, including integrated components or equipment, that 81730
satisfies all of the following: 81731

(a) Functions with a battery-operated energizer that is 81732
intended to periodically ~~to~~ deliver voltage impulses to the- 81733
~~fence,~~ system with an impulse repetition rate that does not 81734

exceed one hertz and an impulse duration that does not exceed 81735
ten milliseconds; 81736

(b) Exclusively uses a battery charging device used 81737
exclusively to charge the battery, and any other ancillary 81738
components or equipment attached to such a system; 81739

(c) Interfaces with a monitored alarm system; 81740

(d) Has a battery-operated energizer that is powered by a 81741
commercial storage battery that is not more than twelve volts of 81742
direct current; 81743

(e) Is four to twelve inches behind a non-battery-charged 81744
perimeter fence, wall, or structure that is not less than five 81745
feet in height; 81746

(f) Is ten feet in height, or two feet higher than the 81747
height of the non-battery-charged perimeter fence, wall, or 81748
structure, whichever is higher; 81749

(g) Is marked with conspicuous warning signs that are 81750
located on the battery-charged fence at not more than thirty- 81751
foot intervals and that read: "WARNING-SHOCK HAZARD" or a 81752
similar warning message. 81753

(3) "Permit" means a certificate, license, permit, or 81754
other form of permission that authorizes a person to engage in 81755
an action. 81756

(B) A-Subject to division (D) of this section, a person 81757
may install, operate, and use a battery-charged fence installed 81758
on private, nonresidential property within a county, township, 81759
or municipal corporation shall satisfy all of the following: 81760

~~(1) Interface with a monitored alarm system;~~ 81761

~~(2) Have a battery-operated energizer that is powered by a commercial storage battery that is not more than twelve volts of direct current, and that meets the standards set forth by the international electrotechnical commission 60335-02-76 current edition;~~

~~(3) Be completely surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height;~~

~~(4) Be not more than the higher of ten feet in height, or two feet higher than the height of the nonelectric perimeter fence or wall; and~~

~~(5) Be marked with conspicuous warning signs that are located on the battery-charged fence at not more than forty-foot intervals and that read: "WARNING--ELECTRIC FENCE."~~

(C) Division (B) of this section does not apply to any of the following fences, regardless of whether such fences are battery-charged fences under division (A) (2) of this section:

(1) Fences that are required to be constructed by persons or corporations owning, controlling, or managing a railroad pursuant to Chapter 4959. of the Revised Code;

(2) Partition fences constructed in accordance with Chapter 971. of the Revised Code;

(3) Fences constructed or installed by the state or a political subdivision, or by the federal government;

(4) Fences installed at a facility that is an accredited member of the association of zoos and aquariums or the zoological association of America and that is licensed by the United States department of agriculture under the federal animal welfare act;

(5) Fences installed at a wildlife sanctuary;	81790
(6) Fences constructed and used for agricultural purposes,	81791
as agriculture is defined in either section 303.01 or 519.01 of	81792
the Revised Code.	81793
(D) Notwithstanding any other section of the Revised Code,	81794
a <u>A</u> county, township, or municipal corporation may adopt and	81795
enforce an ordinance, order, resolution, or regulation that does	81796
any of the following:	81797
(1) Imposes installation or , <u>operational, or use</u>	81798
requirements for battery-charged fences in nonresidential	81799
properties that are do not in conflict with the requirements and	81800
standards set forth in <u>expressly, implicitly, or functionally</u>	81801
<u>prohibit the installation, operation, or use of such fences, as</u>	81802
<u>authorized under</u> division (B) of this section;	81803
(2) Requires a permit or fee for the installation,	81804
<u>operation,</u> or use of a battery-charged fence to which this	81805
section applies in accordance with a permit or fee for an alarm	81806
system issued or charged by the county, township, or municipal	81807
corporation;	81808
(3) Prohibits <u>Completely prohibits or imposes generally</u>	81809
<u>applicable requirements on the installation, operation, or use</u>	81810
of a battery-charged fence <u>non-battery-charged perimeter fence,</u>	81811
<u>wall, or structure or any system that does not constitute a</u>	81812
<u>battery-charged fence under division (A) (2) of this section in a</u>	81813
<u>nonresidential zone</u> that does not meet the requirements and	81814
standards set forth in <u>division (B) of this section.</u>	81815
<u>Sec. 3901.3815.</u> (A) As used in this section:	81816
(1) <u>"Health plan issuer" has the same meaning as in</u>	81817
<u>section 3922.01 of the Revised Code, except that the term also</u>	81818

includes any vendor contracted by a health plan issuer, as 81819
defined in that section. 81820

(2) "Health care provider" has the same meaning as in 81821
section 3701.74 of the Revised Code. 81822

(3) "Credit card" means a single-use or virtual payment 81823
card provided in an electronic, digital, facsimile, physical, or 81824
paper format. 81825

(4) "Business day" has the same meaning as in section 81826
3901.81 of the Revised Code. 81827

(B) A health plan issuer shall offer all reasonably 81828
available methods of payment to a health care provider, which 81829
shall include payment by check and electronic funds transfer. 81830

(C) A health plan issuer shall not mandate payment by 81831
credit card. 81832

(D) If one of the available payment methods has an 81833
associated fee, the health plan issuer shall, prior to 81834
initiating the first payment to a health care provider or upon 81835
changing the payment methods available to a health care 81836
provider, do both of the following: 81837

(1) Notify the provider that there may be fees associated 81838
with a particular payment method and disclose the amount of such 81839
fees; 81840

(2) Provide the health care provider with clear 81841
instructions as to how to select each payment method either on 81842
the health plan issuer's web site or through a means other than 81843
the contract offered to the health care provider. 81844

(E) A health plan issuer shall offer at least one method 81845
of payment that does not require the health care provider to pay 81846

any associated fee. 81847

(F) (1) If a health care provider requests a change in the 81848
available payment method, the health plan issuer shall implement 81849
the change to the payment method selected by the health care 81850
provider within thirty business days. 81851

(2) The payment method selected by the health care 81852
provider shall remain in effect until the health care provider 81853
requests a different payment method. 81854

(3) The health plan issuer shall not charge a fee for a 81855
change in payment method. 81856

Sec. 3902.631. (A) A health benefit plan issued, amended, 81857
or renewed on or after the effective date of this section that 81858
provides coverage for a health service that a certified 81859
registered nurse anesthetist is authorized to perform pursuant 81860
to section 4723.43 of the Revised Code shall not differentiate 81861
in the reimbursement rate for such a service based on whether 81862
the service was provided by a certified registered nurse 81863
anesthetist or by a physician licensed under under Chapter 4731. 81864
of the Revised Code. 81865

(B) Nothing in this section shall be construed as 81866
prohibiting a health benefit plan from establishing variable 81867
reimbursement rates based on quality or performance measures. 81868

Sec. 3905.72. (A) (1) No person shall act as a managing 81869
general agent representing an insurer licensed in this state 81870
with respect to risks located in this state unless the person is 81871
licensed as a managing general agent pursuant to division (C) or 81872
(D) of this section. 81873

(2) No person shall act as a managing general agent 81874
representing an insurer organized under the laws of this state 81875

with respect to risks located outside this state unless the 81876
person is licensed as a managing general agent pursuant to 81877
division (C) of this section. 81878

(B) Every person that seeks to act as a managing general 81879
agent as described in division (A) of this section shall apply 81880
to the superintendent of insurance for a license. Except as 81881
otherwise provided in division (D) of this section, the 81882
application shall be in writing on a form provided by the 81883
superintendent ~~and shall be sworn or affirmed before a notary~~ 81884
~~public or other person empowered to administer oaths.~~ The 81885
application shall be kept on file by the superintendent and 81886
shall include all of the following: 81887

(1) The name and principal business address of the 81888
applicant; 81889

(2) If the applicant is an individual, the applicant's 81890
current occupation; 81891

(3) If the applicant is an individual, the applicant's 81892
occupation or occupations during the five-year period prior to 81893
applying for the license to act as a managing general agent; 81894

(4) A copy of the contract between the applicant and the 81895
insurer as required by, and in compliance with, section 3905.73 81896
of the Revised Code; 81897

(5) A copy of a certified resolution of the board of 81898
directors of the insurer on whose behalf the applicant will act, 81899
appointing the applicant as a managing general agent and agent 81900
of the insurer, specifying the duties the applicant is expected 81901
to perform on behalf of the insurer and the lines of insurance 81902
the applicant will manage, and authorizing the insurer to enter 81903
into a contract with the applicant as required by section 81904

3905.73 of the Revised Code; 81905

(6) A statement that the applicant submits to the 81906
jurisdiction of the superintendent and the courts of this state; 81907

(7) Any other information required by the superintendent. 81908

(C) The superintendent shall issue to a resident of this 81909
state or a business entity organized under the laws of this 81910
state a license to act as a managing general agent representing 81911
an insurer licensed to do business in this state with respect to 81912
risks located in this state or a license to act as a managing 81913
general agent representing an insurer organized under the laws 81914
of this state with respect to risks located outside this state, 81915
and shall renew such a license, if the superintendent is 81916
satisfied that all of the following conditions are met: 81917

(1) The applicant is a suitable person and intends to hold 81918
self out in good faith as a managing general agent. 81919

(2) The applicant understands the duties and obligations 81920
of a managing general agent. 81921

(3) The applicant has filed a completed application that 81922
complies with division (B) of this section. 81923

(4) The applicant has paid a fee in the amount of twenty 81924
dollars. 81925

(5) The applicant maintains a bond in the amount of not 81926
less than fifty thousand dollars for the protection of the 81927
insurer. 81928

(6) The applicant maintains an errors and omissions policy 81929
of insurance. 81930

(7) The applicant is not, and has never been, under an 81931

order of suspension or revocation under section 3905.77 of the 81932
Revised Code or under any other law of this state, or any other 81933
state, relating to insurance, and is otherwise in compliance 81934
with sections 3905.71 to 3905.79 of the Revised Code and all 81935
other laws of this state relating to insurance. 81936

(D) If the applicant is a resident of another state or a 81937
business entity organized under the laws of another state, the 81938
applicant shall submit a request for licensure, along with a fee 81939
of twenty dollars, to the superintendent. The superintendent 81940
shall issue a license to act as a managing general agent if the 81941
request for licensure includes proof that the applicant is 81942
licensed and in good standing as a managing general agent in the 81943
applicant's home state and either a copy of the application for 81944
licensure the applicant submitted to the applicant's home state 81945
or the application described in division (B) of this section. 81946

If the applicant's home state does not license managing 81947
general agents under provisions similar to those in sections 81948
3905.71 to 3905.79 of the Revised Code, or if the applicant's 81949
home state does not grant licenses to residents of this state on 81950
the same reciprocal basis, the applicant shall comply with 81951
divisions (B) and (C) of this section. 81952

(E) Unless suspended or revoked by an order of the 81953
superintendent pursuant to section 3905.77 of the Revised Code 81954
and except as provided in division (F) of this section, any 81955
license issued or renewed pursuant to division (C) or (D) of 81956
this section shall expire on the last day of February next after 81957
its issuance or renewal. 81958

(F) If the appointment of a managing general agent is 81959
terminated by the insurer, the license of the managing general 81960
agent shall expire on the date of the termination. 81961

(G) A license shall be renewed in accordance with the 81962
standard renewal procedure specified in Chapter 4745. of the 81963
Revised Code. 81964

(H) All license fees collected pursuant to this section 81965
shall be paid into the state treasury to the credit of the 81966
department of insurance operating fund. 81967

Sec. 3923.443. (A) (1) No agent shall sell, solicit, or 81968
negotiate long-term care insurance ~~on or after September 1,~~ 81969
~~2008,~~ without first completing an initial eight-hour partnership 81970
program training course as described in division (B) of this 81971
section. 81972

(2) (a) Any agent that sells, solicits, or negotiates any 81973
long-term care insurance shall complete at least four hours of 81974
continuing education in every ~~twenty-four-month period~~ 81975
~~commencing on the first day of January of the year immediately~~ 81976
~~following the year of the issuance of the agent's license~~ license 81977
renewal period beginning with the first license renewal period 81978
following the agent's completion of the partnership training 81979
course described in division (A) (1) of this section. 81980

(b) ~~No~~ An agent ~~shall fail who fails~~ to complete the 81981
continuing education requirements in division (A) (2) (a) of this 81982
section ~~in the twenty-four-month period described in that~~ 81983
~~division~~ before the end of a license renewal period shall not 81984
sell, solicit, or negotiate long-term care insurance until such 81985
requirements have been met. 81986

(B) The initial training course and continuing education 81987
required under division (A) of this section may be approved by 81988
the superintendent of insurance as continuing education courses 81989
under sections 3905.481 to 3905.486 of the Revised Code and 81990

shall consist of combined topics related to long-term care 81991
insurance, long-term care services, and state long-term care 81992
insurance partnership programs, including all of the following: 81993

(1) State and federal regulations and requirements and the 81994
relationship between state long-term care insurance partnership 81995
programs and other public and private coverage of long-term care 81996
services, including medicaid; 81997

(2) Available long-term care services and providers; 81998

(3) Changes or improvements in long-term care services or 81999
providers; 82000

(4) Alternatives to the purchase of private long-term care 82001
insurance; 82002

(5) The effect of inflation on benefits and the importance 82003
of inflation protection; 82004

(6) Consumer suitability standards and guidelines; 82005

(7) Any other topics required by the superintendent. 82006

(C) The initial training and continuing education required 82007
by division (A) of this section shall not include training that 82008
is specific to a particular insurer or company product or that 82009
includes any sales or marketing information, materials, or 82010
training other than those required by state or federal law. 82011

(D) A resident agent shall satisfy the initial training 82012
and continuing education required by division (A) of this 82013
section by completing long-term care courses that are approved 82014
by the superintendent. A nonresident agent may satisfy the 82015
training and continuing education required by division (A) of 82016
this section by completing the training requirements in any 82017
other state, provided that the course is approved for credit by 82018

the insurance department of that state prior to the agent taking 82019
the course. 82020

(E) Each insurer shall obtain records of the initial 82021
training and continuing education completed by agents of that 82022
insurer pursuant to division (A) of this section as well as the 82023
training completed by the insurer's agents concerning the 82024
distribution of the insurer's partnership program policies and 82025
shall make those records available to the superintendent upon 82026
request. 82027

(F) Each insurer shall maintain records with respect to 82028
the training of its agents concerning the distribution of the 82029
insurer's partnership program policies. Each insurer shall 82030
provide documentation to the superintendent that will allow the 82031
superintendent to provide assurance to the medicaid director 82032
that agents have received the training required by this section 82033
and that agents have demonstrated an understanding of the 82034
partnership program policies and their relationship to public 82035
and private coverage of long-term care in this state, including 82036
medicaid. The superintendent may audit each insurer's records 82037
annually to verify that the insurer is maintaining the records 82038
required by this division. The superintendent shall make the 82039
records provided to the superintendent pursuant to division (E) 82040
of this section available to the director. 82041

Sec. 3951.03. (A) Before any certificate of authority 82042
shall be issued by the superintendent of insurance there shall 82043
be filed in the superintendent's office a written application 82044
therefor. Such application shall be in the form or forms and 82045
supplements thereto prescribed by the superintendent and shall 82046
set forth: 82047

(1) The name and address of the applicant, and if the 82048

applicant be a firm, association, or partnership, the name and 82049
address of each member thereof, and if the applicant be a 82050
corporation, the name and address of each of its officers and 82051
directors; 82052

(2) Whether any license or certificate of authority as 82053
agent, broker, or public insurance adjuster has been issued 82054
previously by the superintendent of this state or by the 82055
insurance department of any state to the individual applicant, 82056
and, if the applicant be an individual, whether any such 82057
certificate has been issued previously to any firm, association, 82058
or partnership of which the individual was or is an officer or 82059
director, and, if the applicant be a firm, association, or 82060
partnership, whether any such certificate has been issued 82061
previously to any member thereof, and, if the applicant be a 82062
corporation, whether any such certificate has been issued 82063
previously to any officer or director of such corporation; 82064

(3) The business or employment in which the applicant has 82065
been engaged for the five years next preceding the date of the 82066
application, and the name and address of such business and the 82067
name or names and addresses of his employer or employers; 82068

(4) Such information as the superintendent may require of 82069
applicants in order to determine their trustworthiness and 82070
competency to transact the business of public insurance 82071
adjusters, in such manner as to safeguard the interest of the 82072
public; 82073

(B) Except as provided in division (C) of this section, 82074
the superintendent shall issue a public insurance adjuster agent 82075
certificate to a person, who is a bona fide employee of a public 82076
insurance adjuster without examination, provided said 82077
application is made by a person, partnership, association, or 82078

corporation engaged in the public insurance adjusting business. 82079
The fee to be paid by the applicant for such a license at the 82080
time the application is made, and annually thereafter for the 82081
renewal thereof according to the standard renewal procedure of 82082
sections 4745.01 to 4745.03, inclusive, of the Revised Code, 82083
shall be fifty dollars, and such applicant shall be bonded in 82084
the amount of one thousand dollars as provided for in division 82085
(D) of section 3951.06 of the Revised Code. 82086

(C) The superintendent shall issue a public insurance 82087
adjuster agent certificate in accordance with Chapter 4796. of 82088
the Revised Code to an applicant if either of the following 82089
applies: 82090

(1) The applicant holds a license or certificate in 82091
another state. 82092

(2) The applicant has satisfactory work experience, a 82093
government certification, or a private certification as 82094
described in that chapter as a public insurance adjuster agent 82095
in a state that does not issue that license or certificate. 82096

(D) An application for any certificate of authority shall 82097
be signed ~~and verified under oath~~ by the applicant and, if made 82098
by a firm, association, partnership, or corporation, by each 82099
member or officer and director thereof to be authorized thereby 82100
to act as a public insurance adjuster. 82101

Sec. 3959.01. As used in this chapter: 82102

(A) "Administration fees" means any amount charged a 82103
covered person for services rendered. "Administration fees" 82104
includes commissions earned or paid by any person relative to 82105
services performed by an administrator. 82106

(B) "Administrator" means any person who adjusts or 82107

settles claims on, residents of this state in connection with 82108
life, dental, health, prescription drugs, or disability 82109
insurance or self-insurance programs. "Administrator" includes a 82110
pharmacy benefit manager. "Administrator" does not include any 82111
of the following: 82112

(1) An insurance agent or solicitor licensed in this state 82113
whose activities are limited exclusively to the sale of 82114
insurance and who does not provide any administrative services; 82115

(2) Any person who administers or operates the workers' 82116
compensation program of a self-insuring employer under Chapter 82117
4123. of the Revised Code; 82118

(3) Any person who administers pension plans for the 82119
benefit of the person's own members or employees or administers 82120
pension plans for the benefit of the members or employees of any 82121
other person; 82122

(4) Any person that administers an insured plan or a self- 82123
insured plan that provides life, dental, health, or disability 82124
benefits exclusively for the person's own members or employees; 82125

(5) Any health insuring corporation holding a certificate 82126
of authority under Chapter 1751. of the Revised Code or an 82127
insurance company that is authorized to write life or sickness 82128
and accident insurance in this state. 82129

(C) "Actual acquisition cost" means the amount that a drug 82130
wholesaler charges a pharmacy for a drug product as listed on 82131
the pharmacy's billing invoice. 82132

(D) "Aggregate excess insurance" means that type of 82133
coverage whereby the insurer agrees to reimburse the insured 82134
employer or trust for all benefits or claims paid during an 82135
agreement period on behalf of all covered persons under the plan 82136

or trust which exceed a stated deductible amount and subject to 82137
a stated maximum. 82138

~~(D)~~ (E) "Contracted pharmacy" or "pharmacy" means a 82139
pharmacy located in this state participating in either the 82140
network of a pharmacy benefit manager or in a health care or 82141
pharmacy benefit plan through a direct contract or through a 82142
contract with a pharmacy services administration organization, 82143
group purchasing organization, or another contracting agent. 82144

~~(E)~~ (F) "Contributions" means any amount collected from a 82145
covered person to fund the self-insured portion of any plan in 82146
accordance with the plan's provisions, summary plan 82147
descriptions, and contracts of insurance. 82148

~~(F)~~ (G) "Drug product reimbursement" means the amount paid 82149
by a pharmacy benefit manager to a contracted pharmacy for the 82150
cost of the drug dispensed to a patient and does not include a 82151
dispensing or professional fee. 82152

~~(G)~~ (H) "Drug wholesaler" means a wholesale drug 82153
distributor accredited by a nationally recognized nonprofit 82154
organization that represents the interests of state boards of 82155
pharmacy and to which the state board of pharmacy is a member. 82156

(I) "Fiduciary" has the meaning set forth in section 82157
1002(21) (A) of the "Employee Retirement Income Security Act of 82158
1974," 88 Stat. 829, 29 U.S.C. 1001, as amended. 82159

~~(H)~~ (J) "Fiscal year" means the twelve-month accounting 82160
period commencing on the date the plan is established and ending 82161
twelve months following that date, and each corresponding 82162
twelve-month accounting period thereafter as provided for in the 82163
summary plan description. 82164

~~(I)~~ (K) "Insurer" means an entity authorized to do the 82165

business of insurance in this state or, for the purposes of this 82166
section, a health insuring corporation authorized to issue 82167
health care plans in this state. 82168

~~(J)~~ (L) "Managed care organization" means an entity that 82169
provides medical management and cost containment services and 82170
includes a medicaid managed care organization, as defined in 82171
section 5167.01 of the Revised Code. 82172

~~(K)~~ (M) "Maximum allowable cost" means a maximum drug 82173
product reimbursement for an individual drug or for a group of 82174
therapeutically and pharmaceutically equivalent multiple source 82175
drugs that are listed in the United States food and drug 82176
administration's approved drug products with therapeutic 82177
equivalence evaluations, commonly referred to as the orange 82178
book. 82179

~~(L)~~ (N) "Maximum allowable cost list" means a list of the 82180
drugs for which a pharmacy benefit manager imposes a maximum 82181
allowable cost, either directly or by setting forth a method for 82182
how the maximum allowable cost is calculated. 82183

~~(M)~~ (O) "Multiple employer welfare arrangement" has the 82184
same meaning as in section 1739.01 of the Revised Code. 82185

~~(N)~~ (P) "National drug code number" or "national drug 82186
code" means the number registered for a drug pursuant to the 82187
listing system established by the United States food and drug 82188
administration under the "Drug Listing Act of 1972," 21 U.S.C. 82189
360. 82190

(Q) "Ohio pharmacy" means a pharmacy, including an 82191
independent pharmacy, that is incorporated or organized in this 82192
state under Title XVII of the Revised Code. 82193

(R) "Pharmacy benefit manager" means an entity that 82194

contracts with pharmacies on behalf of an employer, a multiple 82195
employer welfare arrangement, public employee benefit plan, 82196
state agency, insurer, managed care organization, or other 82197
third-party payer to provide pharmacy health benefit services or 82198
administration. "Pharmacy benefit manager" includes the state 82199
pharmacy benefit manager selected under section 5167.24 of the 82200
Revised Code. 82201

~~(Q)~~ (S) "Plan" means any arrangement in written form for 82202
the payment of life, dental, health, or disability benefits to 82203
covered persons defined by the summary plan description and 82204
includes a drug benefit plan administered by a pharmacy benefit 82205
manager. 82206

~~(P)~~ (T) "Plan sponsor" means the person who establishes 82207
the plan. 82208

~~(Q)~~ (U) "Self-insurance program" means a program whereby 82209
an employer provides a plan of benefits for its employees 82210
without involving an intermediate insurance carrier to assume 82211
risk or pay claims. "Self-insurance program" includes but is not 82212
limited to employer programs that pay claims up to a prearranged 82213
limit beyond which they purchase insurance coverage to protect 82214
against unpredictable or catastrophic losses. 82215

~~(R)~~ (V) "Specific excess insurance" means that type of 82216
coverage whereby the insurer agrees to reimburse the insured 82217
employer or trust for all benefits or claims paid during an 82218
agreement period on behalf of a covered person in excess of a 82219
stated deductible amount and subject to a stated maximum. 82220

~~(S)~~ (W) "Summary plan description" means the written 82221
document adopted by the plan sponsor which outlines the plan of 82222
benefits, conditions, limitations, exclusions, and other 82223

pertinent details relative to the benefits provided to covered 82224
persons thereunder. 82225

~~(T)~~ (X) "Third-party payer" has the same meaning as in 82226
section 3901.38 of the Revised Code. 82227

Sec. 3959.111. (A) (1) (a) In each contract between a 82228
pharmacy benefit manager and a pharmacy, the pharmacy shall be 82229
given the right to obtain from the pharmacy benefit manager, 82230
within ten days after any request, a current list of the sources 82231
used to determine maximum allowable cost pricing. In each 82232
contract between a pharmacy benefit manager and a pharmacy, the 82233
pharmacy benefit manager shall be obligated to update and 82234
implement the pricing information at least every seven days and 82235
provide a means by which contracted pharmacies may promptly 82236
review maximum allowable cost pricing updates in an electronic 82237
format that is readily available, accessible, and secure and 82238
that can be easily searched. 82239

Subject to division (A) (1) of this section, a pharmacy 82240
benefit manager shall utilize the most up-to-date pricing data 82241
when calculating drug product reimbursements for all contracting 82242
pharmacies within one business day of any price update or 82243
modification. 82244

(b) A pharmacy benefit manager shall maintain a written 82245
procedure to eliminate products from the list of drugs subject 82246
to maximum allowable cost pricing in a timely manner. The 82247
written procedure, and any updates, shall promptly be made 82248
available to a pharmacy upon request. 82249

(2) In each contract between a pharmacy benefit manager 82250
and a pharmacy, a pharmacy benefit manager shall be obligated to 82251
ensure that all of the following conditions are met prior to 82252

placing a prescription drug on a maximum allowable cost list: 82253

(a) The drug is listed as "A" or "B" rated in the most 82254
recent version of the United States food and drug 82255
administration's approved drug products with therapeutic 82256
equivalence evaluations, or has an "NR" or "NA" rating or 82257
similar rating by nationally recognized reference. 82258

(b) The drug is generally available for purchase by 82259
pharmacies in this state from a national or regional wholesaler 82260
and is not obsolete. 82261

(3) Each contract between a pharmacy benefit manager and a 82262
pharmacy shall include an electronic process to appeal, 82263
investigate, and resolve disputes regarding maximum allowable 82264
cost pricing that includes all of the following: 82265

(a) A twenty-one-day limit on the right to appeal 82266
following the initial claim; 82267

(b) A requirement that the appeal be investigated and 82268
resolved within twenty-one days after the appeal; 82269

(c) A telephone number at which the pharmacy may contact 82270
the pharmacy benefit manager to speak to a person responsible 82271
for processing appeals; 82272

(d) A requirement that a pharmacy benefit manager provide 82273
a reason for any appeal denial, including the national drug code 82274
and the identity of the national or regional wholesalers from 82275
whom the drug was generally available for purchase at or below 82276
the benchmark price determined by the pharmacy benefit manager; 82277

(e) A requirement that if the appeal is upheld or granted, 82278
then the pharmacy benefit manager shall adjust the drug product 82279
reimbursement to the pharmacy's upheld appeal price; 82280

(f) A requirement that a pharmacy benefit manager make an 82281
adjustment not later than one day after the date of 82282
determination of the appeal. The adjustment shall be retroactive 82283
to the date the appeal was made and shall apply to all situated 82284
pharmacies as determined by the pharmacy benefit manager. This 82285
requirement does not prohibit a pharmacy benefit manager from 82286
retroactively adjusting a claim for the appealing pharmacy or 82287
for any other similarly situated pharmacies. 82288

(B) (1) (a) A pharmacy benefit manager shall disclose to the 82289
plan sponsor whether or not the pharmacy benefit manager uses 82290
the same maximum allowable cost list when billing a plan sponsor 82291
as it does when reimbursing a pharmacy. 82292

(b) If a pharmacy benefit manager uses multiple maximum 82293
allowable cost lists, the pharmacy benefit manager shall 82294
disclose in the aggregate to a plan sponsor any differences 82295
between the amount paid to a pharmacy and the amount charged to 82296
a plan sponsor. 82297

(2) The disclosures required under division (B) (1) of this 82298
section shall be made within ten days of a pharmacy benefit 82299
manager and a plan sponsor signing a contract or on a quarterly 82300
basis. 82301

(3) (a) Division (B) of this section does not apply to 82302
plans governed by the "Employee Retirement Income Security Act 82303
of 1974," 29 U.S.C. 1001, et seq. or medicare part D. 82304

(b) As used in this division, "medicare part D" means the 82305
voluntary prescription drug benefit program established under 82306
Part D of Title XVIII of the "Social Security Act," 42 U.S.C. 82307
1395w-101, et seq. 82308

(C) Except as otherwise provided in division (F) of this 82309

section, a pharmacy benefit manager shall reimburse an Ohio 82310
pharmacy for drug products dispensed on or after the ninety- 82311
first day following the effective date of the amendment an 82312
amount that is not less than either of the following: 82313

(1) The amount that the pharmacy benefit manager 82314
reimburses an affiliated pharmacy for providing the same drug 82315
product; 82316

(2) The sum of the following: 82317

(a) A drug product reimbursement not less than the Ohio 82318
pharmacy's actual acquisition cost for the drug dispensed; 82319

(b) A dispensing fee not less than the minimum dispensing 82320
reimbursement in effect for the date the drug is dispensed, as 82321
determined by the superintendent of insurance under this 82322
section. 82323

(D) An Ohio pharmacy may decline to provide a drug product 82324
to an individual or pharmacy benefit manager if the Ohio 82325
pharmacy would be paid less than the amount required by division 82326
(C) of this section. 82327

(E) (1) Not later than ninety days after the effective date 82328
of this amendment, the superintendent of insurance shall 82329
determine a minimum dispensing reimbursement to be paid for each 82330
drug product based on data collected by the department of 82331
medicaid through the survey conducted pursuant to section 82332
5164.752 of the Revised Code. 82333

(2) The superintendent shall publish the amount of the 82334
minimum dispensing reimbursement and the dates to which it 82335
applies on a publicly accessible web site maintained by the 82336
department of insurance. 82337

(3) The superintendent shall update the minimum dispensing 82338
reimbursement each time the department of medicaid publishes the 82339
survey conducted pursuant to section 5164.752 of the Revised 82340
Code. 82341

(F) (1) Division (C) of this section does not apply to the 82342
extent that it conflicts with a contract or agreement entered 82343
into before the effective date of this amendment except that, if 82344
such a contract or agreement is amended or renewed after the 82345
effective date of this amendment, the contract or agreement 82346
shall conform to the requirements of that division. Division (C) 82347
of this section does not prohibit a pharmacy benefit manager 82348
from paying drug product reimbursements or dispensing 82349
reimbursements in excess of the amounts required by that 82350
division. 82351

(2) Divisions (C) and (D) of this section do not apply 82352
with respect to the state pharmacy benefit manager established 82353
pursuant to section 5167.12 of the Revised Code. 82354

(G) Notwithstanding division (B) (5) of section 3959.01 of 82355
the Revised Code, a health insuring corporation or a sickness 82356
and accident insurer shall comply with the requirements of this 82357
section and is subject to the penalties under section 3959.12 of 82358
the Revised Code if the corporation or insurer is a pharmacy 82359
benefit manager, as defined in section 3959.01 of the Revised 82360
Code. 82361

~~(D)~~ (H) No pharmacy benefit manager shall retaliate 82362
against an Ohio pharmacy that reports an alleged violation of, 82363
or exercises a right or remedy under, this section by doing any 82364
of the following: 82365

(1) Terminating or refusing to renew a contract with the 82366

Ohio pharmacy without providing notice to the Ohio pharmacy at 82367
least ninety days in advance; 82368

(2) Subjecting the Ohio pharmacy to increased audits 82369
without providing notice to the Ohio pharmacy and a detailed 82370
description of the reason for the audit at least ninety days in 82371
advance; 82372

(3) Failing to promptly pay the Ohio pharmacy in 82373
accordance with sections 3901.381 to 3901.3814 of the Revised 82374
Code. 82375

(I) If an Ohio pharmacy believes that a pharmacy benefit 82376
manager has violated this section, in addition to any other 82377
remedies provided by law, the Ohio pharmacy may file a formal 82378
complaint and provide evidence related to the complaint to the 82379
superintendent of insurance. 82380

(J) The superintendent of insurance shall adopt rules as 82381
necessary to implement the requirements of this section in 82382
accordance with Chapter 119. of the Revised Code for the 82383
purposes of implementing and administering this section. 82384
Notwithstanding any provision of section 121.95 of the Revised 82385
Code to the contrary, a regulatory restriction contained in a 82386
rule adopted by the superintendent in accordance with this 82387
section is not subject to sections 121.95 to 121.953 of the 82388
Revised Code. 82389

Sec. 3959.121. (A) The superintendent of insurance shall 82390
evaluate any complaint filed by an Ohio pharmacy pursuant to 82391
section 3959.111 of the Revised Code. 82392

(B) (1) If the superintendent determines, based on a 82393
complaint filed by an Ohio pharmacy or other information 82394
available to the superintendent, that a pharmacy benefit manager 82395

has violated section 3959.111 of the Revised Code, the 82396
superintendent shall do both of the following: 82397

(a) Issue a notice of violation to the pharmacy benefit 82398
manager that clearly explains the violation; 82399

(b) Impose an administrative penalty on the pharmacy 82400
benefit manager of one thousand dollars for each violation. 82401

(2) Each day that a violation continues after the pharmacy 82402
benefit manager receives notice of the violation under division 82403
(B) (1) (a) of this section is considered a separate violation for 82404
the purposes of the administrative penalty under division (B) (1) 82405
(b) of this section. 82406

(C) Before imposing an administrative penalty under this 82407
section, the superintendent shall afford the pharmacy benefit 82408
manager an opportunity for an adjudication hearing under Chapter 82409
119. of the Revised Code. At the hearing, the pharmacy benefit 82410
manager may challenge the superintendent's determination that a 82411
violation occurred, the superintendent's imposition of an 82412
administrative penalty, or both. The pharmacy benefit manager 82413
may appeal the superintendent's determination and the imposition 82414
of the administrative penalty in accordance with section 119.12 82415
of the Revised Code. 82416

(D) An administrative penalty collected under this section 82417
shall be deposited into the state treasury to the credit of the 82418
department of insurance operating fund created by section 82419
3901.021 of the Revised Code. 82420

Sec. 4112.055. (A) (1) Aggrieved persons may enforce the 82421
rights granted by division (H) of section 4112.02 of the Revised 82422
Code by filing a civil action in the court of common pleas of 82423
the county in which the alleged unlawful discriminatory practice 82424

occurred within one year after it allegedly occurred. Upon 82425
application by an aggrieved person, upon a proper showing, and 82426
under circumstances that it considers just, a court of common 82427
pleas may appoint an attorney for the aggrieved person and 82428
authorize the commencement of a civil action under this division 82429
without the payment of costs. 82430

Each party to a civil action under this division has the 82431
right to a jury trial of the action. To assert the right, a 82432
party shall demand a jury trial in the manner prescribed in the 82433
Rules of Civil Procedure. If a party demands a jury trial in 82434
that manner, the civil action shall be tried to a jury. 82435

(2) (a) If a complaint is issued by the commission under 82436
division (B) (5) of section 4112.05 of the Revised Code for one 82437
or more alleged unlawful discriminatory practices described in 82438
division (H) of section 4112.02 of the Revised Code, the 82439
complainant, any aggrieved person on whose behalf the complaint 82440
is issued, or the respondent may elect, following receipt of the 82441
relevant notice described in division (B) (5) of section 4112.05 82442
of the Revised Code, to proceed with the administrative hearing 82443
process under that section or to have the alleged unlawful 82444
discriminatory practices covered by the complaint addressed in a 82445
civil action commenced in accordance with divisions (A) (1) and 82446
(2) (b) of this section. An election to have the alleged unlawful 82447
discriminatory practices so addressed shall be made in a writing 82448
that is sent by certified mail, return receipt requested, to the 82449
commission, to the civil rights section of the office of the 82450
attorney general, and to the other parties to the pending 82451
administrative process within thirty days after the electing 82452
complainant, aggrieved person, or respondent received the 82453
relevant notice described in division (B) (5) of section 4112.05 82454
of the Revised Code. 82455

(b) ~~Upon receipt of~~ Not more than thirty days after 82456
receiving a timely mailed election to have the alleged unlawful 82457
discriminatory practices addressed in a civil action, the 82458
commission shall authorize the office of the attorney general to 82459
commence and maintain the civil action in the court of common 82460
pleas of the county in which the alleged unlawful discriminatory 82461
practices occurred. Notwithstanding the period of limitations 82462
specified in division (A) (1) of this section, the office of the 82463
attorney general shall commence the civil action within thirty 82464
days after the receipt of the commission's authorization to 82465
commence the civil action. 82466

Notwithstanding the period of limitations specified in 82467
division (A) (1) of this section, if the commission fails to 82468
authorize the office of the attorney general to commence and 82469
maintain a civil action as required under this division, or the 82470
attorney general fails to commence a civil action as required 82471
under this division, the complainant or any aggrieved person may 82472
commence the action not less than thirty days, but not more than 82473
sixty days, after the date an election is mailed under division 82474
(A) (2) (a) of this section. 82475

(c) Upon commencement of the civil action in accordance 82476
with division (A) (2) (b) of this section, the commission shall 82477
prepare an order dismissing the complaint in the pending 82478
administrative matter and serve a copy of the order upon the 82479
complainant, each aggrieved person on whose behalf the complaint 82480
was issued, and the respondent. 82481

(d) If an election to have the alleged unlawful 82482
discriminatory practices addressed in a civil action is not 82483
filed in accordance with division (A) (2) (a) of this section, the 82484
commission shall continue with the administrative hearing 82485

process described in section 4112.05 of the Revised Code. 82486

(e) With respect to the issues to be determined in a civil 82487
action commenced in accordance with division (A) (2) (b) of this 82488
section, any aggrieved person may intervene as a matter of right 82489
in that civil action. 82490

(B) If the court or the jury in a civil action under this 82491
section finds that a violation of division (H) of section 82492
4112.02 of the Revised Code is about to occur, the court may 82493
order any affirmative action it considers appropriate, including 82494
a permanent or temporary injunction or temporary restraining 82495
order. 82496

(C) Any sale, encumbrance, or rental consummated prior to 82497
the issuance of any court order under the authority of this 82498
section and involving a bona fide purchaser, encumbrancer, or 82499
tenant without actual notice of the existence of a charge under 82500
division (H) of section 4112.02 of the Revised Code or a civil 82501
action under this section is not affected by the court order. 82502

(D) If the court or the jury in a civil action under this 82503
section finds that a violation of division (H) of section 82504
4112.02 of the Revised Code has occurred, the court shall award 82505
to the plaintiff or to the complainant or aggrieved person on 82506
whose behalf the office of the attorney general commenced or 82507
maintained the civil action, whichever is applicable, actual 82508
damages, reasonable attorney's fees, court costs incurred in the 82509
prosecution of the action, expert witness fees, and other 82510
litigation expenses, and may grant other relief that it 82511
considers appropriate, including a permanent or temporary 82512
injunction, a temporary restraining order, or other order and 82513
punitive damages. 82514

(E) Any civil action brought under this section shall be 82515
heard and determined as expeditiously as possible. 82516

(F) The court in a civil action under this section shall 82517
notify the commission of any finding pertaining to 82518
discriminatory housing practices within fifteen days after the 82519
entry of the finding. 82520

Sec. 4113.31. (A) As used in this section: 82521

(1) "Employer," "mass layoff," and "plant closing" have 82522
the same meanings as in the WARN Act and 20 C.F.R. 639.3. 82523

(2) "WARN Act" means the "Worker Adjustment and Retraining 82524
Notification (WARN) Act," 29 U.S.C. 2101, et seq. 82525

(B) An employer in this state shall comply with all 82526
requirements in the WARN Act and 20 C.F.R. 639.1 to 639.10. The 82527
requirements specified in this section do not establish a 82528
different standard than that established by federal statutes and 82529
regulations. 82530

(C) In accordance with 29 U.S.C 2101(a)(1)(B), an employer 82531
must provide the notice required by 29 U.S.C. 2102(a) if both of 82532
the following apply: 82533

(1) The employer employs one hundred or more employees who 82534
in the aggregate work at least four thousand hours a week. 82535

(2) The employer lays off fifty or more employees at a 82536
single site of employment during any thirty-day period. 82537

(D) An employer is not required to provide the notice 82538
described in 29 U.S.C. 2102(a) when a plant closing or mass 82539
layoff constitutes a strike or constitutes a lockout as 82540
described in 29 U.S.C. 2103 and 20 C.F.R. 639.5(d). 82541

(E) In accordance with 29 U.S.C 2102(a)(1), not less than 82542
sixty days before the date a plant closing or mass layoff 82543
begins, an employer shall provide written notice of the closing 82544
or layoff to affected employees' authorized representatives or, 82545
if there are no such representatives at the time, to each 82546
affected employee. 82547

(1) The employer shall include all of the following in a 82548
notice provided to affected employees' authorized 82549
representatives: 82550

(a) The location of the facility affected by the plant 82551
closing or mass layoff; 82552

(b) A detailed statement explaining the reason for the 82553
plant closing or mass layoff and whether it will be permanent or 82554
temporary; 82555

(c) The expected date when the plant closing or mass 82556
layoff will commence and the anticipated date on which the 82557
employees' employment will cease; 82558

(d) The total number of employees affected by the plant 82559
closing or mass layoff, including the employees' job titles or 82560
positions and any department or division impacted. 82561

(2) The employer shall include all of the following in a 82562
notice provided to affected employees' who do not have an 82563
authorized representative at the time the notice is sent: 82564

(a) A detailed statement explaining the reason for the 82565
plant closing or mass layoff and whether it will be permanent or 82566
temporary; 82567

(b) The expected date when the plant closing or mass 82568
layoff will commence and the anticipated date on which the 82569

employees' employment will cease; 82570

(c) An indication as to whether an affected employee has 82571
bumping rights or other reemployment rights under a collective 82572
bargaining agreement or a company policy, including any 82573
procedures for exercising those rights; 82574

(d) Information on how affected employees can access 82575
unemployment insurance benefits and other assistance programs; 82576

(e) The name, title, and contact information of an 82577
employer representative who can answer questions about the plant 82578
closing or mass layoff; 82579

(f) Information about any available services for an 82580
affected employee, including job placement assistance, 82581
retraining programs, or counseling services. 82582

(F) In accordance with 29 U.S.C 2102(a) (2), an employer 82583
shall provide written notice of a plant closing or mass layoff 82584
to the director of job and family services and to the chief 82585
elected official of the municipal corporation and the county 82586
where the plant closing or mass layoff is to occur. The written 82587
notice shall include the same information required under 82588
division (E) of this section and all of the following: 82589

(1) A description of any action taken or planned to 82590
mitigate the impact of the plant closing or mass layoff, 82591
including any efforts to secure alternative employment or 82592
training for affected employees; 82593

(2) The name of each employee organization representing 82594
affected employees, and the name and address of the chief 82595
elected officer of each organization; 82596

(3) A copy of the notice provided to affected employees or 82597

their representatives, as applicable. 82598

(G) The period within which an employer shall provide 82599
notice may be reduced or waived under the circumstances 82600
described in 29 U.S.C. 2102(b). 82601

(H) The director of job and family services may issue 82602
guidance and procedures for the submission and review of notices 82603
by employers. 82604

(I) When an employer fails to comply with the WARN Act, an 82605
affected employee may seek the remedies specified in 29 U.S.C. 82606
2104. 82607

Sec. 4115.36. Sections 4115.31 to 4115.35 of the Revised 82608
Code have no effect after the director of administrative 82609
services abolishes the state committee for the purchase of 82610
products and services provided by persons with severe 82611
disabilities. Upon abolishment of the committee, ~~sections 125.60~~ 82612
~~to 125.6012~~ section 125.601 of the Revised Code shall govern the 82613
procurement of products and services provided by persons with 82614
work-limiting disabilities from qualified nonprofit agencies. 82615

Sec. 4117.08. (A) All matters pertaining to wages, hours, 82616
or terms and other conditions of employment and the 82617
continuation, modification, or deletion of an existing provision 82618
of a collective bargaining agreement are subject to collective 82619
bargaining between the public employer and the exclusive 82620
representative, except as otherwise specified in this section 82621
and division (E) of section 4117.03 of the Revised Code. 82622

(B) Neither of the following are appropriate subjects for 82623
collective bargaining: 82624

(1) The conduct and grading of civil service examinations, 82625
the rating of candidates, the establishment of eligible lists 82626

from the examinations, and the original appointments from the 82627
eligible lists ~~are not appropriate subjects for collective~~ 82628
~~bargaining;~~ 82629

(2) For collective bargaining agreements that are entered 82630
into on or after the effective date of this amendment, the 82631
ability of state employees to perform their duties at a location 82632
designated as a worksite under division (B) (2) of section 82633
124.184 of the Revised Code or other location designated under 82634
division (D) of section 124.184 of the Revised Code. 82635

(C) Unless a public employer agrees otherwise in a 82636
collective bargaining agreement, nothing in Chapter 4117. of the 82637
Revised Code impairs the right and responsibility of each public 82638
employer to: 82639

(1) Determine matters of inherent managerial policy which 82640
include, but are not limited to, areas of discretion or policy 82641
such as the functions and programs of the public employer, 82642
standards of services, its overall budget, utilization of 82643
technology, and organizational structure; 82644

(2) Direct, supervise, evaluate, or hire employees; 82645

(3) Maintain and improve the efficiency and effectiveness 82646
of governmental operations; 82647

(4) Determine the overall methods, process, means, or 82648
personnel by which governmental operations are to be conducted; 82649

(5) Suspend, discipline, demote, or discharge for just 82650
cause, or lay off, transfer, assign, schedule, promote, or 82651
retain employees; 82652

(6) Determine the adequacy of the work force; 82653

(7) Determine the overall mission of the employer as a 82654

unit of government; 82655

(8) Effectively manage the work force; 82656

(9) Take actions to carry out the mission of the public 82657
employer as a governmental unit. 82658

The employer is not required to bargain on subjects 82659
reserved to the management and direction of the governmental 82660
unit except as affect wages, hours, terms and conditions of 82661
employment, and the continuation, modification, or deletion of 82662
an existing provision of a collective bargaining agreement. A 82663
public employee or exclusive representative may raise a 82664
legitimate complaint or file a grievance based on the collective 82665
bargaining agreement. 82666

Sec. 4117.10. (A) An agreement between a public employer 82667
and an exclusive representative entered into pursuant to this 82668
chapter governs the wages, hours, and terms and conditions of 82669
public employment covered by the agreement. If the agreement 82670
provides for a final and binding arbitration of grievances, 82671
public employers, employees, and employee organizations are 82672
subject solely to that grievance procedure and the state 82673
personnel board of review or civil service commissions have no 82674
jurisdiction to receive and determine any appeals relating to 82675
matters that were the subject of a final and binding grievance 82676
procedure. Where no agreement exists or where an agreement makes 82677
no specification about a matter, the public employer and public 82678
employees are subject to all applicable state or local laws or 82679
ordinances pertaining to the wages, hours, and terms and 82680
conditions of employment for public employees. All of the 82681
following prevail over conflicting provisions of agreements 82682
between employee organizations and public employers: 82683

(1) Laws pertaining to any of the following subjects:	82684
(a) Civil rights;	82685
(b) Affirmative action;	82686
(c) Unemployment compensation;	82687
(d) Workers' compensation;	82688
(e) The retirement of public employees;	82689
(f) Residency requirements;	82690
(g) The minimum educational requirements contained in the Revised Code pertaining to public education including the requirement of a certificate by the fiscal officer of a school district pursuant to section 5705.41 of the Revised Code;	82691 82692 82693 82694
(h) The provisions of division (A) of section 124.34 of the Revised Code governing the disciplining of officers and employees who have been convicted of a felony;	82695 82696 82697
(i) The minimum standards promulgated by the director of education and workforce pursuant to division (D) of section 3301.07 of the Revised Code.	82698 82699 82700
(2) The law pertaining to the leave of absence and compensation provided under section 5923.05 of the Revised Code, if the terms of the agreement contain benefits which are less than those contained in that section or the agreement contains no such terms and the public authority is the state or any agency, authority, commission, or board of the state or if the public authority is another entity listed in division (B) of section 4117.01 of the Revised Code that elects to provide leave of absence and compensation as provided in section 5923.05 of the Revised Code;	82701 82702 82703 82704 82705 82706 82707 82708 82709 82710

(3) The law pertaining to the leave established under 82711
section 5906.02 of the Revised Code, if the terms of the 82712
agreement contain benefits that are less than those contained in 82713
section 5906.02 of the Revised Code; 82714

(4) The law pertaining to excess benefits prohibited under 82715
section 3345.311 of the Revised Code with respect to an 82716
agreement between an employee organization and a public employer 82717
entered into on or after September 29, 2015; 82718

(5) The law pertaining to state employee work location 82719
policies under section 124.184 of the Revised Code with respect 82720
to an agreement between an employee organization and a public 82721
employer entered into on or after the effective date of this 82722
amendment. 82723

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 82724
the Revised Code and arrangements entered into thereunder, and 82725
section 4981.21 of the Revised Code as necessary to comply with 82726
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 82727
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 82728
entered into thereunder, this chapter prevails over any and all 82729
other conflicting laws, resolutions, provisions, present or 82730
future, except as otherwise specified in this chapter or as 82731
otherwise specified by the general assembly. Nothing in this 82732
section prohibits or shall be construed to invalidate the 82733
provisions of an agreement establishing supplemental workers' 82734
compensation or unemployment compensation benefits or exceeding 82735
minimum requirements contained in the Revised Code pertaining to 82736
public education or the minimum standards promulgated by the 82737
director of education and workforce pursuant to division (D) of 82738
section 3301.07 of the Revised Code. 82739

(B) The public employer shall submit a request for funds 82740

necessary to implement an agreement and for approval of any 82741
other matter requiring the approval of the appropriate 82742
legislative body to the legislative body within fourteen days of 82743
the date on which the parties finalize the agreement, unless 82744
otherwise specified, but if the appropriate legislative body is 82745
not in session at the time, then within fourteen days after it 82746
convenes. The legislative body must approve or reject the 82747
submission as a whole, and the submission is deemed approved if 82748
the legislative body fails to act within thirty days after the 82749
public employer submits the agreement. The parties may specify 82750
that those provisions of the agreement not requiring action by a 82751
legislative body are effective and operative in accordance with 82752
the terms of the agreement, provided there has been compliance 82753
with division (C) of this section. If the legislative body 82754
rejects the submission of the public employer, either party may 82755
reopen all or part of the entire agreement. 82756

As used in this section, "legislative body" includes the 82757
governing board of a municipal corporation, school district, 82758
college or university, village, township, or board of county 82759
commissioners or any other body that has authority to approve 82760
the budget of their public jurisdiction and, with regard to the 82761
state, "legislative body" means the controlling board. 82762

(C) The chief executive officer, or the chief executive 82763
officer's representative, of each municipal corporation, the 82764
designated representative of the board of education of each 82765
school district, college or university, or any other body that 82766
has authority to approve the budget of their public 82767
jurisdiction, the designated representative of the board of 82768
county commissioners and of each elected officeholder of the 82769
county whose employees are covered by the collective 82770
negotiations, and the designated representative of the village 82771

or the board of township trustees of each township is 82772
responsible for negotiations in the collective bargaining 82773
process; except that the legislative body may accept or reject a 82774
proposed collective bargaining agreement. When the matters about 82775
which there is agreement are reduced to writing and approved by 82776
the employee organization and the legislative body, the 82777
agreement is binding upon the legislative body, the employer, 82778
and the employee organization and employees covered by the 82779
agreement. 82780

(D) There is hereby established an office of collective 82781
bargaining in the department of administrative services for the 82782
purpose of negotiating with and entering into written agreements 82783
between state agencies, departments, boards, and commissions and 82784
the exclusive representative on matters of wages, hours, terms 82785
and other conditions of employment and the continuation, 82786
modification, or deletion of an existing provision of a 82787
collective bargaining agreement. Nothing in any provision of law 82788
to the contrary shall be interpreted as excluding the bureau of 82789
workers' compensation and the industrial commission from the 82790
preceding sentence. This office shall not negotiate on behalf of 82791
other statewide elected officials or boards of trustees of state 82792
institutions of higher education who shall be considered as 82793
separate public employers for the purposes of this chapter; 82794
however, the office may negotiate on behalf of these officials 82795
or trustees where authorized by the officials or trustees. The 82796
staff of the office of collective bargaining are in the 82797
unclassified service. The director of administrative services 82798
shall fix the compensation of the staff. 82799

The office of collective bargaining shall: 82800

(1) Assist the director in formulating management's 82801

philosophy for public collective bargaining as well as planning 82802
bargaining strategies; 82803

(2) Conduct negotiations with the exclusive 82804
representatives of each employee organization; 82805

(3) Coordinate the state's resources in all mediation, 82806
fact-finding, and arbitration cases as well as in all labor 82807
disputes; 82808

(4) Conduct systematic reviews of collective bargaining 82809
agreements for the purpose of contract negotiations; 82810

(5) Coordinate the systematic compilation of data by all 82811
agencies that is required for negotiating purposes; 82812

(6) Prepare and submit an annual report and other reports 82813
as requested to the governor and the general assembly on the 82814
implementation of this chapter and its impact upon state 82815
government. 82816

Sec. 4141.01. As used in this chapter, unless the context 82817
otherwise requires: 82818

(A) (1) "Employer" means ~~the~~ any of the following, provided 82819
the individual or entity is subject to this chapter under 82820
section 4141.011 of the Revised Code: any state, its 82821
instrumentalities, its political subdivisions and their 82822
instrumentalities, Indian tribes, and any individual or type of 82823
organization including any partnership, limited liability 82824
company, association, trust, estate, joint-stock company, 82825
insurance company, or corporation, whether domestic or foreign, 82826
or the receiver, trustee in bankruptcy, trustee, or the 82827
successor thereof, or the legal representative of a deceased 82828
~~person who subsequent to December 31, 1971, or in the case of~~ 82829
~~political subdivisions or their instrumentalities, subsequent to~~ 82830

~~December 31, 1973:~~

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~~(a) Had in employment at least one individual, or in the case of a nonprofit organization, subsequent to December 31, 1973, had not less than four individuals in employment for some portion of a day in each of twenty different calendar weeks, in either the current or the preceding calendar year whether or not the same individual was in employment in each such day; or~~

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~~(b) Except for a nonprofit organization, had paid for service in employment wages of fifteen hundred dollars or more in any calendar quarter in either the current or preceding calendar year; or~~

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~~(c) Had paid, subsequent to December 31, 1977, for employment in domestic service in a local college club, or local chapter of a college fraternity or sorority, cash remuneration of one thousand dollars or more in any calendar quarter in the current calendar year or the preceding calendar year, or had paid subsequent to December 31, 1977, for employment in domestic service in a private home cash remuneration of one thousand dollars in any calendar quarter in the current calendar year or the preceding calendar year:~~

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~~(i) For the purposes of divisions (A) (1) (a) and (b) of this section, there shall not be taken into account any wages paid to, or employment of, an individual performing domestic service as described in this division.~~

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~~(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A) (1) (a), (b), or (d) of this section.~~

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~~(d) As a farm operator or a crew leader subsequent to~~

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~~December 31, 1977, had in employment individuals in agricultural labor; and~~ 82860
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~~(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or~~ 82862
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~~(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or~~ 82865
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~~(c) Is not otherwise an employer as defined under division (A) (1) (a) or (b) of this section; and~~ 82874
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~~(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A) (1) (c) of this section, is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund;—~~ 82876
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~~(ii) Which, as a condition for approval of this chapter for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required, pursuant to such act to be an employer under this chapter; or~~ 82883
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~~(iii) Who became an employer by election under division~~ 82888

~~(A) (4) or (5) of this section and for the duration of such~~ 82889
~~election; or~~ 82890

~~(f) In the case of the state, its instrumentalities, its~~ 82891
~~political subdivisions, and their instrumentalities, and Indian~~ 82892
~~tribes, had in employment, as defined in divisions (B) (2) (a) and~~ 82893
~~(B) (2) (1) of this section, at least one individual;~~ 82894

~~(g) For the purposes of division (A) (1) (a) of this~~ 82895
~~section, if any week includes both the thirty-first day of~~ 82896
~~December and the first day of January, the days of that week~~ 82897
~~before the first day of January shall be considered one calendar~~ 82898
~~week and the days beginning the first day of January another~~ 82899
~~week.~~ 82900

(2) Each individual employed to perform or to assist in 82901
performing the work of any agent or employee of an employer is 82902
employed by such employer for all the purposes of this chapter, 82903
whether such individual was hired or paid directly by such 82904
employer or by such agent or employee, provided the employer had 82905
actual or constructive knowledge of the work. All individuals 82906
performing services for an employer of any person in this state 82907
who maintains two or more establishments within this state are 82908
employed by a single employer for the purposes of this chapter. 82909

~~(3) An employer subject to this chapter within any~~ 82910
~~calendar year is subject to this chapter during the whole of~~ 82911
~~such year and during the next succeeding calendar year.~~ 82912

~~(4) An employer not otherwise subject to this chapter who~~ 82913
~~files with the director of job and family services a written~~ 82914
~~election to become an employer subject to this chapter for not~~ 82915
~~less than two calendar years shall, with the written approval of~~ 82916
~~such election by the director, become an employer subject to~~ 82917

~~this chapter to the same extent as all other employers as of the~~ 82918
~~date stated in such approval, and shall cease to be subject to~~ 82919
~~this chapter as of the first day of January of any calendar year~~ 82920
~~subsequent to such two calendar years only if at least thirty~~ 82921
~~days prior to such first day of January the employer has filed~~ 82922
~~with the director a written notice to that effect.~~ 82923

~~(5) Any employer for whom services that do not constitute~~ 82924
~~employment are performed may file with the director a written~~ 82925
~~election that all such services performed by individuals in the~~ 82926
~~employer's employ in one or more distinct establishments or~~ 82927
~~places of business shall be deemed to constitute employment for~~ 82928
~~all the purposes of this chapter, for not less than two calendar~~ 82929
~~years. Upon written approval of the election by the director,~~ 82930
~~such services shall be deemed to constitute employment subject~~ 82931
~~to this chapter from and after the date stated in such approval.~~ 82932
~~Such services shall cease to be employment subject to this~~ 82933
~~chapter as of the first day of January of any calendar year~~ 82934
~~subsequent to such two calendar years only if at least thirty~~ 82935
~~days prior to such first day of January such employer has filed~~ 82936
~~with the director a written notice to that effect.~~ 82937

~~(6) "Employer" does not include a franchisor with respect~~ 82938
~~to the franchisor's relationship with a franchisee or an~~ 82939
~~employee of a franchisee, unless the franchisor agrees to assume~~ 82940
~~that role in writing or a court of competent jurisdiction~~ 82941
~~determines that the franchisor exercises a type or degree of~~ 82942
~~control over the franchisee or the franchisee's employees that~~ 82943
~~is not customarily exercised by a franchisor for the purpose of~~ 82944
~~protecting the franchisor's trademark, brand, or both. For~~ 82945
~~purposes of this division, "franchisor" and "franchisee" have~~ 82946
~~the same meanings as in 16 C.F.R. 436.1.~~ 82947

(B) (1) "Employment" means service performed by an 82948
individual for remuneration under any contract of hire, written 82949
or oral, express or implied, including service performed in 82950
interstate commerce and service performed by an officer of a 82951
corporation, without regard to whether such service is 82952
executive, managerial, or manual in nature, and without regard 82953
to whether such officer is a stockholder or a member of the 82954
board of directors of the corporation, unless it is shown to the 82955
satisfaction of the director that such individual has been and 82956
will continue to be free from direction or control over the 82957
performance of such service, both under a contract of service 82958
and in fact. The director of job and family services shall adopt 82959
rules to define "direction or control." 82960

(2) "Employment" includes: 82961

(a) Service performed after December 31, 1977, by an 82962
individual in the employ of the state or any of its 82963
instrumentalities, or any political subdivision thereof or any 82964
of its instrumentalities or any instrumentality of more than one 82965
of the foregoing or any instrumentality of any of the foregoing 82966
and one or more other states or political subdivisions and 82967
without regard to ~~divisions~~ division (A) (1) (a) and (b) of this 82968
section 4141.011 of the Revised Code, provided that such service 82969
is excluded from employment as defined in the "Federal 82970
Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 3306(c) 82971
(7) and is not excluded under division (B) (3) of this section; 82972
or the services of employees covered by voluntary election, as 82973
provided under divisions ~~(A) (4) (H)~~ and ~~(5) (I)~~ of ~~this section~~ 82974
4141.011 of the Revised Code; 82975

(b) Service performed after December 31, 1971, by an 82976
individual in the employ of a religious, charitable, 82977

educational, or other organization which is excluded from the 82978
term "employment" as defined in the "Federal Unemployment Tax 82979
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 82980
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 82981
excluded under division (B) (3) of this section; 82982

(c) Domestic service performed after December 31, 1977, 82983
for an employer, as provided in division ~~(A) (1) (e)~~ (C) of ~~this~~ 82984
section 4141.011 of the Revised Code; 82985

(d) Agricultural labor performed after December 31, 1977, 82986
for a farm operator or a crew leader, as provided in division 82987
~~(A) (1) (d)~~ (D) of ~~this~~ section 4141.011 of the Revised Code; 82988

(e) Subject to division (B) (2) (m) of this section, service 82989
not covered under division (B) (1) of this section which is 82990
performed after December 31, 1971: 82991

(i) As an agent-driver or commission-driver engaged in 82992
distributing meat products, vegetable products, fruit products, 82993
bakery products, beverages other than milk, laundry, or dry- 82994
cleaning services, for the individual's employer or principal; 82995

(ii) As a traveling or city salesperson, other than as an 82996
agent-driver or commission-driver, engaged on a full-time basis 82997
in the solicitation on behalf of and in the transmission to the 82998
salesperson's employer or principal except for sideline sales 82999
activities on behalf of some other person of orders from 83000
wholesalers, retailers, contractors, or operators of hotels, 83001
restaurants, or other similar establishments for merchandise for 83002
resale, or supplies for use in their business operations, 83003
provided that for the purposes of division (B) (2) (e) (ii) of this 83004
section, the services shall be deemed employment if the contract 83005
of service contemplates that substantially all of the services 83006

are to be performed personally by the individual and that the 83007
individual does not have a substantial investment in facilities 83008
used in connection with the performance of the services other 83009
than in facilities for transportation, and the services are not 83010
in the nature of a single transaction that is not a part of a 83011
continuing relationship with the person for whom the services 83012
are performed. 83013

(f) An individual's entire service performed within or 83014
both within and without the state if: 83015

(i) The service is localized in this state. 83016

(ii) The service is not localized in any state, but some 83017
of the service is performed in this state and either the base of 83018
operations, or if there is no base of operations then the place 83019
from which such service is directed or controlled, is in this 83020
state or the base of operations or place from which such service 83021
is directed or controlled is not in any state in which some part 83022
of the service is performed but the individual's residence is in 83023
this state. 83024

(g) Service not covered under division (B) (2) (f) (ii) of 83025
this section and performed entirely without this state, with 83026
respect to no part of which contributions are required and paid 83027
under an unemployment compensation law of any other state, the 83028
Virgin Islands, Canada, or of the United States, if the 83029
individual performing such service is a resident of this state 83030
and the director approves the election of the employer for whom 83031
such services are performed; or, if the individual is not a 83032
resident of this state but the place from which the service is 83033
directed or controlled is in this state, the entire services of 83034
such individual shall be deemed to be employment subject to this 83035
chapter, provided service is deemed to be localized within this 83036

state if the service is performed entirely within this state or 83037
if the service is performed both within and without this state 83038
but the service performed without this state is incidental to 83039
the individual's service within the state, for example, is 83040
temporary or transitory in nature or consists of isolated 83041
transactions; 83042

(h) Service of an individual who is a citizen of the 83043
United States, performed outside the United States except in 83044
Canada after December 31, 1971, or the Virgin Islands, after 83045
December 31, 1971, and before the first day of January of the 83046
year following that in which the United States secretary of 83047
labor approves the Virgin Islands law for the first time, in the 83048
employ of an American employer, other than service which is 83049
"employment" under divisions (B) (2) (f) and (g) of this section 83050
or similar provisions of another state's law, if: 83051

(i) The employer's principal place of business in the 83052
United States is located in this state; 83053

(ii) The employer has no place of business in the United 83054
States, but the employer is an individual who is a resident of 83055
this state; or the employer is a corporation which is organized 83056
under the laws of this state, or the employer is a partnership 83057
or a trust and the number of partners or trustees who are 83058
residents of this state is greater than the number who are 83059
residents of any other state; or 83060

(iii) None of the criteria of divisions (B) (2) (f) (i) and 83061
(ii) of this section is met but the employer has elected 83062
coverage in this state or the employer having failed to elect 83063
coverage in any state, the individual has filed a claim for 83064
benefits, based on such service, under this chapter. 83065

(i) For the purposes of division (B) (2) (h) of this 83066
section, the term "American employer" means an employer who is 83067
an individual who is a resident of the United States; or a 83068
partnership, if two-thirds or more of the partners are residents 83069
of the United States; or a trust, if all of the trustees are 83070
residents of the United States; or a corporation organized under 83071
the laws of the United States or of any state, provided the term 83072
"United States" includes the states, the District of Columbia, 83073
the Commonwealth of Puerto Rico, and the Virgin Islands. 83074

(j) Notwithstanding any other provisions of divisions (B) 83075
(1) and (2) of this section, service, except for domestic 83076
service in a private home not covered under division ~~(A) (1) (e)~~ 83077
(C) of this section 4141.011 of the Revised Code, with respect 83078
to which a tax is required to be paid under any federal law 83079
imposing a tax against which credit may be taken for 83080
contributions required to be paid into a state unemployment 83081
fund, or service, except for domestic service in a private home 83082
not covered under division ~~(A) (1) (e)~~ (C) of this section 4141.011 83083
of the Revised Code, which, as a condition for full tax credit 83084
against the tax imposed by the "Federal Unemployment Tax Act," 83085
84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be 83086
covered under this chapter. 83087

(k) Construction services performed by any individual 83088
under a construction contract, as defined in section 4141.39 of 83089
the Revised Code, if the director determines that the employer 83090
for whom services are performed has the right to direct or 83091
control the performance of the services and that the individuals 83092
who perform the services receive remuneration for the services 83093
performed. The director shall presume that the employer for whom 83094
services are performed has the right to direct or control the 83095
performance of the services if ten or more of the following 83096

criteria apply:	83097
(i) The employer directs or controls the manner or method	83098
by which instructions are given to the individual performing	83099
services;	83100
(ii) The employer requires particular training for the	83101
individual performing services;	83102
(iii) Services performed by the individual are integrated	83103
into the regular functioning of the employer;	83104
(iv) The employer requires that services be provided by a	83105
particular individual;	83106
(v) The employer hires, supervises, or pays the wages of	83107
the individual performing services;	83108
(vi) A continuing relationship between the employer and	83109
the individual performing services exists which contemplates	83110
continuing or recurring work, even if not full-time work;	83111
(vii) The employer requires the individual to perform	83112
services during established hours;	83113
(viii) The employer requires that the individual	83114
performing services be devoted on a full-time basis to the	83115
business of the employer;	83116
(ix) The employer requires the individual to perform	83117
services on the employer's premises;	83118
(x) The employer requires the individual performing	83119
services to follow the order of work established by the	83120
employer;	83121
(xi) The employer requires the individual performing	83122
services to make oral or written reports of progress;	83123

(xii) The employer makes payment to the individual for	83124
services on a regular basis, such as hourly, weekly, or monthly;	83125
(xiii) The employer pays expenses for the individual	83126
performing services;	83127
(xiv) The employer furnishes the tools and materials for	83128
use by the individual to perform services;	83129
(xv) The individual performing services has not invested	83130
in the facilities used to perform services;	83131
(xvi) The individual performing services does not realize	83132
a profit or suffer a loss as a result of the performance of the	83133
services;	83134
(xvii) The individual performing services is not	83135
performing services for more than two employers simultaneously;	83136
(xviii) The individual performing services does not make	83137
the services available to the general public;	83138
(xix) The employer has a right to discharge the individual	83139
performing services;	83140
(xx) The individual performing services has the right to	83141
end the individual's relationship with the employer without	83142
incurring liability pursuant to an employment contract or	83143
agreement.	83144
(1) Service performed by an individual in the employ of an	83145
Indian tribe as defined by section 4(e) of the "Indian Self-	83146
Determination and Education Assistance Act," 88 Stat. 2204	83147
(1975), 25 U.S.C.A. 450b(e), including any subdivision,	83148
subsidiary, or business enterprise wholly owned by an Indian	83149
tribe provided that the service is excluded from employment as	83150
defined in the "Federal Unemployment Tax Act," 53 Stat. 183	83151

(1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded 83152
under division (B)(3) of this section. 83153

(m) Service performed by an individual for or on behalf of 83154
a motor carrier transporting property as an operator of a 83155
vehicle or vessel, unless all of the following factors apply to 83156
the individual and the motor carrier has not elected to consider 83157
the individual's service as employment: 83158

(i) The individual owns the vehicle or vessel that is used 83159
in performing the services for or on behalf of the carrier, or 83160
the individual leases the vehicle or vessel under a bona fide 83161
lease agreement that is not a temporary replacement lease 83162
agreement. For purposes of this division, a bona fide lease 83163
agreement does not include an agreement between the individual 83164
and the motor carrier transporting property for which, or on 83165
whose behalf, the individual provides services. 83166

(ii) The individual is responsible for supplying the 83167
necessary personal services to operate the vehicle or vessel 83168
used to provide the service. 83169

(iii) The compensation paid to the individual is based on 83170
factors related to work performed, including on a mileage-based 83171
rate or a percentage of any schedule of rates, and not solely on 83172
the basis of the hours or time expended. 83173

(iv) The individual substantially controls the means and 83174
manner of performing the services, in conformance with 83175
regulatory requirements and specifications of the shipper. 83176

(v) The individual enters into a written contract with the 83177
carrier for whom the individual is performing the services that 83178
describes the relationship between the individual and the 83179
carrier to be that of an independent contractor and not that of 83180

an employee. 83181

(vi) The individual is responsible for substantially all 83182
of the principal operating costs of the vehicle or vessel and 83183
equipment used to provide the services, including maintenance, 83184
fuel, repairs, supplies, vehicle or vessel insurance, and 83185
personal expenses, except that the individual may be paid by the 83186
carrier the carrier's fuel surcharge and incidental costs, 83187
including tolls, permits, and lumper fees. 83188

(vii) The individual is responsible for any economic loss 83189
or economic gain from the arrangement with the carrier. 83190

(viii) The individual is not performing services described 83191
in 26 U.S.C. 3306(c) (7) or (8). 83192

(3) "Employment" does not include the following services 83193
if they are found not subject to the "Federal Unemployment Tax 83194
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 83195
services are not required to be included under division (B) (2) 83196
(j) of this section: 83197

(a) Service performed after December 31, 1977, in 83198
agricultural labor, except as provided in division ~~(A) (1) (d)~~ (D) 83199
of ~~this section~~ 4141.011 of the Revised Code; 83200

(b) Domestic service performed after December 31, 1977, in 83201
a private home, local college club, or local chapter of a 83202
college fraternity or sorority except as provided in division 83203
~~(A) (1) (e) (C)~~ of ~~this section~~ 4141.011 of the Revised Code; 83204

(c) Service performed after December 31, 1977, for this 83205
state or a political subdivision as described in division (B) (2) 83206
(a) of this section when performed: 83207

(i) As a publicly elected official; 83208

- (ii) As a member of a legislative body, or a member of the judiciary; 83209
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- (iii) As a military member of the Ohio national guard; 83211
- (iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; 83212
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- (v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week. 83216
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- (d) In the employ of any governmental unit or instrumentality of the United States; 83222
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- (e) Service performed after December 31, 1971: 83224
- (i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or 83225
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- (ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the 83231
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service is an integral part of the program, and the institution 83238
has so certified to the employer, provided that this subdivision 83239
shall not apply to service performed in a program established 83240
for or on behalf of an employer or group of employers. 83241

(f) Service performed by an individual in the employ of 83242
the individual's son, daughter, or spouse and service performed 83243
by a child under the age of eighteen in the employ of the 83244
child's father or mother; 83245

(g) Service performed for one or more principals by an 83246
individual who is compensated on a commission basis, who in the 83247
performance of the work is master of the individual's own time 83248
and efforts, and whose remuneration is wholly dependent on the 83249
amount of effort the individual chooses to expend, and which 83250
service is not subject to the "Federal Unemployment Tax Act," 53 83251
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 83252
after December 31, 1971: 83253

(i) By an individual for an employer as an insurance agent 83254
or as an insurance solicitor, if all this service is performed 83255
for remuneration solely by way of commission; 83256

(ii) As a home worker performing work, according to 83257
specifications furnished by the employer for whom the services 83258
are performed, on materials or goods furnished by such employer 83259
which are required to be returned to the employer or to a person 83260
designated for that purpose. 83261

(h) Service performed after December 31, 1971: 83262

(i) In the employ of a church or convention or association 83263
of churches, or in an organization which is operated primarily 83264
for religious purposes and which is operated, supervised, 83265
controlled, or principally supported by a church or convention 83266

or association of churches; 83267

(ii) By a duly ordained, commissioned, or licensed 83268
minister of a church in the exercise of the individual's 83269
ministry or by a member of a religious order in the exercise of 83270
duties required by such order; or 83271

(iii) In a facility conducted for the purpose of carrying 83272
out a program of rehabilitation for individuals whose earning 83273
capacity is impaired by age or physical or mental disability or 83274
injury, or providing remunerative work for individuals who 83275
because of their impaired physical or mental capacity cannot be 83276
readily absorbed in the competitive labor market, by an 83277
individual receiving such rehabilitation or remunerative work. 83278

(i) Service performed after June 30, 1939, with respect to 83279
which unemployment compensation is payable under the "Railroad 83280
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 83281
351; 83282

(j) Service performed by an individual in the employ of 83283
any organization exempt from income tax under section 501 of the 83284
"Internal Revenue Code of 1954," if the remuneration for such 83285
service does not exceed fifty dollars in any calendar quarter, 83286
or if such service is in connection with the collection of dues 83287
or premiums for a fraternal beneficial society, order, or 83288
association and is performed away from the home office or is 83289
ritualistic service in connection with any such society, order, 83290
or association; 83291

(k) Casual labor not in the course of an employer's trade 83292
or business; incidental service performed by an officer, 83293
appraiser, or member of a finance committee of a bank, building 83294
and loan association, savings and loan association, or savings 83295

association when the remuneration for such incidental service 83296
exclusive of the amount paid or allotted for directors' fees 83297
does not exceed sixty dollars per calendar quarter is casual 83298
labor; 83299

(l) Service performed in the employ of a voluntary 83300
employees' beneficial association providing for the payment of 83301
life, sickness, accident, or other benefits to the members of 83302
such association or their dependents or their designated 83303
beneficiaries, if admission to a membership in such association 83304
is limited to individuals who are officers or employees of a 83305
municipal or public corporation, of a political subdivision of 83306
the state, or of the United States and no part of the net 83307
earnings of such association inures, other than through such 83308
payments, to the benefit of any private shareholder or 83309
individual; 83310

(m) Service performed by an individual in the employ of a 83311
foreign government, including service as a consular or other 83312
officer or employee or of a nondiplomatic representative; 83313

(n) Service performed in the employ of an instrumentality 83314
wholly owned by a foreign government if the service is of a 83315
character similar to that performed in foreign countries by 83316
employees of the United States or of an instrumentality thereof 83317
and if the director finds that the secretary of state of the 83318
United States has certified to the secretary of the treasury of 83319
the United States that the foreign government, with respect to 83320
whose instrumentality exemption is claimed, grants an equivalent 83321
exemption with respect to similar service performed in the 83322
foreign country by employees of the United States and of 83323
instrumentalities thereof; 83324

(o) Service with respect to which unemployment 83325

compensation is payable under an unemployment compensation 83326
system established by an act of congress; 83327

(p) Service performed as a student nurse in the employ of 83328
a hospital or a nurses' training school by an individual who is 83329
enrolled and is regularly attending classes in a nurses' 83330
training school chartered or approved pursuant to state law, and 83331
service performed as an intern in the employ of a hospital by an 83332
individual who has completed a four years' course in a medical 83333
school chartered or approved pursuant to state law; 83334

(q) Service performed by an individual under the age of 83335
eighteen in the delivery or distribution of newspapers or 83336
shopping news, not including delivery or distribution to any 83337
point for subsequent delivery or distribution; 83338

(r) Service performed in the employ of the United States 83339
or an instrumentality of the United States immune under the 83340
Constitution of the United States from the contributions imposed 83341
by this chapter, except that to the extent that congress permits 83342
states to require any instrumentalities of the United States to 83343
make payments into an unemployment fund under a state 83344
unemployment compensation act, this chapter shall be applicable 83345
to such instrumentalities and to services performed for such 83346
instrumentalities in the same manner, to the same extent, and on 83347
the same terms as to all other employers, individuals, and 83348
services, provided that if this state is not certified for any 83349
year by the proper agency of the United States under section 83350
3304 of the "Internal Revenue Code of 1954," the payments 83351
required of such instrumentalities with respect to such year 83352
shall be refunded by the director from the fund in the same 83353
manner and within the same period as is provided in division (E) 83354
of section 4141.09 of the Revised Code with respect to 83355

contributions erroneously collected; 83356

(s) Service performed by an individual as a member of a 83357
band or orchestra, provided such service does not represent the 83358
principal occupation of such individual, and which service is 83359
not subject to or required to be covered for full tax credit 83360
against the tax imposed by the "Federal Unemployment Tax Act," 83361
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 83362

(t) Service performed in the employ of a day camp whose 83363
camping season does not exceed twelve weeks in any calendar 83364
year, and which service is not subject to the "Federal 83365
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 83366
3311. Service performed after December 31, 1971: 83367

(i) In the employ of a hospital, if the service is 83368
performed by a patient of the hospital, as defined in division 83369
(W) of this section; 83370

(ii) For a prison or other correctional institution by an 83371
inmate of the prison or correctional institution; 83372

(iii) Service performed after December 31, 1977, by an 83373
inmate of a custodial institution operated by the state, a 83374
political subdivision, or a nonprofit organization. 83375

(u) Service that is performed by a nonresident alien 83376
individual for the period the individual temporarily is present 83377
in the United States as a nonimmigrant under division (F), (J), 83378
(M), or (Q) of section 101(a)(15) of the "Immigration and 83379
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 83380
that is excluded under section 3306(c)(19) of the "Federal 83381
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 83382
3311. 83383

(v) Notwithstanding any other provisions of division (B) 83384

(3) of this section, services that are excluded under divisions 83385
(B) (3) (g), (j), (k), and (l) of this section shall not be 83386
excluded from employment when performed for a nonprofit 83387
organization, as defined in division (X) of this section, or for 83388
this state or its instrumentalities, or for a political 83389
subdivision or its instrumentalities or for Indian tribes; 83390

(w) Service that is performed by an individual working as 83391
an election official or election worker if the amount of 83392
remuneration received by the individual during the calendar year 83393
for services as an election official or election worker is less 83394
than one thousand dollars; 83395

(x) Service performed for an elementary or secondary 83396
school that is operated primarily for religious purposes, that 83397
is described in subsection 501(c) (3) and exempt from federal 83398
income taxation under subsection 501(a) of the Internal Revenue 83399
Code, 26 U.S.C.A. 501; 83400

(y) Service performed by a person committed to a penal 83401
institution. 83402

(z) Service performed for an Indian tribe as described in 83403
division (B) (2) (l) of this section when performed in any of the 83404
following manners: 83405

(i) As a publicly elected official; 83406

(ii) As a member of an Indian tribal council; 83407

(iii) As a member of a legislative or judiciary body; 83408

(iv) In a position which, pursuant to Indian tribal law, 83409
is designated as a major nontenured policymaking or advisory 83410
position, or a policymaking or advisory position where the 83411
performance of the duties ordinarily does not require more than 83412

eight hours of time per week; 83413

(v) As an employee serving on a temporary basis in the 83414
case of a fire, storm, snow, earthquake, flood, or similar 83415
emergency. 83416

(aa) Service performed after December 31, 1971, for a 83417
nonprofit organization, this state or its instrumentalities, a 83418
political subdivision or its instrumentalities, or an Indian 83419
tribe as part of an unemployment work-relief or work-training 83420
program assisted or financed in whole or in part by any federal 83421
agency or an agency of a state or political subdivision, 83422
thereof, by an individual receiving the work-relief or work- 83423
training. 83424

(bb) Participation in a learn to earn program as defined 83425
in section 4141.293 of the Revised Code. 83426

(4) If the services performed during one half or more of 83427
any pay period by an employee for the person employing that 83428
employee constitute employment, all the services of such 83429
employee for such period shall be deemed to be employment; but 83430
if the services performed during more than one half of any such 83431
pay period by an employee for the person employing that employee 83432
do not constitute employment, then none of the services of such 83433
employee for such period shall be deemed to be employment. As 83434
used in division (B) (4) of this section, "pay period" means a 83435
period, of not more than thirty-one consecutive days, for which 83436
payment of remuneration is ordinarily made to the employee by 83437
the person employing that employee. Division (B) (4) of this 83438
section does not apply to services performed in a pay period by 83439
an employee for the person employing that employee, if any of 83440
such service is excepted by division (B) (3) (o) of this section. 83441

(C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in this chapter, for loss of remuneration due to the individual's unemployment.

(D) "Benefit rights" means the weekly benefit amount and the maximum benefit amount that may become payable to an individual within the individual's benefit year as determined by the director.

(E) "Claim for benefits" means a claim for waiting period or benefits for a designated week.

(F) "Additional claim" means the first claim for benefits filed following any separation from employment during a benefit year; "continued claim" means any claim other than the first claim for benefits and other than an additional claim.

(G) "Wages" means remuneration paid to an employee by each of the employee's employers with respect to employment; except that wages shall not include that part of remuneration paid during any calendar year to an individual by an employer or such employer's predecessor in interest in the same business or enterprise, which in any calendar year is in excess of nine thousand dollars on and after January 1, 1995; nine thousand five hundred dollars on and after January 1, 2018; and nine thousand dollars on and after January 1, 2020. Remuneration in excess of such amounts shall be deemed wages subject to contribution to the same extent that such remuneration is defined as wages under the "Federal Unemployment Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The remuneration paid an employee by an employer with respect to employment in another state, upon which contributions were required and paid by such employer under the unemployment

compensation act of such other state, shall be included as a 83472
part of remuneration in computing the amount specified in this 83473
division. 83474

(H) (1) "Remuneration" means all compensation for personal 83475
services, including commissions and bonuses and the cash value 83476
of all compensation in any medium other than cash, except that 83477
in the case of agricultural or domestic service, "remuneration" 83478
includes only cash remuneration. Gratuities customarily received 83479
by an individual in the course of the individual's employment 83480
from persons other than the individual's employer and which are 83481
accounted for by such individual to the individual's employer 83482
are taxable wages. 83483

The reasonable cash value of compensation paid in any 83484
medium other than cash shall be estimated and determined in 83485
accordance with rules prescribed by the director, provided that 83486
"remuneration" does not include: 83487

(a) Payments as provided in divisions (b) (2) to (b) (20) of 83488
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 83489
713, 26 U.S.C.A. 3301 to 3311, as amended; 83490

(b) The payment by an employer, without deduction from the 83491
remuneration of the individual in the employer's employ, of the 83492
tax imposed upon an individual in the employer's employ under 83493
section 3101 of the "Internal Revenue Code of 1954," with 83494
respect to services performed after October 1, 1941. 83495

(2) "Cash remuneration" means all remuneration paid in 83496
cash, including commissions and bonuses, but not including the 83497
cash value of all compensation in any medium other than cash. 83498

(I) "Interested party" means the director and any party to 83499
whom notice of a determination of an application for benefit 83500

rights or a claim for benefits is required to be given under 83501
section 4141.28 of the Revised Code. 83502

(J) "Annual payroll" means the total amount of wages 83503
subject to contributions during a twelve-month period ending 83504
with the last day of the second calendar quarter of any calendar 83505
year. 83506

(K) "Average annual payroll" means the average of the last 83507
three annual payrolls of an employer, provided that if, as of 83508
any computation date, the employer has had less than three 83509
annual payrolls in such three-year period, such average shall be 83510
based on the annual payrolls which the employer has had as of 83511
such date. 83512

(L) (1) "Contributions" means the money payments to the 83513
state unemployment compensation fund required of employers by 83514
section 4141.25 of the Revised Code and of the state and any of 83515
its political subdivisions electing to pay contributions under 83516
section 4141.242 of the Revised Code. Employers paying 83517
contributions shall be described as "contributory employers." 83518

(2) "Payments in lieu of contributions" means the money 83519
payments to the state unemployment compensation fund required of 83520
reimbursing employers under sections 4141.241 and 4141.242 of 83521
the Revised Code. 83522

(M) An individual is "totally unemployed" in any week 83523
during which the individual performs no services and with 83524
respect to such week no remuneration is payable to the 83525
individual. 83526

(N) An individual is "partially unemployed" in any week 83527
if, due to involuntary loss of work, the total remuneration 83528
payable to the individual for such week is less than the 83529

individual's weekly benefit amount. 83530

(O) "Week" means the calendar week ending at midnight 83531
Saturday unless an equivalent week of seven consecutive calendar 83532
days is prescribed by the director. 83533

(1) "Qualifying week" means any calendar week in an 83534
individual's base period with respect to which the individual 83535
earns or is paid remuneration in employment subject to this 83536
chapter. A calendar week with respect to which an individual 83537
earns remuneration but for which payment was not made within the 83538
base period, when necessary to qualify for benefit rights, may 83539
be considered to be a qualifying week. The number of qualifying 83540
weeks which may be established in a calendar quarter shall not 83541
exceed the number of calendar weeks in the quarter. 83542

(2) "Average weekly wage" means the amount obtained by 83543
dividing an individual's total remuneration for all qualifying 83544
weeks during the base period by the number of such qualifying 83545
weeks, provided that if the computation results in an amount 83546
that is not a multiple of one dollar, such amount shall be 83547
rounded to the next lower multiple of one dollar. 83548

(P) "Weekly benefit amount" means the amount of benefits 83549
an individual would be entitled to receive for one week of total 83550
unemployment. 83551

(Q) (1) "Base period" means the first four of the last five 83552
completed calendar quarters immediately preceding the first day 83553
of an individual's benefit year, except as provided in division 83554
(Q) (2) of this section. 83555

(2) If an individual does not have sufficient qualifying 83556
weeks and wages in the base period to qualify for benefit 83557
rights, the individual's base period shall be the four most 83558

recently completed calendar quarters preceding the first day of 83559
the individual's benefit year. Such base period shall be known 83560
as the "alternate base period." If information as to weeks and 83561
wages for the most recent quarter of the alternate base period 83562
is not available to the director from the regular quarterly 83563
reports of wage information, which are systematically 83564
accessible, the director may, consistent with the provisions of 83565
section 4141.28 of the Revised Code, base the determination of 83566
eligibility for benefits on the affidavit of the claimant with 83567
respect to weeks and wages for that calendar quarter. The 83568
claimant shall furnish payroll documentation, where available, 83569
in support of the affidavit. The determination based upon the 83570
alternate base period as it relates to the claimant's benefit 83571
rights, shall be amended when the quarterly report of wage 83572
information from the employer is timely received and that 83573
information causes a change in the determination. As provided in 83574
division (B) of section 4141.28 of the Revised Code, any 83575
benefits paid and charged to an employer's account, based upon a 83576
claimant's affidavit, shall be adjusted effective as of the 83577
beginning of the claimant's benefit year. No calendar quarter in 83578
a base period or alternate base period shall be used to 83579
establish a subsequent benefit year. 83580

(3) The "base period" of a combined wage claim, as 83581
described in division (H) of section 4141.43 of the Revised 83582
Code, shall be the base period prescribed by the law of the 83583
state in which the claim is allowed. 83584

(4) For purposes of determining the weeks that comprise a 83585
completed calendar quarter under this division, only those weeks 83586
ending at midnight Saturday within the calendar quarter shall be 83587
utilized. 83588

(R) (1) "Benefit year" with respect to an individual means 83589
the fifty-two week period beginning with the first day of that 83590
week with respect to which the individual first files a valid 83591
application for determination of benefit rights, and thereafter 83592
the fifty-two week period beginning with the first day of that 83593
week with respect to which the individual next files a valid 83594
application for determination of benefit rights after the 83595
termination of the individual's last preceding benefit year, 83596
except that the application shall not be considered valid unless 83597
the individual has had employment in six weeks that is subject 83598
to this chapter or the unemployment compensation act of another 83599
state, or the United States, and has, since the beginning of the 83600
individual's previous benefit year, in the employment earned 83601
three times the average weekly wage determined for the previous 83602
benefit year. The "benefit year" of a combined wage claim, as 83603
described in division (H) of section 4141.43 of the Revised 83604
Code, shall be the benefit year prescribed by the law of the 83605
state in which the claim is allowed. Any application for 83606
determination of benefit rights made in accordance with section 83607
4141.28 of the Revised Code is valid if the individual filing 83608
such application is unemployed, has been employed by an employer 83609
or employers subject to this chapter in at least twenty 83610
qualifying weeks within the individual's base period, and has 83611
earned or been paid remuneration at an average weekly wage of 83612
not less than twenty-seven and one-half per cent of the 83613
statewide average weekly wage for such weeks. For purposes of 83614
determining whether an individual has had sufficient employment 83615
since the beginning of the individual's previous benefit year to 83616
file a valid application, "employment" means the performance of 83617
services for which remuneration is payable. 83618

(2) Effective for benefit years beginning on and after 83619

December 26, 2004, but before July 1, 2022, any application for
determination of benefit rights made in accordance with section
4141.28 of the Revised Code is valid if the individual satisfies
the criteria described in division (R) (1) of this section, and
if the reason for the individual's separation from employment is
not disqualifying pursuant to division (D) (2) of section 4141.29
or section 4141.291 of the Revised Code. A disqualification
imposed pursuant to division (D) (2) of section 4141.29 or
section 4141.291 of the Revised Code must be removed as provided
in those sections as a requirement of establishing a valid
application for benefit years beginning on and after December
26, 2004, but before July 1, 2022. Effective for benefit years
beginning on and after July 1, 2022, any application for
determination of benefit rights made in accordance with section
4141.28 of the Revised Code is valid if the individual satisfies
the criteria described in division (R) (1) of this section. A
disqualification imposed pursuant to division (D) (2) of section
4141.29 or section 4141.291 of the Revised Code does not affect
the validity of an application.

(3) The statewide average weekly wage shall be calculated
by the director once a year based on the twelve-month period
ending the thirtieth day of June, as set forth in division (B)
(3) of section 4141.30 of the Revised Code, rounded down to the
nearest dollar. Increases or decreases in the amount of
remuneration required to have been earned or paid in order for
individuals to have filed valid applications shall become
effective on Sunday of the calendar week in which the first day
of January occurs that follows the twelve-month period ending
the thirtieth day of June upon which the calculation of the
statewide average weekly wage was based.

(4) As used in this division, an individual is

"unemployed" if, with respect to the calendar week in which such
application is filed, the individual is "partially unemployed"
or "totally unemployed" as defined in this section or if, prior
to filing the application, the individual was separated from the
individual's most recent work for any reason which terminated
the individual's employee-employer relationship, or was laid off
indefinitely or for a definite period of seven or more days.

(S) "Calendar quarter" means the period of three
consecutive calendar months ending on the thirty-first day of
March, the thirtieth day of June, the thirtieth day of
September, and the thirty-first day of December, or the
equivalent thereof as the director prescribes by rule.

(T) "Computation date" means the first day of the third
calendar quarter of any calendar year.

(U) "Contribution period" means the calendar year
beginning on the first day of January of any year.

(V) "Agricultural labor," for the purpose of this
division, means any service performed prior to January 1, 1972,
which was agricultural labor as defined in this division prior
to that date, and service performed after December 31, 1971:

(1) On a farm, in the employ of any person, in connection
with cultivating the soil, or in connection with raising or
harvesting any agricultural or horticultural commodity,
including the raising, shearing, feeding, caring for, training,
and management of livestock, bees, poultry, and fur-bearing
animals and wildlife;

(2) In the employ of the owner or tenant or other operator
of a farm in connection with the operation, management,
conservation, improvement, or maintenance of such farm and its

tools and equipment, or in salvaging timber or clearing land of 83680
brush and other debris left by hurricane, if the major part of 83681
such service is performed on a farm; 83682

(3) In connection with the production or harvesting of any 83683
commodity defined as an agricultural commodity in section 15 (g) 83684
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 83685
U.S.C. 1141j, as amended, or in connection with the ginning of 83686
cotton, or in connection with the operation or maintenance of 83687
ditches, canals, reservoirs, or waterways, not owned or operated 83688
for profit, used exclusively for supplying and storing water for 83689
farming purposes; 83690

(4) In the employ of the operator of a farm in handling, 83691
planting, drying, packing, packaging, processing, freezing, 83692
grading, storing, or delivering to storage or to market or to a 83693
carrier for transportation to market, in its unmanufactured 83694
state, any agricultural or horticultural commodity, but only if 83695
the operator produced more than one half of the commodity with 83696
respect to which such service is performed; 83697

(5) In the employ of a group of operators of farms, or a 83698
cooperative organization of which the operators are members, in 83699
the performance of service described in division (V) (4) of this 83700
section, but only if the operators produced more than one-half 83701
of the commodity with respect to which the service is performed; 83702

(6) Divisions (V) (4) and (5) of this section shall not be 83703
deemed to be applicable with respect to service performed: 83704

(a) In connection with commercial canning or commercial 83705
freezing or in connection with any agricultural or horticultural 83706
commodity after its delivery to a terminal market for 83707
distribution for consumption; or 83708

(b) On a farm operated for profit if the service is not in 83709
the course of the employer's trade or business. 83710

As used in division (V) of this section, "farm" includes 83711
stock, dairy, poultry, fruit, fur-bearing animal, and truck 83712
farms, plantations, ranches, nurseries, ranges, greenhouses, or 83713
other similar structures used primarily for the raising of 83714
agricultural or horticultural commodities and orchards. 83715

(W) "Hospital" means an institution which has been 83716
registered or licensed by the Ohio department of health as a 83717
hospital. 83718

(X) "Nonprofit organization" means an organization, or 83719
group of organizations, described in section 501(c)(3) of the 83720
"Internal Revenue Code of 1954," and exempt from income tax 83721
under section 501(a) of that code. 83722

(Y) "Institution of higher education" means a public or 83723
nonprofit educational institution, including an educational 83724
institution operated by an Indian tribe, which: 83725

(1) Admits as regular students only individuals having a 83726
certificate of graduation from a high school, or the recognized 83727
equivalent; 83728

(2) Is legally authorized in this state or by the Indian 83729
tribe to provide a program of education beyond high school; and 83730

(3) Provides an educational program for which it awards a 83731
bachelor's or higher degree, or provides a program which is 83732
acceptable for full credit toward such a degree, a program of 83733
post-graduate or post-doctoral studies, or a program of training 83734
to prepare students for gainful employment in a recognized 83735
occupation. 83736

For the purposes of this division, all colleges and 83737
universities in this state are institutions of higher education. 83738

(Z) For the purposes of this chapter, "states" includes 83739
the District of Columbia, the Commonwealth of Puerto Rico, and 83740
the Virgin Islands. 83741

(AA) "Alien" means, for the purposes of division ~~(A) (1) (d)~~ 83742
(D) of this section 4141.011 of the Revised Code, an individual 83743
who is an alien admitted to the United States to perform service 83744
in agricultural labor pursuant to sections 214 (c) and 101 (a) 83745
(15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 83746
8 U.S.C.A. 1101. 83747

(BB) (1) "Crew leader" means an individual who furnishes 83748
individuals to perform agricultural labor for any other employer 83749
or farm operator, and: 83750

(a) Pays, either on the individual's own behalf or on 83751
behalf of the other employer or farm operator, the individuals 83752
so furnished by the individual for the service in agricultural 83753
labor performed by them; 83754

(b) Has not entered into a written agreement with the 83755
other employer or farm operator under which the agricultural 83756
worker is designated as in the employ of the other employer or 83757
farm operator. 83758

(2) For the purposes of this chapter, any individual who 83759
is a member of a crew furnished by a crew leader to perform 83760
service in agricultural labor for any other employer or farm 83761
operator shall be treated as an employee of the crew leader if: 83762

(a) The crew leader holds a valid certificate of 83763
registration under the "Farm Labor Contractor Registration Act 83764
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 83765

(b) Substantially all the members of the crew operate or 83766
maintain tractors, mechanized harvesting or crop-dusting 83767
equipment, or any other mechanized equipment, which is provided 83768
by the crew leader; and 83769

(c) If the individual is not in the employment of the 83770
other employer or farm operator within the meaning of division 83771
(B) (1) of this section. 83772

(3) For the purposes of this division, any individual who 83773
is furnished by a crew leader to perform service in agricultural 83774
labor for any other employer or farm operator and who is not 83775
treated as in the employment of the crew leader under division 83776
(BB) (2) of this section shall be treated as the employee of the 83777
other employer or farm operator and not of the crew leader. The 83778
other employer or farm operator shall be treated as having paid 83779
cash remuneration to the individual in an amount equal to the 83780
amount of cash remuneration paid to the individual by the crew 83781
leader, either on the crew leader's own behalf or on behalf of 83782
the other employer or farm operator, for the service in 83783
agricultural labor performed for the other employer or farm 83784
operator. 83785

(CC) "Educational institution" means an institution other 83786
than an institution of higher education as defined in division 83787
(Y) of this section, including an educational institution 83788
operated by an Indian tribe, which: 83789

(1) Offers participants, trainees, or students an 83790
organized course of study or training designed to transfer to 83791
them knowledge, skills, information, doctrines, attitudes, or 83792
abilities from, by, or under the guidance of an instructor or 83793
teacher; and 83794

(2) Is approved, chartered, or issued a permit to operate 83795
as a school by the director of education and workforce, other 83796
government agency, or Indian tribe that is authorized within the 83797
state to approve, charter, or issue a permit for the operation 83798
of a school. 83799

For the purposes of this division, the courses of study or 83800
training which the institution offers may be academic, 83801
technical, trade, or preparation for gainful employment in a 83802
recognized occupation. 83803

(DD) "Cost savings day" means any unpaid day off from work 83804
in which employees continue to accrue employee benefits which 83805
have a determinable value including, but not limited to, 83806
vacation, pension contribution, sick time, and life and health 83807
insurance. 83808

(EE) "Motor carrier" has the same meaning as in section 83809
4923.01 of the Revised Code. 83810

Sec. 4141.011. (A) (1) Except as provided in this section, 83811
an employer is subject to this chapter if either of the 83812
following apply: 83813

(a) The employer had at least one individual in employment 83814
for some portion of a day in each of twenty different calendar 83815
weeks, in either the current or the preceding calendar year, 83816
whether or not the same individual was in employment in each 83817
such day; 83818

(b) The employer paid for service in employment wages of 83819
fifteen hundred dollars or more in any calendar quarter in 83820
either the current or preceding calendar year. 83821

(2) For purposes of division (A) (1) (a) of this section, if 83822
any week includes both the thirty-first day of December and the 83823

first day of January, the days of that week before the first day 83824
of January shall be considered one calendar week and the days to 83825
beginning the first day of January another week. 83826

(B) If an employer is a nonprofit organization, the 83827
employer is subject to this chapter if the employer had at least 83828
four individuals in employment for some portion of a day in each 83829
of twenty different calendar weeks, in either the current or the 83830
preceding calendar year, whether or not the same individual was 83831
in employment in each such day. 83832

(C) (1) An employer is subject to this chapter with respect 83833
to employment in domestic service in a local college club, local 83834
chapter of a college fraternity or sorority, or a private home 83835
if the employer paid cash remuneration for such employment of at 83836
least one thousand dollars in any calendar quarter in the 83837
current calendar year or the preceding calendar year. 83838

(2) Wages paid to, or employment of, an individual 83839
performing domestic service as described in division (C) (1) of 83840
this section do not apply to employment or wages for purposes of 83841
divisions (A) and (B) of this section. 83842

(3) An employer subject to this chapter under division (C) 83843
(1) of this section is not subject to this chapter with respect 83844
to wages paid for any services other than domestic service 83845
unless the employer is also found to be subject to this chapter 83846
under division (A), (B), or (D) of this section. 83847

(D) If an employer is a farm operator or a crew leader, 83848
the employer is subject to this chapter if the employer had 83849
individuals in employment in agricultural labor and either of 83850
the following apply: 83851

(1) The employer paid cash remuneration of twenty thousand 83852

dollars or more for the agricultural labor during any calendar 83853
quarter in the current calendar year or the preceding calendar 83854
year; 83855

(2) The employer had at least ten individuals in 83856
employment in agricultural labor, not including agricultural 83857
workers who are aliens admitted to the United States to perform 83858
agricultural labor pursuant to sections 1184(c) and 1101(a) (15) 83859
(H) of the "Immigration and Nationality Act," 8 U.S.C. 1101(a) 83860
(15) (H) (ii) (a), 1184(c), for some portion of a day in each of 83861
the twenty different calendar weeks, in either the current or 83862
preceding calendar year whether or not the same individual was 83863
in employment in each day. 83864

(E) An employer who is not subject to this chapter under 83865
division (A) of this section is subject to this chapter if any 83866
of the following apply: 83867

(1) Service, except for domestic service in a private home 83868
not covered under division (C) of this section, is or was 83869
performed within either the current or preceding calendar year, 83870
and with respect to which such employer is liable for any 83871
federal tax against which credit may be taken for contributions 83872
required to be paid into a state unemployment fund; 83873

(2) As a condition for approval of this chapter for full 83874
tax credit against the tax imposed by the "Federal Unemployment 83875
Tax Act," 26 U.S.C. 3301 to 3311, is required, pursuant to such 83876
act to be an employer subject to this chapter; 83877

(3) The employer became subject to this chapter by 83878
election under division (H) or (I) of this section and for the 83879
duration of such election. 83880

(F) If an employer is any state, its instrumentalities, 83881

its political subdivisions, their instrumentalities, or an 83882
Indian tribe, the employer is subject to this chapter if the 83883
employer had at least one individual in employment, as defined 83884
in divisions (B) (2) (a) and (B) (2) (l) of section 4141.01 of the 83885
Revised Code. 83886

(G) An employer subject to this chapter within any 83887
calendar year is subject to this chapter during the whole of 83888
such year and during the next succeeding calendar year. 83889

(H) An employer not otherwise subject to this chapter who 83890
files with the director of job and family services a written 83891
election to become an employer subject to this chapter for not 83892
less than two calendar years shall, with the written approval of 83893
such election by the director, become an employer subject to 83894
this chapter to the same extent as all other employers as of the 83895
date stated in such approval, and shall cease to be subject to 83896
this chapter as of the first day of January of any calendar year 83897
subsequent to such two calendar years only if at least thirty 83898
days prior to such first day of January the employer has filed 83899
with the director a written notice to that effect. 83900

(I) Any employer for whom services that do not constitute 83901
employment are performed may file with the director a written 83902
election that all such services performed by individuals in the 83903
employer's employ in one or more distinct establishments or 83904
places of business shall be deemed to constitute employment for 83905
all the purposes of this chapter, for not less than two calendar 83906
years. Upon written approval of the election by the director, 83907
such services shall be deemed to constitute employment subject 83908
to this chapter from and after the date stated in such approval. 83909
Such services shall cease to be employment subject to this 83910
chapter as of the first day of January of any calendar year 83911

subsequent to such two calendar years only if at least thirty 83912
days prior to such first day of January such employer has filed 83913
with the director a written notice to that effect. 83914

(J) An employer who is a franchisor is not subject to this 83915
chapter with respect to the franchisor's relationship with a 83916
franchisee or an employee of a franchisee, unless the franchisor 83917
agrees to assume that role in writing or a court of competent 83918
jurisdiction determines that the franchisor exercises a type or 83919
degree of control over the franchisee or the franchisee's 83920
employees that is not customarily exercised by a franchisor for 83921
the purpose of protecting the franchisor's trademark, brand, or 83922
both. For purposes of this division, "franchisor" and 83923
"franchisee" have the same meanings as in 16 C.F.R. 436.1. 83924

Sec. 4141.02. A nonprofit organization ~~that does not meet~~ 83925
~~the definition of employer for purposes of~~ that is not subject 83926
to this chapter pursuant to division (A)(1)(a)(B) of section 83927
4141.01-4141.011 of the Revised Code, and that does not elect to 83928
become an employer subject to this chapter pursuant to division 83929
~~(A)(4)(H) of section 4141.01-4141.011 of the Revised Code, shall~~ 83930
notify the organization's employees upon hiring that the 83931
organization, and the employee's employment with the 83932
organization, are exempt from this chapter. 83933

Sec. 4141.162. (A) The director of job and family services 83934
shall establish an income and eligibility verification system 83935
that complies with section 1137 of the "Social Security Act." 83936
The programs included in the system are all of the following: 83937

(1) Unemployment compensation pursuant to section 3304 of 83938
the "Internal Revenue Code of 1954"; 83939

(2) The state programs funded in part under part A of 83940

Title IV of the "Social Security Act" and administered under 83941
Chapters 5107. and 5108. of the Revised Code; 83942

(3) The medicaid program; 83943

(4) The supplemental nutrition assistance program pursuant 83944
to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); 83945

(5) Any Ohio program under a plan approved under Title I, 83946
X, XIV, or XVI of the "Social Security Act." 83947

(B) Wage information provided by employers to the director 83948
shall be furnished to the income and eligibility verification 83949
system. Such information shall be used by the director to 83950
determine eligibility of individuals for unemployment 83951
compensation benefits and the amount of those benefits and used 83952
by the agencies that administer the programs identified in 83953
divisions (A) (2) to (5) of this section to determine or verify 83954
eligibility for or the amount of benefits under those programs. 83955

(C) The director shall, on request, disclose wage and 83956
claim information to any state or local agency administering a 83957
program identified in division (A) of this section that has 83958
entered into a written data sharing agreement with the director 83959
that meets the standards specified in federal law, including the 83960
requirements in 20 C.F.R. 603.10. 83961

~~The director shall fully implement the use of wage~~ 83962
~~information to determine eligibility for and the amount of~~ 83963
~~unemployment compensation benefits by September 30, 1988.~~ 83964

(D) Information furnished under the system shall also be 83965
made available to the appropriate state or local child support 83966
enforcement agency for the purposes of an approved plan under 83967
Title IV-D of the "Social Security Act" and to the appropriate 83968
federal agency for the purposes of Titles II and XVI of the 83969

"Social Security Act." 83970

~~(B) The director shall adopt rules as necessary under~~ 83971
~~which the department of job and family services and other state~~ 83972
~~agencies that the director determines must participate in order~~ 83973
~~to ensure compliance with section 1137 of the "Social Security~~ 83974
~~Act" exchange information with each other or authorized federal~~ 83975
~~agencies about individuals who are applicants for or recipients~~ 83976
~~of benefits under any of the programs enumerated in division (A)~~ 83977
~~of this section. The rules shall extend to all of the following:~~ 83978

~~(1) A requirement for standardized formats and procedures~~ 83979
~~for a participating agency to request and receive information~~ 83980
~~about an individual, which information shall include the~~ 83981
~~individual's social security number;~~ 83982

~~(2) A requirement that all applicants for and recipients~~ 83983
~~of benefits under any program enumerated in division (A) of this~~ 83984
~~section be notified at the time of application, and periodically~~ 83985
~~thereafter, that information available through the system may be~~ 83986
~~shared with agencies that administer other benefit programs and~~ 83987
~~utilized in establishing or verifying eligibility or benefit~~ 83988
~~amounts under the other programs enumerated in division (A) of~~ 83989
~~this section;~~ 83990

~~(3) A requirement that information is made available only~~ 83991
~~to the extent necessary to assist in the valid administrative~~ 83992
~~needs of the program receiving the information and is targeted~~ 83993
~~for use in ways which are most likely to be productive in~~ 83994
~~identifying and preventing ineligibility and incorrect payments;~~ 83995

~~(4) A requirement that information is adequately protected~~ 83996
~~against unauthorized disclosures for purposes other than to~~ 83997
~~establish or verify eligibility or benefit amounts under the~~ 83998

~~programs enumerated in division (A) of this section;~~ 83999

~~(5) A requirement that a program providing information is
reimbursed by the program using the information for the actual
costs of furnishing the information and that the director be
reimbursed by the participating programs for any actual costs
incurred in operating the system;~~ 84000
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~~(6) Requirements for any other matters necessary to ensure
the effective, efficient, and timely exchange of necessary
information or that the director determines must be addressed in
order to ensure compliance with the requirements of section 1137
of the "Social Security Act."~~ 84005
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~~(C) Each participating agency shall furnish to the income-
and eligibility verification system established in division (A)
of this section that information, which the director, by rule,
determines is necessary in order to comply with section 1137 of
the "Social Security Act."~~ 84010
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~~(D) Notwithstanding the information disclosure
requirements of this section and section 4141.21 and division
(A) of section 4141.284 of the Revised Code, the director shall
administer those provisions of law so as to comply with section
1137 of the "Social Security Act."~~ 84015
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~~(E) Requirements in section 4141.21 of the Revised Code
with respect to confidentiality of information obtained in the
administration of Chapter 4141. of the Revised Code and any
sanctions imposed for improper disclosure of such information
shall apply to the redisclosure of information disclosed under
this section.~~ 84020
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~~(F) The director of job and family services shall consult
with the medicaid director and the director of administrative~~ 84026
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~~services regarding the implementation of this section.~~

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Sec. 4141.23. (A) Contributions shall accrue and become payable by each employer for each calendar year or other period as prescribed by this chapter. Such contributions become due and shall be paid by each employer to the director of job and family services for the unemployment compensation fund in accordance with such regulations as the director prescribes, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employer's employ.

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In the payment of any contributions, a fractional part of a dollar may be disregarded unless it amounts to fifty cents or more, in which case it may be increased to the next higher dollar.

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~~(B) (1) Any contribution or payment in lieu of contribution, due from an employer on or before December 31, 1992, shall, if not paid when due, bear interest at the rate of ten per cent per annum. In such computation any fraction of a month shall be considered as a full month.~~

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~~(2) Any contribution, payment in lieu of contribution, interest, forfeiture, or fine due from an employer on or after January 1, 1993~~before December 31, 2025, shall, if not paid when due, bear interest at the annual rate of fourteen per cent compounded monthly on the aggregate receivable balance due. In such computation any fraction of a month shall be considered as a full month.

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(2) Any contribution, payment in lieu of contribution, interest, forfeiture, or fine due from an employer on or after January 1, 2026, shall, if not paid when due, bear interest at the interest rate established by the state tax commissioner

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pursuant to section 5703.47 of the Revised Code, not exceeding 84057
fifteen per cent. In such computation any fraction of a month 84058
shall be considered as a full month. 84059

(C) The director may waive the interest assessed under 84060
division ~~(B) (2)~~ (B) of this section if the employer meets all of 84061
the following conditions within thirty days after the date the 84062
director mails or delivers the notice of assessment of interest: 84063

(1) Provides to the director a written request for a 84064
waiver of interest clearly demonstrating that the employer's 84065
failure to timely pay contributions, payments in lieu of 84066
contributions, interest, forfeiture, and fines was a result of 84067
circumstances beyond the control of the employer or the 84068
employer's agent, except that negligence on the part of the 84069
employer or the employer's agent shall not be considered beyond 84070
the control of the employer or the employer's agent; 84071

(2) Furnishes to the director all quarterly reports 84072
required under section 4141.20 of the Revised Code; 84073

(3) Pays in full all contributions, payments in lieu of 84074
contributions, interest, forfeiture, and fines for each quarter 84075
for which such payments are due. 84076

The director shall deny an employer's request for a waiver 84077
of interest after finding that the employer's failure to timely 84078
furnish reports or make payments as required under this chapter 84079
was due to an attempt to evade payment. 84080

(D) Any contribution, interest, forfeiture, or fine 84081
required to be paid under this chapter by any employer shall, if 84082
not paid when due, become a lien upon the real and personal 84083
property of such employer. Upon failure of such employer to pay 84084
the contributions, interest, forfeiture, or fine required to be 84085

paid under this chapter, the director shall file notice of such 84086
lien, for which there shall be no charge, in the office of the 84087
county recorder of the county in which it is ascertained that 84088
such employer owns real estate or personal property. The 84089
director shall notify the employer by mail of the lien. The 84090
absence of proof that the notice was sent does not affect the 84091
validity of the lien. Such lien shall not be valid as against 84092
the claim of any mortgagee, pledgee, purchaser, judgment 84093
creditor, or other lienholder of record at the time such notice 84094
is filed. 84095

If the employer acquires real or personal property after 84096
notice of lien is filed, such lien shall not be valid as against 84097
the claim of any mortgagee, pledgee, subsequent bona fide 84098
purchaser for value, judgment creditor, or other lienholder of 84099
record to such after-acquired property, unless the notice of 84100
lien is refiled after such property was acquired by the employer 84101
and before the competing lien attached to such after-acquired 84102
property or before the conveyance to such subsequent bona fide 84103
purchaser for value. 84104

Such a notice shall be recorded in the county recorder's 84105
official records and indexed in the direct and reverse indexes 84106
under the name of the employer. When such unpaid contributions, 84107
interest, forfeiture, or fines have been paid, the employer may 84108
record with the county recorder of the county in which such 84109
notice of lien has been filed and recorded, notice of such 84110
payment, and the notice of payment shall be recorded in the 84111
county recorder's official records and indexed in the direct and 84112
reverse indexes. For recording the notice of payment, the county 84113
recorder shall charge and receive from the employer a base fee 84114
of two dollars for services and a housing trust fund fee of two 84115
dollars pursuant to section 317.36 of the Revised Code. 84116

(E) Notwithstanding other provisions in this section, the 84117
director may reduce, in whole or in part, the amount of 84118
interest, forfeiture, or fines required to be paid under this 84119
chapter if the director determines that the reduction is in the 84120
best interest of the unemployment compensation fund. 84121

(F) Assessment of contributions shall not be made after 84122
four years from the date on which such contributions became 84123
payable, and no action in court for the collection of 84124
contributions without assessment of such contributions shall be 84125
begun after the expiration of five years from the date such 84126
contributions became payable. In case of a false or fraudulent 84127
report or of a willful attempt in any manner to evade 84128
contributions, such contributions may be assessed or a 84129
proceeding in court for the collection of such contributions may 84130
be begun without assessment at any time. When the assessment of 84131
contributions has been made within such four-year period 84132
provided, action in court to collect such contributions may be 84133
begun within, but not later than, six years after such 84134
assessment. 84135

(G) In the event of a distribution of an employer's 84136
assets, pursuant to an order of any court under the law of this 84137
state, including any receivership, assignment for benefit of 84138
creditors, adjudicated insolvency, or similar proceedings, 84139
contributions, interest, forfeiture, or fine then or thereafter 84140
due have the same priority as provided by law for the payment of 84141
taxes due the state and shall be paid out of the trust fund in 84142
the same manner as provided for other claims for unpaid taxes 84143
due the state. 84144

(H) If the attorney general finds after investigation that 84145
any claim for delinquent contributions, interest, forfeitures, 84146

or fines owing to the director is uncollectible, in whole or in 84147
part, the attorney general shall recommend to the director the 84148
cancellation of such claim or any part thereof. The director may 84149
thereupon effect such cancellation. 84150

Sec. 4141.281. APPEALS 84151

(A) APPEAL FILED 84152

Any party notified of a determination of benefit rights or 84153
a claim for benefits determination may appeal within twenty-one 84154
calendar days after the written determination was sent to the 84155
party or within an extended period as provided under division 84156
(D) (9) of this section. 84157

(B) REDETERMINATION 84158

Within twenty-one days after receipt of the appeal, the 84159
director of job and family services shall issue a 84160
redetermination or transfer the appeal to the unemployment 84161
compensation review commission. A redetermination under this 84162
section is appealable in the same manner as an initial 84163
determination by the director. 84164

(C) REVIEW COMMISSION 84165

(1) JURISDICTION 84166

The commission shall provide an opportunity for a fair 84167
hearing to the interested parties of appeals over which the 84168
commission has jurisdiction. The commission has jurisdiction 84169
over an appeal on transfer or on direct appeal to the 84170
commission. If the commission concludes that a pending appeal 84171
does not warrant a hearing, the commission may remand the appeal 84172
to the director for redetermination. The commission retains 84173
jurisdiction until the appeal is remanded to the director or a 84174

final decision is issued and appealed to court, or the time to 84175
request a review or to appeal a decision of a hearing officer or 84176
the commission is expired. 84177

(2) CONDUCT OF HEARINGS 84178

Hearings before the commission are held at the hearing 84179
officer level and the review level. Unless otherwise provided in 84180
this chapter, initial hearings involving claims for compensation 84181
and other unemployment compensation issues are conducted at the 84182
hearing officer level by hearing officers appointed by the 84183
commission. Hearings at the review level are conducted by 84184
hearing officers appointed by the commission, by members of the 84185
commission acting either individually or collectively, and by 84186
members of the commission and hearing officers acting jointly. 84187
In all hearings conducted at the review level, the commission 84188
shall designate the hearing officer or officers who are to 84189
conduct the hearing. When the term "hearing officer" is used in 84190
reference to hearings conducted at the review level, the term 84191
includes members of the commission. All decisions issued at the 84192
review level are issued by the commission. 84193

Provisions contained in the remainder of this paragraph 84194
apply to hearings at both the hearing officer level and the 84195
review level. The principles of due process in administrative 84196
hearings shall be applied to all hearings conducted under the 84197
authority of the commission. In conducting hearings, all hearing 84198
officers shall control the conduct of the hearing, exclude 84199
irrelevant or cumulative evidence, and give weight to the kind 84200
of evidence on which reasonably prudent persons are accustomed 84201
to rely in the conduct of serious affairs. Hearing officers have 84202
an affirmative duty to question parties and witnesses in order 84203
to ascertain the relevant facts and to fully and fairly develop 84204

the record. Hearing officers are not bound by common law or 84205
statutory rules of evidence or by technical or formal rules of 84206
procedure. No person shall impose upon the claimant or the 84207
employer any burden of proof as is required in a court of law. 84208
The proceedings at hearings shall be recorded by mechanical 84209
means or otherwise as may be prescribed by the commission. In 84210
the absence of further proceedings, the record need not be 84211
transcribed. After considering all of the evidence, a hearing 84212
officer shall issue a written decision that sets forth the facts 84213
as the hearing officer finds them to be, cites the applicable 84214
law, and gives the reasoning for the decision. 84215

(3) HEARING OFFICER LEVEL 84216

When an appeal is transferred to the commission by the 84217
director, the commission shall notify all interested parties of 84218
the time and place of the hearing and assign the appeal for a 84219
hearing by a hearing officer. The hearings shall be de novo, 84220
except that the director's file pertaining to a case shall be 84221
included in the record to be considered. 84222

Following a hearing, the hearing officer shall affirm, 84223
modify, or reverse the determination of the director in the 84224
manner that appears just and proper. The hearing officer's 84225
written decision shall be sent to all interested parties. The 84226
decision shall state the right of an interested party to request 84227
a review by the commission. 84228

A request for review shall be filed within twenty-one days 84229
after the decision was sent to the party, or within an extended 84230
period as provided under division (D) (9) of this section. The 84231
hearing officer's decision shall become final unless a request 84232
for review is filed and allowed or the commission removes the 84233
appeal to itself within twenty-one days after the hearing 84234

officer's decision is sent. 84235

(4) REVIEW LEVEL 84236

At the review level, the commission may affirm, modify, or 84237
reverse previous determinations by the director or at the 84238
hearing officer level. At the review level, the commission may 84239
affirm, modify, or reverse a hearing officer's decision or 84240
remand the decision to the hearing officer level for further 84241
hearing. The commission shall consider an appeal at the review 84242
level under the following circumstances: when an appeal is 84243
required to be heard initially at the review level under this 84244
chapter; when the commission on its own motion removes an appeal 84245
to itself within twenty-one days after the hearing officer's 84246
decision is sent; when the assigned hearing officer refers an 84247
appeal to the commission before the hearing officer's decision 84248
is sent; or when an interested party files a request for review 84249
with the commission within twenty-one days after the hearing 84250
officer's decision is sent. 84251

(5) COMMISSION EXAMINATION 84252

The commission shall consider a request for review by an 84253
interested party, including the reasons for the request. The 84254
commission may adopt rules prescribing the methods for 84255
requesting a review. The commission may allow or disallow the 84256
request for review. The disallowance of a request for review 84257
constitutes a final decision by the commission. 84258

(6) REVIEW PROCEDURE 84259

If the commission allows a request for review, the 84260
commission shall notify all interested parties of that fact and 84261
provide a reasonable period of time, as the commission defines 84262
by rule, in which interested parties may file a response. After 84263

that period of time, the commission, based on the record before 84264
it, may do one of the following: affirm the decision of the 84265
hearing officer; provide for the appeal to be heard or reheard 84266
at the hearing officer or review level; provide for the appeal 84267
to be heard at the review level as a potential precedential 84268
decision; or provide for the decision to be rewritten without 84269
further hearing at the review level. When a further hearing is 84270
provided or the decision is rewritten, the commission may 84271
affirm, modify, or reverse the previous decision. 84272

If a member of the commission is unable or unavailable to 84273
consider an appeal allowed by the commission, the other members 84274
of the commission may appoint a hearing officer as a temporary 84275
commissioner to fulfill the unable or unavailable commissioner's 84276
duties with respect to the appeal. The members of the commission 84277
may not appoint the hearing officer who decided the appeal at 84278
the hearing officer level. 84279

(7) NOTICES 84280

The commission shall send written notice to all interested 84281
parties when it orders an appeal to be heard or reheard. The 84282
notice shall include the reasons for the hearing or rehearing. 84283

(8) PRECEDENTIAL 84284

An appeal the commission identifies as potentially 84285
precedential shall be heard at the review level. In the notice 84286
for that type of hearing, the commission shall notify the 84287
director, all interested parties, and any other parties, as the 84288
commission determines appropriate, that the appeal is designated 84289
as potentially precedential. After the hearing, parties shall be 84290
given the opportunity to submit briefs on the issue or issues 84291
involved. The commission may designate a decision as 84292

precedential after issuing the decision or at any point in the 84293
appeal process, even if the commission does not initially 84294
identify the appeal as potentially precedential. 84295

(9) MASS APPEALS 84296

When the commission determines that it has five appeals 84297
pending that have common facts or common issues, the commission 84298
may transfer the appeals to the review level on its own motion 84299
to be heard as a mass appeal, including appeals from claimants 84300
separated due to a labor dispute, on the condition that there 84301
are fewer than twenty-five claimants involved. 84302

To facilitate a mass hearing, the commission may allow an 84303
authorized agent to accept notice of hearing on behalf of 84304
claimants. An authorized agent may waive this notice of hearing 84305
and also the sending of decisions to individual claimants 84306
represented by the agent. 84307

(D) SPECIAL PROVISIONS 84308

(1) TIMELINESS OF APPEALS 84309

The date of the mailing provided by the director or the 84310
commission is sufficient evidence upon which to conclude that a 84311
determination, redetermination, or decision was sent to the 84312
party on that date. Appeals may be filed with the director, 84313
commission, with an employee of another state or federal agency 84314
charged with the duty of accepting claims, or with the 84315
unemployment insurance commission of Canada. Any timely written 84316
notice by an interested party indicating a desire to appeal 84317
shall be accepted. 84318

The director, commission, or authorized agent must receive 84319
the appeal within the specified appeal period in order for the 84320
appeal to be deemed timely filed, except that: if the United 84321

States postal service is used as the means of delivery, the 84322
enclosing envelope must have a postmark date or postal meter 84323
postmark that is on or before the last day of the specified 84324
appeal period; and where the postmark is illegible or missing, 84325
the appeal is timely filed if received not later than the end of 84326
the fifth calendar day following the last day of the specified 84327
appeal period. 84328

The director and the commission may adopt rules pertaining 84329
to alternate methods of filing appeals under this section. 84330

(2) WAIVER 84331

Interested parties may waive, in writing, a hearing at 84332
either the hearing officer or review level. If the parties waive 84333
a hearing, the hearing officer shall issue a decision based on 84334
the evidence of record. 84335

(3) TELEPHONE HEARINGS 84336

Hearing officers may conduct hearings at either the 84337
hearing officer or review level in person or by telephone or 84338
interactive video conference. The commission shall adopt rules 84339
that designate the circumstances under which hearing officers 84340
may conduct a hearing by telephone or interactive video 84341
conference or grant a party to the hearing the opportunity to 84342
object to a hearing by telephone or interactive video 84343
conference. An interested party whose hearing would be by 84344
telephone or interactive video conference may elect to have an 84345
in-person hearing, provided that the party agrees to have the 84346
hearing at the time and place the commission determines pursuant 84347
to rule. 84348

(4) EVENING HEARINGS 84349

Unless the commission grants a request for an evening 84350

telephone or interactive video conference hearing, hearing 84351
officers shall conduct hearings at the hearing officer and 84352
review level during normal business hours. An interested party 84353
who is regularly employed throughout those hours may request to 84354
have a hearing by telephone or interactive video conference 84355
during the evening. The commission shall grant or deny a request 84356
for an evening telephone or interactive video conference 84357
hearing. If a conflict concerning a request for an evening 84358
hearing and an in-person hearing arises, the commission shall 84359
schedule the hearing by telephone or interactive video 84360
conference during evening hours. 84361

(5) NO APPEARANCE -- APPELLANT 84362

For hearings at either the hearing officer or review 84363
level, if the appealing party fails to appear at the hearing, 84364
the hearing officer shall dismiss the appeal. The commission 84365
shall vacate the dismissal upon a showing that written notice of 84366
the hearing was not sent to that party's last known address, or 84367
good cause for the appellant's failure to appear is shown to the 84368
commission within fourteen days after the hearing date. 84369

If the commission finds that the appealing party's reason 84370
for failing to appear does not constitute good cause for failing 84371
to appear, the commission shall send written notice of that 84372
finding, and the appealing party may request a hearing to 84373
present testimony on the issue of good cause for failing to 84374
appear. The appealing party shall file a request for a hearing 84375
on the issue of good cause for failing to appear within ten days 84376
after the commission sends written notice indicating a finding 84377
of no good cause for failing to appear. 84378

(6) NO APPEARANCE -- APPELLEE 84379

For hearings at either the hearing officer or review 84380
level, if the appellee fails to appear at the hearing, the 84381
hearing officer shall proceed with the hearing and shall issue a 84382
decision based on the evidence of record. The commission shall 84383
vacate the decision upon a showing that written notice of the 84384
hearing was not sent to the appellee's last known address, or 84385
good cause for the appellee's failure to appear is shown to the 84386
commission within fourteen days after the hearing date. 84387

(7) AGENT 84388

Any appeal or request for review may be executed on behalf 84389
of any party or any group of claimants by an agent. 84390

(8) COLLATERAL ESTOPPEL 84391

No finding of fact or law, decision, or order of the 84392
director, hearing officer, the commission, or a reviewing court 84393
under this section or section 4141.28 of the Revised Code shall 84394
be given collateral estoppel or res judicata effect in any 84395
separate or subsequent judicial, administrative, or arbitration 84396
proceeding, other than a proceeding arising under this chapter. 84397

(9) EXTENSION OF APPEAL PERIODS 84398

The time for filing an appeal or a request for review 84399
under this section or a court appeal under section 4141.282 of 84400
the Revised Code shall be extended in the manner described in 84401
the following four sentences. When the last day of an appeal 84402
period is a Saturday, Sunday, or legal holiday, the appeal 84403
period is extended to the next work day after the Saturday, 84404
Sunday, or legal holiday. When an interested party provides 84405
certified medical evidence stating that the interested party's 84406
physical condition or mental capacity prevented the interested 84407
party from filing an appeal or request for review under this 84408

section within the appropriate twenty-one-day period, the appeal 84409
period is extended to twenty-one days after the end of the 84410
physical or mental condition, and the appeal or request for 84411
review is considered timely filed if filed within that extended 84412
period. When an interested party provides evidence, which 84413
evidence may consist of testimony from the interested party, 84414
that is sufficient to establish that the party did not actually 84415
receive the determination or decision within the applicable 84416
appeal period under this section, and the director or the 84417
commission finds that the interested party did not actually 84418
receive the determination or decision within the applicable 84419
appeal period, then the appeal period is extended to twenty-one 84420
days after the interested party actually receives the 84421
determination or decision. When an interested party provides 84422
evidence, which evidence may consist of testimony from the 84423
interested party, that is sufficient to establish that the party 84424
did not actually receive a decision within the thirty-day appeal 84425
period provided in section 4141.282 of the Revised Code, and a 84426
court of common pleas finds that the interested party did not 84427
actually receive the decision within that thirty-day appeal 84428
period, then the appeal period is extended to thirty days after 84429
the interested party actually receives the decision. 84430

Sec. 4141.29. Each eligible individual shall receive 84431
benefits as compensation for loss of remuneration due to 84432
involuntary total or partial unemployment in the amounts and 84433
subject to the conditions stipulated in this chapter. 84434

(A) No individual is entitled to a waiting period or 84435
benefits for any week unless the individual: 84436

(1) Has filed a valid application for determination of 84437
benefit rights in accordance with section 4141.28 of the Revised 84438

Code; 84439

(2) Has made a claim for benefits in accordance with 84440
section 4141.28 of the Revised Code; 84441

(3) (a) Has registered for work and thereafter continues to 84442
report to an employment office or other registration place 84443
maintained or designated by the director of job and family 84444
services. Registration shall be made in accordance with the time 84445
limits, frequency, and manner prescribed by the director. 84446

(b) For purposes of division (A) (3) of this section, an 84447
individual has "registered" upon doing any of the following: 84448

(i) Filing an application for benefit rights; 84449

(ii) Making a weekly claim for benefits; 84450

(iii) Reopening an existing claim following a period of 84451
employment or nonreporting. 84452

(c) After an applicant is registered, that registration 84453
continues for a period of three calendar weeks, including the 84454
week during which the applicant registered. However, an 84455
individual is not registered for purposes of division (A) (3) of 84456
this section during any period in which the individual fails to 84457
report, as instructed by the director, or fails to reopen an 84458
existing claim following a period of employment. 84459

(d) The director may, for good cause, extend the period of 84460
registration. 84461

(e) For purposes of this section, "report" means contact 84462
by phone, access electronically, or be present for an in-person 84463
appointment, as designated by the director. 84464

(4) (a) (i) Is able to work and available for suitable work 84465

and, except as provided in division (A) (4) (a) (ii) or (iii) of 84466
this section, is actively seeking suitable work either in a 84467
locality in which the individual has earned wages subject to 84468
this chapter during the individual's base period, or if the 84469
individual leaves that locality, then in a locality where 84470
suitable work normally is performed. 84471

(ii) The director may waive the requirement that a 84472
claimant be actively seeking work when the director finds that 84473
the individual has been laid off and the employer who laid the 84474
individual off has notified the director within ten days after 84475
the layoff, that work is expected to be available for the 84476
individual within a specified number of days not to exceed 84477
forty-five calendar days following the last day the individual 84478
worked. In the event the individual is not recalled within the 84479
specified period, this waiver shall cease to be operative with 84480
respect to that layoff. 84481

(iii) The director may waive the requirement that a 84482
claimant be actively seeking work if the director determines 84483
that the individual has been laid off and the employer who laid 84484
the individual off has notified the director in accordance with 84485
division (C) of section 4141.28 of the Revised Code that the 84486
employer has closed the employer's entire plant or part of the 84487
employer's plant for a purpose other than inventory or vacation 84488
that will cause unemployment for a definite period not exceeding 84489
twenty-six weeks beginning on the date the employer notifies the 84490
director, for the period of the specific shutdown, if all of the 84491
following apply: 84492

(I) The employer and the individuals affected by the 84493
layoff who are claiming benefits under this chapter jointly 84494
request the exemption. 84495

(II) The employer provides that the affected individuals 84496
shall return to work for the employer within twenty-six weeks 84497
after the date the employer notifies the director. 84498

(III) The director determines that the waiver of the 84499
active search for work requirement will promote productivity and 84500
economic stability within the state. 84501

(iv) Division (A) (4) (a) (iii) of this section does not 84502
exempt an individual from meeting the other requirements 84503
specified in division (A) (4) (a) (i) of this section to be able to 84504
work and otherwise fully be available for work. An exemption 84505
granted under division (A) (4) (a) (iii) of this section may be 84506
granted only with respect to a specific plant closing. 84507

(b) (i) The individual shall be instructed as to the 84508
efforts that the individual must make in the search for suitable 84509
work, including that, within six months after October 11, 2013, 84510
the individual shall register with the OhioMeansJobs web site, 84511
except in any of the following circumstances: 84512

(I) The individual is an individual described in division 84513
(A) (4) (b) (iii) of this section; 84514

(II) Where the active search for work requirement has been 84515
waived under division (A) (4) (a) of this section; 84516

(III) Where the active search for work requirement is 84517
considered to be met under division (A) (4) (c), (d), or (e) of 84518
this section. 84519

(ii) An individual who is registered with the 84520
OhioMeansJobs web site shall receive a weekly listing of 84521
available jobs based on information provided by the individual 84522
at the time of registration. For each week that the individual 84523
claims benefits, the individual shall keep a record of the 84524

individual's work search efforts and shall produce that record 84525
in the manner and means prescribed by the director. 84526

(iii) No individual shall be required to register with the 84527
OhioMeansJobs web site if the individual is legally prohibited 84528
from using a computer, has a physical or visual impairment that 84529
makes the individual unable to use a computer, or has a limited 84530
ability to read, write, speak, or understand a language in which 84531
the OhioMeansJobs web site is available. 84532

(iv) As used in division (A) (4) (b) of this section: 84533

(I) "OhioMeansJobs web site" has the same meaning as in 84534
section 6301.01 of the Revised Code. 84535

(II) "Registration" includes the creation, electronic 84536
posting, and maintenance of an active, searchable resume. 84537

(c) An individual who is attending a training course 84538
approved by the director meets the requirement of this division, 84539
if attendance was recommended by the director and the individual 84540
is regularly attending the course and is making satisfactory 84541
progress. An individual also meets the requirements of this 84542
division if the individual is participating and advancing in a 84543
training program, as defined in division (P) of section 5709.61 84544
of the Revised Code, and if an enterprise, defined in division 84545
(B) of section 5709.61 of the Revised Code, is paying all or 84546
part of the cost of the individual's participation in the 84547
training program with the intention of hiring the individual for 84548
employment as a new employee, as defined in division (L) of 84549
section 5709.61 of the Revised Code, for at least ninety days 84550
after the individual's completion of the training program. 84551

(d) An individual who becomes unemployed while attending a 84552
regularly established school and whose base period qualifying 84553

weeks were earned in whole or in part while attending that 84554
school, meets the availability and active search for work 84555
requirements of division (A) (4) (a) of this section if the 84556
individual regularly attends the school during weeks with 84557
respect to which the individual claims unemployment benefits and 84558
makes self available on any shift of hours for suitable 84559
employment with the individual's most recent employer or any 84560
other employer in the individual's base period, or for any other 84561
suitable employment to which the individual is directed, under 84562
this chapter. 84563

(e) An individual who is a member in good standing with a 84564
labor organization that refers individuals to jobs meets the 84565
active search for work requirement specified in division (A) (4) 84566
(a) of this section if the individual provides documentation 84567
that the individual is eligible for a referral or placement upon 84568
request and in a manner prescribed by the director. 84569

(f) Notwithstanding any other provisions of this section, 84570
no otherwise eligible individual shall be denied benefits for 84571
any week because the individual is in training approved under 84572
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 84573
U.S.C.A. 2296, nor shall that individual be denied benefits by 84574
reason of leaving work to enter such training, provided the work 84575
left is not suitable employment, or because of the application 84576
to any week in training of provisions in this chapter, or any 84577
applicable federal unemployment compensation law, relating to 84578
availability for work, active search for work, or refusal to 84579
accept work. 84580

For the purposes of division (A) (4) (f) of this section, 84581
"suitable employment" means with respect to an individual, work 84582
of a substantially equal or higher skill level than the 84583

individual's past adversely affected employment, as defined for 84584
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 84585
U.S.C.A. 2101, and wages for such work at not less than eighty 84586
per cent of the individual's average weekly wage as determined 84587
for the purposes of that federal act. 84588

(5) Is unable to obtain suitable work. ~~An individual who~~ 84589
~~is provided temporary work assignments by the individual's~~ 84590
~~employer under agreed terms and conditions of employment, and~~ 84591
~~who is required pursuant to those terms and conditions to~~ 84592
~~inquire with the individual's employer for available work~~ 84593
~~assignments upon the conclusion of each work assignment, is not~~ 84594
~~considered unable to obtain suitable employment if suitable work~~ 84595
~~assignments are available with the employer but the individual~~ 84596
~~fails to contact the employer to inquire about work assignments.~~ 84597

(6) Participates in reemployment services, such as job 84598
search assistance services, if the individual has been 84599
determined to be likely to exhaust benefits under this chapter, 84600
including compensation payable pursuant to 5 U.S.C.A. Chapter 84601
85, other than extended compensation, and needs reemployment 84602
services pursuant to the profiling system established by the 84603
director under division (K) of this section, unless the director 84604
determines that: 84605

(a) The individual has completed such services; or 84606

(b) There is justifiable cause for the claimant's failure 84607
to participate in such services. 84608

Ineligibility for failure to participate in reemployment 84609
services as described in division (A) (6) of this section shall 84610
be for the week or weeks in which the claimant was scheduled and 84611
failed to participate without justifiable cause. 84612

(7) Participates in the reemployment and eligibility 84613
assessment program, or other reemployment services, as required 84614
by the director. As used in division (A)(7) of this section, 84615
"reemployment services" includes job search assistance 84616
activities, skills assessments, and the provision of labor 84617
market statistics or analysis. 84618

(a) For purposes of division (A)(7) of this section, 84619
participation is required unless the director determines that 84620
either of the following circumstances applies to the individual: 84621

(i) The individual has completed similar services. 84622

(ii) Justifiable cause exists for the failure of the 84623
individual to participate in those services. 84624

(b) Within six months after October 11, 2013, 84625
notwithstanding any earlier contact an individual may have had 84626
with a local OhioMeansJobs center, as defined in section 6301.01 84627
of the Revised Code, beginning with the eighth week after the 84628
week during which an individual first files a valid application 84629
for determination of benefit rights in the individual's benefit 84630
year, the individual shall report to a local OhioMeansJobs 84631
center for reemployment services in the manner prescribed by the 84632
director. 84633

(c) An individual whose active search for work requirement 84634
has been waived under division (A)(4)(a) of this section or is 84635
considered to be satisfied under division (A)(4)(c), (d), or (e) 84636
of this section is exempt from the requirements of division (A) 84637
(7) of this section. 84638

(B) An individual suffering total or partial unemployment 84639
is eligible for benefits for unemployment occurring subsequent 84640
to a waiting period of one week and no benefits shall be payable 84641

during this required waiting period. Not more than one week of 84642
waiting period shall be required of any individual in any 84643
benefit year in order to establish the individual's eligibility 84644
for total or partial unemployment benefits. 84645

(C) The waiting period for total or partial unemployment 84646
shall commence on the first day of the first week with respect 84647
to which the individual first files a claim for benefits at an 84648
employment office or other place of registration maintained or 84649
designated by the director or on the first day of the first week 84650
with respect to which the individual has otherwise filed a claim 84651
for benefits in accordance with the rules of the department of 84652
job and family services, provided such claim is allowed by the 84653
director. 84654

(D) Notwithstanding division (A) of this section, no 84655
individual may serve a waiting period or be paid benefits under 84656
the following conditions: 84657

(1) For any week with respect to which the director finds 84658
that: 84659

(a) The individual's unemployment was due to a labor 84660
dispute other than a lockout at any factory, establishment, or 84661
other premises located in this or any other state and owned or 84662
operated by the employer by which the individual is or was last 84663
employed; and for so long as the individual's unemployment is 84664
due to such labor dispute. No individual shall be disqualified 84665
under this provision if either of the following applies: 84666

(i) The individual's employment was with such employer at 84667
any factory, establishment, or premises located in this state, 84668
owned or operated by such employer, other than the factory, 84669
establishment, or premises at which the labor dispute exists, if 84670

it is shown that the individual is not financing, participating 84671
in, or directly interested in such labor dispute; 84672

(ii) The individual's employment was with an employer not 84673
involved in the labor dispute but whose place of business was 84674
located within the same premises as the employer engaged in the 84675
dispute, unless the individual's employer is a wholly owned 84676
subsidiary of the employer engaged in the dispute, or unless the 84677
individual actively participates in or voluntarily stops work 84678
because of such dispute. If it is established that the claimant 84679
was laid off for an indefinite period and not recalled to work 84680
prior to the dispute, or was separated by the employer prior to 84681
the dispute for reasons other than the labor dispute, or that 84682
the individual obtained a bona fide job with another employer 84683
while the dispute was still in progress, such labor dispute 84684
shall not render the employee ineligible for benefits. 84685

(b) The individual has been given a disciplinary layoff 84686
for misconduct in connection with the individual's work. 84687

(2) For the duration of the individual's unemployment if 84688
the director finds that: 84689

(a) The individual quit work without just cause or has 84690
been discharged for just cause in connection with the 84691
individual's work, provided division (D)(2) of this section does 84692
not apply to the separation of a person under any of the 84693
following circumstances: 84694

(i) Separation from employment for the purpose of entering 84695
the armed forces of the United States if the individual is 84696
inducted into the armed forces within one of the following 84697
periods: 84698

(I) Thirty days after separation; 84699

(II) One hundred eighty days after separation if the 84700
individual's date of induction is delayed solely at the 84701
discretion of the armed forces. 84702

(ii) Separation from employment pursuant to a labor- 84703
management contract or agreement, or pursuant to an established 84704
employer plan, program, or policy, which permits the employee, 84705
because of lack of work, to accept a separation from employment; 84706

(iii) The individual has left employment to accept a 84707
recall from a prior employer or, except as provided in division 84708
(D) (2) (a) (iv) of this section, to accept other employment as 84709
provided under section 4141.291 of the Revised Code, or left or 84710
was separated from employment that was concurrent employment at 84711
the time of the most recent separation or within six weeks prior 84712
to the most recent separation where the remuneration, hours, or 84713
other conditions of such concurrent employment were 84714
substantially less favorable than the individual's most recent 84715
employment and where such employment, if offered as new work, 84716
would be considered not suitable under the provisions of 84717
divisions (E) and (F) of this section. Any benefits that would 84718
otherwise be chargeable to the account of the employer from whom 84719
an individual has left employment or was separated from 84720
employment that was concurrent employment under conditions 84721
described in division (D) (2) (a) (iii) of this section, shall 84722
instead be charged to the mutualized account created by division 84723
(B) of section 4141.25 of the Revised Code, except that any 84724
benefits chargeable to the account of a reimbursing employer 84725
under division (D) (2) (a) (iii) of this section shall be charged 84726
to the account of the reimbursing employer and not to the 84727
mutualized account, except as provided in division (D) (2) of 84728
section 4141.24 of the Revised Code. 84729

(iv) When an individual has been issued a definite layoff
date by the individual's employer and before the layoff date,
the individual quits to accept other employment, the provisions
of division (D) (2) (a) (iii) of this section apply and no
disqualification shall be imposed under division (D) of this
section. However, if the individual fails to meet the employment
and earnings requirements of division (A) (2) of section 4141.291
of the Revised Code, then the individual, pursuant to division
(A) (5) of this section, shall be ineligible for benefits for any
week of unemployment that occurs prior to the layoff date.

(v) The individual's spouse is a member of the armed
forces of the United States who is on active duty or a member of
the commissioned corps of the national oceanic and atmospheric
administration or public health service, the spouse is the
subject of a transfer, the individual left employment to
accompany the individual's spouse to a location from which it is
impractical to commute to the individual's place of employment,
and upon arrival at the new place of residence, the individual
is in all respects able and available for suitable work. For-
~~purpose~~ purposes of division (D) (2) (a) (v) of this section,
"active duty" and "armed forces" have the same meanings as in 10
U.S.C. 101.

(b) The individual has refused without good cause to
accept an offer of suitable work when made by an employer either
in person or to the individual's last known address, or has
refused or failed to investigate a referral to suitable work
when directed to do so by a local employment office of this
state or another state, provided that this division shall not
cause a disqualification for a waiting week or benefits under
the following circumstances:

(i) When work is offered by the individual's employer and 84760
the individual is not required to accept the offer pursuant to 84761
the terms of the labor-management contract or agreement; or 84762

(ii) When the individual is attending a training course 84763
pursuant to division (A) (4) of this section except, in the event 84764
of a refusal to accept an offer of suitable work or a refusal or 84765
failure to investigate a referral, benefits thereafter paid to 84766
such individual shall not be charged to the account of any 84767
employer and, except as provided in division (B) (1) (b) of 84768
section 4141.241 of the Revised Code, shall be charged to the 84769
mutualized account as provided in division (B) of section 84770
4141.25 of the Revised Code. 84771

(c) Such individual quit work to marry or because of 84772
marital, parental, filial, or other domestic obligations. 84773

(d) The individual became unemployed by reason of 84774
commitment to any correctional institution. 84775

(e) The individual became unemployed because of dishonesty 84776
in connection with the individual's most recent or any base 84777
period work. Remuneration earned in such work shall be excluded 84778
from the individual's total base period remuneration and 84779
qualifying weeks that otherwise would be credited to the 84780
individual for such work in the individual's base period shall 84781
not be credited for the purpose of determining the total 84782
benefits to which the individual is eligible and the weekly 84783
benefit amount to be paid under section 4141.30 of the Revised 84784
Code. Such excluded remuneration and noncredited qualifying 84785
weeks shall be excluded from the calculation of the maximum 84786
amount to be charged, under division (D) of section 4141.24 and 84787
section 4141.33 of the Revised Code, against the accounts of the 84788
individual's base period employers. In addition, no benefits 84789

shall thereafter be paid to the individual based upon such 84790
excluded remuneration or noncredited qualifying weeks. 84791

For purposes of division (D) (2) (e) of this section, 84792
"dishonesty" means the commission of substantive theft, fraud, 84793
or deceitful acts. 84794

(3) For purposes of division (D) (2) (a) of this section, an 84795
individual shall be considered to have quit work without just 84796
cause if all of the following apply: 84797

(a) The individual is provided temporary work assignments 84798
by the individual's employer under agreed terms and conditions 84799
of employment. 84800

(b) The individual is required pursuant to those terms and 84801
conditions to inquire with the individual's employer for 84802
available work assignments upon the conclusion of each work 84803
assignment. 84804

(c) Suitable work assignments are available with the 84805
employer, but the individual fails to contact the employer to 84806
inquire about work assignments. 84807

(E) No individual otherwise qualified to receive benefits 84808
shall lose the right to benefits by reason of a refusal to 84809
accept new work if: 84810

(1) As a condition of being so employed the individual 84811
would be required to join a company union, or to resign from or 84812
refrain from joining any bona fide labor organization, or would 84813
be denied the right to retain membership in and observe the 84814
lawful rules of any such organization. 84815

(2) The position offered is vacant due directly to a 84816
strike, lockout, or other labor dispute. 84817

(3) The work is at an unreasonable distance from the individual's residence, having regard to the character of the work the individual has been accustomed to do, and travel to the place of work involves expenses substantially greater than that required for the individual's former work, unless the expense is provided for.

(4) The remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(F) Subject to the special exceptions contained in division (A) (4) (f) of this section and section 4141.301 of the Revised Code, in determining whether any work is suitable for a claimant in the administration of this chapter, the director, in addition to the determination required under division (E) of this section, shall consider the degree of risk to the claimant's health, safety, and morals, the individual's physical fitness for the work, the individual's prior training and experience, the length of the individual's unemployment, the distance of the available work from the individual's residence, and the individual's prospects for obtaining local work.

(G) The "duration of unemployment" as used in this section means the full period of unemployment next ensuing after a separation from any base period or subsequent work and until an individual has become reemployed in employment subject to this chapter, or the unemployment compensation act of another state, or of the United States, and until such individual has worked six weeks and for those weeks has earned or been paid remuneration equal to six times an average weekly wage of not less than: eighty-five dollars and ten cents per week beginning on June 26, 1990; and beginning on and after January 1, 1992,

twenty-seven and one-half per cent of the statewide average 84848
weekly wage as computed each first day of January under division 84849
(B) (3) of section 4141.30 of the Revised Code, rounded down to 84850
the nearest dollar, except for purposes of division (D) (2) (c) of 84851
this section, such term means the full period of unemployment 84852
next ensuing after a separation from such work and until such 84853
individual has become reemployed subject to the terms set forth 84854
above, and has earned wages equal to one-half of the 84855
individual's average weekly wage or sixty dollars, whichever is 84856
less. 84857

(H) If a claimant is disqualified under division (D) (2) 84858
(a), (c), or (d) of this section or found to be qualified under 84859
the exceptions provided in division (D) (2) (a) (i), (iii), (iv), 84860
or (v) of this section or division (A) (2) of section 4141.291 of 84861
the Revised Code, then benefits that may become payable to such 84862
claimant, which are chargeable to the account of the employer 84863
from whom the individual was separated under such conditions, 84864
shall be charged to the mutualized account provided in section 84865
4141.25 of the Revised Code, provided that no charge shall be 84866
made to the mutualized account for benefits chargeable to a 84867
reimbursing employer, except as provided in division (D) (2) of 84868
section 4141.24 of the Revised Code. In the case of a 84869
reimbursing employer, the director shall refund or credit to the 84870
account of the reimbursing employer any over-paid benefits that 84871
are recovered under division (B) of section 4141.35 of the 84872
Revised Code. Amounts chargeable to other states, the United 84873
States, or Canada that are subject to agreements and 84874
arrangements that are established pursuant to section 4141.43 of 84875
the Revised Code shall be credited or reimbursed according to 84876
the agreements and arrangements to which the chargeable amounts 84877
are subject. 84878

(I) (1) Benefits based on service in employment as provided 84879
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 84880
Code shall be payable in the same amount, on the same terms, and 84881
subject to the same conditions as benefits payable on the basis 84882
of other service subject to this chapter; except that after 84883
December 31, 1977: 84884

(a) Benefits based on service in an instructional, 84885
research, or principal administrative capacity in an institution 84886
of higher education, as defined in division (Y) of section 84887
4141.01 of the Revised Code; or for an educational institution 84888
as defined in division (CC) of section 4141.01 of the Revised 84889
Code, shall not be paid to any individual for any week of 84890
unemployment that begins during the period between two 84891
successive academic years or terms, or during a similar period 84892
between two regular but not successive terms or during a period 84893
of paid sabbatical leave provided for in the individual's 84894
contract, if the individual performs such services in the first 84895
of those academic years or terms and has a contract or a 84896
reasonable assurance that the individual will perform services 84897
in any such capacity for any such institution in the second of 84898
those academic years or terms. 84899

(b) Benefits based on service for an educational 84900
institution or an institution of higher education in other than 84901
an instructional, research, or principal administrative 84902
capacity, shall not be paid to any individual for any week of 84903
unemployment which begins during the period between two 84904
successive academic years or terms of the employing educational 84905
institution or institution of higher education, provided the 84906
individual performed those services for the educational 84907
institution or institution of higher education during the first 84908
such academic year or term and, there is a reasonable assurance 84909

that such individual will perform those services for any 84910
educational institution or institution of higher education in 84911
the second of such academic years or terms. 84912

If compensation is denied to any individual for any week 84913
under division (I) (1) (b) of this section and the individual was 84914
not offered an opportunity to perform those services for an 84915
institution of higher education or for an educational 84916
institution for the second of such academic years or terms, the 84917
individual is entitled to a retroactive payment of compensation 84918
for each week for which the individual timely filed a claim for 84919
compensation and for which compensation was denied solely by 84920
reason of division (I) (1) (b) of this section. An application for 84921
retroactive benefits shall be timely filed if received by the 84922
director or the director's deputy within or prior to the end of 84923
the fourth full calendar week after the end of the period for 84924
which benefits were denied because of reasonable assurance of 84925
employment. The provision for the payment of retroactive 84926
benefits under division (I) (1) (b) of this section is applicable 84927
to weeks of unemployment beginning on and after November 18, 84928
1983. The provisions under division (I) (1) (b) of this section 84929
shall be retroactive to September 5, 1982, only if, as a 84930
condition for full tax credit against the tax imposed by the 84931
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 84932
3301 to 3311, the United States secretary of labor determines 84933
that retroactivity is required by federal law. 84934

(c) With respect to weeks of unemployment beginning after 84935
December 31, 1977, benefits shall be denied to any individual 84936
for any week which commences during an established and customary 84937
vacation period or holiday recess, if the individual performs 84938
any services described in divisions (I) (1) (a) and (b) of this 84939
section in the period immediately before the vacation period or 84940

holiday recess, and there is a reasonable assurance that the 84941
individual will perform any such services in the period 84942
immediately following the vacation period or holiday recess. 84943

(d) With respect to any services described in division (I) 84944
(1) (a), (b), or (c) of this section, benefits payable on the 84945
basis of services in any such capacity shall be denied as 84946
specified in division (I) (1) (a), (b), or (c) of this section to 84947
any individual who performs such services in an educational 84948
institution or institution of higher education while in the 84949
employ of an educational service agency. For this purpose, the 84950
term "educational service agency" means a governmental agency or 84951
governmental entity that is established and operated exclusively 84952
for the purpose of providing services to one or more educational 84953
institutions or one or more institutions of higher education. 84954

(e) Any individual employed by a county board of 84955
developmental disabilities shall be notified by the thirtieth 84956
day of April each year if the individual is not to be reemployed 84957
the following academic year. 84958

(f) Any individual employed by a school district, other 84959
than a municipal school district as defined in section 3311.71 84960
of the Revised Code, shall be notified by the first day of June 84961
each year if the individual is not to be reemployed the 84962
following academic year. 84963

(2) No disqualification will be imposed, between academic 84964
years or terms or during a vacation period or holiday recess 84965
under this division, unless the director or the director's 84966
deputy has received a statement in writing from the educational 84967
institution or institution of higher education that the claimant 84968
has a contract for, or a reasonable assurance of, reemployment 84969
for the ensuing academic year or term. 84970

(3) If an individual has employment with an educational institution or an institution of higher education and employment with a noneducational employer, during the base period of the individual's benefit year, then the individual may become eligible for benefits during the between-term, or vacation or holiday recess, disqualification period, based on employment performed for the noneducational employer, provided that the employment is sufficient to qualify the individual for benefit rights separately from the benefit rights based on school employment. The weekly benefit amount and maximum benefits payable during a disqualification period shall be computed based solely on the nonschool employment.

(J) Benefits shall not be paid on the basis of employment performed by an alien, unless the alien had been lawfully admitted to the United States for permanent residence at the time the services were performed, was lawfully present for purposes of performing the services, or was otherwise permanently residing in the United States under color of law at the time the services were performed, under section 212(d) (5) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101:

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of the individual's alien status shall be made except upon a preponderance of the evidence that the individual had not, in

fact, been lawfully admitted to the United States. 85001

(K) The director shall establish and utilize a system of 85002
profiling all new claimants under this chapter that: 85003

(1) Identifies which claimants will be likely to exhaust 85004
regular compensation and will need job search assistance 85005
services to make a successful transition to new employment; 85006

(2) Refers claimants identified pursuant to division (K) 85007
(1) of this section to reemployment services, such as job search 85008
assistance services, available under any state or federal law; 85009

(3) Collects follow-up information relating to the 85010
services received by such claimants and the employment outcomes 85011
for such claimant's subsequent to receiving such services and 85012
utilizes such information in making identifications pursuant to 85013
division (K) (1) of this section; and 85014

(4) Meets such other requirements as the United States 85015
secretary of labor determines are appropriate. 85016

(L) Except as otherwise provided in division (A) (6) of 85017
this section, ineligibility pursuant to division (A) of this 85018
section shall begin on the first day of the week in which the 85019
claimant becomes ineligible for benefits and shall end on the 85020
last day of the week preceding the week in which the claimant 85021
satisfies the eligibility requirements. 85022

(M) The director may adopt rules that the director 85023
considers necessary for the administration of division (A) of 85024
this section. 85025

Sec. 4141.33. (A) As used in this section: 85026

(1) "Reasonable assurance" means a written, verbal, or 85027
implied agreement that the individual will perform services in 85028

the same or similar capacity during the ensuing sports season or 85029
seasonal period. 85030

(2) "Seasonal employment" means employment of individuals 85031
hired primarily to perform services in an industry which because 85032
of climatic conditions or because of the seasonal nature of such 85033
industry it is customary to operate only during regularly 85034
recurring periods of forty weeks or less in any consecutive 85035
fifty-two weeks. 85036

(3) "Seasonal employer" means an employer determined by 85037
the director of job and family services to be an employer whose 85038
operations and business, with the exception of certain 85039
administrative and maintenance operations, are substantially all 85040
in a seasonal industry. 85041

(4) "Significantly" means forty per cent or more of an 85042
individual's base period consists of services performed in 85043
seasonal employment. 85044

(B) Any employer who claims to have seasonal employment in 85045
a seasonal industry may file with the director a written 85046
application for classification of such employment as seasonal. 85047
Whenever in any industry it is customary to operate because of 85048
climatic conditions or because of the seasonal nature of such 85049
industry only during regularly recurring periods of forty weeks 85050
or less duration, benefits shall be payable only during the 85051
longest seasonal periods which the best practice of such 85052
industry will reasonably permit. The director shall determine, ~~after investigation, hearing, and due notice,~~ 85053
~~whether the~~ 85054
industry is seasonal and, if seasonal, establish seasonal 85055
periods for such seasonal employer. The director shall make the 85056
determination based on the application for classification filed 85057
under this section and any other relevant information available. 85058

Until such determination by the director, no industry or 85059
employment shall be deemed seasonal. 85060

(C) When the director has determined such seasonal 85061
periods, the director shall also establish the proportionate 85062
number of weeks of employment and earnings required to qualify 85063
for seasonal benefit rights in place of the weeks of employment 85064
and earnings requirement stipulated in division (R) of section 85065
4141.01 and section 4141.30 of the Revised Code, and the 85066
proportionate number of weeks for which seasonal benefits may be 85067
paid. An individual whose base period employment consists of 85068
only seasonal employment for a single seasonal employer and who 85069
meets the employment and earnings requirements determined by the 85070
director pursuant to this division will have benefit rights 85071
determined in accordance with this division, except benefits 85072
shall not be paid for any week between two successive seasonal 85073
periods. Benefit charges for such seasonal employment shall be 85074
computed and charged in accordance with division (D) of section 85075
4141.24 of the Revised Code. The director may adopt rules for 85076
implementation of this section. 85077

(D) An individual whose base period employment consists of 85078
either seasonal employment with two or more seasonal employers 85079
or both seasonal employment and nonseasonal employment with 85080
employers subject to this chapter, will have benefit rights 85081
determined in accordance with division (R) of section 4141.01 85082
and section 4141.30 of the Revised Code. Benefit charges for 85083
both seasonal and nonseasonal employment shall be computed and 85084
charged in accordance with division (D) of section 4141.24 of 85085
the Revised Code. The total seasonal and nonseasonal benefits 85086
during a benefit year cannot exceed twenty-six times the weekly 85087
benefit amount. Effective October 30, 2011, an individual who 85088
performs services that significantly consist of services 85089

performed in seasonal employment shall not be paid benefits for 85090
those services for any week in the period between two successive 85091
seasonal periods if the individual performed those services in 85092
the first of the seasonal periods and there is reasonable 85093
assurance that the individual will perform those services in the 85094
later of the seasonal periods. The director shall adopt rules 85095
for the implementation of this division. 85096

(E) Benefits shall not be paid to any individual on the 85097
basis of any services, substantially all of which consist of 85098
participating in sports or athletic events or training or 85099
preparing to so participate, for any week which commences during 85100
the period between two successive sport seasons, or similar 85101
periods, if the individual performed services in the first of 85102
the seasons, or similar periods, and there is a reasonable 85103
assurance that the individual will perform services in the later 85104
of the seasons, or similar periods. 85105

(F) The director shall adopt rules concerning the 85106
eligibility for benefits of individuals under divisions (D) and 85107
(E) of this section. 85108

Sec. 4141.56. ~~Beginning one year after the effective date~~ 85109
~~of this section, and every year thereafter, the~~ The director of 85110
job and family services annually shall prepare a report and 85111
~~submit a report~~ it by the first day of August to the governor, 85112
the president and minority leader of the senate, and the speaker 85113
and the minority leader of the house of representatives ~~that~~ 85114
~~discusses~~. The report shall discuss the utilization of the 85115
SharedWork Ohio program created under section 4141.50 of the 85116
Revised Code. The director shall include in that report the 85117
number of employers and employees participating in the program, 85118
the amount of shared work compensation paid under the program 85119

during the immediately preceding year, and any other information 85120
the director considers to be relevant. 85121

Sec. 4141.60. (A) ~~Beginning on the last day of February~~ 85122
~~that occurs after the effective date of this section, and~~ 85123
~~annually thereafter, the~~ The director of job and family services 85124
annually shall prepare a report and submit a report it by the 85125
first day of August to the persons listed in division (B) of 85126
this section. The director shall include all of the following 85127
information in the report with respect to the calendar year 85128
preceding the date the report is submitted: 85129

(1) The number of calls received from applicants for and 85130
recipients of benefits under this chapter at all call centers 85131
operated by the director; 85132

(2) The total number of claims for benefits filed under 85133
this chapter; 85134

(3) The number of claims for benefits marked as 85135
potentially fraudulent; 85136

(4) The number of complaints submitted by applicants for 85137
and recipients of benefits under this chapter through the 85138
uniform process created by the director under section 4141.13 of 85139
the Revised Code; 85140

(5) A summary of updates or changes to the technology the 85141
director uses to administer this chapter that have occurred 85142
during the calendar year covered by the report. 85143

(B) The director shall submit the report required under 85144
division (A) of this section to the speaker of the house of 85145
representatives, the president of the senate, and the governor, 85146
~~and the members of the unemployment compensation modernization~~ 85147
~~and improvement council.~~ 85148

Sec. 4301.01. (A) As used in the Revised Code: 85149

(1) "Intoxicating liquor" and "liquor" include all liquids 85150
and compounds, other than beer, containing one-half of one per 85151
cent or more of alcohol by volume which are fit to use for 85152
beverage purposes, from whatever source and by whatever process 85153
produced, by whatever name called, and whether they are 85154
medicated, proprietary, or patented. "Intoxicating liquor" and 85155
"liquor" include cider and alcohol, and all solids and 85156
confections which contain one-half of one per cent or more of 85157
alcohol by volume. 85158

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 85159
to 4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of 85160
the Revised Code, "sale" and "sell" include exchange, barter, 85161
gift, offer for sale, sale, distribution and delivery of any 85162
kind, and the transfer of title or possession of beer and 85163
intoxicating liquor either by constructive or actual delivery by 85164
any means or devices whatever, including the sale of beer or 85165
intoxicating liquor by means of a controlled access alcohol and 85166
beverage cabinet pursuant to section 4301.21 of the Revised 85167
Code. "Sale" and "sell" do not include the mere solicitation of 85168
orders for beer or intoxicating liquor from the holders of 85169
permits issued by the division of liquor control authorizing the 85170
sale of the beer or intoxicating liquor, but no solicitor shall 85171
solicit any such orders until the solicitor has been registered 85172
with the division pursuant to section 4303.25 of the Revised 85173
Code. 85174

(3) "Vehicle" includes all means of transportation by 85175
land, by water, or by air, and everything made use of in any way 85176
for such transportation. 85177

(B) As used in this chapter: 85178

(1) "Alcohol" means ethyl alcohol, whether rectified or 85179
diluted with water or not, whatever its origin may be, and 85180
includes synthetic ethyl alcohol. "Alcohol" does not include 85181
denatured alcohol and wood alcohol. 85182

(2) "Beer" includes all beverages brewed or fermented 85183
wholly or in part from malt products and containing one-half of 85184
one per cent or more of alcohol by volume. 85185

(3) "Wine" includes all liquids fit to use for beverage 85186
purposes containing not less than one-half of one per cent of 85187
alcohol by volume and not more than twenty-one per cent of 85188
alcohol by volume that is made from the fermented juices of 85189
grapes, fruits, or other agricultural products. "Wine" includes 85190
cider, except as used in sections 4301.13, 4301.421, 4301.422, 85191
4301.432, and 4301.44 of the Revised Code, and, for purposes of 85192
determining the rate of the tax that applies, division (B) of 85193
section 4301.43 of the Revised Code, "wine" does not include 85194
cider. 85195

(4) "Mixed beverages" include bottled and prepared 85196
cordials, cocktails, highballs, and solids and confections that 85197
are obtained by mixing any type of whiskey, neutral spirits, 85198
brandy, gin, or other distilled spirits with, or over, 85199
carbonated or plain water, pure juices from flowers and plants, 85200
and other flavoring materials. The completed product shall 85201
contain not less than one-half of one per cent of alcohol by 85202
volume and not more than twenty-one per cent of alcohol by 85203
volume. "Mixed beverages" includes the contents of a pod and 85204
low-alcohol coolers. 85205

(5) "Spirituous liquor" includes all intoxicating liquors 85206
containing more than twenty-one per cent of alcohol by volume. 85207
"Spirituous liquor" does not include the contents of a pod. 85208

(6) "Sealed container" means any container having a 85209
capacity of not more than one hundred twenty-eight fluid ounces, 85210
the opening of which is closed to prevent the entrance of air. 85211

(7) "Person" includes firms and corporations. 85212

(8) "Manufacture" includes all processes by which beer or 85213
intoxicating liquor is produced, whether by distillation, 85214
rectifying, fortifying, blending, fermentation, or brewing, or 85215
in any other manner. 85216

(9) "Manufacturer" means any person engaged in the 85217
business of manufacturing beer or intoxicating liquor. 85218

(10) "Wholesale distributor" and "distributor" means a 85219
person engaged in the business of selling to retail dealers for 85220
purposes of resale. 85221

(11) "Hotel" has the same meaning as in section 3731.01 of 85222
the Revised Code, subject to the exceptions mentioned in section 85223
3731.03 of the Revised Code. 85224

(12) "Restaurant" means a place located in a permanent 85225
building provided with space and accommodations wherein, in 85226
consideration of the payment of money, hot meals are habitually 85227
prepared, sold, and served at noon and evening, as the principal 85228
business of the place. "Restaurant" does not include pharmacies, 85229
confectionery stores, lunch stands, night clubs, and filling 85230
stations. 85231

(13) "Club" means a corporation or association of 85232
individuals organized in good faith for social, recreational, 85233
benevolent, charitable, fraternal, political, patriotic, or 85234
athletic purposes, which is the owner, lessor, or occupant of a 85235
permanent building or part of a permanent building operated 85236
solely for those purposes, membership in which entails the 85237

prepayment of regular dues, and includes the place so operated. 85238

(14) "Night club" means a place operated for profit, where 85239
food is served for consumption on the premises and one or more 85240
forms of amusement are provided or permitted for a consideration 85241
that may be in the form of a cover charge or may be included in 85242
the price of the food and beverages, or both, purchased by 85243
patrons. 85244

(15) "At retail" means for use or consumption by the 85245
purchaser and not for resale. 85246

(16) "Pharmacy" means an establishment, as defined in 85247
section 4729.01 of the Revised Code, that is under the 85248
management or control of a licensed pharmacist in accordance 85249
with section 4729.27 of the Revised Code. 85250

(17) "Enclosed shopping center" means a group of retail 85251
sales and service business establishments that face into an 85252
enclosed mall, share common ingress, egress, and parking 85253
facilities, and are situated on a tract of land that contains an 85254
area of not less than five hundred thousand square feet. 85255
"Enclosed shopping center" also includes not more than one 85256
business establishment that is located within a free-standing 85257
building on such a tract of land, so long as the sale of beer 85258
and intoxicating liquor on the tract of land was approved in an 85259
election held under former section 4301.353 of the Revised Code. 85260

(18) "Controlled access alcohol and beverage cabinet" 85261
means a closed container, either refrigerated, in whole or in 85262
part, or nonrefrigerated, access to the interior of which is 85263
restricted by means of a device that requires the use of a key, 85264
magnetic card, or similar device and from which beer, 85265
intoxicating liquor, other beverages, or food may be sold. 85266

- (19) "Community facility" means either of the following: 85267
- (a) Any convention, sports, or entertainment facility or 85268
complex, or any combination of these, that is used by or 85269
accessible to the general public and that is owned or operated 85270
in whole or in part by the state, a state agency, or a political 85271
subdivision of the state or that is leased from, or located on 85272
property owned by or leased from, the state, a state agency, a 85273
political subdivision of the state, or a convention facilities 85274
authority created pursuant to section 351.02 of the Revised 85275
Code; 85276
- (b) An area designated as a community entertainment 85277
district pursuant to section 4301.80 of the Revised Code. 85278
- (20) "Low-alcohol beverage" means any brewed or fermented 85279
malt product, or any product made from the fermented juices of 85280
grapes, fruits, or other agricultural products, that contains 85281
either no alcohol or less than one-half of one per cent of 85282
alcohol by volume. The beverages described in division (B) (20) 85283
of this section do not include a soft drink such as root beer, 85284
birch beer, or ginger beer. 85285
- (21) "Cider" means all liquids fit to use for beverage 85286
purposes that contain one-half of one per cent of alcohol by 85287
volume, but not more than six per cent of alcohol by weight, and 85288
that are made through the normal alcoholic fermentation of the 85289
juice of sound, ripe apples, including, without limitation, 85290
flavored, sparkling, or carbonated cider and cider made from 85291
pure condensed apple must. 85292
- (22) "Sales area or territory" means an exclusive 85293
geographic area or territory that is assigned to a particular A 85294
or B permit holder and that either has one or more political 85295

subdivisions as its boundaries or consists of an area of land 85296
with readily identifiable geographic boundaries. "Sales area or 85297
territory" does not include, however, any particular retail 85298
location in an exclusive geographic area or territory that had 85299
been assigned to another A or B permit holder before April 9, 85300
2001. 85301

(23) "Pod" means a sealed capsule made from plastic, 85302
glass, aluminum, or a combination thereof to which all of the 85303
following apply: 85304

(a) The capsule contains intoxicating liquor of more than 85305
twenty-one per cent of alcohol by volume. 85306

(b) The capsule also contains a concentrated flavoring 85307
mixture. 85308

(c) The contents of the capsule are not readily accessible 85309
or intended for consumption unless certain manufacturer's 85310
processing instructions are followed. 85311

(d) The instructions include releasing the contents of the 85312
capsule through a machine specifically designed to process the 85313
contents. 85314

(e) After being properly processed according to the 85315
manufacturer's instructions, the final product produced from the 85316
capsule contains not less than one-half of one per cent of 85317
alcohol by volume and not more than twenty-one per cent of 85318
alcohol by volume. 85319

(24) "Low-alcohol coolers" means bottled and prepared 85320
cordials, cocktails, and highballs to which all of the following 85321
apply: 85322

(a) They are obtained by mixing any type of spirituous 85323

liquor with, or over, nonalcoholic beverages, flavoring, or 85324
coloring. Low-alcohol coolers also may contain water, fruit 85325
juices, fruit adjuncts, sugar, carbon dioxide, preservatives, 85326
wine, and other similar products manufactured by fermenting 85327
fruit or fruit juices. 85328

(b) As a completed product, they contain not less than 85329
one-half of one per cent of alcohol by volume and not more than 85330
ten per cent of alcohol by volume; 85331

(c) They are sold only in packages of four to twelve 85332
single-serve containers with each container not more than 85333
sixteen ounces in size. 85334

Sec. 4301.12. (A) The division of liquor control shall 85335
provide for the custody, safekeeping, and deposit of all moneys, 85336
checks, and drafts received by it or any of its employees or 85337
agents prior to paying them to the treasurer of state as 85338
provided by section 113.08 of the Revised Code. 85339

(B) A sum equal to three dollars and thirty-eight cents 85340
for each gallon of spirituous liquor sold by the division, 85341
JobsOhio, or a designee of JobsOhio during the period covered by 85342
the payment shall be paid into the state treasury to the credit 85343
of the general revenue fund. All moneys Except as provided in 85344
division (G) of section 4301.30 of the Revised Code, all money 85345
received from permit fees, except B-2a, S-1, and S-2 permit fees 85346
from B-2a, S-1, and S-2 permit holders who do not also hold A-2- 85347
or A-2f permits, shall be paid to the credit of the undivided 85348
liquor permit fund established by section 4301.30 of the Revised 85349
Code. 85350

(C) Except as otherwise provided by law, the division 85351
shall deposit all moneys collected under Chapters 4301. and 85352

4303. of the Revised Code into the state treasury to the credit 85353
of the state liquor regulatory fund created in section 4301.30 85354
of the Revised Code. In addition, revenue resulting from any 85355
contracts with the department of commerce pertaining to the 85356
responsibilities and operations described in this chapter may be 85357
credited to the fund. 85358

(D) Whenever, in the judgment of the director of budget 85359
and management, the amount in the liquor control fund is in 85360
excess of that needed to meet the maturing obligations of the 85361
division, as working capital for its further operations, to pay 85362
the operating expenses of the commission, and for the alcohol 85363
testing program under section 3701.143 of the Revised Code, the 85364
director shall transfer the excess to the credit of the general 85365
revenue fund. If the director determines that the amount in the 85366
liquor control fund is insufficient, the director may transfer 85367
money from the general revenue fund to the liquor control fund. 85368

Sec. 4301.19. The division of liquor control shall sell 85369
spirituous liquor only, whether from a warehouse ~~or from~~, a 85370
state liquor store ~~or~~, an agency store, or an A-3a permit 85371
premises. All sales shall be in sealed containers and for resale 85372
as authorized by this chapter and Chapter 4303. of the Revised 85373
Code or for consumption off the premises only. Except as 85374
otherwise provided in this section, sale of containers holding 85375
one-half pint or less of spirituous liquor by the division shall 85376
be made at retail only, and not for the purpose of resale by any 85377
purchaser, by special order placed with a state liquor store or 85378
agency store and subject to rules established by the 85379
superintendent of liquor control. The division may sell at 85380
wholesale spirituous liquor in fifty milliliter sealed 85381
containers to any holder of a permit issued under Chapter 4303. 85382
of the Revised Code that authorizes the sale of spirituous 85383

liquor for consumption on the premises where sold. A person 85384
appointed by the division to act as an agent for the sale of 85385
spirituous liquor pursuant to section 4301.17 of the Revised 85386
Code may provide and accept gift certificates and may accept 85387
credit cards and debit cards for the retail purchase of 85388
spirituous liquor. Deliveries shall be made in the manner the 85389
superintendent determines by rule. 85390

Subject to division (A) (3) of section 4301.10 and division 85391
(A) of section 4301.14 of the Revised Code, if any person 85392
desires to purchase any variety or brand of spirituous liquor 85393
which is not in stock at the state liquor store or agency store 85394
where the variety or brand is ordered, the division shall 85395
immediately procure the variety or brand. The purchaser shall be 85396
immediately notified upon the arrival of the spirituous liquor 85397
at the store at which it was ordered. Unless the purchaser pays 85398
for the variety or brand and accepts delivery within five days 85399
after the giving of the notice, the division may place the 85400
spirituous liquor in stock for general sale. 85401

Sec. 4301.20. This chapter and Chapter 4303. of the 85402
Revised Code do not prevent the following: 85403

(A) The storage of intoxicating liquor in bonded 85404
warehouses, established in accordance with the acts of congress 85405
and under the regulation of the United States, located in this 85406
state, or the transportation of intoxicating liquor to or from 85407
bonded warehouses of the United States wherever located; 85408

(B) A bona fide resident of this state who is the owner of 85409
a warehouse receipt from obtaining or transporting to the 85410
resident's residence for the resident's own consumption and not 85411
for resale spirituous liquor stored in a government bonded 85412
warehouse in this state or in another state prior to December 85413

1933, subject to such terms as are prescribed by the division of 85414
liquor control; 85415

(C) The manufacture of cider from fruit for the purpose of 85416
making vinegar, and nonintoxicating cider and fruit juices for 85417
use and sale; 85418

(D) A licensed physician or dentist from administering or 85419
dispensing intoxicating liquor or alcohol to a patient in good 85420
faith in the actual course of the practice of the physician's or 85421
dentist's profession; 85422

(E) The sale of alcohol to physicians, dentists, 85423
druggists, veterinary surgeons, manufacturers, hospitals, 85424
infirmaries, or medical or educational institutions using the 85425
alcohol for medicinal, mechanical, chemical, or scientific 85426
purposes; 85427

(F) The sale, gift, or keeping for sale by druggists and 85428
others of any of the medicinal preparations manufactured in 85429
accordance with the formulas prescribed by the United States 85430
Pharmacopoeia and National Formulary, patent or proprietary 85431
preparations, and other bona fide medicinal and technical 85432
preparations, which contain no more alcohol than is necessary to 85433
hold the medicinal agents in solution and to preserve the same, 85434
which are manufactured and sold as medicine and not as 85435
beverages, are unfit for use for beverage purposes, and the sale 85436
of which does not require the payment of a United States liquor 85437
dealer's tax; 85438

(G) The manufacture and sale of tinctures or of toilet, 85439
medicinal, and antiseptic preparations and solutions not 85440
intended for internal human use nor to be sold as beverages, and 85441
which are unfit for beverage purposes, if upon the outside of 85442

each bottle, box, or package of which there is printed in the 85443
English language, conspicuously and legibly, the quantity by 85444
volume of alcohol in the preparation or solution; 85445

(H) The manufacture and keeping for sale of the food 85446
products known as flavoring extracts when manufactured and sold 85447
for cooking, culinary, or flavoring purposes, and which are 85448
unfit for use for beverage purposes; 85449

(I) The lawful sale of wood alcohol or of ethyl alcohol 85450
for external use when combined with other substances as to make 85451
it unfit for internal use; 85452

(J) The manufacture, sale, and transport of ethanol or 85453
ethyl alcohol for use as fuel. As used in this division, 85454
"ethanol" has the same meaning as in section 122.075 of the 85455
Revised Code. 85456

(K) The purchase and importation into this state or the 85457
purchase at wholesale from A or B permit holders in this state 85458
of beer and intoxicating liquor for use in manufacturing 85459
processes of nonbeverage food products under terms prescribed by 85460
the division, provided that the terms prescribed by the division 85461
shall not increase the cost of the beer or intoxicating liquor 85462
to any person, firm, or corporation purchasing and importing it 85463
into this state or purchasing it from an A or B permit holder 85464
for that use; 85465

(L) Any resident of this state or any member of the armed 85466
forces of the United States, who has attained the age of twenty- 85467
one years, from bringing into this state, for personal use and 85468
not for resale, not more than one liter of spirituous liquor, 85469
four and one-half liters of wine, or two hundred eighty-eight 85470
ounces of beer in any thirty-day period, and the same is free of 85471

any tax consent fee when the resident or member of the armed 85472
forces physically possesses and accompanies the spirituous 85473
liquor, wine, or beer on returning from a foreign country, 85474
another state, or an insular possession of the United States; 85475

(M) Persons, at least twenty-one years of age, who collect 85476
ceramic commemorative bottles containing spirituous liquor that 85477
have unbroken federal tax stamps on them from selling or trading 85478
the bottles to other collectors. The bottles shall originally 85479
have been purchased at retail from the division, legally 85480
imported under division (L) of this section, or legally imported 85481
pursuant to a supplier registration issued by the division. The 85482
sales shall be for the purpose of exchanging a ceramic 85483
commemorative bottle between private collectors and shall not be 85484
for the purpose of selling the spirituous liquor for personal 85485
consumption. The sale or exchange authorized by this division 85486
shall not occur on the premises of any permit holder, shall not 85487
be made in connection with the business of any permit holder, 85488
and shall not be made in connection with any mercantile 85489
business. 85490

(N) The sale of beer or intoxicating liquor without a 85491
liquor permit at a private residence, not more than five times 85492
per calendar year at a residence address, at an event that has 85493
the following characteristics: 85494

(1) The event is for a charitable, benevolent, or 85495
political purpose, but shall not include any event the proceeds 85496
of which are for the profit or gain of any individual; 85497

(2) The event has in attendance not more than fifty 85498
people; 85499

(3) The event shall be for a period not to exceed twelve 85500

hours; 85501

(4) The sale of beer and intoxicating liquor at the event 85502
shall not take place between two-thirty a.m. and five-thirty 85503
a.m.; 85504

(5) No person under twenty-one years of age shall purchase 85505
or consume beer or intoxicating liquor at the event and no beer 85506
or intoxicating liquor shall be sold to any person under twenty- 85507
one years of age at the event; and 85508

(6) No person at the event shall sell or furnish beer or 85509
intoxicating liquor to an intoxicated person. 85510

(O) The possession or consumption of beer or intoxicating 85511
liquor by a person who is under twenty-one years of age and who 85512
is a student at an accredited college or university, provided 85513
that both of the following apply: 85514

(1) The person is required to taste and expectorate the 85515
beer or intoxicating liquor for a culinary, food service, or 85516
hospitality course. 85517

(2) The person is under the direct supervision of the 85518
instructor of the culinary, food service, or hospitality course. 85519

(P) Two or more A-2 or A-2f permit holders may use the 85520
same premises and manufacturing equipment to conduct all of the 85521
activities authorized under section 4303.03 or 4303.031 of the 85522
Revised Code, as applicable. 85523

Sec. 4301.30. (A) All—Except as provided in division (G) 85524
of this section, all fees collected by the division of liquor 85525
control shall be deposited in the state treasury to the credit 85526
of the undivided liquor permit fund, which is hereby created, at 85527
the time prescribed under section 4301.12 of the Revised Code. 85528

Each payment shall be accompanied by a statement showing 85529
separately the amount collected for each class of permits in 85530
each municipal corporation and in each township outside the 85531
limits of any municipal corporation in such township. 85532

(B) (1) An amount equal to forty-five per cent of the fund 85533
shall be paid from the fund into the state liquor regulatory 85534
fund, which is hereby created in the state treasury. The state 85535
liquor regulatory fund shall be used to pay the operating 85536
expenses of the division of liquor control in administering and 85537
enforcing Title XLIII of the Revised Code and the operating 85538
expenses of the liquor control commission. Investment earnings 85539
of the fund shall be credited to the fund. 85540

(2) Whenever, in the judgment of the director of budget 85541
and management, the amount of money that is in the state liquor 85542
regulatory fund is in excess of the amount that is needed to pay 85543
the operating expenses of the division in administering and 85544
enforcing Title XLIII of the Revised Code and the operating 85545
expenses of the commission, the director shall credit the excess 85546
amount to the general revenue fund. 85547

(C) Twenty per cent of the undivided liquor permit fund 85548
shall be paid into the statewide treatment and prevention fund, 85549
which is hereby created in the state treasury. This amount shall 85550
be appropriated by the general assembly, together with an amount 85551
equal to one and one-half per cent of the gross profit of the 85552
division of liquor control derived under division (B) (4) of 85553
section 4301.10 of the Revised Code, to the department of mental 85554
health and addiction services. In planning for the allocation of 85555
and in allocating these amounts for the purposes of Chapter 85556
5119. of the Revised Code, the department shall comply with the 85557
nondiscrimination provisions of Title VI of the Civil Rights Act 85558

of 1964, and any rules adopted under that act. 85559

(D) Thirty-five per cent of the undivided liquor permit 85560
fund shall be distributed by the superintendent of liquor 85561
control at quarterly calendar periods as follows: 85562

(1) To each municipal corporation, the aggregate amount 85563
shown by the statements to have been collected from permits in 85564
the municipal corporation, for the use of the general fund of 85565
the municipal corporation; 85566

(2) To each township, the aggregate amount shown by the 85567
statements to have been collected from permits in its territory, 85568
outside the limits of any municipal corporation located in the 85569
township, for the use of the general fund of the township, or 85570
for fire protection purposes, including buildings and equipment 85571
in the township or in an established fire district within the 85572
township, to the extent that the funds are derived from liquor 85573
permits within the territory comprising such fire district. 85574

(E) For the purpose of the distribution required by this 85575
section, E, H, and D permits covering boats or vessels are 85576
deemed to have been issued in the municipal corporation or 85577
township wherein the owner or operator of the vehicle, boat, 85578
vessel, or dining car equipment to which the permit relates has 85579
the owner's or operator's principal office or place of business 85580
within the state. 85581

(F) If the division determines that the police or other 85582
officers of any municipal corporation or township entitled to 85583
share in distributions under this section are refusing or 85584
culpably neglecting to enforce this chapter and Chapter 4303. of 85585
the Revised Code, or the penal laws of this state relating to 85586
the manufacture, importation, transportation, distribution, and 85587

sale of beer and intoxicating liquors, or if the prosecuting 85588
officer of a municipal corporation or a municipal court fails to 85589
comply with the request of the division authorized by division 85590
(A) (4) of section 4301.10 of the Revised Code, the division, by 85591
certified mail or by electronic means as determined by the 85592
superintendent to provide proper notice under the laws of this 85593
state, may notify the chief executive officer of the municipal 85594
corporation or the board of township trustees of the township of 85595
the failure and require the immediate cooperation of the 85596
responsible officers of the municipal corporation or township 85597
with the division in the enforcement of those chapters and penal 85598
laws. Within thirty days after the notice is served, the 85599
division shall determine whether the requirement has been 85600
complied with. If the division determines that the requirement 85601
has not been complied with, it may withhold the distributive 85602
share of the municipal corporation or township. This action of 85603
the division is reviewable within thirty days thereafter in the 85604
court of common pleas of Franklin county. 85605

(G) All fees collected by the division of liquor control 85606
from the issuance or renewal of ~~B-2a, S-1, and S-2 permits, and~~ 85607
~~paid by B-2a, S-1, and S-2 permit holders who do not also hold~~ 85608
~~A-1 or A-1c permits or A-2 or A-2f permits,~~the following permits 85609
shall be deposited in the state treasury to the credit of the 85610
state liquor regulatory fund: 85611

(1) B-2a, S-1, and S-2 permits paid by B-2a, S-1, and S-2 85612
permit holders who do not also hold A-1 or A-1c permits or A-2 85613
or A-2f permits; 85614

(2) H permits where the permit premises are located 85615
outside of this state. ~~Once~~ 85616

Once during each fiscal year, an amount equal to fifty per 85617

cent of the fees collected shall be paid from the state liquor 85618
regulatory fund into the general revenue fund. 85619

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 85620
of the Revised Code: 85621

(1) "Gallon" or "wine gallon" means one hundred twenty- 85622
eight fluid ounces. 85623

(2) "Sale" or "sell" includes exchange, barter, gift, 85624
distribution, and, except with respect to A-4 permit holders, 85625
offer for sale. 85626

(B) For the purposes of providing revenues for the support 85627
of the state and encouraging the grape industries in the state, 85628
a tax is hereby levied on the sale or distribution of wine in 85629
Ohio, except for known sacramental purposes or low-alcohol 85630
coolers, at the rate of thirty cents per wine gallon for wine 85631
containing not less than four per cent of alcohol by volume and 85632
not more than fourteen per cent of alcohol by volume, ninety- 85633
eight cents per wine gallon for wine containing more than 85634
fourteen per cent but not more than twenty-one per cent of 85635
alcohol by volume, one dollar and eight cents per wine gallon 85636
for vermouth, and one dollar and forty-eight cents per wine 85637
gallon for sparkling and carbonated wine and champagne, the tax 85638
to be paid by the holders of A-2, A-2f, B-5, S-1, and S-2 permits 85639
or by any other person selling or distributing wine upon which 85640
no tax has been paid. From the tax paid under this section on 85641
wine, vermouth, and sparkling and carbonated wine and champagne, 85642
the treasurer of state shall credit to the Ohio grape industries 85643
fund created under section 924.54 of the Revised Code a sum 85644
equal to one cent per gallon for each gallon upon which the tax 85645
is paid. 85646

(C) For the purpose of providing revenues for the support 85647
of the state, there is hereby levied a tax on prepared and 85648
bottled ~~highballs, cocktails, cordials, and other mixed~~ 85649
beverages ~~at the rate of one dollar and twenty cents per wine~~ 85650
~~gallon~~ to be paid by holders of A-4 permits or by any other 85651
person selling or distributing those products upon which no tax 85652
has been paid. Only one sale of the same article shall be used 85653
in computing the amount of tax due. The tax on mixed beverages 85654
to be paid by holders of A-4 permits under this section shall 85655
not attach until the ownership of the mixed beverage is 85656
transferred for valuable consideration to a wholesaler or 85657
retailer, and no payment of the tax shall be required prior to 85658
that time. The rate of tax shall be thirty-five cents per wine 85659
gallon for low-alcohol coolers and one dollar and twenty cents 85660
per wine gallon for all other mixed beverages. 85661

(D) From the tax paid under this section on wine, 85662
vermouth, and sparkling and carbonated wine and champagne, the 85663
treasurer of state shall credit to the Ohio grape industries 85664
fund created under section 924.54 of the Revised Code a sum 85665
equal to two cents per gallon upon which the tax is paid. The 85666
amount credited under this division is in addition to the amount 85667
credited to the Ohio grape industries fund under division (B) of 85668
this section. 85669

(E) For the purpose of providing revenues for the support 85670
of the state, there is hereby levied a tax on cider at the rate 85671
of twenty-four cents per wine gallon to be paid by the holders 85672
of A-2, A-2f, and B-5 permits or by any other person selling or 85673
distributing cider upon which no tax has been paid. Only one 85674
sale of the same article shall be used in computing the amount 85675
of the tax due. 85676

Sec. 4301.432. For the purpose of encouraging the grape 85677
industries of the state, a tax is hereby levied on the sale or 85678
distribution of vermouth, sparkling and carbonated wine and 85679
champagne, and other wine, except for known sacramental purposes 85680
or low-alcohol coolers, at the rate of two cents per wine 85681
gallon, the tax to be paid by the holders of A-2, A-2f, B-2a, 85682
B-5, S-1, and S-2 permits or by any other person selling or 85683
distributing wine upon which no such tax has been paid. The 85684
treasurer of state shall credit to the Ohio grape industries 85685
fund created under section 924.54 of the Revised Code the moneys 85686
the treasurer of state receives from this tax. 85687

Sec. 4303.05. (A) As used in this section, "low-alcohol 85688
coolers" has the same meaning as in section 4301.01 of the 85689
Revised Code. 85690

(B) Permit A-4 may be issued to a manufacturer to 85691
manufacture ~~do all of the following:~~ 85692

(1) Manufacture prepared highballs, cocktails, cordials, 85693
and other mixed drinks containing not less than four per cent of 85694
alcohol by volume and not more than twenty-one per cent of 85695
alcohol by volume, ~~and to sell such products;~~ 85696

(2) Manufacture low-alcohol coolers; 85697

(3) Sell the products specified in divisions (B) (1) and 85698
(2) of this section to wholesale and retail permit holders in 85699
sealed containers only under such rules as are adopted by the 85700
division of liquor control. ~~The holder of such~~ 85701

(C) An A-4 permit holder may import ~~do both of the~~ 85702
following: 85703

(1) Import into the state spirituous liquor and wine only 85704
for blending or other manufacturing purposes under such rules as 85705

are prescribed by the division.—; 85706

~~The holder of such permit may also purchase~~ (2) Purchase 85707
spirituous liquor for manufacturing and blending purposes from 85708
the holder of an A-3 permit issued by the division. ~~The~~ 85709

(D) The fee for an A-4 permit is three thousand nine 85710
hundred six dollars for each plant. 85711

Sec. 4303.183. Permit D-7 may be issued to the holder of 85712
any D-2 permit issued by the division of liquor control, or if 85713
there is an insufficient number of D-2 permit holders to fill 85714
the resort quota, to the operator of a retail food establishment 85715
or a food service operation required to be licensed under 85716
Chapter 3717. of the Revised Code that operates as a restaurant 85717
for purposes of this chapter and which qualifies under the other 85718
requirements of this section, to sell beer and any intoxicating 85719
liquor at retail, only by the individual drink in glass and from 85720
the container, for consumption on the premises where sold. Not 85721
less than fifty per cent of the business on the permit premises 85722
shall be preparing and serving meals for a consideration in 85723
order to qualify for and continue to hold such D-7 permit. The 85724
permit premises shall be located in a resort area. 85725

"Resort area" means a municipal corporation, township, 85726
county, or any combination thereof, which provides 85727
entertainment, recreation, and transient housing facilities 85728
specifically intended to provide leisure time activities for 85729
persons other than those whose permanent residence is within the 85730
"resort area" and who increase the population of the "resort 85731
area" on a seasonal basis, and which experiences seasonal peaks 85732
of employment and governmental services as a direct result of 85733
population increase generated by the transient, recreating 85734
public. A resort season shall begin on the first day of May and 85735

end on the last day of October. Notwithstanding section 4303.27 85736
of the Revised Code, such permits may be issued for resort 85737
seasons without regard to the calendar year or permit year. 85738
Quota restrictions on the number of such permits shall take into 85739
consideration the transient population during the resort season, 85740
the custom and habits of visitors and tourists, and the 85741
promotion of the resort and tourist industry. The fee for this 85742
permit is ~~four hundred sixty nine dollars per month~~two thousand 85743
eight hundred fourteen dollars. 85744

Any suspension of a D-7 permit shall be satisfied during 85745
the resort season in which such suspension becomes final. If 85746
such suspension becomes final during the off-season, or if the 85747
period of the suspension extends beyond the last day of October, 85748
the suspension or remainder thereof shall be satisfied during 85749
the next resort season. 85750

The ownership of a D-7 permit may be transferred from one 85751
permit holder to another. The holder of a D-7 permit may file an 85752
application to transfer such permit to a new location within the 85753
same resort area, provided that such permit holder shall be the 85754
owner or operator of a retail food establishment or a food 85755
service operation, required to be licensed under Chapter 3717. 85756
of the Revised Code, that operates as a restaurant for purposes 85757
of this chapter, at such new location. 85758

Sec. 4303.204. (A) The division of liquor control may 85759
issue an F-4 permit to an organization or corporation organized 85760
not-for-profit in this state to conduct an event that includes 85761
the introduction, showcasing, or promotion of Ohio wines, if the 85762
event has all of the following characteristics: 85763

(1) It is coordinated by that organization or corporation, 85764
and the organization or corporation is responsible for the 85765

activities at it. 85766

(2) It has as one of its purposes the intent to introduce, 85767
showcase, or promote Ohio wines to persons who attend it. 85768

(3) It includes the sale of food for consumption on the 85769
premises where sold. 85770

(4) It features any combination of at least three A-2 or 85771
A-2f permit holders who sell Ohio wine at it. 85772

(B) The holder of an F-4 permit may furnish, with or 85773
without charge, wine that it has obtained from the A-2 or A-2f 85774
permit holders that are participating in the event for which the 85775
F-4 permit is issued, in two-ounce samples for consumption on 85776
the premises where furnished and may sell such wine by the glass 85777
for consumption on the premises where sold. The holder of an A-2 85778
or A-2f permit that is participating in the event for which the 85779
F-4 permit is issued may sell wine that it has manufactured, in 85780
sealed containers for consumption off the premises where sold. 85781
Wine may be furnished or sold on the premises of the event for 85782
which the F-4 permit is issued only where and when the sale of 85783
wine is otherwise permitted by law. 85784

(C) The premises of the event for which the F-4 permit is 85785
issued shall be clearly defined and sufficiently restricted to 85786
allow proper enforcement of the permit by state and local law 85787
enforcement officers. If an F-4 permit is issued for all or a 85788
portion of the same premises for which another class of permit 85789
is issued, that permit holder's privileges will be suspended in 85790
that portion of the premises in which the F-4 permit is in 85791
effect. 85792

(D) No F-4 permit shall be effective for more than 85793
seventy-two consecutive hours. No sales or furnishing of wine 85794

shall take place under an F-4 permit after one a.m. 85795

(E) The division shall not issue more than six F-4 permits 85796
to the same not-for-profit organization or corporation in any 85797
one calendar year. 85798

(F) An applicant for an F-4 permit shall apply for the 85799
permit not later than thirty days prior to the first day of the 85800
event for which the permit is sought. The application for the 85801
permit shall list all of the A-2 and A-2f permit holders that 85802
will participate in the event for which the F-4 permit is 85803
sought. The fee for the F-4 permit is ~~sixty dollars per day~~one 85804
hundred eighty dollars. 85805

The division shall prepare and make available an F-4 85806
permit application form and may require applicants for and 85807
holders of the F-4 permit to provide information that is in 85808
addition to that required by this section and that is necessary 85809
for the administration of this section. 85810

(G) (1) The holder of an F-4 permit is responsible for, and 85811
is subject to penalties for, any violations of this chapter or 85812
Chapter 4301. of the Revised Code or the rules adopted under 85813
this and that chapter. 85814

(2) An F-4 permit holder shall not allow an A-2 or A-2f 85815
permit holder to participate in the event for which the F-4 85816
permit is issued if the A-2 or A-2f or the A-1-A permit of that 85817
A-2 or A-2f permit holder is under suspension. 85818

(3) The division may refuse to issue an F-4 permit to an 85819
applicant who has violated any provision of this chapter or 85820
Chapter 4301. of the Revised Code during the applicant's 85821
previous operation under an F-4 permit, for a period of up to 85822
two years after the date of the violation. 85823

(H) (1) Notwithstanding division (D) of section 4301.22 of the Revised Code, an A-2 or A-2f permit holder that participates in an event for which an F-4 permit is issued may donate wine that it has manufactured to the holder of that F-4 permit. The holder of an F-4 permit may return unused and sealed containers of wine to the A-2 or A-2f permit holder that donated the wine at the conclusion of the event for which the F-4 permit was issued.

(2) The participation by an A-2 or A-2f permit holder or its employees in an event for which an F-4 permit is issued does not violate section 4301.24 of the Revised Code.

Sec. 4303.2011. (A) As used in this section, "nonprofit organization" means a corporation, association, group, institution, society, or other organization that:

(1) Is exempt from federal income taxation;

(2) Has a membership of two hundred fifty or more persons.

(B) The division of liquor control may issue an F-11 permit to a nonprofit organization to conduct an event if the event has all of the following characteristics:

(1) The event is coordinated by the nonprofit organization and the nonprofit organization is responsible for the activities at the event.

(2) One of the event's purposes is the introduction, showcasing, or promotion of craft beers manufactured in this state.

(3) The event includes the sale of food for consumption on the premises where sold.

(4) The event features at least twenty A-1c permit

holders, who are members of the nonprofit organization that has 85852
organized the event, as participants. The nonprofit organization 85853
may allow any number of A-1 permit holders to participate in the 85854
event. 85855

(C) An F-11 permit holder may sell, at the event, beer 85856
that it has purchased from the A-1 or A-1c permit holders that 85857
are participating in the event or from the participating A-1 or 85858
A-1c permit holder's assigned B-1 permit holder. The F-11 permit 85859
holder may sell the beer in four-ounce samples or in containers 85860
not exceeding sixteen ounces for consumption on the premises 85861
where sold. 85862

The F-11 permit holder may sell beer on the F-11 permit 85863
premises only where and when the sale of beer is otherwise 85864
permitted by law. 85865

(D) The F-11 permit holder shall clearly define and 85866
sufficiently restrict the premises of the event to allow proper 85867
enforcement of the permit by state and local law enforcement 85868
officers. If an F-11 permit is issued for all or a portion of 85869
the same premises for which another class of permit is issued, 85870
that permit holder's privileges are suspended in that portion of 85871
the premises in which the F-11 permit is in effect. 85872

(E) (1) No F-11 permit is effective for more than seventy- 85873
two consecutive hours. However, for purposes of an exposition at 85874
the state fairgrounds, an F-11 permit is effective for the 85875
duration of the exposition. 85876

(2) No sales of beer shall take place under an F-11 permit 85877
after one a.m. 85878

(F) The division shall not issue more than six F-11 85879
permits to the same nonprofit organization in any one calendar 85880

year. 85881

(G) An applicant for an F-11 permit shall apply for the 85882
permit not later than thirty days prior to the first day of the 85883
event for which the permit is sought. In the application, the 85884
applicant shall list all of the A-1 and A-1c permit holders that 85885
will participate in the event. The fee for the F-11 permit is 85886
~~sixty dollars for each day of the event~~ one hundred eighty 85887
dollars. 85888

The division shall prepare and make available an F-11 85889
permit application form and may require applicants for and 85890
holders of the F-11 permit to provide information that is in 85891
addition to that required by this section and that is necessary 85892
for the administration of this section. 85893

(H) (1) An F-11 permit holder is responsible, and is 85894
subject to penalties, for any violations of this chapter or 85895
Chapter 4301. of the Revised Code that occur during the event. 85896

(2) An F-11 permit holder shall not allow an A-1 or A-1c 85897
permit holder to participate in the event if the A-1 or A-1c 85898
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 85899
permit holder is under suspension. 85900

(3) The division may refuse to issue an F-11 permit to an 85901
applicant if both of the following apply: 85902

(a) The applicant has pleaded guilty to or has been 85903
convicted of violating this chapter or Chapter 4301. of the 85904
Revised Code while operating under a previously issued F-11 85905
permit. 85906

(b) The violation occurred within the two years preceding 85907
the filing of the new F-11 permit application. 85908

(I) Notwithstanding any provision of section 4301.24 of the Revised Code or any rule adopted by the liquor control commission to the contrary, employees of an A-1 or A-1c permit holder or B-1 permit holder, or employees or agents of a B-1 permit holder may assist an F-11 permit holder in serving beer at an event for which an F-11 permit is issued.

Sec. 4303.233. (A) As used in this section, "personal consumer" means an individual who is at least twenty-one years of age, is a resident of this state, does not hold a permit issued under this chapter, and intends to use wine purchased in accordance with this section for personal consumption only and not for resale or other commercial purposes.

(B) (1) The division of liquor control may issue an S-2 permit to a person that manufactures two hundred fifty thousand gallons or more of wine per year. If the person resides outside this state, the person shall comply with the requirements governing the issuance of licenses or permits that authorize the sale of beer or intoxicating liquor by the appropriate authority of the state in which the person resides and by the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

(2) An S-2 permit holder may sell wine to a personal consumer by receiving and filling orders that the personal consumer submits to the permit holder. The permit holder shall sell only wine that the permit holder has manufactured to a personal consumer. An S-2 permit holder may use a fulfillment warehouse registered under section 4303.234 of the Revised Code to send a shipment of wine to a personal consumer. A fulfillment warehouse is an agent of an S-2 permit holder and an S-2 permit holder is liable for violations of this chapter and Chapter

4301. of the Revised Code that are committed by the fulfillment 85939
warehouse regarding wine shipped on behalf of the S-2 permit 85940
holder. 85941

(C) An S-2 permit holder shall collect and pay the taxes 85942
relating to the delivery of wine to a personal consumer that are 85943
levied under sections 4301.421, 4301.43, and 4301.432 and 85944
Chapters 5739. and 5741. of the Revised Code. 85945

(D) (1) An S-2 permit holder shall send a shipment of wine 85946
that has been paid for by a personal consumer to that personal 85947
consumer via an H permit holder. Prior to sending a shipment of 85948
wine to a personal consumer, the S-2 permit holder, or an 85949
employee of the permit holder, shall make a bona fide effort to 85950
ensure that the personal consumer is at least twenty-one years 85951
of age. The shipment of wine shall be shipped in a package that 85952
clearly states that it contains alcohol. No person shall fail to 85953
comply with division (D) (1) of this section. 85954

(2) Upon delivering a shipment of wine to a personal 85955
consumer, an H permit holder, or an employee of the permit 85956
holder, shall verify that the personal consumer is at least 85957
twenty-one years of age by checking the personal consumer's 85958
driver's or commercial driver's license or identification card 85959
issued under sections 4507.50 to 4507.52 of the Revised Code. 85960

(3) An S-2 permit holder shall keep a record of each 85961
shipment of wine that the permit holder sends to a personal 85962
consumer. The records shall be used for all of the following: 85963

(a) To provide a copy of each wine shipment invoice to the 85964
tax commissioner in a manner prescribed by the commissioner. The 85965
invoice shall include the name of each personal consumer that 85966
purchased wine from the S-2 permit holder in accordance with 85967

this section and any other information required by the tax 85968
commissioner. 85969

(b) To provide annually in electronic format by electronic 85970
means a report to the division. The report shall include the 85971
name and address of each personal consumer that purchased wine 85972
from the S-2 permit holder in accordance with this section, the 85973
quantity of wine purchased by each personal consumer, and any 85974
other information requested by the division. If the S-2 permit 85975
holder uses a fulfillment warehouse registered under section 85976
4303.234 of the Revised Code to send a shipment of wine on 85977
behalf of the S-2 permit holder, the S-2 permit holder need not 85978
include the personal consumer information for that shipment in 85979
the report. The division shall prescribe and provide an 85980
electronic form for the report and shall determine the specific 85981
electronic means that the S-2 permit holder must use to submit 85982
the report. 85983

(c) To notify a personal consumer of any health or welfare 85984
recalls of the wine that has been purchased by the personal 85985
consumer. 85986

(E) An S-2 permit holder shall comply with this chapter, 85987
Chapter 4301. of the Revised Code, and any rules adopted by the 85988
liquor control commission under section 4301.03 of the Revised 85989
Code. 85990

(F) (1) An S-2 permit holder shall renew the permit in 85991
accordance with section 4303.271 of the Revised Code, except 85992
that the renewal shall not be subject to the notice and hearing 85993
requirements established in division (B) of that section. 85994

(2) The division may refuse to renew an S-2 permit for any 85995
of the reasons specified in section 4303.292 of the Revised Code 85996

or if the permit holder fails to do any of the following: 85997

(a) Collect and pay all applicable taxes specified in 85998
division (C) of this section; 85999

(b) Pay the permit fee; 86000

(c) Comply with this section or any rules adopted by the 86001
liquor control commission under section 4301.03 of the Revised 86002
Code. 86003

(G) The ~~initial~~ fee for the S-2 permit is two hundred 86004
fifty dollars. ~~The renewal fee for the S-2 permit is one hundred~~ 86005
~~dollars.~~ 86006

Sec. 4305.13. (A) If the tax commissioner finds that any 86007
permit holder, liable for tax under Chapter 4301., 4305., or 86008
4307. of the Revised Code, is about to depart from the state, 86009
remove the permit holder's property from the state, conceal the 86010
permit holder's self or property, or do any other act tending to 86011
prejudice, obstruct, or render wholly or partially ineffectual 86012
proceedings to collect the tax, unless the proceedings are 86013
commenced without delay, or if the commissioner believes that 86014
the collection of the amount due from any permit holder will be 86015
jeopardized by delay, the commissioner may issue a jeopardy 86016
assessment against the permit holder for the amount of the tax, 86017
plus a penalty of up to thirty per cent. Upon issuance of a 86018
jeopardy assessment under this division, the total amount 86019
assessed shall immediately be due and payable unless security is 86020
provided pursuant to division (C) of this section. Any 86021
assessment issued under this section shall bear interest as 86022
prescribed by section 4305.131 of the Revised Code. 86023

(B) The commissioner immediately shall file an entry with 86024
the clerk of the court of common pleas in the same manner and 86025

with the same effect as provided in section 4305.131 of the Revised Code. Notice of the jeopardy assessment shall be served on the permit holder assessed or the permit holder's legal representative, as provided in section 5703.37 of the Revised Code, within five days of the filing of the entry. The permit holder assessed may petition for reassessment within sixty days of receipt of the notice of jeopardy assessment in the same manner as provided in section 4305.131 of the Revised Code. Full or partial payment of the assessment shall not prejudice the commissioner's consideration of the merits of the assessment as contested by the petition for reassessment. Upon notification of the existence of the judgment filed pursuant to this division, any public official having control or custody of any funds or property of the person assessed immediately shall pay or deliver the funds or property to the commissioner as full or partial satisfaction of the jeopardy assessment. However, funds or property needed as evidence in criminal proceedings or that is expected to be forfeited pursuant to Chapter 2981. of the Revised Code need not be relinquished by the public official. Upon disposition of criminal and forfeiture proceedings, funds and property not needed as evidence and not forfeited shall be delivered to the commissioner.

(C) If the permit holder subject to a jeopardy assessment files a petition for reassessment and posts security satisfactory to the commissioner in an amount sufficient to satisfy the unpaid balance of the assessment, execution on the judgment shall be stayed pending disposition of the petition for reassessment and all appeals resulting from the petition. If the security is sufficient to satisfy the full amount of the assessment, the commissioner shall return any funds or property of the permit holder previously seized. Upon satisfaction of the

assessment the commissioner shall order the security released 86057
and the judgment vacated. 86058

~~(D) The commissioner may adopt rules providing for the 86059
imposition and remission of penalties added to assessments under 86060
this section. 86061~~

Sec. 4305.131. (A) If any permit holder fails to pay the 86062
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 86063
of the Revised Code in the manner prescribed by section 4303.33 86064
of the Revised Code, or by section 4301.421 or 4301.424 of the 86065
Revised Code in the manner prescribed in section 4301.422 of the 86066
Revised Code, and by the rules of the tax commissioner, the 86067
commissioner may make an assessment against the permit holder 86068
based upon any information in the commissioner's possession. 86069

No assessment shall be made against any permit holder for 86070
any taxes imposed by section 4301.42, 4301.421, 4301.424, 86071
4301.43, 4301.432, or 4305.01 of the Revised Code more than 86072
three years after the last day of the calendar month in which 86073
the sale was made or more than three years after the return for 86074
that period is filed, whichever is later. This section does not 86075
bar an assessment against any permit holder or registrant as 86076
provided in section 4303.331 of the Revised Code who fails to 86077
file a return as required by section 4301.422 or 4303.33 of the 86078
Revised Code, or who files a fraudulent return. 86079

A penalty of up to thirty per cent may be added to the 86080
amount of every assessment made under this section. ~~The 86081
commissioner may adopt rules providing for the imposition and 86082
remission of penalties added to assessments made under this 86083
section. 86084~~

The commissioner shall give the party assessed written 86085

notice of the assessment in the manner provided in section 86086
5703.37 of the Revised Code. With the notice, the commissioner 86087
shall provide instructions on how to petition for reassessment 86088
and request a hearing on the petition. 86089

(B) Unless the party assessed files with the tax 86090
commissioner within sixty days after service of the notice of 86091
assessment, ~~either personally or by certified mail,~~ a written 86092
petition for reassessment, signed by the party assessed or that 86093
party's authorized agent having knowledge of the facts, the 86094
assessment becomes final and the amount of the assessment is due 86095
and payable from the party assessed to the treasurer of state. 86096
The petition shall indicate the objections of the party 86097
assessed, but additional objections may be raised in writing if 86098
received by the commissioner prior to the date shown on the 86099
final determination. If the petition has been properly filed, 86100
the commissioner shall proceed under section 5703.60 of the 86101
Revised Code. 86102

(C) After an assessment becomes final, if any portion of 86103
the assessment remains unpaid, including accrued interest, a 86104
certified copy of the tax commissioner's entry making the 86105
assessment final may be filed in the office of the clerk of the 86106
court of common pleas in the county in which the permit holder's 86107
place of business is located or the county in which the party 86108
assessed resides. If the party assessed maintains no place of 86109
business in this state and is not a resident of this state, the 86110
certified copy of the entry may be filed in the office of the 86111
clerk of the court of common pleas of Franklin county. 86112

Immediately upon the filing of the entry, the clerk shall 86113
enter a judgment for the state against the party assessed in the 86114
amount shown on the entry. The judgment may be filed by the 86115

clerk in a loose-leaf book entitled "special judgments for state 86116
beer and liquor sales taxes," and shall have the same effect as 86117
other judgments. Execution shall issue upon the judgment upon 86118
the request of the commissioner, and all laws applicable to 86119
sales on execution shall apply to sales made under the judgment, 86120
except as otherwise provided in this chapter and Chapters 4301. 86121
and 4307. of the Revised Code. 86122

If the assessment is not paid in its entirety within sixty 86123
days after the day the assessment was issued, the portion of the 86124
assessment consisting of tax due shall bear interest at the rate 86125
per annum prescribed by section 5703.47 of the Revised Code from 86126
the day the commissioner issues the assessment until it is paid 86127
or until it is certified to the attorney general for collection 86128
under section 131.02 of the Revised Code, whichever comes first. 86129
If the unpaid portion of the assessment is certified to the 86130
attorney general for collection, the entire unpaid portion of 86131
the assessment shall bear interest at the rate per annum 86132
prescribed by section 5703.47 of the Revised Code from the date 86133
of certification until the date it is paid in its entirety. 86134
Interest shall be paid in the same manner as the tax and may be 86135
collected by the issuance of an assessment under this section. 86136

(D) All money collected under this section shall be 86137
considered as revenue arising from the taxes imposed by sections 86138
4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of 86139
the Revised Code. 86140

Sec. 4501.027. (A) Notwithstanding any provision of law to 86141
the contrary, the registrar of motor vehicles may conduct, or 86142
authorize a deputy registrar to conduct, any service or 86143
transaction authorized or required by law in an electronic or 86144
online format rather than in person. The registrar or deputy 86145

registrar also may accept electronically any documents required 86146
to accompany such service or transaction or any documents 86147
approved by the registrar for electronic or online submission 86148
and acceptance. 86149

(B) The registrar or deputy registrar shall charge the 86150
same amount for the electronic or online service or transaction 86151
as the registrar or deputy registrar charges for the associated 86152
in-person transaction. The registrar or deputy registrar may 86153
accept payment for any such service or transaction by a 86154
financial transaction device. The registrar or deputy registrar 86155
may charge a person who tenders payment for an online service or 86156
transaction by means of a financial transaction device any costs 86157
the registrar or deputy registrar incurs from accepting payment 86158
by the financial transaction device. 86159

Sec. 4501.29. The department of administrative services 86160
shall collect user fees from participants in the multi-agency 86161
radio communications system (MARCS). The director of 86162
administrative services, ~~with the advice of the MARCS steering-~~ 86163
~~committee and the~~ consent of the director of budget and 86164
management, shall determine the amount of the user fees and the 86165
manner by which the fees shall be collected. All moneys from 86166
user fees shall be deposited in the MARCS administration fund, 86167
which is hereby created in the state treasury. All investment 86168
earnings on moneys in the fund shall be credited to the fund. 86169

Sec. 4501.30. As used in sections 4501.30 to 4501.303 of 86170
the Revised Code: 86171

"MARCS" means the multi-agency radio communications 86172
system. 86173

"P25 standards" means standards for digital radio 86174

communications for use by federal, state, provincial, and local 86175
public safety agencies in North America to enable communications 86176
with other agencies and mutual aid response teams in 86177
emergencies. "P25 standards" are the standards produced through 86178
the joint efforts of the association of public-safety 86179
communications officials, the national association of state 86180
technology directors, selected federal agencies, and the 86181
national communications system. 86182

"P25 system" means a communications system that meets P25 86183
standards and fosters interoperability in mission critical 86184
communications ~~as certified by the MARCS steering committee.~~ 86185

Sec. 4501.302. (A) The multi-agency radio communications 86186
system (MARCS) steering committee is established consisting of 86187
the following members: 86188

(1) The directors, or designees thereof, of administrative 86189
services, public safety, natural resources, transportation, 86190
rehabilitation and correction, and budget and management, and 86191
the state fire marshal or the state fire marshal's designee; 86192

(2) The following members appointed by the governor: 86193

(a) One representative of the Ohio chapter of the 86194
association of public safety communications officials or its 86195
successor organization; 86196

(b) One representative of the buckeye state sheriff's 86197
association or its successor organization; 86198

(c) One representative of the Ohio association of chiefs 86199
of police or its successor organization; 86200

(d) One representative of the Ohio fire chiefs' 86201
association or its successor organization. 86202

(3) Two members of the house of representatives appointed 86203
by the speaker of the house of representatives, one from the 86204
majority party and one from the minority party; 86205

(4) Two members of the senate appointed by the president 86206
of the senate, one from the majority party and one from the 86207
minority party. 86208

(B) The director of administrative services or the 86209
director's designee shall chair the committee. 86210

(C) The committee shall provide assistance to the director 86211
of administrative services for effective and efficient 86212
implementation of MARCS as well as develop policies for the 86213
ongoing management of the system. Upon dates prescribed by the 86214
directors of administrative services and budget and management, 86215
the MARCS steering committee shall report to the directors on 86216
the progress of MARCS implementation and the development of 86217
policies related to the system. 86218

(D) The committee shall establish a subcommittee to 86219
represent MARCS users on the local government level. The 86220
chairperson of the subcommittee shall serve as a member of the 86221
MARCS steering committee. 86222

(E) Divisions (A) to (D) of this section represent the 86223
codification of the existing MARCS steering committee and 86224
subcommittee. Upon the effective date of this amendment, members 86225
of the MARCS steering committee and the subcommittee may 86226
continue service on these committees, their terms unaffected by 86227
the codification. 86228

(F) The MARCS steering committee shall certify that the 86229
P25 system complies with P25 standards based on business 86230
planning documents it approves. The planning documents shall 86231

outline the various end user costs for monthly access to the 86232
system depending on the number of MARCS users and including 86233
adequate funding for future repairs, maintenance, and upgrades 86234
of MARCS statewide. 86235

Sec. 4503.06. (A) The owner of each manufactured or mobile 86236
home that has acquired situs in this state shall pay either a 86237
real property tax pursuant to Title LVII of the Revised Code or 86238
a manufactured home tax pursuant to division (C) of this 86239
section. 86240

(B) The owner of a manufactured or mobile home shall pay 86241
real property taxes if either of the following applies: 86242

(1) The manufactured or mobile home acquired situs in the 86243
state or ownership in the home was transferred on or after 86244
January 1, 2000, and all of the following apply: 86245

(a) The home is affixed to a permanent foundation as 86246
defined in division (C)(5) of section 3781.06 of the Revised 86247
Code. 86248

(b) The home is located on land that is owned by the owner 86249
of the home. 86250

(c) The certificate of title has been inactivated by the 86251
clerk of the court of common pleas that issued it, pursuant to 86252
division (H) of section 4505.11 of the Revised Code. 86253

(2) The manufactured or mobile home acquired situs in the 86254
state or ownership in the home was transferred before January 1, 86255
2000, and all of the following apply: 86256

(a) The home is affixed to a permanent foundation as 86257
defined in division (C)(5) of section 3781.06 of the Revised 86258
Code. 86259

(b) The home is located on land that is owned by the owner 86260
of the home. 86261

(c) The owner of the home has elected to have the home 86262
taxed as real property and, pursuant to section 4505.11 of the 86263
Revised Code, has surrendered the certificate of title to the 86264
auditor of the county containing the taxing district in which 86265
the home has its situs, together with proof that all taxes have 86266
been paid. 86267

(d) The county auditor has placed the home on the real 86268
property tax list and delivered the certificate of title to the 86269
clerk of the court of common pleas that issued it and the clerk 86270
has inactivated the certificate. 86271

(C) (1) Any mobile or manufactured home that is not taxed 86272
as real property as provided in division (B) of this section is 86273
subject to an annual manufactured home tax, payable by the 86274
owner, for locating the home in this state. The tax as levied in 86275
this section is for the purpose of supplementing the general 86276
revenue funds of the local subdivisions in which the home has 86277
its situs pursuant to this section. 86278

(2) The year for which the manufactured home tax is levied 86279
commences on the first day of January and ends on the following 86280
thirty-first day of December. The state shall have the first 86281
lien on any manufactured or mobile home on the list for the 86282
amount of taxes, penalties, and interest charged against the 86283
owner of the home under this section. The lien of the state for 86284
the tax for a year shall attach on the first day of January to a 86285
home that has acquired situs on that date. The lien for a home 86286
that has not acquired situs on the first day of January, but 86287
that acquires situs during the year, shall attach on the next 86288
first day of January. The lien shall continue until the tax, 86289

including any penalty or interest, is paid. 86290

(3) (a) The situs of a manufactured or mobile home located 86291
in this state on the first day of January is the local taxing 86292
district in which the home is located on that date. 86293

(b) The situs of a manufactured or mobile home not located 86294
in this state on the first day of January, but located in this 86295
state subsequent to that date, is the local taxing district in 86296
which the home is located thirty days after it is acquired or 86297
first enters this state. 86298

(4) The tax is collected by and paid to the county 86299
treasurer of the county containing the taxing district in which 86300
the home has its situs. 86301

(D) The manufactured home tax shall be computed and 86302
assessed by the county auditor of the county containing the 86303
taxing district in which the home has its situs as follows: 86304

(1) On a home that acquired situs in this state prior to 86305
January 1, 2000: 86306

(a) By multiplying the assessable value of the home by the 86307
tax rate of the taxing district in which the home has its situs, 86308
and deducting from the product thus obtained any reduction 86309
authorized under section 4503.065 of the Revised Code. The tax 86310
levied under this formula shall not be less than thirty-six 86311
dollars, unless the home qualifies for a reduction in assessable 86312
value under section 4503.065 of the Revised Code, in which case 86313
there shall be no minimum tax and the tax shall be the amount 86314
calculated under this division. 86315

(b) The assessable value of the home shall be forty per 86316
cent of the amount arrived at by the following computation: 86317

(i) If the cost to the owner, or market value at time of purchase, whichever is greater, of the home includes the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule:

	1	2	3
A	For the first calendar year in which the home is owned by the current owner	x	80%
B	2nd calendar year	x	75%
C	3rd "	x	70%
D	4th "	x	65%
E	5th "	x	60%
F	6th "	x	55%
G	7th "	x	50%
H	8th "	x	45%
I	9th "	x	40%
J	10th and each year thereafter	x	35%

The first calendar year means any period between the first day of January and the thirty-first day of December of the first year.

(ii) If the cost to the owner, or market value at the time of purchase, whichever is greater, of the home does not include the furnishings and equipment, such cost or market value shall

be multiplied according to the following schedule: 86329

86330

	1	2	3
A	For the first calendar year in which the home is owned by the current owner	x	95%
B	2nd calendar year	x	90%
C	3rd "	x	85%
D	4th "	x	80%
E	5th "	x	75%
F	6th "	x	70%
G	7th "	x	65%
H	8th "	x	60%
I	9th "	x	55%
J	10th and each year thereafter	x	50%

The first calendar year means any period between the first 86331
day of January and the thirty-first day of December of the first 86332
year. 86333

(2) On a home in which ownership was transferred or that 86334
first acquired situs in this state on or after January 1, 2000: 86335

(a) By multiplying the assessable value of the home by the 86336
effective tax rate, as defined in section 323.08 of the Revised 86337
Code, for residential real property of the taxing district in 86338
which the home has its situs, and deducting from the product 86339

thus obtained the reductions required or authorized under 86340
section 319.302, division (B) of section 323.152, or section 86341
4503.065 of the Revised Code. 86342

(b) The assessable value of the home shall be thirty-five 86343
per cent of its true value as determined under division (L) of 86344
this section. 86345

(3) On or before the fifteenth day of January each year, 86346
the county auditor shall record the assessable value and the 86347
amount of tax on the manufactured or mobile home on the tax list 86348
and deliver a duplicate of the list to the county treasurer. In 86349
the case of an emergency as defined in section 323.17 of the 86350
Revised Code, the tax commissioner, by journal entry, may extend 86351
the times for delivery of the duplicate for an additional 86352
fifteen days upon receiving a written application from the 86353
county auditor regarding an extension for the delivery of the 86354
duplicate, or from the county treasurer regarding an extension 86355
of the time for the billing and collection of taxes. The 86356
application shall contain a statement describing the emergency 86357
that will cause the unavoidable delay and must be received by 86358
the tax commissioner on or before the last day of the month 86359
preceding the day delivery of the duplicate is otherwise 86360
required. When an extension is granted for delivery of the 86361
duplicate, the time period for payment of taxes shall be 86362
extended for a like period of time. When a delay in the closing 86363
of a tax collection period becomes unavoidable, the tax 86364
commissioner, upon application by the county auditor and county 86365
treasurer, may order the time for payment of taxes to be 86366
extended if the tax commissioner determines that penalties have 86367
accrued or would otherwise accrue for reasons beyond the control 86368
of the taxpayers of the county. The order shall prescribe the 86369
final extended date for payment of taxes for that collection 86370

period. 86371

(4) After January 1, 1999, the owner of a manufactured or 86372
mobile home taxed pursuant to division (D)(1) of this section 86373
may elect to have the home taxed pursuant to division (D)(2) of 86374
this section by filing a written request with the county auditor 86375
of the taxing district in which the home is located on or before 86376
the first day of December of any year. Upon the filing of the 86377
request, the county auditor shall determine whether all taxes 86378
levied under division (D)(1) of this section have been paid, and 86379
if those taxes have been paid, the county auditor shall tax the 86380
manufactured or mobile home pursuant to division (D)(2) of this 86381
section commencing in the next tax year. 86382

(5) A manufactured or mobile home that acquired situs in 86383
this state prior to January 1, 2000, shall be taxed pursuant to 86384
division (D)(2) of this section if no manufactured home tax had 86385
been paid for the home and the home was not exempted from 86386
taxation pursuant to division (E) of this section for the year 86387
for which the taxes were not paid. 86388

(6)(a) Immediately upon receipt of any manufactured home 86389
tax duplicate from the county auditor, but not less than twenty 86390
days prior to the last date on which the first one-half taxes 86391
may be paid without penalty as prescribed in division (F) of 86392
this section, the county treasurer shall cause to be prepared 86393
and mailed or delivered to each person charged on that duplicate 86394
with taxes, or to an agent designated by such person, the tax 86395
bill prescribed by the tax commissioner under division (D)(7) of 86396
this section. When taxes are paid by installments, the county 86397
treasurer shall mail or deliver to each person charged on such 86398
duplicate or the agent designated by that person a second tax 86399
bill showing the amount due at the time of the second tax 86400

collection. The second half tax bill shall be mailed or 86401
delivered at least twenty days prior to the close of the second 86402
half tax collection period. A change in the mailing address, 86403
electronic mail address, or telephone number of any tax bill 86404
shall be made in writing to the county treasurer. Failure to 86405
receive a bill required by this section does not excuse failure 86406
or delay to pay any taxes shown on the bill or, except as 86407
provided in division (B) (1) of section 5715.39 of the Revised 86408
Code, avoid any penalty, interest, or charge for such delay. 86409

A policy adopted by a county treasurer under division (A) 86410
(2) of section 323.13 of the Revised Code shall also allow any 86411
person required to receive a tax bill under division (D) (6) (a) 86412
of this section to request electronic delivery of that tax bill 86413
in the same manner. A person may rescind such a request in the 86414
same manner as a request made under division (A) (2) of section 86415
323.13 of the Revised Code. The request shall terminate upon a 86416
change in the name of the person charged with the taxes pursuant 86417
to section 4503.061 of the Revised Code. 86418

(b) After delivery of the copy of the delinquent 86419
manufactured home tax list under division (H) of this section, 86420
the county treasurer may prepare and mail to each person in 86421
whose name a home is listed an additional tax bill showing the 86422
total amount of delinquent taxes charged against the home as 86423
shown on the list. The tax bill shall include a notice that the 86424
interest charge prescribed by division (G) of this section has 86425
begun to accrue. 86426

(7) Each tax bill prepared and mailed or delivered under 86427
division (D) (6) of this section shall be in the form and contain 86428
the information required by the tax commissioner. The 86429
commissioner may prescribe different forms for each county and 86430

may authorize the county auditor to make up tax bills and tax 86431
receipts to be used by the county treasurer. The tax bill shall 86432
not contain or be mailed or delivered with any information or 86433
material that is not required by this section or that is not 86434
authorized by section 321.45 of the Revised Code or by the tax 86435
commissioner. In addition to the information required by the 86436
commissioner, each tax bill shall contain the following 86437
information: 86438

(a) The taxes levied and the taxes charged and payable 86439
against the manufactured or mobile home; 86440

(b) The following notice: "Notice: If the taxes are not 86441
paid within sixty days after the county auditor delivers the 86442
delinquent manufactured home tax list to the county treasurer, 86443
you and your home may be subject to collection proceedings for 86444
tax delinquency." Failure to provide such notice has no effect 86445
upon the validity of any tax judgment to which a home may be 86446
subjected. 86447

(c) In the case of manufactured or mobile homes taxed 86448
under division (D)(2) of this section, the following additional 86449
information: 86450

(i) The effective tax rate. The words "effective tax rate" 86451
shall appear in boldface type. 86452

(ii) The following notice: "Notice: If the taxes charged 86453
against this home have been reduced by the 2-1/2 per cent tax 86454
reduction for residences occupied by the owner but the home is 86455
not a residence occupied by the owner, the owner must notify the 86456
county auditor's office not later than March 31 of the year for 86457
which the taxes are due. Failure to do so may result in the 86458
owner being convicted of a fourth degree misdemeanor, which is 86459

punishable by imprisonment up to 30 days, a fine up to \$250, or 86460
both, and in the owner having to repay the amount by which the 86461
taxes were erroneously or illegally reduced, plus any interest 86462
that may apply. 86463

If the taxes charged against this home have not been 86464
reduced by the 2-1/2 per cent tax reduction and the home is a 86465
residence occupied by the owner, the home may qualify for the 86466
tax reduction. To obtain an application for the tax reduction or 86467
further information, the owner may contact the county auditor's 86468
office at _____ (insert the address and telephone number of 86469
the county auditor's office). 86470

(d) For a manufactured or mobile home, the tax liability 86471
of which has been reduced under section 5705.316 of the Revised 86472
Code for the current tax year, the following notice: "Notice: 86473
The school district taxes shown due on this bill are reduced 86474
only for the current year due to the school district's excess 86475
carry-over balance." 86476

(E) (1) A manufactured or mobile home is not subject to 86477
this section when any of the following applies: 86478

(a) It is taxable as personal property pursuant to section 86479
5709.01 of the Revised Code. Any manufactured or mobile home 86480
that is used as a residence shall be subject to this section and 86481
shall not be taxable as personal property pursuant to section 86482
5709.01 of the Revised Code. 86483

(b) It bears a license plate issued by any state other 86484
than this state unless the home is in this state in excess of an 86485
accumulative period of thirty days in any calendar year. 86486

(c) The annual tax has been paid on the home in this state 86487
for the current year. 86488

(d) The tax commissioner has determined, pursuant to 86489
section 5715.27 of the Revised Code, that the property is exempt 86490
from taxation, or would be exempt from taxation under Chapter 86491
5709. of the Revised Code if it were classified as real 86492
property. 86493

(2) A travel trailer or park trailer, as these terms are 86494
defined in section 4501.01 of the Revised Code, is not subject 86495
to this section if it is unused or unoccupied and stored at the 86496
owner's normal place of residence or at a recognized storage 86497
facility. 86498

(3) A travel trailer or park trailer, as these terms are 86499
defined in section 4501.01 of the Revised Code, is subject to 86500
this section and shall be taxed as a manufactured or mobile home 86501
if it has a situs longer than thirty days in one location and is 86502
connected to existing utilities, unless either of the following 86503
applies: 86504

(a) The situs is in a state facility or a camping or park 86505
area as defined in division (C), (Q), (S), or (V) of section 86506
3729.01 of the Revised Code. 86507

(b) The situs is in a camping or park area that is a tract 86508
of land that has been limited to recreational use by deed or 86509
zoning restrictions and subdivided for sale of five or more 86510
individual lots for the express or implied purpose of occupancy 86511
by either self-contained recreational vehicles as defined in 86512
division (T) of section 3729.01 of the Revised Code or by 86513
dependent recreational vehicles as defined in division (D) of 86514
section 3729.01 of the Revised Code. 86515

(F) Except as provided in division (D) (3) of this section, 86516
the manufactured home tax is due and payable as follows: 86517

(1) When a manufactured or mobile home has a situs in this state, as provided in this section, on the first day of January, one-half of the amount of the tax is due and payable on or before the first day of March and the balance is due and payable on or before the thirty-first day of July. At the option of the owner of the home, the tax for the entire year may be paid in full on the first day of March.

(2) When a manufactured or mobile home first acquires a situs in this state after the first day of January, no tax is due and payable for that year.

(G) (1) (a) Except as otherwise provided in division (G) (1) (b) of this section, if one-half of the current taxes charged under this section against a manufactured or mobile home, together with the full amount of any delinquent taxes, are not paid on or before the first day of March in that year, or on or before the last day for such payment as extended pursuant to section 4503.063 of the Revised Code, a penalty of ten per cent shall be charged against the unpaid balance of such half of the current taxes. If the total amount of all such taxes is not paid on or before the thirty-first day of July, next thereafter, or on or before the last day for payment as extended pursuant to section 4503.063 of the Revised Code, a like penalty shall be charged on the balance of the total amount of the unpaid current taxes.

(b) After a valid delinquent tax contract that includes unpaid current taxes from a first-half collection period described in division (F) of this section has been entered into under section 323.31 of the Revised Code, no ten per cent penalty shall be charged against such taxes after the second-half collection period while the delinquent tax contract remains

in effect. On the day a delinquent tax contract becomes void, 86548
the ten per cent penalty shall be charged against such taxes and 86549
shall equal the amount of penalty that would have been charged 86550
against unpaid current taxes outstanding on the date on which 86551
the second-half penalty would have been charged thereon under 86552
division (G)(1)(a) of this section if the contract had not been 86553
in effect. 86554

(2)(a) On the first day of the month following the last 86555
day the second installment of taxes may be paid without penalty 86556
beginning in 2000, interest shall be charged against and 86557
computed on all delinquent taxes other than the current taxes 86558
that became delinquent taxes at the close of the last day such 86559
second installment could be paid without penalty. The charge 86560
shall be for interest that accrued during the period that began 86561
on the preceding first day of December and ended on the last day 86562
of the month that included the last date such second installment 86563
could be paid without penalty. The interest shall be computed at 86564
the rate per annum prescribed by section 5703.47 of the Revised 86565
Code and shall be entered as a separate item on the delinquent 86566
manufactured home tax list compiled under division (H) of this 86567
section. 86568

(b) On the first day of December beginning in 2000, the 86569
interest shall be charged against and computed on all delinquent 86570
taxes. The charge shall be for interest that accrued during the 86571
period that began on the first day of the month following the 86572
last date prescribed for the payment of the second installment 86573
of taxes in the current year and ended on the immediately 86574
preceding last day of November. The interest shall be computed 86575
at the rate per annum prescribed by section 5703.47 of the 86576
Revised Code and shall be entered as a separate item on the 86577
delinquent manufactured home tax list. 86578

(c) After a valid undertaking has been entered into for 86579
the payment of any delinquent taxes, no interest shall be 86580
charged against such delinquent taxes while the undertaking 86581
remains in effect in compliance with section 323.31 of the 86582
Revised Code. If a valid undertaking becomes void, interest 86583
shall be charged against the delinquent taxes for the periods 86584
that interest was not permitted to be charged while the 86585
undertaking was in effect. The interest shall be charged on the 86586
day the undertaking becomes void and shall equal the amount of 86587
interest that would have been charged against the unpaid 86588
delinquent taxes outstanding on the dates on which interest 86589
would have been charged thereon under divisions (G) (1) and (2) 86590
of this section had the undertaking not been in effect. 86591

(3) If the full amount of the taxes due at either of the 86592
times prescribed by division (F) of this section is paid within 86593
ten days after such time, the county treasurer shall waive the 86594
collection of and the county auditor shall remit one-half of the 86595
penalty provided for in this division for failure to make that 86596
payment by the prescribed time. 86597

(4) The treasurer shall compile and deliver to the county 86598
auditor a list of all tax payments the treasurer has received as 86599
provided in division (G) (3) of this section. The list shall 86600
include any information required by the auditor for the 86601
remission of the penalties waived by the treasurer. The taxes so 86602
collected shall be included in the settlement next succeeding 86603
the settlement then in process. 86604

(H) (1) The county auditor shall compile annually a 86605
"delinquent manufactured home tax list" consisting of homes the 86606
county treasurer's records indicate have taxes that were not 86607
paid within the time prescribed by divisions (D) (3) and (F) of 86608

this section, have taxes that remain unpaid from prior years, or 86609
have unpaid tax penalties or interest that have been assessed. 86610

(2) Within thirty days after the settlement under division 86611
(H) (2) of section 321.24 of the Revised Code, the county auditor 86612
shall deliver a copy of the delinquent manufactured home tax 86613
list to the county treasurer. The auditor shall update and 86614
publish the delinquent manufactured home tax list annually in 86615
the same manner as delinquent real property tax lists are 86616
published. The county auditor may apportion the cost of 86617
publishing the list among taxing districts in proportion to the 86618
amount of delinquent manufactured home taxes so published that 86619
each taxing district is entitled to receive upon collection of 86620
those taxes, or the county auditor may charge the owner of a 86621
home on the list a flat fee established under section 319.54 of 86622
the Revised Code for the cost of publishing the list and, if the 86623
fee is not paid, may place the fee upon the delinquent 86624
manufactured home tax list as a lien on the listed home, to be 86625
collected as other manufactured home taxes. 86626

(3) When taxes, penalties, or interest are charged against 86627
a person on the delinquent manufactured home tax list and are 86628
not paid within sixty days after the list is delivered to the 86629
county treasurer, the county treasurer shall, in addition to any 86630
other remedy provided by law for the collection of taxes, 86631
penalties, and interest, enforce collection of such taxes, 86632
penalties, and interest by civil action in the name of the 86633
treasurer against the owner for the recovery of the unpaid taxes 86634
following the procedures for the recovery of delinquent real 86635
property taxes in sections 323.25 to 323.28 of the Revised Code. 86636
The action may be brought in municipal or county court, provided 86637
the amount charged does not exceed the monetary limitations for 86638
original jurisdiction for civil actions in those courts. 86639

It is sufficient, having made proper parties to the suit, 86640
for the county treasurer to allege in the treasurer's bill of 86641
particulars or petition that the taxes stand chargeable on the 86642
books of the county treasurer against such person, that they are 86643
due and unpaid, and that such person is indebted in the amount 86644
of taxes appearing to be due the county. The treasurer need not 86645
set forth any other matter relating thereto. If it is found on 86646
the trial of the action that the person is indebted to the 86647
state, judgment shall be rendered in favor of the county 86648
treasurer prosecuting the action. The judgment debtor is not 86649
entitled to the benefit of any law for stay of execution or 86650
exemption of property from levy or sale on execution in the 86651
enforcement of the judgment. 86652

Upon the filing of an entry of confirmation of sale or an 86653
order of forfeiture in a proceeding brought under this division, 86654
title to the manufactured or mobile home shall be in the 86655
purchaser. The clerk of courts shall issue a certificate of 86656
title to the purchaser upon presentation of proof of filing of 86657
the entry of confirmation or order and, in the case of a 86658
forfeiture, presentation of the county auditor's certificate of 86659
sale. 86660

(I) The total amount of taxes collected shall be 86661
distributed in the following manner: four per cent shall be 86662
allowed as compensation to the county auditor for the county 86663
auditor's service in assessing the taxes; two per cent shall be 86664
allowed as compensation to the county treasurer for the services 86665
the county treasurer renders as a result of the tax levied by 86666
this section. Such amounts shall be paid into the county 86667
treasury, to the credit of the county general revenue fund, on 86668
the warrant of the county auditor. Fees to be paid to the credit 86669
of the real estate assessment fund shall be collected pursuant 86670

to division (C) of section 319.54 of the Revised Code and paid 86671
into the county treasury, on the warrant of the county auditor. 86672
The balance of the taxes collected shall be distributed among 86673
the taxing subdivisions of the county in which the taxes are 86674
collected and paid in the same proportions that the amount of 86675
manufactured home tax levied by each taxing subdivision of the 86676
county in the current tax year bears to the amount of such tax 86677
levied by all such subdivisions in the county in the current tax 86678
year. The taxes levied and revenues collected under this section 86679
shall be in lieu of any general property tax and any tax levied 86680
with respect to the privilege of using or occupying a 86681
manufactured or mobile home in this state except as provided in 86682
sections 4503.04 and 5741.02 of the Revised Code. 86683

(J) An agreement to purchase or a bill of sale for a 86684
manufactured home shall show whether or not the furnishings and 86685
equipment are included in the purchase price. 86686

(K) If the county treasurer and the county prosecuting 86687
attorney agree that an item charged on the delinquent 86688
manufactured home tax list is uncollectible, they shall certify 86689
that determination and the reasons to the county board of 86690
revision. If the board determines the amount is uncollectible, 86691
it shall certify its determination to the county auditor, who 86692
shall strike the item from the list. 86693

(L) (1) The county auditor shall appraise at its true value 86694
any manufactured or mobile home in which ownership is 86695
transferred or which first acquires situs in this state on or 86696
after January 1, 2000, and any manufactured or mobile home the 86697
owner of which has elected, under division (D) (4) of this 86698
section, to have the home taxed under division (D) (2) of this 86699
section. The true value shall include the value of the home, any 86700

additions, and any fixtures, but not any furnishings in the 86701
home. In determining the true value of a manufactured or mobile 86702
home, the auditor shall consider all facts and circumstances 86703
relating to the value of the home, including its age, its 86704
capacity to function as a residence, any obsolete 86705
characteristics, and other factors that may tend to prove its 86706
true value. 86707

(2) (a) If a manufactured or mobile home has been the 86708
subject of an arm's length sale between a willing seller and a 86709
willing buyer within a reasonable length of time prior to the 86710
determination of true value, the county auditor shall consider 86711
the sale price of the home to be the true value for taxation 86712
purposes. 86713

(b) The sale price in an arm's length transaction between 86714
a willing seller and a willing buyer shall not be considered the 86715
true value of the home if either of the following occurred after 86716
the sale: 86717

(i) The home has lost value due to a casualty. 86718

(ii) An addition or fixture has been added to the home. 86719

(3) The county auditor shall have each home viewed and 86720
appraised at least once in each six-year period in the same year 86721
in which real property in the county is appraised pursuant to 86722
Chapter 5713. of the Revised Code, and shall update the 86723
appraised values in the third calendar year following the 86724
appraisal. The person viewing or appraising a home may enter the 86725
home to determine by actual view any additions or fixtures that 86726
have been added since the last appraisal. In conducting the 86727
appraisals and establishing the true value, the auditor shall 86728
follow the procedures set forth for appraising real property in 86729

sections 5713.01 and 5713.03 of the Revised Code. 86730

(4) The county auditor shall place the true value of each 86731
home on the manufactured home tax list upon completion of an 86732
appraisal. 86733

(5) (a) If the county auditor changes the true value of a 86734
home, the auditor shall notify the owner of the home in writing, 86735
delivered by mail or in person. The notice shall be given at 86736
least thirty days prior to the issuance of any tax bill that 86737
reflects the change. Failure to receive the notice does not 86738
invalidate any proceeding under this section. 86739

(b) Any owner of a home or any other person or party that 86740
would be authorized to file a complaint under division (A) of 86741
section 5715.19 of the Revised Code if the home was real 86742
property may file a complaint against the true value of the home 86743
as appraised under this section. The complaint shall be filed 86744
with the county auditor on or before the thirty-first day of 86745
March of the current tax year or the date of closing of the 86746
collection for the first half of manufactured home taxes for the 86747
current tax year, whichever is later. The auditor shall present 86748
to the county board of revision all complaints filed with the 86749
auditor under this section. The board shall hear and investigate 86750
the complaint and may take action on it as provided under 86751
sections 5715.11 to 5715.19 of the Revised Code. 86752

(c) If the county board of revision determines, pursuant 86753
to a complaint against the valuation of a manufactured or mobile 86754
home filed under this section, that the amount of taxes, 86755
assessments, or other charges paid was in excess of the amount 86756
due based on the valuation as finally determined, then the 86757
overpayment shall be refunded in the manner prescribed in 86758
section 5715.22 of the Revised Code. 86759

(d) Payment of all or part of a tax under this section for 86760
any year for which a complaint is pending before the county 86761
board of revision does not abate the complaint or in any way 86762
affect the hearing and determination thereof. 86763

(M) If the county auditor determines that any tax or other 86764
charge or any part thereof has been erroneously charged as a 86765
result of a clerical error as defined in section 319.35 of the 86766
Revised Code, the county auditor shall call the attention of the 86767
county board of revision to the erroneous charges. If the board 86768
finds that the taxes or other charges have been erroneously 86769
charged or collected, it shall certify the finding to the 86770
auditor. Upon receipt of the certification, the auditor shall 86771
remove the erroneous charges on the manufactured home tax list 86772
or delinquent manufactured home tax list in the same manner as 86773
is prescribed in section 319.35 of the Revised Code for 86774
erroneous charges against real property, and refund any 86775
erroneous charges that have been collected, with interest, in 86776
the same manner as is prescribed in section 319.36 of the 86777
Revised Code for erroneous charges against real property. 86778

(N) As used in this section and section 4503.061 of the 86779
Revised Code: 86780

(1) "Manufactured home taxes" includes taxes, penalties, 86781
and interest charged under division (C) or (G) of this section 86782
and any penalties charged under division (G) or (H) (5) of 86783
section 4503.061 of the Revised Code. 86784

(2) "Current taxes" means all manufactured home taxes 86785
charged against a manufactured or mobile home that have not 86786
appeared on the manufactured home tax list for any prior year. 86787
Current taxes become delinquent taxes if they remain unpaid 86788
after the last day prescribed for payment of the second 86789

installment of current taxes without penalty, whether or not 86790
they have been certified delinquent. 86791

(3) "Delinquent taxes" means: 86792

(a) Any manufactured home taxes that were charged against 86793
a manufactured or mobile home for a prior year, including any 86794
penalties or interest charged for a prior year and the costs of 86795
publication under division (H) (2) of this section, and that 86796
remain unpaid; 86797

(b) Any current manufactured home taxes charged against a 86798
manufactured or mobile home that remain unpaid after the last 86799
day prescribed for payment of the second installment of current 86800
taxes without penalty, whether or not they have been certified 86801
delinquent, including any penalties or interest and the costs of 86802
publication under division (H) (2) of this section. 86803

Sec. 4503.0611. Whenever it is made to appear to the 86804
county auditor, based on inspection by the county auditor or 86805
based on notice provided to the county auditor, on a form 86806
prescribed by the department of taxation, by an owner of the 86807
manufactured home or two disinterested persons who are residents 86808
of the township or municipal corporation in which the 86809
manufactured home is or was situated, that the home is subject 86810
to taxation for the current year under section 4503.06 of the 86811
Revised Code and has been destroyed or injured after the first 86812
day of January of the current year, the county auditor shall 86813
investigate the matter, and shall refund or waive the payment of 86814
the current year's taxes on such home as prescribed by divisions 86815
(A) and (B) of this section. Such notice may also be provided by 86816
the manufactured home park operator, as defined in section 86817
4781.01 of the Revised Code, if applicable, provided the notice 86818
is accompanied by photographic evidence. If a form has not been 86819

filed with the county auditor by ~~either an owner,~~ manufactured 86820
home park operator, or two disinterested persons but it appears 86821
to the county auditor, based on an inspection and investigation, 86822
that the owner's manufactured home is subject to taxation for 86823
the current year under section 4503.06 of the Revised Code and 86824
has been destroyed or injured after the first day of January of 86825
the current year, the auditor may complete the form on behalf of 86826
an owner. 86827

To obtain a deduction under this section, an owner, 86828
manufactured home park operator, or two disinterested persons 86829
shall file the form with the county auditor, or the county 86830
auditor shall complete the form on behalf of an owner, not later 86831
than the thirty-first day of January of the year after the year 86832
in which the manufactured home was injured or destroyed. 86833

(A) If the auditor determines the injury or destruction 86834
occurred during the first half of the calendar year, the auditor 86835
shall deduct from the taxes payable on the manufactured home for 86836
the current year an amount that, in the county auditor's 86837
judgment, bears the same ratio to those taxes as the extent of 86838
the injury or destruction bears to the cost or market value of 86839
the manufactured home. The auditor shall draw a warrant on the 86840
county treasurer to refund that amount. If the taxes have not 86841
been paid at the time of the auditor's determination, the 86842
auditor may waive the payment of the portion of the tax that 86843
would otherwise be refunded under this division. 86844

(B) If the auditor determines the injury or destruction 86845
occurred during the second half of the calendar year, the 86846
auditor shall deduct from the taxes payable on the manufactured 86847
home for the current year one-half of the amount that, in the 86848
county auditor's judgment, bears the same ratio to those taxes 86849

as the extent of the injury or destruction bears to the cost or 86850
market value of the manufactured home. The auditor shall draw a 86851
warrant on the county treasurer to refund that amount. If the 86852
taxes have not been paid at the time of the auditor's 86853
determination, the auditor may waive the payment of the portion 86854
of the tax that would otherwise be refunded under this division. 86855

(C) Taxes refunded under this section shall be paid from 86856
the county undivided general property tax fund. 86857

(D) Notwithstanding divisions (A) and (B) of this section, 86858
if the county auditor determines the destruction of a 86859
manufactured home or mobile home occurred within one calendar 86860
year after the title of the home being transferred to a park 86861
operator pursuant to sections 1923.12, 1923.13, and 1923.14 of 86862
the Revised Code and the current owner providing the oath to the 86863
auditor is the same park operator, then the auditor shall waive 86864
all unpaid manufactured home taxes charged against the home, 86865
including taxes for which a lien has attached, but that are not 86866
yet due and payable. 86867

(E) Upon the destruction of a manufactured home or mobile 86868
home, the owner of the home shall dispose of the certificate of 86869
title to the home in the same manner as described in section 86870
4505.11 of the Revised Code. 86871

Sec. 4503.10. (A) The owner of every snowmobile, off- 86872
highway motorcycle, and all-purpose vehicle required to be 86873
registered under section 4519.02 of the Revised Code shall file 86874
an application for registration under section 4519.03 of the 86875
Revised Code. The owner of a motor vehicle, other than a 86876
snowmobile, off-highway motorcycle, or all-purpose vehicle, that 86877
is not designed and constructed by the manufacturer for 86878
operation on a street or highway may not register it under this 86879

chapter except upon certification of inspection pursuant to 86880
section 4513.02 of the Revised Code by the sheriff, or the chief 86881
of police of the municipal corporation or township, with 86882
jurisdiction over the political subdivision in which the owner 86883
of the motor vehicle resides. Except as provided in sections 86884
4503.103 and 4503.107 of the Revised Code, every owner of every 86885
other motor vehicle not previously described in this section and 86886
every person mentioned as owner in the last certificate of title 86887
of a motor vehicle that is operated or driven upon the public 86888
roads or highways shall cause to be filed each year, by mail or 86889
otherwise, in the office of the registrar of motor vehicles or a 86890
deputy registrar, a written or electronic application or a 86891
preprinted registration renewal notice issued under section 86892
4503.102 of the Revised Code, the form of which shall be 86893
prescribed by the registrar, for registration for the following 86894
registration year, which shall begin on the first day of January 86895
of every calendar year and end on the thirty-first day of 86896
December in the same year. Applications for registration and 86897
registration renewal notices shall be filed at the times 86898
established by the registrar pursuant to section 4503.101 of the 86899
Revised Code. A motor vehicle owner also may elect to apply for 86900
or renew a motor vehicle registration by electronic means using 86901
electronic signature in accordance with rules adopted by the 86902
registrar. Except as provided in division (J) of this section, 86903
applications for registration shall be made on blanks furnished 86904
by the registrar for that purpose, containing the following 86905
information: 86906

(1) A brief description of the motor vehicle to be 86907
registered, including the year, make, model, and vehicle 86908
identification number, and, in the case of commercial cars, the 86909
gross weight of the vehicle fully equipped computed in the 86910

manner prescribed in section 4503.08 of the Revised Code; 86911

(2) The name and residence address of the owner, and the 86912
township and municipal corporation in which the owner resides; 86913

(3) The district of registration, which shall be 86914
determined as follows: 86915

(a) In case the motor vehicle to be registered is used for 86916
hire or principally in connection with any established business 86917
or branch business, conducted at a particular place, the 86918
district of registration is the municipal corporation in which 86919
that place is located or, if not located in any municipal 86920
corporation, the county and township in which that place is 86921
located. 86922

(b) In case the vehicle is not so used, the district of 86923
registration is the municipal corporation or county in which the 86924
owner resides at the time of making the application. 86925

(4) Whether the motor vehicle is a new or used motor 86926
vehicle; 86927

(5) The date of purchase of the motor vehicle; 86928

(6) Whether the fees required to be paid for the 86929
registration or transfer of the motor vehicle, during the 86930
preceding registration year and during the preceding period of 86931
the current registration year, have been paid. Each application 86932
for registration shall be signed by the owner, either manually 86933
or by electronic signature, or pursuant to obtaining a limited 86934
power of attorney authorized by the registrar for registration, 86935
or other document authorizing such signature. If the owner 86936
elects to apply for or renew the motor vehicle registration with 86937
the registrar by electronic means, the owner's manual signature 86938
is not required. 86939

(7) The owner's social security number, driver's license number, or state identification number, or, where a motor vehicle to be registered is used for hire or principally in connection with any established business, the owner's federal taxpayer identification number. The bureau of motor vehicles shall retain in its records all social security numbers provided under this section, but the bureau shall not place social security numbers on motor vehicle certificates of registration.

(8) Whether the applicant wishes to certify willingness to make an anatomical gift if an applicant has not so certified under section 2108.05 of the Revised Code. The applicant's response shall not be considered in the decision of whether to approve the application for registration.

(B) (1) When an applicant first registers a motor vehicle in the applicant's name, the applicant shall provide proof of ownership of that motor vehicle. Proof of ownership may include any of the following:

(a) The applicant may present for inspection a physical certificate of title or memorandum certificate showing title to the motor vehicle to be registered in the name of the applicant.

(b) The applicant may present for inspection an electronic certificate of title for the applicant's motor vehicle in a manner prescribed by rules adopted by the registrar.

(c) The registrar or deputy registrar may electronically confirm the applicant's ownership of the motor vehicle.

An applicant is not required to present a certificate of title to an electronic motor vehicle dealer acting as a limited authority deputy registrar in accordance with rules adopted by the registrar.

(2) When a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it, each application for registration for a vehicle required to be inspected under that section and those rules shall be accompanied by an inspection certificate for the motor vehicle issued in accordance with that section.

(3) An application for registration shall be refused if any of the following applies:

(a) The application is not in proper form.

(b) The application is prohibited from being accepted by division (D) of section 2935.27, division (A) of section 4503.13, division (B) of section 4510.22, division (D) of section 4503.234, division (B) (1) of section 4521.10, or division (B) of section 5537.041 of the Revised Code.

(c) Proof of ownership is required but is not presented or confirmed in accordance with division (B) (1) of this section.

(d) All registration and transfer fees for the motor vehicle, for the preceding year or the preceding period of the current registration year, have not been paid.

(e) The owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, and rules adopted under it, if that section is applicable.

(4) This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under sections 4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the Revised Code.

(5) When a certificate of registration is issued upon the first registration of a motor vehicle by or on behalf of the owner, the official issuing the certificate shall indicate the issuance with a stamp on the certificate of title or memorandum certificate or, in the case of an electronic certificate of title or electronic verification of ownership, an electronic stamp or other notation as specified in rules adopted by the registrar, and with a stamp on the inspection certificate for the motor vehicle, if any.

(6) The official also shall indicate, by a stamp or by other means the registrar prescribes, on the registration certificate issued upon the first registration of a motor vehicle by or on behalf of the owner the odometer reading of the motor vehicle as shown in the odometer statement included in or attached to the certificate of title. Upon each subsequent registration of the motor vehicle by or on behalf of the same owner, the official also shall so indicate the odometer reading of the motor vehicle as shown on the immediately preceding certificate of registration.

(7) The registrar shall include in the permanent registration record of any vehicle required to be inspected under section 3704.14 of the Revised Code the inspection certificate number from the inspection certificate that is presented at the time of registration of the vehicle as required under this division.

~~(C) (1) Except as otherwise provided in division (C) (1) of this section, the~~ The registrar and each deputy registrar shall collect ~~an~~ the following additional ~~fee of eleven dollars~~ fees for each application for registration and registration renewal received ~~:-~~ :

(a) Except as provided in division (C) (1) (b) of this 87028
section, a fee of eleven dollars on or before December 31, 2025, 87029
and a fee of sixteen dollars on and after January 1, 2026; 87030

(b) For vehicles specified in divisions (A) (1) to (21) of 87031
section 4503.042 of the Revised Code, ~~the registrar and deputy~~ 87032
~~registrar shall collect an additional~~ a fee of thirty dollars 87033
~~for each application for registration and registration renewal~~ 87034
~~received~~ on or before December 31, 2025, and a fee of thirty-five 87035
dollars on and after January 1, 2026. 87036

No additional fee shall be charged for vehicles registered 87037
under section 4503.65 of the Revised Code. ~~The~~ Each additional 87038
fee is for the purpose of defraying the department of public 87039
safety's costs associated with the administration and 87040
enforcement of the motor vehicle and traffic laws of Ohio. Each 87041
deputy registrar shall transmit the fees collected under 87042
divisions (C) (1) and (3) of this section in the time and manner 87043
provided in this section. The registrar shall deposit all moneys 87044
received under division (C) (1) of this section into the public 87045
safety - highway purposes fund established in section 4501.06 of 87046
the Revised Code. 87047

(2) In addition, a charge of twenty-five cents shall be 87048
made for each reflectorized safety license plate issued, and a 87049
single charge of twenty-five cents shall be made for each county 87050
identification sticker or each set of county identification 87051
stickers issued, as the case may be, to cover the cost of 87052
producing the license plates and stickers, including material, 87053
manufacturing, and administrative costs. Those fees shall be in 87054
addition to the license tax. If the total cost of producing the 87055
plates is less than twenty-five cents per plate, or if the total 87056
cost of producing the stickers is less than twenty-five cents 87057

per sticker or per set issued, any excess moneys accruing from 87058
the fees shall be distributed in the same manner as provided by 87059
section 4501.04 of the Revised Code for the distribution of 87060
license tax moneys. If the total cost of producing the plates 87061
exceeds twenty-five cents per plate, or if the total cost of 87062
producing the stickers exceeds twenty-five cents per sticker or 87063
per set issued, the difference shall be paid from the license 87064
tax moneys collected pursuant to section 4503.02 of the Revised 87065
Code. 87066

(3) The registrar and each deputy registrar shall collect 87067
the following additional fee, as applicable, for each 87068
application for registration or registration renewal received 87069
for any hybrid motor vehicle, plug-in hybrid electric motor 87070
vehicle, or battery electric motor vehicle: 87071

(a) One hundred dollars for a hybrid motor vehicle; 87072

(b) One hundred fifty dollars for a plug-in hybrid 87073
electric motor vehicle; 87074

(c) Two hundred dollars for a battery electric motor 87075
vehicle. 87076

Each fee imposed under this division shall be prorated 87077
based on the number of months for which the vehicle is 87078
registered. The registrar shall transmit all money arising from 87079
each fee to the treasurer of state for distribution in 87080
accordance with division (E) of section 5735.051 of the Revised 87081
Code, subject to division (D) of section 5735.05 of the Revised 87082
Code. 87083

(D) Each deputy registrar shall be allowed a fee equal to 87084
the amount established under section 4503.038 of the Revised 87085
Code for each application for registration and registration 87086

renewal notice the deputy registrar receives, which shall be for 87087
the purpose of compensating the deputy registrar for the deputy 87088
registrar's services, and such office and rental expenses, as 87089
may be necessary for the proper discharge of the deputy 87090
registrar's duties in the receiving of applications and renewal 87091
notices and the issuing of registrations. 87092

(E) Upon the certification of the registrar, the county 87093
sheriff or local police officials shall recover license plates 87094
erroneously or fraudulently issued. 87095

(F) Each deputy registrar, upon receipt of any application 87096
for registration or registration renewal notice, together with 87097
the license fee and any local motor vehicle license tax levied 87098
pursuant to Chapter 4504. of the Revised Code, shall transmit 87099
that fee and tax, if any, in the manner provided in this 87100
section, together with the original and duplicate copy of the 87101
application, to the registrar. The registrar, subject to the 87102
approval of the director of public safety, may deposit the funds 87103
collected by those deputies in a local bank or depository to the 87104
credit of the "state of Ohio, bureau of motor vehicles." Where a 87105
local bank or depository has been designated by the registrar, 87106
each deputy registrar shall deposit all moneys collected by the 87107
deputy registrar into that bank or depository not more than one 87108
business day after their collection and shall make reports to 87109
the registrar of the amounts so deposited, together with any 87110
other information, some of which may be prescribed by the 87111
treasurer of state, as the registrar may require and as 87112
prescribed by the registrar by rule. The registrar, within three 87113
days after receipt of notification of the deposit of funds by a 87114
deputy registrar in a local bank or depository, shall draw on 87115
that account in favor of the treasurer of state. The registrar, 87116
subject to the approval of the director and the treasurer of 87117

state, may make reasonable rules necessary for the prompt 87118
transmittal of fees and for safeguarding the interests of the 87119
state and of counties, townships, municipal corporations, and 87120
transportation improvement districts levying local motor vehicle 87121
license taxes. The registrar may pay service charges usually 87122
collected by banks and depositories for such service. If deputy 87123
registrars are located in communities where banking facilities 87124
are not available, they shall transmit the fees forthwith, by 87125
money order or otherwise, as the registrar, by rule approved by 87126
the director and the treasurer of state, may prescribe. The 87127
registrar may pay the usual and customary fees for such service. 87128

(G) This section does not prevent any person from making 87129
an application for a motor vehicle license directly to the 87130
registrar by mail, by electronic means, or in person at any of 87131
the registrar's offices, upon payment of a service fee equal to 87132
the amount established under section 4503.038 of the Revised 87133
Code for each application. 87134

(H) No person shall make a false statement as to the 87135
district of registration in an application required by division 87136
(A) of this section. Violation of this division is falsification 87137
under section 2921.13 of the Revised Code and punishable as 87138
specified in that section. 87139

(I) (1) Where applicable, the requirements of division (B) 87140
of this section relating to the presentation of an inspection 87141
certificate issued under section 3704.14 of the Revised Code and 87142
rules adopted under it for a motor vehicle, the refusal of a 87143
license for failure to present an inspection certificate, and 87144
the stamping of the inspection certificate by the official 87145
issuing the certificate of registration apply to the 87146
registration of and issuance of license plates for a motor 87147

vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15,
4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42,
4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised
Code.

(2) (a) The registrar shall adopt rules ensuring that each
owner registering a motor vehicle in a county where a motor
vehicle inspection and maintenance program is in effect under
section 3704.14 of the Revised Code and rules adopted under it
receives information about the requirements established in that
section and those rules and about the need in those counties to
present an inspection certificate with an application for
registration or preregistration.

(b) Upon request, the registrar shall provide the director
of environmental protection, or any person that has been awarded
a contract under section 3704.14 of the Revised Code, an on-line
computer data link to registration information for all passenger
cars, noncommercial motor vehicles, and commercial cars that are
subject to that section. The registrar also shall provide to the
director of environmental protection a magnetic data tape
containing registration information regarding passenger cars,
noncommercial motor vehicles, and commercial cars for which a
multi-year registration is in effect under section 4503.103 of
the Revised Code or rules adopted under it, including, without
limitation, the date of issuance of the multi-year registration,
the registration deadline established under rules adopted under
section 4503.101 of the Revised Code that was applicable in the
year in which the multi-year registration was issued, and the
registration deadline for renewal of the multi-year
registration.

(J) Subject to division (K) of this section, application

for registration under the international registration plan, as 87178
set forth in sections 4503.60 to 4503.66 of the Revised Code, 87179
shall be made to the registrar on forms furnished by the 87180
registrar. In accordance with international registration plan 87181
guidelines and pursuant to rules adopted by the registrar, the 87182
forms shall include the following: 87183

(1) A uniform mileage schedule; 87184

(2) The gross vehicle weight of the vehicle or combined 87185
gross vehicle weight of the combination vehicle as declared by 87186
the registrant; 87187

(3) Any other information the registrar requires by rule. 87188

(K) The registrar shall determine the feasibility of 87189
implementing an electronic commercial fleet licensing and 87190
management program that will enable the owners of commercial 87191
tractors, commercial trailers, and commercial semitrailers to 87192
conduct electronic transactions by July 1, 2010, or sooner. If 87193
the registrar determines that implementing such a program is 87194
feasible, the registrar shall adopt new rules under this 87195
division or amend existing rules adopted under this division as 87196
necessary in order to respond to advances in technology. 87197

If international registration plan guidelines and 87198
provisions allow member jurisdictions to permit applications for 87199
registrations under the international registration plan to be 87200
made via the internet, the rules the registrar adopts under this 87201
division shall permit such action. 87202

Sec. 4503.102. ~~(A)~~ (A) (1) The registrar of motor vehicles 87203
~~shall may~~ adopt rules to establish a centralized system of motor 87204
vehicle registration for initial registration, registration 87205
renewal, and transfer of registration, by mail or by electronic 87206

means. ~~Any~~ 87207

(2) Any person applying electronically for initial 87208
registration or for transfer of registration may submit all 87209
associated documents electronically through the centralized 87210
system of motor vehicle registration established under this 87211
section. The registrar or a deputy registrar shall verify and 87212
authenticate such documents. 87213

(3) Any person owning a motor vehicle that was registered 87214
in the person's name during the preceding registration year 87215
shall renew the registration of the motor vehicle not more than 87216
ninety days prior to the expiration date of the registration 87217
either by through one of the following: 87218

(a) By mail or by electronic means through the centralized 87219
system of registration established under this section,~~or in;~~ 87220

(b) In person at any office of the registrar or at a 87221
deputy registrar's office. 87222

(B) (1) Except as provided in division (B) (2) of this 87223
section, no less than forty-five days prior to the expiration 87224
date of any motor vehicle registration, the registrar shall mail 87225
a renewal notice to the person in whose name the motor vehicle 87226
is registered. The renewal notice shall clearly state that the 87227
registration of the motor vehicle may be renewed by mail or 87228
electronic means through the centralized system of registration 87229
or in person at any office of the registrar or at a deputy 87230
registrar's office and shall be preprinted with information 87231
including, but not limited to, the owner's name and residence 87232
address as shown in the records of the bureau of motor vehicles, 87233
a brief description of the motor vehicle to be registered, 87234
notice of the license taxes and fees due on the motor vehicle, 87235

the toll-free telephone number of the registrar as required 87236
under division (D) (1) of section 4503.031 of the Revised Code, a 87237
~~statement that payment for a renewal may be made by financial-~~ 87238
~~transaction device using the toll-free telephone number,~~ and any 87239
additional information the registrar may require by rule. The 87240
renewal notice shall not include the social security number of 87241
either the owner of the motor vehicle or the person in whose 87242
name the motor vehicle is registered. The renewal notice shall 87243
be sent by regular mail to the owner's last known address as 87244
shown in the records of the bureau of motor vehicles. 87245

(2) The registrar is not required to mail a renewal notice 87246
if either of the following applies: 87247

(a) The owner of the vehicle has consented to receiving 87248
the renewal notice by electronic means only. 87249

(b) The application for renewal of the registration of a 87250
motor vehicle is prohibited from being accepted by the registrar 87251
or a deputy registrar by division (D) of section 2935.27, 87252
division (A) of section 4503.13, division (B) of section 87253
4510.22, division (D) of section 4503.234, division (B) (1) of 87254
section 4521.10, or division (B) of section 5537.041 of the 87255
Revised Code. 87256

(3) If the owner of a motor vehicle has consented to 87257
receiving a renewal notice by electronic means only, the 87258
registrar shall send an electronic renewal notice to the owner 87259
that contains the information specified in division (B) (1) of 87260
this section at the time specified under that division. 87261

(C) The owner of the motor vehicle shall verify the 87262
information contained in the notice, sign it either manually or 87263
by electronic means, and return it, either by mail or electronic 87264

means, or the owner may take it in person to any office of the registrar or of a deputy registrar. The owner shall include with the notice a financial transaction device number when renewing in person or by electronic means but not by mail, check, or money order in the amount of the registration taxes and fees payable on the motor vehicle and a service fee equal to the amount established under section 4503.038 of the Revised Code, plus postage as indicated on the notice if the registration is renewed or fulfilled by mail, and an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code. ~~For purposes of the centralized system of motor vehicle registration, the registrar shall accept payments via the toll-free telephone number established under division (D) (1) of section 4503.031 of the Revised Code for renewals made by mail.~~ If the motor vehicle owner chooses to renew the motor vehicle registration by electronic means, the owner shall proceed in accordance with the rules the registrar adopts.

(D) If all registration and transfer fees for the motor vehicle for the preceding year or the preceding period of the current registration year have not been paid, if division (D) of section 2935.27, division (A) of section 4503.13, division (B) of section 4510.22, division (D) of section 4503.234, division (B) (1) of section 4521.10, or division (B) of section 5537.041 of the Revised Code prohibits acceptance of the renewal notice, or if the owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, if that section is applicable, the license shall be refused, and the registrar or deputy registrar shall so notify the owner. This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the

motor vehicle was not taxable for that preceding year or period 87296
under section 4503.02, 4503.04, 4503.11, 4503.12, or 4503.16 or 87297
Chapter 4504. of the Revised Code. 87298

(E) (1) Failure to receive a renewal notice does not 87299
relieve a motor vehicle owner from the responsibility to renew 87300
the registration for the motor vehicle. Any person who has a 87301
motor vehicle registered in this state and who does not receive 87302
a renewal notice as provided in division (B) of this section 87303
prior to the expiration date of the registration shall request 87304
an application for registration from the registrar or a deputy 87305
registrar and sign the application manually or by electronic 87306
means and submit the application and pay any applicable license 87307
taxes and fees to the registrar or deputy registrar. 87308

(2) If the owner of a motor vehicle submits an application 87309
for registration and the registrar is prohibited by division (D) 87310
of section 2935.27, division (A) of section 4503.13, division 87311
(B) of section 4510.22, division (D) of section 4503.234, 87312
division (B) (1) of section 4521.10, or division (B) of section 87313
5537.041 of the Revised Code from accepting the application, the 87314
registrar shall return the application and the payment to the 87315
owner. If the owner of a motor vehicle submits a registration 87316
renewal application to the registrar by electronic means and the 87317
registrar is prohibited from accepting the application as 87318
provided in this division, the registrar shall notify the owner 87319
of this fact and deny the application and return the payment or 87320
give a credit on the financial transaction device account of the 87321
owner in the manner the registrar prescribes by rule adopted 87322
pursuant to division (A) of this section. 87323

(F) Every deputy registrar shall post in a prominent place 87324
at the deputy's office a notice informing the public of the mail 87325

registration system required by this section and also shall post 87326
a notice that every owner of a motor vehicle and every chauffeur 87327
holding a certificate of registration is required to notify the 87328
registrar in writing of any change of residence within ten days 87329
after the change occurs. The notice shall be in such form as the 87330
registrar prescribes by rule. 87331

~~(G)~~ (G) (1) The service fee equal to the amount established 87332
under section 4503.038 of the Revised Code that is collected 87333
from a person who renews a motor vehicle registration by 87334
electronic means or by mail, plus postage collected by the 87335
registrar and any financial transaction device surcharge 87336
collected by the registrar, shall be paid to the credit of the 87337
public safety - highway purposes fund established by section 87338
4501.06 of the Revised Code. 87339

(2) A person who submits an initial registration or a 87340
transfer of registration by electronic means under this section 87341
shall pay a service fee equal to the amount established under 87342
section 4503.038 of the Revised Code, any necessary postage 87343
costs, and any financial transaction device surcharge, as 87344
applicable. The service fee collected shall be paid either to 87345
the registrar or to the deputy registrar that verifies and 87346
authenticates the submitted documents in accordance with 87347
division (A) (2) of this section. If the registrar authorizes a 87348
deputy registrar to mail the certificate of registration and any 87349
associated license plate to the applicant, the postage costs 87350
shall be paid to that deputy registrar. 87351

(H) (1) Pursuant to section 113.40 of the Revised Code, the 87352
registrar shall implement a program permitting payment of motor 87353
vehicle registration taxes and fees, driver's license and 87354
commercial driver's license fees, and any other taxes, fees, 87355

penalties, or charges imposed or levied by the state by means of 87356
a financial transaction device for transactions occurring 87357
online, at any office of the registrar, and at all deputy 87358
registrar locations. The program shall take effect not later 87359
than July 1, 2016. The registrar shall adopt rules as necessary 87360
for this purpose, but all such rules are subject to any action, 87361
policy, or procedure of the board of deposit or treasurer of 87362
state taken or adopted under section 113.40 of the Revised Code. 87363

(2) The rules adopted under division (H) (1) of this 87364
section shall require a deputy registrar to accept payments by 87365
means of a financial transaction device beginning on the 87366
effective date of the rules unless the deputy registrar contract 87367
entered into by the deputy registrar prohibits the acceptance of 87368
such payments by financial transaction device. However, 87369
commencing with deputy registrar contract awards that have a 87370
start date of July 1, 2016, and for all contract awards 87371
thereafter, the registrar shall require that the proposer accept 87372
payment by means of a financial transaction device, including 87373
credit cards and debit cards, for all department of public 87374
safety transactions conducted at that deputy registrar location. 87375

The bureau and deputy registrars are not required to pay 87376
any costs that result from accepting payment by means of a 87377
financial transaction device. A deputy registrar may charge a 87378
person who tenders payment for a department transaction by means 87379
of a financial transaction device any cost the deputy registrar 87380
incurs from accepting payment by the financial transaction 87381
device, but the deputy registrar shall not require the person to 87382
pay any additional fee of any kind in connection with the use by 87383
the person of the financial transaction device. 87384

(3) In accordance with division (H) (1) of this section and 87385

rules adopted by the registrar under that division, a county 87386
auditor or clerk of a court of common pleas that is designated a 87387
deputy registrar shall accept payment by means of a financial 87388
transaction device, including credit cards and debit cards, for 87389
all department transactions conducted at the office of the 87390
county auditor or clerk in the county auditor's or clerk's 87391
capacity as deputy registrar. The bureau is not required to pay 87392
any costs incurred by a county auditor or clerk that result from 87393
accepting payment by means of a financial transaction device for 87394
any department transaction. 87395

(I) For persons who reside in counties where tailpipe 87396
emissions inspections are required under the motor vehicle 87397
inspection and maintenance program, the notice required by 87398
division (B) of this section shall also include the toll-free 87399
telephone number maintained by the Ohio environmental protection 87400
agency to provide information concerning the locations of 87401
emissions testing centers. The registrar also shall include a 87402
statement in the notice that a battery electric motor vehicle is 87403
not required to undergo emissions inspection under the motor 87404
vehicle inspection and maintenance program established under 87405
section 3704.14 of the Revised Code. 87406

Sec. 4503.29. (A) The director of veterans services in 87407
conjunction with the registrar of motor vehicles shall develop 87408
and maintain a program to establish and issue specialty license 87409
plates recognizing military service and military honors 87410
pertaining to valor and service. 87411

(B) The director and the registrar shall jointly adopt 87412
rules in accordance with Chapter 119. of the Revised Code for 87413
purposes of establishing the program under this section. The 87414
director and registrar shall adopt the rules as soon as possible 87415

after June 29, 2018, but not later than nine months after June 29, 2018. The rules shall do all of the following:

(1) Establish specialty license plates recognizing military service;

(2) Establish specialty license plates recognizing military honors pertaining to valor and service;

(3) Establish eligibility criteria that apply to each specialty license plate issued under this section;

(4) Establish requirements governing any necessary documentary evidence required to be presented by an applicant for a specialty license plate issued under this section. The rules shall allow an applicant to present a veterans identification card issued in accordance with section 317.241 of the Revised Code in lieu of a copy of the applicant's DD-214 or an equivalent document. An applicant may be required to present additional evidence if the veterans identification card does not show all of the information needed for issuance of the specific nonstandard license plate requested by the applicant.

(5) Establish guidelines for the designs, markings, and inscriptions on a specialty license plate established under this section;

(6) Establish procedures for altering the designs, markings, or inscriptions on a specialty license plate established under this section;

(7) Prohibit specialty license plates established under this section from recognizing achievement awards or unit awards;

(8) Establish any other procedures or requirements that are necessary for the implementation and administration of this

section. 87444

(C) The rules adopted under division (B) of this section 87445
shall provide for the establishment of the military specialty 87446
license plates created prior to June 29, 2018, that are no 87447
longer codified in the Revised Code. 87448

(D) (1) Any person who meets the applicable qualifications 87449
for the issuance of a specialty license plate established by 87450
rule adopted under division (B) of this section may apply to the 87451
registrar of motor vehicles for the registration of any 87452
passenger car, noncommercial motor vehicle, recreational 87453
vehicle, or other vehicle the person owns or leases of a class 87454
approved by the registrar. The application may be combined with 87455
a request for a special reserved license plate under section 87456
4503.40 or 4503.42 of the Revised Code. 87457

(2) (a) Except as provided in division (D) (2) (b) of this 87458
section, upon receipt of an application for registration of a 87459
motor vehicle under this section and the required taxes and 87460
fees, compliance with all applicable laws relating to the 87461
registration of a motor vehicle, and, if necessary, upon 87462
presentation of the required documentary evidence, the registrar 87463
shall issue to the applicant the appropriate motor vehicle 87464
registration and a set of license plates and a validation 87465
sticker, or a validation sticker alone when required by section 87466
4503.191 of the Revised Code. 87467

(b) Any disabled veteran who qualifies to apply to the 87468
registrar for the registration of a motor vehicle under section 87469
4503.41 of the Revised Code without the payment of any 87470
registration taxes or fees, may apply instead for registration 87471
of the motor vehicle under this section. The disabled veteran 87472
applying for registration under this section is not required to 87473

pay any registration taxes or fees as required by sections 87474
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the 87475
Revised Code, any local motor vehicle tax levied under Chapter 87476
4504. of the Revised Code, ~~or~~ any fee charged under section 87477
4503.19 of the Revised Code for up to two motor vehicles, 87478
including any motor vehicle registered under section 4503.41 of 87479
the Revised Code, or any fees associated with transferring a 87480
registration under section 4503.12 of the Revised Code. Upon 87481
receipt of an application for registration of the motor vehicle 87482
and presentation of any documentation the registrar may require 87483
by rule, the registrar shall issue to the applicant the 87484
appropriate motor vehicle registration and a set of license 87485
plates authorized under this section and a validation sticker, 87486
or a validation sticker alone when required by section 4503.191 87487
of the Revised Code. 87488

(3) The license plates shall display county identification 87489
stickers that identify the county of registration as required 87490
under section 4503.19 of the Revised Code. 87491

Sec. 4503.41. (A) Any disabled veteran who, because of a 87492
service-connected disability, has been or is awarded funds for 87493
the purchase of a motor vehicle under the "Disabled Veterans' 87494
and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 87495
1998, 38 U.S.C. 1901, and amendments thereto, and any disabled 87496
veteran having a service-connected disability rated at one 87497
hundred per cent by the veterans' administration, may apply to 87498
the registrar for the registration of the disabled veteran's 87499
personal motor vehicle. Except as provided in division (C) of 87500
this section, a disabled veteran is not required to pay any 87501
registration fee and service fee as required by sections 87502
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the 87503
Revised Code, any local motor vehicle tax levied under Chapter 87504

4504. of the Revised Code, ~~or~~ any fee charged under section 87505
4503.19 of the Revised Code, or any fees associated with 87506
transferring a registration under section 4503.12 of the Revised 87507
Code. The application for registration shall be accompanied by 87508
such documentary evidence of disability as the registrar may 87509
require by rule. 87510

(B) Upon the receipt of an application for registration of 87511
a motor vehicle under this section, and presentation of 87512
satisfactory evidence of disability, the registrar or deputy 87513
registrar shall issue to the applicant a set of license plates, 87514
which shall be red, white, and blue in color and shall, in 87515
addition to the letters and numbers ordinarily inscribed 87516
thereon, be inscribed with the word "veteran" and imprinted with 87517
the international wheelchair symbol. 87518

(C) A disabled veteran who is eligible to register a motor 87519
vehicle under this section may register as many vehicles as are 87520
titled and registered in that disabled veteran's name. For each 87521
additional registration after the first registration, the 87522
registrar or deputy registrar shall collect any applicable fee 87523
imposed in sections 4503.038, 4503.04, 4503.10, 4503.102, 87524
4503.103, and 4503.19 of the Revised Code, and any local motor 87525
vehicle tax levied under Chapter 4504. of the Revised Code. 87526

Sec. 4503.511. (A) The owner or lessee of any passenger 87527
car, noncommercial motor vehicle, recreational vehicle, or other 87528
vehicle of a class approved by the registrar of motor vehicles 87529
may apply to the registrar for the registration of the vehicle 87530
and issuance of a blackout license plate. The application may be 87531
combined with a request for a special reserved license plate 87532
under section 4503.40 or 4503.42 of the Revised Code. Upon 87533
receipt of the completed application and compliance by the 87534

applicant with divisions (B) and (C) of this section, the 87535
registrar shall issue to the applicant the appropriate vehicle 87536
registration and a blackout license plate and a validation 87537
sticker, or a validation sticker alone when required by section 87538
4503.191 of the Revised Code. 87539

In addition to the letters and numbers ordinarily 87540
inscribed on the license plates, blackout license plates shall 87541
have a black background with white letters or numbers. Blackout 87542
license plates shall not display the slogan "BIRTHPLACE OF 87543
AVIATION" as required under section 4503.22 of the Revised Code. 87544
Blackout license plates also shall not display county 87545
identification stickers that identify the county of registration 87546
as required under section 4503.19 of the Revised Code. 87547

(B) A blackout license plate and a validation sticker, or 87548
validation sticker alone, shall be issued upon receipt of an 87549
application for registration of a motor vehicle under this 87550
section; payment of the regular license tax as prescribed under 87551
section 4503.04 of the Revised Code, any applicable motor 87552
vehicle license tax levied under Chapter 4504. of the Revised 87553
Code, any applicable additional fee prescribed by section 87554
4503.40 or 4503.42 of the Revised Code, a blackout license plate 87555
fee as provided in division (C) of this section, and an 87556
additional administrative fee of ten dollars; and compliance 87557
with all other applicable laws relating to the registration of 87558
motor vehicles. 87559

(C) For each application for registration and registration 87560
renewal notice the registrar receives under this section, the 87561
registrar shall collect a blackout license plate fee of forty 87562
dollars. The registrar shall deposit both of the following into 87563
the state treasury to the credit of the public safety - highway 87564

purposes fund created in section 4501.06 of the Revised Code: 87565

(1) The forty-dollar blackout license plate fee; 87566

(2) The ten-dollar administrative fee, the purpose of 87567
which is to compensate the bureau of motor vehicles for 87568
additional services required in the issuing of blackout license 87569
plates. 87570

Sec. 4503.91. (A) The owner or lessee of any passenger 87571
car, noncommercial motor vehicle, recreational vehicle, or other 87572
vehicle of a class approved by the registrar of motor vehicles 87573
may apply to the registrar for the registration of the vehicle 87574
and issuance of "choose life" license plates. The application 87575
for "choose life" license plates may be combined with a request 87576
for a special reserved license plate under section 4503.40 or 87577
4503.42 of the Revised Code. Upon receipt of the completed 87578
application and compliance with divisions (B) and (C) of this 87579
section, the registrar shall issue to the applicant the 87580
appropriate vehicle registration and a set of "choose life" 87581
license plates with a validation sticker or a validation sticker 87582
alone when required by section 4503.191 of the Revised Code. 87583

In addition to the letters and numbers ordinarily 87584
inscribed on license plates, "choose life" license plates shall 87585
be inscribed with the words "choose life" and a marking designed 87586
by "choose life, inc.," a private, nonprofit corporation 87587
incorporated in the state of Florida. The registrar shall review 87588
the design and approve it if the design is feasible. If the 87589
design is not feasible, the registrar shall notify "choose life, 87590
inc." and the organization may resubmit designs until a feasible 87591
one is approved. "Choose life" license plates shall bear county 87592
identification stickers that identify the county of registration 87593
as required under section 4503.19 of the Revised Code. 87594

(B) "Choose life" license plates and a validation sticker, 87595
or a validation sticker alone, shall be issued upon receipt of a 87596
contribution as provided in division (C) of this section and 87597
upon payment of the regular license tax prescribed in section 87598
4503.04 of the Revised Code, any applicable motor vehicle tax 87599
levied under Chapter 4504. of the Revised Code, any applicable 87600
additional fee prescribed by section 4503.40 or 4503.42 of the 87601
Revised Code, a fee of ten dollars for the purpose of 87602
compensating the bureau of motor vehicles for additional 87603
services required in the issuing of "choose life" license 87604
plates, and compliance with all other applicable laws relating 87605
to the registration of motor vehicles. 87606

(C) (1) For each application for registration and 87607
registration renewal received under this section, the registrar 87608
shall collect a contribution of twenty dollars. The registrar 87609
shall transmit this contribution to the treasurer of state for 87610
deposit in the "choose life" fund created in section ~~3701.65~~ 87611
5180.72 of the Revised Code. 87612

(2) The registrar shall deposit the additional fee of ten 87613
dollars specified in division (B) of this section for the 87614
purpose of compensating the bureau for the additional services 87615
required in issuing "chooselife" license plates in the public 87616
safety - highway purposes fund created in section 4501.06 of the 87617
Revised Code. 87618

Sec. 4505.09. (A) (1) The clerk of a court of common pleas 87619
shall charge and retain fees as follows: 87620

(a) Five dollars for each certificate of title that is not 87621
applied for within thirty days after the later of the assignment 87622
or delivery of the motor vehicle described in it. The entire fee 87623
shall be retained by the clerk. 87624

(b) Fifteen dollars for each certificate of title or 87625
duplicate certificate of title including the issuance of a 87626
memorandum certificate of title, or authorization to print a 87627
non-negotiable evidence of ownership described in division (G) 87628
of section 4505.08 of the Revised Code, non-negotiable evidence 87629
of ownership printed by the clerk under division (H) of that 87630
section, and notation of any lien on a certificate of title that 87631
is applied for at the same time as the certificate of title. The 87632
clerk shall retain eleven dollars and fifty cents of that fee 87633
for each certificate of title when there is a notation of a lien 87634
or security interest on the certificate of title, twelve dollars 87635
and twenty-five cents when there is no lien or security interest 87636
noted on the certificate of title, and eleven dollars and fifty 87637
cents for each duplicate certificate of title. 87638

(c) Four dollars and fifty cents for each certificate of 87639
title with no security interest noted that is issued to a 87640
licensed motor vehicle dealer for resale purposes and, in 87641
addition, a separate fee of fifty cents. The clerk shall retain 87642
two dollars and twenty-five cents of that fee. 87643

(d) Five dollars for each memorandum certificate of title 87644
or non-negotiable evidence of ownership that is applied for 87645
separately. The clerk shall retain that entire fee. 87646

(2) The fees that are not retained by the clerk shall be 87647
paid to the registrar of motor vehicles by monthly returns, 87648
which shall be forwarded to the registrar not later than the 87649
fifth day of the month next succeeding that in which the 87650
certificate is issued or that in which the registrar is notified 87651
of a lien or cancellation of a lien. 87652

(B) (1) The registrar shall pay twenty-five cents of the 87653
amount received for each certificate of title issued to a motor 87654

vehicle dealer for resale, one dollar for certificates of title 87655
issued with a lien or security interest noted on the certificate 87656
of title, and twenty-five cents for each certificate of title 87657
with no lien or security interest noted on the certificate of 87658
title into the public safety - highway purposes fund established 87659
in section 4501.06 of the Revised Code. 87660

(2) Fifty cents of the amount received for each 87661
certificate of title shall be paid by the registrar as follows: 87662

(a) Four cents shall be paid into the state treasury to 87663
the credit of the motor vehicle dealers board fund, which is 87664
hereby created. All investment earnings of the fund shall be 87665
credited to the fund. The moneys in the motor vehicle dealers 87666
board fund shall be used by the motor vehicle dealers board 87667
created under section 4517.30 of the Revised Code, together with 87668
other moneys appropriated to it, in the exercise of its powers 87669
and the performance of its duties under Chapter 4517. of the 87670
Revised Code, except that the director of budget and management 87671
may transfer excess money from the motor vehicle dealers board 87672
fund to the public safety - highway purposes fund if the 87673
registrar determines that the amount of money in the motor 87674
vehicle dealers board fund, together with other moneys 87675
appropriated to the board, exceeds the amount required for the 87676
exercise of its powers and the performance of its duties under 87677
Chapter 4517. of the Revised Code and requests the director to 87678
make the transfer. 87679

(b) Thirty-one cents shall be paid into the highway 87680
operating fund created by section 5735.051 of the Revised Code. 87681

(c) Fifteen cents shall be paid into the state treasury to 87682
the credit of the motor vehicle sales audit fund, which is 87683
hereby created. The moneys in the fund shall be used by the tax 87684

commissioner together with other funds available to the 87685
commissioner to conduct a continuing investigation of sales and 87686
use tax returns filed for motor vehicles in order to determine 87687
if sales and use tax liability has been satisfied. The 87688
commissioner shall refer cases of apparent violations of section 87689
2921.13 of the Revised Code made in connection with the titling 87690
or sale of a motor vehicle and cases of any other apparent 87691
violations of the sales or use tax law to the appropriate county 87692
prosecutor whenever the commissioner considers it advisable. 87693

(3) Two dollars of the amount received by the registrar 87694
under divisions (A) (1) (a), (b), and (d) of this section and one 87695
dollar and fifty cents of the amount received by the registrar 87696
under division (A) (1) (c) of this section for each certificate of 87697
title shall be paid into the state treasury to the credit of the 87698
automated title processing fund, which is hereby created and 87699
which shall consist of moneys collected under division (B) (3) of 87700
this section and under sections 1548.10 and 4519.59 of the 87701
Revised Code. All investment earnings of the fund shall be 87702
credited to the fund. The moneys in the fund shall be used as 87703
follows: 87704

(a) Except for moneys collected under section 1548.10 of 87705
the Revised Code, moneys collected under division (B) (3) of this 87706
section shall be used to implement and maintain an automated 87707
title processing system for the issuance of motor vehicle, off- 87708
highway motorcycle, and all-purpose vehicle certificates of 87709
title in the offices of the clerks of the courts of common 87710
pleas. Those moneys also shall be used to pay expenses that 87711
arise as a result of enabling electronic motor vehicle dealers 87712
to directly transfer applications for certificates of title 87713
under division (A) (3) of section 4505.06 of the Revised Code. 87714

(b) Moneys collected under section 1548.10 of the Revised Code shall be used to issue marine certificates of title in the offices of the clerks of the courts of common pleas as provided in Chapter 1548. of the Revised Code.

(4) The registrar shall pay the fifty-cent separate fee collected from a licensed motor vehicle dealer under division (A) (1) (c) of this section into the title defect recision fund created by section 1345.52 of the Revised Code.

(C) (1) The automated title processing board is hereby created consisting of the registrar or the registrar's representative, a person selected by the registrar, the president of the Ohio clerks of court association or the president's representative, and two clerks of courts of common pleas appointed by the governor. ~~The director of budget and management or the director's designee, the~~ chief of the division of parks and watercraft in the department of natural resources or the chief's designee, and the tax commissioner or the commissioner's designee shall be nonvoting members of the board. The purpose of the board is to facilitate the operation and maintenance of an automated title processing system and approve the procurement of automated title processing system equipment and ribbons, cartridges, or other devices necessary for the operation of that equipment. Voting members of the board, excluding the registrar or the registrar's representative, shall serve without compensation, but shall be reimbursed for travel and other necessary expenses incurred in the conduct of their official duties. The registrar or the registrar's representative shall receive neither compensation nor reimbursement as a board member.

(2) The automated title processing board shall determine

each of the following: 87745

(a) The automated title processing equipment and 87746
certificates of title requirements for each county; 87747

(b) The payment of expenses that may be incurred by the 87748
counties in implementing an automated title processing system; 87749

(c) The repayment to the counties for existing title 87750
processing equipment; 87751

(d) With the approval of the director of public safety, 87752
the award of grants from the automated title processing fund to 87753
the clerk of courts of any county who employs a person who 87754
assists with the design of, updates to, tests of, installation 87755
of, or any other activity related to, an automated title 87756
processing system. Any grant awarded under division (C) (2) (d) of 87757
this section shall be deposited into the appropriate county 87758
certificate of title administration fund created under section 87759
325.33 of the Revised Code and shall not be used to supplant any 87760
other funds. 87761

(3) The registrar shall purchase, lease, or otherwise 87762
acquire any automated title processing equipment and 87763
certificates of title that the board determines are necessary 87764
from moneys in the automated title processing fund established 87765
by division (B) (3) of this section. 87766

(D) All counties shall conform to the requirements of the 87767
registrar regarding the operation of their automated title 87768
processing system for motor vehicle titles, certificates of 87769
title for off-highway motorcycles and all-purpose vehicles, and 87770
certificates of title for watercraft and outboard motors. 87771

Sec. 4506.01. As used in this chapter: 87772

(A) "Alcohol concentration" means the concentration of 87773
alcohol in a person's blood, breath, or urine. When expressed as 87774
a percentage, it means grams of alcohol per the following: 87775

(1) One hundred milliliters of whole blood, blood serum, 87776
or blood plasma; 87777

(2) Two hundred ten liters of breath; 87778

(3) One hundred milliliters of urine. 87779

(B) (1) "Commercial driver's license" means a license 87780
issued in accordance with this chapter that authorizes an 87781
individual to drive a commercial motor vehicle. Except as 87782
otherwise specifically provided, "commercial driver's license" 87783
includes an "enhanced commercial driver's license." 87784

(2) "Enhanced commercial driver's license" means a 87785
commercial driver's license issued in accordance with sections— 87786
~~4507.021~~ 4506.072 and ~~4506.072~~ 4507.021 of the Revised Code that 87787
denotes citizenship and identity and is approved by the United 87788
States secretary of homeland security or other designated 87789
federal agency for purposes of entering the United States. 87790

(C) "Commercial driver's license information system" means 87791
the information system established pursuant to the requirements 87792
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 87793
3207-171, 49 U.S.C.A. App. 2701. 87794

(D) Except when used in section 4506.25 of the Revised 87795
Code, "commercial motor vehicle" means any motor vehicle 87796
designed or used to transport persons or property that meets any 87797
of the following qualifications: 87798

(1) Any combination of vehicles with a gross vehicle 87799
weight or combined gross vehicle weight rating of twenty-six 87800

thousand one pounds or more, provided the gross vehicle weight 87801
or gross vehicle weight rating of the vehicle or vehicles being 87802
towed is in excess of ten thousand pounds; 87803

(2) Any single vehicle with a gross vehicle weight or 87804
gross vehicle weight rating of twenty-six thousand one pounds or 87805
more; 87806

(3) Any single vehicle or combination of vehicles that is 87807
not a class A or class B vehicle, but is designed to transport 87808
sixteen or more passengers including the driver; 87809

(4) Any school bus with a gross vehicle weight or gross 87810
vehicle weight rating of less than twenty-six thousand one 87811
pounds that is designed to transport fewer than sixteen 87812
passengers including the driver; 87813

(5) Is transporting hazardous materials for which 87814
placarding is required under subpart F of 49 C.F.R. part 172, as 87815
amended; 87816

(6) Any single vehicle or combination of vehicles that is 87817
designed to be operated and to travel on a public street or 87818
highway and is considered by the federal motor carrier safety 87819
administration to be a commercial motor vehicle, including, but 87820
not limited to, a motorized crane, a vehicle whose function is 87821
to pump cement, a rig for drilling wells, and a portable crane. 87822

(E) "Controlled substance" means all of the following: 87823

(1) Any substance classified as a controlled substance 87824
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 87825
U.S.C.A. 802(6), as amended; 87826

(2) Any substance included in schedules I through V of 21 87827
C.F.R. part 1308, as amended; 87828

- (3) Any drug of abuse. 87829
- (F) "Conviction" means an unvacated adjudication of guilt 87830
or a determination that a person has violated or failed to 87831
comply with the law in a court of original jurisdiction or an 87832
authorized administrative tribunal, an unvacated forfeiture of 87833
bail or collateral deposited to secure the person's appearance 87834
in court, a plea of guilty or nolo contendere accepted by the 87835
court, the payment of a fine or court cost, or violation of a 87836
condition of release without bail, regardless of whether or not 87837
the penalty is rebated, suspended, or probated. 87838
- (G) "Disqualification" means any of the following: 87839
- (1) The suspension, revocation, or cancellation of a 87840
person's privileges to operate a commercial motor vehicle; 87841
- (2) Any withdrawal of a person's privileges to operate a 87842
commercial motor vehicle as the result of a violation of state 87843
or local law relating to motor vehicle traffic control other 87844
than parking, vehicle weight, or vehicle defect violations; 87845
- (3) A determination by the federal motor carrier safety 87846
administration that a person is not qualified to operate a 87847
commercial motor vehicle under 49 C.F.R. 391. 87848
- (H) "Domiciled" means having a true, fixed, principal, and 87849
permanent residence to which an individual intends to return. 87850
- (I) "Downgrade" means any of the following, as applicable: 87851
- (1) A change in the commercial driver's license, or 87852
commercial driver's license temporary instruction permit, 87853
holder's self-certified status as described in division (A) (1) 87854
of section 4506.10 of the Revised Code; 87855
- (2) A change to a lesser class of vehicle; 87856

(3) Removal of commercial driver's license privileges from 87857
the individual's driver's license; 87858

(4) A change in the commercial driver's license, or 87859
commercial driver's license temporary instruction permit, 87860
holder's privileges as described in division (F) (1) of section 87861
4506.13 of the Revised Code. 87862

(J) "Drive" means to drive, operate, or be in physical 87863
control of a motor vehicle. 87864

(K) "Driver" means any person who drives, operates, or is 87865
in physical control of a commercial motor vehicle or is required 87866
to have a commercial driver's license. 87867

(L) "Driver's license" means a license issued by the 87868
bureau of motor vehicles that authorizes an individual to drive. 87869

(M) "Drug of abuse" means any controlled substance, 87870
dangerous drug as defined in section 4729.01 of the Revised 87871
Code, harmful intoxicant as defined in section 2925.01 of the 87872
Revised Code, or over-the-counter medication that, when taken in 87873
quantities exceeding the recommended dosage, can result in 87874
impairment of judgment or reflexes. 87875

(N) "Electronic device" includes a cellular telephone, a 87876
personal digital assistant, a pager, a computer, and any other 87877
device used to input, write, send, receive, or read text. 87878

(O) "Eligible unit of local government" means a village, 87879
township, or county that has a population of not more than three 87880
thousand persons according to the most recent federal census. 87881

(P) "Employer" means any person, including the federal 87882
government, any state, and a political subdivision of any state, 87883
that owns or leases a commercial motor vehicle or assigns a 87884

person to drive such a motor vehicle. 87885

(Q) "Endorsement" means an authorization on a person's 87886
commercial driver's license that is required to permit the 87887
person to operate a specified type of commercial motor vehicle. 87888

(R) "Farm truck" means a truck controlled and operated by 87889
a farmer for use in the transportation to or from a farm, for a 87890
distance of not more than one hundred fifty miles, of products 87891
of the farm, including livestock and its products, poultry and 87892
its products, floricultural and horticultural products, and in 87893
the transportation to the farm, from a distance of not more than 87894
one hundred fifty miles, of supplies for the farm, including 87895
tile, fence, and every other thing or commodity used in 87896
agricultural, floricultural, horticultural, livestock, and 87897
poultry production, and livestock, poultry, and other animals 87898
and things used for breeding, feeding, or other purposes 87899
connected with the operation of the farm, when the truck is 87900
operated in accordance with this division and is not used in the 87901
operations of a motor carrier, as defined in section 4923.01 of 87902
the Revised Code. 87903

(S) "Fatality" means the death of a person as the result 87904
of a motor vehicle accident occurring not more than three 87905
hundred sixty-five days prior to the date of death. 87906

(T) "Felony" means any offense under federal or state law 87907
that is punishable by death or specifically classified as a 87908
felony under the law of this state, regardless of the penalty 87909
that may be imposed. 87910

(U) "Foreign jurisdiction" means any jurisdiction other 87911
than a state. 87912

(V) "Gross vehicle weight rating" means the value 87913

specified by the manufacturer as the maximum loaded weight of a 87914
single or a combination vehicle. The gross vehicle weight rating 87915
of a combination vehicle is the gross vehicle weight rating of 87916
the power unit plus the gross vehicle weight rating of each 87917
towed unit. 87918

(W) "Hazardous materials" means any material that has been 87919
designated as hazardous under 49 U.S.C. 5103 and is required to 87920
be placarded under subpart F of 49 C.F.R. part 172 or any 87921
quantity of a material listed as a select agent or toxin in 42 87922
C.F.R. part 73, as amended. 87923

(X) "Imminent hazard" means the existence of a condition 87924
that presents a substantial likelihood that death, serious 87925
illness, severe personal injury, or a substantial endangerment 87926
to health, property, or the environment may occur before the 87927
reasonably foreseeable completion date of a formal proceeding 87928
begun to lessen the risk of that death, illness, injury, or 87929
endangerment. 87930

(Y) "Medical variance" means one of the following received 87931
by a driver from the federal motor carrier safety administration 87932
that allows the driver to be issued a medical certificate: 87933

(1) An exemption letter permitting operation of a 87934
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 87935
C.F.R. 391.64; 87936

(2) A skill performance evaluation certificate permitting 87937
operation of a commercial motor vehicle pursuant to 49 C.F.R. 87938
391.49. 87939

(Z) "Mobile telephone" means a mobile communication device 87940
that falls under or uses any commercial mobile radio service as 87941
defined in 47 C.F.R. 20, except that mobile telephone does not 87942

include two-way or citizens band radio services. 87943

(AA) "Motor vehicle" means a vehicle, machine, tractor, 87944
trailer, or semitrailer propelled or drawn by mechanical power 87945
used on highways, except that such term does not include a 87946
vehicle, machine, tractor, trailer, or semitrailer operated 87947
exclusively on a rail. 87948

(BB) "Out-of-service order" means a declaration by an 87949
authorized enforcement officer of a federal, state, local, 87950
Canadian, or Mexican jurisdiction declaring that a driver, 87951
commercial motor vehicle, or commercial motor carrier operation 87952
is out of service as defined in 49 C.F.R. 390.5. 87953

(CC) "Peace officer" has the same meaning as in section 87954
2935.01 of the Revised Code. 87955

(DD) "Portable tank" means a liquid or gaseous packaging 87956
designed primarily to be loaded onto or temporarily attached to 87957
a vehicle and equipped with skids, mountings, or accessories to 87958
facilitate handling of the tank by mechanical means. 87959

(EE) "Public safety vehicle" has the same meaning as in 87960
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 87961

(FF) "Recreational vehicle" includes every vehicle that is 87962
defined as a recreational vehicle in section 4501.01 of the 87963
Revised Code and is used exclusively for purposes other than 87964
engaging in business for profit. 87965

(GG) "Residence" means any person's residence determined 87966
in accordance with standards prescribed in rules adopted by the 87967
registrar. 87968

(HH) "School bus" has the same meaning as in section 87969
4511.01 of the Revised Code. 87970

(II) "Serious traffic violation" means any of the 87971
following: 87972

(1) A conviction arising from a single charge of operating 87973
a commercial motor vehicle in violation of any provision of 87974
section 4506.03 of the Revised Code; 87975

(2) (a) Except as provided in division (II) (2) (b) of this 87976
section, a violation while operating a commercial motor vehicle 87977
of a law of this state, or any municipal ordinance or county or 87978
township resolution, or any other substantially similar law of 87979
another state or political subdivision of another state 87980
prohibiting either of the following: 87981

(i) Texting while driving; 87982

(ii) Using a handheld mobile telephone. 87983

(b) It is not a serious traffic violation if the person 87984
was texting or using a handheld mobile telephone to contact law 87985
enforcement or other emergency services. 87986

(3) A conviction arising from the operation of any motor 87987
vehicle that involves any of the following: 87988

(a) A single charge of any speed in excess of the posted 87989
speed limit by fifteen miles per hour or more; 87990

(b) Violation of section 4511.20 or 4511.201 of the 87991
Revised Code or any similar ordinance or resolution, or of any 87992
similar law of another state or political subdivision of another 87993
state; 87994

(c) Violation of a law of this state or an ordinance or 87995
resolution relating to traffic control, other than a parking 87996
violation, or of any similar law of another state or political 87997
subdivision of another state, that results in a fatal accident; 87998

(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;

(e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;

(f) Violation of section 4511.33 or 4511.34 of the Revised Code, or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;

(g) Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements:

(i) It relates to traffic control, other than a parking violation;

(ii) It is determined to be a serious traffic violation by the United States secretary of transportation and is designated by the director as such by rule.

(JJ) "State" means a state of the United States and

includes the District of Columbia. 88028

(KK) "Tank vehicle" means any commercial motor vehicle 88029
that is designed to transport any liquid or gaseous materials 88030
within a tank or tanks that are either permanently or 88031
temporarily attached to the vehicle or its chassis and have an 88032
individual rated capacity of more than one hundred nineteen 88033
gallons and an aggregate rated capacity of one thousand gallons 88034
or more. "Tank vehicle" does not include a commercial motor 88035
vehicle transporting an empty storage container tank that is not 88036
designed for transportation, has a rated capacity of one 88037
thousand gallons or more, and is temporarily attached to a 88038
flatbed trailer. 88039

(LL) "Tester" means a person or entity acting pursuant to 88040
a valid agreement entered into pursuant to division (B) of 88041
section 4506.09 of the Revised Code. 88042

(MM) "Texting" means manually entering alphanumeric text 88043
into, or reading text from, an electronic device. Texting 88044
includes short message service, e-mail, instant messaging, a 88045
command or request to access a world wide web page, pressing 88046
more than a single button to initiate or terminate a voice 88047
communication using a mobile telephone, or engaging in any other 88048
form of electronic text retrieval or entry, for present or 88049
future communication. Texting does not include the following: 88050

(1) Using voice commands to initiate, receive, or 88051
terminate a voice communication using a mobile telephone; 88052

(2) Inputting, selecting, or reading information on a 88053
global positioning system or navigation system; 88054

(3) Pressing a single button to initiate or terminate a 88055
voice communication using a mobile telephone; or 88056

(4) Using, for a purpose that is not otherwise prohibited 88057
by law, a device capable of performing multiple functions, such 88058
as a fleet management system, a dispatching device, a mobile 88059
telephone, a citizens band radio, or a music player. 88060

(NN) "Texting while driving" means texting while operating 88061
a commercial motor vehicle, with the motor running, including 88062
while temporarily stationary because of traffic, a traffic 88063
control device, or other momentary delays. Texting while driving 88064
does not include operating a commercial motor vehicle with or 88065
without the motor running when the driver has moved the vehicle 88066
to the side of, or off, a highway and is stopped in a location 88067
where the vehicle can safely remain stationary. 88068

(OO) "United States" means the fifty states and the 88069
District of Columbia. 88070

(PP) "Upgrade" means a change in the class of vehicles, 88071
endorsements, or self-certified status as described in division 88072
(A) (1) of section 4506.10 of the Revised Code, that expands the 88073
ability of a current commercial driver's license holder to 88074
operate commercial motor vehicles under this chapter; 88075

(QQ) "Use of a handheld mobile telephone" means: 88076

(1) Using at least one hand to hold a mobile telephone to 88077
conduct a voice communication; 88078

(2) Dialing or answering a mobile telephone by pressing 88079
more than a single button; or 88080

(3) Reaching for a mobile telephone in a manner that 88081
requires a driver to maneuver so that the driver is no longer in 88082
a seated driving position, or restrained by a seat belt that is 88083
installed in accordance with 49 C.F.R. 393.93 and adjusted in 88084
accordance with the vehicle manufacturer's instructions. 88085

(RR) "Vehicle" has the same meaning as in section 4511.01 88086
of the Revised Code. 88087

Sec. 4506.05. (A) Notwithstanding any other provision of 88088
law, a person may drive a commercial motor vehicle on a highway 88089
in this state if all of the following conditions are met: 88090

(1) The person has a valid commercial driver's license or 88091
commercial driver's license temporary instruction permit issued 88092
by any state or jurisdiction in accordance with the minimum 88093
standards adopted by the federal motor carrier safety 88094
administration under the "Commercial Motor Vehicle Safety Act of 88095
1986," 100 Stat. 3207-171, 49 U.S.C.A. App. for issuance of 88096
commercial driver's licenses; 88097

(2) The person's commercial driver's license or temporary 88098
instruction permit is not suspended, revoked, or canceled, and 88099
the person has the appropriate endorsements for the vehicle that 88100
is being driven; 88101

(3) The person is not disqualified from driving a 88102
commercial motor vehicle; 88103

(4) The person is not subject to an out-of-service order; 88104

(5) The person is medically certified as physically 88105
qualified to operate a commercial motor vehicle in accordance 88106
with this chapter. 88107

(a) A person who submitted a medical examiner's 88108
certificate to the registrar in accordance with division (A)(1) 88109
of section 4506.10 of the Revised Code and whose medical 88110
certification information is maintained in the commercial 88111
driver's license information system is not required to have the 88112
medical examiner's certificate in the person's possession when 88113
on duty. 88114

(b) A person whose medical certification information is 88115
not maintained in the commercial driver's license information 88116
system shall have in the person's possession when on duty the 88117
original or a copy of the current medical examiner's certificate 88118
that was submitted to the registrar. However, the person may 88119
operate a commercial motor vehicle with such proof of medical 88120
certification for not more than fifteen days after the date the 88121
current medical examiner's certificate was issued to the person. 88122

(c) A person who has a medical variance shall have in the 88123
person's possession the original or copy of the medical variance 88124
documentation at all times while on duty. 88125

(6) The person is not prohibited from operating a 88126
commercial motor vehicle because the person violated 49 C.F.R. 88127
382, subpart B. 88128

(B) No person shall drive a commercial motor vehicle on a 88129
highway in this state if the person does not meet the conditions 88130
specified in division (A) of this section. 88131

(C) Except as set forth in 49 C.F.R. 390.3(f), 391.2, 88132
391.62, 391.67, and 391.68, no person holding a commercial 88133
driver's license temporary instruction permit or a commercial 88134
driver's license issued under this chapter may drive a 88135
commercial motor vehicle in interstate commerce until the person 88136
is at least twenty-one years of age. 88137

(D) (1) Whoever violates this section is guilty of a 88138
misdemeanor of the first degree. 88139

(2) The offenses established under this section are strict 88140
liability offenses and section 2901.20 of the Revised Code does 88141
not apply. The designation of these offenses as strict liability 88142
offenses shall not be construed to imply that any other offense, 88143

for which there is no specified degree of culpability, is not a 88144
strict liability offense. 88145

Sec. 4506.07. (A) An applicant for a commercial driver's 88146
license, restricted commercial driver's license, or a commercial 88147
driver's license temporary instruction permit, or a duplicate of 88148
such a license or permit, shall submit an application upon a 88149
form approved and furnished by the registrar of motor vehicles. 88150
Except as provided in section 4506.24 of the Revised Code in 88151
regard to a restricted commercial driver's license, the 88152
applicant shall sign the application which shall contain the 88153
following information: 88154

(1) The applicant's name, date of birth, social security 88155
account number, sex, general description including height, 88156
weight, and color of hair and eyes, current residence, duration 88157
of residence in this state, state of domicile, country of 88158
citizenship, and occupation; 88159

(2) Whether the applicant previously has been licensed to 88160
operate a commercial motor vehicle or any other type of motor 88161
vehicle in another state or a foreign jurisdiction and, if so, 88162
when, by what state, and whether the license or driving 88163
privileges currently are suspended or revoked in any 88164
jurisdiction, or the applicant otherwise has been disqualified 88165
from operating a commercial motor vehicle, or is subject to an 88166
out-of-service order issued under this chapter or any similar 88167
law of another state or a foreign jurisdiction and, if so, the 88168
date of, locations involved, and reason for the suspension, 88169
revocation, disqualification, or out-of-service order; 88170

(3) Whether the applicant has any physical or mental 88171
disability or disease that prevents the applicant from 88172
exercising reasonable and ordinary control over a motor vehicle 88173

while operating it upon a highway or is or has been subject to 88174
any condition resulting in episodic impairment of consciousness 88175
or loss of muscular control and, if so, the nature and extent of 88176
the disability, disease, or condition, and the names and 88177
addresses of the physicians, certified nurse-midwives if 88178
authorized as described in section 4723.438 of the Revised Code, 88179
clinical nurse specialists, or certified nurse practitioners 88180
attending the applicant; 88181

(4) Whether the applicant has obtained a medical 88182
examiner's certificate as required by this chapter and, 88183
beginning January 30, 2012, the applicant, prior to or at the 88184
time of applying, has self-certified to the registrar the 88185
applicable status of the applicant under division (A)(1) of 88186
section 4506.10 of the Revised Code; 88187

(5) Whether the applicant has pending a citation for 88188
violation of any motor vehicle law or ordinance except a parking 88189
violation and, if so, a description of the citation, the court 88190
having jurisdiction of the offense, and the date when the 88191
offense occurred; 88192

(6) If an applicant has not certified the applicant's 88193
willingness to make an anatomical gift under section 2108.05 of 88194
the Revised Code, whether the applicant wishes to certify 88195
willingness to make such an anatomical gift, which shall be 88196
given no consideration in the issuance of a license; 88197

(7) Whether the applicant has executed a valid durable 88198
power of attorney for health care pursuant to sections 1337.11 88199
to 1337.17 of the Revised Code or has executed a declaration 88200
governing the use or continuation, or the withholding or 88201
withdrawal, of life-sustaining treatment pursuant to sections 88202
2133.01 to 2133.15 of the Revised Code and, if the applicant has 88203

executed either type of instrument, whether the applicant wishes 88204
the license issued to indicate that the applicant has executed 88205
the instrument; 88206

(8) Whether the applicant is a veteran, active duty, or 88207
reservist of the armed forces of the United States and, if the 88208
applicant is such, whether the applicant wishes the license 88209
issued to indicate that the applicant is a veteran, active duty, 88210
or reservist of the armed forces of the United States by a 88211
military designation on the license; 88212

(9) Whether the applicant currently is prohibited by the 88213
federal motor carrier safety administration from operating a 88214
commercial motor vehicle because the applicant violated 49 88215
C.F.R. 382, subpart B. 88216

(B) Every applicant shall certify, on a form approved and 88217
furnished by the registrar, all of the following: 88218

(1) That the motor vehicle in which the applicant intends 88219
to take the driving skills test is representative of the type of 88220
motor vehicle that the applicant expects to operate as a driver; 88221

(2) That the applicant is not subject to any 88222
disqualification or out-of-service order, or license suspension, 88223
revocation, or cancellation, under the laws of this state, of 88224
another state, or of a foreign jurisdiction and does not have 88225
more than one driver's license issued by this or another state 88226
or a foreign jurisdiction; 88227

(3) Any additional information, certification, or evidence 88228
that the registrar requires by rule in order to ensure that the 88229
issuance of a commercial driver's license or commercial driver's 88230
license temporary instruction permit to the applicant is in 88231
compliance with the law of this state and with federal law. 88232

(C) Every applicant shall execute a form, approved and 88233
furnished by the registrar, under which the applicant consents 88234
to the release by the registrar of information from the 88235
applicant's driving record. 88236

(D) The registrar or a deputy registrar, in accordance 88237
with section 3503.11 of the Revised Code, shall register as an 88238
elector any applicant for a commercial driver's license or for a 88239
renewal or duplicate of such a license under this chapter, if 88240
the applicant is eligible and wishes to be registered as an 88241
elector. The decision of an applicant whether to register as an 88242
elector shall be given no consideration in the decision of 88243
whether to issue the applicant a license or a renewal or 88244
duplicate. 88245

(E) The registrar or a deputy registrar, in accordance 88246
with section 3503.11 of the Revised Code, shall offer the 88247
opportunity of completing a notice of change of residence or 88248
change of name to any applicant for a commercial driver's 88249
license or for a renewal or duplicate of such a license who is a 88250
resident of this state, if the applicant is a registered elector 88251
who has changed the applicant's residence or name and has not 88252
filed such a notice. 88253

(F) In considering any application submitted pursuant to 88254
this section, the bureau of motor vehicles may conduct any 88255
inquiries necessary to ensure that issuance or renewal of a 88256
commercial driver's license would not violate any provision of 88257
the Revised Code or federal law. 88258

(G) In addition to any other information it contains, the 88259
form approved and furnished by the registrar of motor vehicles 88260
for an application for a commercial driver's license, restricted 88261
commercial driver's license, or a commercial driver's license 88262

temporary instruction permit or an application for a duplicate 88263
of such a license or permit shall inform applicants that the 88264
applicant must present a copy of the applicant's DD-214 or an 88265
equivalent document in order to qualify to have the license, or 88266
permit, or duplicate indicate that the applicant is a veteran, 88267
active duty, or reservist of the armed forces of the United 88268
States based on a request made pursuant to division (A) (8) of 88269
this section. 88270

Sec. 4506.13. (A) The registrar of motor vehicles may 88271
authorize the highway patrol or any other employee of the 88272
department of public safety to issue an examiner's commercial 88273
examinations passed form to an applicant who has passed the 88274
required examinations. The examiner's commercial examinations 88275
passed form shall be used to indicate the examinations taken and 88276
passed by the commercial driver's license applicant. 88277

(B) (1) Before issuing, renewing, transferring, or 88278
upgrading a commercial driver's license temporary instruction 88279
permit or a commercial driver's license, the registrar of motor 88280
vehicles shall obtain information about the applicant's driving 88281
record, whether the applicant was previously issued a commercial 88282
driver's license in another state, or whether the applicant is 88283
disqualified or prohibited from operating a commercial motor 88284
vehicle through the commercial driver's license information 88285
system, the drug and alcohol clearinghouse, the applicant's 88286
state of licensure, and when available, the national driver 88287
register. In addition, before initially issuing a class A or 88288
class B commercial driver's license, a passenger endorsement, a 88289
school bus endorsement, or a hazardous materials endorsement, 88290
the registrar shall verify that the applicant completed the 88291
training required under 49 C.F.R. 380, subpart F, through the 88292
federal motor carrier safety administration's training provider 88293

registry. The registrar also shall check the applicant's driver 88294
record to ensure that an applicant who self-certified under 88295
division (A) (1) (a) (i) of section 4506.10 of the Revised Code 88296
that the applicant's operation of a commercial motor vehicle is 88297
non-excepted interstate, is medically certified. 88298

(2) The registrar shall not issue, renew, upgrade, or 88299
transfer the applicant's commercial driver's license temporary 88300
instruction permit or commercial driver's license if any of the 88301
following apply: 88302

(a) The registrar obtains adverse information regarding 88303
the applicant's driving record. 88304

(b) There is no information regarding the driver's self- 88305
certification type as required by division (A) (1) of section 88306
4506.10 of the Revised Code. 88307

(c) The applicant's medical status is not certified, when 88308
required to be certified under division (A) (1) (a) (i) of section 88309
4506.10 of the Revised Code. 88310

(d) The applicant is prohibited from operating a 88311
commercial motor vehicle because the applicant violated the drug 88312
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 88313
B; 88314

(e) If required, the applicant did not successfully 88315
complete the training required by 49 C.F.R. 380, subpart F, as 88316
documented in the federal motor carrier safety administration's 88317
training provider registry. 88318

(3) If the record check reveals information that the 88319
applicant claims is outdated, contested, or invalid, the 88320
registrar shall deny the application until the applicant can 88321
resolve the conflict. 88322

- (C) The registrar shall do all of the following: 88323
- (1) Within ten days after issuing a commercial driver's 88324
license temporary instruction permit or commercial driver's 88325
license, notify the commercial driver's license information 88326
system, when available, of that fact and provide all information 88327
required to ensure identification of the licensee. If the 88328
registrar is notified that driver has been issued a medical 88329
variance, the registrar shall indicate the existence of the 88330
medical variance on the ~~commercial driver's license holder's~~ 88331
commercial driver's license information system driver record. 88332
- (2) For those drivers self-certifying under division (A) 88333
(1) (a) (i) of section 4506.10 of the Revised Code as non-excepted 88334
interstate, post the applicant's medical status as certified or 88335
non-certified on the applicant's commercial driver's license 88336
information system driver record upon receiving a valid original 88337
or copy of the medical examiner's certificate; 88338
- (3) Post the driver's self-certification type as set forth 88339
in division (A) (1) of section 4506.10 of the Revised Code; 88340
- (4) Post information from the medical examiner's 88341
certificate, if applicable, on the ~~commercial driver's license~~ 88342
~~holder's~~ commercial driver's license information system driver 88343
record within ten calendar days of receipt of the medical 88344
examiner's certificate; 88345
- (5) Retain the original or a copy of the commercial 88346
driver's license temporary instruction permit or commercial 88347
driver's license holder's medical certificate for a minimum of 88348
three years after the date the certificate was issued; 88349
- (6) Post and maintain as part of the commercial driver's 88350
license information system driver record all convictions, 88351

disqualifications, and other licensing actions for violations of 88352
any state or municipal ordinances related to motor vehicle 88353
traffic control, other than parking violations for all persons 88354
who hold a commercial driver's license temporary instruction 88355
permit or commercial driver's license or operate a motor vehicle 88356
for which a commercial driver's license is required; 88357

(7) Post an applicant's status of medically non-certified 88358
on the applicant's commercial driver's license information 88359
system driver record and downgrade the applicant's commercial 88360
driver's license temporary instruction permit or commercial 88361
driver's license in accordance with division (D) of this section 88362
if either of the following applies: 88363

(a) The commercial driver's license temporary instruction 88364
permit or commercial driver's license holder fails to provide 88365
the driver's self-certification type as required by division (A) 88366
(1) of section 4506.10 of the Revised Code. 88367

(b) The commercial driver's license temporary instruction 88368
permit or commercial driver's license holder self-certifying 88369
under division (A)(1)(a)(i) of section 4506.10 of the Revised 88370
Code as non-excepted interstate fails to provide the registrar 88371
with a current medical examiner's certificate. 88372

(8) Mark the commercial driver's license information 88373
system driver record as non-certified for any commercial 88374
driver's license temporary instruction permit or commercial 88375
driver's license holder who has not self-certified under 88376
division (A)(1) of section 4506.10 of the Revised Code by 88377
January 30, 2014 and initiate the ~~commercial driver's license~~ 88378
commercial driver's license downgrade procedures described in 88379
division (D) of this section; 88380

(9) Within ten days after a commercial driver's license 88381
temporary instruction permit or commercial driver's license 88382
holder's medical certification status expires or a medical 88383
variance expires or is rescinded, update the person's medical 88384
certification status to non-certified; 88385

(10) Within ten calendar days after receiving information 88386
from the federal motor carrier safety administration regarding 88387
issuance or renewal of a medical variance for a driver, update 88388
the driver's commercial driver's license information system 88389
driver record to include the medical variance information 88390
provided by the federal motor carrier safety administration; 88391

(11) Within ten calendar days after receiving information 88392
from the federal motor carrier safety administration that a 88393
commercial driver's license temporary instruction permit or 88394
commercial driver's license holder is prohibited from operating 88395
a commercial motor vehicle because of a violation of the drug 88396
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 88397
B, initiate the commercial driver's license downgrade procedures 88398
described in division (F) (1) of this section; 88399

(12) Within ten calendar days after receiving information 88400
from the federal motor carrier safety administration that a 88401
commercial driver's license temporary instruction permit or 88402
commercial driver's license holder is no longer prohibited or 88403
was erroneously identified as prohibited from operating a 88404
commercial motor vehicle because of a violation of the drug and 88405
alcohol use and testing provisions of 49 C.F.R. 382, subpart B, 88406
initiate the reinstatement procedures described in division (F) 88407
(2) of this section. 88408

(D) If a driver's medical certification or medical 88409
variance expires or the federal motor carrier safety 88410

administration notifies the registrar that a medical variance 88411
was removed or rescinded, the registrar shall do the following: 88412

(1) Send notice to the commercial driver's license holder 88413
of the holder's medically not certified status. The notice shall 88414
inform the driver that the driver's commercial driver's license 88415
privileges will be removed unless the driver resolves the 88416
medical certification or medical variance defect by submitting a 88417
current medical certificate or medical variance, as applicable, 88418
or changing the driver's self-certification under division (A) 88419
(1) of section 4506.10 of the Revised Code to driving only in 88420
excepted interstate or excepted intrastate commerce within sixty 88421
days. 88422

(2) Sixty days after the change to a medically not 88423
certified status, if the commercial driver's license holder has 88424
not resolved the medical certification or medical variance 88425
defect as described in division (D) (1) of this section, the 88426
registrar shall change the person's commercial driver's license 88427
status to reflect no commercial driver's license privileges and 88428
shall send the person a second notice informing the person that 88429
the commercial driver's license privilege has been removed from 88430
the driver's license. 88431

(E) To the extent permitted by federal and state law, the 88432
registrar shall provide records from the commercial driver's 88433
license information system regarding a commercial driver's 88434
license holder or commercial motor vehicle operator to the 88435
following individuals and entities or their authorized agents 88436
within ten days of the receipt of conviction or disqualification 88437
information concerning the holder or operator from another state 88438
or within ten days of the date of conviction or disqualification 88439
of the holder or operator if it occurred in this state, as 88440

applicable: 88441

(1) Other states; 88442

(2) The secretary of the United States department of 88443
transportation; 88444

(3) The commercial driver's license holder or commercial 88445
motor vehicle operator referenced in the records; 88446

(4) A motor carrier that is a current or prospective 88447
employer of the commercial driver's license holder or commercial 88448
motor vehicle operator referenced in the records. 88449

(F) (1) If the registrar receives information in accordance 88450
with division (C) (11) of this section, the registrar shall 88451
notify the subject commercial driver's license temporary 88452
instruction permit or commercial driver's license holder. The 88453
notice shall inform the driver that the driver's commercial 88454
driver's license privileges will be downgraded unless the driver 88455
resolves the prohibition in accordance with the federal 88456
requirements within thirty days. If the driver does not resolve 88457
the prohibition within the thirty days, the registrar shall do 88458
all of the following: 88459

(a) Downgrade the driver's commercial driver's license 88460
temporary instruction permit or commercial driver's license to 88461
prohibit the driver from operating a commercial motor vehicle; 88462

(b) Send a second notice to the driver specifying that the 88463
driver's license has been downgraded and that the driver is 88464
prohibited from operating a commercial motor vehicle until the 88465
driver takes the steps necessary to reinstate commercial 88466
driver's license privileges; 88467

(c) Record the downgrade on the driver's commercial 88468

driver's license information system driver record not later than 88469
sixty days after the original notification to the registrar from 88470
the federal motor carrier safety administration. 88471

(2) If the registrar receives information in accordance 88472
with division (C)(12) of this section, the registrar shall do 88473
one of the following, as applicable: 88474

(a) If the registrar receives the information before the 88475
registrar has downgraded a driver's commercial driver's license 88476
privileges in accordance with division (F)(1) of this section, 88477
the registrar shall terminate the downgrade process and notify 88478
the applicable driver of the termination; 88479

(b) If the registrar receives the information after the 88480
registrar has downgraded a driver's commercial driver's license 88481
privileges in accordance with division (F)(1) of this section, 88482
the registrar shall reinstate the driver's commercial driver's 88483
license, provided that the driver is otherwise eligible for 88484
reinstatement and such commercial driving privileges. 88485

(3) If the registrar receives information in accordance 88486
with division (C)(12) of this section that the driver was 88487
erroneously identified as prohibited from operating a commercial 88488
motor vehicle, in addition to the reinstatement procedures under 88489
division (F)(2) of this section, the registrar shall remove any 88490
record of the downgrade from the driver's commercial driver's 88491
license information system driver record and motor vehicle 88492
driving record. 88493

Sec. 4506.14. (A) Commercial driver's licenses shall 88494
expire as follows: 88495

(1) Except as provided in division (A)(3) or (4) of this 88496
section, each such license issued to replace an operator's or 88497

chauffeur's license shall expire on the original expiration date 88498
of the operator's or chauffeur's license and, upon renewal, 88499
shall expire on the licensee's birthday in the fourth or eighth 88500
year after the date of issuance, based on the period of renewal 88501
requested by the applicant. A person who is sixty-five years of 88502
age or older may only apply for a commercial driver's license 88503
that expires on the birthday of the applicant in the fourth year 88504
after the date it is issued. 88505

(2) (a) Except as provided in division (A) (3) or (4) of 88506
this section, each such license issued as an original license to 88507
a person whose residence is in this state shall expire on the 88508
licensee's birthday in the fourth or eighth year after the date 88509
of issuance, based on the period of renewal requested by the 88510
applicant. A person who is sixty-five years of age or older may 88511
only apply for a commercial driver's license that expires on the 88512
birthday of the applicant in the fourth year after the date it 88513
is issued. 88514

(b) Each such license issued to a person whose temporary 88515
residence is in this state shall expire in accordance with rules 88516
adopted by the registrar of motor vehicles. A license issued to 88517
a person with a temporary residence in this state is 88518
~~nonrenewable, but may be replaced with a new license within~~ 88519
~~ninety days prior to its expiration upon the applicant's~~ 88520
~~compliance with all applicable requirements~~ a limited term 88521
license and may be renewed in accordance with division (C) of 88522
this section. 88523

(3) The registrar or a deputy registrar may issue a 88524
license that expires on a date earlier than the licensee's 88525
birthday in the fourth year after the date of issuance if the 88526
licensee has undergone a security threat assessment required by 88527

federal law to obtain a hazardous materials endorsement and the 88528
assessment will expire before that date. No commercial driver's 88529
license shall be issued under division (A)(3) of this section 88530
for a period longer than four years and one hundred eighty days. 88531

(4) Each such license issued to replace the operator's or 88532
chauffeur's license of a person who is less than twenty-one 88533
years of age, and each such license issued as an original 88534
license to a person who is less than twenty-one years of age, 88535
shall expire on the licensee's twenty-first birthday. 88536

(B) No commercial driver's license shall be issued for a 88537
period longer than eight years. Except as provided in section 88538
4507.12 of the Revised Code, the registrar may waive the 88539
examination of any person applying for the renewal of a 88540
commercial driver's license issued under this chapter, provided 88541
that the applicant presents either an unexpired commercial 88542
driver's license or a commercial driver's license that has 88543
expired not more than six months prior to the date of 88544
application. 88545

~~(C)~~ (C) (1) Subject to the requirements of this chapter and 88546
except as provided in division ~~(A)(2)~~ (C) (2) of this section in 88547
regard to a person whose temporary residence is in this state, 88548
every commercial driver's license shall be renewable one hundred 88549
eighty days before its expiration upon payment of the fees 88550
required by section 4506.08 of the Revised Code. Each person 88551
applying for renewal or transfer of a commercial driver's 88552
license shall complete the application form prescribed by 88553
section 4506.07 of the Revised Code and shall provide all 88554
certifications required. 88555

(2) (a) Except as provided in division (C) (2) (b) of this 88556
section, a limited term commercial driver's license shall not be 88557

issued to a temporary resident for a period longer than the 88558
expiration date of the temporary resident's authorized stay in 88559
the United States, or for four years from the date of issuance, 88560
whichever date is earliest. 88561

(b) If there is no expiration date for a temporary 88562
resident's authorized stay in the United States, a limited term 88563
commercial driver's license shall not be issued to the temporary 88564
resident for a period longer than one year from the date of 88565
issuance. 88566

(c) A limited term commercial driver's license may be 88567
renewed within one hundred eighty days prior to its expiration 88568
upon the applicant's presentation of documentation verifying the 88569
applicant's legal presence or continued temporary lawful status 88570
in the United States. 88571

(3) Prior to applying for renewal of a commercial driver's 88572
license, each applicant shall submit a new copy or original 88573
medical examiner's certificate required by section 4506.10 of 88574
the Revised Code; if the person's medical status has changed, 88575
the registrar shall take the appropriate action to address the 88576
change in medical status. If the person wishes to retain an 88577
endorsement authorizing the person to transport hazardous 88578
materials, the person shall take and successfully complete the 88579
written test for the endorsement and shall submit to any 88580
background check required by federal law. 88581

(D) Each person licensed as a driver under this chapter 88582
shall notify the registrar of any change in the person's address 88583
within ten days following that change. The notification shall be 88584
in writing on a form provided by the registrar and shall include 88585
the full name, date of birth, license number, county of 88586
residence, social security number, and new address of the 88587

person. 88588

(E) Whoever violates division (D) of this section is 88589
guilty of a minor misdemeanor. 88590

Sec. 4507.061. (A) The registrar of motor vehicles may 88591
authorize the online renewal of a driver's license, commercial 88592
driver's license, or identification card issued by the bureau of 88593
motor vehicles for eligible applicants. An applicant is eligible 88594
for online renewal if all of the following apply: 88595

(1) The applicant's current driver's license, commercial 88596
driver's license, or identification card was processed in person 88597
at a deputy registrar office. 88598

(2) The applicant has a photo on file with the bureau of 88599
motor vehicles from the applicant's current driver's license, 88600
commercial driver's license, or identification card. 88601

(3) The applicant's current driver's license, commercial 88602
driver's license, or identification card expires on the birthday 88603
of the applicant in the fourth year after the date it was 88604
issued. 88605

(4) The applicant is applying for a driver's license, 88606
commercial driver's license, or identification card that expires 88607
on the birthday of the applicant in the fourth year after the 88608
date it is issued. 88609

(5) The applicant's current driver's license, commercial 88610
driver's license, or identification card is unexpired or expired 88611
not more than six months prior to the date of the application. 88612

(6) The applicant is a citizen or a permanent resident of 88613
the United States and a permanent resident of this state. 88614

(7) The applicant's current driver's license, commercial 88615

driver's license, or identification card was ~~issue~~issued when 88616
the applicant was twenty-one years of age or older. 88617

(8) If the applicant is renewing a driver's license or 88618
commercial driver's license, the applicant is less than sixty- 88619
five years of age. 88620

(9) The applicant's current driver's license, commercial 88621
driver's license, or driving privileges are not suspended, 88622
canceled, revoked, or restricted, and the applicant is not 88623
otherwise prohibited by law from obtaining a driver's license, 88624
commercial driver's license, or identification card. 88625

(10) The applicant has no changes to the applicant's name 88626
or personal information, other than a change of address. 88627

(11) The applicant has no medical restrictions that would 88628
require the applicant to apply for a driver's license, 88629
commercial driver's license, or identification card in person at 88630
a deputy registrar office. The registrar shall determine the 88631
medical restrictions that require in person applications. 88632

(12) For a commercial driver's license, the applicant 88633
complies with all the requirements of Chapter 4506. of the 88634
Revised Code, including self-certification and medical 88635
certificate requirements. 88636

(13) For a commercial driver's license, the applicant is 88637
not under any restriction specified by any federal regulation. 88638

(B) An applicant may not submit an application online for 88639
any of the following: 88640

(1) A temporary instruction permit; 88641

(2) A commercial driver's license temporary instruction 88642
permit; 88643

(3) An initial issuance of an Ohio driver's license, 88644
commercial driver's license, or identification card; 88645

(4) An initial issuance of a federally compliant driver's 88646
license, commercial driver's license, or identification card; 88647

(5) An initial issuance of an enhanced driver's license, 88648
enhanced commercial driver's license, or enhanced identification 88649
card; 88650

(6) An ignition interlock license; 88651

(7) A limited term driver's license or ~~nonrenewable~~ 88652
limited term commercial driver's license issued to a temporary 88653
resident. 88654

(C) The registrar may require an applicant to provide a 88655
digital copy of any identification documents and supporting 88656
documents as required by statute or administrative rule to 88657
comply with current state and federal requirements. 88658

(D) Except as otherwise provided, an applicant shall 88659
comply with all other applicable laws related to the issuance of 88660
a driver's license, commercial driver's license, or 88661
identification card in order to renew a driver's license, 88662
commercial driver's license, or identification card under this 88663
section. 88664

(E) The registrar may adopt rules in accordance with 88665
Chapter 119. of the Revised Code to implement and administer 88666
this section. 88667

Sec. 4507.08. (A) No probationary license shall be issued 88668
to any person under the age of eighteen who has been adjudicated 88669
an unruly or delinquent child or a juvenile traffic offender for 88670
having committed any act that if committed by an adult would be 88671

a drug abuse offense, as defined in section 2925.01 of the Revised Code, a violation of division (B) of section 2917.11, or a violation of division (A) of section 4511.19 of the Revised Code, unless the person has been required by the court to attend a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court and has satisfactorily completed the program.

(B) No temporary instruction permit or driver's license shall be issued to any person whose license has been suspended, during the period for which the license was suspended, nor to any person whose license has been canceled, under Chapter 4510. or any other provision of the Revised Code.

(C) No temporary instruction permit or driver's license shall be issued to any person whose commercial driver's license is suspended under Chapter 4510. or any other provision of the Revised Code during the period of the suspension.

No temporary instruction permit or driver's license shall be issued to any person when issuance is prohibited by division (A) of section 4507.091 of the Revised Code.

(D) No temporary instruction permit or driver's license shall be issued to, or retained by, any of the following persons:

(1) Any person who has alcoholism, or is addicted to the use of controlled substances to the extent that the use constitutes an impairment to the person's ability to operate a motor vehicle with the required degree of safety;

(2) Any person who is under the age of eighteen and has been adjudicated an unruly or delinquent child or a juvenile traffic offender for having committed any act that if committed

by an adult would be a drug abuse offense, as defined in section 88701
2925.01 of the Revised Code, a violation of division (B) of 88702
section 2917.11, or a violation of division (A) of section 88703
4511.19 of the Revised Code, unless the person has been required 88704
by the court to attend a drug abuse or alcohol abuse education, 88705
intervention, or treatment program specified by the court and 88706
has satisfactorily completed the program; 88707

(3) Any person who, in the opinion of the registrar, has a 88708
physical or mental disability or disease that prevents the 88709
person from exercising reasonable and ordinary control over a 88710
motor vehicle while operating the vehicle upon the highways, 88711
except that a restricted license ~~effective for six months~~ may be 88712
issued to any person otherwise qualified who is or has been 88713
subject to any condition resulting in episodic impairment of 88714
consciousness or loss of muscular control and whose condition, 88715
in the opinion of the registrar, is dormant or is sufficiently 88716
under medical control that the person is capable of exercising 88717
reasonable and ordinary control over a motor vehicle. A 88718
restricted license ~~effective for six months~~ shall be issued to 88719
any person who otherwise is qualified and who is subject to any 88720
condition that causes episodic impairment of consciousness or a 88721
loss of muscular control if the person presents a statement from 88722
a licensed physician, certified nurse-midwife if authorized as 88723
described in section 4723.438 of the Revised Code, clinical 88724
nurse specialist, or certified nurse practitioner that the 88725
person's condition is under effective medical control and the 88726
period of time for which the control has been continuously 88727
maintained, unless, thereafter, a medical examination is ordered 88728
and, pursuant thereto, cause for denial is found. 88729

A person to whom a ~~six-month~~ restricted license has been 88730
issued shall give notice of the person's medical condition to 88731

the registrar on forms provided by the registrar and signed by 88732
the licensee's physician, certified nurse-midwife, clinical 88733
nurse specialist, or certified nurse practitioner at intervals 88734
required by the registrar. ~~The notice shall be sent to the~~ 88735
~~registrar six months after the issuance of the license.~~ 88736
~~Subsequent restricted licenses issued to the same individual~~ 88737
~~shall be effective for six months~~ determine the validity period 88738
of the restricted license. 88739

(4) Any person who is unable to understand highway 88740
warnings or traffic signs or directions given in the English 88741
language; 88742

(5) Any person making an application whose driver's 88743
license or driving privileges are under cancellation, 88744
revocation, or suspension in the jurisdiction where issued or 88745
any other jurisdiction, until the expiration of one year after 88746
the license was canceled or revoked or until the period of 88747
suspension ends. Any person whose application is denied under 88748
this division may file a petition in the municipal court or 88749
county court in whose jurisdiction the person resides agreeing 88750
to pay the cost of the proceedings and alleging that the conduct 88751
involved in the offense that resulted in suspension, 88752
cancellation, or revocation in the foreign jurisdiction would 88753
not have resulted in a suspension, cancellation, or revocation 88754
had the offense occurred in this state. If the petition is 88755
granted, the petitioner shall notify the registrar by a 88756
certified copy of the court's findings and a license shall not 88757
be denied under this division. 88758

(6) Any person who is under a class one or two suspension 88759
imposed for a violation of section 2903.01, 2903.02, 2903.04, 88760
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 88761

Code or whose driver's or commercial driver's license or permit 88762
was permanently revoked prior to January 1, 2004, for a 88763
substantially equivalent violation pursuant to section 4507.16 88764
of the Revised Code; 88765

(7) Any person who is not a resident or temporary resident 88766
of this state. 88767

(E) No person whose driver's license or permit has been 88768
suspended under Chapter 4510. of the Revised Code or any other 88769
provision of the Revised Code shall have driving privileges 88770
reinstated if the registrar determines that a warrant has been 88771
issued in this state or any other state for the person's arrest 88772
and that warrant is an active warrant. 88773

Sec. 4507.09. (A) (1) Except as provided in division (B) of 88774
this section, every driver's license issued to a resident of 88775
this state expires on the birthday of the applicant in the 88776
fourth or eighth year after the date it is issued, based on the 88777
period of renewal requested by the applicant. A resident who is 88778
sixty-five years of age or older may only apply for a driver's 88779
license that expires on the birthday of the applicant in the 88780
fourth year after the date it is issued. In no event shall any 88781
license be issued for a period longer than eight years and 88782
ninety days. 88783

Subject to the requirements of section 4507.12 of the 88784
Revised Code, every driver's license issued to a resident is 88785
renewable at any time prior to its expiration. 88786

(2) A driver's license issued to a temporary resident 88787
shall expire in accordance with rules adopted by the registrar 88788
of motor vehicles. A driver's license issued to a temporary 88789
resident is a limited term license, but may be renewed within 88790

ninety days prior to its expiration in accordance with division 88791
(E) of this section. 88792

(3) No refund shall be made or credit given for the 88793
unexpired portion of the driver's license that is renewed. The 88794
registrar shall notify each person whose driver's license has 88795
expired within forty-five days after the date of expiration. 88796
Notification shall be made by regular mail sent to the person's 88797
last known address as shown in the records of the bureau of 88798
motor vehicles. Failure to provide such notification shall not 88799
be construed as a renewal or extension of any license. 88800

(4) For the purposes of this section, the date of birth of 88801
any applicant born on the twenty-ninth day of February shall be 88802
deemed to be the first day of March in any year in which there 88803
is no twenty-ninth day of February. 88804

(B) Every driver's license or renewal of a driver's 88805
license issued to a resident applicant who is sixteen years of 88806
age or older, but less than twenty-one years of age, expires on 88807
the twenty-first birthday of the applicant, except that an 88808
applicant who applies no more than thirty days before the 88809
applicant's twenty-first birthday shall be issued a license in 88810
accordance with division (A) of this section. 88811

(C) Each person licensed as a driver under this chapter 88812
shall notify the registrar of any change in the person's address 88813
within ten days following that change. The notification shall be 88814
in writing on a form provided by the registrar and shall include 88815
the full name, date of birth, license number, county of 88816
residence, social security number, and new address of the 88817
person. The registrar shall offer the person the opportunity to 88818
submit a notice of change of address for voter registration 88819
purposes by electronic means in conjunction with the person's 88820

transaction with the registrar, in accordance with section 88821
3503.11 of the Revised Code. 88822

(D) No driver's license shall be renewed when renewal is 88823
prohibited by division (A) of section 4507.091 of the Revised 88824
Code. 88825

(E) (1) Except as provided in division (E) (2) of this 88826
section, a limited term license shall not be issued to a 88827
temporary resident for a period longer than the expiration date 88828
of the temporary resident's authorized stay in the United 88829
States, or for four years from the date of issuance, whichever 88830
date is earliest. 88831

(2) If there is no expiration date for a temporary 88832
resident's authorized stay in the United States, a limited term 88833
license shall not be issued to the temporary resident for a 88834
period longer than one year from the date of issuance. 88835

(3) A limited term license may be renewed within ninety 88836
days prior to its expiration upon the applicant's presentation 88837
of documentation verifying the applicant's legal presence or 88838
continued temporary lawful status in the United States. 88839

~~(3) A limited term license is not transferable, and the~~ 88840
~~applicant may not rely on it to obtain a driver's license in~~ 88841
~~another state.~~ 88842

(4) In accordance with Chapter 119. of the Revised Code, 88843
the registrar shall adopt rules governing limited term licenses 88844
for temporary residents. 88845

Sec. 4507.21. (A) Except as provided in section 4507.061 88846
of the Revised Code, each applicant for a driver's license shall 88847
file an application in the office of the registrar of motor 88848
vehicles or of a deputy registrar. 88849

(B) (1) Each person under ~~eighteen~~twenty-one years of age 88850
applying for a driver's license issued in this state shall 88851
present satisfactory evidence of having successfully completed 88852
any one of the following: 88853

(a) A driver education course approved by the state 88854
department of education and workforce prior to December 31, 88855
2003. 88856

(b) A driver training course approved by the director of 88857
public safety. 88858

(c) A driver training course comparable to a driver 88859
education or driver training course described in division (B) (1) 88860
(a) or (b) of this section and administered by a branch of the 88861
armed forces of the United States and completed by the applicant 88862
while residing outside this state for the purpose of being with 88863
or near any person serving in the armed forces of the United 88864
States. 88865

(2) Each person under ~~eighteen~~twenty-one years of age 88866
applying for a driver's license also shall present, on a form 88867
prescribed by the registrar, an affidavit signed by an eligible 88868
adult attesting that the person has acquired at least fifty 88869
hours of actual driving experience, with at least ten of those 88870
hours being at night. 88871

(C) (1) An applicant for an initial driver's license shall 88872
present satisfactory evidence of successful completion of the 88873
abbreviated driver training course for adults, approved by the 88874
director of public safety under section 4508.02 of the Revised 88875
Code, if all of the following apply: 88876

(a) The applicant is ~~eighteen~~twenty-one years of age or 88877
older. 88878

(b) The applicant failed the road or maneuverability test 88879
required under division (A) (2) of section 4507.11 of the Revised 88880
Code. 88881

(c) In the twelve months immediately preceding the date of 88882
application, the applicant has not successfully completed a 88883
driver training course. 88884

(2) An applicant shall present satisfactory evidence as 88885
required under division (C) (1) of this section prior to 88886
attempting the test a second or subsequent time. 88887

(D) If the registrar or deputy registrar determines that 88888
the applicant is entitled to the driver's license, it shall be 88889
issued. If the application shows that the applicant's license 88890
has been previously canceled or suspended, the deputy registrar 88891
shall forward the application to the registrar, who shall 88892
determine whether the license shall be granted. 88893

(E) An applicant shall file an application under this 88894
section in duplicate, and the deputy registrar issuing the 88895
license shall immediately forward to the office of the registrar 88896
the original copy of the application, together with the 88897
duplicate copy of any certificate of completion if issued for 88898
purposes of division (B) of this section. The registrar shall 88899
prescribe rules as to the manner in which the deputy registrar 88900
files and maintains the applications and other records. The 88901
registrar shall file every application for a driver's or 88902
commercial driver's license and index them by name and number, 88903
and shall maintain a suitable record of all licenses issued, all 88904
convictions and bond forfeitures, all applications for licenses 88905
denied, and all licenses that have been suspended or canceled. 88906

(F) For purposes of section 2313.06 of the Revised Code, 88907

the registrar shall maintain accurate and current lists of the 88908
residents of each county who are eighteen years of age or older, 88909
have been issued, on and after January 1, 1984, driver's or 88910
commercial driver's licenses that are valid and current, and 88911
would be electors if they were registered to vote, regardless of 88912
whether they actually are registered to vote. The lists shall 88913
contain the names, addresses, dates of birth, duration of 88914
residence in this state, citizenship status, and social security 88915
numbers, if the numbers are available, of the licensees, and may 88916
contain any other information that the registrar considers 88917
suitable. 88918

(G) Each person under eighteen years of age applying for a 88919
motorcycle operator's endorsement or a restricted license 88920
enabling the applicant to operate a motorcycle shall present 88921
satisfactory evidence of having completed the courses of 88922
instruction in the motorcycle safety and education program 88923
described in section 4508.08 of the Revised Code or a comparable 88924
course of instruction administered by a branch of the armed 88925
forces of the United States and completed by the applicant while 88926
residing outside this state for the purpose of being with or 88927
near any person serving in the armed forces of the United 88928
States. If the registrar or deputy registrar then determines 88929
that the applicant is entitled to the endorsement or restricted 88930
license, it shall be issued. 88931

(H) No person shall knowingly make a false statement in an 88932
affidavit presented in accordance with division (B) (2) of this 88933
section. 88934

(I) As used in this section, "eligible adult" means any of 88935
the following persons: 88936

(1) A parent, guardian, or custodian of the applicant; 88937

(2) A person over the age of twenty-one who acts in loco 88938
parentis of the applicant and who maintains proof of financial 88939
responsibility with respect to the operation of a motor vehicle 88940
owned by the applicant or with respect to the applicant's 88941
operation of any motor vehicle. 88942

(J) Whoever violates division (H) of this section is 88943
guilty of a minor misdemeanor and shall be fined one hundred 88944
dollars. 88945

Sec. 4507.40. (A) As used in this section, "Ohio 88946
credential" means a temporary instruction permit identification 88947
card, driver's license, commercial driver's license, motorcycle 88948
operator's license, motorized bicycle license, or identification 88949
card issued by the Ohio bureau of motor vehicles. 88950

(B) Any valid holder of an Ohio credential issued after 88951
July 2, 2018, may apply online to obtain an exact reprint of 88952
that Ohio credential. Not more than one hundred eighty days 88953
~~after the effective date of this section~~ April 12, 2021, the 88954
registrar of motor vehicles shall make the reprint application 88955
process available through electronic means on the bureau of 88956
motor vehicle's web site. A reprint of an Ohio credential shall 88957
be available only through the online process. 88958

(C) An applicant may obtain not more than ~~one reprint~~ two 88959
reprints between the initial issuance and renewal of an Ohio 88960
credential or between renewals of an Ohio credential. A reprint 88961
shall be an exact copy of the last-issued Ohio credential that 88962
it replaces. A reprint expires on the same date as the Ohio 88963
credential it replaces. 88964

(D) The applicant shall do all of the following in the 88965
application: 88966

(1) Certify that the current Ohio credential is lost, 88967
destroyed, or mutilated; 88968

(2) Provide identifying information, as required by the 88969
registrar, in order to confirm the applicant's identity; 88970

(3) Include with the application a financial transaction 88971
device number to pay the applicable fees for the reprint of the 88972
Ohio credential, and a service fee equal to the amount 88973
established under section 4503.038 of the Revised Code. 88974

(E) Upon receipt of a completed application, the registrar 88975
shall issue a reprint Ohio credential to the applicant, if the 88976
applicant is eligible for the reprint. If the applicant does not 88977
qualify for a reprint, the registrar shall notify the applicant 88978
why the application was denied. 88979

(F) The fees that are collected from a person who applies 88980
for a reprint of an Ohio credential shall be paid to the credit 88981
of the public safety - highway purposes fund established by 88982
section 4501.06 of the Revised Code. 88983

Sec. 4507.41. (A) "Ohio credential" has the same meaning 88984
as in section 4507.40 of the Revised Code. 88985

(B) A valid holder of an Ohio credential may apply to 88986
receive an Ohio credential in an expedited manner. In addition 88987
to other applicable fees and taxes, a valid holder of an Ohio 88988
credential shall pay a one-hundred-dollar administrative fee 88989
plus applicable mailing costs to compensate the registrar of 88990
motor vehicles for additional services required in issuing an 88991
expedited Ohio credential. The registrar of motor vehicles shall 88992
determine the applicable mailing costs and the manner by which 88993
the Ohio credential is mailed. An expedited Ohio credential is 88994
available for any Ohio credential and includes online renewal 88995

under section 4507.061 of the Revised Code and reprints under 88996
section 4507.40 of the Revised Code. 88997

(C) The administrative fee and mailing costs charged 88998
pursuant to division (B) of this section shall be deposited into 88999
the public safety - highway purposes fund created in section 89000
4501.06 of the Revised Code. 89001

(D) The registrar of motor vehicles may adopt rules in 89002
accordance with Chapter 119. of the Revised Code to implement 89003
this section. Notwithstanding any provision of section 121.95 of 89004
the Revised Code to the contrary, a regulatory restriction 89005
contained in any rule adopted under this section is not subject 89006
to sections 121.95 to 121.953 of the Revised Code. 89007

Sec. 4507.53. Digitalized photographic records of the 89008
department of public safety may be released only to the 89009
following: 89010

(A) State, local, or federal governmental agencies for 89011
criminal justice purposes; 89012

(B) Any court; 89013

(C) The American association of motor vehicle 89014
administrators to allow state department of motor vehicles 89015
participating in the association's state-to-state verification 89016
services and digital image access and exchange program to use 89017
the photographic records for identity verification purposes; 89018

(D) The department of job and family services or the 89019
unemployment compensation review commission for the purpose of 89020
carrying out the department's or commission's functions under 89021
Chapter 4141. of the Revised Code. 89022

Sec. 4508.02. (A) (1) The director of public safety, 89023

subject to Chapter 119. of the Revised Code, shall adopt and 89024
prescribe such rules concerning the administration and 89025
enforcement of this chapter as are necessary to protect the 89026
public. The rules shall require an assessment of the holder of a 89027
probationary instructor license. The director shall inspect the 89028
school facilities and equipment of applicants and licensees and 89029
examine applicants for instructor's licenses. 89030

(2) The director shall adopt rules governing online driver 89031
education courses that may be completed via the internet to 89032
satisfy the classroom instruction under division (C) of this 89033
section. The rules shall do all of the following: 89034

(a) Establish standards that an online driver training 89035
enterprise must satisfy to be licensed to offer an online driver 89036
education course via the internet, including, at a minimum, 89037
proven expertise in providing driver education and an acceptable 89038
infrastructure capable of providing secure online driver 89039
education in accord with advances in internet technology. The 89040
rules shall allow an online driver training enterprise to be 89041
affiliated with a licensed driver training school offering in- 89042
person classroom instruction, but shall not require such an 89043
affiliation. 89044

(b) Establish content requirements that an online driver 89045
education course must satisfy to be approved as equivalent to 89046
twenty-four hours of in-person classroom instruction; 89047

(c) Establish attendance standards, including a maximum 89048
number of course hours that may be completed in a twenty-four- 89049
hour period; 89050

(d) Allow an enrolled applicant to begin the required 89051
eight hours of actual behind-the-wheel instruction upon 89052

completing all twenty-four hours of course instruction; 89053

(e) Establish any other requirements necessary to regulate 89054
online driver education. 89055

(B) The director shall administer and enforce this 89056
chapter. 89057

(C) The rules shall require twenty-four hours of completed 89058
in-person classroom instruction or the completion of an 89059
approved, equivalent online driver education course offered via 89060
the internet by a licensed online driver training enterprise, 89061
followed by eight hours of actual behind-the-wheel instruction 89062
conducted on public streets and highways of this state for all 89063
beginning drivers of noncommercial motor vehicles who are under 89064
age ~~eighteen~~ twenty-one. The rules shall allow beginning drivers 89065
of noncommercial motor vehicles to complete the driver education 89066
course at any point while holding a valid temporary instruction 89067
permit. The rules also shall require the classroom instruction 89068
or online driver education course for such drivers to include 89069
instruction on both of the following: 89070

(1) The dangers of driving a motor vehicle while 89071
distracted, including while using an electronic wireless 89072
communications device, or engaging in any other activity that 89073
distracts a driver from the safe and effective operation of a 89074
motor vehicle; 89075

(2) The dangers of driving a motor vehicle while under the 89076
influence of a controlled substance, prescription medication, or 89077
alcohol. 89078

(D) The rules shall state the minimum hours for classroom 89079
and behind-the-wheel instruction required for beginning drivers 89080
of commercial trucks, commercial cars, buses, and commercial 89081

tractors, trailers, and semitrailers. 89082

(E) (1) The department of public safety may charge a fee to 89083
each online driver training enterprise in an amount sufficient 89084
to pay the actual expenses the department incurs in the 89085
regulation of online driver education courses. 89086

(2) The department shall supply to each licensed online 89087
driver training enterprise certificates to be used for 89088
certifying an applicant's enrollment in an approved online 89089
driver education course and a separate certificate to be issued 89090
upon successful completion of an approved online driver 89091
education course. The certificates shall be numbered serially. 89092
The department may charge a fee to each online driver training 89093
enterprise per certificate supplied to pay the actual expenses 89094
the department incurs in supplying the certificates. 89095

(F) The director shall adopt rules in accordance with 89096
Chapter 119. of the Revised Code governing an abbreviated driver 89097
training course for adults. 89098

Sec. 4509.101. (A) (1) No person shall operate, or permit 89099
the operation of, a motor vehicle in this state, unless proof of 89100
financial responsibility is maintained continuously throughout 89101
the registration period with respect to that vehicle, or, in the 89102
case of a driver who is not the owner, with respect to that 89103
driver's operation of that vehicle. 89104

(2) Whoever violates division (A) (1) of this section shall 89105
be subject to the following civil penalties: 89106

(a) Subject to divisions (A) (2) (b) and (c) of this 89107
section, a class (F) suspension of the person's driver's 89108
license, commercial driver's license, temporary instruction 89109
permit, probationary license, or nonresident operating privilege 89110

for the period of time specified in division (B) (6) of section 89111
4510.02 of the Revised Code and impoundment of the person's 89112
license. The court may grant limited driving privileges to the 89113
person, but only if the person presents proof of financial 89114
responsibility and is enrolled in a reinstatement fee payment 89115
plan pursuant to section 4510.10 of the Revised Code. 89116

(b) If, within one year of the violation, the person's 89117
operating privileges are again suspended and the person's 89118
license again is impounded for a violation of division (A) (1) of 89119
this section, a class C suspension of the person's driver's 89120
license, commercial driver's license, temporary instruction 89121
permit, probationary license, or nonresident operating privilege 89122
for the period of time specified in division (B) (3) of section 89123
4510.02 of the Revised Code. The court may grant limited driving 89124
privileges to the person only if the person presents proof of 89125
financial responsibility and has complied with division (A) (5) 89126
of this section, and no court may grant limited driving 89127
privileges for the first fifteen days of the suspension. 89128

(c) If, within one year of the violation, the person's 89129
operating privileges are suspended and the person's license is 89130
impounded two or more times for a violation of division (A) (1) 89131
of this section, a class B suspension of the person's driver's 89132
license, commercial driver's license, temporary instruction 89133
permit, probationary license, or nonresident operating privilege 89134
for the period of time specified in division (B) (2) of section 89135
4510.02 of the Revised Code. The court may grant limited driving 89136
privileges to the person only if the person presents proof of 89137
financial responsibility and has complied with division (A) (5) 89138
of this section, except that no court may grant limited driving 89139
privileges for the first thirty days of the suspension. 89140

The clerk of court shall waive the cost of filing a petition for limited driving privileges if, pursuant to section 2323.311 of the Revised Code, the petitioner applies to be qualified as an indigent litigant and the court approves the application.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under either of the following circumstances:

(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of this section.

(4) An order of the registrar that suspends a license shall state the date on or before which the person is required to surrender the person's license. The person is deemed to have surrendered the license, in compliance with the order, if the person does either of the following:

(a) On or before the date specified in the order, delivers the license to the registrar;

(b) Mails the license to the registrar in an envelope or

container bearing a postmark showing a date no later than the 89170
date specified in the order. 89171

(5) Except as provided in division (L) of this section, 89172
the registrar shall not restore any operating privileges 89173
suspended under this section, return any license surrendered 89174
under this section, or reissue a license under section 4510.52 89175
of the Revised Code, if the registrar destroyed the suspended 89176
license under that section, unless the rights are not subject to 89177
suspension or revocation under any other law and unless the 89178
person, in addition to complying with all other conditions 89179
required by law for reinstatement of the operating privileges, 89180
complies with all of the following: 89181

(a) Pays to the registrar or an eligible deputy registrar 89182
a financial responsibility reinstatement fee of forty dollars 89183
for the first violation of division (A) (1) of this section, 89184
three hundred dollars for a second violation of that division, 89185
and six hundred dollars for a third or subsequent violation of 89186
that division; 89187

(b) Files and continuously maintains proof of financial 89188
responsibility in accordance with sections 4509.44 to 4509.65 of 89189
the Revised Code; 89190

(c) Pays a deputy registrar a service fee of ten dollars 89191
to compensate the deputy registrar for services performed under 89192
this section. The deputy registrar shall retain eight dollars of 89193
the service fee and shall transmit the reinstatement fee and two 89194
dollars of the service fee to the registrar in the manner the 89195
registrar shall determine. 89196

(B) (1) Every party required to file an accident report 89197
under section 4509.06 of the Revised Code also shall include 89198

with the report a document described in division (G) (1) (a) of 89199
this section or shall present proof of financial responsibility 89200
through use of an electronic wireless communications device as 89201
permitted by division (G) (1) (b) of this section. 89202

If the registrar determines, within forty-five days after 89203
the report is filed, that an operator or owner has violated 89204
division (A) (1) of this section, the registrar shall do all of 89205
the following: 89206

(a) Order the suspension required under division (A) (2) 89207
(a), (b), or (c) of this section of the license of any operator 89208
or owner who has violated division (A) (1) of this section; 89209

(b) Record the name and address of the person whose 89210
license has been suspended or is under an order of suspension, 89211
the serial number of the person's license, and the person's 89212
social security account number, if assigned, or, where the motor 89213
vehicle that is the subject of the violation is used for hire or 89214
principally in connection with any established business, the 89215
person's federal taxpayer identification number. The information 89216
shall be recorded in such a manner that it becomes a part of the 89217
person's permanent record, and assists the registrar in 89218
monitoring compliance with the orders of suspension. 89219

(c) Send written notification to every person to whom the 89220
order pertains, at the person's last known address as shown on 89221
the records of the bureau. The person, within ten days after the 89222
date of the mailing of the notification, shall surrender to the 89223
registrar, in a manner set forth in division (A) (4) of this 89224
section, any license under an order of suspension. 89225

(2) The registrar shall issue any order under division (B) 89226
(1) of this section without a hearing. Any person adversely 89227

affected by the order, within ~~ten~~fifteen days after the 89228
issuance of the order, may request an administrative hearing 89229
before the registrar, who shall provide the person with an 89230
opportunity for a hearing in accordance with this paragraph. A 89231
request for a hearing does not operate as a suspension of the 89232
order. The scope of the hearing shall be limited to whether the 89233
person in fact demonstrated to the registrar proof of financial 89234
responsibility in accordance with this section. The registrar 89235
shall determine the date, time, and place of any hearing, 89236
provided that the hearing shall be held, and an order issued or 89237
findings made, within thirty days after the registrar receives a 89238
request for a hearing. If requested by the person in writing, 89239
the registrar may designate as the place of hearing the county 89240
seat of the county in which the person resides or a place within 89241
fifty miles of the person's residence. The person shall pay the 89242
cost of the hearing before the registrar, if the registrar's 89243
order of suspension is upheld. 89244

(C) Any order of suspension issued under this section or 89245
division (B) of section 4509.37 of the Revised Code may be 89246
terminated at any time if the registrar determines upon a 89247
showing of proof of financial responsibility that the operator 89248
or owner of the motor vehicle was in compliance with division 89249
(A) (1) of this section at the time of the traffic offense, motor 89250
vehicle inspection, or accident that resulted in the order 89251
against the person. A determination may be made without a 89252
hearing. This division does not apply unless the person shows 89253
good cause for the person's failure to present satisfactory 89254
proof of financial responsibility to the registrar prior to the 89255
issuance of the order. 89256

(D) (1) (a) For the purpose of enforcing this section, every 89257
peace officer is deemed an agent of the registrar. 89258

(b) Any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, pursuant to this section, may confiscate the license and return it to the registrar.

(2) A peace officer shall request the owner or operator of a motor vehicle to produce proof of financial responsibility in a manner described in division (G) of this section at the time the peace officer acts to enforce the traffic laws of this state and during motor vehicle inspections conducted pursuant to section 4513.02 of the Revised Code.

(3) A peace officer shall indicate on every traffic ticket whether the person receiving the traffic ticket produced proof of the maintenance of financial responsibility in response to the officer's request under division (D)(2) of this section. The peace officer shall inform every person who receives a traffic ticket and who has failed to produce proof of the maintenance of financial responsibility that the person must submit proof to the traffic violations bureau with any payment of a fine and costs for the ticketed violation or, if the person is to appear in court for the violation, the person must submit proof to the court.

(4) (a) If a person who has failed to produce proof of the maintenance of financial responsibility appears in court for a ticketed violation, the court may permit the defendant to present evidence of proof of financial responsibility to the court at such time and in such manner as the court determines to be necessary or appropriate. In a manner prescribed by the registrar, the clerk of courts shall provide the registrar with the identity of any person who fails to submit proof of the

maintenance of financial responsibility pursuant to division (D) 89289
(3) of this section. 89290

(b) If a person who has failed to produce proof of the 89291
maintenance of financial responsibility also fails to submit 89292
that proof to the traffic violations bureau with payment of a 89293
fine and costs for the ticketed violation, the traffic 89294
violations bureau, in a manner prescribed by the registrar, 89295
shall notify the registrar of the identity of that person. 89296

(5) (a) Upon receiving notice from a clerk of courts or 89297
traffic violations bureau pursuant to division (D) (4) of this 89298
section, the registrar shall order the suspension of the license 89299
of the person required under division (A) (2) (a), (b), or (c) of 89300
this section, effective forty-five days after the date of the 89301
mailing of notification. The registrar also shall notify the 89302
person that the person must present the registrar with proof of 89303
financial responsibility in accordance with this section, 89304
surrender to the registrar the person's license, or submit a 89305
statement subject to section 2921.13 of the Revised Code that 89306
the person did not operate or permit the operation of the motor 89307
vehicle at the time of the offense. Notification shall be in 89308
writing and shall be sent to the person at the person's last 89309
known address as shown on the records of the bureau of motor 89310
vehicles. The person, within forty-five days after the date of 89311
the mailing of notification, shall present proof of financial 89312
responsibility, surrender the license to the registrar in a 89313
manner set forth in division (A) (4) of this section, or submit 89314
the statement required under this section together with other 89315
information the person considers appropriate. 89316

If the registrar does not receive proof or the person does 89317
not surrender the license, in accordance with this division, the 89318

registrar shall permit the order for the suspension of the 89319
license of the person to take effect. 89320

(b) In the case of a person who presents, within the 89321
forty-five-day period, proof of financial responsibility, the 89322
registrar shall terminate the order of suspension and shall send 89323
written notification to the person, at the person's last known 89324
address as shown on the records of the bureau. 89325

(c) Any person adversely affected by the order of the 89326
registrar under division (D) (5) (a) or (b) of this section, 89327
within ~~ten~~ fifteen days after the issuance of the order, may 89328
request an administrative hearing before the registrar, who 89329
shall provide the person with an opportunity for a hearing in 89330
accordance with this paragraph. A request for a hearing does not 89331
operate as a suspension of the order. The scope of the hearing 89332
shall be limited to whether, at the time of the hearing, the 89333
person presents proof of financial responsibility covering the 89334
vehicle and whether the person is eligible for an exemption in 89335
accordance with this section or any rule adopted under it. The 89336
registrar shall determine the date, time, and place of any 89337
hearing; provided, that the hearing shall be held, and an order 89338
issued or findings made, within thirty days after the registrar 89339
receives a request for a hearing. If requested by the person, 89340
the hearing may be held remotely by electronic means. If 89341
requested by the person in writing, the registrar may designate 89342
as the place of hearing the county seat of the county in which 89343
the person resides or a place within fifty miles of the person's 89344
residence. Such person shall pay the cost of the hearing before 89345
the registrar, if the registrar's order of suspension under 89346
division (D) (5) (a) or (b) of this section is upheld. 89347

(6) Any forms used by law enforcement agencies in 89348

administering this section shall be prescribed, supplied, and 89349
paid for by the registrar. 89350

(7) No peace officer, law enforcement agency employing a 89351
peace officer, or political subdivision or governmental agency 89352
that employs a peace officer shall be liable in a civil action 89353
for damages or loss to persons arising out of the performance of 89354
any duty required or authorized by this section. 89355

(8) As used in this section, "peace officer" has the 89356
meaning set forth in section 2935.01 of the Revised Code. 89357

(E) All fees, except court costs, fees paid to a deputy 89358
registrar, and those portions of the financial responsibility 89359
reinstatement fees as otherwise specified in this division, 89360
collected under this section shall be paid into the state 89361
treasury to the credit of the public safety - highway purposes 89362
fund established in section 4501.06 of the Revised Code and used 89363
to cover costs incurred by the bureau in the administration of 89364
this section and sections 4503.20, 4507.212, and 4509.81 of the 89365
Revised Code, and by any law enforcement agency employing any 89366
peace officer who returns any license to the registrar pursuant 89367
to division (C) of this section. 89368

Of each financial responsibility reinstatement fee the 89369
registrar collects pursuant to division (A) (5) (a) of this 89370
section or receives from a deputy registrar under division (A) 89371
(5) (c) of this section, the registrar shall deposit ten dollars 89372
of each forty-dollar reinstatement fee, fifty dollars of each 89373
three-hundred-dollar reinstatement fee, and one hundred dollars 89374
of each six-hundred-dollar reinstatement fee into the state 89375
treasury to the credit of the indigent defense support fund 89376
created by section 120.08 of the Revised Code. 89377

(F) Chapter 119. of the Revised Code applies to this 89378
section only to the extent that any provision in that chapter is 89379
not clearly inconsistent with this section. 89380

(G) (1) (a) The registrar, court, traffic violations bureau, 89381
or peace officer may require proof of financial responsibility 89382
to be demonstrated by use of a standard form prescribed by the 89383
registrar. If the use of a standard form is not required, a 89384
person may demonstrate proof of financial responsibility under 89385
this section by presenting to the traffic violations bureau, 89386
court, registrar, or peace officer any of the following 89387
documents or a copy of the documents: 89388

(i) A financial responsibility identification card as 89389
provided in section 4509.103 of the Revised Code; 89390

(ii) A certificate of proof of financial responsibility on 89391
a form provided and approved by the registrar for the filing of 89392
an accident report required to be filed under section 4509.06 of 89393
the Revised Code; 89394

(iii) A policy of liability insurance, a declaration page 89395
of a policy of liability insurance, or liability bond, if the 89396
policy or bond complies with section 4509.20 or sections 4509.49 89397
to 4509.61 of the Revised Code; 89398

(iv) A bond or certification of the issuance of a bond as 89399
provided in section 4509.59 of the Revised Code; 89400

(v) A certificate of deposit of money or securities as 89401
provided in section 4509.62 of the Revised Code; 89402

(vi) A certificate of self-insurance as provided in 89403
section 4509.72 of the Revised Code. 89404

(b) A person also may present proof of financial 89405

responsibility under this section to the traffic violations 89406
bureau, court, registrar, or peace officer through use of an 89407
electronic wireless communications device as specified under 89408
section 4509.103 of the Revised Code. 89409

(2) If a person fails to demonstrate proof of financial 89410
responsibility in a manner described in division (G)(1) of this 89411
section, the person may demonstrate proof of financial 89412
responsibility under this section by any other method that the 89413
court or the bureau, by reason of circumstances in a particular 89414
case, may consider appropriate. 89415

(3) A motor carrier certificated by the interstate 89416
commerce commission or by the public utilities commission may 89417
demonstrate proof of financial responsibility by providing a 89418
statement designating the motor carrier's operating authority 89419
and averring that the insurance coverage required by the 89420
certificating authority is in full force and effect. 89421

(4) (a) A finding by the registrar or court that a person 89422
is covered by proof of financial responsibility in the form of 89423
an insurance policy or surety bond is not binding upon the named 89424
insurer or surety or any of its officers, employees, agents, or 89425
representatives and has no legal effect except for the purpose 89426
of administering this section. 89427

(b) The preparation and delivery of a financial 89428
responsibility identification card or any other document 89429
authorized to be used as proof of financial responsibility and 89430
the generation and delivery of proof of financial responsibility 89431
to an electronic wireless communications device that is 89432
displayed on the device as text or images does not do any of the 89433
following: 89434

(i) Create any liability or estoppel against an insurer or 89435
surety, or any of its officers, employees, agents, or 89436
representatives; 89437

(ii) Constitute an admission of the existence of, or of 89438
any liability or coverage under, any policy or bond; 89439

(iii) Waive any defenses or counterclaims available to an 89440
insurer, surety, agent, employee, or representative in an action 89441
commenced by an insured or third-party claimant upon a cause of 89442
action alleged to have arisen under an insurance policy or 89443
surety bond or by reason of the preparation and delivery of a 89444
document for use as proof of financial responsibility or the 89445
generation and delivery of proof of financial responsibility to 89446
an electronic wireless communications device. 89447

(c) Whenever it is determined by a final judgment in a 89448
judicial proceeding that an insurer or surety, which has been 89449
named on a document or displayed on an electronic wireless 89450
communications device accepted by a court or the registrar as 89451
proof of financial responsibility covering the operation of a 89452
motor vehicle at the time of an accident or offense, is not 89453
liable to pay a judgment for injuries or damages resulting from 89454
such operation, the registrar, notwithstanding any previous 89455
contrary finding, shall forthwith suspend the operating 89456
privileges and registration rights of the person against whom 89457
the judgment was rendered as provided in division (A) (2) of this 89458
section. 89459

(H) In order for any document or display of text or images 89460
on an electronic wireless communications device described in 89461
division (G) (1) of this section to be used for the demonstration 89462
of proof of financial responsibility under this section, the 89463
document or words or images shall state the name of the insured 89464

or obligor, the name of the insurer or surety company, and the 89465
effective and expiration dates of the financial responsibility, 89466
and designate by explicit description or by appropriate 89467
reference all motor vehicles covered which may include a 89468
reference to fleet insurance coverage. 89469

(I) For purposes of this section, "owner" does not include 89470
a licensed motor vehicle leasing dealer as defined in section 89471
4517.01 of the Revised Code, but does include a motor vehicle 89472
renting dealer as defined in section 4549.65 of the Revised 89473
Code. Nothing in this section or in section 4509.51 of the 89474
Revised Code shall be construed to prohibit a motor vehicle 89475
renting dealer from entering into a contractual agreement with a 89476
person whereby the person renting the motor vehicle agrees to be 89477
solely responsible for maintaining proof of financial 89478
responsibility, in accordance with this section, with respect to 89479
the operation, maintenance, or use of the motor vehicle during 89480
the period of the motor vehicle's rental. 89481

(J) The purpose of this section is to require the 89482
maintenance of proof of financial responsibility with respect to 89483
the operation of motor vehicles on the highways of this state, 89484
so as to minimize those situations in which persons are not 89485
compensated for injuries and damages sustained in motor vehicle 89486
accidents. The general assembly finds that this section contains 89487
reasonable civil penalties and procedures for achieving this 89488
purpose. 89489

(K) Nothing in this section shall be construed to be 89490
subject to section 4509.78 of the Revised Code. 89491

(L) (1) The registrar may terminate any suspension imposed 89492
under this section and not require the owner to comply with 89493
division (A) (5) of this section if the registrar with or without 89494

a hearing determines that the owner of the vehicle has 89495
established by clear and convincing evidence that all of the 89496
following apply: 89497

(a) The owner customarily maintains proof of financial 89498
responsibility. 89499

(b) Proof of financial responsibility was not in effect 89500
for the vehicle on the date in question for one of the following 89501
reasons: 89502

(i) The vehicle was inoperable. 89503

(ii) The vehicle is operated only seasonally, and the date 89504
in question was outside the season of operation. 89505

(iii) A person other than the vehicle owner or driver was 89506
at fault for the lapse of proof of financial responsibility 89507
through no fault of the owner or driver. 89508

(iv) The lapse of proof of financial responsibility was 89509
caused by excusable neglect under circumstances that are not 89510
likely to recur and do not suggest a purpose to evade the 89511
requirements of this chapter. 89512

(2) The registrar may grant an owner or driver relief for 89513
a reason specified in division (L)(1)(b)(iii) or (iv) of this 89514
section only if the owner or driver has not previously been 89515
granted relief under division (L)(1)(b)(iii) or (iv) of this 89516
section. 89517

(M) The registrar shall adopt rules in accordance with 89518
Chapter 119. of the Revised Code that are necessary to 89519
administer and enforce this section. The rules shall include 89520
provisions relating to acceptable forms of proof of financial 89521
responsibility, the use of an electronic wireless communications 89522

device to present proof of financial responsibility, and 89523
verification of the existence of financial responsibility during 89524
the period of registration. 89525

(N) (1) When a person utilizes an electronic wireless 89526
communications device to present proof of financial 89527
responsibility, only the evidence of financial responsibility 89528
displayed on the device shall be viewed by the registrar, peace 89529
officer, employee or official of the traffic violations bureau, 89530
or the court. No other content of the device shall be viewed for 89531
purposes of obtaining proof of financial responsibility. 89532

(2) When a person provides an electronic wireless 89533
communications device to the registrar, a peace officer, an 89534
employee or official of a traffic violations bureau, or the 89535
court, the person assumes the risk of any resulting damage to 89536
the device unless the registrar, peace officer, employee, or 89537
official, or court personnel purposely, knowingly, or recklessly 89538
commits an action that results in damage to the device. 89539

Sec. 4511.78. (A) As used in this section: 89540

(1) "Mass transit system" means any county transit system, 89541
regional transit authority, regional transit commission, 89542
municipally owned transportation system, mass transit company 89543
operating exclusively within the territorial limits of a 89544
municipal corporation, or within such limits and the territorial 89545
limits of municipal corporations immediately contiguous to such 89546
municipal corporation, and any common passenger carrier, that 89547
provides transportation for children to or from a school session 89548
or a school function. 89549

(2) "Bus" means every motor vehicle designed for carrying 89550
more than nine passengers and used for the transportation of 89551

persons, but does not mean any school bus as defined in section 89552
4511.01 of the Revised Code. 89553

(B) Whenever a mass transit system transports children to 89554
or from a school session or school function, the mass transit 89555
system shall provide for: 89556

(1) Periodic safety inspections of all buses used to 89557
provide transportation service. The inspections shall be based 89558
on rules adopted by the public utilities commission under 89559
Chapters 4921. and 4923. of the Revised Code to ensure the 89560
safety of operation of motor carriers. 89561

(2) The safety training of all drivers operating buses 89562
used to provide transportation service; 89563

(3) The equipping of every bus with outside rear-view 89564
mirrors meeting the motor carrier regulations for bus equipment 89565
adopted by the federal highway administration. No exclusions 89566
from this requirement granted under the federal regulations 89567
shall be considered exclusions for the purposes of this 89568
division. 89569

(C) Whenever a mass transit system regularly transports 89570
children to or from a school session, the mass transit system 89571
shall provide routes that ensure that such children either will 89572
not need to transfer between different buses or that the 89573
children will only need to make one transfer at a location that 89574
is not the central transfer hub for the mass transit system. 89575
This division applies only to a mass transit system with a 89576
central transfer hub located in a county that is ranked as one 89577
of the eight most populous counties in this state according to 89578
the most recent decennial census. 89579

(D) Except as otherwise provided in this division, whoever 89580

violates this section is guilty of a minor misdemeanor. If, 89581
within one year of the offense, the offender previously has been 89582
convicted of or pleaded guilty to one predicate motor vehicle or 89583
traffic offense, whoever violates this section is guilty of a 89584
misdemeanor of the fourth degree. If, within one year of the 89585
offense, the offender previously has been convicted of two or 89586
more predicate motor vehicle or traffic offenses, whoever 89587
violates this section is guilty of a misdemeanor of the third 89588
degree. 89589

Sec. 4513.60. (A) (1) The sheriff of a county or chief of a 89590
law enforcement agency of a municipal corporation, township, 89591
port authority, conservancy district, or township or joint 89592
police district, within the sheriff's or chief's respective 89593
territorial jurisdiction, upon complaint of any person adversely 89594
affected, may order into storage any motor vehicle, other than 89595
an abandoned junk motor vehicle as defined in section 4513.63 of 89596
the Revised Code, that has been left on private residential or 89597
private agricultural property for at least four hours without 89598
the permission of the person having the right to the possession 89599
of the property. The sheriff or chief, upon complaint of a 89600
repair garage or place of storage, may order into storage any 89601
motor vehicle, other than an abandoned junk motor vehicle, that 89602
has been left at the garage or place of storage for a longer 89603
period than that agreed upon. When ordering a motor vehicle into 89604
storage pursuant to this division, a sheriff or chief may 89605
arrange for the removal of the motor vehicle by a towing service 89606
and shall designate a storage facility. 89607

(2) A towing service towing a motor vehicle under division 89608
(A) (1) of this section shall remove the motor vehicle in 89609
accordance with that division. The towing service shall deliver 89610
the motor vehicle to the location designated by the sheriff or 89611

chief not more than two hours after the time it is removed from 89612
the private property, unless the towing service is unable to 89613
deliver the motor vehicle within two hours due to an 89614
uncontrollable force, natural disaster, or other event that is 89615
not within the power of the towing service. 89616

(3) Subject to division (B) of this section, the owner of 89617
a motor vehicle that has been removed pursuant to this division 89618
may recover the vehicle only in accordance with division (D) of 89619
this section. 89620

(4) As used in this section, "private residential 89621
property" means private property on which is located one or more 89622
structures that are used as a home, residence, or sleeping place 89623
by one or more persons, if no more than three separate 89624
households are maintained in the structure or structures. 89625
"Private residential property" does not include any private 89626
property on which is located one or more structures that are 89627
used as a home, residence, or sleeping place by two or more 89628
persons, if more than three separate households are maintained 89629
in the structure or structures. 89630

(B) If the owner or operator of a motor vehicle that has 89631
been ordered into storage pursuant to division (A) (1) of this 89632
section arrives after the motor vehicle has been prepared for 89633
removal, but prior to its actual removal from the property, the 89634
towing service shall give the owner or operator oral or written 89635
notification at the time of such arrival that the vehicle owner 89636
or operator may pay a fee of not more than one-half of the fee 89637
for the removal of the motor vehicle established by the public 89638
utilities commission in rules adopted under section 4921.25 of 89639
the Revised Code, in order to obtain release of the motor 89640
vehicle. However, if the vehicle is within a municipal 89641

corporation and the municipal corporation has established a 89642
vehicle removal fee, the towing service shall give the owner or 89643
operator oral or written notification that the owner or operator 89644
may pay not more than one-half of that fee to obtain release of 89645
the motor vehicle. That fee may be paid by use of a major credit 89646
card unless the towing service uses a mobile credit card 89647
processor and mobile service is not available at the time of the 89648
transaction. 89649

Upon payment of the applicable fee, the towing service 89650
shall give the vehicle owner or operator a receipt showing both 89651
the full amount normally assessed and the actual amount received 89652
and shall release the motor vehicle to the owner or operator. 89653
Upon its release, the owner or operator immediately shall move 89654
it so that it is not on the private residential or private 89655
agricultural property without the permission of the person 89656
having the right to possession of the property, or is not at the 89657
garage or place of storage without the permission of the owner, 89658
whichever is applicable. 89659

(C) (1) Each county sheriff and each chief of a law 89660
enforcement agency of a municipal corporation, township, port 89661
authority, conservancy district, or township or joint police 89662
district shall maintain a record of motor vehicles that the 89663
sheriff or chief orders into storage pursuant to division (A) (1) 89664
of this section. The record shall include an entry for each such 89665
motor vehicle that identifies the motor vehicle's license 89666
number, make, model, and color, the location from which it was 89667
removed, the date and time of its removal, the telephone number 89668
of the person from whom it may be recovered, and the address of 89669
the place to which it has been taken and from which it may be 89670
recovered. A sheriff or chief shall provide any information in 89671
the record that pertains to a particular motor vehicle to any 89672

person who, either in person or pursuant to a telephone call, 89673
identifies self as the owner or operator of the motor vehicle 89674
and requests information pertaining to its location. 89675

(2) Any person who registers a complaint that is the basis 89676
of a sheriff's or chief's order for the removal and storage of a 89677
motor vehicle under division (A)(1) of this section shall 89678
provide the identity of the law enforcement agency with which 89679
the complaint was registered to any person who identifies self 89680
as the owner or operator of the motor vehicle and requests 89681
information pertaining to its location. 89682

(D)(1) The owner or lienholder of a motor vehicle that is 89683
ordered into storage pursuant to division (A)(1) of this section 89684
may reclaim it upon both of the following: 89685

(a) Payment of all applicable fees established by the 89686
public utilities commission in rules adopted under section 89687
4921.25 of the Revised Code or, if the vehicle was towed within 89688
a municipal corporation that has established fees for vehicle 89689
removal and storage, payment of all applicable fees established 89690
by the municipal corporation. Section 2930.11 of the Revised 89691
Code does not apply with regard to the payment of fees for motor 89692
vehicle removal and storage under this section. 89693

(b) Presentation of proof of ownership, which may be 89694
evidenced by a certificate of title to the motor vehicle, a 89695
certificate of registration for the motor vehicle, or a lease 89696
agreement. 89697

When the owner of a vehicle towed under this section 89698
retrieves the vehicle, the towing service or storage facility in 89699
possession of the vehicle shall give the owner written notice 89700
that if the owner disputes that the motor vehicle was lawfully 89701

towed, the owner may be able to file a civil action under 89702
section 4513.611 of the Revised Code. 89703

(2) Upon presentation of proof of ownership as required 89704
under division (D) (1) (b) of this section, the owner of a motor 89705
vehicle that is ordered into storage under division (A) (1) of 89706
this section may retrieve any personal items from the motor 89707
vehicle without retrieving the vehicle and without paying any 89708
fee. However, a towing service or storage facility may charge an 89709
after-hours retrieval fee established by the public utilities 89710
commission in rules adopted under section 4921.25 of the Revised 89711
Code if the owner retrieves the personal items after hours, 89712
unless the towing service or storage facility fails to provide 89713
the notice required under division (B) (3) of section 4513.69 of 89714
the Revised Code, if applicable. The owner of a motor vehicle 89715
shall not do either of the following: 89716

(a) Retrieve any personal item that has been determined by 89717
the sheriff or chief, as applicable, to be necessary to a 89718
criminal investigation; 89719

(b) Retrieve any personal item from a vehicle if it would 89720
endanger the safety of the owner, unless the owner agrees to 89721
sign a waiver of liability. 89722

For purposes of division (D) (2) of this section, "personal 89723
items" do not include any items that are attached to the motor 89724
vehicle. 89725

(3) If a motor vehicle that is ordered into storage 89726
pursuant to division (A) (1) of this section remains unclaimed by 89727
the owner for thirty days, the procedures established by 89728
sections 4513.61 and 4513.62 of the Revised Code apply. 89729

(E) (1) No person shall remove, or cause the removal of, 89730

any motor vehicle from any private residential or private 89731
agricultural property other than in accordance with division (A) 89732
(1) of this section or sections 4513.61 to 4513.65 of the 89733
Revised Code. 89734

(2) No towing service or storage facility shall fail to 89735
comply with the requirements of this section. 89736

(F) This section does not apply to any private residential 89737
or private agricultural property that is established as a 89738
private tow-away zone in accordance with section 4513.601 of the 89739
Revised Code. 89740

(G) Whoever violates division (E) of this section is 89741
guilty of a minor misdemeanor. 89742

Sec. 4513.61. (A) The sheriff of a county or chief of a 89743
law enforcement agency of a municipal corporation, township, 89744
port authority, conservancy district, university campus police 89745
department, park district police force, or township or joint 89746
police district, within the sheriff's or chief's respective 89747
territorial jurisdiction, or a state highway patrol trooper, 89748
natural resources officer, or wildlife officer, upon 89749
notification to the sheriff, chief, or department of natural 89750
resources, as applicable, of such action and of the location of 89751
the place of storage, may order into storage any motor vehicle, 89752
including an abandoned junk motor vehicle as defined in section 89753
4513.63 of the Revised Code, that: 89754

(1) Has come into the possession of the sheriff, chief, 89755
state highway patrol trooper, or officer as a result of the 89756
performance of the sheriff's, chief's, trooper's, or officer's 89757
duties; or 89758

(2) Has been left on a public street or other property 89759

open to the public for purposes of vehicular travel, or upon or 89760
within the right-of-way of any road or highway, for forty-eight 89761
hours or longer without notification to the sheriff, chief, or 89762
department of the reasons for leaving the motor vehicle in such 89763
place. However, when such a motor vehicle constitutes an 89764
obstruction to traffic it may be ordered into storage 89765
immediately unless either of the following applies: 89766

(a) The vehicle was involved in an accident and is subject 89767
to section 4513.66 of the Revised Code; 89768

(b) The vehicle is a commercial motor vehicle. If the 89769
vehicle is a commercial motor vehicle, the sheriff, chief, 89770
trooper, or officer shall allow the owner or operator of the 89771
vehicle the opportunity to arrange for the removal of the motor 89772
vehicle within a period of time specified by the sheriff, chief, 89773
trooper, or officer. If the sheriff, chief, trooper, or officer 89774
determines that the vehicle cannot be removed within the 89775
specified period of time, the sheriff, chief, trooper, or 89776
officer shall order the removal of the vehicle. 89777

Subject to division (C) of this section, the sheriff, 89778
chief, or department shall designate the place of storage of any 89779
motor vehicle so ordered removed. 89780

(B) If the sheriff, chief, trooper, or officer issues an 89781
order under division (A) of this section and arranges for the 89782
removal of a motor vehicle by a towing service, the towing 89783
service shall deliver the motor vehicle to the location 89784
designated by the sheriff, chief, or department not more than 89785
two hours after the time it is removed. 89786

(C) (1) The sheriff, chief, or department shall cause a 89787
search to be made of the records of an applicable entity listed 89788

in division (F) (1) of section 4513.601 of the Revised Code to 89789
ascertain the identity of the owner and any lienholder of a 89790
motor vehicle ordered into storage by the sheriff, chief, 89791
trooper, or officer within five business days of the removal of 89792
the vehicle. Upon obtaining such identity, the sheriff, chief, 89793
or department shall send or cause notice to be sent to the owner 89794
and any lienholder at the owner's and any lienholder's last 89795
known address by certified or express mail with return receipt 89796
requested, by certified mail with electronic tracking, or by a 89797
commercial carrier service utilizing any form of delivery 89798
requiring a signed receipt. The notice shall inform the owner 89799
and any lienholder that the motor vehicle will be declared a 89800
nuisance and disposed of if not claimed within ten days of the 89801
date of the sending of the notice. 89802

(2) The owner or lienholder of the motor vehicle is 89803
responsible for payment of any expenses or charges incurred in 89804
its removal and storage and may reclaim the motor vehicle upon 89805
payment of those expenses or charges, and presentation of proof 89806
of ownership, which may be evidenced by a certificate of title 89807
or memorandum certificate of title to the motor vehicle, a 89808
certificate of registration for the motor vehicle, or a lease 89809
agreement. Upon Section 2930.11 of the Revised Code does not 89810
apply with regard to the payment of fees for motor vehicle 89811
removal and storage under this section. 89812

Upon presentation of proof of ownership evidenced as 89813
provided above, the owner of the motor vehicle also may retrieve 89814
any personal items from the vehicle without retrieving the 89815
vehicle and without paying any fee. However, a towing service or 89816
storage facility may charge an after-hours retrieval fee 89817
established by the public utilities commission in rules adopted 89818
under section 4921.25 of the Revised Code if the owner retrieves 89819

the personal items after hours, unless the towing service or 89820
storage facility fails to provide the notice required under 89821
division (B) (3) of section 4513.69 of the Revised Code, if 89822
applicable. However, the owner shall not do either of the 89823
following: 89824

(a) Retrieve any personal item that has been determined by 89825
the sheriff, chief, trooper, or officer, as applicable, to be 89826
necessary to a criminal investigation; 89827

(b) Retrieve any personal item from a vehicle if it would 89828
endanger the safety of the owner, unless the owner agrees to 89829
sign a waiver of liability. 89830

For purposes of division (C) (2) of this section, "personal 89831
items" do not include any items that are attached to the 89832
vehicle. 89833

(3) If the owner or lienholder of the motor vehicle 89834
reclaims it after a search of the applicable records has been 89835
conducted and after notice has been sent to the owner and any 89836
lienholder as described in this section, and the search was 89837
conducted by the place of storage, and the notice was sent to 89838
the motor vehicle owner by the place of storage, the owner or 89839
lienholder shall pay to the place of storage a processing fee of 89840
twenty-five dollars, in addition to any expenses or charges 89841
incurred in the removal and storage of the vehicle. 89842

(D) If the owner or lienholder makes no claim to the motor 89843
vehicle within ten days of the date of sending the notice, and 89844
if the vehicle is to be disposed of at public auction as 89845
provided in section 4513.62 of the Revised Code, the sheriff, 89846
chief, or department, without charge to any party, shall file 89847
with the clerk of courts of the county in which the place of 89848

storage is located an affidavit showing compliance with the 89849
requirements of this section. Upon presentation of the 89850
affidavit, the clerk, without charge, shall issue a salvage 89851
certificate of title, free and clear of all liens and 89852
encumbrances, to the sheriff, chief, or department. If the 89853
vehicle is to be disposed of to a motor vehicle salvage dealer 89854
or other facility as provided in section 4513.62 of the Revised 89855
Code, the sheriff, chief, or department shall execute in 89856
triplicate an affidavit, as prescribed by the registrar of motor 89857
vehicles, describing the motor vehicle and the manner in which 89858
it was disposed of, and that all requirements of this section 89859
have been complied with. The sheriff, chief, or department shall 89860
retain the original of the affidavit for the sheriff's, chief's, 89861
or department's records, and shall furnish two copies to the 89862
motor vehicle salvage dealer or other facility. Upon 89863
presentation of a copy of the affidavit by the motor vehicle 89864
salvage dealer, the clerk of courts, within thirty days of the 89865
presentation, shall issue a salvage certificate of title, free 89866
and clear of all liens and encumbrances. 89867

(E) Whenever a motor vehicle salvage dealer or other 89868
facility receives an affidavit for the disposal of a motor 89869
vehicle as provided in this section, the dealer or facility 89870
shall not be required to obtain an Ohio certificate of title to 89871
the motor vehicle in the dealer's or facility's own name if the 89872
vehicle is dismantled or destroyed and both copies of the 89873
affidavit are delivered to the clerk of courts. 89874

(F) No towing service or storage facility shall fail to 89875
comply with this section. 89876

Sec. 4513.66. (A) If a motor vehicle accident occurs on 89877
any highway, public street, or other property open to the public 89878

for purposes of vehicular travel and if any motor vehicle, 89879
cargo, or personal property that has been damaged or spilled as 89880
a result of the motor vehicle accident is blocking the highway, 89881
street, or other property or is otherwise endangering public 89882
safety, a public safety official may do either of the following 89883
without the consent of the owner but with the approval of the 89884
law enforcement agency conducting any investigation of the 89885
accident: 89886

(1) Remove, or order the removal of, the motor vehicle if 89887
the motor vehicle is unoccupied, cargo, or personal property 89888
from the portion of the highway, public street, or property 89889
ordinarily used for vehicular travel on the highway, public 89890
street, or other property open to the public for purposes of 89891
vehicular travel. 89892

(2) If the motor vehicle is a commercial motor vehicle, 89893
allow the owner or operator of the vehicle the opportunity to 89894
arrange for the removal of the motor vehicle within a period of 89895
time specified by the public safety official. If the public 89896
safety official determines that the motor vehicle cannot be 89897
removed within the specified period of time, the public safety 89898
official shall remove or order the removal of the motor vehicle. 89899

(B) (1) Except as provided in division (B) (2) of this 89900
section, the department of transportation, any employee of the 89901
department of transportation, or a public safety official who 89902
authorizes or participates in the removal of any unoccupied 89903
motor vehicle, cargo, or personal property as authorized by 89904
division (A) of this section, regardless of whether the removal 89905
is executed by a private towing service, is not liable for civil 89906
damages for any injury, death, or loss to person or property 89907
that results from the removal of that unoccupied motor vehicle, 89908

cargo, or personal property. Further, except as provided in 89909
division (B) (2) of this section, if a public safety official 89910
authorizes, employs, or arranges to have a private towing 89911
service remove any unoccupied motor vehicle, cargo, or personal 89912
property as authorized by division (A) of this section, that 89913
private towing service is not liable for civil damages for any 89914
injury, death, or loss to person or property that results from 89915
the removal of that unoccupied motor vehicle, cargo, or personal 89916
property. 89917

(2) Division (B) (1) of this section does not apply to any 89918
of the following: 89919

(a) Any person or entity involved in the removal of an 89920
unoccupied motor vehicle, cargo, or personal property pursuant 89921
to division (A) of this section if that removal causes or 89922
contributes to the release of a hazardous material or to 89923
structural damage to the roadway; 89924

(b) A private towing service that was not authorized, 89925
employed, or arranged by a public safety official to remove an 89926
unoccupied motor vehicle, cargo, or personal property under this 89927
section; 89928

(c) Except as provided in division (B) (2) (d) of this 89929
section, a private towing service that was authorized, employed, 89930
or arranged by a public safety official to perform the removal 89931
of the unoccupied motor vehicle, cargo, or personal property but 89932
the private towing service performed the removal in a negligent 89933
manner; 89934

(d) A private towing service that was authorized, 89935
employed, or arranged by a public safety official to perform the 89936
removal of the unoccupied motor vehicle, cargo, or personal 89937

property that was endangering public safety but the private 89938
towing service performed the removal in a reckless manner. 89939

(C) Section 2930.11 of the Revised Code does not apply 89940
with regard to the payment of fees for motor vehicle removal and 89941
storage under this section. 89942

(D) As used in this section: 89943

(1) "Public safety official" means any of the following: 89944

(a) The sheriff of the county, or the chief of a law 89945
enforcement agency in the municipal corporation, township, port 89946
authority, conservancy district, university campus police 89947
department, park district police force, or township or joint 89948
police district, in which the accident occurred; 89949

(b) A state highway patrol trooper; 89950

(c) The chief of the fire department having jurisdiction 89951
where the accident occurred; 89952

(d) A duly authorized subordinate acting on behalf of an 89953
official specified in divisions ~~(C) (1) (a)~~ (D) (1) (a) to (c) of 89954
this section; 89955

(e) A natural resources officer or a wildlife officer. 89956

(2) "Hazardous material" has the same meaning as in 89957
section 2305.232 of the Revised Code. 89958

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of 89959
the Revised Code: 89960

(A) "Persons" includes individuals, partnerships, 89961
associations, joint stock companies, corporations, sole 89962
proprietorships, limited liability companies, limited liability 89963
partnerships, business trusts, and any other legally recognized 89964

business entities or any combinations of individuals. 89965

(B) "Motor vehicle" means motor vehicle as defined in 89966
section 4501.01 of the Revised Code and also includes "all- 89967
purpose vehicle" and "off-highway motorcycle" as those terms are 89968
defined in section 4519.01 of the Revised Code. "Motor vehicle" 89969
does not include a snowmobile as defined in section 4519.01 of 89970
the Revised Code or manufactured and mobile homes. "Motor 89971
vehicle" includes a "fifth wheel trailer," "park trailer," 89972
"travel trailer," "tent-type fold-out camping trailer," and a 89973
"semitrailer" but does not otherwise include trailers as defined 89974
in section 4501.01 of the Revised Code. 89975

(C) "New motor vehicle" means a motor vehicle, the legal 89976
title to which has never been transferred by a manufacturer, 89977
remanufacturer, distributor, or dealer to an ultimate purchaser. 89978

(D) "Ultimate purchaser" means, with respect to any new 89979
motor vehicle, the first person, other than a dealer purchasing 89980
in the capacity of a dealer, who in good faith purchases such 89981
new motor vehicle for purposes other than resale. 89982

(E) "Business" includes any activities engaged in by any 89983
person for the object of gain, benefit, or advantage either 89984
direct or indirect, including activities conducted through the 89985
internet or another computer network. 89986

(F) "Engaging in business" means commencing, conducting, 89987
or continuing in business, or liquidating a business when the 89988
liquidator thereof holds self out to be conducting such 89989
business; making a casual sale or otherwise making transfers in 89990
the ordinary course of business when the transfers are made in 89991
connection with the disposition of all or substantially all of 89992
the transferor's assets is not engaging in business. 89993

(G) "Retail sale" or "selling at retail" means the act or 89994
attempted act of selling, bartering, exchanging, or otherwise 89995
disposing of a motor vehicle, including through use of the 89996
internet or another computer network, to an ultimate purchaser. 89997

(H) "Retail installment contract" includes any contract in 89998
the form of a note, chattel mortgage, conditional sales 89999
contract, lease, agreement, or other instrument payable in one 90000
or more installments over a period of time and arising out of 90001
the retail sale of a motor vehicle. 90002

(I) "Farm machinery" means all machines and tools used in 90003
the production, harvesting, and care of farm products. 90004

(J) "Dealer" or "motor vehicle dealer" means any new motor 90005
vehicle dealer, any motor vehicle leasing dealer, any adaptive 90006
mobility dealer, and any used motor vehicle dealer. 90007

(K) "New motor vehicle dealer" means any person engaged in 90008
the business of selling at retail, displaying, offering for 90009
sale, or dealing in new motor vehicles pursuant to a contract or 90010
agreement entered into with the manufacturer, remanufacturer, or 90011
distributor of the motor vehicles. 90012

(L) "Used motor vehicle dealer" means any person engaged 90013
in the business of selling, displaying, offering for sale, or 90014
dealing in used motor vehicles, at retail or wholesale, but does 90015
not mean any new motor vehicle dealer selling, displaying, 90016
offering for sale, or dealing in used motor vehicles 90017
incidentally to engaging in the business of selling, displaying, 90018
offering for sale, or dealing in new motor vehicles, any person 90019
engaged in the business of dismantling, salvaging, or rebuilding 90020
motor vehicles by means of using used parts, or any public 90021
officer performing official duties. 90022

(M) "Motor vehicle leasing dealer" means any person 90023
engaged in the business of regularly making available, offering 90024
to make available, or arranging for another person to use a 90025
motor vehicle pursuant to a bailment, lease, sublease, or other 90026
contractual arrangement under which a charge is made for its use 90027
at a periodic rate for a term of thirty days or more, and title 90028
to the motor vehicle is in and remains in the motor vehicle 90029
leasing dealer who originally leases it, irrespective of whether 90030
or not the motor vehicle is the subject of a later sublease, and 90031
not in the user, including any financial institution acting as a 90032
lessor for a lease or sublease. "Motor vehicle leasing dealer" 90033
does not include a new motor vehicle dealer that is not the 90034
lessor and that only assists in arranging a lease on the 90035
lessor's behalf or a manufacturer or its affiliate leasing to 90036
its employees or to dealers. 90037

(N) "Salesperson" means any person employed by a dealer to 90038
sell, display, and offer for sale, or deal in motor vehicles for 90039
a commission, compensation, or other valuable consideration, but 90040
does not mean any public officer performing official duties. 90041

(O) "Casual sale" means any transfer of a motor vehicle by 90042
a person other than a new motor vehicle dealer, used motor 90043
vehicle dealer, adaptive mobility dealer, motor vehicle salvage 90044
dealer, as defined in division (A) of section 4738.01 of the 90045
Revised Code, salesperson, motor vehicle auction owner, 90046
manufacturer, or distributor acting in the capacity of a dealer, 90047
salesperson, auction owner, manufacturer, or distributor, to a 90048
person who purchases the motor vehicle for use as a consumer. 90049

(P) "Motor vehicle auction owner" means any person who is 90050
engaged wholly or in part in the business of auctioning motor 90051
vehicles, but does not mean a construction equipment auctioneer 90052

or a construction equipment auction licensee. 90053

(Q) "Manufacturer" means a person who manufactures, 90054
assembles, or imports motor vehicles, including motor homes, but 90055
does not mean a person who only assembles or installs a body, 90056
special equipment unit, finishing trim, or accessories on a 90057
motor vehicle chassis supplied by a manufacturer or distributor. 90058

(R) "Tent-type fold-out camping trailer" means any vehicle 90059
intended to be used, when stationary, as a temporary shelter 90060
with living and sleeping facilities, and that is subject to the 90061
following properties and limitations: 90062

(1) A minimum of twenty-five per cent of the fold-out 90063
portion of the top and sidewalls combined must be constructed of 90064
canvas, vinyl, or other fabric, and form an integral part of the 90065
shelter. 90066

(2) When folded, the unit must not exceed: 90067

(a) Fifteen feet in length, exclusive of bumper and 90068
tongue; 90069

(b) Sixty inches in height from the point of contact with 90070
the ground; 90071

(c) Eight feet in width; 90072

(d) One ton gross weight at time of sale. 90073

(S) "Distributor" means any person authorized by a motor 90074
vehicle manufacturer to distribute new motor vehicles to 90075
licensed new motor vehicle dealers, but does not mean a person 90076
who only assembles or installs a body, special equipment unit, 90077
finishing trim, or accessories on a motor vehicle chassis 90078
supplied by a manufacturer or distributor. 90079

(T) "Flea market" means a market place, other than a dealer's location licensed under this chapter, where a space or location is provided for a fee or compensation to a seller to exhibit and offer for sale or trade, motor vehicles to the general public.

(U) "Franchise" means any written agreement, contract, or understanding between any motor vehicle manufacturer or remanufacturer engaged in commerce and any new motor vehicle dealer that purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.

(V) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.

(W) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.

(X) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.

(Y) "Factory representative" means a representative employed by a manufacturer, remanufacturer, or by a factory branch primarily for the purpose of promoting the sale of its motor vehicles, parts, or accessories to dealers or for supervising or contacting its dealers or prospective dealers.

(Z) "Administrative or executive management" means those individuals who are not subject to federal wage and hour laws.

(AA) "Good faith" means honesty in the conduct or transaction concerned and the observance of reasonable

commercial standards of fair dealing in the trade as is defined 90109
in section 1301.201 of the Revised Code, including, but not 90110
limited to, the duty to act in a fair and equitable manner so as 90111
to guarantee freedom from coercion, intimidation, or threats of 90112
coercion or intimidation; provided however, that recommendation, 90113
endorsement, exposition, persuasion, urging, or argument shall 90114
not be considered to constitute a lack of good faith. 90115

(BB) "Coerce" means to compel or attempt to compel by 90116
failing to act in good faith or by threat of economic harm, 90117
breach of contract, or other adverse consequences. Coerce does 90118
not mean to argue, urge, recommend, or persuade. 90119

(CC) "Relevant market area" means any area within a radius 90120
of ten miles from the site of a potential new dealership, except 90121
that for manufactured home or recreational vehicle dealerships 90122
the radius shall be twenty-five miles. The ten-mile radius shall 90123
be measured from the dealer's established place of business that 90124
is used exclusively for the purpose of selling, displaying, 90125
offering for sale, or dealing in motor vehicles. 90126

(DD) "Wholesale" or "at wholesale" means the act or 90127
attempted act of selling, bartering, exchanging, or otherwise 90128
disposing of a motor vehicle to a transferee for the purpose of 90129
resale and not for ultimate consumption by that transferee. 90130

(EE) "Motor vehicle wholesaler" means any person licensed 90131
as a dealer under the laws of another state and engaged in the 90132
business of selling, displaying, or offering for sale used motor 90133
vehicles, at wholesale, but does not mean any motor vehicle 90134
dealer as defined in this section. 90135

(FF) (1) "Remanufacturer" means a person who assembles or 90136
installs passenger seating, walls, a roof elevation, or a body 90137

extension on a conversion van with the motor vehicle chassis 90138
supplied by a manufacturer or distributor, a person who modifies 90139
a truck chassis supplied by a manufacturer or distributor for 90140
use as a public safety or public service vehicle, a person who 90141
modifies a motor vehicle chassis supplied by a manufacturer or 90142
distributor for use as a limousine or hearse, or a person who 90143
modifies an incomplete motor vehicle cab and chassis supplied by 90144
a new motor vehicle dealer or distributor for use as a tow 90145
truck, but does not mean either of the following: 90146

(a) A person who assembles or installs passenger seating, 90147
a roof elevation, or a body extension on a recreational vehicle 90148
as defined in division (Q) and referred to in division (B) of 90149
section 4501.01 of the Revised Code; 90150

(b) An adaptive mobility dealer. 90151

(2) For the purposes of division (FF)(1) of this section, 90152
"public safety vehicle or public service vehicle" means a fire 90153
truck, ambulance, school bus, street sweeper, garbage packing 90154
truck, or cement mixer, or a mobile self-contained facility 90155
vehicle. 90156

(3) For the purposes of division (FF)(1) of this section, 90157
"limousine" means a motor vehicle, designed only for the purpose 90158
of carrying nine or fewer passengers, that a person modifies by 90159
cutting the original chassis, lengthening the wheelbase by forty 90160
inches or more, and reinforcing the chassis in such a way that 90161
all modifications comply with all applicable federal motor 90162
vehicle safety standards. No person shall qualify as or be 90163
deemed to be a remanufacturer who produces limousines unless the 90164
person has a written agreement with the manufacturer of the 90165
chassis the person utilizes to produce the limousines to 90166
complete properly the remanufacture of the chassis into 90167

limousines. 90168

(4) For the purposes of division (FF)(1) of this section, 90169
"hearse" means a motor vehicle, designed only for the purpose of 90170
transporting a single casket, that is equipped with a 90171
compartment designed specifically to carry a single casket that 90172
a person modifies by cutting the original chassis, lengthening 90173
the wheelbase by ten inches or more, and reinforcing the chassis 90174
in such a way that all modifications comply with all applicable 90175
federal motor vehicle safety standards. No person shall qualify 90176
as or be deemed to be a remanufacturer who produces hearses 90177
unless the person has a written agreement with the manufacturer 90178
of the chassis the person utilizes to produce the hearses to 90179
complete properly the remanufacture of the chassis into hearses. 90180

(5) For the purposes of division (FF)(1) of this section, 90181
"mobile self-contained facility vehicle" means a mobile 90182
classroom vehicle, mobile laboratory vehicle, bookmobile, 90183
bloodmobile, testing laboratory, and mobile display vehicle, 90184
each of which is designed for purposes other than for passenger 90185
transportation and other than the transportation or displacement 90186
of cargo, freight, materials, or merchandise. A vehicle is 90187
remanufactured into a mobile self-contained facility vehicle in 90188
part by the addition of insulation to the body shell, and 90189
installation of all of the following: a generator, electrical 90190
wiring, plumbing, holding tanks, doors, windows, cabinets, 90191
shelving, and heating, ventilating, and air conditioning 90192
systems. 90193

(6) For the purposes of division (FF)(1) of this section, 90194
"tow truck" means both of the following: 90195

(a) An incomplete cab and chassis that are purchased by a 90196
remanufacturer from a new motor vehicle dealer or distributor of 90197

the cab and chassis and on which the remanufacturer then 90198
installs in a permanent manner a wrecker body it purchases from 90199
a manufacturer or distributor of wrecker bodies, installs an 90200
emergency flashing light pylon and emergency lights upon the 90201
mast of the wrecker body or rooftop, and installs such other 90202
related accessories and equipment, including push bumpers, front 90203
grille guards with pads and other custom-ordered items such as 90204
painting, special lettering, and safety striping so as to create 90205
a complete motor vehicle capable of lifting and towing another 90206
motor vehicle. 90207

(b) An incomplete cab and chassis that are purchased by a 90208
remanufacturer from a new motor vehicle dealer or distributor of 90209
the cab and chassis and on which the remanufacturer then 90210
installs in a permanent manner a car carrier body it purchases 90211
from a manufacturer or distributor of car carrier bodies, 90212
installs an emergency flashing light pylon and emergency lights 90213
upon the rooftop, and installs such other related accessories 90214
and equipment, including push bumpers, front grille guards with 90215
pads and other custom-ordered items such as painting, special 90216
lettering, and safety striping. 90217

As used in division (FF) (6) (b) of this section, "car 90218
carrier body" means a mechanical or hydraulic apparatus capable 90219
of lifting and holding a motor vehicle on a flat level surface 90220
so that one or more motor vehicles can be transported, once the 90221
car carrier is permanently installed upon an incomplete cab and 90222
chassis. 90223

(GG) "Operate as a new motor vehicle dealership" means 90224
engaging in activities such as displaying, offering for sale, 90225
and selling new motor vehicles at retail, operating a service 90226
facility to perform repairs and maintenance on motor vehicles, 90227

offering for sale and selling motor vehicle parts at retail, and 90228
conducting all other acts that are usual and customary to the 90229
operation of a new motor vehicle dealership. For the purposes of 90230
this chapter only, possession of either a valid new motor 90231
vehicle dealer franchise agreement or a new motor vehicle 90232
dealers license, or both of these items, is not evidence that a 90233
person is operating as a new motor vehicle dealership. 90234

(HH) "Outdoor power equipment" means garden and small 90235
utility tractors, walk-behind and riding mowers, chainsaws, and 90236
tillers. 90237

(II) "Remote service facility" means premises that are 90238
separate from a licensed new motor vehicle dealer's sales 90239
facility by not more than one mile and that are used by the 90240
dealer to perform repairs, warranty work, recall work, and 90241
maintenance on motor vehicles pursuant to a franchise agreement 90242
entered into with a manufacturer of motor vehicles. A remote 90243
service facility shall be deemed to be part of the franchise 90244
agreement and is subject to all the rights, duties, obligations, 90245
and requirements of Chapter 4517. of the Revised Code that 90246
relate to the performance of motor vehicle repairs, warranty 90247
work, recall work, and maintenance work by new motor vehicle 90248
dealers. 90249

(JJ) "Recreational vehicle" has the same meaning as in 90250
section 4501.01 of the Revised Code. 90251

(KK) "Construction equipment auctioneer" means a person 90252
who holds both a valid auction firm license issued under Chapter 90253
4707. of the Revised Code and a valid construction equipment 90254
auction license issued under this chapter. 90255

(LL) "Large construction or transportation equipment" 90256

means vehicles having a gross vehicle weight rating of more than 90257
ten thousand pounds and includes road rollers, traction engines, 90258
power shovels, power cranes, commercial cars and trucks, or farm 90259
trucks, and other similar vehicles obtained primarily from the 90260
construction, mining, transportation or farming industries. 90261

(MM) "Local market conditions" includes, but is not 90262
limited to: 90263

(1) Demographics in the franchisee's area; 90264

(2) Geographical and market characteristics in the 90265
franchisee's area; 90266

(3) Local economic circumstances; 90267

(4) The proximity of other motor vehicle dealers of the 90268
same line-make; 90269

(5) The proximity of motor vehicle manufacturing 90270
facilities; 90271

(6) The buying patterns of motor vehicle purchasers; 90272

(7) Customer drive time and drive distance. 90273

(NN) "Established place of business" means a permanent, 90274
enclosed building or structure that meets all of the following 90275
requirements: 90276

(1) It is either owned, leased, or rented by the motor 90277
vehicle dealer. 90278

(2) It meets local zoning or municipal requirements. 90279

(3) It is regularly occupied by at least one person. 90280

(4) It is easily accessible to the public. 90281

(5) The records and files necessary to conduct the 90282

business are generally kept and maintained at the location or 90283
are readily accessible and available for reasonable inspection 90284
from the location. 90285

"Established place of business" does not mean a residence, 90286
tent, temporary stand, storage shed, lot, or any temporary 90287
quarters, unless authorized by the registrar of motor vehicles. 90288

(OO) "Adaptive mobility dealer" means any person engaged 90289
in the business of all of the following: 90290

(1) Selling at retail, displaying, offering for sale, 90291
delivering, and dealing in adaptive mobility vehicles; 90292

(2) Selling and installing adaptive mobility equipment, 90293
related accessories, and other goods and services to meet the 90294
automotive adaptive mobility needs of drivers and passengers 90295
with disabilities; 90296

(3) Providing maintenance and repair services for adaptive 90297
mobility vehicles and adaptive mobility equipment. 90298

(PP) "Adaptive mobility equipment" means the mechanical or 90299
electronic devices or parts that are designed to facilitate the 90300
use of a motor vehicle by a person who is aging or a person with 90301
disabilities, in accordance with 49 C.F.R. part 571, and that 90302
are permanently attached to or incorporated into the motor 90303
vehicle. 90304

Sec. 4561.03. (A) The Ohio airport improvement program 90305
fund is created in the state treasury. The fund shall consist of 90306
money appropriated to it by the general assembly and transfers 90307
from the petroleum activity tax fund in accordance with section 90308
5736.13 of the Revised Code. 90309

(B) The fund shall be used by the office of aviation to 90310

support the Ohio airport improvement program. The program 90311
provides financial support to publicly owned, public-use 90312
airports in Ohio. 90313

(C) Investment earnings of the fund shall be credited to 90314
the fund. 90315

Sec. 4701.01. As used in this chapter: 90316

(A) "Practice of public accounting" means performing or 90317
offering to perform any engagement that will result in the 90318
issuance of an attest report and, with respect to a person who 90319
holds a CPA certificate, PA registration, foreign certificate, 90320
or firm registration, any other services involving the use of 90321
accounting or auditing skills as established by rules adopted by 90322
the accountancy board. 90323

(B) "Public accounting firm" means a sole proprietorship, 90324
a partnership, a limited liability company, a professional 90325
association, a corporation-for-profit, or any other business 90326
organization that is engaged in the practice of public 90327
accounting in this state. 90328

(C) "Opinion report" means any opinion on a financial 90329
statement that is expressed in accordance with generally 90330
accepted auditing standards as to the fairness of presentation 90331
of information and that is used for guidance in financial 90332
transactions, for accounting, or for assessing the status or 90333
performance of commercial and noncommercial enterprises, whether 90334
public, private, or governmental. 90335

(D) "Peer review" means a study, appraisal, or review of 90336
one or more aspects of the professional work of a public 90337
accounting firm that meets the standards and requirements set 90338
forth by the accountancy board. 90339

(E) "Review report" means either of the following:	90340
(1) Any review report on a financial statement that is	90341
issued with respect to any of the following:	90342
(a) Interim financial information in accordance with	90343
generally accepted auditing standards;	90344
(b) The financial information of a nonpublic entity in	90345
accordance with statements on standards for accounting and	90346
review services;	90347
(c) The reliability of another party's written assertion	90348
in accordance with statements on standards for attestation	90349
engagements.	90350
(2) Any other review report on a financial statement that	90351
is not described in division (E) (1) of this section and that is	90352
issued in accordance with standards promulgated by the American	90353
institute of certified public accountants.	90354
(F) "Compilation report" means any compilation report on a	90355
financial statement that is issued with respect to financial	90356
information of a nonpublic entity in accordance with statements	90357
on standards for accounting and review services as promulgated	90358
by the American institute of certified public accountants.	90359
(G) "Examination report" means any examination report on a	90360
financial statement that is issued with respect to another	90361
party's written assertion in accordance with statements on	90362
standards for attestation engagements as promulgated by the	90363
American institute of certified public accountants.	90364
(H) "Agreed-upon procedures report" means any report that	90365
is on a financial statement and that is based on agreed-upon	90366
procedures issued with respect to another party's written	90367

assertion in accordance with statements on standards for 90368
attestation engagements as promulgated by the American institute 90369
of certified public accountants. 90370

(I) "Qualified firm" means a sole proprietorship, 90371
partnership, professional association, corporation-for-profit, 90372
limited liability company, or other business organization in 90373
which the individuals who own a majority of the business 90374
organization interests in the business organization and control 90375
the business organization hold an Ohio permit or a foreign 90376
certificate. 90377

(J) "Own" means any direct or indirect ownership of an 90378
equity interest or shares in a public accounting firm or 90379
qualified firm. 90380

(K) "Control" or "controlled" means the right to exercise 90381
the majority of the voting equity interests or shares in a 90382
public accounting firm or qualified firm with respect to any 90383
matter. 90384

(L) "Equity interest" means any capital interest or profit 90385
interest in a sole proprietorship, partnership, professional 90386
association, corporation-for-profit, limited liability company, 90387
or other business organization. 90388

(M) "Ohio permit" means a permit to practice public 90389
accounting issued under division (A) of section 4701.10 of the 90390
Revised Code that is not revoked or suspended. 90391

(N) "Ohio registration" means the registration under 90392
division (B) of section 4701.10 of the Revised Code of a holder 90393
of a CPA certificate or PA registration who is not in the 90394
practice of public accounting in this state. 90395

(O) "Firm registration" or "registered firm" means 90396

registration as a public accounting firm under section 4701.04 90397
of the Revised Code. 90398

(P) "PA registration" means registration as a public 90399
accountant under section 4701.07 of the Revised Code that is not 90400
revoked or suspended. 90401

(Q) "CPA certificate" means a certificate issued under 90402
section 4701.06 or 4701.061 of the Revised Code that is not 90403
revoked or suspended. 90404

(R) "Foreign certificate" means a license, permit, 90405
certificate, or registration issued to a certified public 90406
accountant under the laws of another state that authorizes the 90407
holder to practice public accounting in that state, is valid, is 90408
in good standing, and has not expired. 90409

(S) "Attest report" means an opinion report, review 90410
report, compilation report, examination report, agreed-upon 90411
procedures report, or any similar report prepared in accordance 90412
with standards established by the American institute of 90413
certified public accountants with respect to a financial 90414
statement or other financial information. 90415

(T) "Person" means any individual, corporation-for-profit, 90416
business trust, estate, partnership, limited liability company, 90417
professional association, or other business organization. 90418

(U) Technical terms that define specific public accounting 90419
engagements have the same meanings as in the professional 90420
standards promulgated by the American institute of certified 90421
public accountants. 90422

Sec. 4701.04. (A) No public accounting firm located in 90423
this state shall engage in the practice of public accounting in 90424
this state unless it registers with the accountancy board and 90425

pays a registration fee set by the board. 90426

(B) Public accounting firms shall apply for initial 90427
registration within ninety days after formation or within ninety 90428
days after the commencement of practicing public accounting in 90429
this state. All public accounting firms shall renew their 90430
registration triennially. All public accounting firms shall 90431
submit with their initial and renewal registration applications 90432
all of the following: 90433

(1) A list of the names, addresses, and certificate or 90434
registration numbers of all individuals who hold an Ohio permit 90435
and who own an equity interest or shares in the public 90436
accounting firm or are employed by the public accounting firm; 90437

(2) A list of the names and addresses of each person who 90438
does not hold an Ohio permit or a foreign certificate and who 90439
owns an equity interest or shares in the public accounting firm 90440
if the person's principal place of business is located in this 90441
state; 90442

(3) A statement that the public accounting firm and each 90443
person who owns an equity interest or shares in the public 90444
accounting firm or is employed by the public accounting firm and 90445
who does not hold an Ohio permit or a foreign certificate is in 90446
compliance with divisions (C) and (D) of this section. 90447

(C) A public accounting firm shall satisfy all of the 90448
following requirements in order to register: 90449

(1) Except as provided in division ~~(C)(5)~~ (C)(7) of this 90450
section, ~~each partner, shareholder, member, or other person who~~ 90451
~~owns an~~ more than fifty per cent of the total equity interest or 90452
shares in the public accounting firm shall be owned by 90453
individuals who hold an Ohio permit or a foreign certificate. 90454

(2) If a public accounting firm has a board of directors, 90455
more than fifty per cent of the directors shall hold an Ohio 90456
permit or a foreign certificate. 90457

(3) If a public accounting firm has an employee stock 90458
ownership plan, more than fifty per cent of the trustees of the 90459
employee stock ownership plan shall hold an Ohio permit or a 90460
foreign certificate. 90461

(4) The public accounting firm shall designate an 90462
individual who holds an Ohio permit who shall be responsible for 90463
the proper registration of the firm. The public accounting firm 90464
shall identify this individual to the board. 90465

~~+(3)~~ (5) Each individual in a public accounting firm who 90466
signs any attest report issued from an office of the public 90467
accounting firm located in this state shall hold an Ohio permit. 90468

~~+(4)~~ (6) An individual who owns an equity interest or shares 90469
in the public accounting firm or is employed by the public 90470
accounting firm and who holds an Ohio permit or a foreign 90471
certificate, or a qualified firm that owns an equity interest or 90472
shares in the public accounting firm, shall assume ultimate 90473
responsibility for any attest report issued from an office of 90474
the public accounting firm located in this state. 90475

~~+(5)~~ (7) Any person who does not hold an Ohio permit or a 90476
foreign certificate and who holds an equity interest or shares 90477
in the public accounting firm shall satisfy the conditions set 90478
forth in division (D) of this section. 90479

~~+(6)~~ (8) The public accounting firm shall provide for the 90480
transfer of the equity interest or shares owned by persons who 90481
do not hold an Ohio permit or a foreign certificate to either 90482
the public accounting firm or to another person who owns an 90483

equity interest or shares in the firm if a person who does not 90484
hold an Ohio permit or a foreign certificate withdraws from or 90485
ceases to be employed by the public accounting firm. The public 90486
accounting firm may make payments in connection with the 90487
person's withdrawal from the firm to that person or, if that 90488
person is deceased or dissolved, to the person's estate or 90489
successor in interest. 90490

(D) A person who does not hold an Ohio permit or a foreign 90491
certificate may own an equity interest or shares in a public 90492
accounting firm if all of the following conditions are met: 90493

(1) All of the individuals who hold an Ohio permit or a 90494
foreign certificate and who own equity interests or shares in 90495
the public accounting firm, and qualified firms that own equity 90496
interests or shares in the public accounting firm, own, in the 90497
aggregate, a majority of the equity interests or shares in the 90498
public accounting firm and control the public accounting firm. 90499

(2) The person does not assume or use any titles or 90500
designations specified in division (A) of section 4701.14 of the 90501
Revised Code. The person may designate or refer to the person as 90502
a shareholder, partner, member, principal, owner, or officer of 90503
the public accounting firm and also may use any other title that 90504
the board authorizes by rule. 90505

(3) The person is not in violation of any standard 90506
regarding the character or conduct of that person that the board 90507
establishes by rule. 90508

(4) The person's participation in the business of the 90509
public accounting firm is the person's principal occupation and 90510
consists of providing services to or on behalf of the public 90511
accounting firm, and the person is not functioning solely or 90512

predominately as a passive investor in the public accounting 90513
firm. 90514

(5) The person meets or exceeds the continuing education 90515
requirements that the board establishes by rule. 90516

(6) A person who holds a professional license, 90517
registration, or certification issued by this state or another 90518
state complies with the requirements of that license, 90519
registration, or certification. 90520

(7) The person abides by the code of conduct of the 90521
American institute of certified public accountants or a 90522
comparable code of professional conduct that the board adopts by 90523
rule. 90524

(8) The person complies with all applicable provisions of 90525
this chapter and the rules adopted by the board. 90526

(E) A person who owns a voting equity interest or shares 90527
in a public accounting firm may not delegate, by proxy or 90528
otherwise, the duty to exercise any voting rights to a person 90529
that does not hold an Ohio permit or a foreign certificate or to 90530
a person that is not a qualified firm. 90531

(F) As a condition for initial or renewal registration of 90532
a public accounting firm on and after January 1, 1993, the 90533
board, by rule, shall require that each public accounting firm 90534
undergo a peer review to determine the public accounting firm's 90535
degree of compliance in the practice of public accounting with 90536
generally accepted accounting principles, generally accepted 90537
auditing standards, and other generally accepted technical 90538
standards as defined by the board in rule, unless the public 90539
accounting firm meets one of the exceptions in division (J) of 90540
this section. 90541

(G) The board shall adopt rules establishing guidelines 90542
for peer reviews, and may authorize an agent to administer all 90543
or part of the board's peer review program and to assess a 90544
reasonable fee to firms to cover the costs incurred by the agent 90545
for program administration. The rules shall do all of the 90546
following: 90547

(1) Designate a peer review committee consisting of 90548
accounting professionals to serve as advisors to the board and 90549
to ensure that the board's guidelines are followed. 90550

(2) Require that the peer review be conducted by a 90551
reviewer that is both independent of the public accounting firm 90552
reviewed and qualified pursuant to board rules; 90553

(3) Require that the standards and practices applied by 90554
the reviewer be at least as stringent as those applied by the 90555
American institute of certified public accountants; 90556

(4) Prohibit the use or disclosure of information obtained 90557
by members of the board or a committee of peer reviewers during 90558
or in connection with the peer review process for purposes other 90559
than those related to determining the degree of compliance by 90560
the public accounting firm with generally accepted accounting 90561
principles, generally accepted auditing standards, and other 90562
generally accepted technical standards as defined by the board 90563
in rule. Division (G) (4) of this section does not apply to the 90564
use or disclosure of information that is described in division 90565
(K) (3) of this section or that is necessary to comply with any 90566
provision of law. 90567

(H) (1) If a peer review report indicates that a public 90568
accounting firm does not comply with standards and practices set 90569
forth in the rules adopted by the board, the board, in its 90570

discretion, may review the results of the peer review report. If 90571
the board, or its authorized peer review program administrator, 90572
determines that the public accounting firm does not comply with 90573
the standards and practices, it may require both of the 90574
following: 90575

(a) Remedial action, which may include any of the 90576
following: 90577

(i) Requiring employees of the public accounting firm to 90578
complete general or specific continuing professional education 90579
courses; 90580

(ii) Requiring the public accounting firm to undergo peer 90581
review more frequently than triennially and peer review that is 90582
conducted in whole or part under the direct supervision of the 90583
board or its designee; 90584

(iii) Any other remedial action specified by the board. 90585

(b) An affidavit and supporting documentation from the 90586
public accounting firm submitted within the time specified by 90587
the board indicating completion of required remedial actions. 90588

(2) If the board, or its authorized peer review program 90589
administrator, determines that a public accounting firm has not 90590
complied with any requirement ordered under division (H) of this 90591
section, or if the board determines, after the review of a peer 90592
review report, that the public accounting firm has a history of 90593
noncompliance with standards and practices set forth in board 90594
rules, the board may hold a hearing to determine the extent of 90595
the firm's noncompliance. If the board, after conducting the 90596
hearing, determines that the public accounting firm does not 90597
comply with appropriate standards and practices, the board may 90598
issue an order that imposes any disciplinary measure set forth 90599

in division (B) of section 4701.16 of the Revised Code. 90600

(3) Notwithstanding divisions (K) (1) and (2) of this 90601
section, all matters relating to the procedures for determining 90602
compliance with the standards and practices under division (H) 90603
(2) of this section are subject to Chapter 119. of the Revised 90604
Code, including the notice and conduct of any hearing and the 90605
issuance and appeal of any order. Remedial orders made under 90606
division (H) (1) of this section are not subject to Chapter 119. 90607
of the Revised Code. 90608

(I) The public accounting firm reviewed shall pay for any 90609
peer review performed. 90610

(J) The board may exempt a public accounting firm from the 90611
requirement to undergo a peer review if the public accounting 90612
firm submits to the board a written and notarized statement that 90613
the public accounting firm meets at least one of the following 90614
grounds for exemption identified in the statement: 90615

(1) Within three years of the date of application for 90616
initial or renewal registration, the public accounting firm has 90617
completed a peer review acceptable to the board and conducted 90618
pursuant to standards not less stringent than the peer review 90619
standards promulgated by the American institute of certified 90620
public accountants. A peer review that does not comply with 90621
standards and practices set forth in the rules adopted by the 90622
board and that may subject a public accounting firm to remedial 90623
or disciplinary action pursuant to division (H) of this section, 90624
does not qualify as an acceptable peer review. The public 90625
accounting firm shall submit to the board a copy of the results 90626
of the peer review and any additional documentation required by 90627
the board. The board shall not require submittal of the working 90628
papers related to the peer review process. 90629

(2) Within three years of the date of application for 90630
initial or renewal registration, the public accounting firm has 90631
completed a peer review acceptable to the board that was 90632
conducted in another state or foreign country. The public 90633
accounting firm shall submit to the board a copy of the results 90634
of the peer review and any additional documentation required by 90635
the board, including a detailed report of the procedures and 90636
standards applied by the reviewer. 90637

(3) The public accounting firm has never practiced public 90638
accounting in this state or any other state or foreign country, 90639
will complete a peer review acceptable to the board within 90640
eighteen months of initial registration, and will review its 90641
registration with the board two years after initial registration 90642
as specified in rules the board adopts. 90643

(4) The public accounting firm, on a schedule as required 90644
by rule adopted by the board, submits a report to the board that 90645
states all of the following: 90646

(a) The public accounting firm does not undertake any 90647
engagement that will result in the issuance of an attest report 90648
or other engagement that is subject to peer review in accordance 90649
with division (F) of this section. 90650

(b) The public accounting firm agrees to notify the board 90651
within ninety days after accepting any engagement that will 90652
result in the issuance of any attest report or other engagement 90653
that is subject to peer review in accordance with division (F) 90654
of this section and will complete a peer review acceptable to 90655
the board within one year after the acceptance of an engagement 90656
of that nature. 90657

(5) Subject to the board's approval and for good cause as 90658

defined in rules the board adopts, the public accounting firm is 90659
entitled to an exemption. 90660

(K) In any civil action, arbitration, or administrative 90661
proceeding involving a public accounting firm, all of the 90662
following shall apply: 90663

(1) The proceedings, records, and work papers of any 90664
reviewer, including board members and review committee members, 90665
involved in the peer review process are privileged and not 90666
subject to discovery, subpoena, or other means of legal process 90667
and may not be introduced into evidence. 90668

(2) No reviewer, including board members and review 90669
committee members, involved in the peer review process shall be 90670
permitted or required to testify as to any matters produced, 90671
presented, disclosed, or discussed during or in connection with 90672
the peer review process or shall be required to testify to any 90673
finding, recommendation, evaluation, opinion, or other actions 90674
of those committees or their members. 90675

(3) No privilege exists under this section for either of 90676
the following: 90677

(a) Information presented or considered in the peer review 90678
process that was otherwise available to the public; 90679

(b) Materials prepared in connection with a particular 90680
engagement merely because they subsequently are presented or 90681
considered as part of the peer review process. 90682

(L) (1) If a peer review report indicates that a public 90683
accounting firm complies with standards and practices set forth 90684
in rules adopted by the board, the board shall destroy all 90685
documents and reports related to the peer review within thirty 90686
days after the board completes its review of the report. 90687

(2) If a peer review report indicates that a public
accounting firm does not comply with those standards and
practices set forth in rules adopted by the board, the board
shall retain all documents and reports related to the peer
review until completion of the next peer review that complies
with standards and practices set forth in rules adopted by the
board pursuant to division (G) of this section. The board also
may use these documents to determine a history of noncompliance
with standards and practices in any proceeding held under
division (H) (2) of this section.

Sec. 4701.16. (A) After notice and hearing as provided in
Chapter 119. of the Revised Code, the accountancy board may
discipline as described in division (B) of this section a person
holding an Ohio permit, an Ohio registration, a firm
registration, a CPA certificate, or a PA registration or any
other person whose activities are regulated by the board for any
one or any combination of the following causes:

(1) Fraud or deceit in obtaining a firm registration or in
obtaining a CPA certificate, a PA registration, an Ohio permit,
or an Ohio registration;

(2) Dishonesty, fraud, or gross negligence in the practice
of public accounting;

(3) Violation of any of the provisions of section 4701.14
of the Revised Code;

(4) Violation of a rule of professional conduct
promulgated by the board under the authority granted by this
chapter;

(5) Conviction of a felony under the laws of any state or
of the United States;

(6) Conviction of any crime, an element of which is 90717
dishonesty or fraud, under the laws of any state or of the 90718
United States; 90719

(7) Cancellation, revocation, suspension, or refusal to 90720
renew authority to practice as a certified public accountant, a 90721
public accountant, or a public accounting firm by any other 90722
state, for any cause other than failure to pay registration fees 90723
in that other state; 90724

(8) Suspension or revocation of the right to practice 90725
before any state or federal agency; 90726

(9) Failure of a holder of a CPA certificate or PA 90727
registration to obtain an Ohio permit or an Ohio registration, 90728
or the failure of a public accounting firm to obtain a firm 90729
registration; 90730

(10) Conduct discreditable to the public accounting 90731
profession or to the holder of an Ohio permit, Ohio 90732
registration, or foreign certificate; 90733

(11) Failure of a public accounting firm to comply with 90734
section 4701.04 of the Revised Code. 90735

(B) For any of the reasons specified in division (A) of 90736
this section, the board may do any of the following: 90737

(1) Revoke, suspend, or refuse to renew any CPA 90738
certificate or PA registration or any Ohio permit, Ohio 90739
registration, or firm registration; 90740

(2) Disqualify a person who is not a holder of an Ohio 90741
permit or a foreign certificate from owning an equity interest_ 90742
or shares in a public accounting firm or qualified firm; 90743

(3) Publicly censure a registered firm or a holder of a 90744

CPA certificate, a PA registration, an Ohio permit, or an Ohio 90745
registration; 90746

(4) Levy against a registered firm or a holder of a CPA 90747
certificate, a PA registration, an Ohio permit, or an Ohio 90748
registration a penalty or fine not to exceed five thousand 90749
dollars for each offense. Any fine shall be reasonable and in 90750
relation to the severity of the offense. 90751

(5) In the case of violations of division (A) (2) or (4) of 90752
this section, require completion of remedial continuing 90753
education programs prescribed by the board in addition to those 90754
required by section 4701.11 of the Revised Code; 90755

(6) In the case of violations of division (A) (2) or (4) of 90756
this section, require the holder of a CPA certificate, PA 90757
registration, or firm registration to submit to a peer review by 90758
a professional committee designated by the board, which 90759
committee shall report to the board concerning that holder's 90760
compliance with generally accepted accounting principles, 90761
generally accepted auditing standards, or other generally 90762
accepted technical standards; 90763

(7) Revoke or suspend the privileges to offer or render 90764
attest services in this state or to use a CPA title or 90765
designation in this state of an individual who holds a foreign 90766
certificate. 90767

(C) If the board levies a fine against or suspends the 90768
certificate of a person or registration of a person or firm for 90769
a violation of division (A) (2) or (4) of this section, it may 90770
waive all or any portion of the fine or suspension if the holder 90771
of the CPA certificate, PA registration, or firm registration 90772
complies fully with division (B) (5) or (6) of this section. 90773

(D) A person engaged in the practice of public accounting 90774
shall not be subject to discipline by the accountancy board 90775
solely because the person provided professional accounting 90776
services to the holder of a license under Chapter 3796. of the 90777
Revised Code. 90778

Sec. 4707.024. (A) Not later than seventy-two hours after 90779
the end of an auction, a person licensed under this chapter 90780
shall deposit in one or more trust or escrow accounts all money 90781
received from the sale of an owner's or consignee's personal 90782
property at auction unless the licensee pays the money to the 90783
owner or consignee immediately after the end of the auction. 90784

(B) For purposes of this section, a person licensed under 90785
this chapter shall designate a trust or escrow account that 90786
contains an owner's or consignee's money as "client trust 90787
account" or with words of similar meaning. In addition, a trust 90788
or escrow account only shall contain money received from the 90789
sale of personal property at auction that has not been disbursed 90790
and money for expenses regarding the auction, including 90791
commission and advertisement fees, that are specifically 90792
delineated in the auction contract. 90793

~~(C)~~ (C) (1) Except for the payment of money to the owner or 90794
consignee immediately after the end of the auction, a person 90795
licensed under this chapter shall pay the owner or consignee 90796
with money from the client's trust or escrow account. In 90797
addition, the licensee may pay expenses, including commission 90798
and advertisement fees, that are specifically delineated in the 90799
auction contract with money from the trust or escrow account. 90800
Money in the trust or escrow account shall not be disbursed for 90801
any purpose that is inconsistent with this section. In addition, 90802
except as provided in division (C) (2) of this section, the money 90803

shall not be commingled with the licensee's personal or business 90804
money. In administering the trust or escrow account, the 90805
licensee shall keep detailed records that show deposits, 90806
withdrawals, and interest accrued, if applicable. 90807

Unless otherwise agreed to by the parties in the auction 90808
contract or by the direction of a court of law or as otherwise 90809
provided in division (C) (2) of this section, all money deposited 90810
into a trust or escrow account shall be disbursed to the seller 90811
not later than fifteen days after the auction. 90812

(2) Notwithstanding division (C) (1) of this section, a 90813
licensee may deposit money into a trust or escrow account, and 90814
retain that money in the account, to pay expenses related to 90815
bank charges necessary to maintain the account. A licensee shall 90816
not utilize any of the owner's or consignee's money to pay such 90817
expenses. 90818

(D) Money from the sale of personal property at auction 90819
may be deposited in an interest bearing account if the parties 90820
to the auction contract specifically agree to such a deposit. 90821
Interest earned in the account shall be credited to the seller 90822
unless otherwise agreed to by the parties in the auction listing 90823
contract. The interest credited to the account may remain in the 90824
account for a period of sixty days after the seller receives the 90825
money from the account. The interest money then shall be 90826
disbursed according to the terms of the auction contract. 90827

(E) All money received in connection with the sale of real 90828
property at auction shall be deposited in a broker's special or 90829
trust bank account in a depository located in this state that is 90830
described in division (A) (26) of section 4735.18 of the Revised 90831
Code. 90832

Sec. 4723.28. (A) The board of nursing, by a vote of a 90833
quorum, may impose one or more of the following sanctions if it 90834
finds that a person committed fraud in passing an examination 90835
required to obtain a license or dialysis technician certificate 90836
issued by the board or to have committed fraud, 90837
misrepresentation, or deception in applying for or securing any 90838
nursing license or dialysis technician certificate issued by the 90839
board: deny, revoke, suspend, or place restrictions on any 90840
nursing license or dialysis technician certificate issued by the 90841
board; reprimand or otherwise discipline a holder of a nursing 90842
license or dialysis technician certificate; or impose a fine of 90843
not more than five hundred dollars per violation. 90844

(B) Except as provided in section 4723.092 of the Revised 90845
Code, the board of nursing, by a vote of a quorum, may impose 90846
one or more of the following sanctions: deny, revoke, suspend, 90847
or place restrictions on any nursing license or dialysis 90848
technician certificate issued by the board; reprimand or 90849
otherwise discipline a holder of a nursing license or dialysis 90850
technician certificate; or impose a fine of not more than five 90851
hundred dollars per violation. The sanctions may be imposed for 90852
any of the following: 90853

(1) Denial, revocation, suspension, or restriction of 90854
authority to engage in a licensed profession or practice a 90855
health care occupation, including nursing or practice as a 90856
dialysis technician, for any reason other than a failure to 90857
renew, in Ohio or another state or jurisdiction; 90858

(2) Engaging in the practice of nursing or engaging in 90859
practice as a dialysis technician, having failed to renew a 90860
nursing license or dialysis technician certificate issued under 90861
this chapter, or while a nursing license or dialysis technician 90862

certificate is under suspension; 90863

(3) Conviction of, a plea of guilty to, a judicial finding 90864
of guilt of, a judicial finding of guilt resulting from a plea 90865
of no contest to, or a judicial finding of eligibility for a 90866
pretrial diversion or similar program or for intervention in 90867
lieu of conviction for, a misdemeanor committed in the course of 90868
practice; 90869

(4) Conviction of, a plea of guilty to, a judicial finding 90870
of guilt of, a judicial finding of guilt resulting from a plea 90871
of no contest to, or a judicial finding of eligibility for a 90872
pretrial diversion or similar program or for intervention in 90873
lieu of conviction for, any felony or of any crime involving 90874
gross immorality or moral turpitude; 90875

(5) Selling, giving away, or administering drugs or 90876
therapeutic devices for other than legal and legitimate 90877
therapeutic purposes; or conviction of, a plea of guilty to, a 90878
judicial finding of guilt of, a judicial finding of guilt 90879
resulting from a plea of no contest to, or a judicial finding of 90880
eligibility for a pretrial diversion or similar program or for 90881
intervention in lieu of conviction for, violating any municipal, 90882
state, county, or federal drug law; 90883

(6) Conviction of, a plea of guilty to, a judicial finding 90884
of guilt of, a judicial finding of guilt resulting from a plea 90885
of no contest to, or a judicial finding of eligibility for a 90886
pretrial diversion or similar program or for intervention in 90887
lieu of conviction for, an act in another jurisdiction that 90888
would constitute a felony or a crime of moral turpitude in Ohio; 90889

(7) Conviction of, a plea of guilty to, a judicial finding 90890
of guilt of, a judicial finding of guilt resulting from a plea 90891

of no contest to, or a judicial finding of eligibility for a 90892
pretrial diversion or similar program or for intervention in 90893
lieu of conviction for, an act in the course of practice in 90894
another jurisdiction that would constitute a misdemeanor in 90895
Ohio; 90896

(8) Self-administering or otherwise taking into the body 90897
any dangerous drug, as defined in section 4729.01 of the Revised 90898
Code, in any way that is not in accordance with a legal, valid 90899
prescription issued for that individual, or self-administering 90900
or otherwise taking into the body any drug that is a schedule I 90901
controlled substance; 90902

(9) Habitual or excessive use of controlled substances, 90903
other habit-forming drugs, or alcohol or other chemical 90904
substances to an extent that impairs the individual's ability to 90905
provide safe nursing care or safe dialysis care; 90906

(10) Impairment of the ability to practice according to 90907
acceptable and prevailing standards of safe nursing care or safe 90908
dialysis care because of the use of drugs, alcohol, or other 90909
chemical substances; 90910

(11) Impairment of the ability to practice according to 90911
acceptable and prevailing standards of safe nursing care or safe 90912
dialysis care because of a physical or mental disability; 90913

(12) Assaulting or causing harm to a patient or depriving 90914
a patient of the means to summon assistance; 90915

(13) Misappropriation or attempted misappropriation of 90916
money or anything of value in the course of practice; 90917

(14) Adjudication by a probate court of being mentally ill 90918
or mentally incompetent. The board may reinstate the person's 90919
nursing license or dialysis technician certificate upon 90920

adjudication by a probate court of the person's restoration to 90921
competency or upon submission to the board of other proof of 90922
competency. 90923

(15) The suspension or termination of employment by the 90924
United States department of defense or department of veterans 90925
affairs for any act that violates or would violate this chapter; 90926

(16) Violation of this chapter or any rules adopted under 90927
it; 90928

(17) Violation of any restrictions placed by the board on 90929
a nursing license or dialysis technician certificate; 90930

(18) Failure to use universal and standard precautions 90931
established by rules adopted under section 4723.07 of the 90932
Revised Code; 90933

(19) Failure to practice in accordance with acceptable and 90934
prevailing standards of safe nursing care or safe dialysis care; 90935

(20) In the case of a registered nurse, engaging in 90936
activities that exceed the practice of nursing as a registered 90937
nurse; 90938

(21) In the case of a licensed practical nurse, engaging 90939
in activities that exceed the practice of nursing as a licensed 90940
practical nurse; 90941

(22) In the case of a dialysis technician, engaging in 90942
activities that exceed those permitted under section 4723.72 of 90943
the Revised Code; 90944

(23) Aiding and abetting a person in that person's 90945
practice of nursing without a license or practice as a dialysis 90946
technician without a certificate issued under this chapter; 90947

(24) In the case of an advanced practice registered nurse, 90948
except as provided in division (M) of this section, either of 90949
the following: 90950

(a) Waiving the payment of all or any part of a deductible 90951
or copayment that a patient, pursuant to a health insurance or 90952
health care policy, contract, or plan that covers such nursing 90953
services, would otherwise be required to pay if the waiver is 90954
used as an enticement to a patient or group of patients to 90955
receive health care services from that provider; 90956

(b) Advertising that the nurse will waive the payment of 90957
all or any part of a deductible or copayment that a patient, 90958
pursuant to a health insurance or health care policy, contract, 90959
or plan that covers such nursing services, would otherwise be 90960
required to pay. 90961

(25) Failure to comply with the terms and conditions of 90962
participation in the safe haven program conducted under sections 90963
4723.35 and 4723.351 of the Revised Code; 90964

(26) Failure to comply with the terms and conditions 90965
required under the practice intervention and improvement program 90966
established under section 4723.282 of the Revised Code; 90967

(27) In the case of an advanced practice registered nurse: 90968

(a) Engaging in activities that exceed those permitted for 90969
the nurse's nursing specialty under section 4723.43 of the 90970
Revised Code; 90971

(b) Failure to meet the quality assurance standards 90972
established under section 4723.07 of the Revised Code. 90973

(28) In the case of an advanced practice registered nurse 90974
other than a certified registered nurse anesthetist, failure to 90975

maintain a standard care arrangement in accordance with section 90976
4723.431 of the Revised Code or to practice in accordance with 90977
the standard care arrangement; 90978

(29) In the case of an advanced practice registered nurse 90979
who is designated as a clinical nurse specialist, certified 90980
nurse-midwife, or certified nurse practitioner, failure to 90981
prescribe drugs and therapeutic devices in accordance with 90982
section 4723.481 of the Revised Code; 90983

(30) Prescribing any drug or device to perform or induce 90984
an abortion, or otherwise performing or inducing an abortion; 90985

(31) Failure to establish and maintain professional 90986
boundaries with a patient, as specified in rules adopted under 90987
section 4723.07 of the Revised Code; 90988

(32) Regardless of whether the contact or verbal behavior 90989
is consensual, engaging with a patient other than the spouse of 90990
the registered nurse, licensed practical nurse, or dialysis 90991
technician in any of the following: 90992

(a) Sexual contact, as defined in section 2907.01 of the 90993
Revised Code; 90994

(b) Verbal behavior that is sexually demeaning to the 90995
patient or may be reasonably interpreted by the patient as 90996
sexually demeaning. 90997

(33) Assisting suicide, as defined in section 3795.01 of 90998
the Revised Code; 90999

(34) Failure to comply with the requirements in section 91000
3719.061 of the Revised Code before issuing for a minor a 91001
prescription for an opioid analgesic, as defined in section 91002
3719.01 of the Revised Code; 91003

(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;

(37) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;

(38) Violation of section 4723.93 of the Revised Code;

(39) Failure to cooperate with an investigation conducted by the board under this chapter, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, in an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation does not constitute grounds for discipline if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold testimony or evidence at issue.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised

Code, except that in lieu of a hearing, the board may enter into 91033
a consent agreement with an individual to resolve an allegation 91034
of a violation of this chapter or any rule adopted under it. A 91035
consent agreement, when ratified by a vote of a quorum, shall 91036
constitute the findings and order of the board with respect to 91037
the matter addressed in the agreement. If the board refuses to 91038
ratify a consent agreement, the admissions and findings 91039
contained in the agreement shall be of no effect. 91040

(D) The hearings of the board shall be conducted in 91041
accordance with Chapter 119. of the Revised Code, the board may 91042
appoint a hearing examiner, as provided in section 119.09 of the 91043
Revised Code, to conduct any hearing the board is authorized to 91044
hold under Chapter 119. of the Revised Code. 91045

In any instance in which the board is required under 91046
Chapter 119. of the Revised Code to give notice of an 91047
opportunity for a hearing and the applicant, licensee, or 91048
certificate holder does not make a timely request for a hearing 91049
in accordance with section 119.07 of the Revised Code, the board 91050
is not required to hold a hearing, but may adopt, by a vote of a 91051
quorum, a final order that contains the board's findings. In the 91052
final order, the board may order any of the sanctions listed in 91053
division (A) or (B) of this section. 91054

(E) If a criminal action is brought against a registered 91055
nurse, licensed practical nurse, or dialysis technician for an 91056
act or crime described in divisions (B)(3) to (7) of this 91057
section and the action is dismissed by the trial court other 91058
than on the merits, the board shall conduct an adjudication to 91059
determine whether the registered nurse, licensed practical 91060
nurse, or dialysis technician committed the act on which the 91061
action was based. If the board determines on the basis of the 91062

adjudication that the registered nurse, licensed practical 91063
nurse, or dialysis technician committed the act, or if the 91064
registered nurse, licensed practical nurse, or dialysis 91065
technician fails to participate in the adjudication, the board 91066
may take action as though the registered nurse, licensed 91067
practical nurse, or dialysis technician had been convicted of 91068
the act. 91069

If the board takes action on the basis of a conviction, 91070
plea, or a judicial finding as described in divisions (B) (3) to 91071
(7) of this section that is overturned on appeal, the registered 91072
nurse, licensed practical nurse, or dialysis technician may, on 91073
exhaustion of the appeal process, petition the board for 91074
reconsideration of its action. On receipt of the petition and 91075
supporting court documents, the board shall temporarily rescind 91076
its action. If the board determines that the decision on appeal 91077
was a decision on the merits, it shall permanently rescind its 91078
action. If the board determines that the decision on appeal was 91079
not a decision on the merits, it shall conduct an adjudication 91080
to determine whether the registered nurse, licensed practical 91081
nurse, or dialysis technician committed the act on which the 91082
original conviction, plea, or judicial finding was based. If the 91083
board determines on the basis of the adjudication that the 91084
registered nurse, licensed practical nurse, or dialysis 91085
technician committed such act, or if the registered nurse, 91086
licensed practical nurse, or dialysis technician does not 91087
request an adjudication, the board shall reinstate its action; 91088
otherwise, the board shall permanently rescind its action. 91089

Notwithstanding the provision of division (D) (2) of 91090
section 2953.32 or division (F) (1) of section 2953.39 of the 91091
Revised Code specifying that if records pertaining to a criminal 91092
case are sealed or expunged under that section the proceedings 91093

in the case shall be deemed not to have occurred, sealing or 91094
expungement of the following records on which the board has 91095
based an action under this section shall have no effect on the 91096
board's action or any sanction imposed by the board under this 91097
section: records of any conviction, guilty plea, judicial 91098
finding of guilt resulting from a plea of no contest, or a 91099
judicial finding of eligibility for a pretrial diversion program 91100
or intervention in lieu of conviction. 91101

The board shall not be required to seal, destroy, redact, 91102
or otherwise modify its records to reflect the court's sealing 91103
or expungement of conviction records. 91104

(F) The board may investigate an individual's criminal 91105
background in performing its duties under this section. As part 91106
of such investigation, the board may order the individual to 91107
submit, at the individual's expense, a request to the bureau of 91108
criminal identification and investigation for a criminal records 91109
check and check of federal bureau of investigation records in 91110
accordance with the procedure described in section 4723.091 of 91111
the Revised Code. 91112

(G) During the course of an investigation conducted under 91113
this section, the board may compel any registered nurse, 91114
licensed practical nurse, or dialysis technician or applicant 91115
under this chapter to submit to a mental or physical 91116
examination, or both, as required by the board and at the 91117
expense of the individual, if the board finds reason to believe 91118
that the individual under investigation may have a physical or 91119
mental impairment that may affect the individual's ability to 91120
provide safe nursing care. 91121

The board shall not compel an individual who has been 91122
referred to the safe haven program as described in sections 91123

4723.35 and 4723.351 of the Revised Code to submit to a mental 91124
or physical examination. 91125

Failure of any individual to submit to a mental or 91126
physical examination when directed constitutes an admission of 91127
the allegations, unless the failure is due to circumstances 91128
beyond the individual's control, and a default and final order 91129
may be entered without the taking of testimony or presentation 91130
of evidence. 91131

If the board finds that an individual is impaired, the 91132
board shall require the individual to submit to care, 91133
counseling, or treatment approved or designated by the board, as 91134
a condition for initial, continued, reinstated, or renewed 91135
authority to practice. The individual shall be afforded an 91136
opportunity to demonstrate to the board that the individual can 91137
begin or resume the individual's occupation in compliance with 91138
acceptable and prevailing standards of care under the provisions 91139
of the individual's authority to practice. 91140

For purposes of this division, any registered nurse, 91141
licensed practical nurse, or dialysis technician or applicant 91142
under this chapter shall be deemed to have given consent to 91143
submit to a mental or physical examination when directed to do 91144
so in writing by the board, and to have waived all objections to 91145
the admissibility of testimony or examination reports that 91146
constitute a privileged communication. 91147

(H) The board shall investigate evidence that appears to 91148
show that any person has violated any provision of this chapter 91149
or any rule of the board. Any person may report to the board any 91150
information the person may have that appears to show a violation 91151
of any provision of this chapter or rule of the board. In the 91152
absence of bad faith, any person who reports such information or 91153

who testifies before the board in any adjudication conducted 91154
under Chapter 119. of the Revised Code shall not be liable for 91155
civil damages as a result of the report or testimony. 91156

(I) All of the following apply under this chapter with 91157
respect to the confidentiality of information: 91158

(1) Information received by the board pursuant to a 91159
complaint or an investigation is confidential and not subject to 91160
discovery in any civil action, except that the board may 91161
disclose information to law enforcement officers and government 91162
entities for purposes of an investigation of either a licensed 91163
health care professional, including a registered nurse, licensed 91164
practical nurse, or dialysis technician, or a person who may 91165
have engaged in the unauthorized practice of nursing or dialysis 91166
care. No law enforcement officer or government entity with 91167
knowledge of any information disclosed by the board pursuant to 91168
this division shall divulge the information to any other person 91169
or government entity except for the purpose of a government 91170
investigation, a prosecution, or an adjudication by a court or 91171
government entity. 91172

(2) If an investigation requires a review of patient 91173
records, the investigation and proceeding shall be conducted in 91174
such a manner as to protect patient confidentiality. 91175

(3) All adjudications and investigations of the board 91176
shall be considered civil actions for the purposes of section 91177
2305.252 of the Revised Code. 91178

(4) Any board activity that involves continued monitoring 91179
of an individual as part of or following any disciplinary action 91180
taken under this section shall be conducted in a manner that 91181
maintains the individual's confidentiality. Information received 91182

or maintained by the board with respect to the board's 91183
monitoring activities is not subject to discovery in any civil 91184
action and is confidential, except that the board may disclose 91185
information to law enforcement officers and government entities 91186
for purposes of an investigation of a licensee or certificate 91187
holder. 91188

(J) Any action taken by the board under this section 91189
resulting in a suspension from practice shall be accompanied by 91190
a written statement of the conditions under which the person may 91191
be reinstated to practice. 91192

(K) When the board refuses to grant a license or 91193
certificate to an applicant, revokes a license or certificate, 91194
or refuses to reinstate a license or certificate, the board may 91195
specify that its action is permanent. An individual subject to 91196
permanent action taken by the board is forever ineligible to 91197
hold a license or certificate of the type that was refused or 91198
revoked and the board shall not accept from the individual an 91199
application for reinstatement of the license or certificate or 91200
for a new license or certificate. 91201

(L) No unilateral surrender of a nursing license or 91202
dialysis technician certificate issued under this chapter shall 91203
be effective unless accepted by majority vote of the board. No 91204
application for a nursing license or dialysis technician 91205
certificate issued under this chapter may be withdrawn without a 91206
majority vote of the board. The board's jurisdiction to take 91207
disciplinary action under this section is not removed or limited 91208
when an individual has a license or certificate classified as 91209
inactive or fails to renew a license or certificate. 91210

(M) Sanctions shall not be imposed under division (B) (24) 91211
of this section against any licensee who waives deductibles and 91212

copayments as follows: 91213

(1) In compliance with the health benefit plan that 91214
expressly allows such a practice. Waiver of the deductibles or 91215
copayments shall be made only with the full knowledge and 91216
consent of the plan purchaser, payer, and third-party 91217
administrator. Documentation of the consent shall be made 91218
available to the board upon request. 91219

(2) For professional services rendered to any other person 91220
licensed pursuant to this chapter to the extent allowed by this 91221
chapter and the rules of the board. 91222

Sec. 4723.483. (A) (1) Subject to division (A) (2) of this 91223
section, and notwithstanding any provision of this chapter or 91224
rule adopted by the board of nursing, a clinical nurse 91225
specialist, certified nurse-midwife, or certified nurse 91226
practitioner who holds a certificate to prescribe issued under 91227
section 4723.48 of the Revised Code may do either of the 91228
following without having examined an individual to whom 91229
epinephrine may be administered: 91230

(a) Personally furnish a supply of epinephrine 91231
autoinjectors for use in accordance with sections 3313.7110, 91232
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 91233
~~5101.76~~ 5180.26 of the Revised Code; 91234

(b) Issue a prescription for epinephrine autoinjectors for 91235
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 91236
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 91237
Revised Code. 91238

(2) An epinephrine autoinjector personally furnished or 91239
prescribed under division (A) (1) of this section must be 91240
furnished or prescribed in such a manner that it may be 91241

administered only in a manufactured dosage form. 91242

(B) A nurse who acts in good faith in accordance with this 91243
section is not liable for or subject to any of the following for 91244
any action or omission of an entity to which an epinephrine 91245
autoinjector is furnished or a prescription is issued: damages 91246
in any civil action, prosecution in any criminal proceeding, or 91247
professional disciplinary action. 91248

Sec. 4723.4811. (A) (1) Subject to division (A) (2) of this 91249
section, and notwithstanding any provision of this chapter or 91250
rule adopted by the board of nursing, a clinical nurse 91251
specialist, certified nurse-midwife, or certified nurse 91252
practitioner licensed as an advanced practice registered nurse 91253
under Chapter 4723. of the Revised Code may do either of the 91254
following without having examined an individual to whom glucagon 91255
may be administered: 91256

(a) Personally furnish a supply of injectable or nasally 91257
administered glucagon for use in accordance with sections 91258
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 91259
5180.262 of the Revised Code; 91260

(b) Issue a prescription for injectable or nasally 91261
administered glucagon for use in accordance with sections 91262
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 91263
5180.262 of the Revised Code. 91264

(2) Injectable or nasally administered glucagon personally 91265
furnished or prescribed under division (A) (1) of this section 91266
must be furnished or prescribed in such a manner that it may be 91267
administered only in a manufactured dosage form. 91268

(B) A nurse who acts in good faith in accordance with this 91269
section is not liable for or subject to any of the following for 91270

any action or omission of an entity to which injectable or 91271
nasally administered glucagon is furnished or a prescription is 91272
issued: damages in any civil action, prosecution in any criminal 91273
proceeding, or professional disciplinary action. 91274

Sec. 4729.01. As used in this chapter: 91275

(A) "Pharmacy," except when used in a context that refers 91276
to the practice of pharmacy, means any area, room, rooms, place 91277
of business, department, or portion of any of the foregoing 91278
where the practice of pharmacy is conducted. 91279

(B) "Practice of pharmacy" means providing pharmacist care 91280
requiring specialized knowledge, judgment, and skill derived 91281
from the principles of biological, chemical, behavioral, social, 91282
pharmaceutical, and clinical sciences. As used in this division, 91283
"pharmacist care" includes the following: 91284

(1) Interpreting prescriptions; 91285

(2) Dispensing drugs and drug therapy related devices; 91286

(3) Compounding drugs; 91287

(4) Counseling individuals with regard to their drug 91288
therapy, recommending drug therapy related devices, and 91289
assisting in the selection of drugs and appliances for treatment 91290
of common diseases and injuries and providing instruction in the 91291
proper use of the drugs and appliances; 91292

(5) Performing drug regimen reviews with individuals by 91293
discussing all of the drugs that the individual is taking and 91294
explaining the interactions of the drugs; 91295

(6) Performing drug utilization reviews with licensed 91296
health professionals authorized to prescribe drugs when the 91297
pharmacist determines that an individual with a prescription has 91298

a drug regimen that warrants additional discussion with the	91299
prescriber;	91300
(7) Advising an individual and the health care	91301
professionals treating an individual with regard to the	91302
individual's drug therapy;	91303
(8) Acting pursuant to a consult agreement, if an	91304
agreement has been established;	91305
(9) Engaging in the administration of immunizations to the	91306
extent authorized by section 4729.41 of the Revised Code;	91307
(10) Engaging in the administration of drugs to the extent	91308
authorized by section 4729.45 of the Revised Code.	91309
(C) "Compounding" means the preparation, mixing,	91310
assembling, packaging, and labeling of one or more drugs in any	91311
of the following circumstances:	91312
(1) Pursuant to a prescription issued by a licensed health	91313
professional authorized to prescribe drugs;	91314
(2) Pursuant to the modification of a prescription made in	91315
accordance with a consult agreement;	91316
(3) As an incident to research, teaching activities, or	91317
chemical analysis;	91318
(4) In anticipation of orders for drugs pursuant to	91319
prescriptions, based on routine, regularly observed dispensing	91320
patterns;	91321
(5) Pursuant to a request made by a licensed health	91322
professional authorized to prescribe drugs for a drug that is to	91323
be used by the professional for the purpose of direct	91324
administration to patients in the course of the professional's	91325

practice, if all of the following apply: 91326

(a) At the time the request is made, the drug is not 91327
commercially available regardless of the reason that the drug is 91328
not available, including the absence of a manufacturer for the 91329
drug or the lack of a readily available supply of the drug from 91330
a manufacturer. 91331

(b) A limited quantity of the drug is compounded and 91332
provided to the professional. 91333

(c) The drug is compounded and provided to the 91334
professional as an occasional exception to the normal practice 91335
of dispensing drugs pursuant to patient-specific prescriptions. 91336

(D) "Consult agreement" means an agreement that has been 91337
entered into under section 4729.39 of the Revised Code. 91338

(E) "Drug" means: 91339

(1) Any article recognized in the United States 91340
pharmacopoeia and national formulary, or any supplement to them, 91341
intended for use in the diagnosis, cure, mitigation, treatment, 91342
or prevention of disease in humans or animals; 91343

(2) Any other article intended for use in the diagnosis, 91344
cure, mitigation, treatment, or prevention of disease in humans 91345
or animals; 91346

(3) Any article, other than food, intended to affect the 91347
structure or any function of the body of humans or animals; 91348

(4) Any article intended for use as a component of any 91349
article specified in division (E)(1), (2), or (3) of this 91350
section; but does not include devices or their components, 91351
parts, or accessories. 91352

"Drug" does not include "hemp" or a "hemp product" as 91353
those terms are defined in section 928.01 of the Revised Code. 91354

(F) "Dangerous drug" means any of the following: 91355

(1) Any drug to which either of the following applies: 91356

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 91357
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 91358
required to bear a label containing the legend "Caution: Federal 91359
law prohibits dispensing without prescription" or "Caution: 91360
Federal law restricts this drug to use by or on the order of a 91361
licensed veterinarian" or any similar restrictive statement, or 91362
the drug may be dispensed only upon a prescription; 91363

(b) Under Chapter 3715. or 3719. of the Revised Code, the 91364
drug may be dispensed only upon a prescription. 91365

(2) Any drug that contains a schedule V controlled 91366
substance and that is exempt from Chapter 3719. of the Revised 91367
Code or to which that chapter does not apply; 91368

(3) Any drug intended for administration by injection into 91369
the human body other than through a natural orifice of the human 91370
body; 91371

(4) Any drug that is a biological product, as defined in 91372
section 3715.01 of the Revised Code. 91373

(G) "Federal drug abuse control laws" has the same meaning 91374
as in section 3719.01 of the Revised Code. 91375

(H) "Prescription" means all of the following: 91376

(1) A written, electronic, or oral order for drugs or 91377
combinations or mixtures of drugs to be used by a particular 91378
individual or for treating a particular animal, issued by a 91379

licensed health professional authorized to prescribe drugs; 91380

(2) For purposes of sections 4723.4810, 4729.282, 91381
4730.432, and 4731.93 of the Revised Code, a written, 91382
electronic, or oral order for a drug to treat chlamydia, 91383
gonorrhea, or trichomoniasis issued to and in the name of a 91384
patient who is not the intended user of the drug but is the 91385
sexual partner of the intended user; 91386

(3) For purposes of sections 3313.7110, 3313.7111, 91387
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 91388
4731.96, and ~~5101.76~~5180.26 of the Revised Code, a written, 91389
electronic, or oral order for an epinephrine autoinjector issued 91390
to and in the name of a school, school district, or camp; 91391

(4) For purposes of Chapter 3728. and sections 4723.483, 91392
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 91393
electronic, or oral order for an epinephrine autoinjector issued 91394
to and in the name of a qualified entity, as defined in section 91395
3728.01 of the Revised Code; 91396

(5) For purposes of sections 3313.7115, 3313.7116, 91397
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 91398
~~5101.78~~5180.262 of the Revised Code, a written, electronic, or 91399
oral order for injectable or nasally administered glucagon in 91400
the name of a school, school district, or camp. 91401

(I) "Licensed health professional authorized to prescribe 91402
drugs" or "prescriber" means an individual who is authorized by 91403
law to prescribe drugs or dangerous drugs or drug therapy 91404
related devices in the course of the individual's professional 91405
practice, including only the following: 91406

(1) A dentist licensed under Chapter 4715. of the Revised 91407
Code; 91408

(2) A clinical nurse specialist, certified nurse-midwife, 91409
or certified nurse practitioner who holds a current, valid 91410
license issued under Chapter 4723. of the Revised Code to 91411
practice nursing as an advanced practice registered nurse; 91412

(3) A certified registered nurse anesthetist who holds a 91413
current, valid license issued under Chapter 4723. of the Revised 91414
Code to practice nursing as an advanced practice registered 91415
nurse, but only to the extent of the nurse's authority under 91416
sections 4723.43 and 4723.434 of the Revised Code; 91417

(4) An optometrist licensed under Chapter 4725. of the 91418
Revised Code to practice optometry; 91419

(5) A physician authorized under Chapter 4731. of the 91420
Revised Code to practice medicine and surgery, osteopathic 91421
medicine and surgery, or podiatric medicine and surgery; 91422

(6) A physician assistant who holds a license to practice 91423
as a physician assistant issued under Chapter 4730. of the 91424
Revised Code, holds a valid prescriber number issued by the 91425
state medical board, and has been granted physician-delegated 91426
prescriptive authority; 91427

(7) A veterinarian licensed under Chapter 4741. of the 91428
Revised Code; 91429

(8) A certified mental health assistant licensed under 91430
Chapter 4772. of the Revised Code who has been granted 91431
physician-delegated prescriptive authority by the physician 91432
supervising the certified mental health assistant. 91433

(J) "Sale" or "sell" includes any transaction made by any 91434
person, whether as principal proprietor, agent, or employee, to 91435
do or offer to do any of the following: deliver, distribute, 91436
broker, exchange, gift or otherwise give away, or transfer, 91437

whether the transfer is by passage of title, physical movement, 91438
or both. 91439

(K) "Wholesale sale" and "sale at wholesale" mean any sale 91440
in which the purpose of the purchaser is to resell the article 91441
purchased or received by the purchaser. 91442

(L) "Retail sale" and "sale at retail" mean any sale other 91443
than a wholesale sale or sale at wholesale. 91444

(M) "Retail seller" means any person that sells any 91445
dangerous drug to consumers without assuming control over and 91446
responsibility for its administration. Mere advice or 91447
instructions regarding administration do not constitute control 91448
or establish responsibility. 91449

(N) "Price information" means the price charged for a 91450
prescription for a particular drug product and, in an easily 91451
understandable manner, all of the following: 91452

(1) The proprietary name of the drug product; 91453

(2) The established (generic) name of the drug product; 91454

(3) The strength of the drug product if the product 91455
contains a single active ingredient or if the drug product 91456
contains more than one active ingredient and a relevant strength 91457
can be associated with the product without indicating each 91458
active ingredient. The established name and quantity of each 91459
active ingredient are required if such a relevant strength 91460
cannot be so associated with a drug product containing more than 91461
one ingredient. 91462

(4) The dosage form; 91463

(5) The price charged for a specific quantity of the drug 91464
product. The stated price shall include all charges to the 91465

consumer, including, but not limited to, the cost of the drug 91466
product, professional fees, handling fees, if any, and a 91467
statement identifying professional services routinely furnished 91468
by the pharmacy. Any mailing fees and delivery fees may be 91469
stated separately without repetition. The information shall not 91470
be false or misleading. 91471

(O) "Wholesale distributor of dangerous drugs" or 91472
"wholesale distributor" means a person engaged in the sale of 91473
dangerous drugs at wholesale and includes any agent or employee 91474
of such a person authorized by the person to engage in the sale 91475
of dangerous drugs at wholesale. 91476

(P) "Manufacturer of dangerous drugs" or "manufacturer" 91477
means a person, other than a pharmacist or prescriber, who 91478
manufactures dangerous drugs and who is engaged in the sale of 91479
those dangerous drugs. 91480

(Q) "Terminal distributor of dangerous drugs" or "terminal 91481
distributor" means a person who is engaged in the sale of 91482
dangerous drugs at retail, or any person, other than a 91483
manufacturer, repackager, outsourcing facility, third-party 91484
logistics provider, wholesale distributor, or pharmacist, who 91485
has possession, custody, or control of dangerous drugs for any 91486
purpose other than for that person's own use and consumption. 91487
"Terminal distributor" includes pharmacies, hospitals, nursing 91488
homes, and laboratories and all other persons who procure 91489
dangerous drugs for sale or other distribution by or under the 91490
supervision of a pharmacist, licensed health professional 91491
authorized to prescribe drugs, or other person authorized by the 91492
state board of pharmacy. 91493

(R) "Promote to the public" means disseminating a 91494
representation to the public in any manner or by any means, 91495

other than by labeling, for the purpose of inducing, or that is 91496
likely to induce, directly or indirectly, the purchase of a 91497
dangerous drug at retail. 91498

(S) "Person" includes any individual, partnership, 91499
association, limited liability company, or corporation, the 91500
state, any political subdivision of the state, and any district, 91501
department, or agency of the state or its political 91502
subdivisions. 91503

(T) (1) "Animal shelter" means a facility operated by a 91504
humane society or any society organized under Chapter 1717. of 91505
the Revised Code or a dog pound operated pursuant to Chapter 91506
955. of the Revised Code. 91507

(2) "County dog warden" means a dog warden or deputy dog 91508
warden appointed or employed under section 955.12 of the Revised 91509
Code. 91510

(U) "Food" has the same meaning as in section 3715.01 of 91511
the Revised Code. 91512

(V) "Pain management clinic" has the same meaning as in 91513
section 4731.054 of the Revised Code. 91514

(W) "Investigational drug or product" means a drug or 91515
product that has successfully completed phase one of the United 91516
States food and drug administration clinical trials and remains 91517
under clinical trial, but has not been approved for general use 91518
by the United States food and drug administration. 91519
"Investigational drug or product" does not include controlled 91520
substances in schedule I, as defined in section 3719.01 of the 91521
Revised Code. 91522

(X) "Product," when used in reference to an 91523
investigational drug or product, means a biological product, 91524

other than a drug, that is made from a natural human, animal, or 91525
microorganism source and is intended to treat a disease or 91526
medical condition. 91527

(Y) "Third-party logistics provider" means a person that 91528
provides or coordinates warehousing or other logistics services 91529
pertaining to dangerous drugs including distribution, on behalf 91530
of a manufacturer, wholesale distributor, or terminal 91531
distributor of dangerous drugs, but does not take ownership of 91532
the drugs or have responsibility to direct the sale or 91533
disposition of the drugs. 91534

(Z) "Repackager of dangerous drugs" or "repackager" means 91535
a person that repacks and relabels dangerous drugs for sale or 91536
distribution. 91537

(AA) "Outsourcing facility" means a facility that is 91538
engaged in the compounding and sale of sterile drugs and is 91539
registered as an outsourcing facility with the United States 91540
food and drug administration. 91541

(BB) "Laboratory" means a laboratory licensed under this 91542
chapter as a terminal distributor of dangerous drugs and 91543
entrusted to have custody of any of the following drugs and to 91544
use the drugs for scientific and clinical purposes and for 91545
purposes of instruction: dangerous drugs that are not controlled 91546
substances, as defined in section 3719.01 of the Revised Code; 91547
dangerous drugs that are controlled substances, as defined in 91548
that section; and controlled substances in schedule I, as 91549
defined in that section. 91550

(CC) "Overdose reversal drug" means both of the following: 91551

(1) Naloxone; 91552

(2) Any other drug that the state board of pharmacy, 91553

through rules adopted in accordance with Chapter 119. of the 91554
Revised Code, designates as a drug that is approved by the 91555
federal food and drug administration for the reversal of a known 91556
or suspected opioid-related overdose. 91557

Sec. 4729.261. (A) For purposes of division (D) (4) (b) of 91558
section 2925.14 of the Revised Code, and subject to division (B) 91559
of this section, the state board of pharmacy shall adopt rules 91560
establishing standards and procedures for its approval of types 91561
of instruments that are not to be considered drug paraphernalia 91562
because they demonstrate efficacy in reducing drug poisoning by 91563
determining the presence of a specific compound or group of 91564
compounds. The rules shall be adopted in accordance with Chapter 91565
119. of the Revised Code. 91566

(B) Under this section, the board shall not approve any 91567
type of instrument to the extent that the instrument is intended 91568
to measure the purity of a mixture. 91569

Sec. 4729.52. (A) As used in this section: 91570

(1) "Category II" means any dangerous drug that is not 91571
included in category III. 91572

(2) "Category III" means any controlled substance that is 91573
contained in schedule I, II, III, IV, or V. 91574

(3) "Schedule I," "schedule II," "schedule III," "schedule 91575
IV," and "schedule V" have the same meanings as in section 91576
3719.01 of the Revised Code. 91577

(B) (1) (a) The state board of pharmacy shall license 91578
persons seeking to operate as any of the following persons, 91579
whether located within or outside this state: 91580

(i) Wholesale distributors of dangerous drugs; 91581

(ii) Manufacturers of dangerous drugs;	91582
(iii) Outsourcing facilities;	91583
(iv) Third-party logistics providers;	91584
(v) Repackagers of dangerous drugs.	91585
(b) There shall be two categories for the licenses <u>When</u>	91586
<u>the board issues a license to a person identified in division</u>	91587
<u>(B) (1) (a) of this section.</u> The, <u>the license shall be issued</u>	91588
<u>according to one of the following categories</u> are as follows, <u>as</u>	91589
<u>the case may be for the person's business operations:</u>	91590
(i) Category II license. <u>A category II license applies to</u>	91591
<u>a person whose business operations are located within this</u>	91592
<u>state.</u> A person who obtains this license may possess, have	91593
custody or control of, and distribute, only the dangerous drugs	91594
described in category II.	91595
(ii) Category III license. <u>A category III license applies</u>	91596
<u>to a person whose business operations are located within this</u>	91597
<u>state.</u> A person who obtains this license may possess, have	91598
custody or control of, and distribute, the dangerous drugs	91599
described in category II and <u>the controlled substances described</u>	91600
<u>in category III.</u>	91601
(iii) Nonresident license. <u>A nonresident license applies</u>	91602
<u>to a person whose business operations are located outside this</u>	91603
<u>state.</u> One of the following subcategories shall be designated by	91604
<u>the board on the license, based on the license holder's business</u>	91605
<u>operations: wholesale distributor of dangerous drugs,</u>	91606
<u>manufacturer of dangerous drugs, outsourcing facility, third-</u>	91607
<u>party logistics provider, or repackager of dangerous drugs.</u> A	91608
<u>person who obtains a nonresident license may possess, have</u>	91609
<u>custody or control of, and distribute the dangerous drugs</u>	91610

described in category II and the controlled substances described 91611
in category III. 91612

(c) The board may adopt rules under section 4729.26 of the 91613
Revised Code to create classification types of any license 91614
issued pursuant to this section. Persons who meet the 91615
definitions of the classification types shall comply with all 91616
requirements for the specific license classification specified 91617
in rule. 91618

(C) A person seeking a license ~~identified in division (B)~~ 91619
~~(1)(a) of~~ issued under this section shall file with the 91620
executive director of the board a verified application 91621
containing such information as the board requires of the 91622
applicant relative to the licensure qualifications set forth in 91623
section 4729.53 of the Revised Code and the rules adopted under 91624
that section. 91625

(D) (1) The board shall ~~license as~~ issue a category II or 91626
category III license, designated for a manufacturer, outsourcing 91627
facility, third-party logistics provider, repackager, or 91628
wholesale distributor as the case may be, to each applicant who 91629
~~has paid~~ whose business operations are located within this 91630
state, if the applicant pays the required license fee, if and 91631
the board determines that the applicant meets the licensure 91632
qualifications set forth in section 4729.53 of the Revised Code 91633
and the rules adopted under that section. 91634

~~(D) (2)~~ The board may shall issue a nonresident license 91635
with the appropriate subcategory designation to a person who 91636
~~does not reside in an~~ applicant whose business operations are 91637
located outside this state ~~a license identified in division (B)~~ 91638
~~(1)(a) of this section,~~ if the person applicant pays the 91639
required licensure license fee and meets the board determines 91640

either of the following:

~~(1) Possesses~~ (a) That the applicant possesses a current
and valid manufacturer, outsourcing facility, third-party
logistics provider, repackager, or wholesale distributor
license, or its equivalent, issued by another state in which
that ~~person is~~ person's business operations are physically
located, but only if that state has qualifications for licensure
comparable to the licensure requirements in this state;

~~(2) Meets~~ (b) That the applicant meets the requirements
set forth by the board for issuance of a nonresident license-
~~identified in division (B)(1)(a) of this section~~, as verified by
a state, federal, or other entity recognized by the board to
perform such verification.

(E) All licenses issued or renewed pursuant to this
section are effective for a period specified by the board in
rules adopted under section 4729.26 of the Revised Code. The
effective period for an initial or renewed license shall not
exceed twenty-four months unless the board extends the period in
rules to adjust license renewal schedules. A license shall be
renewed by the board pursuant to this section, the standard
renewal procedure of Chapter 4745. of the Revised Code, and
rules adopted by the board under section 4729.26 of the Revised
Code. A person seeking to renew a license shall submit an
application for renewal and pay the required renewal fee before
the date specified in the rules adopted by the board.

(F) Each license issued under this section shall describe
not more than one establishment or place where the license
holder may engage in the activities authorized by the license.
No license shall authorize or permit the person named therein to
engage in the sale or distribution of drugs at wholesale or to

maintain possession, custody, or control of dangerous drugs for 91671
any purpose other than for the licensee's own use and 91672
consumption at any establishment or place other than that 91673
described in the license. 91674

~~(G) (1) (a)~~ (G) (1) The category II license fee is one 91675
thousand nine hundred dollars and shall accompany each 91676
application for licensure. The license renewal fee is one 91677
thousand nine hundred dollars and shall accompany each renewal 91678
application. 91679

~~(b)~~ (2) The category III license fee is two thousand 91680
dollars and shall accompany each application for licensure. The 91681
license renewal fee is two thousand dollars and shall accompany 91682
each renewal application. 91683

~~(c) (i)~~ (3) The nonresident license fee is two thousand 91684
dollars and shall accompany each application for licensure. The 91685
license renewal fee is two thousand dollars and shall accompany 91686
each renewal application. 91687

(H) (1) Subject to division ~~(G) (1) (c) (ii)~~ (H) (2) of this 91688
section, a license issued pursuant to this section that has not 91689
been renewed by the date specified in rules adopted by the board 91690
may be reinstated upon payment of the renewal fee and a penalty 91691
of three hundred dollars. 91692

~~(i)~~ (2) If a complete application for renewal has not been 91693
submitted by the sixty-first day after the renewal date 91694
specified in rules adopted by the board, the license is 91695
considered void and cannot be renewed, but the license holder 91696
may reapply for licensure. 91697

~~(2) (I)~~ Renewal fees and penalties assessed under division 91698
~~(G) (1)~~ (G) or (H) of this section shall not be returned if the 91699

applicant fails to qualify for renewal. 91700

~~(3)~~ (J) A person licensed pursuant to this section that 91701
fails to renew licensure in accordance with this section and 91702
rules adopted by the board is prohibited from engaging in 91703
manufacturing, repackaging, or compounding drugs, or 91704
distributing drugs as a third-party logistics provider or 91705
wholesale distributor, until a valid license is issued by the 91706
board. 91707

~~(H)~~ (K) Holding a license issued pursuant to this section 91708
subjects the holder and the holder's agents and employees to the 91709
jurisdiction of the board and to the laws of this state for the 91710
purpose of the enforcement of this chapter and the rules of the 91711
board. However, the filing of an application for licensure under 91712
this section by or on behalf of any person, or the issuance of a 91713
license pursuant to this section to or on behalf of any person, 91714
shall not of itself constitute evidence that the person is doing 91715
business within this state. 91716

~~(I)~~ (L) A person holding a license issued under this 91717
section shall designate, and shall have available at all times, 91718
a person to serve for the licensed location in a position to be 91719
known as "responsible person." A person may be designated and 91720
serve as a responsible person only if the person meets the 91721
requirements established in rules the board shall adopt under 91722
section 4729.26 of the Revised Code. Along with the license 91723
holder, a responsible person shall accept responsibility for the 91724
operation of the licensed location in accordance with all 91725
applicable state and federal laws and rules. 91726

A license holder shall notify the board of the person who 91727
is designated to serve as the responsible person and, 91728
thereafter, shall notify the board each time a change is made in 91729

the designation. Notice to the board shall be provided in 91730
accordance with procedures established in rules that the board 91731
shall adopt under section 4729.26 of the Revised Code. For any 91732
change of responsible person, the board shall assess a fee of 91733
fifteen dollars. 91734

(M) The board may enter into agreements with other states, 91735
federal agencies, and other entities to exchange information 91736
concerning licensing and inspection of any manufacturer, 91737
outsourcing facility, third-party logistics provider, 91738
repackager, or wholesale distributor located within or outside 91739
this state and to investigate alleged violations of the laws and 91740
rules governing distribution of drugs by such persons. Any 91741
information received pursuant to such an agreement is subject to 91742
the same confidentiality requirements applicable to the agency 91743
or entity from which it was received and shall not be released 91744
without prior authorization from that agency or entity. Any 91745
information received is also subject to section 4729.23 of the 91746
Revised Code. 91747

Sec. 4729.53. (A) The state board of pharmacy shall not 91748
license any person as a manufacturer of dangerous drugs, 91749
outsourcing facility, third-party logistics provider, repackager 91750
of dangerous drugs, or wholesale distributor of dangerous drugs 91751
unless the applicant for licensure furnishes satisfactory proof 91752
to the board that all of the following conditions are met: 91753

(1) If the applicant has committed acts that the board 91754
finds violate any federal, state, or local law, regulation, or 91755
rule relating to drug samples, manufacturing, compounding, 91756
repackaging, wholesale or retail drug distribution, or 91757
distribution of dangerous drugs, including controlled 91758
substances, or if the applicant has committed acts that the 91759

board finds constitute a felony, or if a federal, state, or 91760
local governmental entity has suspended or revoked any current 91761
or prior license of the applicant for the manufacture, 91762
compounding, repackaging, distribution, or sale of any dangerous 91763
drugs, including controlled substances, the applicant, to the 91764
satisfaction of the board, assures that the applicant has in 91765
place adequate safeguards to prevent the recurrence of any such 91766
violations, felonies, or license suspensions or revocations. 91767

(2) The applicant's past experience in the manufacture, 91768
compounding, repackaging, or distribution of dangerous drugs, 91769
including controlled substances, is acceptable to the board. 91770

(3) The applicant is properly equipped as to land, 91771
buildings, equipment, and personnel to properly carry on its 91772
business, including providing adequate security for and proper 91773
storage conditions and handling for dangerous drugs, and is 91774
complying with the requirements under this chapter and the rules 91775
adopted pursuant thereto for maintaining and making available 91776
records to properly identified board officials and federal, 91777
state, and local law enforcement agencies. 91778

(4) Personnel employed by the applicant have the 91779
appropriate education or experience, as determined by the board, 91780
to assume responsibility for positions related to compliance 91781
with this chapter and the rules adopted pursuant thereto. 91782

(5) The applicant has designated the name and address of a 91783
person to whom communications from the board may be directed and 91784
upon whom the notices and citations provided for in section 91785
4729.56 of the Revised Code may be served. 91786

(6) Adequate safeguards are assured to prevent the sale of 91787
dangerous drugs other than in accordance with section 4729.51 of 91788

the Revised Code. 91789

(7) With respect to criminal records checks, the applicant 91790
has done both of the following, and the board has decided that 91791
the results of the criminal records checks do not make the 91792
applicant ineligible for a license issued pursuant to section 91793
4729.52 of the Revised Code: 91794

(a) ~~Complied~~ The applicant has complied with sections 91795
4776.01 to 4776.04 of the Revised Code~~7~~. 91796

(b) ~~Required any~~ The applicant has required each of the 91797
following to submit to a criminal records check in accordance 91798
with section 4776.02 of the Revised Code and send the results of 91799
the criminal records check directly to the board: 91800

(i) Any person who is seeking to serve as the responsible 91801
person on the license, as required by section 4729.52 of the 91802
Revised Code; 91803

(2) Any person who has an ownership interest~~7~~, or who is a 91804
corporate officer, as set forth in rules adopted under division 91805
(C) of this section, ~~to submit to a criminal records check in~~ 91806
~~accordance with section 4776.02 of the Revised Code and send the~~ 91807
~~results of the criminal records check directly to the board.~~ 91808

(8) The applicant meets any other requirement or 91809
qualification the board, by rule adopted under division (C) of 91810
this section, considers relevant to and consistent with the 91811
public safety and health. 91812

(B) In addition to the causes described in section 4729.56 91813
of the Revised Code for refusing to grant or renew a license, 91814
the board may refuse to grant or renew a license if the board 91815
determines that the granting of the license or its renewal is 91816
not in the public interest. 91817

(C) The board shall adopt rules in accordance with Chapter 91818
119. of the Revised Code that do all of the following: 91819

(1) For purposes of division (A) (7) (b) of this section, 91820
~~define "responsible person" and~~ specify the persons with 91821
ownership interests and the corporate officers who are required 91822
to submit to criminal records checks; 91823

(2) For purposes of division (A) (8) of this section, 91824
specify other requirements or qualifications, if any, that an 91825
applicant must meet to receive a license; 91826

(3) Address any other matter the board considers 91827
appropriate to implement this section. 91828

Sec. 4729.54. (A) As used in this section: 91829

(1) "Category II" means any dangerous drug that is not 91830
included in category III. 91831

(2) "Category III" means any controlled substance that is 91832
contained in schedule I, II, III, IV, or V. 91833

(3) "Emergency medical service organization" has the same 91834
meaning as in section 4765.01 of the Revised Code. 91835

(4) "Emergency medical service organization satellite" 91836
means a location where dangerous drugs are stored that is 91837
separate from, but associated with, the headquarters of an 91838
emergency medical service organization. "Emergency medical 91839
service organization satellite" does not include the units under 91840
the control of the emergency medical service organization. 91841

(5) "Person" includes an emergency medical service 91842
organization or an emergency medical service organization 91843
satellite. 91844

(6) "Schedule I," "schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.

(B) (1) The state board of pharmacy shall license persons seeking to operate as terminal distributors of dangerous drugs, whether located within or outside this state.

A person seeking to be licensed as a terminal distributor of dangerous drugs shall file with the executive director of the ~~state board of pharmacy~~ a verified application. After it is filed, the application may not be withdrawn without approval of the board.

(2) An application shall contain all the following that apply in the applicant's case:

(a) Information that the board requires relative to the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;

(b) A statement as to ~~whether the category of licensure, identified under division (E) of this section, that the person is seeking to be licensed as a category II, category III, limited category II, or limited category III terminal distributor of dangerous drugs;~~

(c) If the person is seeking to be licensed as a limited category II or limited category III terminal distributor of dangerous drugs, a list of the dangerous drugs described in category II or the controlled substances described in category III that the person is seeking to possess, have custody or control of, and distribute, which list shall also specify the purpose for which those drugs will be used and their source;

(d) If the person is an emergency medical service

organization, the information that is specified in divisions (C) 91874
(1) and (2) of this section, and if the person is an emergency 91875
medical service organization satellite, the information required 91876
under division (D) of this section; 91877

(e) Except with respect to the units under the control of 91878
an emergency medical service organization, the identity of the 91879
one establishment or place at which the person intends to engage 91880
in the sale or other distribution of dangerous drugs at retail, 91881
and maintain possession, custody, or control of dangerous drugs 91882
for purposes other than the person's own use or consumption; 91883

(f) If the application pertains to a pain management 91884
clinic, information that demonstrates, to the satisfaction of 91885
the board, compliance with division (A) of section 4729.552 of 91886
the Revised Code. 91887

(C) (1) Each emergency medical service organization that 91888
applies for a terminal distributor of dangerous drugs license 91889
shall submit with its application all of the following: 91890

(a) A copy of its standing orders or protocol, which 91891
orders or protocol shall be signed by a physician; 91892

(b) A list of the dangerous drugs that the units under its 91893
control may carry, expressed in standard dose units, which shall 91894
be signed by a physician; 91895

(c) A list of the personnel employed or used by the 91896
organization to provide emergency medical services in accordance 91897
with Chapter 4765. of the Revised Code. 91898

In accordance with Chapter 119. of the Revised Code, the 91899
board shall adopt rules specifying when an emergency medical 91900
service organization that is licensed as a terminal distributor 91901
must notify the board of any changes in its documentation 91902

submitted pursuant to division (C)(1) of this section. 91903

(2) An emergency medical service organization seeking to 91904
be licensed as a terminal distributor of dangerous drugs shall 91905
list in its application for licensure the following additional 91906
information: 91907

(a) The units under its control that the organization 91908
determines will possess dangerous drugs for the purpose of 91909
administering emergency medical services in accordance with 91910
Chapter 4765. of the Revised Code; 91911

(b) With respect to each such unit, whether the dangerous 91912
drugs that the organization determines the unit will possess are 91913
in category II or III. 91914

(3) An emergency medical service organization that is 91915
licensed as a terminal distributor of dangerous drugs shall file 91916
a new application for such licensure if there is any change in 91917
the number or location of any of its units or if there is any 91918
change in the category of the dangerous drugs that any unit will 91919
possess. 91920

(4) A unit listed in an application for licensure pursuant 91921
to division (C)(2) of this section may obtain the dangerous 91922
drugs it is authorized to possess from its emergency medical 91923
service organization or, on a replacement basis, from a hospital 91924
pharmacy. If units will obtain dangerous drugs from a hospital 91925
pharmacy, the organization shall file, and maintain in current 91926
form, the following items with the pharmacist who is responsible 91927
for the hospital's terminal distributor of dangerous drugs 91928
license: 91929

(a) A copy of its standing orders or protocol; 91930

(b) A list of the personnel employed or used by the 91931

organization to provide emergency medical services in accordance 91932
with Chapter 4765. of the Revised Code, who are authorized to 91933
possess the drugs, which list also shall indicate the personnel 91934
who are authorized to administer the drugs. 91935

(D) Each emergency medical service organization satellite 91936
that applies for a terminal distributor of dangerous drugs 91937
license shall submit with its application all of the information 91938
that the board requires to be submitted with the application, as 91939
specified in rules the board shall adopt in accordance with 91940
Chapter 119. of the Revised Code. 91941

(E) ~~There shall be four categories of terminal distributor~~ 91942
~~of dangerous drugs licenses. The~~When the board issues a license 91943
to a person seeking to operate as a terminal distributor of 91944
dangerous drugs, the board shall issue the license according to 91945
one of the following categories~~are as follows,~~ as the case may 91946
be for the person's business operations: 91947

(1) Category II license. A category II license applies to 91948
a person whose business operations are located within this 91949
state. A person who obtains this license may possess, have 91950
custody or control of, and distribute only the dangerous drugs 91951
described in category II. 91952

(2) Limited category II license. A limited category II 91953
license applies to a person whose business operations are 91954
located within this state. A person who obtains this license may 91955
possess, have custody or control of, and distribute only the 91956
dangerous drugs described in category II that were listed in the 91957
application for licensure. 91958

(3) Category III license, which may include a pain 91959
management clinic classification issued under section 4729.552 91960

of the Revised Code. A category III license applies to a person 91961
whose business operations are located within this state. A 91962
person who obtains this license may possess, have custody or 91963
control of, and distribute the dangerous drugs described in 91964
category II and category III. If the license includes a pain 91965
management clinic classification, the person may operate a pain 91966
management clinic. 91967

(4) Limited category III license. A limited category III 91968
license applies to a person whose business operations are 91969
located within this state. A person who obtains this license may 91970
possess, have custody or control of, and distribute only the 91971
dangerous drugs described in category II or the controlled 91972
substances described in category III that were listed in the 91973
application for licensure. 91974

(5) Nonresident license. A nonresident license applies to 91975
a person whose business operations are located outside this 91976
state. A person who obtains a nonresident license may possess, 91977
have custody or control of, and distribute the dangerous drugs 91978
described in category II and the controlled substances described 91979
in category III. 91980

(F) Except for an application made by a county dog warden 91981
or on behalf of an animal shelter, if an applicant for a limited 91982
category II license or limited category III license intends to 91983
administer dangerous drugs to a person or animal, the applicant 91984
shall submit, with the application, a copy of its protocol or 91985
standing orders. The protocol or orders shall be signed by a 91986
licensed health professional authorized to prescribe drugs, 91987
specify the dangerous drugs to be administered, and list 91988
personnel who are authorized to administer the dangerous drugs 91989
in accordance with federal law or the law of this state. 91990

An application made by a county dog warden or on behalf of an animal shelter shall include a list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer the drugs to animals in accordance with section 4729.532 of the Revised Code.

In accordance with Chapter 119. of the Revised Code, the board shall adopt rules specifying when a licensee must notify the board of any changes in its documentation submitted pursuant to this division.

(G) (1) Except as provided in division (G) (3) of this section, each applicant for licensure as a terminal distributor of dangerous drugs shall submit, with the application, a license fee in the amount that applies to the category of licensure being sought. The amount assessed shall not be returned to the applicant if the applicant fails to qualify for the license.

(2) The following fees apply under division (G) (1) of this section:

(a) Except as provided in division (G) (2) (b) of this section:

(i) Three hundred ~~twenty-sixty~~ dollars for a category II or limited category II license;

(ii) Four hundred ~~forty-sixty~~ dollars for a category III license, including a license with a pain management clinic classification issued under section 4729.552 of the Revised Code, or a limited category III license;

(iii) Five hundred dollars for a nonresident license.

(b) One hundred ~~twenty-sixty~~ dollars for all of the following whose business operations are located within this

state: 92019

(i) A person who is required to hold a license as a 92020
terminal distributor of dangerous drugs pursuant to division (C) 92021
of section 4729.541 of the Revised Code; 92022

(ii) A professional association, corporation, partnership, 92023
or limited liability company organized for the purpose of 92024
practicing veterinary medicine that is not included in division 92025
(G) (2) (b) (i) of this section; 92026

(iii) An emergency medical service organization satellite. 92027

(3) No fee applies for a license issued to a charitable 92028
pharmacy, as defined in section 3719.811 of the Revised Code, if 92029
the charitable pharmacy is participating in the drug repository 92030
program established under section 3715.87 of the Revised Code. 92031

(H) (1) The board shall issue a terminal distributor of 92032
dangerous drugs license, in the appropriate category, to each 92033
person who submits an application for such licensure in 92034
accordance with this section, pays the required license fee, is 92035
determined by the board to meet the requirements set forth in 92036
section 4729.55 of the Revised Code, and satisfies any other 92037
applicable requirements of this section. 92038

(2) Except for the license of a county dog warden, the 92039
license shall describe the one establishment or place at which 92040
the licensee may engage in the sale or other distribution of 92041
dangerous drugs at retail and maintain possession, custody, or 92042
control of dangerous drugs for purposes other than the 92043
licensee's own use or consumption. The one establishment or 92044
place shall be that which is identified in the application for 92045
licensure. 92046

No such license shall authorize or permit the terminal 92047

distributor of dangerous drugs named in it to engage in the sale 92048
or other distribution of dangerous drugs at retail or to 92049
maintain possession, custody, or control of dangerous drugs for 92050
any purpose other than the distributor's own use or consumption, 92051
at any establishment or place other than that described in the 92052
license, except that an agent or employee of an animal shelter 92053
or county dog warden may possess and use dangerous drugs in the 92054
course of business as provided in section 4729.532 of the 92055
Revised Code. 92056

(3) The license of an emergency medical service 92057
organization shall cover the organization's headquarters and, in 92058
addition, shall cover and describe all the units of the 92059
organization listed in its application for licensure. 92060

(I) (1) All licenses issued or renewed pursuant to this 92061
section shall be effective for a period specified by the board 92062
in rules adopted under section 4729.26 of the Revised Code. The 92063
effective period for an initial or renewed license shall not 92064
exceed twenty-four months unless the board extends the period in 92065
rules to adjust license renewal schedules. A license shall be 92066
renewed by the board according to the provisions of this 92067
section, the standard renewal procedure of Chapter 4745. of the 92068
Revised Code, and rules adopted by the board under section 92069
4729.26 of the Revised Code. A person seeking to renew a license 92070
shall submit an application for renewal and pay the required fee 92071
on or before the date specified in the rules adopted by the 92072
board. The fee required for the renewal of a license shall be 92073
the same as the license fee that applies under division (G) (2) 92074
of this section. 92075

(2) (a) Subject to division (I) (2) (b) of this section, a 92076
license that has not been renewed by the date specified in rules 92077

adopted by the board may be reinstated only upon payment of the 92078
required renewal fee and a penalty fee of one hundred ten 92079
dollars. 92080

(b) If an application for renewal has not been submitted 92081
by the sixty-first day after the renewal date specified in rules 92082
adopted by the board, the license is considered void and cannot 92083
be renewed, but the license holder may reapply for licensure. 92084

(3) A terminal distributor of dangerous drugs that fails 92085
to renew licensure in accordance with this section and rules 92086
adopted by the board is prohibited from engaging in the retail 92087
sale, possession, or distribution of dangerous drugs until a 92088
valid license is issued by the board. 92089

(J) (1) No emergency medical service organization that is 92090
licensed as a terminal distributor of dangerous drugs shall fail 92091
to comply with division (C) (1), (3), or (4) of this section. 92092

(2) No licensed terminal distributor of dangerous drugs 92093
shall possess, have custody or control of, or distribute 92094
dangerous drugs that the terminal distributor is not entitled to 92095
possess, have custody or control of, or distribute by virtue of 92096
its category of licensure. 92097

(3) No licensee that is required by division (F) of this 92098
section to notify the board of changes in its protocol or 92099
standing orders, or in personnel, shall fail to comply with that 92100
division. 92101

(K) A person holding a license issued under this section 92102
shall designate, and shall have available at all times, a person 92103
to serve for the licensed location in a position to be known as 92104
"responsible person." A person may be designated and serve as a 92105
responsible person only if the person meets the requirements 92106

established in rules that the board shall adopt under section 92107
4729.26 of the Revised Code. Along with the license holder, a 92108
responsible person shall accept responsibility for the operation 92109
of the licensed location in accordance with all applicable state 92110
and federal laws and rules. 92111

A license holder shall notify the board of the person who 92112
is designated to serve as the responsible person and, 92113
thereafter, shall notify the board each time a change is made in 92114
the designation. Notice to the board shall be provided in 92115
accordance with procedures established in rules that the board 92116
shall adopt under section 4729.26 of the Revised Code. For any 92117
change of responsible person, the board shall assess a fee of 92118
fifteen dollars. 92119

(L) The board may enter into agreements with other states, 92120
federal agencies, and other entities to exchange information 92121
concerning licensing and inspection of terminal distributors of 92122
dangerous drugs located within or outside this state and to 92123
investigate alleged violations of the laws and rules governing 92124
distribution of drugs by terminal distributors. Any information 92125
received pursuant to such an agreement is subject to the same 92126
confidentiality requirements applicable to the agency or entity 92127
from which it was received and shall not be released without 92128
prior authorization from that agency or entity. Any information 92129
received is also subject to section 4729.23 of the Revised Code. 92130

Sec. 4729.541. (A) Except as provided in divisions (B) and 92131
(C) of this section, all of the following are exempt from 92132
licensure as a terminal distributor of dangerous drugs: 92133

(1) A licensed health professional authorized to prescribe 92134
drugs; 92135

(2) A business entity that is a corporation formed under 92136
division (B) of section 1701.03 of the Revised Code, a limited 92137
liability company formed under former Chapter 1705. of the 92138
Revised Code as that chapter existed prior to February 11, 2022, 92139
or Chapter 1706. of the Revised Code, or a professional 92140
association formed under Chapter 1785. of the Revised Code if 92141
the entity has a sole shareholder who is a prescriber and is 92142
authorized to provide the professional services being offered by 92143
the entity; 92144

(3) A business entity that is a corporation formed under 92145
division (B) of section 1701.03 of the Revised Code, a limited 92146
liability company formed under former Chapter 1705. of the 92147
Revised Code as that chapter existed prior to February 11, 2022, 92148
or Chapter 1706. of the Revised Code, a partnership or a limited 92149
liability partnership formed under Chapter 1775. of the Revised 92150
Code, or a professional association formed under Chapter 1785. 92151
of the Revised Code, if, to be a shareholder, member, or 92152
partner, an individual is required to be licensed, certified, or 92153
otherwise legally authorized under Title XLVII of the Revised 92154
Code to perform the professional service provided by the entity 92155
and each such individual is a prescriber; 92156

(4) An individual who holds a current license, 92157
certificate, or registration issued under Title XLVII of the 92158
Revised Code and has been certified to conduct diabetes 92159
education by a national certifying body specified in rules 92160
adopted by the state board of pharmacy under section 4729.68 of 92161
the Revised Code, but only with respect to insulin that will be 92162
used for the purpose of diabetes education and only if diabetes 92163
education is within the individual's scope of practice under 92164
statutes and rules regulating the individual's profession; 92165

(5) An individual who holds a valid certificate issued by 92166
a nationally recognized S.C.U.B.A. diving certifying 92167
organization approved by the state board of pharmacy under rules 92168
adopted by the board, but only with respect to medical oxygen 92169
that will be used for the purpose of emergency care or treatment 92170
at the scene of a diving emergency; 92171

(6) With respect to epinephrine autoinjectors that may be 92172
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 92173
or 3328.29 of the Revised Code, any of the following: the board 92174
of education of a city, local, exempted village, or joint 92175
vocational school district; a chartered or nonchartered 92176
nonpublic school; a community school established under Chapter 92177
3314. of the Revised Code; a STEM school established under 92178
Chapter 3326. of the Revised Code; or a college-preparatory 92179
boarding school established under Chapter 3328. of the Revised 92180
Code; 92181

(7) With respect to epinephrine autoinjectors that may be 92182
possessed under section ~~5101.76~~5180.26 of the Revised Code, any 92183
of the following: a residential camp, as defined in section 92184
2151.011 of the Revised Code; a child day camp, as defined in 92185
section 5104.01 of the Revised Code; or a child day camp 92186
operated by any county, township, municipal corporation, 92187
township park district created under section 511.18 of the 92188
Revised Code, park district created under section 1545.04 of the 92189
Revised Code, or joint recreation district established under 92190
section 755.14 of the Revised Code; 92191

(8) With respect to epinephrine autoinjectors that may be 92192
possessed under Chapter 3728. of the Revised Code, a qualified 92193
entity, as defined in section 3728.01 of the Revised Code; 92194

(9) With respect to inhalers that may be possessed under 92195

section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 92196
the Revised Code, any of the following: the board of education 92197
of a city, local, exempted village, or joint vocational school 92198
district; a chartered or nonchartered nonpublic school; a 92199
community school established under Chapter 3314. of the Revised 92200
Code; a STEM school established under Chapter 3326. of the 92201
Revised Code; or a college-preparatory boarding school 92202
established under Chapter 3328. of the Revised Code; 92203

(10) With respect to inhalers that may be possessed under 92204
section ~~5101.77~~ 5180.261 of the Revised Code, any of the 92205
following: a residential camp, as defined in section 2151.011 of 92206
the Revised Code; a child day camp, as defined in section 92207
5104.01 of the Revised Code; or a child day camp operated by any 92208
county, township, municipal corporation, township park district 92209
created under section 511.18 of the Revised Code, park district 92210
created under section 1545.04 of the Revised Code, or joint 92211
recreation district established under section 755.14 of the 92212
Revised Code; 92213

(11) With respect to overdose reversal drugs that may be 92214
possessed for the purposes described in section 3715.50 of the 92215
Revised Code, any person or government entity exercising the 92216
authority conferred by that section; 92217

(12) With respect to overdose reversal drugs that may be 92218
possessed for use in personally furnishing supplies of the drug 92219
pursuant to a protocol established under section 3715.503 of the 92220
Revised Code, any individual exercising the authority conferred 92221
by that section; 92222

(13) With respect to injectable or nasally administered 92223
glucagon that may be possessed under sections 3313.7115, 92224
3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, 92225

any of the following: the board of education of a city, local, 92226
exempted village, or joint vocational school district; a 92227
chartered or nonchartered nonpublic school; a community school 92228
established under Chapter 3314. of the Revised Code; a STEM 92229
school established under Chapter 3326. of the Revised Code; or a 92230
college-preparatory boarding school established under Chapter 92231
3328. of the Revised Code; 92232

(14) With respect to injectable or nasally administered 92233
glucagon that may be possessed under section ~~5101.78~~ 5180.262 of 92234
the Revised Code, any of the following: a residential camp, as 92235
defined in section 2151.011 of the Revised Code; a child day 92236
camp, as defined in section 5104.01 of the Revised Code; or a 92237
child day camp operated by any county, township, municipal 92238
corporation, township park district created under section 511.18 92239
of the Revised Code, park district created under section 1545.04 92240
of the Revised Code, or joint recreation district established 92241
under section 755.14 of the Revised Code; 92242

(15) A person who possesses nitrous oxide for use as a 92243
direct ingredient in food pursuant to 21 C.F.R. 184.1545 or for 92244
testing or maintaining a plumbing or heating, ventilation, and 92245
air conditioning system; 92246

(16) A person who possesses medical oxygen, sterile water, 92247
or sterile saline for direct administration to patients or for 92248
the purpose of installation or maintenance of home medical 92249
equipment, as defined in section 4752.01 of the Revised Code; 92250

(17) A facility that is owned and operated by the United 92251
States department of defense, the United States department of 92252
veterans affairs, or any other federal agency. 92253

(B) If a person described in division (A) of this section 92254

is a pain management clinic or is operating a pain management 92255
clinic, the person shall hold a license as a terminal 92256
distributor of dangerous drugs with a pain management clinic 92257
classification issued under section 4729.552 of the Revised 92258
Code. 92259

(C) Any of the persons described in divisions (A) (1) to 92260
(16) of this section shall hold a license as a terminal 92261
distributor of dangerous drugs in order to possess, have custody 92262
or control of, and distribute any of the following: 92263

(1) Dangerous drugs that are compounded or used for the 92264
purpose of compounding; 92265

(2) A schedule I, II, III, IV, or V controlled substance, 92266
as defined in section 3719.01 of the Revised Code. 92267

Sec. 4729.56. (A) (1) The state board of pharmacy, in 92268
accordance with Chapter 119. of the Revised Code, may impose any 92269
one or more of the following sanctions on a person licensed 92270
under ~~division (B) (1) (a) of~~ section 4729.52 of the Revised Code 92271
for any of the causes set forth in division (A) (2) of this 92272
section: 92273

(a) Suspend, revoke, restrict, limit, or refuse to grant 92274
or renew a license; 92275

(b) Reprimand or place the license holder on probation; 92276

(c) Impose a monetary penalty or forfeiture not to exceed 92277
in severity any fine designated under the Revised Code for a 92278
similar offense or two thousand five hundred dollars if the acts 92279
committed are not classified as an offense by the Revised Code; 92280

(2) The board may impose the sanctions set forth in 92281
division (A) (1) of this section for any of the following: 92282

(a) Making any false material statements in an application	92283
for licensure under section 4729.52 of the Revised Code;	92284
(b) Violating any federal, state, or local drug law; any	92285
provision of this chapter or Chapter 2925., 3715., or 3719. of	92286
the Revised Code; or any rule of the board;	92287
(c) A conviction of a felony;	92288
(d) Failing to satisfy the qualifications for licensure	92289
under section 4729.53 of the Revised Code or the rules of the	92290
board or ceasing to satisfy the qualifications after the	92291
registration is granted or renewed;	92292
(e) Falsely or fraudulently promoting to the public a drug	92293
that is a controlled substance included in schedule I, II, III,	92294
IV, or V, except that nothing in this division prohibits a	92295
manufacturer, outsourcing facility, third-party logistics	92296
provider, repackager, or wholesale distributor of dangerous	92297
drugs from furnishing information concerning a controlled	92298
substance to a health care provider or licensed terminal	92299
distributor;	92300
(f) Violating any provision of the "Federal Food, Drug,	92301
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or	92302
Chapter 3715. of the Revised Code;	92303
(g) Any other cause for which the board may impose	92304
sanctions as set forth in rules adopted under section 4729.26 of	92305
the Revised Code.	92306
(B) Upon the suspension or revocation of any license	92307
identified in division (B)(1)(a) of <u>issued under</u> section 4729.52	92308
of the Revised Code, the licensee shall immediately surrender	92309
the license to the board.	92310

(C) If the board suspends, revokes, or refuses to renew 92311
any license ~~identified in division (B) (1) (a) of~~ issued under 92312
section 4729.52 of the Revised Code and determines that there is 92313
clear and convincing evidence of a danger of immediate and 92314
serious harm to any person, the board may place under seal all 92315
dangerous drugs owned by or in the possession, custody, or 92316
control of the affected licensee. Except as provided in this 92317
division, the board shall not dispose of the dangerous drugs 92318
sealed under this division until the licensee exhausts all of 92319
the licensee's appeal rights under Chapter 119. of the Revised 92320
Code. The court involved in such an appeal may order the board, 92321
during the pendency of the appeal, to sell sealed dangerous 92322
drugs that are perishable. The board shall deposit the proceeds 92323
of the sale with the court. 92324

(D) If the board is required under Chapter 119. of the 92325
Revised Code to give notice of an opportunity for a hearing and 92326
the license holder does not make a timely request for a hearing 92327
in accordance with section 119.07 of the Revised Code, the board 92328
is not required to hold a hearing, but may adopt a final order 92329
that contains the board's findings. In the final order, the 92330
board may impose any of the sanctions listed in division (A) of 92331
this section. 92332

(E) Notwithstanding division (D) (2) of section 2953.32 or 92333
division (F) (1) of section 2953.39 of the Revised Code 92334
specifying that if records pertaining to a criminal case are 92335
sealed or expunged under that section the proceedings in the 92336
case must be deemed not to have occurred, sealing or expungement 92337
of the following records on which the board has based an action 92338
under this section shall have no effect on the board's action or 92339
any sanction imposed by the board under this section: records of 92340
any conviction, guilty plea, judicial finding of guilt resulting 92341

from a plea of no contest, or a judicial finding of eligibility 92342
for a pretrial diversion program or intervention in lieu of 92343
conviction. The board is not required to seal, destroy, redact, 92344
or otherwise modify its records to reflect the court's sealing 92345
or expungement of conviction records. 92346

Sec. 4729.561. If the state board of pharmacy determines 92347
that there is clear and convincing evidence that the method used 92348
~~by a licensed manufacturer of dangerous drugs, outsourcing~~ 92349
~~facility, third-party logistics provider, repackager of~~ 92350
~~dangerous drugs, or wholesale distributor of dangerous drugs to~~ 92351
possess or distribute dangerous drugs by a person licensed under 92352
section 4729.52 of the Revised Code presents a danger of 92353
immediate and serious harm to others, the board may suspend 92354
without a hearing the person's license issued pursuant to that 92355
~~section 4729.52 of the Revised Code.~~ The board shall follow the 92356
procedure for suspension without a prior hearing in section 92357
119.07 of the Revised Code. The suspension shall remain in 92358
effect, unless removed by the board, until the board's final 92359
adjudication order becomes effective, except that if the board 92360
does not issue its final adjudication order within one hundred 92361
twenty days after the suspension, the suspension shall be void 92362
on the one hundred twenty-first day after the suspension. 92363

Sec. 4729.60. (A) (1) Before a ~~licensee identified in~~ 92364
~~division (B) (1) (a) of~~ person licensed under section 4729.52 of 92365
the Revised Code may sell or distribute dangerous drugs at 92366
wholesale to any person, except as provided in division (A) (2) 92367
of this section, the licensee shall query the roster established 92368
pursuant to section 4729.59 of the Revised Code to determine 92369
whether the purchaser is a licensed terminal distributor of 92370
dangerous drugs. 92371

If no documented query is conducted before a sale is made, 92372
it shall be presumed that the sale of dangerous drugs by the 92373
licensee is in violation of division (B) of section 4729.51 of 92374
the Revised Code and the purchase of dangerous drugs by the 92375
purchaser is in violation of division (E) of section 4729.51 of 92376
the Revised Code. If a licensee conducts a documented query and 92377
relies on the results of the query in selling or distributing 92378
dangerous drugs at wholesale to the terminal distributor of 92379
dangerous drugs, the licensee shall be deemed not to have 92380
violated division (B) of section 4729.51 of the Revised Code in 92381
making the sale. 92382

(2) Division (A)(1) of this section does not apply when a 92383
~~licensee identified in division (B)(1)(a) of person licensed~~ 92384
under section 4729.52 of the Revised Code sells or distributes 92385
dangerous drugs at wholesale to any of the following: 92386

(a) A person specified in division (B)(4) of section 92387
4729.51 of the Revised Code; 92388

(b) A person exempt from licensure as a terminal 92389
distributor of dangerous drugs under section 4729.541 of the 92390
Revised Code. 92391

(B) Before a licensed terminal distributor of dangerous 92392
drugs may purchase dangerous drugs at wholesale, the terminal 92393
distributor shall query the roster established pursuant to 92394
section 4729.59 of the Revised Code to confirm the seller is 92395
licensed to engage in the sale or distribution of dangerous 92396
drugs at wholesale. 92397

If no documented query is conducted before a purchase is 92398
made, it shall be presumed that the purchase of dangerous drugs 92399
by the terminal distributor is in violation of division (F) of 92400

section 4729.51 of the Revised Code and the sale of dangerous 92401
drugs by the seller is in violation of division (A) of section 92402
4729.51 of the Revised Code. If a licensed terminal distributor 92403
of dangerous drugs conducts a documented query at least annually 92404
and relies on the results of the query in purchasing dangerous 92405
drugs at wholesale, the terminal distributor shall be deemed not 92406
to have violated division (F) of section 4729.51 of the Revised 92407
Code in making the purchase. 92408

Sec. 4729.80. (A) If the state board of pharmacy 92409
establishes and maintains a drug database pursuant to section 92410
4729.75 of the Revised Code, the board is authorized or required 92411
to provide information from the database only as follows: 92412

(1) On receipt of a request from a designated 92413
representative of a government entity responsible for the 92414
licensure, regulation, or discipline of health care 92415
professionals with authority to prescribe, administer, or 92416
dispense drugs, the board may provide to the representative 92417
information from the database relating to the professional who 92418
is the subject of an active investigation being conducted by the 92419
government entity or relating to a professional who is acting as 92420
an expert witness for the government entity in such an 92421
investigation. 92422

(2) On receipt of a request from a federal officer, or a 92423
state or local officer of this or any other state, whose duties 92424
include enforcing laws relating to drugs, the board shall 92425
provide to the officer information from the database relating to 92426
the person who is the subject of an active investigation of a 92427
drug abuse offense, as defined in section 2925.01 of the Revised 92428
Code, being conducted by the officer's employing government 92429
entity. 92430

(3) Pursuant to a subpoena issued by a grand jury, the 92431
board shall provide to the grand jury information from the 92432
database relating to the person who is the subject of an 92433
investigation being conducted by the grand jury. 92434

(4) Pursuant to a subpoena, search warrant, or court order 92435
in connection with the investigation or prosecution of a 92436
possible or alleged criminal offense, the board shall provide 92437
information from the database as necessary to comply with the 92438
subpoena, search warrant, or court order. 92439

(5) On receipt of a request from a prescriber or the 92440
prescriber's delegate approved by the board, the board shall 92441
provide to the prescriber a report of information from the 92442
database relating to a patient who is either a current patient 92443
of the prescriber or a potential patient of the prescriber based 92444
on a referral of the patient to the prescriber, if all of the 92445
following conditions are met: 92446

(a) The prescriber certifies in a form specified by the 92447
board that it is for the purpose of providing medical treatment 92448
to the patient who is the subject of the request; 92449

(b) The prescriber has not been denied access to the 92450
database by the board. 92451

(6) On receipt of a request from a pharmacist or the 92452
pharmacist's delegate approved by the board, the board shall 92453
provide to the pharmacist information from the database relating 92454
to a current patient of the pharmacist, if the pharmacist 92455
certifies in a form specified by the board that it is for the 92456
purpose of the pharmacist's practice of pharmacy involving the 92457
patient who is the subject of the request and the pharmacist has 92458
not been denied access to the database by the board. 92459

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own prescription history.

(8) On receipt of a request from a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B) (4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code

assigned to the managed care organization, including information 92490
in the database related to prescriptions for the claimant that 92491
were not covered or reimbursed under Chapter 4121., 4123., 92492
4127., or 4131. of the Revised Code, if the administrator of 92493
workers' compensation confirms, upon request from the board, 92494
that the claimant is assigned to the managed care organization. 92495

(11) On receipt of a request from the administrator of 92496
workers' compensation, the board shall provide to the 92497
administrator information from the database relating to a 92498
claimant under Chapter 4121., 4123., 4127., or 4131. of the 92499
Revised Code, including information in the database related to 92500
prescriptions for the claimant that were not covered or 92501
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 92502
Revised Code. 92503

(12) On receipt of a request from a prescriber or the 92504
prescriber's delegate approved by the board, the board shall 92505
provide to the prescriber information from the database relating 92506
to a patient's mother, if the prescriber certifies in a form 92507
specified by the board that it is for the purpose of providing 92508
medical treatment to a newborn or infant patient diagnosed as 92509
opioid dependent and the prescriber has not been denied access 92510
to the database by the board. 92511

(13) On receipt of a request from the director of health, 92512
the board shall provide to the director information from the 92513
database relating to the duties of the director or the 92514
department of health in implementing the Ohio violent death 92515
reporting system established under section 3701.93 of the 92516
Revised Code. 92517

(14) On receipt of a request from a requestor described in 92518
division (A)(1), (2), (5), or (6) of this section who is from or 92519

participating with another state's prescription monitoring 92520
program, the board may provide to the requestor information from 92521
the database, but only if there is a written agreement under 92522
which the information is to be used and disseminated according 92523
to the laws of this state. 92524

(15) On receipt of a request from a delegate of a retail 92525
dispensary licensed under Chapter 3796. of the Revised Code who 92526
is approved by the board to serve as the dispensary's delegate, 92527
the board shall provide to the delegate a report of information 92528
from the database pertaining only to a patient's use of medical 92529
marijuana, if both of the following conditions are met: 92530

(a) The delegate certifies in a form specified by the 92531
board that it is for the purpose of dispensing medical marijuana 92532
for use in accordance with Chapter 3796. of the Revised Code. 92533

(b) The retail dispensary or delegate has not been denied 92534
access to the database by the board. 92535

(16) On receipt of a request from a judge of a program 92536
certified by the Ohio supreme court as a specialized docket 92537
program for drugs, the board shall provide to the judge, or an 92538
employee of the program who is designated by the judge to 92539
receive the information, information from the database that 92540
relates specifically to a current or prospective program 92541
participant. 92542

(17) On receipt of a request from a coroner, deputy 92543
coroner, or coroner's delegate approved by the board, the board 92544
shall provide to the requestor information from the database 92545
relating to a deceased person about whom the coroner is 92546
conducting or has conducted an autopsy or investigation. 92547

(18) On receipt of a request from a prescriber, the board 92548

may provide to the prescriber a summary of the prescriber's 92549
prescribing record if such a record is created by the board. 92550
Information in the summary is subject to the confidentiality 92551
requirements of this chapter. 92552

~~(19)(a)~~ (19) On receipt of a request from a pharmacy's 92553
responsible person designated under section 4729.54 of the 92554
Revised Code, the board may provide to the responsible person a 92555
summary of the pharmacy's dispensing record if such a record is 92556
created by the board. Information in the summary is subject to 92557
the confidentiality requirements of this chapter. 92558

~~(b) As used in division (A) (19) (a) of this section,~~ 92559
~~"responsible person" has the same meaning as in rules adopted by~~ 92560
~~the board under section 4729.26 of the Revised Code.~~ 92561

(20) The board may provide information from the database 92562
without request to a prescriber or pharmacist who is authorized 92563
to use the database pursuant to this chapter. 92564

(21) (a) On receipt of a request from a prescriber or 92565
pharmacist, or the prescriber's or pharmacist's delegate, who is 92566
a designated representative of a peer review committee, the 92567
board shall provide to the committee information from the 92568
database relating to a prescriber who is subject to the 92569
committee's evaluation, supervision, or discipline if the 92570
information is to be used for one of those purposes. The board 92571
shall provide only information that it determines, in accordance 92572
with rules adopted under section 4729.84 of the Revised Code, is 92573
appropriate to be provided to the committee. 92574

(b) As used in division (A) (21) (a) of this section, "peer 92575
review committee" has the same meaning as in section 2305.25 of 92576
the Revised Code, except that it includes only a peer review 92577

committee of a hospital or a peer review committee of a 92578
nonprofit health care corporation that is a member of the 92579
hospital or of which the hospital is a member. 92580

(22) On receipt of a request from a requestor described in 92581
division (A)(5) or (6) of this section who is from or 92582
participating with a prescription monitoring program that is 92583
operated by a federal agency and approved by the board, the 92584
board may provide to the requestor information from the 92585
database, but only if there is a written agreement under which 92586
the information is to be used and disseminated according to the 92587
laws of this state. 92588

(23) Any personal health information submitted to the 92589
board pursuant to section 4729.772 of the Revised Code may be 92590
provided by the board only as authorized by the submitter of the 92591
information and in accordance with rules adopted under section 92592
4729.84 of the Revised Code. 92593

(24) On receipt of a request from a person described in 92594
division (A)(5), (6), or (17) of this section who is 92595
participating in a drug overdose fatality review committee 92596
described in section 307.631 of the Revised Code, the board may 92597
provide to the requestor information from the database, but only 92598
if there is a written agreement under which the information is 92599
to be used and disseminated according to the laws of this state. 92600

(25) On receipt of a request from a person described in 92601
division (A)(5), (6), or (17) of this section who is 92602
participating in a suicide fatality review committee described 92603
in section 307.641 of the Revised Code, the board may provide to 92604
the requestor information from the database, but only if there 92605
is a written agreement under which the information is to be used 92606
and disseminated according to the laws of this state. 92607

(26) On receipt of a request from a designated 92608
representative of the division of marijuana control in the 92609
department of commerce, the board shall provide to the 92610
representative information from the database relating to an 92611
individual who, or entity that, is the subject of an active 92612
investigation being conducted by the division. 92613

(B) The state board of pharmacy shall maintain a record of 92614
each individual or entity that requests information from the 92615
database pursuant to this section. In accordance with rules 92616
adopted under section 4729.84 of the Revised Code, the board may 92617
use the records to document and report statistics and law 92618
enforcement outcomes. 92619

The board may provide records of an individual's requests 92620
for database information only to the following: 92621

(1) A designated representative of a government entity 92622
that is responsible for the licensure, regulation, or discipline 92623
of health care professionals with authority to prescribe, 92624
administer, or dispense drugs who is involved in an active 92625
criminal or disciplinary investigation being conducted by the 92626
government entity of the individual who submitted the requests 92627
for database information; 92628

(2) A federal officer, or a state or local officer of this 92629
or any other state, whose duties include enforcing laws relating 92630
to drugs and who is involved in an active investigation being 92631
conducted by the officer's employing government entity of the 92632
individual who submitted the requests for database information; 92633

(3) A designated representative of the department of 92634
medicaid regarding a prescriber who is treating or has treated a 92635
recipient of a program administered by the department and who 92636

submitted the requests for database information. 92637

(C) Information contained in the database and any 92638
information obtained from it is confidential and is not a public 92639
record. Information contained in the records of requests for 92640
information from the database is confidential and is not a 92641
public record. Information contained in the database that does 92642
not identify a person, including any licensee or registrant of 92643
the board or other entity, may be released in summary, 92644
statistical, or aggregate form. 92645

(D) A pharmacist or prescriber shall not be held liable in 92646
damages to any person in any civil action for injury, death, or 92647
loss to person or property on the basis that the pharmacist or 92648
prescriber did or did not seek or obtain information from the 92649
database. 92650

Sec. 4729.901. (A) An applicant for registration under 92651
section 4729.90 of the Revised Code shall file with the state 92652
board of pharmacy an application in the form and manner 92653
prescribed in rules adopted under section 4729.94 of the Revised 92654
Code. The application shall be accompanied by an application fee 92655
of ~~fifty~~ sixty-five dollars, which shall not be returned if the 92656
applicant fails to qualify for registration. 92657

(B) If the board is satisfied that the applicant meets the 92658
requirements of section 4729.90 of the Revised Code and any 92659
additional requirements established by the board and determines 92660
that the results of a criminal records check do not make the 92661
applicant ineligible, the board shall register the applicant as 92662
a registered pharmacy technician or certified pharmacy 92663
technician, as applicable. 92664

(C) The board shall register as a registered pharmacy 92665

technician or certified pharmacy technician, as applicable, in 92666
accordance with Chapter 4796. of the Revised Code an applicant 92667
if either of the following applies: 92668

(1) The applicant holds a license or is registered in 92669
another state. 92670

(2) The applicant has satisfactory work experience, a 92671
government certification, or a private certification as 92672
described in that chapter as a pharmacy technician in a state 92673
that does not issue that license or registration. 92674

(D) ~~Registration under division (B) or (C) of this section~~ 92675
as a registered pharmacy technician or certified pharmacy 92676
technician is valid for the a two-year period, unless a 92677
different period is specified by the board in rules adopted 92678
under section 4729.94 of the Revised Code. ~~The period shall not~~ 92679
~~exceed twenty-four months unless the board extends the period in~~ 92680
~~the rules to~~ account for initial registration, adjust license- 92681
registration renewal schedules, or to accommodate other matters 92682
the board considers appropriate. 92683

Sec. 4729.902. (A) A registered pharmacy technician or 92684
certified pharmacy technician shall file an application for_ 92685
biennial registration renewal in the form and manner prescribed 92686
by the state board of pharmacy in rules adopted under section 92687
4729.94 of the Revised Code. Registrations shall be renewed in 92688
accordance with the rules and the standard renewal procedure set 92689
forth in Chapter 4745. of the Revised Code. The biennial renewal 92690
fee is ~~twenty-five-sixty-five dollars-per year.~~ 92691

(B) (1) A registered pharmacy technician or certified 92692
pharmacy technician who fails to renew registration in 92693
accordance with division (A) of this section is prohibited from 92694

engaging in the activities authorized by section 4729.91 of the Revised Code.

(2) (a) A registration that is not renewed by a date determined under division (A) of this section but has not lapsed for more than ninety days may be reinstated if the applicant does both of the following:

(i) Submits a renewal application in a form prescribed by the board in rules adopted under section 4729.94 of the Revised Code;

(ii) Pays the renewal fee and a late fee of fifty dollars.

(b) A registration that has lapsed for more than ninety days cannot be renewed, but the registration holder may reapply for registration.

Sec. 4729.921. (A) An applicant for registration as a pharmacy technician trainee shall file with the state board of pharmacy an application in the form and manner prescribed in rules adopted under section 4729.94 of the Revised Code. The application shall be accompanied by an application fee of ~~twenty-five~~ forty dollars, which shall not be returned if the applicant fails to qualify for registration.

If the board is satisfied that an applicant meets the requirements of section 4729.92 of the Revised Code and any additional requirements established by the board and determines that the results of a criminal records check do not make the applicant ineligible, the board shall register the applicant as a pharmacy technician trainee.

(B) (1) The board shall register as a pharmacy technician trainee in accordance with Chapter 4796. of the Revised Code an applicant who either holds a license or is registered in another

state or has satisfactory work experience, a government 92724
certification, or a private certification as described in that 92725
chapter as a pharmacy technician trainee in a state that does 92726
not issue that license or registration. 92727

(2) The board may register as a pharmacy technician 92728
trainee an applicant who is seventeen years of age if either of 92729
the following apply: 92730

(a) The applicant possesses a high school diploma or 92731
certificate of high school equivalence; 92732

(b) The applicant does not possess a high school diploma 92733
or certificate of high school equivalence but is enrolled in a 92734
career-technical school program that is approved by the board 92735
and conducted by a city, exempted village, local, or joint 92736
vocational school district. 92737

(C) The board shall not refuse to register an applicant as 92738
a pharmacy technician trainee because of a conviction for an 92739
offense unless the refusal is in accordance with section 9.79 of 92740
the Revised Code. 92741

(D) Registration is valid for one year ~~eighteen months~~ 92742
from the date of registration, except that the board may extend 92743
the time period for which registration is valid. Registration is 92744
not renewable, but an individual may reapply for registration if 92745
the individual's previous registration has lapsed for more than 92746
five years or the board grants its approval. 92747

Sec. 4730.433. (A) (1) Subject to division (A) (2) of this 92748
section, and notwithstanding any provision of this chapter or 92749
rule adopted by the state medical board, a physician assistant 92750
who holds a license issued under this chapter and a valid 92751
prescriber number issued by the state medical board and has been 92752

granted physician-delegated prescriptive authority may do either 92753
of the following without having examined an individual to whom 92754
epinephrine may be administered: 92755

(a) Personally furnish a supply of epinephrine 92756
autoinjectors for use in accordance with sections 3313.7110, 92757
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 92758
~~5101.76~~ 5180.26 of the Revised Code; 92759

(b) Issue a prescription for epinephrine autoinjectors for 92760
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 92761
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 92762
Revised Code. 92763

(2) An epinephrine autoinjector personally furnished or 92764
prescribed under division (A) (1) of this section must be 92765
furnished or prescribed in such a manner that it may be 92766
administered only in a manufactured dosage form. 92767

(B) A physician assistant who acts in good faith in 92768
accordance with this section is not liable for or subject to any 92769
of the following for any action or omission of an entity to 92770
which an epinephrine autoinjector is furnished or a prescription 92771
is issued: damages in any civil action, prosecution in any 92772
criminal proceeding, or professional disciplinary action. 92773

Sec. 4730.437. (A) (1) Subject to division (A) (2) of this 92774
section and notwithstanding any provision of this chapter or 92775
rule adopted by the state medical board, a physician assistant 92776
who holds a valid prescriber number issued by the board and has 92777
been granted physician-delegated prescriptive authority may do 92778
either of the following without having examined an individual to 92779
whom glucagon may be administered: 92780

(a) Personally furnish a supply of injectable or nasally 92781

administered glucagon for use in accordance with section 92782
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 92783
5180.262 of the Revised Code; 92784

(b) Issue a prescription for injectable or nasally 92785
administered glucagon in accordance with section 3313.7115, 92786
3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 5180.262 of 92787
the Revised Code. 92788

(2) Injectable or nasally administered glucagon personally 92789
furnished or prescribed under division (A)(1) of this section 92790
must be furnished or prescribed in such a manner that it may be 92791
administered only in a manufactured dosage form. 92792

(B) A physician assistant who acts in good faith in 92793
accordance with this section is not liable for or subject to any 92794
of the following for any action or omission of an entity to 92795
which injectable or nasally administered glucagon is furnished 92796
or a prescription is issued: damages in any civil action, 92797
prosecution in any criminal proceeding, or professional 92798
disciplinary action. 92799

Sec. 4731.92. (A) As used in this section, "physician" 92800
means an individual authorized under this chapter to practice 92801
medicine and surgery, osteopathic medicine and surgery, or 92802
podiatric medicine and surgery. 92803

(B) (1) Subject to division (B) (2) of this section, and 92804
notwithstanding any provision of this chapter or rule adopted by 92805
the state medical board, a physician may do either of the 92806
following without having examined an individual to whom glucagon 92807
may be administered: 92808

(a) Personally furnish a supply of injectable or nasally 92809
administered glucagon for use in accordance with section 92810

3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 92811
5180.262 of the Revised Code; 92812

(b) Issue a prescription for injectable or nasally 92813
administered glucagon for use in accordance with section 92814
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 92815
5180.262 of the Revised Code. 92816

(2) Injectable or nasally administered glucagon personally 92817
furnished or prescribed under division (B)(1) of this section 92818
must be furnished or prescribed in such a manner that it may be 92819
administered only in a manufactured dosage form. 92820

(C) A physician who acts in good faith in accordance with 92821
this section is not liable for or subject to any of the 92822
following for any action or omission of an entity to which 92823
injectable or nasally administered glucagon is furnished or a 92824
prescription is issued: damages in any civil action, prosecution 92825
in any criminal proceeding, or professional disciplinary action. 92826

Sec. 4731.96. (A) As used in this section and section 92827
4731.961 of the Revised Code, "physician" means an individual 92828
authorized under this chapter to practice medicine and surgery, 92829
osteopathic medicine and surgery, or podiatric medicine and 92830
surgery. 92831

(B)(1) Subject to division (B)(2) of this section, and 92832
notwithstanding any provision of this chapter or rule adopted by 92833
the state medical board, a physician may do either of the 92834
following without having examined an individual to whom 92835
epinephrine may be administered: 92836

(a) Personally furnish a supply of epinephrine 92837
autoinjectors for use in accordance with sections 3313.7110, 92838
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 92839

~~5101.76~~ 5180.26 of the Revised Code; 92840

(b) Issue a prescription for epinephrine autoinjectors for 92841
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 92842
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 92843
Revised Code. 92844

(2) An epinephrine autoinjector personally furnished or 92845
prescribed under division (B)(1) of this section must be 92846
furnished or prescribed in such a manner that it may be 92847
administered only in a manufactured dosage form. 92848

(C) A physician who acts in good faith in accordance with 92849
this section is not liable for or subject to any of the 92850
following for any action or omission of an entity to which an 92851
epinephrine autoinjector is furnished or a prescription is 92852
issued: damages in any civil action, prosecution in any criminal 92853
proceeding, or professional disciplinary action. 92854

Sec. 4735.01. As used in this chapter: 92855

(A) "Real estate broker" includes any person, partnership, 92856
association, limited liability company, limited liability 92857
partnership, or corporation, foreign or domestic, who for 92858
another, whether pursuant to a power of attorney or otherwise, 92859
and who for a fee, commission, or other valuable consideration, 92860
or with the intention, or in the expectation, or upon the 92861
promise of receiving or collecting a fee, commission, or other 92862
valuable consideration does any of the following: 92863

(1) Sells, exchanges, purchases, rents, or leases, or 92864
negotiates the sale, exchange, purchase, rental, or leasing of 92865
any real estate; 92866

(2) Offers, attempts, or agrees to negotiate the sale, 92867
exchange, purchase, rental, or leasing of any real estate; 92868

(3) Lists, or offers, attempts, or agrees to list, or 92869
auctions, or offers, attempts, or agrees to auction, any real 92870
estate; 92871

(4) Buys or offers to buy, sells or offers to sell, or 92872
otherwise deals in options on real estate; 92873

(5) Operates, manages, or rents, or offers or attempts to 92874
operate, manage, or rent, other than as custodian, caretaker, or 92875
janitor, any building or portions of buildings to the public as 92876
tenants; 92877

(6) Advertises or holds self out as engaged in the 92878
business of selling, exchanging, purchasing, renting, or leasing 92879
real estate; 92880

(7) Directs or assists in the procuring of prospects or 92881
the negotiation of any transaction, other than mortgage 92882
financing, which does or is calculated to result in the sale, 92883
exchange, leasing, or renting of any real estate; 92884

(8) Is engaged in the business of charging an advance fee 92885
or contracting for collection of a fee in connection with any 92886
contract whereby the broker undertakes primarily to promote the 92887
sale, exchange, purchase, rental, or leasing of real estate 92888
through its listing in a publication issued primarily for such 92889
purpose, or for referral of information concerning such real 92890
estate to brokers, or both, except that this division does not 92891
apply to a publisher of listings or compilations of sales of 92892
real estate by their owners; 92893

(9) Collects rental information for purposes of referring 92894
prospective tenants to rental units or locations of such units 92895
and charges the prospective tenants a fee. 92896

(B) "Real estate" includes leaseholds as well as any and 92897

every interest or estate in land situated in this state, whether 92898
corporeal or incorporeal, whether freehold or nonfreehold, and 92899
the improvements on the land, but does not include cemetery 92900
interment rights. 92901

(C) "Real estate salesperson" means any person associated 92902
with a licensed real estate broker to do or to deal in any acts 92903
or transactions set out or comprehended by the definition of a 92904
real estate broker, for compensation or otherwise. 92905

(D) "Institution of higher education" includes all of the 92906
following: 92907

(1) A state institution of higher education, as defined in 92908
section 3345.011 of the Revised Code; 92909

(2) A nonprofit institution issued a certificate of 92910
authorization under Chapter 1713. of the Revised Code; 92911

(3) A private institution exempt from regulation under 92912
Chapter 3332. of the Revised Code, as prescribed in section 92913
3333.046 of the Revised Code. 92914

(4) An institution with a certificate of registration from 92915
the state board of career colleges and schools under Chapter 92916
3332. of the Revised Code that is approved to offer degree or 92917
certificate programs in accordance with section 3332.05 of the 92918
Revised Code. 92919

(E) "Foreign real estate" means real estate not situated 92920
in this state and any interest in real estate not situated in 92921
this state. 92922

(F) "Foreign real estate dealer" includes any person, 92923
partnership, association, limited liability company, limited 92924
liability partnership, or corporation, foreign or domestic, who 92925

for another, whether pursuant to a power of attorney or 92926
otherwise, and who for a fee, commission, or other valuable 92927
consideration, or with the intention, or in the expectation, or 92928
upon the promise of receiving or collecting a fee, commission, 92929
or other valuable consideration, does or deals in any act or 92930
transaction specified or comprehended in division (A) of this 92931
section with respect to foreign real estate. 92932

(G) "Foreign real estate salesperson" means any person 92933
associated with a licensed foreign real estate dealer to do or 92934
deal in any act or transaction specified or comprehended in 92935
division (A) of this section with respect to foreign real 92936
estate, for compensation or otherwise. 92937

(H) Any person, partnership, association, limited 92938
liability company, limited liability partnership, or 92939
corporation, who, for another, in consideration of compensation, 92940
by fee, commission, salary, or otherwise, or with the intention, 92941
in the expectation, or upon the promise of receiving or 92942
collecting a fee, does, or offers, attempts, or agrees to engage 92943
in, any single act or transaction contained in the definition of 92944
a real estate broker, whether an act is an incidental part of a 92945
transaction, or the entire transaction, shall be constituted a 92946
real estate broker or real estate salesperson under this 92947
chapter. 92948

(I) (1) The terms "real estate broker," "real estate 92949
salesperson," "foreign real estate dealer," and "foreign real 92950
estate salesperson" do not include a person, partnership, 92951
association, limited liability company, limited liability 92952
partnership, or corporation, or the regular employees thereof, 92953
who perform any of the acts or transactions specified or 92954
comprehended in division (A) of this section, whether or not 92955

for, or with the intention, in expectation, or upon the promise 92956
of receiving or collecting a fee, commission, or other valuable 92957
consideration: 92958

(a) With reference to real estate situated in this state 92959
owned by such person, partnership, association, limited 92960
liability company, limited liability partnership, or 92961
corporation, or acquired on its own account in the regular 92962
course of, or as an incident to the management of the property 92963
and the investment in it; 92964

(b) As receiver or trustee in bankruptcy, as guardian, 92965
executor, administrator, trustee, assignee, commissioner, or any 92966
person doing the things mentioned in this section, under 92967
authority or appointment of, or incident to a proceeding in, any 92968
court, or as a bona fide public officer, or as executor, 92969
trustee, or other bona fide fiduciary under any trust agreement, 92970
deed of trust, will, or other instrument that has been executed 92971
in good faith creating a like bona fide fiduciary obligation; 92972

(c) As a public officer while performing the officer's 92973
official duties; 92974

(d) As an attorney at law in the performance of the 92975
attorney's duties; 92976

(e) As a person who engages in the brokering of the sale 92977
of business assets, not including the sale, lease, exchange, or 92978
assignment of any interest in real estate; 92979

(f) As a person who engages in the sale of manufactured 92980
homes as defined in division (C) (4) of section 3781.06 of the 92981
Revised Code, or of mobile homes as defined in division (O) of 92982
section 4501.01 of the Revised Code, provided the sale does not 92983
include the negotiation, sale, lease, exchange, or assignment of 92984

any interest in real estate; 92985

(g) As a person who engages in the sale of commercial real 92986
estate pursuant to the requirements of section 4735.022 of the 92987
Revised Code; 92988

(h) As an oil and gas land professional in the performance 92989
of the oil and gas land professional's duties, provided the oil 92990
and gas land professional is not engaged in the purchase or sale 92991
of a fee simple absolute interest in oil and gas or other real 92992
estate and the oil and gas land professional complies with 92993
division (A) of section 4735.023 of the Revised Code; 92994

(i) As an oil and gas land professional employed by the 92995
person, partnership, association, limited liability company, 92996
limited liability partnership, or corporation for which the oil 92997
and gas land professional is performing the oil and gas land 92998
professional's duties. 92999

(2) A person, partnership, association, limited liability 93000
company, limited liability partnership, or corporation exempt 93001
under division (I)(1)(a) of this section shall be limited by the 93002
legal interest in the real estate held by that person or entity 93003
to performing any of the acts or transactions specified in or 93004
comprehended by division (A) of this section. 93005

(J) "Disabled licensee" means a person licensed pursuant 93006
to this chapter who is under a severe disability which is of 93007
such a nature as to prevent the person from being able to attend 93008
any instruction lasting at least three hours in duration. 93009

(K) "Division of real estate" may be used interchangeably 93010
with, and for all purposes has the same meaning as, "division of 93011
real estate and professional licensing." 93012

(L) "Superintendent" or "superintendent of real estate" 93013

means the superintendent of the division of real estate and 93014
professional licensing of this state. Whenever the division or 93015
superintendent of real estate is referred to or designated in 93016
any statute, rule, contract, or other document, the reference or 93017
designation shall be deemed to refer to the division or 93018
superintendent of real estate and professional licensing, as the 93019
case may be. 93020

(M) "Inactive license" means the license status in which a 93021
salesperson's license is in the possession of the division, 93022
renewed as required under this chapter or rules adopted under 93023
this chapter, and not associated with a real estate broker. 93024

(N) "Broker's license on deposit" means the license status 93025
in which a broker's license is in the possession of the division 93026
of real estate and professional licensing and renewed as 93027
required under this chapter or rules adopted under this chapter. 93028

(O) "Suspended license" means the license status that 93029
prohibits a licensee from providing services that require a 93030
license under this chapter for a specified interval of time. 93031

(P) "Reactivate" means the process prescribed by the 93032
superintendent of real estate and professional licensing to 93033
remove a license from an inactive, suspended, or broker's 93034
license on deposit status to allow a licensee to provide 93035
services that require a license under this chapter. 93036

(Q) "Revoked" means the license status in which the 93037
license is void and not eligible for reactivation. 93038

(R) "Commercial real estate" means any parcel of real 93039
estate in this state other than real estate containing one to 93040
four residential units. "Commercial real estate" does not 93041
include single-family residential units such as condominiums, 93042

townhouses, manufactured homes, or homes in a subdivision when 93043
sold, leased, or otherwise conveyed on a unit-by-unit basis, 93044
even when those units are a part of a larger building or parcel 93045
of real estate containing more than four residential units. 93046

(S) "Out-of-state commercial broker" includes any person, 93047
partnership, association, limited liability company, limited 93048
liability partnership, or corporation that is licensed to do 93049
business as a real estate broker in a jurisdiction other than 93050
Ohio. 93051

(T) "Out-of-state commercial salesperson" includes any 93052
person affiliated with an out-of-state commercial broker who is 93053
not licensed as a real estate salesperson in Ohio. 93054

(U) "Exclusive right to sell or lease listing agreement" 93055
means an agency agreement between a seller and broker that meets 93056
the requirements of section 4735.55 of the Revised Code and does 93057
both of the following: 93058

(1) Grants the broker the exclusive right to represent the 93059
seller in the sale or lease of the seller's property; 93060

(2) Provides the broker will be compensated if the broker, 93061
the seller, or any other person or entity produces a purchaser 93062
or tenant in accordance with the terms specified in the listing 93063
agreement or if the property is sold or leased during the term 93064
of the listing agreement to anyone other than to specifically 93065
exempted persons or entities. 93066

(V) "Exclusive agency agreement" means an agency agreement 93067
between a seller and broker that meets the requirements of 93068
section 4735.55 of the Revised Code and does both of the 93069
following: 93070

(1) Grants the broker the exclusive right to represent the 93071

seller in the sale or lease of the seller's property; 93072

(2) Provides the broker will be compensated if the broker 93073
or any other person or entity produces a purchaser or tenant in 93074
accordance with the terms specified in the listing agreement or 93075
if the property is sold or leased during the term of the listing 93076
agreement, unless the property is sold or leased solely through 93077
the efforts of the seller or to the specifically exempted 93078
persons or entities. 93079

(W) "Exclusive purchaser agency agreement" means an agency 93080
agreement between a purchaser or tenant and a broker that meets 93081
the requirements of section 4735.55 of the Revised Code and does 93082
both of the following: 93083

(1) Grants the broker the exclusive right to represent the 93084
purchaser or tenant in the purchase or lease of property; 93085

(2) Provides the broker will be compensated in accordance 93086
with the terms specified in the exclusive agency agreement or if 93087
a property is purchased or leased by the purchaser or tenant 93088
during the term of the agency agreement unless the property is 93089
specifically exempted in the agency agreement. 93090

The agreement may authorize the broker to receive 93091
compensation from the seller or the seller's agent and may 93092
provide that the purchaser or tenant is not obligated to 93093
compensate the broker if the property is purchased or leased 93094
solely through the efforts of the purchaser or tenant. 93095

(X) "Seller" means a party in a real estate transaction 93096
who is the potential transferor of property. "Seller" includes 93097
an owner of property who is seeking to sell the property and a 93098
landlord who is seeking to rent or lease property to another 93099
person. 93100

(Y) "Resigned" means the license status in which a license
has been voluntarily and permanently surrendered to or is
otherwise in the possession of the division of real estate and
professional licensing, may not be renewed or reactivated in
accordance with the requirements specified in this chapter or
the rules adopted pursuant to it, and is not associated with a
real estate broker.

(Z) "Bona fide" means made in good faith or without
purpose of circumventing license law.

(AA) "Associate broker" means an individual licensed as a
real estate broker under this chapter who does not function as
the principal broker or a management level licensee.

(BB) "Brokerage" means a corporation, partnership, limited
partnership, association, limited liability company, limited
liability partnership, or sole proprietorship, foreign or
domestic, that has been issued a broker's license. "Brokerage"
includes the affiliated licensees who have been assigned
management duties that include supervision of licensees whose
duties may conflict with those of other affiliated licensees.

(CC) Except as provided in section 4735.011 of the Revised
Code, "eligible course" means a credit or noncredit course
offered by an institution of higher education that may be
applied toward the requirements for a degree or certificate at
the institution.

(DD) "Distance education" means courses required by
divisions (B) (6) and (G) of section 4735.07, divisions (F) (6)
and (J) of section 4735.09, and division (A) of section 4735.141
of the Revised Code in which instruction is accomplished through
use of interactive, electronic media and where the teacher and

student are separated by distance or time, or both. 93130

(EE) "Licensee" means any individual licensed as a real 93131
estate broker or salesperson by the Ohio real estate commission 93132
pursuant to this chapter. 93133

(FF) "Management level licensee" means a licensee who is 93134
employed by or affiliated with a real estate broker and who has 93135
supervisory responsibility over other licensees employed by or 93136
affiliated with that real estate broker. 93137

(GG) "Oil and gas land professional" means a person 93138
regularly engaged in the preparation and negotiation of 93139
agreements for the purpose of exploring for, transporting, 93140
producing, or developing oil and gas mineral interests, 93141
including, but not limited to, oil and gas leases and pipeline 93142
easements. 93143

(HH) "Principal broker" means an individual licensed as a 93144
real estate broker under this chapter who oversees and directs 93145
the operations of the brokerage. 93146

(II) "Right-to-list home sale agreement" means an 93147
agreement whereby the owner of residential real estate agrees to 93148
provide another person with exclusive rights to list the real 93149
estate for sale at a future date in exchange for monetary 93150
consideration, or an equivalent to monetary consideration, and 93151
that meets one or both of the following: 93152

(1) The agreement states that it runs with the land or 93153
otherwise purports to bind future owners of the residential real 93154
estate; 93155

(2) The agreement purports to be a lien, encumbrance, or 93156
other real property security interest. 93157

(JJ) "Nonexclusive agency agreement" means an agency 93158
agreement between a purchaser, tenant, or seller and a broker 93159
that meets the requirements of section 4735.55 of the Revised 93160
Code and does both of the following: 93161

(1) Grants the broker the nonexclusive right to represent 93162
the purchaser, tenant, or seller in the purchase, sale, or lease 93163
of property; 93164

(2) Provides the broker will be compensated in accordance 93165
with the terms specified in the nonexclusive agency agreement, 93166
and the purchaser, tenant, or seller may obtain services from 93167
other brokers or brokerage firms, subject to the terms of the 93168
nonexclusive agency agreement. 93169

Sec. 4735.06. ~~(A)~~ (A) (1) Application for a license as a 93170
real estate broker shall be made to the superintendent of real 93171
estate on forms furnished by the superintendent and filed with 93172
the superintendent and shall be signed by the applicant or its 93173
members or officers. 93174

(2) Each application shall state the name of the person 93175
applying and the location of the place of business for which the 93176
license is desired, and give such other information as the 93177
superintendent requires in the form of application prescribed by 93178
the superintendent. 93179

(3) Each application shall include the address of the 93180
applicant's current residence or, if the applicant is not an 93181
individual, the address of the current residence of each of the 93182
applicant's members or officers. 93183

(4) The superintendent shall retain residential addresses 93184
submitted under division (A) (3) of this section as separate 93185
records that do not constitute public records for the purposes 93186

of section 149.43 of the Revised Code. 93187

(B) (1) If the applicant is a partnership, limited 93188
liability company, limited liability partnership, or 93189
association, the names of all the members also shall be stated, 93190
and, if the applicant is a corporation, the names of its 93191
president and of each of its officers also shall be stated. 93192

The superintendent has the right to reject the application 93193
of any partnership, association, limited liability company, 93194
limited liability partnership, or corporation if the name 93195
proposed to be used by such partnership, association, limited 93196
liability company, limited liability partnership, or corporation 93197
is likely to mislead the public or if the name is not such as to 93198
distinguish it from the name of any existing partnership, 93199
association, limited liability company, limited liability 93200
partnership, or corporation licensed under this chapter, unless 93201
there is filed with the application the written consent of such 93202
existing partnership, association, limited liability company, 93203
limited liability partnership, or corporation, executed by a 93204
duly authorized representative of it, permitting the use of the 93205
name of such existing partnership, association, limited 93206
liability company, limited liability partnership, or 93207
corporation. 93208

(2) The superintendent shall approve the use of a trade 93209
name by a brokerage, if the name meets both of the following 93210
criteria: 93211

(a) The proposed name is not the same as or is clearly 93212
distinguishable from a name registered with the division of real 93213
estate and professional licensing by another existing brokerage. 93214
If the superintendent determines that the proposed name is not 93215
clearly distinguishable from any other existing brokerage, the 93216

superintendent may approve the use of the trade name if there is 93217
filed with the superintendent the written consent of the 93218
existing brokerage with the same or similar name. 93219

(b) The name is not misleading or likely to mislead the 93220
public. 93221

(3) The superintendent may approve the use of more than 93222
one trade name for a brokerage. 93223

(4) When a brokerage has received the approval of the 93224
superintendent to conduct business under one or more trade 93225
names, those trade names shall be the only identifying names 93226
used by the brokerage in all advertising. 93227

(C) A fee of one hundred thirty-five dollars shall 93228
accompany the application for a real estate broker's license. 93229
The initial licensing period commences at the time the license 93230
is issued and ends on the applicant's first birthday thereafter. 93231
However, if the applicant was an inactive or active salesperson 93232
immediately preceding application for a broker's license, then 93233
the initial licensing period shall commence at the time the 93234
broker's license is issued and ends on the date the licensee's 93235
continuing education is due as set when the applicant was a 93236
salesperson. The application fee shall be nonrefundable. A fee 93237
of one hundred thirty-five dollars shall be charged by the 93238
superintendent for each successive application made by an 93239
applicant. In the case of issuance of a three-year license, upon 93240
passing the examination, or upon waiver of the examination 93241
requirement, if the superintendent determines it is necessary, 93242
the applicant shall submit an additional fee determined by the 93243
superintendent based upon the number of years remaining in a 93244
real estate salesperson's licensing period. 93245

(D) The Ohio real estate commission may use the division 93246
of real estate operating fund created under section 4735.211 of 93247
the Revised Code in discharging the duties prescribed in 93248
divisions (E), (F), (G), and (H) of section 4735.03 of the 93249
Revised Code and may use it in the advancement of education and 93250
research in real estate at any institution of higher education 93251
in the state, or in contracting with any such institution or a 93252
trade organization for a particular research or educational 93253
project in the field of real estate, or in advancing loans, not 93254
exceeding two thousand dollars, to applicants for salesperson 93255
licenses, to defray the costs of satisfying the educational 93256
requirements of division (F) of section 4735.09 of the Revised 93257
Code. Such loans shall be made according to rules established by 93258
the commission under the procedures of Chapter 119. of the 93259
Revised Code, and they shall be repaid to the fund within three 93260
years of the time they are made. No more than twenty-five 93261
thousand dollars shall be lent from the fund in any one fiscal 93262
year. 93263

The governor may appoint a representative from the 93264
executive branch to be a member ex officio of the commission for 93265
the purpose of advising on research requests or educational 93266
projects. The commission shall report to the general assembly on 93267
the third Tuesday after the third Monday in January of each year 93268
setting forth the total amount contained in the fund and the 93269
amount of each research grant that it has authorized and the 93270
amount of each research grant requested. A copy of all research 93271
reports shall be submitted to the state library of Ohio and the 93272
library of the legislative service commission. 93273

(E) If the superintendent, with the consent of the 93274
commission, enters into an agreement with a national testing 93275
service to administer the real estate broker's examination, 93276

pursuant to division (A) of section 4735.07 of the Revised Code, 93277
the superintendent may require an applicant to pay the testing 93278
service's examination fee directly to the testing service. If 93279
the superintendent requires the payment of the examination fee 93280
directly to the testing service, each applicant shall submit to 93281
the superintendent a processing fee in an amount determined by 93282
the Ohio real estate commission pursuant to division (A)(2) of 93283
section 4735.10 of the Revised Code. 93284

Sec. 4735.09. (A) Application for a license as a real 93285
estate salesperson shall be made to the superintendent of real 93286
estate on forms furnished by the superintendent and signed by 93287
the applicant. The application shall be in the form prescribed 93288
by the superintendent and shall contain such information as is 93289
required by this chapter and the rules of the Ohio real estate 93290
commission. The application shall include the address of the 93291
applicant's current residence. The superintendent shall retain 93292
the applicant's current residence address in a separate record 93293
that does not constitute a public record for purposes of section 93294
149.43 of the Revised Code. The application shall be accompanied 93295
by the recommendation of the real estate broker with whom the 93296
applicant is associated or with whom the applicant intends to be 93297
associated, certifying that the applicant is honest and 93298
truthful, and has not been finally adjudged by a court to have 93299
violated any municipal, state, or federal civil rights laws 93300
relevant to the protection of purchasers or sellers of real 93301
estate, which conviction or adjudication the applicant has not 93302
disclosed to the superintendent, and recommending that the 93303
applicant be admitted to the real estate salesperson 93304
examination. 93305

(B) A fee of eighty-one dollars shall accompany the 93306
application, which fee includes the fee for the initial year of 93307

the licensing period, if a license is issued. The initial year 93308
of the licensing period commences at the time the license is 93309
issued and ends on the applicant's first birthday thereafter. 93310
The application fee shall be nonrefundable. A fee of eighty-one 93311
dollars shall be charged by the superintendent for each 93312
successive application made by the applicant. 93313

(C) There shall be no limit placed on the number of times 93314
an applicant may retake the examination. 93315

(D) The superintendent, with the consent of the 93316
commission, may enter into an agreement with a recognized 93317
national testing service to administer the real estate 93318
salesperson's examination under the superintendent's supervision 93319
and control, consistent with the requirements of this chapter as 93320
to the contents of the examination. 93321

If the superintendent, with the consent of the commission, 93322
enters into an agreement with a national testing service to 93323
administer the real estate salesperson's examination, the 93324
superintendent may require an applicant to pay the testing 93325
service's examination fee directly to the testing service. If 93326
the superintendent requires the payment of the examination fee 93327
directly to the testing service, each applicant shall submit to 93328
the superintendent a processing fee in an amount determined by 93329
the Ohio real estate commission pursuant to division (A)(1) of 93330
section 4735.10 of the Revised Code. 93331

(E) The superintendent shall issue a real estate 93332
salesperson's license when satisfied that the applicant has 93333
received a passing score on each portion of the salesperson's 93334
examination as determined by rule by the real estate commission. 93335

(F) No applicant for a salesperson's license shall take 93336

the salesperson's examination who has not established to the 93337
satisfaction of the superintendent that the applicant: 93338

(1) Is honest and truthful; 93339

(2) (a) Has not been convicted of a disqualifying offense 93340
as determined in accordance with section 9.79 of the Revised 93341
Code; 93342

(b) Has not been finally adjudged by a court to have 93343
violated any municipal, state, or federal civil rights laws 93344
relevant to the protection of purchasers or sellers of real 93345
estate or, if the applicant has been so adjudged, at least two 93346
years have passed since the court decision and the 93347
superintendent has disregarded the adjudication because the 93348
applicant has proven, by a preponderance of the evidence, that 93349
the applicant is honest and truthful, and there is no basis in 93350
fact for believing that the applicant again will violate the 93351
laws involved. 93352

(3) Has not, during any period in which the applicant was 93353
licensed under this chapter, violated any provision of, or any 93354
rule adopted pursuant to this chapter, or, if the applicant has 93355
violated such provision or rule, has established to the 93356
satisfaction of the superintendent that the applicant will not 93357
again violate such provision or rule; 93358

(4) Is at least eighteen years of age; 93359

(5) If born after the year 1950, has a high school diploma 93360
or a certificate of high school equivalence issued under section 93361
3301.80 of the Revised Code; 93362

(6) Has successfully completed at an institution of higher 93363
education all of the following eligible courses by either 93364
classroom instruction or distance education: 93365

- (a) Forty hours of instruction in real estate practice; 93366
- (b) Forty hours of instruction that includes the subjects 93367
of Ohio real estate law, municipal, state, and federal civil 93368
rights law, new case law on housing discrimination, 93369
desegregation issues, and methods of eliminating the effects of 93370
prior discrimination. If feasible, the instruction in Ohio real 93371
estate law shall be taught by a member of the faculty of an 93372
accredited law school. If feasible, the instruction in 93373
municipal, state, and federal civil rights law, new case law on 93374
housing discrimination, desegregation issues, and methods of 93375
eliminating the effects of prior discrimination shall be taught 93376
by a staff member of the Ohio civil rights commission who is 93377
knowledgeable with respect to those subjects. The requirements 93378
of this division do not apply to an applicant who is admitted to 93379
practice before the supreme court. 93380
- (c) Ten hours of instruction in real estate appraisal; 93381
- (d) Ten hours of instruction in real estate finance. 93382
- (G) (1) Successful completion of the instruction required 93383
by division (F) (6) of this section shall be determined by the 93384
law in effect on the date the instruction was completed. 93385
- (2) Division (F) (6) (c) of this section does not apply to 93386
any new applicant who holds a valid Ohio real estate appraiser 93387
license or certificate issued prior to the date of application 93388
for a real estate salesperson's license. 93389
- (H) Only for noncredit course offerings, an institution of 93390
higher education shall obtain approval from the appropriate 93391
state authorizing entity prior to offering a real estate course 93392
that is designed and marketed as satisfying the salesperson 93393
license education requirements of division (F) (6) of this 93394

section. The state authorizing entity may consult with the 93395
superintendent in reviewing the course for compliance with this 93396
section. 93397

(I) Any person who has not been licensed as a real estate 93398
salesperson or broker within a four-year period immediately 93399
preceding the person's current application for the salesperson's 93400
examination shall have successfully completed the prelicensure 93401
instruction required by division (F)(6) of this section within a 93402
ten-year period immediately preceding the person's current 93403
application for the salesperson's examination. 93404

(J) Not earlier than the date of issue of a real estate 93405
salesperson's license to a licensee, but not later than twelve 93406
months after the date of issue of a real estate salesperson 93407
license to a licensee, the licensee shall submit proof 93408
satisfactory to the superintendent, on forms made available by 93409
the superintendent, of the completion of twenty hours of 93410
instruction that shall be completed in schools, seminars, and 93411
educational institutions approved by the commission. The 93412
instruction shall include, but is not limited to, current 93413
practices relating to commercial real estate, property 93414
management, short sales, and land contracts; contract law; 93415
federal and state programs; economic conditions; and fiduciary 93416
responsibility. Approval of the curriculum and providers shall 93417
be granted according to rules adopted pursuant to section 93418
4735.10 of the Revised Code and may be taken through classroom 93419
instruction or distance education. 93420

If proof of completion of the required instruction is not 93421
submitted within twelve months of the date a license is issued 93422
under this section, the licensee's license is suspended 93423
automatically without the taking of any action by the 93424

superintendent. The superintendent immediately shall notify the 93425
broker with whom such salesperson is associated of the 93426
suspension of the salesperson's license. A salesperson whose 93427
license has been suspended under this division shall have twelve 93428
months after the date of the suspension of the salesperson's 93429
license to submit proof of successful completion of the 93430
instruction required under this division. No such license shall 93431
be reactivated by the superintendent until it is established, to 93432
the satisfaction of the superintendent, that the requirements of 93433
this division have been met and that the licensee is in 93434
compliance with this chapter. A licensee's license is revoked 93435
automatically without the taking of any action by the 93436
superintendent when the licensee fails to submit the required 93437
proof of completion of the education requirements under division 93438
(I) of this section within twelve months of the date the license 93439
is suspended. 93440

(K) Examinations shall be administered with reasonable 93441
accommodations in accordance with the requirements of the 93442
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 93443
U.S.C. 12189. The contents of an examination shall be consistent 93444
with the classroom instructional requirements of division (F)(6) 93445
of this section. An applicant who has completed the classroom 93446
instructional requirements of division (F)(6) of this section at 93447
the time of application shall be examined no later than twelve 93448
months after the applicant is notified of the applicant's 93449
admission to the examination. 93450

(L) Notwithstanding any provision of this chapter or 93451
Chapter 4796. of the Revised Code to the contrary, the 93452
superintendent shall issue a real estate salesperson's license 93453
in accordance with Chapter 4796. of the Revised Code to an 93454
applicant if both of the following apply: 93455

(1) The applicant satisfies the requirements specified in 93456
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 93457
applicable. 93458

(2) The applicant passes an examination on Ohio real 93459
estate law. 93460

Sec. 4735.55. (A) As used in this section: 93461

(1) "Residential real property" has the same meaning as in 93462
section 5302.30 of the Revised Code. 93463

(2) "Residential premises" and "tenant" ~~has~~ have the same 93464
~~meaning-meanings~~ as in section 5321.01 of the Revised Code. 93465

(B) ~~Prior to marketing~~ A licensee shall enter into a 93466
written agency agreement before doing any of the following: 93467

(1) Advertising or showing ~~a seller's~~ residential real 93468
property, ~~making~~ on behalf of a seller; 93469

(2) Making an offer to purchase residential real property 93470
on behalf of a purchaser, ~~or making~~; 93471

(3) Making an offer to lease a residential premises on 93472
behalf of a ~~purchaser~~ tenant for a term exceeding eighteen 93473
months, ~~a licensee shall enter into a written agency agreement~~ 93474
~~that contains.~~ 93475

(C) The written agency agreement shall contain all of the 93476
following: 93477

(1) An expiration date; 93478

(2) A statement that it is illegal, pursuant to the Ohio 93479
fair housing law, division (H) of section 4112.02 of the Revised 93480
Code, and the federal fair housing law, 42 U.S.C.A. 3601, as 93481
amended, to refuse to sell, transfer, assign, rent, lease, 93482

sublease, or finance housing accommodations, refuse to negotiate 93483
for the sale or rental of housing accommodations, or otherwise 93484
deny or make unavailable housing accommodations because of race, 93485
color, religion, sex, familial status as defined in section 93486
4112.01 of the Revised Code, ancestry, military status as 93487
defined in that section, disability as defined in that section, 93488
or national origin or to so discriminate in advertising the sale 93489
or rental of housing, in the financing of housing, or in the 93490
provision of real estate brokerage services; 93491

(3) A statement defining the practice known as 93492
"blockbusting" and stating that it is illegal; 93493

(4) A copy of the United States department of housing and 93494
urban development equal housing opportunity logotype, as set 93495
forth in 24 C.F.R. 109.30, as amended; 93496

(5) A statement that the licensee is appointed as an agent 93497
of the client, and an indication of whether the agency 93498
relationship is exclusive or nonexclusive; 93499

(6) The terms by which the real estate broker is to be 93500
compensated; 93501

(7) A conspicuous statement that broker fees and 93502
commissions are not set by law, are fully negotiable, and may be 93503
paid by the seller, the buyer, the landlord, the tenant, or a 93504
third party, or by sharing or splitting the fees and commissions 93505
between brokers. 93506

~~(C)~~ (D) Each written agency agreement shall contain a place 93507
for the licensee and the client to sign and date the agreement. 93508

~~(D)~~ (E) A licensee shall furnish a copy of any written 93509
agency agreement to a client in a timely manner after the 93510
licensee and the client have signed and dated it. 93511

Sec. 4735.56. (A) Each brokerage shall develop a written 93512
brokerage policy on agency to be given to prospective sellers, 93513
tenants, and purchasers in accordance with ~~divisions (C) and (D)~~ 93514
~~of~~ this section. 93515

(B) The brokerage policy on agency described in division 93516
(A) of this section shall include all of the following 93517
information: 93518

(1) An explanation of the permissible agency relationships 93519
available under section 4735.53 of the Revised Code and the 93520
duties that the agent owes the agent's client; 93521

(2) The brokerage's policy on representation of purchasers 93522
or sellers; 93523

(3) Whether at some time during the agency relationship 93524
the brokerage and its licensee may act as a dual agent, and the 93525
options and consequences for the client if a dual agency 93526
situation arises including the right of the client to terminate 93527
the agency relationship and seek representation from another 93528
source; 93529

(4) Whether at some time during the agency relationship, 93530
another licensee affiliated with the same brokerage as the 93531
licensee may become the exclusive agent for the other party in 93532
the transaction and whether each licensee will represent only 93533
the interests of that licensee's client; 93534

(5) The brokerage's policy on cooperation with other 93535
brokerages, including whether the brokerage offers compensation 93536
to other brokerages or will seek compensation from other 93537
brokerages; 93538

(6) That a brokerage that has a purchaser as a client 93539
represents the purchaser's interests even though the seller's 93540

agent or the seller may compensate that purchaser's brokerage; 93541

(7) That the signature of the purchaser or the seller 93542
indicates acknowledgement of receipt of the brokerage policy on 93543
agency. 93544

(C) A licensee working directly with a seller in a real 93545
estate transaction shall provide the seller with the brokerage 93546
policy on agency described in this section at the time the 93547
licensee and seller enter into an agency agreement, if required 93548
by section 4735.55 of the Revised Code or, if an agency 93549
agreement is not required by that section, prior to ~~marketing-~~ 93550
advertising or showing the seller's real estate, and shall 93551
obtain a signature from the seller acknowledging receipt unless 93552
the seller refuses to provide a signature. If the seller refuses 93553
to provide a signature, the licensee shall note this on the 93554
policy. 93555

(D) A licensee working directly with a purchaser in a real 93556
estate transaction, whether as the purchaser's agent, the 93557
seller's agent, or the seller's subagent, shall provide the 93558
purchaser with the brokerage policy on agency described in this 93559
section and obtain a signature from the purchaser acknowledging 93560
receipt of the policy unless the purchaser refuses to provide a 93561
signature. If the purchaser refuses to provide a signature, the 93562
licensee shall note this on the policy. Except as provided in 93563
division (E) of this section, the licensee shall provide the 93564
brokerage policy on agency to a purchaser prior to the earliest 93565
of the following actions of the licensee: 93566

(1) Initiating a prequalification evaluation to determine 93567
whether the purchaser has the financial ability to purchase or 93568
lease a particular real estate property; 93569

(2) Requesting specific financial information from the purchaser to determine the purchaser's ability to purchase or finance real estate in a particular price range;

(3) Showing the real estate to the purchaser other than at an open house;

(4) Discussing, with the purchaser, the making of an offer to purchase or lease real estate;

(5) Submitting an offer to purchase or lease real estate on behalf of the purchaser;

(6) Entering into an agency agreement with the purchaser under section 4735.55 of the Revised Code.

(E) If the earliest event described in division (D) of this section is by telephone or electronic mail, the licensee shall disclose by that same medium the nature of the agency relationship that the licensee has with both the seller and the purchaser. The licensee shall provide the purchaser with the brokerage policy on agency described in this section at the first meeting with the purchaser following this disclosure of the agency relationship.

(F) A licensee acting as a seller's agent is not required to provide a purchaser with the brokerage policy on agency described in this section except in the case of an event described in division (D) of this section.

(G) The requirements of this section regarding provision of a brokerage policy on agency apply only in the following situations:

(1) The sale or lease of vacant land;

(2) The sale of a parcel of real estate containing one to

four residential units; 93598

(3) The leasing of residential premises as defined in 93599
section 5321.01 of the Revised Code, if the rental or lease 93600
agreement is for a term of more than eighteen months. 93601

Sec. 4735.80. (A) The superintendent of real estate shall, 93602
within one year after ~~the effective date of this section~~ April 3, 93603
2025, adopt rules in accordance with Chapter 119. of the Revised 93604
Code that require a licensee, prior to listing residential real 93605
estate for sale, exchange, or purchase, to provide to the seller 93606
a disclosure form, developed and maintained by the division of 93607
real estate, that outlines both of the following: 93608

(1) The federal and state laws that relate to anti- 93609
discrimination in the home-buying process with which a seller of 93610
residential real estate shall comply, including the laws listed 93611
in divisions ~~(B) (2)~~ (C) (2) and (3) of section 4735.55 of the 93612
Revised Code; 93613

(2) The penalties associated with violating any of the 93614
laws specified pursuant to division (A) (1) of this section. 93615

(B) No licensee shall market or show a seller's 93616
residential real estate before providing the seller with the 93617
disclosure required by this section and receiving a copy of that 93618
disclosure that is signed and dated by the seller. The licensee 93619
shall retain the signed and dated copy of the disclosure for not 93620
less than three years following the closing date on the seller's 93621
residential real estate. 93622

(C) Notwithstanding any provision of section 121.95 of the 93623
Revised Code to the contrary, a regulatory restriction contained 93624
in a rule adopted under this section is not subject to sections 93625
121.95 to 121.953 of the Revised Code. 93626

Sec. 4740.06. (A) Any individual who applies for a license 93627
shall file a written application with the appropriate specialty 93628
section of the Ohio construction industry licensing board, 93629
accompanied with the application fee as determined pursuant to 93630
section 4740.09 of the Revised Code. The application shall be on 93631
the form the section prescribes ~~and verified by the applicant's~~ 93632
~~oath~~. The applicant shall provide information satisfactory to 93633
the section showing that the applicant meets the requirements of 93634
division (B), (C), or (D) of this section. 93635

(B) To qualify to take an examination, an individual 93636
shall: 93637

(1) Be at least eighteen years of age; 93638

(2) Be a United States citizen or legal alien who produces 93639
valid documentation to demonstrate the individual is a legal 93640
resident of the United States; 93641

(3) Either have been a tradesperson in the type of 93642
licensed trade for which the application is filed for not less 93643
than five years immediately prior to the date the application is 93644
filed, be a currently registered engineer in this state with 93645
three years of business experience in the construction industry 93646
in the trade for which the engineer is applying to take an 93647
examination, or have other experience acceptable to the 93648
appropriate specialty section of the board; 93649

(4) Maintain contractor's liability insurance in an amount 93650
the appropriate specialty section of the board determines and 93651
only in one contracting company name; 93652

(5) Not have done any of the following: 93653

(a) Violated this chapter or any rule adopted pursuant to 93654
it; 93655

(b) Obtained or renewed a license issued pursuant to this chapter, or any order, ruling, or authorization of the board or a section of the board by fraud, misrepresentation, or deception;

(c) Engaged in fraud, misrepresentation, or deception in the conduct of business.

(C) For an individual who holds an out-of-state occupational license, as defined in section 4796.01 of the Revised Code, that is substantially similar to the license for which the individual is applying under this chapter, to qualify to take an examination, an individual shall:

(1) Provide proof that the individual was issued at least five authorizations for construction, erection, equipment, alteration, or addition of any building by an authority with responsibility for enforcing building regulations in the jurisdiction where the individual holds the out-of-state occupational license;

(2) Provide at least one tax return that reflects income earned for services provided under the individual's out-of-state occupational license;

(3) Provide proof that the contracting company with whom the individual is employed in the jurisdiction where the individual holds the out-of-state occupational license is either of the following:

(a) Licensed as a foreign corporation under section 1703.04 of the Revised Code and has designated an agent in this state in accordance with section 1703.041 of the Revised Code;

(b) Registered as a foreign limited liability company under section 1706.511 of the Revised Code and has designated an

agent in this state in accordance with section 1706.09 of the Revised Code.

(4) Meet the requirements described in divisions (B) (1), (2), (4), and (5) of this section.

(D) (1) For an individual who has been actively engaged in activities in the service of the uniformed services, as defined in section 4796.01 of the Revised Code, that are substantially similar to the activities for which the license the individual is applying under this chapter is required, to qualify to take an examination, an individual shall:

(a) Provide proof that the individual was actively engaged in the activities in the service of the uniformed services for at least three of the five years immediately preceding the date the application is submitted;

(b) Meet the requirements described in divisions (B) (1), (2), (4), and (5) of this section.

(2) Each specialty section of the board may adopt a rule in accordance with Chapter 119. of the Revised Code to waive the requirement that an applicant under division (D) (1) (a) of this section has been actively engaged in the activity for three of the five years immediately preceding the date the application is submitted.

(E) The board secretary, or the secretary's designee, shall approve an application for examination submitted under division (C) or (D) of this section within thirty days after receiving a complete application that meets the requirements of that division.

(F) When an applicant for licensure as a contractor in a licensed trade meets the qualifications set forth in division

(B), (C), or (D) of this section and passes the required 93714
examination, the appropriate specialty section of the board, 93715
within ninety days after the application was filed, shall 93716
authorize the administrative section of the board to license the 93717
applicant for the type of contractor's license for which the 93718
applicant qualifies. A specialty section of the board may 93719
withdraw its authorization to the administrative section for 93720
issuance of a license for good cause shown, on the condition 93721
that notice of that withdrawal is given prior to the 93722
administrative section's issuance of the license. 93723

(G) (1) Except as provided in division (G) (2) of this 93724
section, if an applicant does not pass the required examination, 93725
the applicant may retake the examination not less than sixty 93726
days after the applicant's most recent examination. 93727

(2) An applicant who does not pass the required 93728
examination after taking the examination five times under this 93729
section shall reapply for a license under division (A) of this 93730
section before retaking the required examination any subsequent 93731
time. 93732

(H) All licenses a contractor holds pursuant to this 93733
chapter shall expire annually on the same date, which shall be 93734
the expiration date of the original license the contractor 93735
holds. An individual holding a valid, unexpired license may 93736
renew the license, without reexamination, by submitting an 93737
application to the appropriate specialty section of the board 93738
not more than ninety calendar days before the expiration of the 93739
license, along with the renewal fee the specialty section 93740
requires and proof of compliance with the applicable continuing 93741
education requirements. The applicant shall provide information 93742
in the renewal application satisfactory to demonstrate to the 93743

appropriate specialty section that the applicant continues to 93744
meet the requirements of divisions (B) (2), (4), and (5) of this 93745
section. 93746

Upon application and within one calendar year after a 93747
license has expired, a section may waive any of the requirements 93748
for renewal of a license upon finding that an applicant 93749
substantially meets the renewal requirements or that failure to 93750
timely apply for renewal is due to excusable neglect. A section 93751
that waives requirements for renewal of a license may impose 93752
conditions upon the licensee and assess a late filing fee of not 93753
more than double the usual renewal fee. An applicant shall 93754
satisfy any condition the section imposes before a license is 93755
reissued. 93756

(I) An individual holding a valid license may request the 93757
section of the board that authorized that license to place the 93758
license in inactive status under conditions, and for a period of 93759
time, as that section determines. 93760

(J) Except for the ninety-day extension provided for a 93761
license assigned to a contracting company under division (D) of 93762
section 4740.07 of the Revised Code, a license held by an 93763
individual immediately terminates upon the death of the 93764
individual. 93765

(K) Nothing in any license issued by the Ohio construction 93766
industry licensing board shall be construed to limit or 93767
eliminate any requirement of or any license issued by the Ohio 93768
fire marshal. 93769

(L) (1) Subject to division (L) (3) of this section, no 93770
specialty section of the board shall adopt, maintain, renew, or 93771
enforce any rule, or otherwise preclude in any way, an 93772

individual from renewing a license under this chapter due to any 93773
past criminal activity or interpretation of moral character. If 93774
the specialty section denies an individual a license renewal, 93775
the reasons for such denial shall be put in writing. 93776

(2) The section may refuse to issue a license to an 93777
applicant because of a conviction of or plea of guilty to an 93778
offense if the refusal is in accordance with section 9.79 of the 93779
Revised Code. 93780

(3) In considering a renewal of an individual's license, 93781
the section shall not consider any conviction or plea of guilty 93782
prior to the initial licensing. However, the board may consider 93783
a conviction or plea of guilty if it occurred after the 93784
individual was initially licensed, or after the most recent 93785
license renewal. 93786

(4) The section may grant an individual a conditional 93787
license that lasts for one year. After the one-year period has 93788
expired, the license is no longer considered conditional, and 93789
the individual shall be considered fully licensed. 93790

(M) Notwithstanding divisions (H) and (L) of this section 93791
and sections 4740.04 and 4740.05 of the Revised Code, the board 93792
may establish rules that amend the continuing education 93793
requirements and license renewal schedule for licensees as 93794
provided in or adopted pursuant to those sections for the 93795
purpose of establishing a compliance incentive program. These 93796
rules may include provisions for the creation of the program and 93797
the qualifications, continuing education requirements, and 93798
renewal schedule for the program. 93799

Sec. 4743.05. (A) Except as otherwise provided in sections 93800
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 93801

the Revised Code, all money collected under Chapters 3773., 93802
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 93803
4732., 4733., 4734., 4741., 4744., 4747., 4753., 4755., 4757., 93804
4758., 4771., 4775., 4779., and 4781. of the Revised Code and 93805
all license, certificate, and permit fees received by the state 93806
board of education, including the fees established under section 93807
3319.51 of the Revised Code, shall be paid into the state 93808
treasury to the credit of the occupational licensing and 93809
regulatory fund, which is hereby created for use in 93810
administering such chapters and in paying the operating expenses 93811
of the state board of education. 93812

(B) At the end of each quarter, the director of budget and 93813
management shall transfer from the occupational licensing and 93814
regulatory fund to the nurse education assistance fund created 93815
in section 3333.28 of the Revised Code the amount certified to 93816
the director under division (B) of section 4723.08 of the 93817
Revised Code. 93818

(C) At the end of each quarter, the director shall 93819
transfer from the occupational licensing and regulatory fund to 93820
the certified public accountant education assistance fund 93821
created in section 4701.26 of the Revised Code the amount 93822
certified to the director under division (H) (2) of section 93823
4701.10 of the Revised Code. 93824

(D) On August 30, 2021, and every two years thereafter, 93825
the director shall transfer from the occupational licensing and 93826
regulatory fund to the veterinary student debt assistance fund 93827
created in section 4741.56 of the Revised Code the amount 93828
certified to the director under section 4741.57 of the Revised 93829
Code. 93830

Sec. 4743.09. (A) As used in this section: 93831

(1) "Durable medical equipment" means a type of equipment, 93832
such as a remote monitoring device utilized by a physician, 93833
physician assistant, or advanced practice registered nurse in 93834
accordance with this section, that can withstand repeated use, 93835
is primarily and customarily used to serve a medical purpose, 93836
and generally is not useful to a person in the absence of 93837
illness or injury and, in addition, includes repair and 93838
replacement parts for the equipment. 93839

(2) "Facility fee" means any fee charged or billed for 93840
telehealth services provided in a facility that is intended to 93841
compensate the facility for its operational expenses and is 93842
separate and distinct from a professional fee. 93843

(3) "Health care professional" means: 93844

(a) An advanced practice registered nurse, as defined in 93845
section 4723.01 of the Revised Code; 93846

(b) An optometrist licensed under Chapter 4725. of the 93847
Revised Code to practice optometry; 93848

(c) A pharmacist licensed under Chapter 4729. of the 93849
Revised Code; 93850

(d) A physician assistant licensed under Chapter 4730. of 93851
the Revised Code; 93852

(e) A physician licensed under Chapter 4731. of the 93853
Revised Code to practice medicine and surgery, osteopathic 93854
medicine and surgery, or podiatric medicine and surgery; 93855

(f) A psychologist, independent school psychologist, or 93856
school psychologist licensed under Chapter 4732. of the Revised 93857
Code; 93858

(g) A chiropractor licensed under Chapter 4734. of the 93859

Revised Code;	93860
(h) An audiologist or speech-language pathologist licensed	93861
under Chapter 4753. of the Revised Code;	93862
(i) An occupational therapist or physical therapist	93863
licensed under Chapter 4755. of the Revised Code;	93864
(j) An occupational therapy assistant or physical	93865
therapist assistant licensed under Chapter 4755. of the Revised	93866
Code;	93867
(k) A professional clinical counselor, independent social	93868
worker, independent marriage and family therapist, art	93869
therapist, or music therapist licensed under Chapter 4757. of	93870
the Revised Code;	93871
(l) An independent chemical dependency counselor licensed	93872
under Chapter 4758. of the Revised Code;	93873
(m) <u>A peer recovery supporter, youth peer supporter, or</u>	93874
<u>family peer supporter certified under Chapter 4758. of the</u>	93875
<u>Revised Code;</u>	93876
<u>(n)</u> A dietitian licensed under Chapter 4759. of the	93877
Revised Code;	93878
(n) <u>(o)</u> A respiratory care professional licensed under	93879
Chapter 4761. of the Revised Code;	93880
(o) <u>(p)</u> A genetic counselor licensed under Chapter 4778. of	93881
the Revised Code;	93882
(p) <u>(q)</u> A certified Ohio behavior analyst certified under	93883
Chapter 4783. of the Revised Code;	93884
(q) <u>(r)</u> A certified mental health assistant licensed under	93885
Chapter 4772. of the Revised Code.	93886

- (4) "Health care professional licensing board" means any 93887
of the following: 93888
- (a) The board of nursing; 93889
 - (b) The state vision professionals board; 93890
 - (c) The state board of pharmacy; 93891
 - (d) The state medical board; 93892
 - (e) The state board of psychology; 93893
 - (f) The state chiropractic board; 93894
 - (g) The state speech and hearing professionals board; 93895
 - (h) The Ohio occupational therapy, physical therapy, and 93896
athletic trainers board; 93897
 - (i) The counselor, social worker, and marriage and family 93898
therapist board; 93899
 - (j) The chemical dependency professionals board. 93900
- (5) "Health plan issuer" has the same meaning as in 93901
section 3922.01 of the Revised Code. 93902
- (6) "Telehealth services" means health care services 93903
provided through the use of information and communication 93904
technology by a health care professional, within the 93905
professional's scope of practice, who is located at a site other 93906
than the site where either of the following is located: 93907
- (a) The patient receiving the services; 93908
 - (b) Another health care professional with whom the 93909
provider of the services is consulting regarding the patient. 93910
- (B) (1) Each health care professional licensing board shall 93911

permit a health care professional under its jurisdiction to 93912
provide the professional's services as telehealth services in 93913
accordance with this section. Subject to division (B) (2) of this 93914
section, a board may adopt any rules it considers necessary to 93915
implement this section. All rules adopted under this section 93916
shall be adopted in accordance with Chapter 119. of the Revised 93917
Code. Any such rules adopted by a board are not subject to the 93918
requirements of division (F) of section 121.95 of the Revised 93919
Code. 93920

(2) (a) Except as provided in division (B) (2) (b) of this 93921
section, the rules adopted by a health care professional 93922
licensing board under this section shall establish a standard of 93923
care for telehealth services that is equal to the standard of 93924
care for in-person services. 93925

(b) Subject to division (B) (2) (c) of this section, a board 93926
may require an initial in-person visit prior to prescribing a 93927
schedule II controlled substance to a new patient, equivalent to 93928
applicable state and federal requirements. 93929

(c) (i) A board shall not require an initial in-person 93930
visit for a new patient whose medical record indicates that the 93931
patient is receiving hospice or palliative care, who is 93932
receiving medication-assisted treatment or any other medication 93933
for opioid-use disorder, who is a patient with a mental health 93934
condition, or who, as determined by the clinical judgment of a 93935
health care professional, is in an emergency situation. 93936

(ii) Notwithstanding division (B) of section 3796.01 of 93937
the Revised Code, medical marijuana shall not be considered a 93938
schedule II controlled substance. 93939

(C) With respect to the provision of telehealth services, 93940

all of the following apply: 93941

(1) A health care professional may use synchronous or 93942
asynchronous technology to provide telehealth services to a 93943
patient during an initial visit if the appropriate standard of 93944
care for an initial visit is satisfied. 93945

(2) A health care professional may deny a patient 93946
telehealth services and, instead, require the patient to undergo 93947
an in-person visit. 93948

(3) When providing telehealth services in accordance with 93949
this section, a health care professional shall comply with all 93950
requirements under state and federal law regarding the 93951
protection of patient information. A health care professional 93952
shall ensure that any username or password information and any 93953
electronic communications between the professional and a patient 93954
are securely transmitted and stored. 93955

(4) A health care professional may use synchronous or 93956
asynchronous technology to provide telehealth services to a 93957
patient during an annual visit if the appropriate standard of 93958
care for an annual visit is satisfied. 93959

(5) In the case of a health care professional who is a 93960
physician, physician assistant, or advanced practice registered 93961
nurse, both of the following apply: 93962

(a) The professional may provide telehealth services to a 93963
patient located outside of this state if permitted by the laws 93964
of the state in which the patient is located. 93965

(b) The professional may provide telehealth services 93966
through the use of medical devices that enable remote 93967
monitoring, including such activities as monitoring a patient's 93968
blood pressure, heart rate, or glucose level. 93969

(D) When a patient has consented to receiving telehealth services, the health care professional who provides those services is not liable in damages under any claim made on the basis that the services do not meet the same standard of care that would apply if the services were provided in-person.

(E) (1) A health care professional providing telehealth services shall not charge a patient or a health plan issuer covering telehealth services under section 3902.30 of the Revised Code any of the following: a facility fee, an origination fee, or any fee associated with the cost of the equipment used at the provider site to provide telehealth services.

A health care professional providing telehealth services may charge a health plan issuer for durable medical equipment used at a patient or client site.

(2) A health care professional may negotiate with a health plan issuer to establish a reimbursement rate for fees associated with the administrative costs incurred in providing telehealth services as long as a patient is not responsible for any portion of the fee.

(3) A health care professional providing telehealth services shall obtain a patient's consent before billing for the cost of providing the services, but the requirement to do so applies only once.

(F) Nothing in this section limits or otherwise affects any other provision of the Revised Code that requires a health care professional who is not a physician to practice under the supervision of, in collaboration with, in consultation with, or pursuant to the referral of another health care professional.

(G) It is the intent of the general assembly, through the amendments to this section, to expand access to and investment in telehealth services in this state in congruence with the expansion and investment in telehealth services made during the COVID-19 pandemic.

Sec. 4743.12. (A) As used in this section, "board" means the board of nursing, board of pharmacy, state board of education, state board of emergency medical, fire, and transportation services, state medical board, and state vision professionals board.

(B) When an individual applies for an initial license or certificate issued by a board or applies to renew such a license or certificate, the board shall ask the individual if the individual wishes to contribute, on a voluntary basis, to the save our sight fund established under section 3701.21 of the Revised Code. If the individual wishes to contribute, the board shall provide a method by which the contribution may be made. All amounts collected by a board under this section shall be deposited into the state treasury to the credit of the save our sight fund.

Sec. 4749.01. As used in this chapter:

(A) "Private investigator" means any person who engages in the business of private investigation.

(B) "Business of private investigation" means, except when performed by one excluded under division (H) of this section, the conducting, for hire, in person or through a partner or employees, of any investigation relevant to any crime or wrong done or threatened, or to obtain information on the identity, habits, conduct, movements, whereabouts, affiliations,

transactions, reputation, credibility, or character of any 94028
person, or to locate and recover lost or stolen property, or to 94029
determine the cause of or responsibility for any libel or 94030
slander, or any fire, accident, or damage to property, or to 94031
secure evidence for use in any legislative, administrative, or 94032
judicial investigation or proceeding. 94033

(C) "Security guard provider" means any person who engages 94034
in the business of security services. 94035

(D) "Business of security services" means either of the 94036
following: 94037

(1) Furnishing, for hire, watchpersons, guards, private 94038
patrol officers, or other persons whose primary duties are to 94039
protect persons or property; 94040

(2) Furnishing, for hire, guard dogs, or armored motor 94041
vehicle security services, in connection with the protection of 94042
persons or property. 94043

(E) "Class A license" means a license issued under section 94044
4749.03 of the Revised Code that qualifies the person issued the 94045
license to engage in the business of private investigation and 94046
the business of security services. 94047

(F) "Class B license" means a license issued under section 94048
4749.03 of the Revised Code that qualifies the person issued the 94049
license to engage only in the business of private investigation. 94050

(G) "Class C license" means a license issued under section 94051
4749.03 of the Revised Code that qualifies the person issued the 94052
license to engage only in the business of security services. 94053

(H) "Private investigator," "business of private 94054
investigation," "security guard provider," and "business of 94055

security services" do not include: 94056

(1) Public officers and employees whose official duties 94057
require them to engage in investigatory activities; 94058

(2) Attorneys at law or any expert hired by an attorney at 94059
law for consultation or litigation purposes; 94060

(3) A consumer reporting agency, as defined in the "Fair 94061
Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as 94062
amended, provided that the consumer reporting agency is in 94063
compliance with the requirements of that act and that the 94064
agency's activities are confined to any of the following: 94065

(a) The issuance of consumer credit reports; 94066

(b) The conducting of limited background investigations 94067
that pertain only to a client's prospective tenant and that are 94068
engaged in with the prior written consent of the prospective 94069
tenant; 94070

(c) The business of pre-employment background 94071
investigation. As used in division (H) (3) (c) of this section, 94072
"business of pre-employment background investigation" means, and 94073
is limited to, furnishing for hire, in person or through a 94074
partner or employees, the conducting of limited background 94075
investigations, in-person interviews, telephone interviews, or 94076
written inquiries that pertain only to a client's prospective 94077
employee and the employee's employment and that are engaged in 94078
with the prior written consent of the prospective employee. 94079

(4) Certified public insurance adjusters that hold a 94080
certificate of authority issued pursuant to sections 3951.01 to 94081
3951.09 of the Revised Code, while the adjuster is investigating 94082
the cause of or responsibility for a fire, accident, or other 94083
damage to property with respect to a claim or claims for loss or 94084

damage under a policy of insurance covering real or personal 94085
property; 94086

(5) Personnel placement services and persons who act as 94087
employees of such entities engaged in investigating matters 94088
related to personnel placement activities; 94089

(6) An employee in the regular course of the employee's 94090
employment, engaged in investigating matters pertinent to the 94091
business of the employee's employer or protecting property in 94092
the possession of the employee's employer, provided the employer 94093
is deducting all applicable state and federal employment taxes 94094
on behalf of the employee and neither the employer nor the 94095
employee is employed by, associated with, or acting for or on 94096
behalf of any private investigator or security guard provider; 94097

(7) Any better business bureau or similar organization or 94098
any of its employees while engaged in the maintenance of the 94099
quality of business activities relating to consumer sales and 94100
services; 94101

(8) An accountant who is registered or certified under 94102
Chapter 4701. of the Revised Code or any of the accountant's 94103
employees while engaged in activities for which the accountant 94104
is certified or registered; 94105

(9) Any person who, for hire or otherwise, conducts 94106
genealogical research in this state. 94107

As used in division (H) (9) of this section, "genealogical 94108
research" means the determination of the origins and descent of 94109
families, including the identification of individuals, their 94110
family relationships, and the biographical details of their 94111
lives. "Genealogical research" does not include furnishing for 94112
hire services for locating missing persons or natural or birth 94113

parents or children. 94114

(10) Any person residing in this state who conducts 94115
research for the purpose of locating the last known owner of 94116
unclaimed funds, provided that the person is in compliance with 94117
Chapter 169. of the Revised Code and rules adopted thereunder. 94118
The exemption set forth in division (H)(10) of this section 94119
applies only to the extent that the person is conducting 94120
research for the purpose of locating the last known owner of 94121
unclaimed funds. 94122

As used in division (H)(10) of this section, "owner" and 94123
"unclaimed funds" have the same meanings as in section 169.01 of 94124
the Revised Code. 94125

(11) A professional engineer who is registered under 94126
Chapter 4733. of the Revised Code or any of ~~his~~ the engineer's 94127
employees. 94128

As used in division (H)(11) of this section and 94129
notwithstanding division (I) of this section, "employee" has the 94130
same meaning as in section 4101.01 of the Revised Code. 94131

(12) Any person residing in this state who, for hire or 94132
otherwise, conducts research for the purpose of locating persons 94133
to whom the state of Ohio owes money in the form of warrants, as 94134
defined in section 131.01 of the Revised Code, that the state 94135
voided but subsequently reissues. 94136

(13) An independent insurance adjuster who, as an 94137
individual, an independent contractor, an employee of an 94138
independent contractor, adjustment bureau association, 94139
corporation, insurer, partnership, local recording agent, 94140
managing general agent, or self-insurer, engages in the business 94141
of independent insurance adjustment, or any person who 94142

supervises the handling of claims except while acting as an 94143
employee of an insurer licensed in this state while handling 94144
claims pertaining to specific policies written by that insurer. 94145

As used in division (H) (13) of this section, "independent 94146
insurance adjustment" means conducting investigations to 94147
determine the cause of or circumstances concerning a fire, 94148
accident, bodily injury, or damage to real or personal property; 94149
determining the extent of damage of that fire, accident, injury, 94150
or property damage; securing evidence for use in a legislative, 94151
administrative, or judicial investigation or proceeding, 94152
adjusting losses; and adjusting or settling claims, including 94153
the investigation, adjustment, denial, establishment of damages, 94154
negotiation, settlement, or payment of claims in connection with 94155
insurance contractors, self-insured programs, or other similar 94156
insurance programs. "Independent adjuster" does not include 94157
either of the following: 94158

(a) An attorney who adjusts insurance losses incidental to 94159
the practice of law and who does not advertise or represent that 94160
the attorney is an independent insurance adjuster; 94161

(b) A licensed agent or general agent of an insurer 94162
licensed in this state who processes undisputed or uncontested 94163
losses for insurers under policies issued by that agent or 94164
general agent. 94165

(14) Except for a commissioned peace officer who engages 94166
in the business of private investigation or compensates others 94167
who engage in the business of private investigation or the 94168
business of security services or both, any commissioned peace 94169
officer as defined in division (B) of section 2935.01 of the 94170
Revised Code. 94171

(15) Security personnel and contractors for a security 94172
organization under an approved physical protection program at a 94173
commercial nuclear power plant licensed by the United States 94174
nuclear regulatory commission, or its successor agency, while 94175
performing duties related to protecting the plant and nuclear 94176
material from threats, thefts, and sabotage. 94177

(I) "Employee" means every person who may be required or 94178
directed by any employer, in consideration of direct or indirect 94179
gain or profit, to engage in any employment, or to go, or work, 94180
or be at any time in any place of employment, provided that the 94181
employer of the employee deducts all applicable state and 94182
federal employment taxes on behalf of the employee. 94183

Sec. 4751.20. (A) Except as provided in section 4751.201 94184
of the Revised Code, and subject to section 4751.32 of the 94185
Revised Code, the board of executives of long-term services and 94186
supports shall issue a nursing home administrator license to an 94187
individual under this section if all of the following 94188
requirements are satisfied: 94189

(1) The individual has submitted to the board a completed 94190
application for the license in accordance with rules adopted 94191
under section 4751.04 of the Revised Code and paid an 94192
application fee of two hundred fifty dollars. 94193

(2) If the individual is required by rules adopted under 94194
section 4751.04 of the Revised Code to serve as a nursing home 94195
administrator ~~in training~~ resident, the individual has paid to 94196
the board the ~~administrator in training~~ administrator application fee of two 94197
hundred fifty dollars. 94198

(3) The individual is at least twenty-one years of age. 94199

(4) The individual has successfully completed educational 94200

requirements and work experience specified in rules adopted 94201
under section 4751.04 of the Revised Code, including, if so 94202
required by the rules, experience obtained as a nursing home 94203
administrator ~~in training~~ resident. 94204

(5) The individual has complied with section 4776.02 of 94205
the Revised Code regarding a criminal records check. 94206

(6) The board, in accordance with section 9.79 of the 94207
Revised Code, has determined that the results of the criminal 94208
records check do not make the individual ineligible for the 94209
license. 94210

(7) Except as provided in division (B) of this section, 94211
the individual has passed the licensing examination administered 94212
under section 4751.15 of the Revised Code. 94213

(8) The individual has paid to the board three hundred 94214
fifty dollars for a temporary license issued under division (B) 94215
of this section. 94216

(9) The individual has paid to the board a license fee of 94217
~~two eight hundred fifty~~ dollars. 94218

~~(9)~~ (10) The individual has satisfied any additional 94219
requirements as may be prescribed in rules adopted under section 94220
4751.04 of the Revised Code. 94221

(B) Beginning January 1, 2025, the operator of a nursing 94222
home may request that the board issue a nursing home 94223
administrator license to an individual who meets the 94224
requirements specified in division (A) of this section but has 94225
not passed the licensing examination administered under section 94226
4751.15 of the Revised Code, in order to fill a vacancy in the 94227
position of nursing home administrator at the nursing home 94228
resulting from a death, illness, or other unexpected cause. An 94229

individual issued a license under division (B) of this section 94230
shall submit to the board, not later than one hundred eighty 94231
days after a license is issued, satisfactory evidence that the 94232
individual has passed the licensing examination administered 94233
under section 4751.15 of the Revised Code. 94234

(C) A nursing home administrator license shall certify 94235
that the individual to whom it was issued has met the applicable 94236
requirements of this chapter and any applicable rules adopted 94237
under section 4751.04 of the Revised Code and is authorized to 94238
practice nursing home administration while the license is valid. 94239

Sec. 4751.24. (A) Subject to section 4751.32 of the 94240
Revised Code, a nursing home administrator license is valid for 94241
two years and may be renewed and reinstated in accordance with 94242
this section. 94243

(B) If a licensed nursing home administrator intends to 94244
continue to practice nursing home administration without 94245
interruption after the administrator's license expires, the 94246
administrator shall apply to the board of executives of long- 94247
term services and supports for a renewed nursing home 94248
administrator license. Subject to section 4751.32 of the Revised 94249
Code, the board shall renew the license if the administrator 94250
does all of the following before the license expires: 94251

(1) Submits to the board a completed application for 94252
license renewal in accordance with rules adopted under section 94253
4751.04 of the Revised Code; 94254

(2) Pays to the board the license renewal fee of ~~six~~six-eight 94255
hundred dollars; 94256

(3) Submits to the board satisfactory evidence of having 94257
attended such continuing education programs or courses of study 94258

as may be prescribed in rules adopted under section 4751.04 of 94259
the Revised Code; 94260

(4) Satisfies any other requirements as may be prescribed 94261
in rules adopted under section 4751.04 of the Revised Code. 94262

(C) If a nursing home administrator license issued under 94263
section 4751.20 or 4751.201 of the Revised Code is not renewed 94264
before it expires, the individual who held the license may apply 94265
to the board for the license's reinstatement. Subject to section 94266
4751.32 of the Revised Code, the board shall reinstate the 94267
license if the individual does all of the following not later 94268
than one year after the date the license expired: 94269

(1) Submits to the board the completed application for 94270
license reinstatement in accordance with rules adopted under 94271
section 4751.04 of the Revised Code; 94272

(2) Pays to the board the license reinstatement fee equal 94273
to the sum of the following: 94274

(a) ~~Three~~Eight hundred dollars; 94275

(b) Fifty dollars for each calendar quarter that occurs 94276
during the period beginning on the date the license expires and 94277
ending on the last day of the calendar quarter during which the 94278
individual applies for license reinstatement, up to a maximum of 94279
two hundred dollars. 94280

(3) Submits to the board satisfactory evidence of having 94281
attended such continuing education programs or courses of study 94282
as may be prescribed in rules adopted by the board under section 94283
4751.04 of the Revised Code; 94284

(4) Satisfies any other requirements as may be prescribed 94285
in rules adopted under section 4751.04 of the Revised Code. 94286

(D) A licensed nursing home administrator who determines 94287
to temporarily abandon the practice of nursing home 94288
administration shall notify the board in writing immediately. 94289
The former administrator may thereafter resume the practice of 94290
nursing home administration within the state upon complying with 94291
the requirements of this section regarding biennial license 94292
renewal or license reinstatement, whichever is applicable. 94293

Sec. 4751.25. (A) Subject to section 4751.32 of the 94294
Revised Code, a health services executive license is valid for 94295
one year and may be renewed and reinstated in accordance with 94296
this section. 94297

(B) A licensed health services executive may apply to the 94298
board of executives of long-term services and supports for a 94299
renewed license. Subject to section 4751.32 of the Revised Code, 94300
the board shall renew the license if the licensed health 94301
services executive does all of the following before the license 94302
expires: 94303

(1) Submits to the board the completed application for 94304
license renewal in accordance with rules adopted under section 94305
4751.04 of the Revised Code; 94306

(2) Pays to the board the license renewal fee of ~~fifty-one~~ 94307
hundred dollars; 94308

(3) Submits to the board satisfactory evidence of having 94309
attended such continuing education programs or courses of study 94310
as may be prescribed in rules adopted under section 4751.04 of 94311
the Revised Code. 94312

(C) (1) If a health services executive license is not 94313
renewed before it expires, the individual who held the license 94314
may apply to the board for the license's reinstatement. Subject 94315

to section 4751.32 of the Revised Code, the board shall 94316
reinstate the license if the individual does all of the 94317
following not later than one year after the date the license 94318
expired: 94319

(a) Submits to the board the completed application for 94320
license reinstatement in accordance with rules adopted under 94321
section 4751.04 of the Revised Code; 94322

(b) Pays to the board the license reinstatement fee 94323
specified in division (C) (2) of this section; 94324

(c) Submits to the board satisfactory evidence of having 94325
attended such continuing education programs or courses of study 94326
as may be prescribed in rules adopted under section 4751.04 of 94327
the Revised Code. 94328

(2) The fee to reinstate a health services executive 94329
license under division (C) (1) of this section is the following: 94330

(a) If the individual applying for reinstatement has, at 94331
the same time, applied for reinstatement of a nursing home 94332
administrator license under division (C) of section 4751.24 of 94333
the Revised Code and paid the reinstatement fee required by 94334
division (C) (2) of that section, one hundred dollars; 94335

(b) If division (C) (2) (a) of this section does not apply 94336
to the individual, the sum of the following: 94337

(i) One hundred dollars; 94338

(ii) Twenty-five dollars for each calendar quarter that 94339
occurs during the period beginning on the date the license 94340
expired and ending on the last day of the calendar quarter 94341
during which the individual applies for license reinstatement, 94342
up to a maximum of one hundred dollars. 94343

Sec. 4757.41. (A) This chapter shall not apply to the 94344
following: 94345

(1) A person certified by the state board of education 94346
under Chapter 3319. of the Revised Code while performing any 94347
services within the person's scope of employment by a board of 94348
education or by a private school meeting the standards 94349
prescribed by the director of education and workforce under 94350
division (D) of section 3301.07 of the Revised Code or in a 94351
program operated under Chapter 5126. of the Revised Code for 94352
training individuals with developmental disabilities; 94353

(2) Psychologists, independent school psychologists, or 94354
school psychologists licensed under Chapter 4732. of the Revised 94355
Code; 94356

(3) Members of other professions licensed, certified, or 94357
registered by this state while performing services within the 94358
recognized scope, standards, and ethics of their respective 94359
professions; 94360

(4) Rabbis, priests, Christian science practitioners, 94361
clergy, or members of religious orders and other individuals 94362
participating with them in pastoral counseling when the 94363
counseling activities are within the scope of the performance of 94364
their regular or specialized ministerial duties and are 94365
performed under the auspices or sponsorship of an established 94366
and legally cognizable church, denomination, or sect or an 94367
integrated auxiliary of a church as defined in federal tax 94368
regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 94369
when the individual rendering the service remains accountable to 94370
the established authority of that church, denomination, sect, or 94371
integrated auxiliary; 94372

(5) Any person who is not licensed under this chapter as a 94373
licensed professional clinical counselor, licensed professional 94374
counselor, independent social worker, or social worker and is 94375
employed in the civil service as defined in section 124.01 of 94376
the Revised Code while engaging in professional counseling or 94377
social work as a civil service employee, if on July 10, 2014, 94378
the person has at least two years of service in that capacity; 94379

(6) A student in an accredited educational institution 94380
while carrying out activities that are part of the student's 94381
prescribed course of study if the activities are supervised as 94382
required by the educational institution and if the student does 94383
not hold herself or himself out as a person licensed or 94384
registered under this chapter; 94385

(7) An individual who holds a license or certificate under 94386
Chapter 4758. of the Revised Code who is acting within the scope 94387
of the individual's license or certificate as a member of the 94388
profession of ~~chemical dependency~~ substance use disorder 94389
~~counseling or~~, prevention services, or peer support services; 94390

(8) Any person employed by the American red cross while 94391
engaging in activities relating to services for military 94392
families and veterans and disaster relief, as described in the 94393
"American National Red Cross Act," 33 Stat. 599 (1905), 36 94394
U.S.C.A. 1, as amended; 94395

(9) Members of labor organizations who hold union 94396
counselor certificates while performing services in their 94397
official capacity as union counselors; 94398

(10) Any person employed in a hospital as defined in 94399
section 3727.01 of the Revised Code or in a nursing home as 94400
defined in section 3721.01 of the Revised Code while providing 94401

as a hospital employee or nursing home employee, respectively, 94402
social services other than counseling and the use of 94403
psychosocial interventions and social psychotherapy; 94404

(11) A vocational rehabilitation professional who is 94405
providing rehabilitation services to individuals under section 94406
3304.17 of the Revised Code, or holds certification by the 94407
commission on rehabilitation counselor certification and is 94408
providing rehabilitation counseling services consistent with the 94409
commission's standards; 94410

(12) A caseworker not licensed under this chapter as an 94411
independent social worker or social worker who is employed by a 94412
public children services agency under section 5153.112 of the 94413
Revised Code; 94414

(13) A person completing supervised experience to qualify 94415
for a license as an art therapist or music therapist, provided 94416
that experience is completed under the supervision of a licensed 94417
art therapist or music therapist, as applicable. 94418

(B) Divisions (A) (5) and (10) of this section do not 94419
prevent a person described in those divisions from obtaining a 94420
license or certificate of registration under this chapter. 94421

(C) Except as provided in divisions (A) and (D) of this 94422
section, no employee in the service of the state, including 94423
public employees as defined by Chapter 4117. of the Revised 94424
Code, shall engage in the practice of professional counseling, 94425
social work, or marriage and family therapy without the 94426
appropriate license issued by the board. Failure to comply with 94427
this division constitutes nonfeasance under section 124.34 of 94428
the Revised Code or just cause under a collective bargaining 94429
agreement. Nothing in this division restricts the director of 94430

administrative services from developing new classifications 94431
related to this division or from reassigning affected employees 94432
to appropriate classifications based on the employee's duties 94433
and qualifications. 94434

(D) Except as provided in division (A) of this section, an 94435
employee who was engaged in the practice of professional 94436
counseling, social work, or marriage and family therapy in the 94437
service of the state prior to July 10, 2014, including public 94438
employees as defined by Chapter 4117. of the Revised Code, shall 94439
comply with division (C) of this section within two years after 94440
July 10, 2014. Any such employee who fails to comply shall be 94441
removed from employment. 94442

(E) Nothing in this chapter prevents a public children 94443
services agency from employing as a caseworker a person not 94444
licensed under this chapter as an independent social worker or 94445
social worker who has the qualifications specified in section 94446
5153.112 of the Revised Code. 94447

Sec. 4758.01. As used in this chapter: 94448

(A) "Accredited educational institution" means an 94449
educational institution accredited by an accrediting agency 94450
accepted by the ~~Ohio board department of regents~~ higher 94451
education. 94452

~~(B) (1) "Alcohol and other drug clinical counseling~~ 94453
~~principles, methods, or procedures" means an approach to~~ 94454
~~chemical dependency counseling that emphasizes the chemical~~ 94455
~~dependency counselor's role in systematically assisting clients~~ 94456
~~through all of the following:~~ 94457

~~(a) Analyzing background and current information;~~ 94458

~~(b) Exploring possible solutions;~~ 94459

~~(c) Developing and providing a treatment plan;~~ 94460

~~(d) In the case of an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III only, diagnosing chemical dependency conditions.~~ 94461
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~~(2) "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral as they relate to chemical dependency conditions.~~ 94465
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~~(C) "Chemical dependency conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases, and in editions of those nosologies published after December 23, 2002.~~ 94469
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~~(D) "Chemical dependency counseling" means rendering or offering to render to individuals, groups, or the public a counseling service involving the application of alcohol and other drug clinical counseling principles, methods, or procedures to assist individuals who are abusing or dependent on alcohol or other drugs.~~ 94476
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~~(E)~~ (B) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code. 94482
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(C) "Family peer support services" means services that promote resiliency and recovery, self-determination, advocacy, well-being, and skill development for caregivers and families of individuals with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental 94484
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disability. 94489

(D) "Gambling disorder" means a persistent and recurring 94490
maladaptive gambling behavior that is classified in accepted 94491
nosologies, including the diagnostic and statistical manual of 94492
mental disorders and the international classification of 94493
diseases, ~~and in editions of those nosologies published after~~ 94494
~~September 15, 2014.~~ 94495

~~(F)~~ (E) "Peer recovery support services" means services 94496
that promote resiliency and recovery, self-determination, 94497
advocacy, well-being, and skill development for individuals with 94498
a mental illness or substance use disorder, or both, and who may 94499
also have a co-occurring developmental disability, or the 94500
caregivers or families of the foregoing. 94501

(F) "Peer supporter" includes a peer recovery supporter, a 94502
youth peer supporter, or a family peer supporter certified under 94503
this chapter. 94504

(G) "Peer support services" means services that promote 94505
resiliency and recovery, self-determination, advocacy, well- 94506
being, and skill development for individuals, caregivers of, and 94507
families of individuals with a mental illness or substance use 94508
disorder, or both, and who may also have a co-occurring 94509
developmental disability. 94510

(H) "Prevention services" means ~~a comprehensive, multi-~~ 94511
~~system set of individual and environmental approaches that~~ 94512
~~maximizes physical health, promotes safety, and precludes the~~ 94513
~~onset of behavioral health disorders~~ services that are a planned 94514
sequence of culturally relevant, evidenced-based strategies 94515
designed to reduce the likelihood of, or delay the onset of, 94516
mental, emotional, and behavioral disorders. 94517

~~(G)~~(I) Unless the context provides otherwise, "scope of practice" means the services, methods, and techniques in which and the areas for which a person who holds a license, certificate, or endorsement under this chapter is trained and qualified.

~~(H)~~(J) "Substance abuse professional" has the same meaning as in 49 C.F.R. 40.3.

~~(I)~~(K) "Substance use disorder clinical counseling principles, methods, or procedures" means counseling, assessing, treatment planning, crisis intervention, and referral as they relate to substance use disorder conditions.

(L) "Substance use disorder conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases.

(M) "Substance use disorder counseling" means rendering or offering to render to individuals, groups, or the public a counseling service involving the application of substance use disorder clinical counseling principles, methods, or procedures.

(N) "U.S.-United States department of transportation drug and alcohol testing program" means a transportation workplace drug and alcohol testing program governed by 49 C.F.R. part 40.

(O) "Youth peer support services" means services that promote resiliency and recovery, self-determination, advocacy, well-being, and skill development primarily for individuals who are thirty years of age or younger with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability, as well as the individuals'

caregivers or families.

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Sec. 4758.02. ~~(A)~~ Except as provided in section 4758.03 of
the Revised Code, no person shall do any of the following:

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~~(1)~~ (A) Engage in or represent to the public that the
person engages in ~~chemical dependency~~ substance use disorder
counseling for a fee, salary, or other consideration unless the
person holds a valid independent chemical dependency counselor-
clinical supervisor license, independent chemical dependency
counselor license, chemical dependency counselor III license,
chemical dependency counselor II license, or chemical dependency
counselor assistant certificate issued under this chapter;

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~~(2)~~ (B) Use the title "licensed independent chemical
dependency counselor-clinical supervisor," "LICDC-CS," "licensed
independent chemical dependency counselor," "LICDC," "licensed
chemical dependency counselor III," "LCDC III," "licensed
chemical dependency counselor II," "LCDC II," "chemical
dependency counselor assistant," "CDCA," or any other title or
description incorporating the ~~word~~ words "chemical dependency
counselor" or any other initials used to identify persons acting
in those capacities unless currently authorized under this
chapter to act in the capacity indicated by the title or
initials;

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~~(3)~~ (C) Represent to the public that the person holds a
gambling disorder endorsement unless the person holds a valid
gambling disorder endorsement issued under this chapter;

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~~(4)~~ (D) Represent to the public that the person is a
registered applicant unless the person holds a valid registered
applicant certificate issued under this chapter;

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~~(5)~~ (E) Use the title "~~certified~~ licensed prevention

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consultant," ~~"CPC," "certified licensed prevention specialist,"~~ 94576
~~"CPS," "certified prevention specialist assistant," "CPSA,"~~ 94577
"registered applicant," ~~"RA,"~~ or any other title, description, 94578
or initials used to identify persons acting in those capacities 94579
unless currently authorized under this chapter to act in the 94580
capacity indicated by the title or initials. 94581

~~(B) No person shall engage in or represent to the public~~ 94582
~~that the person engages in chemical dependency counseling as a~~ 94583
~~chemical dependency counselor I;~~ 94584

(F) Beginning one year after the effective date of this 94585
amendment, engage in or represent to the public that the person 94586
engages in the provision of peer recovery support services, 94587
youth peer support services, or family peer support services for 94588
a fee, salary, or other consideration unless the person holds a 94589
valid peer recovery supporter certificate, youth peer supporter 94590
certificate, or family peer supporter certificate issued under 94591
this chapter; 94592

(G) Beginning one year after the effective date of this 94593
amendment, use the title "certified peer supporter," "certified 94594
peer recovery supporter," "certified youth peer supporter," 94595
"certified family peer supporter," "licensed peer supporter," 94596
"licensed peer recovery supporter, "licensed youth peer 94597
supporter, "licensed family peer supporter," "peer supporter," 94598
or any other title or initials used to identify persons acting 94599
in those capacities unless currently authorized under this 94600
chapter to act in the capacity indicated by the title or 94601
initials; 94602

(H) Beginning one year after the effective date of this 94603
amendment, represent to the public that the person holds a peer 94604
support supervisor endorsement unless the person holds a valid 94605

peer support supervisor endorsement issued under this chapter. 94606

Sec. 4758.03. ~~Division (A) of section~~ Section 4758.02 of 94607
the Revised Code does not apply to any of the following: 94608

(A) An individual who holds a valid license, registration, 94609
certificate, or credentials issued under another chapter of the 94610
Revised Code while performing services within the recognized 94611
scope, standards, and ethics of the individual's profession; 94612

(B) An individual who is a rabbi, priest, Christian 94613
Science practitioner, clergy, or member of a religious order and 94614
other individuals participating with them in pastoral counseling 94615
when the ~~chemical dependency~~ substance use disorder counseling 94616
activities are within the scope of the performance of their 94617
regular or specialized ministerial duties and are performed 94618
under the auspices or sponsorship of an established and legally 94619
cognizable church, denomination, or sect or an integrated 94620
auxiliary of a church as defined in paragraph (h) of 26 Code of 94621
Federal Regulations 1.6033-2 (2000) as amended, and the 94622
individual rendering the service remains accountable to the 94623
established authority of that church, denomination, sect, or 94624
integrated auxiliary; 94625

(C) A student in an accredited educational institution 94626
while carrying out activities that are part of the student's 94627
prescribed course of study if the activities are supervised as 94628
required by the educational institution and the student is not 94629
represented as an individual who holds a license or certificate 94630
issued under this chapter. 94631

Sec. 4758.10. (A) There is hereby created the chemical 94632
dependency professionals board. 94633

(B) The governor shall appoint all of the following voting 94634

members of the board with the advice and consent of the senate: 94635

(1) Four individuals who hold a valid independent chemical 94636
dependency counselor-clinical supervisor license or independent 94637
chemical dependency counselor license issued under this chapter, 94638
including at least two of whom have received ~~at least a~~ master's 94639
degree or higher in a field related to ~~chemical dependency~~ 94640
substance abuse counseling from an accredited educational 94641
institution; 94642

(2) Two individuals who hold a valid chemical dependency 94643
counselor III license issued under this chapter; 94644

(3) One individual who holds a valid chemical dependency 94645
counselor II license issued under this chapter; 94646

(4) One individual who holds a valid chemical dependency 94647
counselor assistant certificate issued under this chapter; 94648

(5) Two individuals who hold a valid prevention consultant 94649
certificate license or prevention specialist certificate license 94650
issued under this chapter; 94651

~~(5)~~ (6) One individual who holds a valid peer recovery 94652
supporter certificate, youth peer supporter certificate, or 94653
family peer supporter certificate issued under this chapter; 94654

(7) One individual who is ~~authorized under Chapter 4731.~~ 94655
~~of the Revised Code to practice medicine and surgery or~~ 94656
~~osteopathic medicine and surgery and has experience practicing~~ 94657
~~in a field related to chemical dependency counseling;~~ 94658

~~(6)~~ any of the following employed by, or contracted to work 94659
for, a community addiction services provider or community mental 94660
health services provider as defined in section 5119.01 of the 94661
Revised Code: 94662

(a) A psychiatrist as defined in section 5122.01 of the 94663
Revised Code; 94664

(b) A clinical nurse specialist licensed under Chapter 94665
4723. of the Revised Code who is certified as a psychiatric- 94666
mental health clinical nurse specialist by a national certifying 94667
organization approved by the board of nursing under section 94668
4723.46 of the Revised Code; 94669

(c) A certified nurse practitioner licensed under Chapter 94670
4723. of the Revised Code who is certified as a psychiatric- 94671
mental health nurse practitioner by a national certifying 94672
organization approved by the board of nursing under section 94673
4723.46 of the Revised Code; 94674

(d) A psychologist licensed under Chapter 4732. of the 94675
Revised Code; 94676

(e) Any of the following licensed under Chapter 4757. of 94677
the Revised Code: a licensed professional clinical counselor, 94678
professional counselor, independent social worker, social 94679
worker, independent marriage and family therapist, or marriage 94680
and family therapist. 94681

(8) Two individuals who represent the public and have not 94682
practiced ~~chemical dependency substance use disorder counseling-~~ 94683
~~or,~~ prevention services, or peer support services and have not 94684
been involved in the delivery of ~~chemical dependency substance~~ 94685
~~use disorder counseling services-or,~~ prevention services, or 94686
peer support services. At least one of these individuals shall 94687
be at least fifty years of age. During their terms, the public 94688
members shall not practice ~~chemical dependency substance use~~ 94689
~~disorder counseling-or,~~ prevention services, or peer support 94690
services or be involved in the delivery of ~~chemical dependency-~~ 94691

substance use disorder counseling services ~~or,~~ prevention 94692
services, or peer support services. 94693

~~(C) Not later than ninety days after December 23, 2002,~~ 94694
~~the~~The director of mental health and addiction services shall 94695
appoint an individual who represents the department of mental 94696
health and addiction services to serve as an ex officio member 94697
of the chemical dependency professionals board. 94698

(D) Not more than one-half of the voting members of the 94699
board may be of the same gender or members of the same political 94700
party. At least two voting members of the board shall be of 94701
African, Native American, Hispanic, or Asian descent. 94702

Sec. 4758.11. ~~Of the initial appointees to the chemical~~ 94703
~~dependency professionals board appointed by the governor under~~ 94704
~~division (B) of section 4758.10 of the Revised Code, four shall~~ 94705
~~be appointed for terms ending one year after December 23, 2002,~~ 94706
~~four shall be appointed for terms ending two years after~~ 94707
~~December 23, 2002, and four shall be appointed for terms ending~~ 94708
~~three years after December 23, 2002. After the initial~~ 94709
~~appointments, terms~~Terms of office of members of the chemical 94710
dependency professional board appointed by the governor under 94711
section 4758.10 of the Revised Code shall be three years, with 94712
each term ending on the same day of the same month of the year 94713
as the term it succeeds. 94714

A voting member of the board shall hold office from the 94715
date of appointment until the end of the term for which the 94716
member was appointed. A voting member appointed to fill a 94717
vacancy occurring prior to the expiration of the term for which 94718
the member's predecessor was appointed shall hold office for the 94719
remainder of that term. A voting member shall continue in office 94720
after the expiration date of the member's term until the 94721

member's successor takes office or until a period of sixty days 94722
has elapsed, whichever occurs first. Voting members may be 94723
reappointed, except that an individual who has held office for 94724
two consecutive full terms shall not be reappointed sooner than 94725
one year after the expiration of the second full term. 94726

The ex officio member of the board appointed by the 94727
director of mental health and addiction services under division 94728
(C) of section 4758.10 of the Revised Code shall serve at the 94729
pleasure of the director. 94730

Sec. 4758.13. The chemical dependency professionals board 94731
shall meet to discuss matters relating to the administration and 94732
operation of the board and the regulation of the practices of 94733
~~chemical dependency~~ substance use disorder counseling, peer 94734
support services, and prevention services. The board shall hold 94735
at least one regular meeting every three months. Additional 94736
meetings may be held at such times as the board determines, on 94737
the call of the chairperson, or on the written request to the 94738
executive director of three or more voting board members. If 94739
three or more voting members request a meeting, the executive 94740
director shall call a meeting, which shall be held not later 94741
than seven days after the request is received. 94742

~~Seven~~ Nine voting members of the board constitute a quorum 94743
to conduct business. Except as provided in section 4758.32 of 94744
the Revised Code, no action shall be taken without the 94745
concurrence of at least a quorum. 94746

At its first meeting each year, the board shall elect a 94747
chairperson from among its voting members. No member shall serve 94748
more than two consecutive terms as chairperson. 94749

The board shall keep any records and minutes necessary to 94750

fulfill the duties established by this chapter and rules adopted 94751
under it. 94752

Sec. 4758.20. (A) The chemical dependency professionals 94753
board shall adopt rules to establish, specify, or provide for 94754
all of the following: 94755

(1) Fees for the purposes authorized by section 4758.21 of 94756
the Revised Code; 94757

(2) If the board, pursuant to section 4758.221 of the 94758
Revised Code, elects to administer examinations for individuals 94759
seeking to act as substance abuse professionals in a ~~U.S.~~United 94760
States department of transportation drug and alcohol testing 94761
program, the board's administration of the examinations; 94762

(3) For the purpose of section 4758.23 of the Revised 94763
Code, codes of ethical practice and professional conduct for 94764
individuals who hold a license, certificate, or endorsement 94765
issued under this chapter; 94766

(4) For the purpose of section 4758.24 of the Revised 94767
Code, all of the following: 94768

(a) The documents that an individual seeking such a 94769
license, certificate, or endorsement must submit to the board; 94770

(b) Requirements to obtain the license, certificate, or 94771
endorsement that are in addition to the requirements established 94772
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 94773
4758.44, 4758.45, 4758.46, 4758.47, ~~and 4758.48,~~ 4758.49, and 94774
4758.491 of the Revised Code. The additional requirements may 94775
include ~~preceptorships~~ internships and practicums. 94776

(c) Requirements for criminal records checks of applicants 94777
under section 4776.03 of the Revised Code; 94778

(d) The period of time that an individual whose registered
applicant certificate has expired must wait before applying for
a new registered applicant certificate.

(5) For the purpose of section 4758.28 of the Revised
Code, requirements for approval of ~~continuing education courses~~
~~of study for individuals who hold a license, certificate, or~~
~~endorsement issued under this chapter~~ programs;

(6) For the purpose of section 4758.30 of the Revised
Code, all of the following:

(a) The intervention for and treatment of an individual
holding a license, certificate, or endorsement issued under this
chapter whose abilities to practice are impaired due to abuse of
or dependency on alcohol or other drugs or other physical or
mental condition;

~~(7)~~ (b) Requirements governing reinstatement of a suspended
or revoked license, certificate, or endorsement ~~under division~~
~~(C) of section 4758.30 of the Revised Code~~, including
requirements for determining the amount of time an individual
must wait to apply for reinstatement;

~~(8)~~ (c) For the purpose of determining the amount of a fine
to be imposed, a graduated system of fines based on the scope
and severity of violations and the history of compliance, not to
exceed five hundred dollars per incident.

(7) For the purpose of section 4758.31 of the Revised
Code, methods of ensuring that all records the board holds
pertaining to an investigation remain confidential during the
investigation;

~~(9)~~ (8) Criteria for employees of the board to follow when
performing their duties under division (B) of section 4758.35 of

the Revised Code; 94808

~~(10)~~(9) For the purpose of division ~~(A)(1)~~(A) of section 94809
4758.39 ~~and~~, division ~~(A)(1)~~(A) of section 4758.40, and division 94810
(A) of section 4758.41 of the Revised Code, course requirements 94811
for a degree in a behavioral science or nursing that may include 94812
specific content areas and minimum hours for course 94813
requirements; 94814

~~(11)~~(10) For the purpose of division ~~(A)(2)~~(B) of section 94815
4758.39 of the Revised Code, the number of hours of compensated 94816
work or supervised internship experience that an individual must 94817
have and the number of those hours that must be in clinical 94818
supervisory experience; 94819

~~(12)~~(11) For the purpose of division ~~(A)(3)~~(C) of section 94820
4758.39, division ~~(A)(3)~~(C) of section 4758.40, division ~~(A)(3)~~ 94821
(C) of section 4758.41, and ~~divisions~~division (A) (3) ~~and (D)(3)~~ 94822
of section 4758.42 of the Revised Code, both of the following: 94823

(a) The number of hours of training in ~~chemical dependency~~ 94824
substance use disorders an individual must have; 94825

(b) Training requirements for ~~chemical dependency~~ 94826
substance use disorders that shall, at a minimum, include 94827
qualifications for the individuals who provide the training and 94828
the content areas covered in the training. 94829

~~(13)~~(12) For the purpose of division ~~(A)(2)~~(B) of section 94830
4758.40, division ~~(A)(2)~~(B) of section 4758.41, and division (A) 94831
(2) of section 4758.42 of the Revised Code, the number of hours 94832
of compensated work or supervised internship experience that an 94833
individual must have; 94834

~~(14) For the purpose of division (B)(2)(b) of section~~ 94835
~~4758.40 and division (B)(2) of section 4758.41 of the Revised~~ 94836

~~Code, requirements for the forty clock hours of training on the~~ 94837
~~version of the diagnostic and statistical manual of mental~~ 94838
~~disorders that is current at the time of the training, including~~ 94839
~~the number of the clock hours that must be on substance-related~~ 94840
~~disorders, the number of the clock hours that must be on~~ 94841
~~chemical dependency conditions, and the number of the clock~~ 94842
~~hours that must be on awareness of other mental and emotional~~ 94843
~~disorders;~~ 94844

~~(15) For the purpose of division (A) (1) of section 4758.41~~ 94845
~~of the Revised Code, course requirements for a degree in a~~ 94846
~~behavioral science or nursing;~~ 94847

~~(16)~~ (13) For the purpose ~~of division (C) (2) of section~~ 94848
4758.42 of the Revised Code, education both of the following: 94849

(a) Education requirements for chemical 94850
dependency substance use disorders; 94851

~~(17) For the purpose of division (C) (3) of section 4758.42~~ 94852
~~of the Revised Code, requirements~~ (b) Requirements for programs 94853
that provide practicum experience in ~~chemical dependency;~~ 94854

~~(18)~~ substance use disorders. 94855

(14) For the purpose of ~~division (A) of section 4758.43 of~~ 94856
the Revised Code, ~~both~~ all of the following: 94857

(a) The number of hours of training or education in 94858
~~chemical dependency substance use disorder~~ counseling that an 94859
individual must have; 94860

(b) Training requirements for chemical dependency 94861
substance use disorder counseling that shall, at a minimum, 94862
include qualifications for the individuals who provide the 94863
training and the content areas covered in the training; 94864

(c) Requirements for obtaining a chemical dependency 94865
counselor preliminary certificate. 94866

~~(19)~~ (15) For the purpose of ~~division (A) (1) of section~~ 94867
4758.44 of the Revised Code, ~~the~~ all of the following: 94868

(a) The number of hours of compensated work experience in 94869
prevention services that an individual must have and the number 94870
of those hours that must be in administering or supervising the 94871
services; 94872

~~(20) For the purpose of division (A) (2) of section 4758.44~~ 94873
~~of the Revised Code, the~~ (b) The field of study in which an 94874
individual must obtain ~~at least a~~ bachelor's degree or higher; 94875

~~(21)~~ (c) The number of hours of administrative or 94876
supervisory education that an individual must have. 94877

(16) For the purpose of division ~~(A) (3)~~ (C) of section 94878
4758.44, division ~~(A) (3)~~ (C) of section 4758.45, and division (D) 94879
of section 4758.46 of the Revised Code, both of the following: 94880

(a) The number of hours of prevention-related education 94881
that an individual must have; 94882

(b) Requirements for prevention-related education. 94883

~~(22) For the purpose of division (A) (4) of section 4758.44~~ 94884
~~of the Revised Code, the number of hours of administrative or~~ 94885
~~supervisory education that an individual must have;~~ 94886

~~(23)~~ (17) For the purpose of ~~division (A) (1) of section~~ 94887
4758.45 of the Revised Code, ~~the~~ both of the following: 94888

(a) The number of hours of compensated or volunteer work, 94889
field placement, intern, or practicum experience in prevention 94890
services that an individual must have and the number of those 94891

hours that must be in planning or delivering the services; 94892

~~(24) For the purpose of division (A) (2) of section 4758.45~~ 94893
~~of the Revised Code, the~~ (b) The field of study in which an 94894
individual must obtain ~~at least an associate's degree;~~ 94895

~~(25)~~ or higher. 94896

(18) For the purpose of division (C) of section 4758.46 of 94897
the Revised Code, the number of hours of compensated or 94898
volunteer work, field placement, intern, or practicum experience 94899
in prevention services that an individual must have; 94900

~~(26)~~ (19) Standards for the one hundred hours of 94901
compensated work or supervised internship in gambling disorder 94902
direct clinical experience required by division (B) (2) of 94903
section 4758.48 of the Revised Code; 94904

~~(27)~~ (20) For the purpose of section 4758.49 of the Revised 94905
Code, both of the following: 94906

(a) The equivalent of a high school diploma acceptable for 94907
certification; 94908

(b) Standards and number of required hours for the 94909
competency-based peer services training. 94910

(21) For the purpose of section 4758.491 of the Revised 94911
Code, both of the following: 94912

(a) The number of hours of online learning that an 94913
individual is required to complete; 94914

(b) Standards for the supervising peers training program 94915
that an individual is required to complete. 94916

(22) For the purpose of section 4758.51 of the Revised 94917
Code, continuing both of the following: 94918

(a) Continuing education requirements for individuals who 94919
hold a license, certificate, or endorsement issued under this 94920
chapter; 94921

~~(28) For the purpose of section 4758.51 of the Revised~~ 94922
~~Code, the~~ (b) The number of hours of continuing education that 94923
an individual must complete to have an expired license, 94924
certificate, or endorsement restored under section 4758.26 of 94925
the Revised Code; 94926

~~(29) For the purpose of divisions (A) and (B) of section~~ 94927
~~4758.52 of the Revised Code, training requirements for chemical~~ 94928
~~dependency counseling;~~ 94929

~~(30).~~ 94930

(23) The duties, which may differ, of all of the 94931
following: 94932

(a) An independent chemical dependency counselor-clinical 94933
supervisor licensed under this chapter who supervises a chemical 94934
dependency counselor III under section 4758.56 of the Revised 94935
Code; 94936

(b) An independent chemical dependency counselor-clinical 94937
supervisor, independent chemical dependency counselor, or 94938
chemical dependency counselor III licensed under this chapter 94939
who supervises a chemical dependency counselor assistant under 94940
section 4758.59 of the Revised Code; 94941

(c) A prevention consultant or prevention specialist 94942
~~certified-licensed~~ under this chapter who supervises a 94943
prevention specialist assistant or registered applicant under 94944
section 4758.61 of the Revised Code. 94945

~~(31)~~ (24) The duties of an independent chemical dependency 94946

counselor licensed under this chapter who holds the gambling 94947
disorder endorsement who supervises a chemical dependency 94948
counselor III with the gambling disorder endorsement under 94949
section 4758.62 of the Revised Code. 94950

~~(32)~~(25) For the purpose of sections 4758.60 and 4758.61 94951
of the Revised Code, standards for the practice of prevention 94952
services, including specifications that require prevention 94953
services to be all of the following: 94954

(a) Intentionally designed to reduce risk or promote 94955
health before the onset of a disorder; 94956

(b) Population-focused and targeted to specific levels of 94957
risk; 94958

(c) Reserved for interventions designed to reduce the 94959
occurrence of new cases of mental, emotional, and behavioral 94960
disorders, and not be used for clinical assessment, treatment, 94961
relapse and recovery support services, or medications of any 94962
type. 94963

(26) For the purpose of section 4758.65 of the Revised 94964
Code, both of the following: 94965

(a) Any additional competencies that may be promoted by a 94966
peer supporter; 94967

(b) Any additional tasks within a peer supporter's scope 94968
of practice. 94969

(27) For the purposes of section 4758.651 of the Revised 94970
Code, training requirements for supervisors of peer supporters 94971
who do not hold a peer support supervisor endorsement issued 94972
under this chapter; 94973

(28) Anything else the board considers necessary to 94974

administer this chapter. 94975

(B) All rules adopted under this section shall be adopted 94976
in accordance with Chapter 119. of the Revised Code and any 94977
applicable federal laws and regulations. 94978

(C) When it adopts rules under this section, the board may 94979
consider standards established by any national association or 94980
other organization representing the interests of those involved 94981
in ~~chemical dependency substance use disorder counseling or,~~ 94982
prevention services, or peer support services. 94983

Sec. 4758.21. (A) In accordance with rules adopted under 94984
section 4758.20 of the Revised Code and subject to division (B) 94985
of this section, the chemical dependency professionals board 94986
shall establish, and may from time to time adjust, fees to be 94987
charged for the following: 94988

(1) Admitting an individual to an examination administered 94989
pursuant to section 4758.22 of the Revised Code; 94990

(2) Issuing an initial independent chemical dependency 94991
counselor-clinical supervisor license, independent chemical 94992
dependency counselor license, chemical dependency counselor III 94993
license, chemical dependency counselor II license, chemical 94994
dependency counselor assistant certificate, peer recovery 94995
supporter certificate, youth peer supporter certificate, family 94996
peer supporter certificate, prevention consultant 94997
certificate license, prevention specialist certificate license, 94998
prevention specialist assistant certificate, or registered 94999
applicant certificate; 95000

(3) Issuing ~~an initial~~ a gambling disorder endorsement; 95001

(4) Issuing a peer support supervisor endorsement; 95002

(5) Renewing an independent chemical dependency counselor- 95003
clinical supervisor license, independent chemical dependency 95004
counselor license, chemical dependency counselor III license, 95005
chemical dependency counselor II license, chemical dependency 95006
counselor assistant certificate, peer recovery supporter 95007
certificate, youth peer supporter certificate, family peer 95008
supporter certificate, prevention consultant ~~certificate~~license, 95009
prevention specialist ~~certificate~~license, or prevention 95010
specialist assistant certificate; 95011

~~(5)~~(6) Renewing a gambling disorder endorsement; 95012

~~(6)~~(7) Renewing a peer support supervisor endorsement; 95013

(8) Approving ~~continuing education courses~~programs under 95014
section 4758.28 of the Revised Code, except for online learning 95015
courses administered by the department of mental health and 95016
addiction services for the purposes of section 4758.49 of the 95017
Revised Code; 95018

~~(7)~~(9) Doing anything else the board determines necessary 95019
to administer this chapter. 95020

(B) The fees established under division (A) of this 95021
section are nonrefundable. They shall be in amounts sufficient 95022
to cover the necessary expenses of the board in administering 95023
this chapter and rules adopted under it. The fees for a license, 95024
certificate, or endorsement and the renewal of a license, 95025
certificate, or endorsement may differ for the various types of 95026
licenses, certificates, or endorsements, but shall not exceed 95027
one hundred seventy-five dollars each, unless the board 95028
determines that amounts in excess of one hundred seventy-five 95029
dollars are needed to cover its necessary expenses in 95030
administering this chapter and rules adopted under it and the 95031

amounts in excess of one hundred seventy-five dollars are 95032
approved by the controlling board. 95033

(C) All vouchers of the board shall be approved by the 95034
chairperson or executive director of the board, or both, as 95035
authorized by the board. 95036

Sec. 4758.22. The chemical dependency professionals board 95037
shall prepare, cause to be prepared, or procure the use of, and 95038
grade, cause to be graded, or procure the grading of, 95039
examinations to determine the competence of individuals seeking 95040
an independent chemical dependency counselor-clinical supervisor 95041
license, independent chemical dependency counselor license, 95042
chemical dependency counselor III license, chemical dependency 95043
counselor II license, peer recovery supporter certificate, 95044
youth peer supporter certificate, family peer supporter 95045
certificate, prevention consultant ~~certificate~~ license, or 95046
prevention specialist ~~certificate~~ license. The board may develop 95047
the examinations or use examinations prepared by state or 95048
national organizations that represent the interests of those 95049
involved in ~~chemical dependency~~ substance use disorder 95050
~~counseling or,~~ prevention services, or peer support services. 95051
The board shall conduct examinations at least twice each year 95052
and shall determine the level of competence necessary for a 95053
passing score. 95054

An individual may not sit for an examination administered 95055
pursuant to this section unless the individual meets the 95056
requirements to obtain the license or certificate the individual 95057
seeks, other than the requirement to have passed the 95058
examination, and pays the fee established under section 4758.21 95059
of the Revised Code. An individual who is denied admission to 95060
the examination may appeal the denial in accordance with Chapter 95061

119. of the Revised Code. 95062

Sec. 4758.221. In accordance with rules adopted under 95063
section 4758.20 of the Revised Code, the chemical dependency 95064
professionals board may administer examinations for individuals 95065
seeking to act as substance abuse professionals in a ~~U.S.~~United 95066
States department of transportation drug and alcohol testing 95067
program. If it elects to administer the examinations, the board 95068
shall use examinations that comprehensively cover all the 95069
elements of substance abuse professional qualification training 95070
listed in 49 C.F.R. 40.281(c) (1) and are prepared by a 95071
nationally recognized professional or training organization that 95072
represents the interests of those involved in ~~chemical~~ 95073
~~dependency~~substance use disorder counseling services. 95074

Sec. 4758.23. (A) In rules adopted under section 4758.20 95075
of the Revised Code, the chemical dependency professionals board 95076
shall establish codes of ethical practice and professional 95077
conduct for the following: 95078

(1) Individuals who hold a valid independent chemical 95079
dependency counselor-clinical supervisor license, independent 95080
chemical dependency counselor license, chemical dependency 95081
counselor III license, chemical dependency counselor II license, 95082
or chemical dependency counselor assistant certificate issued 95083
under this chapter; 95084

(2) Individuals who hold a valid peer recovery supporter 95085
certificate, youth peer supporter certificate, or family peer 95086
supporter certificate issued under this chapter; 95087

(3) Individuals who hold a valid prevention consultant 95088
certificate~~license~~, prevention specialist ~~certificate~~license~~, 95089
prevention specialist assistant certificate, or registered 95090~~

applicant certificate issued under this chapter; 95091

~~(3)~~ (4) Individuals who hold a valid peer support 95092
supervisor endorsement; 95093

(5) Individuals who hold a valid gambling disorder 95094
endorsement. 95095

(B) The codes for individuals identified under division 95096
~~(A) (1)~~ (A) of this section shall define unprofessional conduct, 95097
which shall include engaging in a ~~dual relationship~~ multiple 95098
relationships with a client, former client, consumer, or former 95099
consumer; committing an act of sexual abuse, misconduct, or 95100
exploitation of a client, former client, consumer, or former 95101
consumer; and, except as permitted by law, violating client or 95102
consumer confidentiality. 95103

~~(C)~~ The codes for individuals identified under ~~division~~ 95104
~~(A) (1)~~ divisions (A) (1) to (4) of this section may be based on 95105
any codes of ethical practice and professional conduct developed 95106
by national associations or other organizations representing the 95107
interests of those involved in ~~chemical dependency~~ substance use 95108
disorder counseling, peer support services, or prevention 95109
services. The codes for individuals identified under ~~division~~ 95110
~~(A) (2)~~ of this section may be based on any codes of ethical 95111
~~practice and professional conduct developed by national~~ 95112
~~associations or other organizations representing the interests~~ 95113
~~of those involved in prevention services~~. The board may 95114
establish standards in the codes that are more stringent than 95115
those established by the national associations or other 95116
organizations. 95117

Sec. 4758.24. (A) The chemical dependency professionals 95118
board shall issue a license, certificate, or endorsement under 95119

this chapter to an individual who meets all of the following 95120
requirements: 95121

(1) ~~Except as provided in section 4758.241 of the Revised~~ 95122
~~Code, submits~~ Submits a properly completed application and all 95123
other documentation specified in rules adopted under section 95124
4758.20 of the Revised Code; 95125

(2) ~~Except as provided in section 4758.241 of the Revised~~ 95126
~~Code, pays~~ Pays the fee established under section 4758.21 of the 95127
Revised Code for the license, certificate, or endorsement that 95128
the individual seeks; 95129

(3) Meets the requirements to obtain the license, 95130
certificate, or endorsement that the individual seeks as 95131
specified in section 4758.39, 4758.40, 4758.41, 4758.42, 95132
4758.43, 4758.44, 4758.45, 4758.46, 4758.47, ~~or~~ 4758.48, 95133
4758.49, or 4758.491 of the Revised Code; 95134

(4) Meets any additional requirements specified in rules 95135
adopted under section 4758.20 of the Revised Code to obtain the 95136
license, certificate, or endorsement that the individual seeks. 95137

(B) In addition to any other eligibility requirement set 95138
forth in this chapter, each applicant for an initial license, 95139
certificate, or endorsement issued under this chapter shall 95140
comply with sections 4776.01 to 4776.04 of the Revised Code. The 95141
board shall not grant a license, certificate, or endorsement to 95142
an applicant for an initial license, certificate, or endorsement 95143
issued under this chapter unless the applicant complies with 95144
sections 4776.01 to 4776.04 of the Revised Code. 95145

(C) The board shall not ~~do either of the following:~~ 95146

~~(1) Issue a certificate to practice as a chemical~~ 95147
~~dependency counselor I;~~ 95148

~~(2) Issue~~ issue a new registered applicant certificate to 95149
an individual whose previous registered applicant certificate 95150
has been expired for less than the period of time specified in 95151
rules adopted under section 4758.20 of the Revised Code. 95152

Sec. 4758.26. (A) Subject to section 4758.30 of the 95153
Revised Code, a license, certificate, or endorsement issued 95154
under this chapter expires the following period of time after it 95155
is issued: 95156

(1) In the case of ~~an initial~~ a chemical dependency 95157
counselor assistant preliminary certificate or registered 95158
applicant, thirteen months; 95159

(2) In the case of any other license, certificate, or 95160
endorsement, two years. 95161

(B) Subject to section 4758.30 of the Revised Code and 95162
except as provided in section 4758.27 of the Revised Code, the 95163
chemical dependency professionals board shall renew a license, 95164
certificate, or endorsement issued under this chapter in 95165
accordance with the standard renewal procedure established under 95166
Chapter 4745. of the Revised Code if the individual seeking the 95167
renewal pays the renewal fee established under section 4758.21 95168
of the Revised Code and ~~does the following:~~ 95169

~~(1) In the case of an individual seeking renewal of an~~ 95170
~~initial chemical dependency counselor assistant certificate,~~ 95171
~~satisfies the additional training requirement established under~~ 95172
~~section 4758.52 of the Revised Code;~~ 95173

~~(2) In the case of any other individual,~~ satisfies the 95174
continuing education requirements established under section 95175
4758.51 of the Revised Code. 95176

(C) Subject to section 4758.30 of the Revised Code and 95177

except as provided in section 4758.27 of the Revised Code, a 95178
license, certificate, or endorsement issued under this chapter 95179
that has expired may be restored if the individual seeking the 95180
restoration, not later than one year after the license, 95181
certificate, or endorsement expires, applies for restoration of 95182
the license, certificate, or endorsement. The board shall issue 95183
a restored license, certificate, or endorsement to the 95184
individual if the individual pays the renewal fee established 95185
under section 4758.21 of the Revised Code and ~~does the~~ 95186
~~following:~~ 95187

~~(1) In the case of an individual whose initial chemical~~ 95188
~~dependency counselor assistant certificate expired, satisfies~~ 95189
~~the additional training requirement established under section~~ 95190
~~4758.52 of the Revised Code;~~ 95191

~~(2) In the case of any other individual,~~ satisfies the 95192
continuing education requirements established under section 95193
4758.51 of the Revised Code for restoring the license, 95194
certificate, or endorsement. 95195

The board shall not require an individual to take an 95196
examination as a condition of having an expired license, 95197
certificate, or endorsement restored under this section. 95198

Sec. 4758.27. The chemical dependency professionals board 95199
shall not renew or restore under section 4758.26 of the Revised 95200
Code either of the following: 95201

(A) A ~~certificate to practice as a~~ chemical dependency 95202
counselor assistant preliminary certificate; 95203

(B) A registered applicant certificate. 95204

Sec. 4758.28. The chemical dependency professionals board 95205
shall approve, in accordance with rules adopted under section 95206

4758.20 of the Revised Code and subject to payment of the fee 95207
established under section 4758.21 of the Revised Code, 95208
~~continuing education courses of study for individuals who hold~~ 95209
programs that may be completed to meet the requirements to 95210
receive an initial license, certificate, or endorsement issued 95211
under this chapter or the renewal of a license, certificate, or 95212
endorsement issued under this chapter. Programs that may be 95213
approved under this section include degree and certificate 95214
training programs offered by accredited educational 95215
institutions, other training programs selected by the board, and 95216
continuing education courses. 95217

Sec. 4758.30. (A) The chemical dependency professionals 95218
board, in accordance with Chapter 119. of the Revised Code, may, 95219
except as provided in division (B) of this section, refuse to 95220
issue a license, certificate, or endorsement applied for under 95221
this chapter; refuse to renew or restore a license, certificate, 95222
or endorsement issued under this chapter; suspend, revoke, or 95223
otherwise restrict a license, certificate, or endorsement issued 95224
under this chapter; ~~or~~ reprimand an individual holding a 95225
license, certificate, or endorsement issued under this chapter; 95226
or impose a fine, in an amount determined in accordance with 95227
rules adopted under section 4758.20 of the Revised Code, against 95228
an individual holding a license, certificate, or endorsement 95229
under this chapter. These actions may be taken by the board 95230
regarding the applicant for a license, certificate, or 95231
endorsement or the individual holding a license, certificate, or 95232
endorsement for one or more of the following reasons: 95233

(1) Violation of any provision of this chapter or rules 95234
adopted under it; 95235

(2) Knowingly making a false statement on an application 95236

for a license, certificate, or endorsement or for renewal, 95237
restoration, or reinstatement of a license, certificate, or 95238
endorsement; 95239

(3) Acceptance of a commission or rebate for referring an 95240
individual to a person who holds a license or certificate issued 95241
by, or who is registered with, an entity of state government, 95242
including persons practicing ~~chemical dependency substance use~~ 95243
disorder counseling, peer support services, prevention services, 95244
gambling disorder counseling, or fields related to ~~chemical-~~ 95245
~~dependency counseling, prevention services, or gambling disorder~~ 95246
counselingany of the foregoing; 95247

(4) Conviction in this state or any other ~~state-~~ 95248
jurisdiction of any crime that is a felony in this state; 95249

(5) Conviction in this state or any other ~~state-~~ 95250
jurisdiction of a misdemeanor committed in the course of 95251
practice as an independent chemical dependency counselor- 95252
clinical supervisor, independent chemical dependency counselor, 95253
chemical dependency counselor III, chemical dependency counselor 95254
II, chemical dependency counselor assistant, peer recovery 95255
supporter, youth peer supporter, family peer supporter, 95256
prevention consultant, gambling disorder endorsee, prevention 95257
specialist, prevention specialist assistant, or registered 95258
applicant; 95259

(6) Inability to practice as an independent chemical 95260
dependency counselor-clinical supervisor, independent chemical 95261
dependency counselor, chemical dependency counselor III, 95262
chemical dependency counselor II, chemical dependency counselor 95263
assistant, peer recovery supporter, youth peer supporter, family 95264
peer supporter, gambling disorder endorsee, prevention 95265
consultant, prevention specialist, prevention specialist 95266

assistant, or registered applicant due to abuse of or dependency 95267
on alcohol or other drugs or ~~other physical or by reason of~~ 95268
~~mental condition~~ illness or physical illness, including physical 95269
deterioration that adversely affects cognitive, motor, or 95270
perceptive skills; 95271

(7) Practicing outside the individual's scope of practice; 95272

(8) Practicing without complying with the supervision 95273
requirements specified under section 4758.56, 4758.59, 4758.61, 95274
~~or 4758.62, or 4758.65~~ of the Revised Code; 95275

(9) Violation of the code of ethical practice and 95276
professional conduct for ~~chemical dependency substance use~~ 95277
disorder counseling, peer support services, prevention services, 95278
or gambling disorder counseling adopted by the board pursuant to 95279
section 4758.23 of the Revised Code; 95280

(10) Revocation of a license, certificate, or endorsement 95281
or voluntary surrender of a license, certificate, or endorsement 95282
in another state or jurisdiction for an offense that would be a 95283
violation of this chapter. 95284

(B) The board shall not refuse to issue a license, 95285
certificate, or endorsement to an applicant because of a 95286
criminal conviction unless the refusal is in accordance with 95287
section 9.79 of the Revised Code. 95288

(C) An individual whose license, certificate, or 95289
endorsement has been suspended or revoked under this section may 95290
apply to the board for reinstatement after an amount of time the 95291
board shall determine in accordance with rules adopted under 95292
section 4758.20 of the Revised Code. The board may accept or 95293
refuse an application for reinstatement. The board may require 95294
an examination for reinstatement of a license, certificate, or 95295

endorsement that has been suspended or revoked. 95296

Sec. 4758.31. The chemical dependency professionals board 95297
shall investigate alleged violations of this chapter or the 95298
rules adopted under it and alleged irregularities in the 95299
delivery of ~~chemical dependency~~ substance use disorder 95300
counseling services, peer support services, prevention services, 95301
or gambling disorder counseling services by individuals who hold 95302
a license, certificate, or endorsement issued under this 95303
chapter. As part of an investigation, the board may issue 95304
subpoenas, examine witnesses, and administer oaths. 95305

The board may receive any information necessary to conduct 95306
an investigation under this section that has been obtained in 95307
accordance with federal laws and regulations. If the board is 95308
investigating the provision of ~~chemical dependency~~ substance use 95309
disorder counseling services or gambling disorder counseling 95310
services to a couple or group, it is not necessary for both 95311
members of the couple or all members of the group to consent to 95312
the release of information relevant to the investigation. 95313

The board shall ensure, in accordance with rules adopted 95314
under section 4758.20 of the Revised Code, that all records it 95315
holds pertaining to an investigation remain confidential during 95316
the investigation. After the investigation, the records are 95317
public records except as otherwise provided by federal or state 95318
law. 95319

Sec. 4758.35. (A) An individual seeking a license, 95320
certificate, or endorsement issued under this chapter shall ~~file~~ 95321
~~with~~ submit an application to the chemical dependency 95322
professionals board ~~a written application on a form prescribed~~ 95323
~~by~~ in a manner that the board shall prescribe. Each ~~form~~ 95324
application shall state that a false statement made on the ~~form~~ 95325

application is the crime of falsification under section 2921.13 95326
of the Revised Code. 95327

(B) The board shall require an individual or individuals 95328
employed by the board under section 4758.15 of the Revised Code 95329
to do both of the following in accordance with criteria 95330
established by rules adopted under section 4758.20 of the 95331
Revised Code: 95332

(1) Receive and review all applications submitted to the 95333
board; 95334

(2) Submit to the board all applications the individual or 95335
individuals recommend the board review based on the criteria 95336
established in the rules. 95337

(C) The board shall review all applications submitted to 95338
the board pursuant to division (B)(2) of this section. 95339

Sec. 4758.36. As part of the review process under division 95340
(C) of section 4758.35 of the Revised Code of an application 95341
submitted by an applicant whose education or experience in 95342
~~chemical dependency substance use disorder~~ counseling, peer 95343
support services, prevention services, or gambling disorder 95344
counseling was obtained outside the United States, or whose 95345
education and experience both were obtained outside the United 95346
States, the chemical dependency professionals board shall 95347
determine whether the applicant's command of the English 95348
language and education or experience meet the standards required 95349
by this chapter and rules adopted under it. 95350

Sec. 4758.39. An individual seeking an independent 95351
chemical dependency counselor-clinical supervisor license shall 95352
~~meet the requirements of division (A) or (B) of this section.~~ 95353

~~(A) To meet the requirements of this division, an~~ 95354

~~individual must meet~~ all of the following requirements: 95355

~~(1)~~ (A) Hold from an accredited educational institution ~~at~~ 95356
~~least a~~ master's degree or higher in either a behavioral science 95357
or nursing that meets the course requirements specified in rules 95358
adopted under section 4758.20 of the Revised Code; 95359

~~(2)~~ (B) Have not less than the number of hours specified in 95360
rules adopted under section 4758.20 of the Revised Code of 95361
compensated work or supervised internship experience, including 95362
at least the number of hours specified in those rules of 95363
clinical supervisory experience, in any of the following, not 95364
less than twenty per cent of which are in ~~chemical dependency~~ 95365
substance use disorder counseling; 95366

~~(a) Chemical dependency services, substance abuse~~ 95367
~~services, or both types of services~~ (1) The provision of services 95368
in substance use disorder treatment within a scope of practice 95369
that the board considers appropriate for an individual seeking 95370
an independent chemical dependency counselor-clinical supervisor 95371
license; 95372

~~(b)~~ (2) The practice of psychology, as defined in section 95373
4732.01 of the Revised Code; 95374

~~(c)~~ (3) The practice of professional counseling, the 95375
practice of social work, or the practice of marriage and family 95376
therapy, all as defined in section 4757.01 of the Revised Code. 95377

~~(3)~~ (C) Have a minimum of the number of hours specified in 95378
rules adopted under section 4758.20 of the Revised Code of 95379
training in ~~chemical dependency~~ substance use disorders that 95380
meets the requirements specified in those rules; 95381

~~(4)~~ (D) Unless the individual holds a valid license, 95382
registration, certificate, or credentials issued under another 95383

chapter of the Revised Code that authorizes the individual to 95384
engage in a profession whose scope of practice includes the 95385
clinical supervision of ~~chemical dependency~~ substance use 95386
disorder counseling, ~~chemical dependency~~ substance use disorder 95387
counseling, and diagnosing and treating ~~chemical dependency~~ 95388
substance use disorder conditions, pass one or more examinations 95389
administered pursuant to section 4758.22 of the Revised Code for 95390
the purpose of determining competence to practice as an 95391
independent chemical dependency counselor-clinical supervisor. 95392

~~(B) To meet the requirement of this division, an 95393
individual must hold, on March 22, 2013, a valid independent 95394
chemical dependency counselor license. 95395~~

Sec. 4758.40. An individual seeking an independent 95396
chemical dependency counselor license shall ~~meet the 95397
requirements of division (A) or (B) of this section. 95398~~

~~(A) To meet the requirements of this division, an 95399
individual must meet all of the following requirements: 95400~~

~~(1) (A) Hold from an accredited educational institution at 95401
least a master's degree or higher in a behavioral science or 95402
nursing that meets the course requirements specified in rules 95403
adopted under section 4758.20 of the Revised Code; 95404~~

~~(2) (B) Have not less than the number of hours specified in 95405
rules adopted under section 4758.20 of the Revised Code of 95406
compensated work or supervised internship experience in any of 95407
the following, not less than twenty per cent of which are in 95408
~~chemical dependency~~ substance use disorder counseling: 95409~~

~~(a) Chemical dependency services, substance abuse 95410
services, or both types of services (1) The provision of services 95411
in substance use disorder treatment within a scope of practice 95412~~

that the board considers appropriate for an individual seeking 95413
an independent chemical dependency counselor license; 95414

~~(b)~~ (2) The practice of psychology, as defined in section 95415
4732.01 of the Revised Code; 95416

~~(c)~~ (3) The practice of professional counseling, the 95417
practice of social work, or the practice of marriage and family 95418
therapy, all as defined in section 4757.01 of the Revised Code. 95419

~~(3)~~ (C) Have a minimum of the number of hours specified in 95420
rules adopted under section 4758.20 of the Revised Code of 95421
training in ~~chemical dependency~~ substance use disorders that 95422
meets the requirements specified in those rules; 95423

~~(4)~~ (D) Unless the individual holds a valid license, 95424
registration, certificate, or credentials issued under another 95425
chapter of the Revised Code that authorizes the individual to 95426
engage in a profession whose scope of practice includes ~~chemical~~ 95427
~~dependency~~ substance use disorder counseling and diagnosing and 95428
treating ~~chemical dependency~~ substance use disorder conditions, 95429
pass one or more examinations administered pursuant to section 95430
4758.22 of the Revised Code for the purpose of determining 95431
competence to practice as an independent chemical dependency 95432
counselor. 95433

~~(B) To meet the requirements of this division, an~~ 95434
~~individual must meet both of the following requirements:~~ 95435

~~(1) Hold, on December 23, 2002, a certificate or~~ 95436
~~credentials that were accepted under former section 3793.07 of~~ 95437
~~the Revised Code as authority to practice as a certified~~ 95438
~~chemical dependency counselor III or certified chemical~~ 95439
~~dependency counselor III-E;~~ 95440

~~(2) Meet one of the following requirements:~~ 95441

~~(a) Hold the degree described in division (A) (1) of this section;~~ 95442
95443

~~(b) Have held a chemical dependency counselor III, II, or I certificate for at least eight consecutive years and have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a licensed professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A) (1) of this section may provide the portion of the training on chemical dependency conditions.~~ 95444
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Sec. 4758.41. An individual seeking a chemical dependency counselor III license shall ~~meet the requirements of division (A), (B), or (C) of this section.~~ 95460
95461
95462

~~(A) To meet the requirements of this division, an individual must meet all of the following requirements:~~ 95463
95464

~~(1) (A) Hold from an accredited educational institution at least a bachelor's degree or higher in a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;~~ 95465
95466
95467
95468

~~(2) (B) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of~~ 95469
95470

compensated work or supervised internship experience in any of 95471
the following, not less than twenty per cent of which are in 95472
~~chemical dependency substance use disorder~~ counseling: 95473

~~(a) Chemical dependency services, substance abuse~~ 95474
~~services, or both types of services~~ (1) The provision of services 95475
in substance use disorder treatment within a scope of practice 95476
that the board considers appropriate for an individual seeking a 95477
chemical dependency counselor III license; 95478

~~(b)~~ (2) The practice of psychology, as defined in section 95479
4732.01 of the Revised Code; 95480

~~(c)~~ (3) The practice of professional counseling, the 95481
practice of social work, or the practice of marriage and family 95482
therapy, all as defined in section 4757.01 of the Revised Code. 95483

~~(3)~~ (C) Have a minimum of the number of hours specified in 95484
rules adopted under section 4758.20 of the Revised Code of 95485
training in ~~chemical dependency substance use disorders~~ that 95486
meets the requirements specified in those rules; 95487

~~(4)~~ (D) Unless the individual holds a valid license, 95488
registration, certificate, or credentials issued under another 95489
chapter of the Revised Code that authorizes the individual to 95490
engage in a profession whose scope of practice includes ~~chemical~~ 95491
~~dependency substance use disorder~~ counseling and diagnosing and 95492
treating ~~chemical dependency substance use disorder~~ conditions, 95493
pass one or more examinations administered pursuant to section 95494
4758.22 of the Revised Code for the purpose of determining 95495
competence to practice as a chemical dependency counselor III. 95496

~~(B) To meet the requirements of this division, an~~ 95497
~~individual must meet both of the following requirements:~~ 95498

~~(1) Hold, on December 23, 2002, a certificate or~~ 95499

~~credentials that were accepted under former section 3793.07 of~~ 95500
~~the Revised Code as authority to practice as a certified~~ 95501
~~chemical dependency counselor III or certified chemical~~ 95502
~~dependency counselor III-E;~~ 95503

~~(2) Have not less than forty clock hours of training on~~ 95504
~~the version of the diagnostic and statistical manual of mental~~ 95505
~~disorders that is current at the time of the training. The~~ 95506
~~training must meet the requirements specified in rules adopted~~ 95507
~~under section 4758.20 of the Revised Code. An individual~~ 95508
~~authorized under Chapter 4731. of the Revised Code to practice~~ 95509
~~medicine and surgery or osteopathic medicine and surgery, a~~ 95510
~~psychologist licensed under Chapter 4732. of the Revised Code,~~ 95511
~~or a licensed professional clinical counselor or independent~~ 95512
~~social worker licensed under Chapter 4757. of the Revised Code~~ 95513
~~may provide any portion of the training. An independent chemical~~ 95514
~~dependency counselor licensed under this chapter who holds the~~ 95515
~~degree described in division (A) (1) of section 4758.40 of the~~ 95516
~~Revised Code may provide the portion of the training on chemical~~ 95517
~~dependency conditions.~~ 95518

~~(C) To meet the requirements of this division, an~~ 95519
~~individual must meet all of the following requirements:~~ 95520

~~(1) Hold, on December 23, 2002, a certificate or~~ 95521
~~credentials that were accepted under former section 3793.07 of~~ 95522
~~the Revised Code as authority to practice as a certified~~ 95523
~~chemical dependency counselor II;~~ 95524

~~(2) Meet the requirement of division (B) (2) of this~~ 95525
~~section;~~ 95526

~~(3) Hold a bachelor's degree in a behavioral science.~~ 95527

Sec. 4758.42. An individual seeking a chemical dependency 95528

counselor II license shall meet the requirements of division 95529
(A) ~~or (B) or (C)~~ of this section ~~or, until three years after~~ 95530
~~the effective date of this amendment, division (A), (B), (C), or~~ 95531
~~(D) of this section.~~ 95532

(A) To meet the requirements of this division, an 95533
individual must meet all of the following requirements: 95534

(1) Hold from an accredited educational institution an 95535
associate's degree in a behavioral science or nursing or a 95536
bachelor's degree in any field; 95537

(2) Have not less than the number of hours specified in 95538
rules adopted under section 4758.20 of the Revised Code of 95539
compensated work or supervised internship experience in any of 95540
the following, not less than twenty per cent of which are in 95541
~~chemical dependency substance use disorder~~ counseling: 95542

(a) ~~Chemical dependency services, substance abuse~~ 95543
~~services, or both types of services~~ The provision of services in 95544
substance use disorder treatment within a scope of practice that 95545
the board considers appropriate for an individual seeking a 95546
chemical dependency counselor II license; 95547

(b) The practice of psychology, as defined in section 95548
4732.01 of the Revised Code; 95549

(c) The practice of professional counseling, the practice 95550
of social work, or the practice of marriage and family therapy, 95551
all as defined in section 4757.01 of the Revised Code. 95552

(3) Have a minimum of the number of hours specified in 95553
rules adopted under section 4758.20 of the Revised Code of 95554
training in ~~chemical dependency substance use disorders~~ that 95555
meets the requirements specified in those rules; 95556

(4) Pass one or more examinations administered pursuant to 95557
section 4758.22 of the Revised Code for the purpose of 95558
determining competence to practice as a chemical dependency 95559
counselor II. 95560

~~(B) To meet the requirement of this division, an 95561
individual must hold, on December 23, 2002, a certificate or 95562
credentials that were accepted under former section 3793.07 of 95563
the Revised Code as authority to practice as a certified 95564
chemical dependency counselor II. 95565~~

~~(C)~~ To meet the requirements of this division, an 95566
individual must meet all of the following requirements: 95567

(1) Hold from an accredited educational institution an 95568
associate's or bachelor's degree in either of the following with 95569
a specialization in ~~chemical dependency~~ substance use disorder 95570
counseling: 95571

(a) A behavioral science; 95572

(b) Nursing. 95573

(2) Have a minimum of one hundred eighty hours of 95574
education in ~~chemical dependency~~ substance use disorders that 95575
meets the requirements specified in rules adopted under section 95576
4758.20 of the Revised Code; 95577

(3) While holding a valid chemical dependency counselor 95578
assistant certificate, have successfully completed, over the 95579
course of not more than any two semesters, at least two hundred 95580
forty hours of supervised practicum experience in ~~chemical-~~ 95581
~~dependency~~ substance use disorder treatment through a program 95582
that meets all of the following requirements: 95583

(a) The program includes at least two hours per week of 95584

supervised practicum experience; 95585

(b) The program provides intensive outpatient treatment or 95586
a higher level of care, or another level of care if specified in 95587
rules adopted under section 4758.20 of the Revised Code; 95588

(c) The program meets other requirements specified in 95589
rules adopted under that section. 95590

(4) Have at least one thousand hours of compensated work 95591
experience as a chemical dependency counselor assistant; 95592

(5) Provide to the chemical dependency professionals board 95593
a written recommendation from an individual who supervised the 95594
individual's practice of ~~chemical dependency~~ substance use 95595
disorder counseling as a chemical dependency counselor assistant 95596
as required by division (B) of section 4758.59 of the Revised 95597
Code; 95598

(6) Pass one or more examinations administered pursuant to 95599
section 4758.22 of the Revised Code for the purpose of 95600
determining competence to practice as a chemical dependency 95601
counselor II. 95602

~~(D) To meet the requirements of this division, an~~ 95603
~~individual must meet all of the following requirements:~~ 95604

~~(1) Since at least December 31, 2008, continuously have~~ 95605
~~done both of the following:~~ 95606

~~(a) Held a valid chemical dependency counselor assistant~~ 95607
~~certificate;~~ 95608

~~(b) Practiced chemical dependency counseling while under~~ 95609
~~supervision as required by division (B) of section 4758.59 of~~ 95610
~~the Revised Code.~~ 95611

~~(2) Provide to the board a written recommendation from an individual who supervised the individual's practice of chemical dependency counseling as a chemical dependency counselor assistant;~~

~~(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency that meets the requirements specified in those rules;~~

~~(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.~~

Sec. 4758.43. An individual seeking a chemical dependency counselor assistant certificate shall meet ~~either~~ all of the following requirements:

(A) Be at least eighteen years of age;

(B) Hold a high school diploma, a certificate of high school equivalence, or a higher degree;

(C) Have at least the number of hours in training or education specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency related to substance use disorder counseling that meets the requirements specified in those rules;

~~(B) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a registered candidate~~ (D) Obtain a chemical dependency counselor preliminary certificate in accordance with rules adopted under section 4758.20 of the Revised Code.

Sec. 4758.44. An individual seeking a prevention 95641
consultant ~~certificate license shall meet the requirements of~~ 95642
~~division (A) or (B) of this section.~~ 95643

~~(A) To meet the requirements of this division, an~~ 95644
~~individual must meet~~ all of the following requirements: 95645

~~(1)~~ (A) Have at least the number of hours specified in 95646
rules adopted under section 4758.20 of the Revised Code of 95647
compensated work experience in prevention services, including at 95648
least the number of hours specified in those rules of 95649
administering or supervising the services; 95650

~~(2)~~ (B) Hold from an accredited educational institution ~~at~~ 95651
~~least a bachelor's degree or higher~~ in a field of study 95652
specified in rules adopted under section 4758.20 of the Revised 95653
Code; 95654

~~(3)~~ (C) Have at least the number of hours specified in 95655
rules adopted under section 4758.20 of the Revised Code of 95656
prevention-related education that meets the requirements 95657
specified in those rules; 95658

~~(4)~~ (D) Have at least the number of hours specified in 95659
rules adopted under section 4758.20 of the Revised Code of 95660
administrative or supervisory education; 95661

~~(5)~~ (E) Pass one or more examinations administered pursuant 95662
to section 4758.22 of the Revised Code for the purpose of 95663
determining competence to practice as a prevention consultant. 95664

~~(B) To meet the requirement of this division, an~~ 95665
~~individual must hold, on December 23, 2002, a certificate or~~ 95666
~~credentials that were accepted under former section 3793.07 of~~ 95667
~~the Revised Code as authority to practice as a certified~~ 95668
~~prevention specialist II.~~ 95669

Sec. 4758.45. An individual seeking a prevention specialist ~~certificate-license~~ shall ~~meet the requirements of~~ division (A) or (B) of this section.

~~(A) To meet the requirements of this division, an individual must meet~~ all of the following requirements:

~~(1)~~ (A) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated or volunteer work, field placement, intern, or practicum experience in prevention services, including at least the number of hours specified in those rules of planning or delivering the services;

~~(2)~~ (B) Hold from an accredited educational institution ~~at least an associate's degree or higher~~ in a field of study specified in rules adopted under section 4758.20 of the Revised Code;

~~(3)~~ (C) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of prevention-related education that meets the requirements specified in those rules;

~~(4)~~ (D) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a prevention specialist.

~~(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified prevention specialist I.~~

Sec. 4758.46. An individual seeking a prevention specialist assistant certificate shall meet all of the following

requirements: 95699

(A) Be at least eighteen years of age; 95700

(B) Have ~~at least a~~ high school diploma ~~or~~, a certificate 95701
of high school equivalence, or a higher degree; 95702

(C) Have at least the number of hours specified in rules 95703
adopted under section 4758.20 of the Revised Code of compensated 95704
or volunteer work, field placement, intern, or practicum 95705
experience in prevention services; 95706

(D) Have at least the number of hours specified in rules 95707
adopted under section 4758.20 of the Revised Code of prevention- 95708
related education that meets the requirements specified in those 95709
rules. 95710

Sec. 4758.47. An individual seeking a registered applicant 95711
certificate shall meet all of the following requirements: 95712

(A) Be at least eighteen years of age; 95713

(B) Have ~~at least a~~ high school diploma ~~or~~, a certificate 95714
of high school equivalence, or a higher degree; 95715

(C) Submit to the chemical dependency professionals board 95716
a professional development plan that is acceptable to the board. 95717

Sec. 4758.49. (A) An individual seeking a peer recovery 95718
supporter certificate shall meet all of the following 95719
requirements: 95720

(1) Be at least eighteen years of age; 95721

(2) Hold a high school diploma, the equivalent of a high 95722
school diploma as determined by the board in rules adopted under 95723
section 4758.20 of the Revised Code, or a higher degree; 95724

(3) Attest that the individual has direct lived experience 95725

with mental illness or substance use disorder and is in recovery 95726
from a mental illness or substance use disorder; 95727

(4) Complete at least the number of hours of competency- 95728
based peer services training specified in rules adopted under 95729
section 4758.20 of the Revised Code; 95730

(5) Pass one or more examinations administered pursuant to 95731
section 4758.22 of the Revised Code for the purpose of 95732
determining competence to practice as a peer recovery supporter; 95733

(6) Attest to having read and understood the code of 95734
ethical practice and professional conduct established under 95735
section 4758.23 of the Revised Code for peer recovery 95736
supporters. 95737

(B) An individual seeking a youth peer supporter 95738
certificate shall meet all of the following requirements: 95739

(1) Be at least eighteen years of age but not more than 95740
thirty years of age; 95741

(2) Hold a high school diploma, the equivalent of a high 95742
school diploma as determined by the board in rules adopted under 95743
section 4758.20 of the Revised Code, or a higher degree; 95744

(3) Attest that the individual has direct lived experience 95745
with the behavioral health system and other child or youth 95746
services systems; 95747

(4) Complete at least the number of hours of competency- 95748
based peer services training, including training specific to 95749
youth peer support services, specified in rules adopted under 95750
section 4758.20 of the Revised Code; 95751

(5) Pass one or more examinations administered pursuant to 95752
section 4758.22 of the Revised Code for the purpose of 95753

determining competence to practice as a youth peer supporter; 95754

(6) Attest to having read and understood the code of 95755
ethical practice and professional conduct established under 95756
section 4758.23 of the Revised Code for youth peer supporters. 95757

(C) An individual seeking a family peer supporter 95758
certificate shall meet all of the following requirements: 95759

(1) Be at least twenty-one years of age; 95760

(2) Hold a high school diploma, the equivalent of a high 95761
school diploma as determined by the board in rules adopted under 95762
section 4758.20 of the Revised Code, or a higher degree; 95763

(3) Attest that the individual has direct lived experience 95764
as the caregiver of an individual with mental illness or 95765
substance use disorder and has successfully navigated service 95766
systems for at least one year on behalf of the individual; 95767

(4) Complete at least the number of hours of competency- 95768
based peer services training, including training specific to 95769
family peer support services, specified in rules adopted under 95770
section 4758.20 of the Revised Code; 95771

(5) Pass one or more examinations administered pursuant to 95772
section 4758.22 of the Revised Code for the purpose of 95773
determining competence to practice as a family peer supporter; 95774

(6) Attest to having read and understood the code of 95775
ethical practice and professional conduct established under 95776
section 4758.23 of the Revised Code for family peer supporters. 95777

Sec. 4758.491. An individual seeking a peer support 95778
supervisor endorsement shall meet all of the following 95779
requirements: 95780

(A) Hold an active independent chemical dependency 95781
counselor, chemical dependency counselor III, or chemical 95782
dependency counselor II license, or peer recovery supporter, 95783
youth peer supporter, or family peer supporter certificate 95784
issued under this chapter; 95785

(B) Have provided services under either of the following 95786
for at least two years: 95787

(1) An active license or certification described in 95788
division (A) of this section; 95789

(2) A peer recovery supporter, youth peer supporter, or 95790
family peer supporter certificate issued by the department of 95791
mental health and addiction services prior to one year after the 95792
effective date of this section. 95793

(C) Complete the number of hours of online learning 95794
specified in rules adopted under section 4758.20 of the Revised 95795
Code; 95796

(D) Complete a supervising peers training program that 95797
meets the standards established in rules adopted under section 95798
4758.20 of the Revised Code. 95799

Sec. 4758.51. (A) Except as provided in division (C) of 95800
this section and in accordance with rules adopted under section 95801
4758.20 of the Revised Code, each individual who holds a 95802
license, certificate, or endorsement issued under this chapter, 95803
other than ~~an initial~~ a chemical dependency counselor assistant 95804
preliminary certificate or registered applicant certificate, 95805
shall complete during the period that the license, certificate, 95806
or endorsement is in effect not less than the following number 95807
of clock hours of continuing education as a condition of 95808
receiving a renewed license, certificate, or endorsement: 95809

(1) In the case of an individual holding a prevention specialist assistant certificate, twenty; 95810
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(2) In the case of an individual holding a gambling disorder endorsement, six; 95812
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(3) In the case of any other individual, thirty, except as follows: 95814
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(a) If the individual is age sixty-five years or older, twenty; 95816
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(b) If the individual holds an international certificate from the international certification and reciprocity consortium, the number of clock hours required by the consortium. 95818
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(B) Except as provided in division (C) of this section, an individual whose license, certificate, or endorsement issued under this chapter, other than ~~an initial~~ a chemical dependency counselor assistant preliminary certificate or registered applicant certificate, has expired shall complete the number of hours of continuing education specified in rules adopted under section 4758.20 of the Revised Code as a condition of receiving a restored license, certificate, or endorsement. 95821
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(C) The chemical dependency professionals board may waive the continuing education requirements established under this section for individuals who are unable to fulfill them because of military service, illness, residence outside the United States, or any other reason the board considers acceptable. 95829
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Sec. 4758.54. In addition to practicing ~~chemical dependency~~ substance use disorder counseling, an individual holding a valid independent chemical dependency counselor-clinical supervisor license may do all of the following: 95834
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(A) Diagnose and treat ~~chemical dependency~~ substance use disorder conditions; 95838
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(B) Perform treatment planning, assessment, crisis 95840
intervention, individual and group counseling, case management, 95841
and education services as they relate to ~~abuse of and dependency~~ 95842
~~on alcohol and other drugs~~ behavioral health conditions related 95843
to substance use disorder; 95844

(C) Provide clinical supervision of ~~chemical dependency~~ 95845
substance use disorder counseling; 95846

~~(D) Refer individuals with nonchemical dependency~~ 95847
~~conditions to appropriate sources of help.~~ 95848

Sec. 4758.55. In addition to practicing ~~chemical~~ 95849
~~dependency~~ substance use disorder counseling, an individual 95850
holding a valid independent chemical dependency counselor 95851
license may do all of the following: 95852

(A) Diagnose and treat ~~chemical dependency~~ substance use 95853
disorder conditions; 95854

(B) Perform treatment planning, assessment, crisis 95855
intervention, individual and group counseling, case management, 95856
and education services as they relate to ~~abuse of and dependency~~ 95857
~~on alcohol and other drugs~~ behavioral health conditions related 95858
to substance use disorder; 95859

(C) Provide clinical supervision of ~~chemical dependency~~ 95860
substance use disorder counseling under the supervision of any 95861
of the following: 95862

(1) An independent chemical dependency counselor-clinical 95863
supervisor licensed under this chapter; 95864

(2) An individual authorized under Chapter 4731. of the 95865

Revised Code to practice medicine and surgery or osteopathic 95866
medicine and surgery; 95867

(3) A psychologist licensed under Chapter 4732. of the 95868
Revised Code; 95869

(4) A registered nurse licensed under Chapter 4723. of the 95870
Revised Code or licensed professional clinical counselor, 95871
independent social worker, or independent marriage and family 95872
therapist licensed under Chapter 4757. of the Revised Code if 95873
such supervision is consistent with the scope of practice of the 95874
registered nurse, licensed professional clinical counselor, 95875
independent social worker, or independent marriage and family 95876
therapist; 95877

(5) An individual authorized to practice as a certified 95878
nurse practitioner or clinical nurse specialist under Chapter 95879
4723. of the Revised Code. 95880

~~(D) Refer individuals with nonchemical dependency~~ 95881
~~conditions to appropriate sources of help.~~ 95882

Sec. 4758.56. (A) In addition to practicing ~~chemical~~ 95883
~~dependency substance use disorder~~ counseling, an individual 95884
holding a valid chemical dependency counselor III license may do 95885
all of the following: 95886

(1) Diagnose ~~chemical dependency~~ substance use disorder 95887
conditions under the supervision of any of the professionals 95888
listed in section 4758.561 of the Revised Code; 95889

(2) Treat ~~chemical dependency~~ substance use disorder 95890
conditions; 95891

(3) Perform treatment planning, assessment, crisis 95892
intervention, individual and group counseling, case management, 95893

and education services as they relate to ~~abuse of and dependency~~ 95894
~~on alcohol and other drugs~~ behavioral health conditions related 95895
to substance use disorder; 95896

(4) Provide clinical supervision of ~~chemical dependency~~ 95897
substance use disorder counseling under the supervision of any 95898
of the professionals listed in section 4758.561 of the Revised 95899
Code. 95900

~~(5) Refer individuals with nonchemical dependency~~ 95901
~~conditions to appropriate sources of help.~~ 95902

(B) A chemical dependency counselor III may not practice 95903
as an individual practitioner. 95904

Sec. 4758.57. (A) In addition to practicing ~~chemical~~ 95905
~~dependency~~ substance use disorder counseling, an individual 95906
holding a valid chemical dependency counselor II license may ~~do~~ 95907
~~both of the following:~~ 95908

~~(1) Perform~~ perform treatment planning, assessment, crisis 95909
intervention, individual and group counseling, case management, 95910
and education services as they relate to ~~abuse of and dependency~~ 95911
~~on alcohol and other drugs;~~ 95912

~~(2) Refer individuals with nonchemical dependency~~ 95913
~~conditions to appropriate sources of help~~ behavioral health 95914
conditions related to substance use disorder. 95915

(B) A chemical dependency counselor II may not practice as 95916
an individual practitioner. 95917

Sec. 4758.59. (A) Subject to division (B) of this section, 95918
an individual holding a valid chemical dependency counselor 95919
assistant certificate ~~may do both of the following,~~ in addition 95920
to practicing chemical dependency counseling. 95921

~~(1) Perform, may perform~~ treatment planning, assessment, 95922
crisis intervention, individual and group counseling, case 95923
management, and education services as they relate to ~~abuse of or~~ 95924
~~dependency on alcohol and other drugs;~~ 95925

~~(2) Refer individuals with nonchemical dependency~~ 95926
~~conditions to appropriate sources of help~~ behavioral health 95927
conditions related to substance use disorder. 95928

(B) An individual holding a valid chemical dependency 95929
counselor assistant certificate may practice ~~chemical dependency~~ 95930
substance use disorder counseling and perform the tasks 95931
specified in division (A) of this section only while under the 95932
supervision of any of the following: 95933

(1) An independent chemical dependency counselor-clinical 95934
supervisor, independent chemical dependency counselor, or 95935
chemical dependency counselor III licensed under this chapter; 95936

(2) An individual authorized under Chapter 4731. of the 95937
Revised Code to practice medicine and surgery or osteopathic 95938
medicine and surgery; 95939

(3) A psychologist licensed under Chapter 4732. of the 95940
Revised Code; 95941

(4) A registered nurse licensed under Chapter 4723. of the 95942
Revised Code or licensed professional clinical counselor, 95943
independent social worker, or independent marriage and family 95944
therapist licensed under Chapter 4757. of the Revised Code if 95945
such supervision is consistent with the scope of practice of the 95946
registered nurse, licensed professional clinical counselor, 95947
independent social worker, or independent marriage and family 95948
therapist; 95949

(5) An individual authorized to practice as a certified 95950

nurse practitioner or clinical nurse specialist under Chapter 95951
4723. of the Revised Code. 95952

(C) A chemical dependency counselor assistant may not 95953
practice as an individual practitioner. 95954

Sec. 4758.60. An individual who holds a valid prevention 95955
consultant ~~certificate~~ license or prevention specialist 95956
~~certificate~~ license issued under this chapter may engage in the 95957
practice of prevention services as specified in rules adopted 95958
under section 4758.20 of the Revised Code. 95959

Sec. 4758.61. An individual who holds a valid prevention 95960
specialist assistant certificate or registered applicant 95961
certificate issued under this chapter may engage in the practice 95962
of prevention services, as specified in rules adopted under 95963
section 4758.20 of the Revised Code, under the supervision of 95964
any of the following: 95965

(A) A prevention consultant or prevention specialist 95966
~~certified~~ licensed under this chapter; 95967

(B) An individual authorized under Chapter 4731. of the 95968
Revised Code to practice medicine and surgery or osteopathic 95969
medicine and surgery; 95970

(C) A psychologist licensed under Chapter 4732. of the 95971
Revised Code; 95972

(D) A registered nurse licensed under Chapter 4723. of the 95973
Revised Code; 95974

(E) A licensed professional clinical counselor, a licensed 95975
professional counselor, an independent social worker, a social 95976
worker, an independent marriage and family therapist, or a 95977
marriage and family therapist licensed under Chapter 4757. of 95978

the Revised Code; 95979

(F) A school counselor licensed by the state board of 95980
education pursuant to section 3319.22 of the Revised Code; 95981

(G) A health education specialist certified by the 95982
national commission for health education credentialing; 95983

(H) An individual authorized to practice as a certified 95984
nurse practitioner or clinical nurse specialist under Chapter 95985
4723. of the Revised Code. 95986

Sec. 4758.62. An individual who holds an independent 95987
chemical dependency counselor license and a gambling disorder 95988
endorsement may do all of the following: 95989

(A) Diagnose and treat gambling disorder conditions; 95990

(B) Perform treatment planning, assessment, crisis 95991
intervention, individual and group counseling, case management, 95992
and educational services insofar as those functions relate to 95993
gambling disorders; 95994

(C) Supervise gambling disorder counseling; ~~and~~ 95995

~~(D) Refer individuals with other gambling conditions to~~ 95996
~~appropriate sources of help.~~ 95997

Sec. 4758.63. An individual who holds a chemical 95998
dependency counselor III license and a gambling disorder 95999
endorsement may do all of the following: 96000

(A) Treat gambling disorder conditions; 96001

(B) Diagnose gambling disorder conditions under 96002
supervision; 96003

(C) Perform treatment planning, assessment, crisis 96004
intervention, individual and group counseling, case management, 96005

and educational services insofar as those functions relate to 96006
gambling disorders; 96007

(D) Supervise gambling disorder counseling under 96008
supervision; ~~and~~ 96009

~~(E) Refer individuals with other gambling conditions to~~ 96010
~~appropriate sources of help.~~ 96011

The supervision required by divisions (B) and (D) of this 96012
section shall be provided by an independent chemical dependency 96013
counselor licensed under this chapter; an individual authorized 96014
to practice medicine and surgery or osteopathic medicine and 96015
surgery under Chapter 4731. of the Revised Code; a psychologist 96016
licensed under Chapter 4732. of the Revised Code; an individual 96017
authorized to practice as a certified nurse practitioner or 96018
clinical nurse specialist under Chapter 4723. of the Revised 96019
Code; a registered nurse licensed under Chapter 4723. of the 96020
Revised Code; or a professional clinical counselor, independent 96021
social worker, or independent marriage and family therapist 96022
licensed under Chapter 4757. of the Revised Code. 96023

An individual holding a chemical dependency counselor III 96024
license shall not practice as an individual practitioner. 96025

Sec. 4758.64. (A) An individual who holds a chemical 96026
dependency counselor II license and a gambling disorder 96027
endorsement may do ~~all~~ both of the following: 96028

~~(A)~~ (1) Treat gambling disorder conditions; 96029

~~(B)~~ (2) Perform treatment planning, assessment, crisis 96030
intervention, individual and group counseling, case management, 96031
and educational services insofar as those functions relate to 96032
gambling disorders; ~~and~~ 96033

~~(C) Refer individuals with other gambling conditions to~~ 96034
~~appropriate sources of help.~~ 96035

(B) An individual holding a chemical dependency II license 96036
shall not practice as an individual practitioner. 96037

Sec. 4758.65. (A) The activities described in division (B) 96038
of this section may be performed only under the supervision of 96039
an individual described in section 4758.651 of the Revised Code. 96040

(B) (1) A peer supporter certified under this chapter may 96041
work with the following populations: 96042

(a) In the case of a peer recovery supporter, individuals 96043
with a mental illness or substance use disorder, or both, and 96044
who may also have a co-occurring developmental disability, as 96045
well as the individuals' caregivers or families; 96046

(b) In the case of a youth peer supporter, individuals who 96047
primarily are thirty years of age or younger with a mental 96048
illness or substance use disorder, or both, and who may also 96049
have a co-occurring developmental disability, as well as the 96050
individuals' caregivers or families; 96051

(c) In the case of a family peer supporter, caregivers or 96052
families of individuals with a mental illness or substance use 96053
disorder, or both, and who may also have a co-occurring 96054
developmental disability. 96055

(2) A peer supporter certified under this chapter may 96056
promote any of the following competencies for the populations 96057
within the peer supporter's scope of practice as specified in 96058
division (B) (1) of this section: 96059

(a) Resiliency and recovery; 96060

(b) Self-determination; 96061

<u>(c) Advocacy;</u>	96062
<u>(d) Well-being;</u>	96063
<u>(e) Skill development;</u>	96064
<u>(f) Any other competencies specified in rules adopted</u>	96065
<u>pursuant to section 4758.20 of the Revised Code.</u>	96066
<u>(3) A peer supporter may perform any other tasks within</u>	96067
<u>the peer supporter's scope of practice as established in rules</u>	96068
<u>adopted pursuant to section 4758.20 of the Revised Code.</u>	96069
<u>(C) A peer supporter may not practice as an individual</u>	96070
<u>practitioner.</u>	96071
<u>Sec. 4758.651.</u> <u>For purposes of section 4758.65 of the</u>	96072
<u>Revised Code, any of the following may supervise a peer</u>	96073
<u>supporter certified under this chapter:</u>	96074
<u>(A) A peer recovery supporter, youth peer supporter, or</u>	96075
<u>family peer supporter certified under this chapter who holds a</u>	96076
<u>peer support supervisor endorsement issued under this chapter;</u>	96077
<u>(B) A chemical dependency counselor II, chemical</u>	96078
<u>dependency counselor III, or independent chemical dependency</u>	96079
<u>counselor licensed under this chapter who holds a peer support</u>	96080
<u>supervisor endorsement issued under this chapter;</u>	96081
<u>(C) Any of the following who has completed the training</u>	96082
<u>requirements specified in rules adopted under section 4758.20 of</u>	96083
<u>the Revised Code to supervise peer supporters without holding a</u>	96084
<u>peer support supervisor endorsement issued under this chapter:</u>	96085
<u>(1) A social worker, independent social worker,</u>	96086
<u>professional counselor, professional clinical counselor,</u>	96087
<u>marriage and family therapist, or independent marriage and</u>	96088

family therapist licensed under Chapter 4757. of the Revised 96089
Code, if such supervision is consistent with the scope of 96090
practice of the social worker, independent social worker, 96091
professional counselor, professional clinical counselor, 96092
marriage and family therapist, or independent marriage and 96093
family therapist; 96094

(2) A psychologist licensed under Chapter 4732. of the 96095
Revised Code; 96096

(3) A psychiatrist, as defined in section 5122.01 of the 96097
Revised Code. 96098

Sec. 4758.70. (A) Except to the extent of providing 96099
services authorized by this chapter, this chapter does not 96100
authorize any individual to engage in either of the following: 96101

~~(A)~~ (1) The practice of psychology as defined in section 96102
4732.01 of the Revised Code; 96103

~~(B)~~ (2) The practice of professional counseling, practice 96104
of social work, or practice of marriage and family therapy, as 96105
those terms are defined in section 4757.01 of the Revised Code. 96106

(B) Peer recovery supporters, youth peer supporters, or 96107
family peer supporters certified under this chapter are not 96108
authorized to engage in the practice of substance use disorder 96109
counseling or prevention services. 96110

Sec. 4758.80. An independent chemical dependency 96111
counselor, peer recovery supporter, youth peer supporter, or 96112
family peer supporter may provide telehealth services in 96113
accordance with section 4743.09 of the Revised Code. 96114

Sec. 4758.99. Whoever violates ~~division (A) or (B) of~~ 96115
section 4758.02 of the Revised Code is guilty of a misdemeanor 96116

of the fourth degree on a first offense; on each subsequent 96117
offense, the person is guilty of a misdemeanor of the third 96118
degree. 96119

Sec. 4765.11. (A) The state board of emergency medical, 96120
fire, and transportation services shall adopt, and may amend and 96121
rescind, rules in accordance with Chapter 119. of the Revised 96122
Code and divisions (C) and (D) of this section that establish 96123
all of the following: 96124

(1) Procedures for its governance and the control of its 96125
actions and business affairs; 96126

(2) Standards for the performance of emergency medical 96127
services by first responders, emergency medical technicians- 96128
basic, emergency medical technicians-intermediate, and emergency 96129
medical technicians-paramedic; 96130

(3) Application fees for certificates of accreditation, 96131
certificates of approval, certificates to teach, and 96132
certificates to practice, which shall be deposited into the 96133
trauma and emergency medical services fund created in section 96134
4513.263 of the Revised Code; 96135

(4) Criteria for determining when the application or 96136
renewal fee for a certificate to practice may be waived because 96137
an applicant cannot afford to pay the fee; 96138

(5) Procedures for issuance and renewal of certificates of 96139
accreditation, certificates of approval, certificates to teach, 96140
and certificates to practice, including any measures necessary 96141
to implement section 9.79 of the Revised Code and any procedures 96142
necessary to ensure that adequate notice of renewal is provided 96143
in accordance with division (E) of section 4765.30 of the 96144
Revised Code; 96145

- (6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice; 96146
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- (7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic; 96149
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- (8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic; 96153
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- (9) Standards for certificates of accreditation and certificates of approval; 96155
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- (10) Qualifications for certificates to teach; 96157
- (11) Requirements for a certificate to practice; 96158
- (12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs; 96159
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- (13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions; 96164
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- (14) Examinations for certificates to practice; 96169
- (15) Procedures for administering examinations for certificates to practice; 96170
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- (16) Procedures for approving examinations that 96172

demonstrate competence to have a certificate to practice renewed 96173
without completing an emergency medical services continuing 96174
education program; 96175

(17) Procedures for granting extensions and exemptions of 96176
emergency medical services continuing education requirements; 96177

(18) Specifications of the emergency medical services that 96178
first responders are authorized to perform under section 4765.35 96179
of the Revised Code, that EMTs-basic are authorized to perform 96180
under section 4765.37 of the Revised Code, that EMTs-I are 96181
authorized to perform under section 4765.38 of the Revised Code, 96182
and that paramedics are authorized to perform under section 96183
4765.39 of the Revised Code; 96184

(19) Standards and procedures for implementing the 96185
requirements of section 4765.06 of the Revised Code, including 96186
designations of the persons who are required to report 96187
information to the board and the types of information to be 96188
reported; 96189

(20) Procedures for administering the emergency medical 96190
services grant program established under section 4765.07 of the 96191
Revised Code; 96192

(21) Procedures consistent with Chapter 119. of the 96193
Revised Code for appealing decisions of the board; 96194

(22) Minimum qualifications and peer review and quality 96195
improvement requirements for persons who provide medical 96196
direction to emergency medical service personnel, including, 96197
subject to division (B) of section 4765.42 of the Revised Code, 96198
qualifications for a physician to be eligible to serve as the 96199
medical director of an emergency medical service organization or 96200
a member of its cooperating physician advisory board; 96201

(23) The manner in which a patient, or a patient's parent, guardian, or custodian, may consent to the board releasing identifying information about the patient under division (D) of section 4765.102 of the Revised Code;

(24) Circumstances under which a training program or continuing education program, or portion of either type of program, may be taught by a person who does not hold a certificate to teach issued under section 4765.23 of the Revised Code;

(25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical, fire, and transportation services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates;

(26) Procedures by which the holder of a certificate to practice who intends to retire may request the emergency medical service organization for which the holder performs services to direct the board to designate the holder as "retired" in the board's records when the holder retires.

(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and divisions (C) and (D) of this section that establish any of the following:

(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code;

(2) Standards and procedures for implementing any of the recommendations made by any committees of the board or under

section 4765.04 of the Revised Code; 96231

(3) Procedures and requirements for conducting background 96232
checks on applicants for the issuance and renewal of 96233
certificates of accreditation, certificates of approval, 96234
certificates to teach, and certificates to practice in 96235
accordance with section 109.578 of the Revised Code; 96236

(4) Any other rules necessary to implement this chapter. 96237

(C) In developing and administering rules adopted under 96238
this chapter, the state board of emergency medical, fire, and 96239
transportation services shall consult with regional directors 96240
and regional advisory boards appointed under section 4765.05 of 96241
the Revised Code and emphasize the special needs of pediatric 96242
and geriatric patients. 96243

(D) On and after April 6, 2023, the executive director 96244
shall not issue to any new applicant a certificate to practice 96245
as an emergency medical services assistant instructor. Any 96246
emergency medical services assistant instructor certificate that 96247
was issued in accordance with rules adopted under division (A) 96248
of this section prior to April 6, 2023, remains valid, subject 96249
to any conditions or responsibilities of retaining the validity 96250
of that certificate, until the holder of the certificate allows 96251
it to expire or lapse. The certificate may be renewed by the 96252
holder of that certificate. The board shall adopt, amend, or 96253
rescind rules in accordance with Chapter 119. of the Revised 96254
Code in order to effectuate this division. 96255

(E) Except as otherwise provided in this division, before 96256
adopting, amending, or rescinding any rule under this chapter, 96257
the board shall submit the proposed rule to the director of 96258
public safety for review. The director may review the proposed 96259

rule for not more than sixty days after the date it is 96260
submitted. If, within this sixty-day period, the director 96261
approves the proposed rule or does not notify the board that the 96262
rule is disapproved, the board may adopt, amend, or rescind the 96263
rule as proposed. If, within this sixty-day period, the director 96264
notifies the board that the proposed rule is disapproved, the 96265
board shall not adopt, amend, or rescind the rule as proposed 96266
unless at least twelve members of the board vote to adopt, 96267
amend, or rescind it. 96268

This division does not apply to an emergency rule adopted 96269
in accordance with section 119.03 of the Revised Code. 96270

(F) Notwithstanding any requirement for a certificate 96271
issued in accordance with rules adopted by the board under this 96272
section, the board, in accordance with Chapter 4796. of the 96273
Revised Code, shall issue a certificate that is a license as 96274
defined in section 4796.01 of the Revised Code to an individual 96275
if either of the following applies: 96276

(1) The individual holds a license or certificate in 96277
another state. 96278

(2) The individual has satisfactory work experience, a 96279
government certification, or a private certification as 96280
described in that chapter as a first responder, emergency 96281
medical technician-basic, emergency medical technician- 96282
intermediate, or emergency medical technician-paramedic in a 96283
state that does not issue that license or certificate. 96284

(G) Notwithstanding any provision of section 121.95 of the 96285
Revised Code to the contrary, a regulatory restriction contained 96286
in a rule adopted under division (A) (26) of this section is not 96287
subject to sections 121.95 to 121.953 of the Revised Code. 96288

Sec. 4765.55. (A) The executive director of the state 96289
board of emergency medical, fire, and transportation services, 96290
with the advice and counsel of the firefighter and fire safety 96291
inspector training committee of the state board of emergency 96292
medical, fire, and transportation services, shall assist in the 96293
establishment and maintenance by any state agency, or any 96294
county, township, city, village, school district, or educational 96295
service center of a fire service training program for the 96296
training of all persons in positions of any fire training 96297
certification level approved by the executive director, 96298
including full-time paid firefighters, part-time paid 96299
firefighters, volunteer firefighters, and fire safety inspectors 96300
in this state. The executive director, with the advice and 96301
counsel of the committee, shall adopt rules to regulate those 96302
firefighter and fire safety inspector training programs, and 96303
other training programs approved by the executive director. The 96304
rules may include, but need not be limited to, training 96305
curriculum, certification examinations, training schedules, 96306
minimum hours of instruction, attendance requirements, required 96307
equipment and facilities, basic physical requirements, and 96308
methods of training for all persons in positions of any fire 96309
training certification level approved by the executive director, 96310
including full-time paid firefighters, part-time paid 96311
firefighters, volunteer firefighters, and fire safety 96312
inspectors. The rules adopted to regulate training programs for 96313
volunteer firefighters shall not require more than thirty-six 96314
hours of training. 96315

The executive director, with the advice and counsel of the 96316
committee, shall provide for the classification and chartering 96317
of fire service training programs in accordance with rules 96318
adopted under division (B) of this section, and may take action 96319

against any chartered training program or applicant, in 96320
accordance with rules adopted under divisions (B) (4) and (5) of 96321
this section, for failure to meet standards set by the adopted 96322
rules. 96323

(B) The executive director, with the advice and counsel of 96324
the firefighter and fire safety inspector training committee of 96325
the state board of emergency medical, fire, and transportation 96326
services, shall adopt, and may amend or rescind, rules under 96327
Chapter 119. of the Revised Code that establish all of the 96328
following: 96329

(1) Requirements for, and procedures for chartering, the 96330
training programs regulated by this section; 96331

(2) Requirements for, and requirements and procedures for 96332
obtaining and renewing, an instructor certificate to teach the 96333
training programs and continuing education classes regulated by 96334
this section; 96335

(3) Requirements for, and requirements and procedures for 96336
obtaining and renewing, any of the fire training certificates 96337
regulated by this section; 96338

(4) Grounds and procedures for suspending, revoking, 96339
restricting, or refusing to issue or renew any of the 96340
certificates or charters regulated by this section, which 96341
grounds shall be limited to one of the following: 96342

(a) Failure to satisfy the education or training 96343
requirements of this section; 96344

(b) Conviction of a felony offense; 96345

(c) Conviction of a misdemeanor involving moral turpitude; 96346

(d) Conviction of a misdemeanor committed in the course of 96347

practice; 96348

(e) In the case of a chartered training program or 96349
applicant, failure to meet standards set by the rules adopted 96350
under this division. 96351

(5) Grounds and procedures for imposing and collecting 96352
fines, not to exceed one thousand dollars, in relation to 96353
actions taken under division (B) (4) of this section against 96354
persons holding certificates and charters regulated by this 96355
section, the fines to be deposited into the trauma and emergency 96356
medical services fund established under section 4513.263 of the 96357
Revised Code; 96358

(6) Continuing education requirements for certificate 96359
holders, including a requirement that credit shall be granted 96360
for in-service training programs conducted by local entities. 96361
The continuing education requirements shall not require more 96362
than thirty-six hours of continuing education every three-year 96363
certification cycle. Local entities may require additional 96364
continuing education, provided that completion of such 96365
additional continuing education is not required for renewal of 96366
certification. 96367

(7) Procedures for considering the granting of an 96368
extension or exemption of fire service continuing education 96369
requirements; 96370

(8) Certification cycles for which the certificates and 96371
charters regulated by this section are valid; 96372

(9) If determined necessary by the executive director, 96373
procedures and requirements for conducting background checks on 96374
applicants for the issuance and renewal of certification as a 96375
fire safety inspector in accordance with section 109.578 of the 96376

Revised Code;

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(10) Procedures by which a firefighter or fire safety
inspector who intends to retire may request the department for
which the firefighter or inspector performs services to direct
the executive director of the state board of emergency medical,
fire, and transportation services to designate the firefighter
or inspector as "retired" in the board's records when the
firefighter or inspector retires.

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(C) (1) The executive director, with the advice and counsel
of the firefighter and fire safety inspector training committee
of the state board of emergency medical, fire, and
transportation services, shall issue or renew an instructor
certificate to teach the training programs and continuing
education classes regulated by this section to any applicant
that the executive director determines meets the qualifications
established in rules adopted under division (B) of this section,
and may take disciplinary action against an instructor
certificate holder or applicant in accordance with rules adopted
under division (B) of this section.

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(2) On and after April 6, 2023, the executive director
shall not issue to any new applicant a certificate to practice
as an assistant fire instructor. Any assistant fire instructor
certificate that was issued in accordance with rules adopted
under division (B) of this section prior to April 6, 2023,
remains valid, subject to any conditions or responsibilities of
retaining the validity of that certificate, until the holder of
the certificate allows it to expire or lapse. The certificate
may be renewed by the holder of that certificate. The executive
director shall adopt, amend, or rescind rules in accordance with
Chapter 119. of the Revised Code in order to effectuate division

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(C) (2) of this section. 96407

(3) The executive director, with the advice and counsel of 96408
the committee, shall charter or renew the charter of any 96409
training program that the executive director determines meets 96410
the qualifications established in rules adopted under division 96411
(B) of this section, and may take disciplinary action against 96412
the holder of a charter in accordance with rules adopted under 96413
division (B) of this section. 96414

(D) The executive director shall issue or renew a fire 96415
training certificate for a firefighter, a fire safety inspector, 96416
or another position of any fire training certification level 96417
approved by the executive director, to any applicant that the 96418
executive director determines meets the qualifications 96419
established in rules adopted under division (B) of this section 96420
and may take disciplinary actions against a certificate holder 96421
or applicant in accordance with rules adopted under division (B) 96422
of this section. 96423

(E) Certificates issued under this section shall be on a 96424
form prescribed by the executive director, with the advice and 96425
counsel of the firefighter and fire safety inspector training 96426
committee of the state board of emergency medical, fire, and 96427
transportation services. 96428

(F) (1) The executive director, with the advice and counsel 96429
of the firefighter and fire safety inspector training committee 96430
of the state board of emergency medical, fire, and 96431
transportation services, shall establish criteria for evaluating 96432
the standards maintained by the branches of the United States 96433
military for firefighter, fire safety inspector, and fire 96434
instructor training programs, and other training programs 96435
recognized by the executive director, to determine whether the 96436

standards are equivalent to those established under this section 96437
and shall establish requirements and procedures for issuing a 96438
certificate to each person who presents proof to the executive 96439
director of having satisfactorily completed a training program 96440
that meets those standards. 96441

(2) The executive director, with the committee's advice 96442
and counsel, shall adopt rules establishing requirements and 96443
procedures for issuing a fire training certificate in lieu of 96444
completing a chartered training program. 96445

(G) Notwithstanding any requirement for a certificate 96446
issued under this section, the executive director shall issue a 96447
certificate in accordance with Chapter 4796. of the Revised Code 96448
to an individual if either of the following applies: 96449

(1) The individual holds a license or certificate in 96450
another state. 96451

(2) The individual has satisfactory work experience, a 96452
government certification, or a private certification as 96453
described in that chapter as a firefighter or fire safety 96454
inspector in a state that does not issue that license or 96455
certificate. 96456

(H) Nothing in this section invalidates any other section 96457
of the Revised Code relating to the fire training academy. 96458
Section 4765.11 of the Revised Code does not affect any powers 96459
and duties granted to the executive director under this section. 96460

(I) Notwithstanding any provision of division (B) (4) of 96461
this section to the contrary, the executive director shall not 96462
adopt rules for refusing to issue any of the certificates or 96463
charters regulated by this section to an applicant because of a 96464
criminal conviction unless the rules establishing grounds and 96465

procedures for refusal are in accordance with section 9.79 of 96466
the Revised Code. 96467

(J) Notwithstanding any provision of section 121.95 of the 96468
Revised Code to the contrary, a regulatory restriction contained 96469
in a rule adopted under division (A)(10) of this section is not 96470
subject to sections 121.95 to 121.953 of the Revised Code. 96471

Sec. 4767.10. (A) The division of real estate in the 96472
department of commerce shall use ~~one dollar~~ six dollars of each 96473
burial permit fee collected pursuant to section 3705.17 of the 96474
Revised Code and paid into the state treasury to the credit of 96475
the cemetery registration fund created under section 4767.03 of 96476
the Revised Code to advance grants to cemeteries registered with 96477
the division to defray the costs of exceptional cemetery 96478
maintenance or training cemetery personnel in the maintenance 96479
and operation of cemeteries. The division may not provide a 96480
grant to a corporation or association that operates a cemetery 96481
for profit. Grants provided under this section shall not exceed 96482
five thousand dollars. An operator of five or more cemeteries 96483
registered with the division may apply for and receive one grant 96484
per year. All other operators of cemeteries registered with the 96485
division may apply for and receive one grant every other year. 96486
The division shall advance grants from the cemetery registration 96487
fund in accordance with rules adopted by the Ohio cemetery 96488
dispute resolution commission under Chapter 119. of the Revised 96489
Code. 96490

(B) The director of commerce may increase, by rule adopted 96491
under Chapter 119. of the Revised Code, the amount of total 96492
grants the division may advance in a fiscal year if the director 96493
determines the total amount of funds generated exceeds the 96494
amount of funds the division needs to carry out its powers and 96495

duties under this section. If the director determines the 96496
increased amount depletes the amount of funds the division needs 96497
to carry out its powers and duties under this section, the 96498
director may decrease the amount not below the amount specified 96499
in division (A) of this section. 96500

Sec. 4776.01. As used in this chapter: 96501

(A) "License" means an authorization evidenced by a 96502
license, certificate, registration, permit, card, or other 96503
authority that is issued or conferred by a licensing agency to a 96504
licensee or to an applicant for an initial license by which the 96505
licensee or initial license applicant has or claims the 96506
privilege to engage in a profession, occupation, or occupational 96507
activity, or, except in the case of the state dental board, to 96508
have control of and operate certain specific equipment, 96509
machinery, or premises, over which the licensing agency has 96510
jurisdiction. 96511

(B) Except as provided in section 4776.20 of the Revised 96512
Code, "licensee" means the person to whom the license is issued 96513
by a licensing agency. "Licensee" includes a person who, for 96514
purposes of section 3796.13 of the Revised Code, has complied 96515
with sections 4776.01 to 4776.04 of the Revised Code and has 96516
been determined by the division of marijuana control, as the 96517
applicable licensing agency, to meet the requirements for 96518
employment. 96519

(C) Except as provided in section 4776.20 of the Revised 96520
Code, "licensing agency" means any of the following: 96521

(1) The board authorized by Chapters 4701., 4717., 4725., 96522
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 96523
4753., 4755., 4757., 4758., 4759., 4760., 4761., 4762., 4772., 96524

4774., 4778., 4779., and 4783. of the Revised Code to issue a 96525
license to engage in a specific profession, occupation, or 96526
occupational activity, or to have charge of and operate certain 96527
specific equipment, machinery, or premises. 96528

(2) The state dental board, relative to its authority to 96529
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 96530
or 4715.27 of the Revised Code; 96531

(3) The division of marijuana control, relative to its 96532
authority under Chapter 3796. of the Revised Code and any rules 96533
adopted under that chapter with respect to a person who is 96534
subject to section 3796.13 of the Revised Code; 96535

(4) The director of agriculture, relative to the 96536
director's authority to issue licenses under Chapter 928. of the 96537
Revised Code. 96538

(D) "Applicant for an initial license" includes persons 96539
seeking a license for the first time and persons seeking a 96540
license by reciprocity, endorsement, or similar manner of a 96541
license issued in another state. "Applicant for an initial 96542
license" also includes a person who, for purposes of section 96543
3796.13 of the Revised Code, is required to comply with sections 96544
4776.01 to 4776.04 of the Revised Code. 96545

(E) "Applicant for a restored license" includes persons 96546
seeking restoration of a license under section 4730.14, 4730.28, 96547
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 96548
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 96549
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. 96550
"Applicant for a restored license" does not include a person 96551
seeking restoration of a license under section 4751.33 of the 96552
Revised Code. 96553

(F) "Criminal records check" has the same meaning as in 96554
section 109.572 of the Revised Code. 96555

Sec. 4776.20. (A) As used in this section: 96556

(1) "Licensing agency" means, in addition to each board 96557
identified in division (C) of section 4776.01 of the Revised 96558
Code, the board or other government entity authorized to issue a 96559
license under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 96560
4719., 4723., 4727., 4728., 4733., 4735., 4737., 4738., 4740., 96561
4747., 4749., 4752., ~~4753., 4758., 4759.,~~ 4763., 4764., 4765., 96562
4766., 4771., 4773., and 4781. of the Revised Code. "Licensing 96563
agency" includes an administrative officer that has authority to 96564
issue a license. 96565

(2) "Licensee" means, in addition to a licensee as 96566
described in division (B) of section 4776.01 of the Revised 96567
Code, the person to whom a license is issued by the board or 96568
other government entity authorized to issue a license under 96569
Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 96570
4727., 4728., 4733., 4735., 4737., 4738., 4740., 4747., 4749., 96571
4751., 4752., ~~4753., 4758., 4759.,~~ 4763., 4764., 4765., 4766., 96572
4771., 4773., and 4781. of the Revised Code. 96573

(3) "Prosecutor" has the same meaning as in section 96574
2935.01 of the Revised Code. 96575

(B) On a licensee's conviction of, plea of guilty to, 96576
judicial finding of guilt of, or judicial finding of guilt 96577
resulting from a plea of no contest to the offense of 96578
trafficking in persons in violation of section 2905.32 of the 96579
Revised Code, the prosecutor in the case shall promptly notify 96580
the licensing agency of the conviction, plea, or finding and 96581
provide the licensee's name and residential address. On receipt 96582

of this notification, the licensing agency shall immediately 96583
suspend the licensee's license. 96584

(C) If there is a conviction of, plea of guilty to, 96585
judicial finding of guilt of, or judicial finding of guilt 96586
resulting from a plea of no contest to the offense of 96587
trafficking in persons in violation of section 2905.32 of the 96588
Revised Code and all or part of the violation occurred on the 96589
premises of a facility that is licensed by a licensing agency, 96590
the prosecutor in the case shall promptly notify the licensing 96591
agency of the conviction, plea, or finding and provide the 96592
facility's name and address and the offender's name and 96593
residential address. On receipt of this notification, the 96594
licensing agency shall immediately suspend the facility's 96595
license. 96596

(D) Notwithstanding any provision of the Revised Code to 96597
the contrary, the suspension of a license under division (B) or 96598
(C) of this section shall be implemented by a licensing agency 96599
without a prior hearing. After the suspension, the licensing 96600
agency shall give written notice to the subject of the 96601
suspension of the right to request a hearing under Chapter 119. 96602
of the Revised Code. After a hearing is held, the licensing 96603
agency shall either revoke or permanently revoke the license of 96604
the subject of the suspension, unless it determines that the 96605
license holder has not been convicted of, pleaded guilty to, 96606
been found guilty of, or been found guilty based on a plea of no 96607
contest to the offense of trafficking in persons in violation of 96608
section 2905.32 of the Revised Code. 96609

Sec. 4785.041. (A) The division of industrial compliance 96610
within the department of commerce may renew a license issued 96611
under section 4785.04 of the Revised Code if the licensee does 96612

all of the following: 96613

(1) Submits an application for license renewal on a form 96614
prescribed by the division; 96615

(2) Pays the license renewal fee established by the 96616
division; 96617

(3) If the licensee is an elevator mechanic, submits 96618
evidence that the applicant has completed the continuing 96619
education coursework described in division (B) of this section; 96620

(4) If the license is an elevator contractor's license, 96621
submits proof that the applicant is in compliance with the 96622
insurance requirements prescribed in section 4785.07 of the 96623
Revised Code. 96624

(B) The continuing education courses described in division 96625
(A) (3) of this section shall: 96626

(1) Instruct licensees on new and existing rules and 96627
standards adopted by the division; 96628

(2) Consist of not less than eight hours of instruction; 96629

(3) Be attended and completed within one year immediately 96630
preceding the scheduled date for the license renewal; 96631

(4) Be taught by instructors through continuing education 96632
providers approved by the division. 96633

(C) A continuing education instructor who holds a license 96634
under this chapter is exempt from the continuing education 96635
requirement prescribed in division (A) (3) of this section, 96636
provided that any such applicant was qualified as an instructor 96637
at any time during the year immediately preceding the scheduled 96638
date for the license renewal. 96639

(D) (1) A licensee who is unable to complete the continuing education coursework required under this section before the expiration of the licensee's license due to a temporary disability may apply for a temporary continuing education waiver from the division.

(2) An application for a temporary continuing education waiver shall be made in a form prescribed by the division, which shall be signed by the applicant ~~under the penalty of perjury~~ and accompanied by a ~~certified~~ statement from a competent physician attesting to the temporary disability. If the division grants the waiver, the licensee's license does not expire but is placed on inactive status.

(3) On the termination of the temporary disability, the licensee shall submit to the division a ~~certified~~ statement from the same physician, if practicable, attesting to the termination of the temporary disability. The division shall then take the licensee's license off inactive status and shall issue a waiver sticker, valid for ninety days, to the licensee and affix the sticker to the license. The licensee may then perform the tasks the license authorizes the licensee to perform but the licensee shall meet the continuing education requirement during this ninety-day period or be considered to have not met the continuing education requirement and the license shall be deemed to be expired.

(E) (1) Approved continuing education providers shall keep uniform records, for a period of ten years, of attendance of licensees in a format approved by the division. Such records shall be available for inspection by the division on request.

(2) Approved training providers are responsible for the security of all attendance records and certificates of

completion, provided, however, that falsifying or knowingly 96670
allowing another to falsify such attendance records or 96671
certificates of completion constitutes grounds for suspension or 96672
revocation of a continuing education provider's division 96673
approval. 96674

(F) The division shall not renew the license of an 96675
individual or entity if the individual or entity would be denied 96676
an initial license for a reason listed in division (E) of 96677
section 4785.04 of the Revised Code. 96678

Sec. 4903.10. After any order has been made by the public 96679
utilities commission, any party who has entered an appearance in 96680
person or by counsel in the proceeding may apply for a rehearing 96681
in respect to any matters determined in the proceeding. Such 96682
application shall be filed within thirty days after the entry of 96683
the order upon the journal of the commission. 96684

Notwithstanding the preceding paragraph, in any 96685
uncontested proceeding or, by leave of the commission first had 96686
in any other proceeding, any affected person, firm, or 96687
corporation may make an application for a rehearing within 96688
thirty days after the entry of any final order upon the journal 96689
of the commission. Leave to file an application for rehearing 96690
shall not be granted to any person, firm, or corporation who did 96691
not enter an appearance in the proceeding unless the commission 96692
first finds: 96693

(A) The applicant's failure to enter an appearance prior 96694
to the entry upon the journal of the commission of the order 96695
complained of was due to just cause; and, 96696

(B) The interests of the applicant were not adequately 96697
considered in the proceeding. 96698

Every applicant for rehearing or for leave to file an 96699
application for rehearing shall give due notice of the filing of 96700
such application to all parties who have entered an appearance 96701
in the proceeding in the manner and form prescribed by the 96702
commission. 96703

Such application shall be in writing and shall set forth 96704
specifically the ground or grounds on which the applicant 96705
considers the order to be unreasonable or unlawful. No party 96706
shall in any court urge or rely on any ground for reversal, 96707
vacation, or modification not so set forth in the application. 96708

Where such application for rehearing has been filed before 96709
the effective date of the order as to which a rehearing is 96710
sought, the effective date of such order, unless otherwise 96711
ordered by the commission, shall be postponed or stayed pending 96712
disposition of the matter by the commission or by operation of 96713
law. In all other cases the making of such an application shall 96714
not excuse any person from complying with the order, or operate 96715
to stay or postpone the enforcement thereof, without a special 96716
order of the commission. 96717

Where such application for rehearing has been filed, the 96718
commission may grant and hold such rehearing on the matter 96719
specified in such application, if in its judgment sufficient 96720
reason therefor is made to appear. Notice of such rehearing 96721
shall be given by regular mail to all parties who have entered 96722
an appearance in the proceeding. 96723

If the commission does not grant or deny such application 96724
for rehearing within thirty days from the date of filing 96725
thereof, it is denied by operation of law. 96726

If the commission grants such rehearing, it shall specify 96727

in the notice of such granting the purpose for which it is 96728
granted. The commission shall also specify the scope of the 96729
additional evidence, if any, that will be taken, but it shall 96730
not upon such rehearing take any evidence that, with reasonable 96731
diligence, could have been offered upon the original hearing. 96732

If, after such rehearing, the commission is of the opinion 96733
that the original order or any part thereof is in any respect 96734
unjust or unwarranted, or should be changed, the commission may 96735
abrogate or modify the same; otherwise such order shall be 96736
affirmed. An order made after such rehearing, abrogating or 96737
modifying the original order, shall have the same effect as an 96738
original order, but shall not affect any right or the 96739
enforcement of any right arising from or by virtue of the 96740
original order prior to the receipt of notice by the affected 96741
party of the filing of the application for rehearing. 96742

If the commission does not affirm, abrogate, or modify the 96743
original order within ninety days from the date granting such 96744
rehearing, the order is affirmed by operation of law. 96745

No cause of action arising out of any order of the 96746
commission, other than in support of the order, shall accrue in 96747
any court to any person, firm, or corporation unless such 96748
person, firm, or corporation has made a proper application to 96749
the commission for a rehearing. 96750

Sec. 4911.18. (A) For the sole purpose of maintaining and 96751
administering the office of the consumers' counsel and 96752
exercising the powers of the consumers' counsel under this 96753
chapter, an amount equal to the appropriation to the office of 96754
the consumers' counsel in each fiscal year shall be apportioned 96755
among and assessed against each public utility within this 96756
state, as defined in section 4911.01 of the Revised Code, by 96757

first computing an assessment as though it were to be made in 96758
proportion to the intrastate gross earnings or receipts of the 96759
public utility for the calendar year next preceding that in 96760
which the assessment is made, excluding earnings or receipts 96761
from sales to other public utilities for resale. The office may 96762
include in that first computation any amount of a public 96763
utility's intrastate gross earnings or receipts underreported in 96764
a prior year. In addition to whatever penalties apply under the 96765
Revised Code to such underreporting, the office shall assess the 96766
public utility interest at the rate stated in division (A) of 96767
section 1343.01 of the Revised Code. The office shall deposit 96768
any interest so collected into the consumers' counsel operating 96769
fund. The office may exclude from that first computation any 96770
such amounts that were over-reported in a prior year. 96771

The final computation of the assessment shall consist of 96772
imposing upon each public utility whose assessment under the 96773
first computation would have been one hundred dollars or less an 96774
assessment of one hundred dollars and recomputing the assessment 96775
of the remaining companies by apportioning an amount equal to 96776
the appropriation to the office of consumers' counsel in each 96777
fiscal year less the total amount to be recovered from those 96778
paying the minimum assessment, in proportion to the intrastate 96779
gross earnings or receipts of the remaining companies for the 96780
calendar year next preceding that in which the assessments are 96781
made, excluding earnings or receipts from sales to other public 96782
utilities for resale. 96783

In the case of an assessment based on intrastate gross 96784
receipts under this section against a public utility that is an 96785
electric utility as defined in section 4928.01 of the Revised 96786
Code, or an electric services company, electric cooperative, or 96787
governmental aggregator subject to certification under section 96788

4928.08 of the Revised Code, such receipts shall be those 96789
specified in the utility's, company's, cooperative's, or 96790
aggregator's most recent report of intrastate gross receipts and 96791
sales of kilowatt hours of electricity, filed with the public 96792
utilities commission pursuant to division (F) of section 4928.06 96793
of the Revised Code, and verified by the commission. 96794

In the case of an assessment based on intrastate gross 96795
receipts under this section against a retail natural gas 96796
supplier or governmental aggregator subject to certification 96797
under section 4929.20 of the Revised Code, such receipts shall 96798
be those specified in the supplier's or aggregator's most recent 96799
report of intrastate gross receipts and sales of hundred cubic 96800
feet of natural gas, filed with the commission pursuant to 96801
division (B) of section 4929.23 of the Revised Code, and 96802
verified by the commission. However, no such retail natural gas 96803
supplier or such governmental aggregator serving or proposing to 96804
serve customers of a particular natural gas company, as defined 96805
in section 4929.01 of the Revised Code, shall be assessed under 96806
this section until after the commission, pursuant to section 96807
4905.26 or 4909.18 of the Revised Code, has removed from the 96808
base rates of the natural gas company the amount of assessment 96809
under this section that is attributable to the value of 96810
commodity sales service, as defined in section 4929.01 of the 96811
Revised Code, in the base rates paid by those customers of the 96812
company that do not purchase that service from the natural gas 96813
company. 96814

(B) Through calendar year 2005, on or before the first day 96815
of October in each year, the office of consumers' counsel shall 96816
notify each public utility of the sum assessed against it, 96817
whereupon payment shall be made to the counsel, who shall 96818
deposit it into the state treasury to the credit of the 96819

consumers' counsel operating fund, which is hereby created. 96820
Beginning in calendar year 2006, on or before the fifteenth day 96821
of May in each year, the consumers' counsel shall notify each 96822
public utility that had a sum assessed against it for the 96823
current fiscal year of more than one thousand dollars that fifty 96824
per cent of that amount shall be paid to the consumers' counsel 96825
by the twentieth day of June of that year as an initial payment 96826
of the assessment against the company for the next fiscal year. 96827
On or before the first day of October in each year, the 96828
consumers' counsel shall make a final determination of the sum 96829
of the assessment against each public utility and shall notify 96830
each public utility of the sum assessed against it. The 96831
consumers' counsel shall deduct from the assessment for each 96832
public utility any initial payment received. Payment of the 96833
assessment shall be made to the consumers' counsel by the first 96834
day of November of that year. The consumers' counsel shall 96835
deposit the payments received into the state treasury to the 96836
credit of the consumers' counsel operating fund. Any such 96837
amounts paid into the fund but not expended by the office shall 96838
be credited ratably by the office to the public utilities that 96839
pay more than the minimum assessment, according to the 96840
respective portions of such sum assessable against them for the 96841
ensuing fiscal year, after first deducting any deficits 96842
accumulated from prior years. The assessments for such fiscal 96843
year shall be reduced correspondingly. 96844

(C) Within five days after the beginning of each fiscal 96845
year through fiscal year 2006, the director of budget and 96846
management shall transfer from the general revenue fund to the 96847
consumers' counsel operating fund an amount sufficient for 96848
maintaining and administering the office of the consumers' 96849
counsel and exercising the powers of the consumers' counsel 96850

under this chapter during the first four months of the fiscal 96851
year. Not later than the thirty-first day of December of the 96852
fiscal year, the same amount shall be transferred back to the 96853
general revenue fund from the consumers' counsel operating fund. 96854

~~(D)~~ (D) (1) As used in this section, "public utility" 96855
includes: 96856

~~(1)~~ (a) In addition to an electric utility as defined in 96857
section 4928.01 of the Revised Code, an electric services 96858
company, an electric cooperative, or a governmental aggregator 96859
subject to certification under section 4928.08 of the Revised 96860
Code, to the extent of the company's, cooperative's, or 96861
aggregator's engagement in the business of supplying or 96862
arranging for the supply in this state of any retail electric 96863
service for which it must be so certified; 96864

~~(2)~~ (b) In addition to a natural gas company as defined in 96865
section 4929.01 of the Revised Code, a retail natural gas 96866
supplier or governmental aggregator subject to certification 96867
under section 4929.20 of the Revised Code, to the extent of the 96868
supplier's or aggregator's engagement in the business of 96869
supplying or arranging for the supply in this state of any 96870
competitive retail natural gas service for which it must be 96871
certified. 96872

(2) As used in this section, "public utility" does not 96873
include a wireless service provider or reseller as defined in 96874
section 128.01 of the Revised Code, to the extent either of them 96875
are providing wireless service as defined under section 128.01 96876
of the Revised Code. 96877

Sec. 4925.11. (A) As used in sections 4925.11 to 4925.13 96878
of the Revised Code: 96879

(1) "Authorized adult" means a parent, legal guardian, 96880
resource caregiver, or another individual over the age of 96881
twenty-one who acts in loco parentis of an unaccompanied rider. 96882

(2) "Authorized transportation" means transportation to 96883
and from a school, school-related activities, school-sanctioned 96884
activities, or other pre-established location. 96885

(3) "Eligible transportation network company" means a 96886
transportation network company that holds a permit under this 96887
chapter and uses eligible transportation network company drivers 96888
for authorized transportation of unaccompanied riders. 96889

(4) "Eligible transportation network company driver" means 96890
a transportation network company driver that meets the 96891
qualifications specified under both sections 4925.04 and 4925.12 96892
of the Revised Code. 96893

(5) "Resource caregiver" has the same meaning as in 96894
section 5103.02 of the Revised Code. 96895

(6) "School" means all of the following: 96896

(a) A city, exempted village, local, or joint vocational 96897
school district; 96898

(b) A community school established under Chapter 3314. of 96899
the Revised Code; 96900

(c) A science, technology, engineering, and mathematics 96901
school established under Chapter 3326. of the Revised Code; 96902

(d) A chartered nonpublic school; 96903

(e) An educational service center, on behalf of a school 96904
or district. 96905

(7) "Unaccompanied rider" means an individual who is under 96906

eighteen years of age using authorized transportation through an 96907
eligible transportation network company when an authorized adult 96908
is not riding with that individual. 96909

(B) (1) The board of education or governing authority of a 96910
school may contract with an eligible transportation network 96911
company for regular authorized transportation of unaccompanied 96912
riders in accordance with sections 4925.11 to 4925.13 of the 96913
Revised Code. Any eligible transportation network company that 96914
contracts with a board of education or governing authority of a 96915
school shall provide an annual safety report to that board or 96916
governing authority. 96917

(2) An authorized adult may request authorized 96918
transportation from an eligible transportation network company 96919
driver for an unaccompanied rider through an eligible 96920
transportation network company. 96921

Sec. 4925.12. (A) A transportation network company shall 96922
not authorize a person to act as an eligible transportation 96923
network driver for purposes of authorized transportation of 96924
unaccompanied riders if any of the following apply: 96925

(1) The person does not meet the minimum requirements for 96926
a transportation network company driver under section 4925.04 of 96927
the Revised Code. 96928

(2) The person is under twenty-one years of age. 96929

(3) The person has less than two years of driving 96930
experience. 96931

(4) The person has been convicted of or pleaded guilty to 96932
a violation of section 4511.19 of the Revised Code, or a 96933
substantially equivalent municipal ordinance, within the prior 96934
ten years. 96935

(5) The person has more than six points on the person's 96936
driver's license within the prior two years. 96937

(6) The person does not successfully complete a criminal 96938
records check in accordance with section 109.572 of the Revised 96939
Code prior to transporting unaccompanied riders. 96940

(7) The person does not successfully complete a pre- 96941
service training course in accordance with division (C) of this 96942
section. 96943

(8) The person does not have an automobile insurance 96944
policy that either meets the requirements of sections 3942.02 to 96945
3942.04 of the Revised Code or is provided by the transportation 96946
network company as a part of its contract with a board of 96947
education or governing authority of a school under division (B) 96948
(1) of section 4925.11 of the Revised Code. 96949

(B) A transportation network company shall do all of the 96950
following in order to qualify as an eligible transportation 96951
network company: 96952

(1) Be in compliance with the requirements for a 96953
transportation network company under this chapter; 96954

(2) Obtain and review the motor vehicle driving records of 96955
its eligible transportation network company drivers not less 96956
than every six months and maintain those records for not less 96957
than six years; 96958

(3) Maintain an automobile insurance policy that meets the 96959
requirements of sections 3942.02 to 3942.04 of the Revised Code 96960
and, if under contract with a board of education or governing 96961
authority of a school, names that board or governing authority 96962
as a covered entity under that policy; 96963

(4) Authorize only eligible transportation network company 96964
drivers to provide authorized transportation to unaccompanied 96965
riders. 96966

(C) (1) An eligible transportation network company shall 96967
either provide or shall approve a pre-service training course 96968
for its transportation network company drivers. The course may 96969
be completed in one or multiple sessions. 96970

(2) Except as provided under division (C) (3) of this 96971
section, the pre-service training course shall include all of 96972
the following topics: 96973

(a) Public and staff relations and conflict resolution; 96974

(b) Transporting preschool and special needs children; 96975

(c) Equipment and care, including the operation of all 96976
adaptive equipment needed to safely transport preschool and 96977
special needs students; 96978

(d) Defensive driving; 96979

(e) Student management, including bullying behaviors; 96980

(f) Safety and emergency procedures; 96981

(g) Motor vehicle laws and student transportation 96982
operation and safety rules; 96983

(h) Signs, signals, and pavement markings; 96984

(i) Fuel conservation; 96985

(j) Safe radio and electronic wireless communications 96986
device use while operating a vehicle. 96987

(3) The company may waive one or more of the topics as 96988
part of the course if the transportation network company driver 96989

being trained clearly demonstrates sufficient knowledge of the 96990
topic in advance of the course. 96991

Sec. 4925.13. (A) An eligible transportation network 96992
company driver operating a vehicle for the transportation of 96993
unaccompanied riders in accordance with section 4925.11 of the 96994
Revised Code shall do all of the following: 96995

(1) Operate a vehicle that is originally designed and 96996
manufactured for not more than nine passengers, not including 96997
the driver; 96998

(2) Transport not more than the maximum number of 96999
passengers permitted based on the manufacturer's stated capacity 97000
of and passenger rating for the vehicle; 97001

(3) Load and unload passengers in a safe location that is 97002
not on the roadway; 97003

(4) Comply with and ensure all passengers comply with the 97004
requirements of sections 4511.81 and 4513.263 of the Revised 97005
Code, as applicable; 97006

(5) Perform a daily pre-trip inspection before 97007
transporting unaccompanied riders in accordance with division 97008
(B) of this section and document that inspection; 97009

(6) Use a global positioning system device to allow for 97010
real-time monitoring of the transportation of the unaccompanied 97011
riders in accordance with division (C) of this section. 97012

(B) (1) A daily pre-trip inspection report shall include 97013
all of the following: 97014

(a) Identification of the vehicle and a safety check of 97015
any parts of the vehicle required to be a part of the inspection 97016
documented on a paper or electronic form provided by the 97017

eligible transportation network company; 97018

(b) Identification and listing of any defects or 97019
deficiencies, discovered by or reported to the driver, that 97020
would affect the safety or operation of the vehicle; 97021

(c) An indication if no defects or deficiencies were found 97022
during the inspection; 97023

(d) The signature or certification, documented on a paper 97024
or electronic form, of the driver and date and time of the 97025
inspection. 97026

(2) The pre-trip inspection report shall be submitted to 97027
the eligible transportation network company and retained by the 97028
company for not less than three months after the date the 97029
inspection report was completed. 97030

(3) If a pre-trip inspection identifies defects or 97031
deficiencies, the transportation network company driver shall 97032
not use that vehicle to transport unaccompanied riders until the 97033
vehicle has been inspected by a mechanic or other reliable 97034
source for vehicle repair and maintenance and the mechanic or 97035
other reliable source either repairs the defects or deficiencies 97036
or certifies that a repair is unnecessary. 97037

(C) An eligible transportation network company shall use 97038
and provide to its eligible transportation network company 97039
drivers transporting unaccompanied riders a technology-enabled 97040
integrated method or service that provides start-to-finish 97041
visibility for the company, the authorized adult, and the 97042
school, as applicable. The method or service shall incorporate 97043
global positioning system monitoring of all rides provided by 97044
the eligible transportation network company drivers in real- 97045
time, including for safety-related anomalies. 97046

Sec. 4927.01. (A) As used in this chapter: 97047

(1) "Basic local exchange service" means residential-end- 97048
user access to and usage of telephone-company-provided services 97049
over a single line or small-business-end-user access to and 97050
usage of telephone-company-provided services over the primary 97051
access line of service, which in the case of residential and 97052
small-business access and usage is not part of a bundle or 97053
package of services, that does both of the following: 97054

(a) Enables a customer to originate or receive voice 97055
communications within a local service area as that area exists 97056
on September 13, 2010, or as that area is changed with the 97057
approval of the public utilities commission; 97058

(b) Consists of all of the following services: 97059

(i) Local dial tone service; 97060

(ii) For residential end users, flat-rate telephone 97061
exchange service; 97062

(iii) Touch tone dialing service; 97063

(iv) Access to and usage of 9-1-1 services, where such 97064
services are available; 97065

(v) Access to operator services and directory assistance; 97066

(vi) Provision of a telephone directory in any reasonable 97067
format, which includes, at the telephone company's option, an 97068
internet-accessible database of directory listings, for no 97069
additional charge and a listing in that directory, with 97070
reasonable accommodations made for private listings, and for a 97071
telephone company that no longer offers a printed directory, 97072
provision of reasonable customer notice of the available options 97073
to obtain directory information; 97074

- (vii) Per call, caller identification blocking services; 97075
- (viii) Access to telecommunications relay service; and 97076
- (ix) Access to toll presubscription, interexchange or toll 97077
providers or both, and networks of other telephone companies. 97078
- "Basic local exchange service" excludes any voice service 97079
to which customers are transitioned following a withdrawal of 97080
basic local exchange service under section 4927.10 of the 97081
Revised Code. 97082
- (2) "Bundle or package of services" means one or more 97083
telecommunications services or other services offered together 97084
as one service option at a single price. 97085
- (3) "Carrier access" means access to and usage of 97086
telephone company-provided facilities that enable end user 97087
customers originating or receiving voice grade, data, or image 97088
communications, over a local exchange telephone company network 97089
operated within a local service area, to access interexchange or 97090
other networks and includes special access. 97091
- (4) "Federal poverty level" means the income level 97092
represented by the poverty guidelines as revised annually by the 97093
United States department of health and human services in 97094
accordance with section 673(2) of the "Omnibus Reconciliation 97095
Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a 97096
family size equal to the size of the family of the person whose 97097
income is being determined. 97098
- (5) "Incumbent local exchange carrier" means, with respect 97099
to an area, the local exchange carrier that: 97100
- (a) On February 8, 1996, provided telephone exchange 97101
service in such area; and 97102

(b) (i) On February 8, 1996, was deemed to be a member of 97103
the exchange carrier association pursuant to 47 C.F.R. 97104
69.601(b); or 97105

(ii) Is a person or entity that, on or after February 8, 97106
1996, became a successor or assign of a member described in 97107
division (A) (5) (b) (i) of this section. 97108

(6) "Internet protocol-enabled services" means any 97109
services, capabilities, functionalities, or applications that 97110
are provided using internet protocol or a successor protocol to 97111
enable an end user to send or receive communications in internet 97112
protocol format or a successor format, regardless of how any 97113
particular such service is classified by the federal 97114
communications commission, and includes voice over internet 97115
protocol service. 97116

(7) "Interstate-access component" means the portion of 97117
carrier access that is within the jurisdiction of the federal 97118
communications commission. 97119

(8) "Local exchange carrier" means any person engaged in 97120
the provision of telephone exchange service, or the offering of 97121
access to telephone exchange service or facilities for the 97122
purpose of originating or terminating telephone toll service. 97123

(9) "Local service area" means the geographic area that 97124
may encompass more than one exchange area and within which a 97125
telephone customer, by paying the rate for basic local exchange 97126
service, may complete calls to other telephone customers without 97127
being assessed long distance toll charges. 97128

(10) "Small business" means a nonresidential service 97129
customer with three or fewer service access lines. 97130

(11) "Telecommunications" means the transmission, between 97131

or among points specified by the user, of information of the 97132
user's choosing, without change in the form or content of the 97133
information as sent and received. 97134

(12) "Telecommunications carrier" has the same meaning as 97135
in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 97136
153. 97137

(13) "Telecommunications service" means the offering of 97138
telecommunications for a fee directly to the public, or to such 97139
classes of users as to be effectively available directly to the 97140
public, regardless of the facilities used. 97141

(14) "Telephone company" means a company described in 97142
division (A) of section 4905.03 of the Revised Code that is a 97143
public utility under section 4905.02 of the Revised Code. 97144

(15) "Telephone exchange service" means telecommunications 97145
service that is within a telephone exchange, or within a 97146
connected system of telephone exchanges within the same exchange 97147
area operated to furnish to subscribers intercommunicating 97148
service of the character ordinarily furnished by a single 97149
exchange, and that is covered by the exchange service charge; or 97150
comparable service provided through a system of switches, 97151
transmission equipment, or other facilities, or combination 97152
thereof, by which a customer can originate and terminate a 97153
telecommunications service. 97154

(16) "Telephone toll service" means telephone service 97155
between stations in different exchange areas for which there is 97156
made a separate charge not included in contracts with customers 97157
for exchange service. 97158

(17) "Voice over internet protocol service" means a 97159
service that enables real-time, two-way, voice communications 97160

that originate or terminate from the user's location using 97161
internet protocol or a successor protocol, including, but not 97162
limited to, any such service that permits an end user to receive 97163
calls from and terminate calls to the public switched network. 97164

(18) "Voice service" includes all of the applicable 97165
functionalities described in 47 C.F.R. 54.101(a). "Voice 97166
service" is not the same as basic local exchange service. 97167

(19) "Wireless service" means federally licensed 97168
commercial mobile service as defined in the "Telecommunications 97169
Act of 1996," 110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and 97170
further defined as commercial mobile radio service in 47 C.F.R. 97171
20.3. Under division (A) (19) of this section, commercial mobile 97172
radio service is specifically limited to mobile telephone, 97173
mobile cellular telephone, paging, personal communications 97174
services, and specialized mobile radio service provided by a 97175
common carrier in this state and excludes fixed wireless 97176
service. 97177

(20) "Wireless service provider" means a facilities-based 97178
provider of wireless service to one or more end users in this 97179
state. 97180

(21) "Broadband internet access service" has the same 97181
meaning as in 47 C.F.R. 8.1. 97182

(B) The definitions of this section shall be applied 97183
consistent with the definitions in the "Telecommunications Act 97184
of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and 97185
with federal decisions interpreting those definitions. 97186

Sec. 4927.22. (A) Notwithstanding any provision of the 97187
Revised Code, other than division (B) of this section: 97188

(1) Broadband internet access service is not subject to 97189

regulation by the public utilities commission. 97190

(2) No agency, commission, or political subdivision of 97191
this state shall enact, adopt, or enforce, either directly or 97192
indirectly, any law, rule, regulation, ordinance, standard, 97193
order or other provision having the force or effect of law that 97194
regulates, or has the effect of regulating, the entry, rates, 97195
terms or conditions of any broadband internet access service, or 97196
otherwise treats providers of broadband internet access services 97197
as public utilities or telecommunications carriers. 97198

(B) This section shall not be construed to do either of 97199
the following: 97200

(1) Restrict any authority delegated to the commission or 97201
to any state agency to administer a state or federal grant 97202
program under state or federal statute, rule, or order; 97203

(2) Restrict the application to broadband internet access 97204
service, or providers thereof, of any law that applies generally 97205
to the conduct of business in the state relating to consumer 97206
protection and fair competition. 97207

Sec. 4928.06. (A) Beginning on the starting date of 97208
competitive retail electric service, the public utilities 97209
commission shall ensure that the policy specified in section 97210
4928.02 of the Revised Code is effectuated. To the extent 97211
necessary, the commission shall adopt rules to carry out this 97212
chapter. Initial rules necessary for the commencement of the 97213
competitive retail electric service under this chapter shall be 97214
adopted within one hundred eighty days after the effective date 97215
of this section. Except as otherwise provided in this chapter, 97216
the proceedings and orders of the commission under the chapter 97217
shall be subject to and governed by Chapter 4903. of the Revised 97218

Code. 97219

(B) If the commission determines, on or after the starting 97220
date of competitive retail electric service, that there is a 97221
decline or loss of effective competition with respect to a 97222
competitive retail electric service of an electric utility, 97223
which service was declared competitive by commission order 97224
issued pursuant to division (A) of section 4928.04 of the 97225
Revised Code, the commission shall ensure that that service is 97226
provided at compensatory, fair, and nondiscriminatory prices and 97227
terms and conditions. 97228

(C) In addition to its authority under section 4928.04 of 97229
the Revised Code and divisions (A) and (B) of this section, the 97230
commission, on an ongoing basis, shall monitor and evaluate the 97231
provision of retail electric service in this state for the 97232
purpose of discerning any noncompetitive retail electric service 97233
that should be available on a competitive basis on or after the 97234
starting date of competitive retail electric service pursuant to 97235
a declaration in the Revised Code, and for the purpose of 97236
discerning any competitive retail electric service that is no 97237
longer subject to effective competition on or after that date. 97238
Upon such evaluation, the commission periodically shall report 97239
its findings and any recommendations for legislation to the 97240
standing committees of both houses of the general assembly that 97241
have primary jurisdiction regarding public utility legislation. 97242
~~Until 2008, the commission and the consumer's counsel also shall~~ 97243
~~provide biennial reports to those standing committees, regarding~~ 97244
~~the effectiveness of competition in the supply of competitive~~ 97245
~~retail electric services in this state. In addition, until the~~ 97246
~~end of all market development periods as determined by the~~ 97247
~~commission under section 4928.40 of the Revised Code, those~~ 97248
~~standing committees shall meet at least biennially to consider~~ 97249

~~the effect on this state of electric service restructuring and~~ 97250
~~to receive reports from the commission, consumers' counsel, and~~ 97251
~~director of development.~~ 97252

(D) In determining, for purposes of division (B) or (C) of 97253
this section, whether there is effective competition in the 97254
provision of a retail electric service or reasonably available 97255
alternatives for that service, the commission shall consider 97256
factors including, but not limited to, all of the following: 97257

(1) The number and size of alternative providers of that 97258
service; 97259

(2) The extent to which the service is available from 97260
alternative suppliers in the relevant market; 97261

(3) The ability of alternative suppliers to make 97262
functionally equivalent or substitute services readily available 97263
at competitive prices, terms, and conditions; 97264

(4) Other indicators of market power, which may include 97265
market share, growth in market share, ease of entry, and the 97266
affiliation of suppliers of services. 97267

The burden of proof shall be on any entity requesting, 97268
under division (B) or (C) of this section, a determination by 97269
the commission of the existence of or a lack of effective 97270
competition or reasonably available alternatives. 97271

(E) (1) Beginning on the starting date of competitive 97272
retail electric service, the commission has authority under 97273
Chapters 4901. to 4909. of the Revised Code, and shall exercise 97274
that authority, to resolve abuses of market power by any 97275
electric utility that interfere with effective competition in 97276
the provision of retail electric service. 97277

(2) In addition to the commission's authority under 97278
division (E)(1) of this section, the commission, beginning the 97279
first year after the market development period of a particular 97280
electric utility and after reasonable notice and opportunity for 97281
hearing, may take such measures within a transmission 97282
constrained area in the utility's certified territory as are 97283
necessary to ensure that retail electric generation service is 97284
provided at reasonable rates within that area. The commission 97285
may exercise this authority only upon findings that an electric 97286
utility is or has engaged in the abuse of market power and that 97287
that abuse is not adequately mitigated by rules and practices of 97288
any independent transmission entity controlling the transmission 97289
facilities. Any such measure shall be taken only to the extent 97290
necessary to protect customers in the area from the particular 97291
abuse of market power and to the extent the commission's 97292
authority is not preempted by federal law. The measure shall 97293
remain in effect until the commission, after reasonable notice 97294
and opportunity for hearing, determines that the particular 97295
abuse of market power has been mitigated. 97296

(F) An electric utility, electric services company, 97297
electric cooperative, or governmental aggregator subject to 97298
certification under section 4928.08 of the Revised Code shall 97299
provide the commission with such information, regarding a 97300
competitive retail electric service for which it is subject to 97301
certification, as the commission considers necessary to carry 97302
out this chapter. An electric utility shall provide the 97303
commission with such information as the commission considers 97304
necessary to carry out divisions (B) to (E) of this section. The 97305
commission shall take such measures as it considers necessary to 97306
protect the confidentiality of any such information. 97307

The commission shall require each electric utility to file 97308

with the commission on and after the starting date of 97309
competitive retail electric service an annual report of its 97310
intrastate gross receipts and sales of kilowatt hours of 97311
electricity, and shall require each electric services company, 97312
electric cooperative, and governmental aggregator subject to 97313
certification to file an annual report on and after that 97314
starting date of such receipts and sales from the provision of 97315
those retail electric services for which it is subject to 97316
certification. For the purpose of the reports, sales of kilowatt 97317
hours of electricity are deemed to occur at the meter of the 97318
retail customer. 97319

Sec. 4928.34. (A) The public utilities commission shall 97320
not approve or prescribe a transition plan under division (A) or 97321
(B) of section 4928.33 of the Revised Code unless the commission 97322
first makes all of the following determinations: 97323

(1) The unbundled components for the electric transmission 97324
component of retail electric service, as specified in the 97325
utility's rate unbundling plan required by division (A) (1) of 97326
section 4928.31 of the Revised Code, equal the tariff rates 97327
determined by the federal energy regulatory commission that are 97328
in effect on the date of the approval of the transition plan 97329
under sections 4928.31 to 4928.40 of the Revised Code, as each 97330
such rate is determined applicable to each particular customer 97331
class and rate schedule by the commission. The unbundled 97332
transmission component shall include a sliding scale of charges 97333
under division (B) of section 4905.31 of the Revised Code to 97334
ensure that refunds determined or approved by the federal energy 97335
regulatory commission are flowed through to retail electric 97336
customers. 97337

(2) The unbundled components for retail electric 97338

distribution service in the rate unbundling plan equal the 97339
difference between the costs attributable to the utility's 97340
transmission and distribution rates and charges under its 97341
schedule of rates and charges in effect on the effective date of 97342
this section, based upon the record in the most recent rate 97343
proceeding of the utility for which the utility's schedule was 97344
established, and the tariff rates for electric transmission 97345
service determined by the federal energy regulatory commission 97346
as described in division (A) (1) of this section. 97347

(3) All other unbundled components required by the 97348
commission in the rate unbundling plan equal the costs 97349
attributable to the particular service as reflected in the 97350
utility's schedule of rates and charges in effect on the 97351
effective date of this section. 97352

(4) The unbundled components for retail electric 97353
generation service in the rate unbundling plan equal the 97354
residual amount remaining after the determination of the 97355
transmission, distribution, and other unbundled components, and 97356
after any adjustments necessary to reflect the effects of the 97357
amendment of section 5727.111 of the Revised Code by Sub. S.B. 97358
No. 3 of the 123rd general assembly. 97359

(5) All unbundled components in the rate unbundling plan 97360
have been adjusted to reflect any base rate reductions on file 97361
with the commission and as scheduled to be in effect by December 97362
31, 2005, under rate settlements in effect on the effective date 97363
of this section. However, all earnings obligations, 97364
restrictions, or caps imposed on an electric utility in a 97365
commission order prior to the effective date of this section are 97366
void. 97367

(6) Subject to division (A) (5) of this section, the total 97368

of all unbundled components in the rate unbundling plan are 97369
capped and shall equal during the market development period, 97370
except as specifically provided in this chapter, the total of 97371
all rates and charges in effect under the applicable bundled 97372
schedule of the electric utility pursuant to section 4905.30 of 97373
the Revised Code in effect on the day before the effective date 97374
of this section, including the transition charge determined 97375
under section 4928.40 of the Revised Code, adjusted for any 97376
changes in the taxation of electric utilities and retail 97377
electric service under Sub. S.B. No. 3 of the 123rd General 97378
Assembly, and the universal service percentage of income payment 97379
plan rider authorized by section ~~4928.51~~ 4928.52 of the Revised 97380
~~Code, and the temporary rider authorized by section 4928.61 of~~ 97381
~~the Revised Code.~~ For the purpose of this division, the rate cap 97382
applicable to a customer receiving electric service pursuant to 97383
an arrangement approved by the commission under section 4905.31 97384
of the Revised Code is, for the term of the arrangement, the 97385
total of all rates and charges in effect under the arrangement. 97386
For any rate schedule filed pursuant to section 4905.30 of the 97387
Revised Code or any arrangement subject to approval pursuant to 97388
section 4905.31 of the Revised Code, the initial tax-related 97389
adjustment to the rate cap required by this division shall be 97390
equal to the rate of taxation specified in section 5727.81 of 97391
the Revised Code and applicable to the schedule or arrangement. 97392
To the extent such total annual amount of the tax-related 97393
adjustment is greater than or less than the comparable amount of 97394
the total annual tax reduction experienced by the electric 97395
utility as a result of the provisions of Sub. S.B. No. 3 of the 97396
123rd general assembly, such difference shall be addressed by 97397
the commission through accounting procedures, refunds, or an 97398
annual surcharge or credit to customers, or through other 97399
appropriate means, to avoid placing the financial responsibility 97400

for the difference upon the electric utility or its 97401
shareholders. Any adjustments in the rate of taxation specified 97402
in section 5727.81 of the Revised Code ~~section~~ shall not occur 97403
without a corresponding adjustment to the rate cap for each such 97404
rate schedule or arrangement. The department of taxation shall 97405
advise the commission and self-assessors under section 5727.81 97406
of the Revised Code prior to the effective date of any change in 97407
the rate of taxation specified under that section, and the 97408
commission shall modify the rate cap to reflect that adjustment 97409
so that the rate cap adjustment is effective as of the effective 97410
date of the change in the rate of taxation. This division shall 97411
be applied, to the extent possible, to eliminate any increase in 97412
the price of electricity for customers that otherwise may occur 97413
as a result of establishing the taxes contemplated in section 97414
5727.81 of the Revised Code. 97415

(7) The rate unbundling plan complies with any rules 97416
adopted by the commission under division (A) of section 4928.06 97417
of the Revised Code. 97418

(8) The corporate separation plan required by division (A) 97419
(2) of section 4928.31 of the Revised Code complies with section 97420
4928.17 of the Revised Code and any rules adopted by the 97421
commission under division (A) of section 4928.06 of the Revised 97422
Code. 97423

(9) Any plan or plans the commission requires to address 97424
operational support systems and any other technical 97425
implementation issues pertaining to competitive retail electric 97426
service comply with any rules adopted by the commission under 97427
division (A) of section 4928.06 of the Revised Code. 97428

(10) The employee assistance plan required by division (A) 97429
(4) of section 4928.31 of the Revised Code sufficiently provides 97430

severance, retraining, early retirement, retention, 97431
outplacement, and other assistance for the utility's employees 97432
whose employment is affected by electric industry restructuring 97433
under this chapter. 97434

(11) The consumer education plan required under division 97435
(A) (5) of section 4928.31 of the Revised Code complies with 97436
former section 4928.42 of the Revised Code and any rules adopted 97437
by the commission under division (A) of section 4928.06 of the 97438
Revised Code. 97439

(12) The transition revenues for which an electric utility 97440
is authorized a revenue opportunity under sections 4928.31 to 97441
4928.40 of the Revised Code are the allowable transition costs 97442
of the utility as such costs are determined by the commission 97443
pursuant to section 4928.39 of the Revised Code, and the 97444
transition charges for the customer classes and rate schedules 97445
of the utility are the charges determined pursuant to section 97446
4928.40 of the Revised Code. 97447

(13) Any independent transmission plan included in the 97448
transition plan filed under section 4928.31 of the Revised Code 97449
reasonably complies with section 4928.12 of the Revised Code and 97450
any rules adopted by the commission under division (A) of 97451
section 4928.06 of the Revised Code, unless the commission, for 97452
good cause shown, authorizes the utility to defer compliance 97453
until an order is issued under division (G) of section 4928.35 97454
of the Revised Code. 97455

(14) The utility is in compliance with sections 4928.01 to 97456
4928.11 of the Revised Code and any rules or orders of the 97457
commission adopted or issued under those sections. 97458

(15) All unbundled components in the rate unbundling plan 97459

have been adjusted to reflect the elimination of the tax on 97460
gross receipts imposed by section 5727.30 of the Revised Code. 97461

In addition, a transition plan approved by the commission 97462
under section 4928.33 of the Revised Code but not containing an 97463
approved independent transmission plan shall contain the express 97464
conditions that the utility will comply with an order issued 97465
under division (G) of section 4928.35 of the Revised Code. 97466

(B) Subject to division (E) of section 4928.17 of the 97467
Revised Code, if the commission finds that any part of the 97468
transition plan would constitute an abandonment under sections 97469
4905.20 and 4905.21 of the Revised Code, the commission shall 97470
not approve that part of the transition plan unless it makes the 97471
finding required for approval of an abandonment application 97472
under section 4905.21 of the Revised Code. Sections 4905.20 and 97473
4905.21 of the Revised Code otherwise shall not apply to a 97474
transition plan under sections 4928.31 to 4928.40 of the Revised 97475
Code. 97476

Sec. 4928.43. (A) Each state agency that provides 97477
employment assistance and job training programs, including the 97478
~~bureau of employment department of job and family services and~~ 97479
~~the department of development,~~ shall provide concentrated 97480
attention through those programs to assisting employees whose 97481
employment is affected by electric industry restructuring under 97482
this chapter. 97483

(B) To the extent not prohibited by federal law or any law 97484
of this state and except as otherwise provided in a labor 97485
contract or other agreement, no unencumbered money in a pension 97486
fund for employees of electric utilities shall be used for any 97487
purpose other than to pay allowable pensions or early retirement 97488
buyouts for the employees. 97489

Sec. 4928.51. ~~(A)~~ There is hereby established in the state 97490
treasury ~~a universal service~~ the electric partnership plan fund, 97491
into which shall be deposited all ~~universal service~~ revenues 97492
remitted to the director of ~~development~~ job and family services 97493
under this section, for the exclusive purposes of providing 97494
funding for the low-income customer assistance programs ~~and for~~ 97495
~~the consumer education program authorized under section 4928.56~~ 97496
~~of the Revised Code~~, and paying the administrative costs of the 97497
low-income customer assistance programs and the consumer 97498
education program. Interest on the fund shall be credited to the 97499
fund. Disbursements from the fund shall be made to any supplier 97500
that provides a competitive retail electric service or a 97501
noncompetitive retail electric service to a customer who is 97502
approved to receive assistance under a specified low-income 97503
customer assistance program and to any authorized provider of 97504
weatherization or energy efficiency service to a customer 97505
approved to receive such assistance under a specified low-income 97506
customer assistance program. 97507

~~(B) Universal service revenues~~ Revenues deposited in the 97508
electric partnership plan fund shall include all ~~of the~~ 97509
~~following~~: 97510

~~(1) Revenues~~ revenues remitted to the director after 97511
collection by an electric distribution utility ~~beginning July 1,~~ 97512
~~2000, attributable to the collection from customers of the~~ 97513
~~universal service rider prescribed under pursuant to division~~ 97514
(C) of section 4928.52 of the Revised Code, 97515

~~(2) Revenues remitted to the director that have been~~ 97516
~~collected by an electric distribution utility beginning July 1,~~ 97517
~~2000, as customer payments under the percentage of income~~ 97518
~~payment plan program, including revenues remitted under division~~ 97519

~~(C) of this section;~~ 97520

~~(3) Adequate revenues remitted to the director after 97521
collection by a municipal electric utility or electric 97522
cooperative in this state not earlier than July 1, 2000, upon 97523
the utility's or cooperative's decision to participate in the 97524
low-income customer assistance programs. 97525~~

~~(C) (1) Beginning July 1, 2000, an electric distribution 97526
utility shall transfer to the director the right to collect all 97527
arrearage payments of a customer for percentage of income 97528
payment plan program debt owed to the utility on the day before 97529
that date or retain the right to collect that debt but remit to 97530
the director all program revenues received by the utility for 97531
that customer. 97532~~

~~(2) A current or past percentage of income payment plan 97533
program customer is relieved of any payment obligation under the 97534
percentage of income payment program for any unpaid arrears 97535
accrued by the customer under the program as of the effective 97536
date of this section if the customer, as determined by the 97537
director, meets both of the following criteria: 97538~~

~~(a) The customer as of that date has complied with 97539
customer payment responsibilities under the program. 97540~~

~~(b) The customer is permanently and totally disabled as 97541
defined in section 5117.01 of the Revised Code or is sixty-five 97542
years of age or older as defined in that section. 97543~~

~~(D) The public utilities commission shall complete an 97544
audit of each electric utility by July 1, 2000, for the purpose 97545
of establishing a baseline for the percentage of income payment 97546
plan program component of the low-income assistance programs. 97547~~

Sec. 4928.52. ~~(A) Beginning July January 1, 2000, the 97548~~

2026, the percentage of income payment plan rider shall replace, 97549
for each electric distribution utility, the universal service 97550
rider shall replace the percentage of income payment plan rider 97551
in existence on the effective date of the amendment of this 97552
section and any amount in the rates of an electric utility for 97553
the funding of low-income customer energy efficiency programs by 97554
this act. The universal service percentage of income payment 97555
plan rider shall be a rider on retail electric distribution 97556
service rates as such rates are determined by the public 97557
utilities commission pursuant to this chapter. The universal 97558
service percentage of income payment plan rider for the first 97559
five years after the starting date of competitive retail 97560
electric service shall be the sum of all of recover the 97561
following: 97562

(1) The level of prudently incurred costs of providing the 97563
percentage of income payment plan program rider in existence on 97564
the effective date of this section for each electric distribution 97565
utility; 97566

(2) An amount equal to the level of funding for low-income 97567
customer energy efficiency programs provided through electric 97568
utility rates in effect on the effective date of this section The 97569
total of the electric distribution utilities' allocated shares, 97570
as determined by the public utilities commission, under division 97571
(B) (1) of this section; 97572

(3) Any additional amount necessary and sufficient to fund 97573
through the universal service percentage of income payment plan 97574
rider the administrative costs of the low-income customer 97575
assistance programs and the consumer education program created 97576
in section 4928.56 of the Revised Code. 97577

~~(B) (B) (1) If, during or after the five-year period~~ 97578

~~specified in division (A) of this section, the director of~~ 97579
~~development, after consultation with the public benefits~~ 97580
~~advisory board created under section 4928.58 of the Revised~~ 97581
~~Code, determines that revenues in the universal service fund and~~ 97582
~~revenues from federal or other sources of funding for those~~ 97583
~~programs, including general revenue fund appropriations for the~~ 97584
~~Ohio energy credit program, will be insufficient to cover the~~ 97585
~~administrative costs of the low-income customer assistance~~ 97586
~~programs and the consumer education program and provide adequate~~ 97587
~~funding for those programs, the director shall file a petition~~ 97588
~~with the commission for an increase in the universal service~~ 97589
~~rider. The commission, after reasonable notice and opportunity~~ 97590
~~for hearing, may adjust the universal service rider by the~~ 97591
~~minimum amount necessary to provide the additional revenues. The~~ 97592
~~commission shall not decrease the universal service rider~~ 97593
~~without the approval of the director, after consultation by the~~ 97594
~~director with the advisory board~~allocate to each electric 97595
distribution utility a share of the funding for low-income 97596
customer assistance programs administered by the director of job 97597
and family services according to each electric distribution 97598
utility's annual distribution service revenues. 97599

(2) Each electric distribution utility's allocation 97600
determined under division (B)(1) of this section shall include a 97601
separately designated allocation equal to the electric 97602
distribution utility's share of an amount not to exceed fifteen 97603
million dollars annually for funding the consumer education 97604
program administered by the department of job and family 97605
services under section 4928.56 of the Revised Code. 97606

(C) On the thirtieth day of June of each year, each 97607
electric distribution utility shall remit to the department for 97608
deposit in the electric partnership plan fund the utility's 97609

share of the following:

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(1) The utility's allocation determined under division (B)
(2) of this section for funding the consumer education program
administered by the department of job and family services under
section 4928.56 of the Revised Code;

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(2) The costs under division (A) (3) of this section for
the administration of the low-income customer assistance
programs administered by the director.

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~~(C)~~ (D) The universal service percentage of income payment
plan rider established under division (A) or (B) of this section
shall be set in such a manner so as not to shift among the
customer classes of electric distribution utilities the costs of
funding low-income customer assistance programs.

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Sec. 4928.53. (A) Beginning July 1, ~~2000~~ 2026, the director
of ~~development is hereby authorized to~~ job and family services
shall administer the low-income customer assistance programs,
except for the percentage of income payment plan rider
established under section 4928.52 of the Revised Code. For that
~~purpose, the public utilities commission shall cooperate with~~
~~and provide such assistance as the director requires for~~
~~administration of the low-income customer assistance programs.~~
The director shall consolidate the administration of and
redesign and coordinate the operations of ~~those~~ the low-income
customer assistance programs within the department to provide,
to the maximum extent possible, for efficient program
administration and a one-stop application and eligibility
determination process at the local level for consumers.

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~~(B) (1) Not later than March 1, 2000, the~~ The director, in
accordance with Chapter 119. of the Revised Code, shall adopt

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rules to carry out sections 4928.51 to 4928.58 of the Revised 97639
Code and ensure the effective and efficient administration and 97640
operation of the low-income customer assistance programs. ~~The~~ 97641
~~rules shall take effect on July 1, 2000.~~ 97642

(2) The director's authority to adopt rules under this 97643
division for the Ohio energy credit program shall be subject to 97644
such rule-making authority as is conferred on the director of 97645
development by sections 5117.01 to 5117.12 of the Revised Code, 97646
as amended by Sub. S.B. No. 3 of the 123rd general assembly, 97647
except that rules initially adopted by the director of 97648
development for the Ohio energy credit program shall incorporate 97649
the substance of those sections as they exist on the effective 97650
date of this section. 97651

(3) ~~The director's~~ Under the director of job and family 97652
service's authority to adopt rules under this ~~division~~ section, 97653
the director may adopt rules for the percentage of income 97654
payment plan program ~~shall include authority to adopt, including~~ 97655
rules prescribing criteria for customer eligibility and policies 97656
regarding payment and crediting arrangements and 97657
responsibilities, and procedures for verifying customer 97658
eligibility, ~~procedures for disbursing public funds to suppliers~~ 97659
~~and otherwise administering funds under the director's~~ 97660
~~jurisdiction, and requirements as to timely remittances of~~ 97661
~~revenues described in division (B) of section 4928.51 of the~~ 97662
~~Revised Code.~~ The rules shall prohibit the imposition of a 97663
waiting period before enrolling an eligible customer in the 97664
percentage of income payment plan. ~~The director's authority in~~ 97665
~~division (B) (3) of this section excludes authority to prescribe~~ 97666
~~service disconnection and customer billing policies and~~ 97667
~~procedures and to address complaints against suppliers under the~~ 97668
~~percentage of payment plan program, which excluded authority~~ 97669

~~shall be exercised by the public utilities commission, in~~ 97670
~~coordination with the director.~~ Rules adopted by the director 97671
under this division for the percentage of income payment plan 97672
program shall specify a level of payment responsibility to be 97673
borne by an eligible customer based on a percentage of the 97674
customer's income. ~~Rules initially adopted by the director for~~ 97675
~~the percentage of income payment plan program shall incorporate~~ 97676
~~the eligibility criteria and payment arrangement and~~ 97677
~~responsibility policies set forth in rule 4901:1-18-04(B) of the~~ 97678
~~Ohio Administrative Code in effect on the effective date of this~~ 97679
~~section.~~ 97680

Sec. 4928.54. ~~The director of development services~~ public 97681
utilities commission shall aggregate percentage of income 97682
payment plan program customers for the purpose of establishing a 97683
competitive procurement process for the supply of competitive 97684
retail electric service for those customers. The process shall 97685
be an auction. Only bidders certified under section 4928.08 of 97686
the Revised Code may participate in the auction. 97687

Sec. 4928.542. The winning bid or bids selected through 97688
the competitive procurement process established under section 97689
4928.54 of the Revised Code shall meet all of the following 97690
requirements: 97691

(A) Be designed to provide reliable competitive retail 97692
electric service to percentage of income payment plan program 97693
customers; 97694

(B) Reduce the cost of the percentage of income payment 97695
plan program relative to the otherwise applicable standard 97696
service offer established under sections 4928.141, 4928.142, and 97697
4928.143 of the Revised Code; 97698

(C) Result in the best value for persons paying the 97699
~~universal service percentage of income payment plan rider under~~ 97700
section 4928.52 of the Revised Code. 97701

Sec. 4928.543. ~~The director of development services public~~ 97702
~~utilities commission shall adopt rules in accordance with~~ 97703
~~Chapter 119. of the Revised Code to implement sections 4928.54,~~ 97704
4928.541, and 4928.542 of the Revised Code. The rules shall 97705
ensure a fair and unbiased auction process and the performance 97706
of the winning bidder or bidders. 97707

Sec. 4928.544. ~~(A) For the purpose of facilitating~~ 97708
compliance with sections 4928.54, 4928.541, and 4928.542 of the 97709
Revised Code, ~~and upon written request by the director of~~ 97710
~~development services,~~ the public utilities commission shall 97711
design, manage, and supervise the competitive procurement 97712
process required by section 4928.54 of the Revised Code. To the 97713
extent reasonably possible, and to minimize costs, the process 97714
may be designed based on any existing competitive procurement 97715
process for the establishment of the default generation supply 97716
price for electric distribution utilities. 97717

This ~~division~~ section does not preclude a process design 97718
that is based on a competitive procurement process that applies 97719
to the combined certified territories of electric distribution 97720
utilities subject to common ownership. 97721

~~(B) The director of development services shall reimburse~~ 97722
~~the commission for its costs incurred under division (A) of this~~ 97723
~~section. The reimbursements constitute administrative costs of~~ 97724
~~the low-income customer assistance programs for the purpose of~~ 97725
~~division (A) of section 4928.51 of the Revised Code.~~ 97726

Sec. 4928.545. The public utilities commission shall 97727

administer the percentage of income payment plan rider 97728
established under section 4928.52 of the Revised Code, including 97729
by performing periodic audits of each electric distribution 97730
utility's percentage of income payment plan rider. 97731

The commission shall adopt rules for the administration of 97732
the percentage of income payment plan rider and shall cooperate 97733
with, and provide such assistance to, the director of job and 97734
family services as the director requires for administration of 97735
the low-income customer assistance programs. 97736

Sec. 4928.55. The director of ~~development~~-job and family 97737
services shall establish an energy efficiency and weatherization 97738
program targeted, to the extent practicable, to high-cost, high- 97739
volume use structures occupied by customers eligible for the 97740
percentage of income payment plan program, with the goal of 97741
reducing the energy bills of the occupants. Acceptance of energy 97742
efficiency and weatherization services provided by the program 97743
shall be a condition for the eligibility of any such customer to 97744
participate in the percentage of income payment plan program. 97745

Sec. 4928.56. The director of ~~development~~-job and family 97746
services may adopt rules in accordance with Chapter 119. of the 97747
Revised Code establishing an education program for consumers 97748
eligible to participate in the low-income customer assistance 97749
programs. The education program shall provide information to 97750
consumers regarding energy efficiency and energy conservation. 97751

Sec. 4928.58. (A) There is hereby created the public 97752
benefits advisory board, which has the purpose of ensuring that 97753
energy services be provided to low-income consumers in this 97754
state in an affordable manner consistent with the policy 97755
specified in section 4928.02 of the Revised Code. The advisory 97756
board shall consist of twenty-one members as follows: the 97757

director of ~~development~~ job and family services, the chairperson 97758
of the public utilities commission, the consumers' counsel, and 97759
the director of the air quality development authority, each 97760
serving ex officio and represented by a designee at the 97761
official's discretion; two members of the house of 97762
representatives appointed by the speaker of the house of 97763
representatives, neither of the same political party, and two 97764
members of the senate appointed by the president of the senate, 97765
neither of the same political party; and thirteen members 97766
appointed by the governor with the advice and consent of the 97767
senate, consisting of one representative of suppliers of 97768
competitive retail electric service; one representative of the 97769
residential class of electric utility customers; one 97770
representative of the industrial class of electric utility 97771
customers; one representative of the commercial class of 97772
electric utility customers; one representative of agricultural 97773
or rural customers of an electric utility; two customers 97774
receiving assistance under one or more of the low-income 97775
customer assistance programs, to represent customers eligible 97776
for any such assistance, including senior citizens; one 97777
representative of the general public; one representative of 97778
local intake agencies; one representative of a community-based 97779
organization serving low-income customers; one representative of 97780
environmental protection interests; one representative of 97781
lending institutions; and one person considered an expert in 97782
energy efficiency or renewables technology. Initial appointments 97783
shall be made not later than November 1, 1999. 97784

(B) Initial terms of six of the appointed members shall 97785
end on June 30, 2003, and initial terms of the remaining seven 97786
appointed members shall end on June 30, 2004. Thereafter, terms 97787
of appointed members shall be for three years, with each term 97788

ending on the same day of the same month as the term it 97789
succeeds. Each member shall hold office from the date of the 97790
member's appointment until the end of the term for which the 97791
member was appointed. Members may be reappointed. 97792

Vacancies shall be filled in the manner provided for 97793
original appointments. Any member appointed to fill a vacancy 97794
occurring prior to the expiration date of the term for which the 97795
member's predecessor was appointed shall hold office as a member 97796
for the remainder of that term. A member shall continue in 97797
office after the expiration date of the member's term until the 97798
member's successor takes office or until a period of sixty days 97799
has elapsed, whichever occurs first. 97800

(C) Board members shall be reimbursed for their actual and 97801
necessary expenses incurred in the performance of board duties. 97802
The reimbursements constitute, as applicable, administrative 97803
costs of the low-income customer assistance programs for the 97804
purpose of ~~division (A) of section~~ sections 4928.51 and 4928.52 97805
of the Revised Code ~~or administrative costs of the advanced-~~ 97806
~~energy program for the purpose of division (A) of section-~~ 97807
~~4528.61 of the Revised Code.~~ 97808

(D) The advisory board shall select a chairperson from 97809
among its members. Only board members appointed by the governor 97810
with the advice and consent of the senate shall be voting 97811
members of the board; each shall have one vote in all 97812
deliberations of the board. A majority of the voting members 97813
constitute a quorum. 97814

(E) ~~The duties of the advisory board shall be as follows:~~ 97815
~~(1) Advise~~ advise the director of job and family services 97816
in the administration of ~~the universal service fund and the low-~~ 97817

income customer assistance programs ~~and advise the director on~~ 97818
~~the director's recommendation to the commission regarding the~~ 97819
~~appropriate level of the universal service rider;~~ 97820

~~(2) Advise the director on the administration of the~~ 97821
~~advanced energy program and the advanced energy fund under~~ 97822
~~sections 4928.61 to 4928.63 of the Revised Code.~~ 97823

(F) The advisory board is not an agency for purposes of 97824
sections 101.82 to 101.87 of the Revised Code. 97825

Sec. 4928.61. (A) There is hereby established in the state 97826
treasury the advanced energy fund, into which shall be deposited 97827
all advanced energy revenues remitted to the director of 97828
development under division (B) of this section, for the 97829
exclusive purposes of funding the advanced energy program 97830
created under section 4928.62 of the Revised Code and paying the 97831
program's administrative costs. Interest on the fund shall be 97832
credited to the fund. 97833

(B) Advanced energy revenues shall include all of the 97834
following: 97835

~~(1) Revenues remitted to the director after collection by~~ 97836
~~each electric distribution utility in this state of a temporary~~ 97837
~~rider on retail electric distribution service rates as such~~ 97838
~~rates are determined by the public utilities commission pursuant~~ 97839
~~to this chapter. The rider shall be a uniform amount statewide,~~ 97840
~~determined by the director of development, after consultation~~ 97841
~~with the public benefits advisory board created by section~~ 97842
~~4928.58 of the Revised Code. The amount shall be determined by~~ 97843
~~dividing an aggregate revenue target for a given year as~~ 97844
~~determined by the director, after consultation with the advisory~~ 97845
~~board, by the number of customers of electric distribution~~ 97846

~~utilities in this state in the prior year. Such aggregate~~ 97847
~~revenue target shall not exceed more than fifteen million~~ 97848
~~dollars in any year through 2005 and shall not exceed more than~~ 97849
~~five million dollars in any year after 2005. The rider shall be~~ 97850
~~imposed beginning on the effective date of the amendment of this~~ 97851
~~section by Sub. H.B. 251 of the 126th general assembly, January~~ 97852
~~4, 2007, and shall terminate at the end of ten years following~~ 97853
~~the starting date of competitive retail electric service or~~ 97854
~~until the advanced energy fund, including interest, reaches one~~ 97855
~~hundred million dollars, whichever is first.~~ 97856

~~(2)~~ Revenues from payments, repayments, and collections 97857
under the advanced energy program and from program income; 97858

~~(3)~~ (2) Revenues remitted to the director after collection 97859
by a municipal electric utility or electric cooperative in this 97860
state upon the utility's or cooperative's decision to 97861
participate in the advanced energy fund; 97862

~~(4)~~ (3) Revenues from renewable energy compliance payments 97863
as provided under division (C) (2) of section 4928.64 of the 97864
Revised Code; 97865

~~(5)~~ (4) Revenue from forfeitures under division (C) of 97866
section 4928.66 of the Revised Code; 97867

~~(6)~~ (5) Funds transferred pursuant to division (B) of 97868
Section 512.10 of S.B. 315 of the 129th general assembly; 97869

~~(7)~~ (6) Interest earnings on the advanced energy fund. 97870

~~(C) (1) Each electric distribution utility in this state~~ 97871
~~shall remit to the director on a quarterly basis the revenues~~ 97872
~~described in divisions (B) (1) and (2) of this section. Such~~ 97873
~~remittances shall occur within thirty days after the end of each~~ 97874
~~calendar quarter.~~ 97875

~~(2) Each participating electric cooperative and participating municipal electric utility shall remit to the director on a quarterly basis the revenues described in division (B) (3) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter. For the purpose of division (B) (3) of this section, the participation of an electric cooperative or municipal electric utility in the energy efficiency revolving loan program as it existed immediately prior to the effective date of the amendment of this section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, does not constitute a decision to participate in the advanced energy fund under this section as so amended.~~

~~(3) All remittances under divisions (C) (1) and (2) of this section shall continue only until the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.~~

~~(D) Any moneys collected in rates for non-low-income customer energy efficiency programs, as of October 5, 1999, and not contributed to the energy efficiency revolving loan fund authorized under this section prior to the effective date of its amendment by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, shall be used to continue to fund cost-effective, residential energy efficiency programs, be contributed into the universal service fund as a supplement to that required under section 4928.53 of the Revised Code, or be returned to ratepayers in the form of a rate reduction at the option of the affected electric distribution utility.~~

Sec. 4928.62. (A) There is hereby created the advanced energy program, which shall be administered by the director of

development. Under the program, the director may authorize the 97906
use of moneys in the advanced energy fund for financial, 97907
technical, and related assistance for advanced energy projects 97908
in this state or for economic development assistance, in 97909
furtherance of the purposes set forth in section 4928.63 of the 97910
Revised Code. 97911

(1) To the extent feasible given approved applications for 97912
assistance, the assistance shall be distributed among the 97913
certified territories of electric distribution utilities and 97914
participating electric cooperatives, and among the service areas 97915
of participating municipal electric utilities, in amounts 97916
proportionate to the remittances of each utility and cooperative 97917
under ~~divisions (B) (1) and (3)~~division (B) (2) of section 4928.61 97918
of the Revised Code. 97919

(2) The funds described in division ~~(B) (6)~~(B) (5) of 97920
section 4928.61 of the Revised Code shall not be subject to the 97921
territorial requirements of division (A) (1) of this section. 97922

(3) The director shall not authorize financial assistance 97923
for an advanced energy project under the program unless the 97924
director first determines that the project will create new jobs 97925
or preserve existing jobs in this state or use innovative 97926
technologies or materials. 97927

(B) In carrying out sections 4928.61 to 4928.63 of the 97928
Revised Code, the director may do all of the following to 97929
further the public interest in advanced energy projects and 97930
economic development: 97931

(1) Award grants, contracts, loans, loan participation 97932
agreements, linked deposits, and energy production incentives; 97933

(2) Acquire in the name of the director any property of 97934

any kind or character in accordance with this section, by 97935
purchase, purchase at foreclosure, or exchange, on such terms 97936
and in such manner as the director considers proper; 97937

(3) Make and enter into all contracts and agreements 97938
necessary or incidental to the performance of the director's 97939
duties and the exercise of the director's powers under sections 97940
4928.61 to 4928.63 of the Revised Code; 97941

(4) Employ or enter into contracts with financial 97942
consultants, marketing consultants, consulting engineers, 97943
architects, managers, construction experts, attorneys, technical 97944
monitors, energy evaluators, or other employees or agents as the 97945
director considers necessary, and fix their compensation; 97946

(5) Adopt rules prescribing the application procedures for 97947
financial assistance under the advanced energy program; the 97948
fees, charges, interest rates, payment schedules, local match 97949
requirements, and other terms and conditions of any grants, 97950
contracts, loans, loan participation agreements, linked 97951
deposits, and energy production incentives; criteria pertaining 97952
to the eligibility of participating lending institutions; and 97953
any other matters necessary for the implementation of the 97954
program; 97955

(6) Do all things necessary and appropriate for the 97956
operation of the program. 97957

(C) The department of development may hold ownership to 97958
any unclaimed energy efficiency and renewable energy emission 97959
allowances provided for in Chapter 3745-14 of the Administrative 97960
Code or otherwise, that result from advanced energy projects 97961
that receive funding from the advanced energy fund, and it may 97962
use the allowances to further the public interest in advanced 97963

energy projects or for economic development. 97964

(D) Financial statements, financial data, and trade 97965
secrets submitted to or received by the director from an 97966
applicant or recipient of financial assistance under sections 97967
4928.61 to 4928.63 of the Revised Code, or any information taken 97968
from those statements, data, or trade secrets for any purpose, 97969
are not public records for the purpose of section 149.43 of the 97970
Revised Code. 97971

(E) Nothing in the amendments of sections 4928.61, 97972
4928.62, and 4928.63 of the Revised Code by Sub. H.B. 251 of the 97973
126th general assembly shall affect any pending or effected 97974
assistance, pending or effected purchases or exchanges of 97975
property made, or pending or effected contracts or agreements 97976
entered into pursuant to division (A) or (B) of this section as 97977
the section existed prior to the effective date of those 97978
amendments, January 4, 2007, or shall affect the exemption 97979
provided under division (C) of this section as the section 97980
existed prior to that effective date. 97981

(F) Any assistance a school district receives for an 97982
advanced energy project, including a geothermal heating, 97983
ventilating, and air conditioning system, shall be in addition 97984
to any assistance provided under Chapter 3318. of the Revised 97985
Code and shall not be included as part of the district or state 97986
portion of the basic project cost under that chapter. 97987

Sec. 4928.63. The director of development ~~and the public~~ 97988
~~benefits advisory board have~~ has the powers and duties provided 97989
in sections 4928.61 and 4928.62 of the Revised Code, in order to 97990
promote the welfare of the people of this state; stabilize the 97991
economy; assist in the improvement and development within this 97992
state of not-for-profit entity, industrial, commercial, 97993

distribution, residential, and research buildings and activities 97994
required for the people of this state; improve the economic 97995
welfare of the people of this state by reducing energy costs and 97996
by reducing energy usage in a cost-efficient manner using, as 97997
determined by the director, both the most appropriate national, 97998
federal, or other standards for products and the best practices 97999
for the use of technology, products, or services in the context 98000
of a total facility or building; and assist in the lowering of 98001
energy demand to reduce air, water, or thermal pollution. It is 98002
hereby determined that the accomplishment of those purposes is 98003
essential so that the people of this state may maintain their 98004
present high standards in comparison with the people of other 98005
states and so that opportunities for improving the economic 98006
welfare of the people of this state, for improving the housing 98007
of residents of this state, and for favorable markets for the 98008
products of this state's natural resources, agriculture, and 98009
manufacturing shall be improved; and that it is necessary for 98010
this state to establish the program authorized pursuant to 98011
sections 4928.61 and 4928.62 of the Revised Code. 98012

Sec. 4928.66. (A) (1) (a) Beginning in 2009, an electric 98013
distribution utility shall implement energy efficiency programs 98014
that achieve energy savings equivalent to at least three-tenths 98015
of one per cent of the total, annual average, and normalized 98016
kilowatt-hour sales of the electric distribution utility during 98017
the preceding three calendar years to customers in this state. 98018
An energy efficiency program may include a combined heat and 98019
power system placed into service or retrofitted on or after the 98020
effective date of the amendment of this section by S.B. 315 of 98021
the 129th general assembly, September 10, 2012, or a waste 98022
energy recovery system placed into service or retrofitted on or 98023
after September 10, 2012, except that a waste energy recovery 98024

system described in division (A) (38) (b) of section 4928.01 of 98025
the Revised Code may be included only if it was placed into 98026
service between January 1, 2002, and December 31, 2004. For a 98027
waste energy recovery or combined heat and power system, the 98028
savings shall be as estimated by the public utilities 98029
commission. The savings requirement, using such a three-year 98030
average, shall increase to an additional five-tenths of one per 98031
cent in 2010, seven-tenths of one per cent in 2011, eight-tenths 98032
of one per cent in 2012, nine-tenths of one per cent in 2013, 98033
and one per cent in 2014. In 2015 and 2016, an electric 98034
distribution utility shall achieve energy savings equal to the 98035
result of subtracting the cumulative energy savings achieved 98036
since 2009 from the product of multiplying the baseline for 98037
energy savings, described in division (A) (2) (a) of this section, 98038
by four and two-tenths of one per cent. If the result is zero or 98039
less for the year for which the calculation is being made, the 98040
utility shall not be required to achieve additional energy 98041
savings for that year, but may achieve additional energy savings 98042
for that year. The annual savings requirements shall be, for 98043
years 2017, 2018, 2019, and 2020, an additional one per cent of 98044
the baseline. For purposes of a waste energy recovery or 98045
combined heat and power system, an electric distribution utility 98046
shall not apply more than the total annual percentage of the 98047
electric distribution utility's industrial-customer load, 98048
relative to the electric distribution utility's total load, to 98049
the annual energy savings requirement. 98050

(b) Beginning in 2009, an electric distribution utility 98051
shall implement peak demand reduction programs designed to 98052
achieve a one per cent reduction in peak demand in 2009 and an 98053
additional seventy-five hundredths of one per cent reduction 98054
each year through 2014. In 2015 and 2016, an electric 98055

distribution utility shall achieve a reduction in peak demand 98056
equal to the result of subtracting the cumulative peak demand 98057
reductions achieved since 2009 from the product of multiplying 98058
the baseline for peak demand reduction, described in division 98059
(A)(2)(a) of this section, by four and seventy-five hundredths 98060
of one per cent. If the result is zero or less for the year for 98061
which the calculation is being made, the utility shall not be 98062
required to achieve an additional reduction in peak demand for 98063
that year, but may achieve an additional reduction in peak 98064
demand for that year. In 2017 and each year thereafter through 98065
2020, the utility shall achieve an additional seventy-five 98066
hundredths of one per cent reduction in peak demand. 98067

(2) For the purposes of divisions (A)(1)(a) and (b) of 98068
this section: 98069

(a) The baseline for energy savings under division (A)(1) 98070
(a) of this section shall be the average of the total kilowatt 98071
hours the electric distribution utility sold in the preceding 98072
three calendar years. The baseline for a peak demand reduction 98073
under division (A)(1)(b) of this section shall be the average 98074
peak demand on the utility in the preceding three calendar 98075
years, except that the commission may reduce either baseline to 98076
adjust for new economic growth in the utility's certified 98077
territory. Neither baseline shall include the load and usage of 98078
any of the following customers: 98079

(i) Beginning January 1, 2017, a customer for which a 98080
reasonable arrangement has been approved under section 4905.31 98081
of the Revised Code; 98082

(ii) A customer that has opted out of the utility's 98083
portfolio plan under section 4928.6611 of the Revised Code; 98084

(iii) A customer that has opted out of the utility's 98085
portfolio plan under Section 8 of S.B. 310 of the 130th general 98086
assembly. 98087

(b) The commission may amend the benchmarks set forth in 98088
division (A)(1)(a) or (b) of this section if, after application 98089
by the electric distribution utility, the commission determines 98090
that the amendment is necessary because the utility cannot 98091
reasonably achieve the benchmarks due to regulatory, economic, 98092
or technological reasons beyond its reasonable control. 98093

(c) Compliance with divisions (A)(1)(a) and (b) of this 98094
section shall be measured by including the effects of all 98095
demand-response programs for mercantile customers of the subject 98096
electric distribution utility, all waste energy recovery systems 98097
and all combined heat and power systems, and all such mercantile 98098
customer-sited energy efficiency, including waste energy 98099
recovery and combined heat and power, and peak demand reduction 98100
programs, adjusted upward by the appropriate loss factors. Any 98101
mechanism designed to recover the cost of energy efficiency, 98102
including waste energy recovery and combined heat and power, and 98103
peak demand reduction programs under divisions (A)(1)(a) and (b) 98104
of this section may exempt mercantile customers that commit 98105
their demand-response or other customer-sited capabilities, 98106
whether existing or new, for integration into the electric 98107
distribution utility's demand-response, energy efficiency, 98108
including waste energy recovery and combined heat and power, or 98109
peak demand reduction programs, if the commission determines 98110
that that exemption reasonably encourages such customers to 98111
commit those capabilities to those programs. If a mercantile 98112
customer makes such existing or new demand-response, energy 98113
efficiency, including waste energy recovery and combined heat 98114
and power, or peak demand reduction capability available to an 98115

electric distribution utility pursuant to division (A) (2) (c) of 98116
this section, the electric utility's baseline under division (A) 98117
(2) (a) of this section shall be adjusted to exclude the effects 98118
of all such demand-response, energy efficiency, including waste 98119
energy recovery and combined heat and power, or peak demand 98120
reduction programs that may have existed during the period used 98121
to establish the baseline. The baseline also shall be normalized 98122
for changes in numbers of customers, sales, weather, peak 98123
demand, and other appropriate factors so that the compliance 98124
measurement is not unduly influenced by factors outside the 98125
control of the electric distribution utility. 98126

(d) (i) Programs implemented by a utility may include the 98127
following: 98128

(I) Demand-response programs; 98129

(II) Smart grid investment programs, provided that such 98130
programs are demonstrated to be cost-beneficial; 98131

(III) Customer-sited programs, including waste energy 98132
recovery and combined heat and power systems; 98133

(IV) Transmission and distribution infrastructure 98134
improvements that reduce line losses; 98135

(V) Energy efficiency savings and peak demand reduction 98136
that are achieved, in whole or in part, as a result of funding 98137
provided from the ~~universal service~~ electric partnership plan 98138
fund established by section 4928.51 of the Revised Code to 98139
benefit low-income customers through programs that include, but 98140
are not limited to, energy audits, the installation of energy 98141
efficiency insulation, appliances, and windows, and other 98142
weatherization measures. 98143

(ii) No energy efficiency or peak demand reduction 98144

achieved under divisions (A) (2) (d) (i) (IV) and (V) of this 98145
section shall qualify for shared savings. 98146

(iii) Division (A) (2) (c) of this section shall be applied 98147
to include facilitating efforts by a mercantile customer or 98148
group of those customers to offer customer-sited demand- 98149
response, energy efficiency, including waste energy recovery and 98150
combined heat and power, or peak demand reduction capabilities 98151
to the electric distribution utility as part of a reasonable 98152
arrangement submitted to the commission pursuant to section 98153
4905.31 of the Revised Code. 98154

(e) No programs or improvements described in division (A) 98155
(2) (d) of this section shall conflict with any statewide 98156
building code adopted by the board of building standards. 98157

(B) In accordance with rules it shall adopt, the public 98158
utilities commission shall produce and docket at the commission 98159
an annual report containing the results of its verification of 98160
the annual levels of energy efficiency and of peak demand 98161
reductions achieved by each electric distribution utility 98162
pursuant to division (A) of this section. A copy of the report 98163
shall be provided to the consumers' counsel. 98164

(C) If the commission determines, after notice and 98165
opportunity for hearing and based upon its report under division 98166
(B) of this section, that an electric distribution utility has 98167
failed to comply with an energy efficiency or peak demand 98168
reduction requirement of division (A) of this section, the 98169
commission shall assess a forfeiture on the utility as provided 98170
under sections 4905.55 to 4905.60 and 4905.64 of the Revised 98171
Code, either in the amount, per day per undercompliance or 98172
noncompliance, relative to the period of the report, equal to 98173
that prescribed for noncompliances under section 4905.54 of the 98174

Revised Code, or in an amount equal to the then existing market 98175
value of one renewable energy credit per megawatt hour of 98176
undercompliance or noncompliance. Revenue from any forfeiture 98177
assessed under this division shall be deposited to the credit of 98178
the advanced energy fund created under section 4928.61 of the 98179
Revised Code. 98180

(D) The commission may establish rules regarding the 98181
content of an application by an electric distribution utility 98182
for commission approval of a revenue decoupling mechanism under 98183
this division. Such an application shall not be considered an 98184
application to increase rates and may be included as part of a 98185
proposal to establish, continue, or expand energy efficiency or 98186
conservation programs. The commission by order may approve an 98187
application under this division if it determines both that the 98188
revenue decoupling mechanism provides for the recovery of 98189
revenue that otherwise may be forgone by the utility as a result 98190
of or in connection with the implementation by the electric 98191
distribution utility of any energy efficiency or energy 98192
conservation programs and reasonably aligns the interests of the 98193
utility and of its customers in favor of those programs. 98194

(E) The commission additionally shall adopt rules that 98195
require an electric distribution utility to provide a customer 98196
upon request with two years' consumption data in an accessible 98197
form. 98198

(F) (1) As used in divisions (F) (2), (3), and (4) of this 98199
section, "portfolio plan" has the same meaning as in division 98200
(C) (1) of section 4928.6610 of the Revised Code. 98201

(2) If an electric distribution utility has a portfolio 98202
plan in effect as of October 22, 2019, and that plan expires 98203
before December 31, 2020, the commission shall extend the plan 98204

through that date. All portfolio plans shall terminate on that date. 98205
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(3) If a portfolio plan is extended beyond its commission approved term by division (F) (2) of this section, the existing plan's budget shall be increased for the extended term to include an amount equal to the annual average of the approved budget for all years of the portfolio plan in effect as of October 22, 2019. 98207
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(4) All other terms and conditions of a portfolio plan extended beyond its commission-approved term by division (F) (2) of this section shall remain the same unless changes are authorized by the commission. 98213
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(G) (1) Not later than February 1, 2021, the commission shall determine the cumulative energy savings collectively achieved, since 2009, by all electric distribution utilities in this state as of December 31, 2020. In determining that cumulative total, the commission shall do both of the following: 98217
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(a) Include energy savings that were estimated by the commission to be achieved as of December 31, 2020, and banked under division (G) of section 4928.662 of the Revised Code; 98222
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98224

(b) Use an energy savings baseline that is the average of the total kilowatt hours sold by all electric distribution utilities in this state in the calendar years 2018, 2019, and 2020. The baseline shall exclude the load and usage described in division (A) (2) (a) (i), (ii), and (iii) of this section. That baseline may also be reduced for new economic growth in the utility's certified territory as provided in division (A) (2) (a) of this section and adjusted and normalized as provided in division (A) (2) (c) of this section. 98225
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(2) (a) If the cumulative energy savings collectively 98234
achieved as determined by the commission under division (G) (1) 98235
of this section is at least seventeen and one-half per cent of 98236
the baseline described in division (G) (1) (b) of this section, 98237
then full compliance with division (A) (1) (a) of this section 98238
shall be deemed to have been achieved notwithstanding any 98239
provision of this section to the contrary. 98240

(b) If the cumulative energy savings collectively achieved 98241
as determined by the commission under division (G) (1) of this 98242
section is less than seventeen and one-half per cent of the 98243
baseline described in division (G) (1) (b) of this section, then 98244
both of the following shall apply: 98245

(i) The commission shall determine the manner in which 98246
further implementation of energy efficiency programs shall occur 98247
as may be reasonably necessary for collective achievement of 98248
cumulative energy savings equal to seventeen and one-half per 98249
cent, and not more, of the baseline described in division (G) (1) 98250
(b) of this section. 98251

(ii) Full compliance with division (A) (1) (a) of this 98252
section shall be deemed to be achieved as of a date certain 98253
established by the commission notwithstanding any provision of 98254
this section to the contrary. 98255

(3) Upon the date that full compliance with division (A) 98256
(1) (a) of this section is deemed achieved under division (G) (2) 98257
(a) or (b) of this section, any electric distribution utility 98258
cost recovery mechanisms authorized by the commission for 98259
compliance with this section shall terminate except as may be 98260
necessary to reconcile the difference between revenue collected 98261
and the allowable cost of compliance associated with compliance 98262
efforts occurring prior to December 31, 2021, for programs re- 98263

established under section 4928.661 of the Revised Code, and 98264
prior to the date upon which full compliance with division (A) 98265
(1) (a) of this section is deemed achieved, for all other 98266
compliance efforts. No such cost recovery mechanism shall be 98267
authorized by the commission beyond the period of time required 98268
to complete this final reconciliation. 98269

Sec. 4928.75. ~~Beginning in fiscal year 2021 and each~~ 98270
~~fiscal year thereafter, the~~ The director of development job and 98271
family services shall, in each fiscal year, submit a completed 98272
waiver request in accordance with section 96.83 of Title 45 of 98273
the Code of Federal Regulations to the United States department 98274
of health and human services and any other applicable federal 98275
agencies for the state to expend twenty-five per cent of federal 98276
low-income home energy assistance programs funds from the home 98277
energy assistance block grants for weatherization services 98278
allowed by section 96.83(a) of Title 45 of the Code of Federal 98279
Regulations to the United States department of health and human 98280
services. 98281

Sec. 4933.51. As used in sections 4933.51 to 4933.59 of 98282
the Revised Code: 98283

(A) "Area of last resort" means an area within an electric 98284
distribution utility's designated service territory that is 98285
located in a county of this state with a population of not more 98286
than fifty thousand, but excluding any areas of the county that 98287
are within a ten-mile radius of another publicly available 98288
electric vehicle charging station or any areas of the county 98289
that are within one mile of an alternative fuel corridor 98290
designated by the federal highway administration. 98291

(B) "Direct current fast charging station" means an 98292
electric vehicle charging system capable of distributing 98293

electricity at fifty kilowatts or more of direct current to an 98294
electric vehicle's rechargeable battery at a voltage of two 98295
hundred volts or more. 98296

(C) "Electric distribution utility" has the same meaning 98297
as in section 4928.01 of the Revised Code. 98298

(D) "Electric vehicle" means a vehicle that is powered 98299
wholly by a system that can be recharged via an external source 98300
of electricity, including a vehicle for public or private use 98301
that is a passenger car, commercial car or truck, a vehicle used 98302
for public transit, a vehicle used in a vehicle fleet, a vehicle 98303
used in construction work, and a vehicle used in industrial or 98304
warehouse work. 98305

(E) "Electric vehicle charging provider" means the owner 98306
or operator of an electric vehicle charging station. "Electric 98307
vehicle charging provider" excludes either of the following that 98308
owns or operates an electric vehicle charging station: 98309

(1) An electric distribution utility; 98310

(2) An affiliate or subsidiary of an electric distribution 98311
utility. 98312

(F) "Electric vehicle charging station" means any 98313
nonresidential electric vehicle charging system that is both of 98314
the following: 98315

(1) Capable of distributing electricity from a source 98316
outside an electric vehicle to the electric vehicle; 98317

(2) A direct current fast charging station or level two 98318
charging station. 98319

(G) "Level two charging station" means any electric 98320
vehicle charging system capable of distributing electricity at a 98321

minimum of three or a maximum of twenty kilowatts of alternating 98322
current to an electric vehicle's rechargeable battery at a 98323
voltage of two hundred volts or more. 98324

(H) "Make-ready infrastructure" means electrical 98325
infrastructure required to accommodate the electric load of an 98326
electric vehicle charging station. "Make-ready infrastructure" 98327
excludes an electric vehicle charging station. 98328

Sec. 4933.53. (A) No electric distribution utility may own 98329
or operate publicly available electric vehicle charging stations 98330
except through a separate affiliate or subsidiary that is not 98331
subject to public utilities commission jurisdiction, except as 98332
provided in division (C) of this section and notwithstanding 98333
section 4933.55 of the Revised Code. This division does not 98334
prohibit the commission from approving a program, funded by 98335
revenues from electric distribution utility rates, to promote 98336
the creation of electric vehicle charging stations by electric 98337
vehicle charging providers or the purchase of any equipment used 98338
to charge an electric vehicle by residential customers. 98339

(B) (1) No electric distribution utility may charge its 98340
affiliate or subsidiary a subsidized rate, fee, or charge for 98341
electric service distributed to the affiliate's or subsidiary's 98342
publicly available electric vehicle charging stations. 98343

(2) An electric distribution utility affiliate or 98344
subsidiary that owns or operates an electric vehicle charging 98345
station shall be subject to the same rates, terms, and 98346
conditions that apply to electric vehicle charging providers 98347
located in the electric distribution utility's certified 98348
territory. 98349

(C) (1) If, five or more years after the effective date of 98350

this section, an electric distribution utility is able to 98351
demonstrate that there is not at least one publicly available 98352
electric vehicle charging station in an area of last resort, the 98353
electric distribution utility may petition the commission for 98354
approval of the installation and ownership of a publicly 98355
available electric vehicle charging station solely in the area 98356
of last resort. 98357

The commission may approve, modify and approve, or reject 98358
an electric distribution utility's installation and ownership of 98359
such a charging station in an area of last resort, provided that 98360
any approval shall include a finding that the requirements of 98361
this section and section 4933.54 of the Revised Code have been 98362
met. 98363

(2) No electric distribution utility shall be obligated to 98364
deploy equipment for a publicly available electric vehicle 98365
charging station without timely and adequate cost recovery. 98366

(D) (1) If an electric distribution utility files a 98367
petition under division (C) of this section, the electric 98368
distribution utility also shall file a proposal with the 98369
commission that includes a description of the area of last 98370
resort, a statement certifying that there is not at least one 98371
publicly available electric vehicle charging station in the area 98372
of last resort, and a description of the publicly available 98373
electric vehicle charging station it proposes to construct at 98374
the location. 98375

(2) An electric distribution utility, concurrently with 98376
the filing made under this division, shall provide conspicuous 98377
public notice on the electric distribution utility's web site 98378
and to each dealer of transportation fuel within a ten-mile 98379
radius of the location of the electric distribution utility's 98380

proposed publicly available electric vehicle charging station. 98381

Such notice shall contain at least both of the following: 98382

(a) The date the electric distribution utility filed a 98383
proposal with the commission to provide a publicly available 98384
electric vehicle charging station under this division; 98385

(b) The date by which a person may file a proposal to 98386
provide a publicly available electric vehicle charging station 98387
within a ten-mile radius of the proposed location as described 98388
in section 4933.54 of the Revised Code. 98389

(E) Prior to approving an electric distribution utility's 98390
installation and ownership of an electric vehicle charging 98391
station under division (C) of this section, the commission shall 98392
conduct a right of first refusal process. The commission shall 98393
not conduct a right of first refusal process if there is a 98394
publicly available electric vehicle charging station within a 98395
ten-mile radius of the site where an electric distribution 98396
utility proposes to locate such a charging station. 98397

(F) If, within ninety days after notice is provided under 98398
division (D) of this section, no electric vehicle charging 98399
providers are identified within ten miles of the location 98400
proposed by an electric distribution utility in a proposal filed 98401
under division (D) of this section, an electric distribution 98402
utility may submit to the commission a notice of intent to 98403
proceed with installation of a publicly available electric 98404
vehicle charging station. 98405

(G) Not earlier than one hundred eighty days after the 98406
commission's finding of public interest and approval of the 98407
proposal and installation, an electric distribution utility may 98408
proceed with the construction and operation of its proposed 98409

publicly available electric vehicle charging station. The 98410
construction and operation of the charging station shall not 98411
proceed if the commission determines that the construction and 98412
operation unreasonably duplicates a publicly available electric 98413
vehicle charging station operated, or under construction, by 98414
another person. 98415

Sec. 4933.54. Not later than ninety days after the filing 98416
and notice described in division (D) of section 4933.53 of the 98417
Revised Code, any person, except an electric distribution 98418
utility, an electric cooperative, or a municipal electric 98419
utility, may submit a notice to the public utilities commission 98420
stating that it intends to provide a publicly available electric 98421
vehicle charging station within a ten-mile radius of the 98422
location proposed by an electric distribution utility under 98423
section 4933.53 of the Revised Code and intends to request the 98424
necessary make-ready infrastructure from the electric 98425
distribution utility. The notice shall include the person's firm 98426
commitment to place the charging station into service before the 98427
later of the following dates: 98428

(A) Eighteen months after the date the person submits the 98429
notice to the commission; 98430

(B) Twelve months after the date of completion of the 98431
installation of the necessary make-ready infrastructure. 98432

Sec. 4933.55. Revenues received by an electric 98433
distribution utility for providing electric distribution service 98434
shall not, directly or indirectly, subsidize investments in the 98435
ownership or operation of electric vehicle charging stations, 98436
except as part of a program approved by the public utilities 98437
commission consistent with sections 4933.51 to 4933.59 of the 98438
Revised Code. 98439

Sec. 4933.57. Nothing in sections 4933.51 to 4933.59 of 98440
the Revised Code prohibits an electric distribution utility from 98441
recovering the costs of make-ready infrastructure through rates 98442
or charges authorized under the electric distribution utility's 98443
distribution rate case under section 4909.18 of the Revised 98444
Code, so long as such subsidies for make-ready infrastructure 98445
are offered to electric vehicle charging providers on a 98446
nondiscriminatory basis. 98447

Sec. 4933.59. Nothing in sections 4933.51 to 4933.59 of 98448
the Revised Code shall be construed to prohibit an electric 98449
distribution utility from operating, leasing, installing, or 98450
otherwise procuring service from an electric vehicle charging 98451
station on its own premises for the sole purpose of serving its 98452
own electric vehicles. 98453

Sec. 4981.36. The "Midwest Interstate Passenger Rail 98454
Compact" is hereby ratified, enacted into law, and entered into 98455
by the state of Ohio with all other states legally joining 98456
therein in the form substantially as follows: 98457

"MIDWEST INTERSTATE PASSENGER RAIL COMPACT 98458

The contracting states solemnly agree: 98459

Article I 98460

Statement of Purpose 98461

The purposes of this compact are, through joint or 98462
cooperative action: 98463

(A) To promote development and implementation of 98464
improvements to intercity passenger rail service in the Midwest; 98465

(B) To coordinate interaction among Midwestern state 98466
elected officials and their designees on passenger rail issues; 98467

(C) To promote development and implementation of long-range plans for high speed rail passenger service in the Midwest and among other regions of the United States; 98468
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(D) To work with the public and private sectors at the federal, state and local levels to ensure coordination among the various entities having an interest in passenger rail service and to promote Midwestern interests regarding passenger rail; 98471
and 98472
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(E) To support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest. 98476
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Article II 98479

Establishment of Commission 98480

To further the purposes of the compact, a Commission is created to carry out the duties specified in this compact. 98481
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Article III 98483

Commission Membership 98484

The manner of appointment of Commission members, terms of office consistent with the terms of this compact, provisions for removal and suspension, and manner of appointment to fill vacancies shall be determined by each party state pursuant to its laws, but each commissioner shall be a resident of the state of appointment. Commission members shall serve without compensation from the Commission. 98485
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The Commission shall consist of four resident members of each state as follows: The governor or the governor's designee who shall serve during the tenure of office of the governor, or until a successor is named; one member of the private sector who 98492
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shall be appointed by the governor and shall serve during the 98496
tenure of office of the governor, or until a successor is named; 98497
and two legislators, one from each legislative chamber (or two 98498
legislators from any unicameral legislature), who shall serve 98499
two-year terms, or until successors are appointed, and who shall 98500
be appointed by the appropriate appointing authority in each 98501
legislative chamber. All vacancies shall be filled in accordance 98502
with the laws of the appointing states. Any commissioner 98503
appointed to fill a vacancy shall serve until the end of the 98504
incomplete term. Each member state shall have equal voting 98505
privileges, as determined by the Commission bylaws. 98506

Article IV 98507

Powers and Duties of the Commission 98508

The duties of the Commission are to: 98509

(1) Advocate for the funding and authorization necessary 98510
to make passenger rail improvements a reality for the region; 98511

(2) Identify and seek to develop ways that states can form 98512
partnerships, including with rail industry and labor, to 98513
implement improved passenger rail in the region; 98514

(3) Seek development of a long-term, interstate plan for 98515
high speed rail passenger service implementation; 98516

(4) Cooperate with other agencies, regions and entities to 98517
ensure that the Midwest is adequately represented and integrated 98518
into national plans for passenger rail development; 98519

(5) Adopt bylaws governing the activities and procedures 98520
of the Commission and addressing, among other subjects: the 98521
powers and duties of officers; the voting rights of Commission 98522
members, voting procedures, Commission business, and any other 98523

purposes necessary to fulfill the duties of the Commission; 98524

(6) Expend such funds as required to carry out the powers 98525
and duties of the Commission; and 98526

(7) Report on the activities of the Commission to the 98527
legislatures and governor of the member states on an annual 98528
basis. 98529

In addition to its exercise of these duties, the 98530
Commission is empowered to: 98531

(1) Provide multistate advocacy necessary to implement 98532
passenger rail systems or plans, as approved by the Commission; 98533

(2) Work with local elected officials, economic 98534
development planning organizations, and similar entities to 98535
raise the visibility of passenger rail service benefits and 98536
needs; 98537

(3) Educate other state officials, federal agencies, other 98538
elected officials and the public on the advantages of passenger 98539
rail as an integral part of an intermodal transportation system 98540
in the region; 98541

(4) Work with federal agency officials and Members of 98542
Congress to ensure the funding and authorization necessary to 98543
develop a long-term, interstate plan for high speed rail 98544
passenger service implementation. 98545

(5) Make recommendations to members states; 98546

(6) If requested by each state participating in a 98547
particular project and under the terms of a formal agreement 98548
approved by the participating states and the Commission, 98549
implement or provide oversight for specific rail projects; 98550

- (7) Establish an office and hire staff as necessary; 98551
- (8) Contract for or provide services; 98552
- (9) Assess dues, in accordance with the terms of this 98553
compact; 98554
- (10) Conduct research; and 98555
- (11) Establish committees. 98556

Article V 98557

Officers 98558

The Commission shall annually elect from among its members 98559
a chair, a vice-chair who shall not be a resident of the state 98560
represented by the chair, and others as approved in the 98561
Commission bylaws. The officers shall perform such functions and 98562
exercise such powers as are specified in the Commission bylaws. 98563

Article VI 98564

Meetings and Commission Administration 98565

The Commission shall meet at least once in each calendar 98566
year, and at such other times as may be determined by the 98567
Commission. Commission business shall be conducted in accordance 98568
with the procedures and voting rights specified in the bylaws. 98569

Article VII 98570

Finance 98571

Except as otherwise provided for, the monies necessary to 98572
finance the general operations of the Commission in carrying 98573
forth its duties, responsibilities and powers as stated herein 98574
shall be appropriated to the Commission by the compacting 98575
states, when authorized by the respective legislatures, by equal 98576

apportionment among the compacting states. Nothing in this 98577
compact shall be construed to commit a member state to 98578
participate in financing a rail project except as provided by 98579
law of a member state. 98580

The Commission may accept, for any of its purposes and 98581
functions, donations, gifts, grants, and appropriations of 98582
money, equipment, supplies, materials and services from the 98583
federal government, from any party state or from any department, 98584
agency, or municipality thereof, or from any institution, 98585
person, firm, or corporation. All expenses incurred by the 98586
Commission in executing the duties imposed upon it by this 98587
compact shall be paid by the Commission out of the funds 98588
available to it. The Commission shall not issue any debt 98589
instrument. The Commission shall submit to the officer 98590
designated by the laws of each party state, periodically as 98591
required by the laws of each party state, a budget of its actual 98592
past and estimated future expenditures. 98593

Article VIII 98594

Enactment, Effective Date and Amendments 98595

The states of Illinois, Indiana, Iowa, Kansas, Michigan, 98596
Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota 98597
and Wisconsin are eligible to join this compact. Upon approval 98598
of the Commission, according to its bylaws, other states may 98599
also be declared eligible to join the compact. As to any 98600
eligible party state, this compact shall become effective when 98601
its legislature shall have enacted the same into law; provided 98602
that it shall not become initially effective until enacted into 98603
law by any three (3) party states incorporating the provisions 98604
of this compact into the laws of such states. Amendments to the 98605
compact shall become effective upon their enactment by the 98606

legislatures of all compacting states. 98607

Article IX 98608

Withdrawal, Default and Termination 98609

Withdrawal from this compact shall be by enactment of a 98610
statute repealing the same and shall take effect one year after 98611
the effective date of such statute. A withdrawing state shall be 98612
liable for any obligations which it may have incurred prior to 98613
the effective date of withdrawal. If any compacting state shall 98614
at any time default in the performance of any of its 98615
obligations, assumed or imposed, in accordance with the 98616
provisions of this compact, all rights, privileges and benefits 98617
conferred by this compact or agreements hereunder shall be 98618
suspended from the effective date of such default as fixed by 98619
the Commission, and the Commission shall stipulate the 98620
conditions and maximum time for compliance under which the 98621
defaulting state may resume its regular status. Unless such 98622
default shall be remedied under the stipulations and within the 98623
time period set forth by the Commission, this compact may be 98624
terminated with respect to such defaulting state by affirmative 98625
vote of a majority of the other Commission members. Any such 98626
defaulting state may be reinstated, upon vote of the Commission, 98627
by performing all acts and obligations as stipulated by the 98628
Commission. 98629

Article X 98630

Construction and Severability 98631

The provisions of this compact entered into hereunder 98632
shall be severable and if any phrase, clause, sentence or 98633
provision of this compact is declared to be contrary to the 98634
constitution of any compacting state or of the United States or 98635

the applicability thereof to any government, agency, person or 98636
circumstance is held invalid, the validity of the remainder of 98637
this compact and the applicability thereof to any government, 98638
agency, person or circumstance shall not be affected hereby. If 98639
this compact entered into hereunder shall be held contrary to 98640
the constitution of any compacting state, the compact shall 98641
remain in full force and effect as to the remaining states and 98642
in full force and effect as to the state affected as to all 98643
severable matters. The provisions of this compact entered into 98644
pursuant hereto shall be liberally construed to effectuate the 98645
purposes thereof." 98646

Sec. 4981.361. In pursuance of Articles II and III of the 98647
Midwest Interstate Passenger Rail Compact, as set forth in 98648
section 4981.36 of the Revised Code, there shall be four members 98649
of the commission from this state. 98650

The governor shall appoint two members as set forth in 98651
Article III of the compact. The terms of office for the 98652
governor's appointments shall be in accordance with Article III 98653
of the compact. 98654

The speaker of the house of representatives and the 98655
president of the senate each shall appoint one member from their 98656
respective houses of the general assembly to serve as a member 98657
of the commission, but the two appointees shall not be members 98658
of the same political party. Terms of office for legislative 98659
appointees shall be in accordance with Article III of the 98660
compact. 98661

Any member shall continue in office subsequent to the 98662
expiration of the member's term until a successor is appointed. 98663
Vacancies in the commission shall be filled in the same manner 98664
as original selections are made. Any member of the commission 98665

may be reappointed.

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Except for the purposes of Chapters 102., 2744., and 2921.
of the Revised Code, serving as a member of the commission does
not constitute holding a public office or position of employment
under the laws of this state and does not constitute grounds for
removal of public officers or employees from their offices or
positions of employment.

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The governor, speaker, or president may remove a member
for whom the governor, speaker, or president was the appointing
authority, for misfeasance, malfeasance, or willful neglect of
duty.

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Members of the commission shall serve without
compensation, but shall be reimbursed for the reasonable
expenses incurred by them in the discharge of their duties as
members of the commission.

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Sec. 5101.101. (A) This section establishes the order of
priority to be followed by the department of job and family
services when distributing funds for the purpose of providing
family planning services, including funds the department
receives through Title XX of the "Social Security Act," 88 Stat.
2337 (1974), 42 U.S.C. 1397, as amended, and funds the
department receives through Title IV-A of the "Social Security
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be
used for purposes of providing Title XX social services. This
section does not apply to payments made under the medicaid
program.

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(B) With respect to each period during which funds from a
particular source are distributed for the purpose of providing
family planning services, the department is subject to both of

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the following when distributing the funds to applicants seeking 98695
those funds: 98696

(1) Foremost priority shall be given to public entities 98697
that are operated by state or local government entities and that 98698
provide or are able to provide family planning services. 98699

(2) If any funds remain after the department distributes 98700
funds to public entities under division (B) (1) of this section, 98701
the department may distribute funds to nonpublic entities. If 98702
funds are distributed to nonpublic entities, the department 98703
shall distribute the funds in the following order of descending 98704
priority: 98705

(a) Nonpublic entities that are federally qualified health 98706
centers or federally qualified health center look-alikes, both 98707
as defined in section 3701.047 of the Revised Code, or community 98708
action agencies, as defined in section ~~122.66~~ 5101.311 of the 98709
Revised Code; 98710

(b) Nonpublic entities that provide comprehensive primary 98711
and preventive care services in addition to family planning 98712
services; 98713

(c) Nonpublic entities that provide family planning 98714
services, but do not provide comprehensive primary and 98715
preventive care services. 98716

Sec. 5101.211. The director of job and family services or 98717
the director of children and youth may provide for a grant 98718
agreement entered into under section 5101.21 of the Revised Code 98719
to have a retroactive effective date of the first day of July of 98720
an odd-numbered year if both of the following are the case: 98721

(A) The agreement is entered into after that date and 98722
before the last day of that July. 98723

(B) The board of county commissioners requests the 98724
retroactive effective date and provides the director good cause 98725
satisfactory to the director for the reason the agreement was 98726
not entered into on or before the first day of that July. 98727

Sec. 5101.212. The department of job and family services 98728
or the director of children and youth shall publish in a manner 98729
accessible to the public all of the following that concern 98730
family services duties for which grants included in grant 98731
agreements entered into under section 5101.21 of the Revised 98732
Code are awarded: state plans for receipt of federal financial 98733
participation, agreements between the department and a federal 98734
agency, and executive orders issued by the governor. The 98735
department may publish the materials electronically or 98736
otherwise. 98737

Sec. 5101.215. If the director of job and family services 98738
or the director of children and youth enters into an agreement 98739
or contracts with, or issues a grant to, a religious 98740
organization under section 5101.214 of the Revised Code, the 98741
religious organization shall comply with section 104 of the 98742
Personal Responsibility and Work Opportunity and Reconciliation 98743
Act of 1996 (P.L. 104-193). 98744

Sec. 5101.222. The director of job and family services or 98745
the director of children and youth may adopt rules in accordance 98746
with section 111.15 of the Revised Code to implement sections 98747
5101.22 to 5101.222 of the Revised Code. If the director adopts 98748
the rules, the director shall adopt the rules as if they were 98749
internal management rules. 98750

Sec. 5101.242. The department of job and family services 98751
or the director of children and youth may certify a claim to the 98752
attorney general under section 131.02 of the Revised Code for 98753

the attorney general to take action under that section against a 98754
responsible county grantee or responsible entity to recover any 98755
funds that the department determines the responsible county 98756
grantee or responsible entity owes the department for actions 98757
taken under division (C) (2), (3), (4), or (5) of section 5101.24 98758
or 5101.241 of the Revised Code. 98759

Sec. 5101.26. As used in this section and in sections 98760
5101.27 to 5101.30 of the Revised Code: 98761

(A) "Community control sanction" has the same meaning as 98762
in section 2929.01 of the Revised Code. 98763

(B) "County agency" means a county department of job and 98764
family services or a public children services agency. 98765

(C) "Fugitive felon" means an individual who is fleeing to 98766
avoid prosecution, or custody or confinement after conviction, 98767
under the laws of the place from which the individual is 98768
fleeing, for a crime or an attempt to commit a crime that is a 98769
felony under the laws of the place from which the individual is 98770
fleeing or, in the case of New Jersey, a high misdemeanor, 98771
regardless of whether the individual has departed from the 98772
individual's usual place of residence. 98773

(D) "Information" means records as defined in section 98774
149.011 of the Revised Code, any other documents in any format, 98775
and data derived from records and documents that are generated, 98776
acquired, or maintained by the department of job and family 98777
services, the department of children and youth, a county agency, 98778
or an entity performing duties on behalf of the department or a 98779
county agency. 98780

(E) "Law enforcement agency" has the same meaning as in 98781
section 109.573 of the Revised Code. 98782

(F) "Post-release control sanction" has the same meaning 98783
as in section 2967.01 of the Revised Code. 98784

(G) "Public assistance" means financial assistance or 98785
social services that are provided under a program administered 98786
by the department of job and family services, department of 98787
children and youth, or a county agency pursuant to Chapter 329., 98788
5101., 5104., 5107., or 5108. of the Revised Code or an 98789
executive order issued under section 107.17 of the Revised Code. 98790
"Public assistance" does not mean medical assistance provided 98791
under a medical assistance program, as defined in section 98792
5160.01 of the Revised Code. 98793

(H) "Public assistance recipient" means an applicant for 98794
or recipient or former recipient of public assistance. 98795

(I) "Publicly funded child care" has the same meaning as 98796
in section 5104.01 of the Revised Code. 98797

(J) "Tuberculosis control unit" means the county 98798
tuberculosis control unit designated by a board of county 98799
commissioners under section 339.72 of the Revised Code or the 98800
district tuberculosis control unit designated pursuant to an 98801
agreement entered into by two or more boards of community 98802
commissioners under that section. 98803

Sec. 5101.272. (A) For the purposes of section 5101.27 of 98804
the Revised Code, an authorization shall be made on a form that 98805
uses language understandable to the average person and contains 98806
all of the following: 98807

(1) A description of the information to be used or 98808
disclosed that identifies the information in a specific and 98809
meaningful fashion; 98810

(2) The name or other specific identification of the 98811

person or class of persons authorized to make the requested use 98812
or disclosure; 98813

(3) The name or other specific identification of the 98814
person or governmental entity to which the information may be 98815
released; 98816

(4) A description of each purpose of the requested use or 98817
disclosure of the information; 98818

(5) The date on which the authorization expires or an 98819
event related either to the individual who is the subject of the 98820
request or to the purposes of the requested use or disclosure, 98821
the occurrence of which will cause the authorization to expire; 98822

(6) A statement that the information used or disclosed 98823
pursuant to the authorization may be disclosed by the recipient 98824
of the information and may no longer be protected from 98825
disclosure; 98826

(7) The signature of the individual or the individual's 98827
authorized representative and the date on which the 98828
authorization was signed; 98829

(8) If signed by an authorized representative, a 98830
description of the representative's authority to act for the 98831
individual; 98832

(9) A statement of the individual or authorized 98833
representative's right to prospectively revoke the written 98834
authorization in writing, along with one of the following: 98835

(a) A description of how the individual or authorized 98836
representative may revoke the authorization; 98837

(b) If the department of job and family services' or 98838
department of children and youth's privacy notice contains a 98839

description of how the individual or authorized representative 98840
may revoke the authorization, a reference to that privacy 98841
notice. 98842

(10) A statement that treatment, payment, enrollment, or 98843
eligibility for public assistance cannot be conditioned on 98844
signing the authorization unless the authorization is necessary 98845
for determining eligibility for the public assistance program. 98846

(B) When an individual requests information pursuant to 98847
section 5101.27 of the Revised Code regarding the individual's 98848
receipt of public assistance and does not wish to provide a 98849
statement of purpose, the statement "at request of the 98850
individual" is a sufficient description for purposes of division 98851
(A) (4) of this section. 98852

Sec. 5101.273. The department of job and family services 98853
or the department of children and youth shall enter into any 98854
necessary agreements with the United States department of health 98855
and human services and neighboring states to join and 98856
participate as an active member in the public assistance 98857
reporting information system. The department may disclose 98858
information regarding a public assistance recipient to the 98859
extent necessary to participate as an active member in the 98860
public assistance reporting information system. 98861

Sec. 5101.28. (A) (1) On request of the department of job 98862
and family services, the department of children and youth, or a 98863
county agency, a law enforcement agency shall provide 98864
information regarding public assistance recipients to enable the 98865
department of job and family services, department of children 98866
and youth, or county agency to determine, for eligibility 98867
purposes, whether a recipient or a member of a recipient's 98868
assistance group is a fugitive felon or violating a condition of 98869

probation, a community control sanction, parole, or a post- 98870
release control sanction imposed under state or federal law. 98871

(2) A county agency may enter into a written agreement 98872
with a local law enforcement agency establishing procedures 98873
concerning access to information and providing for compliance 98874
with this section. 98875

(B) To the extent permitted by federal law, the department 98876
of job and family services, department of children and youth, 98877
and county agencies shall provide information regarding 98878
recipients of public assistance to a law enforcement agency on 98879
request for use in the performance of the law enforcement 98880
agency's official duties. 98881

(C) Information about a public assistance recipient shall 98882
be exchanged, obtained, or shared only if the department of job 98883
and family services, department of children and youth, county 98884
agency, or law enforcement agency requesting the information 98885
gives sufficient information to specifically identify the 98886
recipient. In addition to the recipient's name, identifying 98887
information may include the recipient's current or last known 98888
address, social security number, other identifying number, age, 98889
gender, physical characteristics, any information specified in 98890
an agreement entered into under division (A) of this section, or 98891
any information considered appropriate by the department of job 98892
and family services, department of children and youth or agency. 98893

(D) (1) The department of job and family services, 98894
department of children and youth, and ~~its~~ each department's 98895
officers and employees are not liable in damages in a civil 98896
action for any injury, death, or loss to person or property that 98897
allegedly arises from the release of information in accordance 98898
with divisions (A), (B), and (C) of this section. This section 98899

does not affect any immunity or defense that the department of 98900
job and family services, department of children and youth, and 98901
~~its~~ each department's officers and employees may be entitled to 98902
under another section of the Revised Code or the common law of 98903
this state, including section 9.86 of the Revised Code. 98904

(2) The county agencies and their employees are not liable 98905
in damages in a civil action for any injury, death, or loss to 98906
person or property that allegedly arises from the release of 98907
information in accordance with divisions (A), (B), and (C) of 98908
this section. "Employee" has the same meaning as in division (B) 98909
of section 2744.01 of the Revised Code. This section does not 98910
affect any immunity or defense that the county agencies and 98911
their employees may be entitled to under another section of the 98912
Revised Code or the common law of this state, including section 98913
2744.02 and division (A) (6) of section 2744.03 of the Revised 98914
Code. 98915

(E) To the extent permitted by federal law, the department 98916
of job and family services, department of children and youth, 98917
and county agencies shall provide access to information to the 98918
auditor of state acting pursuant to Chapter 117. or sections 98919
5101.181 and 5101.182 of the Revised Code and to any other 98920
government entity authorized by federal law to conduct an audit 98921
of, or similar activity involving, a public assistance program. 98922

(F) To the extent permitted by law, nothing in this 98923
section prohibits the department of job and family services, the 98924
department of children and youth, county departments of job and 98925
family services, and employees of the departments from reporting 98926
to a public children services agency or other appropriate agency 98927
information on known or suspected physical or mental injury, 98928
sexual abuse or exploitation, or negligent treatment or 98929

maltreatment, of a child. 98930

Sec. 5101.30. (A) The director of job and family services 98931
and the director of children and youth shall adopt rules in 98932
accordance with Chapter 119. of the Revised Code implementing 98933
sections 5101.26 to 5101.30 of the Revised Code and governing 98934
the custody, use, disclosure, and preservation of the 98935
information generated or received by the department of job and 98936
family services, the department of children and youth, county 98937
agencies, other state and county entities, contractors, 98938
grantees, private entities, or officials participating in the 98939
administration of public assistance programs. The rules shall 98940
comply with applicable federal statutes and regulations. 98941

(1) The rules shall specify conditions and procedures for 98942
the release of information which may include, among other 98943
conditions and procedures, both of the following: 98944

(a) Permitting providers of services or assistance under 98945
public assistance programs limited access to information that is 98946
essential for the providers to render services or assistance or 98947
to bill for services or assistance rendered. The department of 98948
aging, when investigating a complaint under section 173.20 of 98949
the Revised Code, shall be granted any limited access permitted 98950
in the rules pursuant to division (A)(1) of this section. 98951

(b) Permitting a contractor, grantee, or other state or 98952
county entity limited access to information that is essential 98953
for the contractor, grantee, or entity to perform administrative 98954
or other duties on behalf of the department or county agency. A 98955
contractor, grantee, or entity given access to information 98956
pursuant to division (A)(2) of this section is bound by the 98957
director's rules, and disclosure of the information by the 98958
contractor, grantee, or entity in a manner not authorized by the 98959

rules is a violation of section 5101.27 of the Revised Code. 98960

(2) The rules may define who is an "authorized 98961
representative" for purposes of sections 5101.27 and 5101.272 of 98962
the Revised Code. 98963

(B) Whenever names, addresses, or other information 98964
relating to public assistance recipients is held by any agency 98965
other than the department or a county agency, that other agency 98966
shall adopt rules consistent with sections 5101.26 to 5101.30 of 98967
the Revised Code to prevent the publication or disclosure of 98968
names, lists, or other information concerning those recipients. 98969

Sec. ~~122.66~~ 5101.311. As used in sections ~~122.66~~ 5101.311 98970
to ~~122.702~~ 5101.318 of the Revised Code: 98971

(A) "Poverty line" means the official poverty line 98972
established by the director of the United States office of 98973
management and budget and as revised by the secretary of health 98974
and human services in accordance with section 673(2) of the 98975
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 98976
9902. 98977

(B) "Low-income person" means a person whose adjusted 98978
gross income as defined in division (A) of section 5747.01 of 98979
the Revised Code is below the poverty line as defined in 98980
division (A) of this section. 98981

(C) "Advocacy" means the act of pleading for, supporting, 98982
or recommending actions on behalf of low-income persons. 98983

(D) "Community action agency" means a community-based and 98984
operated private nonprofit agency or organization incorporated 98985
under Chapter 1702. of the Revised Code that includes or is 98986
designed to include a sufficient number of projects or 98987
components to provide a range of services and activities having 98988

a measurable and potentially major impact on the causes of 98989
poverty in the community or those areas of the community where 98990
poverty is a particularly acute problem and is designated as a 98991
community action agency by the ~~community services division~~ 98992
department of job and family services pursuant to sections 98993
~~122.68~~ 5101.313 and ~~122.69~~ 5101.315 of the Revised Code. A 98994
"community action agency" is not a state agency or public 98995
office. 98996

(E) "Community" means a city, village, county, multicity 98997
or multicounty unit, a neighborhood or other area, disregarding 98998
boundaries or political subdivisions, which provides a suitable 98999
organizational base and possesses a commonality of needs and 99000
interests for a community action program suitable to be served 99001
by a community action agency. 99002

(F) "Service area" means the geographical area served by a 99003
community action agency. 99004

Sec. ~~122.67~~ 5101.312. ~~There is hereby created in the~~ 99005
~~development services agency the community services division.~~ The 99006
director of ~~development services~~ job and family services shall 99007
employ and fix the compensation of professional and technical 99008
unclassified personnel as necessary to carry out the provisions 99009
of sections ~~122.66~~ 5101.311 to ~~122.701~~ 5101.317 of the Revised 99010
Code. 99011

Sec. ~~122.68~~ 5101.313. ~~The community services division~~ 99012
department of job and family services shall: 99013

(A) Administer all federal funds appropriated to the state 99014
from the "Community Services Block Grant Act," 95 Stat. 511, 42 99015
U.S.C.A. 9901, and comply with requirements imposed by that act 99016
in its application for, and administration of, the funds; 99017

(B) Designate community action agencies to receive 99018
community services block grant funds; 99019

(C) (1) Subject to division (C) (2) of this section, 99020
disburse at least ninety-one per cent of the funds received in 99021
the state from the "Community Services Block Grant Act" to 99022
community action agencies that comply with the requirements of 99023
section ~~122.69~~ 5101.315 of the Revised Code and migrant and 99024
seasonal farm worker organizations that are not designated 99025
community action agencies but which provide the services 99026
described in division (B) (1) of section ~~122.69~~ 5101.315 of the 99027
Revised Code; 99028

(2) Disburse at least four and one-half per cent of the 99029
funds received in the state from the "Community Services Block 99030
Grant Act" to one or more nonprofit organizations to which both 99031
of the following apply: 99032

(a) The organization or organizations were incorporated 99033
under the laws of this state before January 1, 2015. 99034

(b) The primary purpose of the organization or 99035
organizations is to provide training and technical assistance to 99036
community action agencies that comply with the requirements of 99037
section ~~122.69~~ 5101.315 of the Revised Code. 99038

(D) Provide technical assistance to community action 99039
agencies to improve program planning, development, and 99040
administration; 99041

(E) Conduct yearly performance assessments, according to 99042
criteria determined by ~~development services agency department of~~ 99043
job and family services rule, to determine whether community 99044
action agencies are in compliance with section ~~122.69~~ 5101.315 99045
of the Revised Code; 99046

(F) Annually prepare and submit to the United States 99047
secretary of health and human services, the governor, the 99048
president of the Ohio senate, and the speaker of the Ohio house 99049
of representatives, a comprehensive report that includes: 99050

(1) Certification that all community action agencies 99051
designated to receive funds from the "Community Services Block 99052
Grant Act" are in compliance with section ~~122.69~~ 5101.315 of the 99053
Revised Code; 99054

(2) A program plan for the next federal fiscal year that 99055
has been made available for public inspection and that details 99056
how community services block grant funds will be disbursed and 99057
used during that fiscal year; 99058

(3) Information detailing how funds were expended for the 99059
current fiscal year; 99060

(4) An audit of community services block grant 99061
expenditures for the preceding federal fiscal year that is 99062
conducted in accordance with generally accepted accounting 99063
principles by an independent auditing firm that has no 99064
connection with any community action agency receiving community 99065
services block grant funds or with any employee of the division. 99066

(G) Serve as a statewide advocate for social and economic 99067
opportunities for low-income persons. 99068

Sec. ~~122.681~~ 5101.314. (A) Except as permitted by this 99069
section, or when required by federal law, no person or 99070
government entity shall solicit, release, disclose, receive, 99071
use, or knowingly permit or participate in the use of any 99072
information regarding an individual receiving assistance 99073
pursuant to a ~~community services division~~ department of job and 99074
family services program under sections ~~122.66~~ 5101.311 to 99075

~~122.702-5101.318~~ of the Revised Code for any purpose not 99076
directly related to the administration of a ~~division~~department 99077
assistance program. 99078

(B) To the extent permitted by federal law, the 99079
~~division~~department, and any entity that receives ~~division~~ 99080
department funds to administer a ~~division~~department program to 99081
assist individuals, shall release information regarding an 99082
individual assistance recipient to the following: 99083

(1) A government entity responsible for administering the 99084
assistance program for purposes directly related to the 99085
administration of the program; 99086

(2) A law enforcement agency for the purpose of any 99087
investigation, prosecution, or criminal or civil proceeding 99088
relating to the administration of the assistance program; 99089

(3) A government entity responsible for administering a 99090
children's protective services program, for the purpose of 99091
protecting children; 99092

(4) Any appropriate person in compliance with a search 99093
warrant, subpoena, or other court order. 99094

(C) To the extent permitted by federal law and section 99095
1347.08 of the Revised Code, the ~~division~~department, and any 99096
entity administering a ~~division~~department program, shall 99097
provide access to information regarding an individual assistance 99098
recipient to all of the following: 99099

(1) The individual assistance recipient; 99100

(2) The authorized representative of the individual 99101
assistance recipient; 99102

(3) The legal guardian of the individual assistance 99103

recipient; 99104

(4) The attorney of the individual assistance recipient. 99105

(D) To the extent permitted by federal law, the 99106
~~division~~department, and any entity administering a ~~division~~
department program, may do either of the following: 99107
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(1) Release information about an individual assistance 99109
recipient if the recipient gives voluntary, written 99110
authorization; 99111

(2) Release information regarding an individual assistance 99112
recipient to a state, federal, or federally assisted program 99113
that provides cash or in-kind assistance or services directly to 99114
individuals based on need. 99115

(E) The ~~community services division~~department of job and 99116
family services, or an entity administering a ~~division~~
department program, shall provide, at no cost, a copy of each 99117
written authorization to the individual who signed it. 99118
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(F) The ~~development services agency~~department may adopt 99120
rules defining who may serve as an individual assistance 99121
recipient's authorized representative for purposes of division 99122
(C) (2) of this section. 99123

Sec. 122.69 5101.315. (A) Any nonprofit agency or 99124
organization seeking designation as a community action agency by 99125
the ~~community services division~~department of job and family 99126
services shall obtain the endorsement of the chief elected 99127
officials of at least two-thirds of the municipal corporations 99128
and the counties within the community to be served by the agency 99129
or organization. 99130

(B) Any nonprofit agency or organization that receives the 99131

endorsement provided for in division (A) of this section shall 99132
be designated by the ~~division~~department as the community action 99133
agency for the community it serves and shall receive community 99134
services block grant funds for any period of time that the 99135
nonprofit agency or organization: 99136

(1) Provides a range of services and opportunities having 99137
a measurable and potentially major impact on the causes of 99138
poverty in the community or those areas of the community where 99139
poverty is a particularly acute problem. These activities may 99140
include but shall not be limited to: 99141

(a) Providing activities designed to assist low-income 99142
persons, including low-income persons who are elderly and who 99143
have disabilities, to: 99144

(i) Secure and maintain meaningful employment, training, 99145
work experience, and unsubsidized employment; 99146

(ii) Attain an adequate education; 99147

(iii) Make better use of available income; 99148

(iv) Obtain and maintain adequate housing and a suitable 99149
living environment; 99150

(v) Obtain emergency assistance through loans or grants to 99151
meet immediate and urgent individual and family needs, including 99152
the need for health services, nutritious food, housing, and 99153
employment-related assistance; 99154

(vi) Remove obstacles and solve personal and family 99155
problems that block the achievement of self-sufficiency; 99156

(vii) Achieve greater participation in the affairs of the 99157
community; 99158

(viii) Undertake family planning, consistent with personal 99159
and family goals and religious and moral convictions; 99160

(ix) Obtain energy assistance, conservation, and 99161
weatherization services. 99162

(b) Providing, on an emergency basis, supplies and 99163
services, nutritious foodstuffs, and related services necessary 99164
to counteract conditions of starvation and malnutrition among 99165
low-income persons; 99166

(c) Coordinating and establishing links between government 99167
and other social services programs to assure the effective 99168
delivery of services to low-income individuals; 99169

(d) Providing child care services, nutrition and health 99170
services, transportation services, alcoholism and narcotic 99171
addiction prevention and rehabilitation services, youth 99172
development services, and community services to persons who are 99173
elderly and who have disabilities; 99174

(e) Encouraging entities in the private sector to 99175
participate in efforts to ameliorate poverty in the community. 99176

(2) Annually submits to the ~~division~~department a program 99177
plan and budget for use of community services block grant funds 99178
for the next federal fiscal year. At least ten days prior to its 99179
submission to the ~~division~~department, a copy of the program plan 99180
and budget shall be made available to the chief elected 99181
officials of the municipal corporations and counties within the 99182
service area in order to provide them the opportunity to review 99183
and comment upon such plan and budget. 99184

(3) Composes its board of directors in compliance with 99185
~~section (c) (3) of section 675 of the "Community Services Block~~ 99186
~~Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904~~U.S.C. 9910, except 99187

that the board shall consist of not less than fifteen nor more 99188
than thirty-three members; 99189

(4) Complies with the prohibitions against discrimination 99190
and political activity, as provided in the "Community Services 99191
Block Grant Act"; 99192

(5) Complies with fiscal and program requirements 99193
established by ~~development services agency~~ department rule. 99194

Sec. ~~122.70~~ 5101.316. The board of directors of a 99195
community action agency shall: 99196

(A) Select, appoint, and may remove the executive director 99197
of the community action agency; 99198

(B) Approve contracts, annual program budgets, and 99199
policies of the community action agency; 99200

(C) Advise the elected officials of any political 99201
subdivision located within its service area, and state and 99202
federal elected officials who represent its service area, of the 99203
nature and extent of poverty within its community, and advise 99204
them of any needed changes; 99205

(D) Convene public meetings to provide community members 99206
the opportunity to comment on public policies and programs to 99207
reduce poverty; 99208

(E) Annually evaluate the policies and programs of the 99209
community action agency according to criteria determined by 99210
~~department of development~~ department of job and family services 99211
rule; 99212

(F) Submit the results of the evaluation required by 99213
division (E) of this section, along with recommendations for 99214
improved administration of the community action agency, to the 99215

~~community services division~~department; 99216

(G) Adopt a code of ethics for the board of directors and 99217
the employees of the community action agency; 99218

(H) Adopt written policies describing all of the 99219
following: 99220

(1) How the community action agency is to expend and 99221
distribute the community services block grant funds that it 99222
receives from the division under sections ~~122.68~~ 5101.313 and 99223
~~122.69~~ 5101.315 of the Revised Code; 99224

(2) The salary, benefits, travel expenses, and any other 99225
compensation that persons are to receive for serving on the 99226
community action agency's board of directors; 99227

(3) The operating procedures to be used by the board to 99228
conduct its meetings, to vote on all official business it 99229
considers, and to provide notice of its meetings. 99230

The written operating procedures described in this 99231
division shall specify the methods by which the board may 99232
conduct meetings using virtual electronic technology, and shall 99233
specify that the board may provide notice of its meetings by any 99234
means deemed appropriate to the board. 99235

(I) Provide for the posting of notices in a conspicuous 99236
place indicating that the code of ethics described in division 99237
(G) of this section and the policies described in division (H) 99238
of this section are available for public inspection at the 99239
community action agency during normal business hours. 99240

Sec. ~~122.701~~ 5101.317. (A) Prior to designating a new 99241
community action agency or rescinding a community action 99242
agency's designation, the ~~community services division~~ department 99243

of job and family services shall: 99244

(1) Determine whether a community action agency is in 99245
compliance with section ~~122.69~~ 5101.315 of the Revised Code; 99246

(2) Consult with the chief elected officials of political 99247
subdivisions located within a community action agency's service 99248
area, and, in designating a new community action agency, obtain 99249
their endorsement of the agency in accordance with division (A) 99250
of section ~~122.69~~ 5101.315 of the Revised Code; 99251

(3) Hold at least one public meeting within a community 99252
action agency's service area for the purpose of allowing 99253
citizens to comment on the community action agency's delivery of 99254
services; 99255

(4) Evaluate the proposed service area of the community 99256
action agency, and, as may be necessary, modify the boundaries 99257
of the service area so that low-income persons in the area are 99258
adequately and efficiently served. 99259

(B) After providing notice and hearing pursuant to 99260
sections 119.01 to 119.13 of the Revised Code, the director of 99261
~~development~~ job and family services: 99262

(1) May rescind the designation of a community action 99263
agency after finding that the agency is not in compliance with 99264
any or all of the provisions of section ~~122.69~~ 5101.315 of the 99265
Revised Code; 99266

(2) Shall rescind the designation of a community action 99267
agency upon notification from the chief elected officials of 99268
more than one-half of the municipal corporations and the 99269
counties within a community currently served by a community 99270
action agency that such agency is not endorsed by them and after 99271
finding that the agency is not in compliance with section ~~122.69~~ 99272

5101.315 of the Revised Code.

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Any agency whose designation is rescinded pursuant to this
section may appeal from an order rescinding such designation
pursuant to section 119.12 of the Revised Code.

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Sec. ~~122.702~~ 5101.318. The general assembly shall conduct
public hearings ~~each year on the proposed use and distribution~~
~~of~~ community services block grant funds, as required by section
~~675(b) 676~~ of the "Community Services Block Grant Act," ~~95 Stat.~~
~~1609, 42 U.S.C.A. 9904~~U.S.C. 9908.

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Sec. 5101.33. (A) As used in this section, "benefits"
means any of the following:

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(1) Cash assistance paid under Chapter 5107. of the
Revised Code;

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(2) Supplemental nutrition assistance program benefits
provided under section 5101.54 of the Revised Code;

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(3) Any other program administered by the department of
job and family services or the department of children and youth
under which assistance is provided or service rendered;

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(4) Any other program, service, or assistance administered
by a person or government entity that the department determines
may be delivered through the medium of electronic benefit
transfer.

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(B) The department of job and family services or
department of children and youth may make any payment or
delivery of benefits to eligible individuals through the medium
of electronic benefit transfer by doing all of the following:

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(1) Contracting with an agent to supply debit cards to the
department of job and family services or the department of

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children and youth for use by such individuals in accessing 99301
their benefits and to credit such cards electronically with the 99302
amounts specified by the director of job and family services or 99303
the director of children and youth pursuant to law; 99304

(2) Informing such individuals about the use of the 99305
electronic benefit transfer system and furnishing them with 99306
debit cards and information that will enable them to access 99307
their benefits through the system; 99308

(3) Arranging with specific financial institutions or 99309
vendors, county departments of job and family services, or 99310
persons or government entities for individuals to have their 99311
cards credited electronically with the proper amounts at their 99312
facilities; 99313

(4) Periodically preparing vouchers for the payment of 99314
such benefits by electronic benefit transfer; 99315

(5) Satisfying any applicable requirements of federal and 99316
state law. 99317

(C) The department may enter into a written agreement with 99318
any person or government entity to provide benefits administered 99319
by that person or entity through the medium of electronic 99320
benefit transfer. A written agreement may require the person or 99321
government entity to pay to the department either or both of the 99322
following: 99323

(1) A charge that reimburses the department for all costs 99324
the department incurs in having the benefits administered by the 99325
person or entity provided through the electronic benefit 99326
transfer system; 99327

(2) A fee for having the benefits provided through the 99328
electronic benefit transfer system. 99329

(D) The department may designate which counties will 99330
participate in the medium of electronic benefit transfer, 99331
specify the date a designated county will begin participation, 99332
and specify which benefits will be provided through the medium 99333
of electronic benefit transfer in a designated county. 99334

(E) The department of job and family services or the 99335
department of children and youth may adopt rules in accordance 99336
with Chapter 119. of the Revised Code for the efficient 99337
administration of this section. 99338

Sec. 5101.35. (A) As used in this section: 99339

(1) (a) "Agency" means the following entities that 99340
administer a family services program: 99341

(i) The department of job and family services; 99342

(ii) The department of children and youth; 99343

(iii) A county department of job and family services; 99344

(iv) A public children services agency; 99345

(v) A private or government entity administering, in whole 99346
or in part, a family services program for or on behalf of the 99347
department of job and family services, the department of 99348
children and youth, or a county department of job and family 99349
services or public children services agency. 99350

(b) If the department of medicaid contracts with the 99351
department of job and family services to hear appeals authorized 99352
by section 5160.31 of the Revised Code regarding medical 99353
assistance programs, "agency" includes the department of 99354
medicaid. 99355

(2) "Appellant" means an applicant, participant, former 99356

participant, recipient, or former recipient of a family services 99357
program who is entitled by federal or state law to a hearing 99358
regarding a decision or order of the agency that administers the 99359
program. 99360

(3) (a) "Family services program" means all of the 99361
following: 99362

(i) A Title IV-A program as defined in section 5101.80 of 99363
the Revised Code; 99364

(ii) Programs that provide assistance under Chapter 5104. 99365
of the Revised Code; 99366

(iii) Programs that provide assistance under section 99367
~~5101.141~~, 5101.461, 5101.54, 5119.41, 5153.163, ~~or~~ 5153.165, or 99368
5180.42 of the Revised Code; 99369

(iv) Title XX social services provided under section 99370
5101.46 of the Revised Code, other than such services provided 99371
by the department of mental health and addiction services, the 99372
department of developmental disabilities, a board of alcohol, 99373
drug addiction, and mental health services, or a county board of 99374
developmental disabilities. 99375

(b) If the department of medicaid contracts with the 99376
department of job and family services to hear appeals authorized 99377
by section 5160.31 of the Revised Code regarding medical 99378
assistance programs, "family services program" includes medical 99379
assistance programs. 99380

(4) "Medical assistance program" has the same meaning as 99381
in section 5160.01 of the Revised Code. 99382

(B) Except as provided by divisions (G) and (H) of this 99383
section, an appellant who appeals under federal or state law a 99384

decision or order of an agency administering a family services 99385
program shall, at the appellant's request, be granted a state 99386
hearing by the department of job and family services or the 99387
department of children and youth, as appropriate. This state 99388
hearing shall be conducted in accordance with rules adopted 99389
under this section. The state hearing shall be recorded, but 99390
neither the recording nor a transcript of the recording shall be 99391
part of the official record of the proceeding. Except as 99392
provided in section 5160.31 of the Revised Code, a state hearing 99393
decision is binding upon the agency and department, unless it is 99394
reversed or modified on appeal to the director of job and family 99395
services, director of children and youth, or a court of common 99396
pleas. 99397

(C) Except as provided by division (G) of this section, an 99398
appellant who disagrees with a state hearing decision may make 99399
an administrative appeal to the director of job and family 99400
services or director of children and youth in accordance with 99401
rules adopted under this section. This administrative appeal 99402
does not require a hearing, but the director or the director's 99403
designee shall review the state hearing decision and previous 99404
administrative action and may affirm, modify, remand, or reverse 99405
the state hearing decision. An administrative appeal decision is 99406
the final decision of the department and, except as provided in 99407
section 5160.31 of the Revised Code, is binding upon the 99408
department and agency, unless it is reversed or modified on 99409
appeal to the court of common pleas. 99410

(D) An agency shall comply with a decision issued pursuant 99411
to division (B) or (C) of this section within the time limits 99412
established by rules adopted under this section. If a county 99413
department of job and family services or a public children 99414
services agency fails to comply within these time limits, the 99415

department may take action pursuant to section 5101.24 of the 99416
Revised Code. If another agency, other than the department of 99417
medicaid, fails to comply within the time limits, the department 99418
may force compliance by withholding funds due the agency or 99419
imposing another sanction established by rules adopted under 99420
this section. 99421

(E) An appellant who disagrees with an administrative 99422
appeal decision of the director of job and family services, the 99423
director of children and youth, or either director's designee 99424
issued under division (C) of this section may appeal from the 99425
decision to the court of common pleas pursuant to section 119.12 99426
of the Revised Code. The appeal shall be governed by section 99427
119.12 of the Revised Code except that: 99428

(1) The person may apply to the court for designation as 99429
an indigent and, if the court grants this application, the 99430
appellant shall not be required to furnish the costs of the 99431
appeal. 99432

(2) The appellant shall mail the notice of appeal to the 99433
department of job and family services or director of children 99434
and youth, as appropriate, and file notice of appeal with the 99435
court within thirty days after the department mails the 99436
administrative appeal decision to the appellant. For good cause 99437
shown, the court may extend the time for mailing and filing 99438
notice of appeal, but such time shall not exceed six months from 99439
the date the department mails the administrative appeal 99440
decision. Filing notice of appeal with the court shall be the 99441
only act necessary to vest jurisdiction in the court. 99442

(3) The department shall be required to file a transcript 99443
of the testimony of the state hearing with the court only if the 99444
court orders the department to file the transcript. The court 99445

shall make such an order only if it finds that the department 99446
and the appellant are unable to stipulate to the facts of the 99447
case and that the transcript is essential to a determination of 99448
the appeal. The department shall file the transcript not later 99449
than thirty days after the day such an order is issued. 99450

(F) The department of job and family service and 99451
department of children and youth, as applicable, shall adopt 99452
rules in accordance with Chapter 119. of the Revised Code to 99453
implement this section, including rules governing the following: 99454

(1) State hearings under division (B) of this section. The 99455
rules shall include provisions regarding notice of eligibility 99456
termination and the opportunity of an appellant appealing a 99457
decision or order of a county department of job and family 99458
services to request a county conference with the county 99459
department before the state hearing is held. 99460

(2) Administrative appeals under division (C) of this 99461
section; 99462

(3) Time limits for complying with a decision issued under 99463
division (B) or (C) of this section; 99464

(4) Sanctions that may be applied against an agency under 99465
division (D) of this section. 99466

(G) The department of job and family services and the 99467
department of children and youth, as applicable, may adopt rules 99468
in accordance with Chapter 119. of the Revised Code establishing 99469
an appeals process for an appellant who appeals a decision or 99470
order regarding a Title IV-A program identified under division 99471
(A) (4) (c), (d), (e), (f), (g), or (h) of section 5101.80 of the 99472
Revised Code that is different from the appeals process 99473
established by this section. The different appeals process may 99474

include having a state agency that administers the Title IV-A 99475
program pursuant to an interagency agreement entered into under 99476
section 5101.801 of the Revised Code administer the appeals 99477
process. 99478

(H) If an appellant receiving medicaid through a health 99479
insuring corporation that holds a certificate of authority under 99480
Chapter 1751. of the Revised Code is appealing a denial of 99481
medicaid services based on lack of medical necessity or other 99482
clinical issues regarding coverage by the health insuring 99483
corporation, the person hearing the appeal may order an 99484
independent medical review if that person determines that a 99485
review is necessary. The review shall be performed by a health 99486
care professional with appropriate clinical expertise in 99487
treating the recipient's condition or disease. The department 99488
shall pay the costs associated with the review. 99489

A review ordered under this division shall be part of the 99490
record of the hearing and shall be given appropriate evidentiary 99491
consideration by the person hearing the appeal. 99492

(I) The requirements of Chapter 119. of the Revised Code 99493
apply to a state hearing or administrative appeal under this 99494
section only to the extent, if any, specifically provided by 99495
rules adopted under this section. 99496

Sec. 5101.351. The department of job and family services 99497
or the department of children and youth may employ or contract 99498
with hearing officers to draft and recommend state hearing 99499
decisions under division (B) of section 5101.35 of the Revised 99500
Code. The department may employ or contract with hearing 99501
authorities to issue state hearing decisions under division (B) 99502
of section 5101.35 of the Revised Code. A hearing authority 99503
employed or contracted with under this section is not required 99504

to have been admitted to the practice of law in this state. 99505

Sec. 5101.38. The department of job and family services or 99506
the department of children and youth may appoint and commission 99507
any competent officer, employee, agency, or person to serve as a 99508
special agent, investigator, or representative to perform a 99509
designated duty for and in behalf of the department. Specific 99510
credentials shall be given by the department to each person so 99511
designated, and each credential shall state: 99512

(A) The person's name; 99513

(B) Agency with which such person is connected; 99514

(C) Purpose of appointment; 99515

(D) Date of expiration of appointment, if appropriate; 99516

(E) Such information as the department considers proper. 99517

Sec. 5101.461. (A) As used in this section: 99518

(1) "Title IV-A" means Title IV-A of the "Social Security 99519
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 99520

(2) "Title XX" has the same meaning as in section 5101.46 99521
of the Revised Code. 99522

(B) To the extent authorized by federal law, the 99523
department of job and family services or the department of 99524
children and youth may use funds received through the Title IV-A 99525
temporary assistance for needy families block grant for purposes 99526
of providing Title XX social services. The amount used under 99527
this section shall not exceed the maximum amount permitted by 99528
federal law. The funds and provision of Title XX social services 99529
with the funds are not subject to section 5101.46 of the Revised 99530
Code. 99531

Funds distributed under this section for the purpose of 99532
providing family planning services shall be distributed by a 99533
county department of job and family services according to the 99534
same order of priority that applies to the department of job and 99535
family services under section 5101.101 of the Revised Code. 99536

(C) The department and any county department of job and 99537
family services may require an entity under contract to provide 99538
Title XX social services with funds used under this section to 99539
submit to an audit on the basis of alleged misuse or improper 99540
accounting of funds. If an audit is required, the social 99541
services provider shall reimburse the state department or county 99542
department for the cost it incurred in conducting the audit or 99543
having the audit conducted. 99544

If an audit demonstrates that a social services provider 99545
is responsible for one or more adverse findings, the provider 99546
shall reimburse the state department or county department the 99547
amount of the adverse findings. The amount shall not be 99548
reimbursed with funds received under this section. The state 99549
department and county departments may terminate or refuse to 99550
enter into a contract with a social services provider to provide 99551
services with funds available pursuant to this section if there 99552
are adverse findings in an audit that are the responsibility of 99553
the provider. 99554

(D) The state department of job and family services or the 99555
department of children and youth may adopt rules to implement 99556
and carry out the purposes of this section. Rules governing 99557
financial and operational matters of the department or matters 99558
between the department and county departments of job and family 99559
services shall be adopted as internal management rules in 99560
accordance with section 111.15 of the Revised Code. Rules 99561

governing eligibility for services, program participation, and 99562
other matters pertaining to applicants and participants shall be 99563
adopted in accordance with Chapter 119. of the Revised Code. 99564

Sec. 5101.546. To the maximum extent permitted by federal 99565
law and notwithstanding any provision of law to the contrary, 99566
the department of job and family services shall require a 99567
household receiving supplemental nutrition assistance program 99568
benefits to report, not later than thirty days after the change 99569
becomes known to the household, the changes in circumstances 99570
enumerated for certified change reporting households under 7 99571
C.F.R. 273.12(a)(1). The department shall not exercise the 99572
option under 7 C.F.R. 273.12(a)(5) and (6) to establish a system 99573
of quarterly or simplified reporting in lieu of the change 99574
reporting requirements specified under 7 C.F.R. 273.12(a)(1). 99575

Sec. 5101.548. (A) The department of job and family 99576
services shall not implement the option available under section 99577
6(o)(6) of the "Food and Nutrition Act of 2008," 7 U.S.C. 99578
2015(o)(6). 99579

(B) The department of job and family services shall not 99580
request, apply for, or renew a waiver authorized by section 6(o) 99581
(4) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(o) 99582
(4). 99583

Sec. 5101.549. (A) As used in this section: 99584

(1) "Food additive" means any of the following: 99585

(a) Synthetic food dyes derived from petroleum or coal 99586
tar, including red 40, red 3, yellow 5, yellow 6, blue 1, blue 99587
2, and green 3; 99588

(b) Titanium dioxide and any other whitening agents 99589
classified as nanoparticles; 99590

(c) Brominated vegetable oil and other chemical 99591
emulsifiers linked to hormone disruption; 99592

(d) Potassium bromate, propylparaben, and any chemical 99593
additives classified as probable carcinogens. 99594

(2) "Sugar-sweetened beverages" means nonalcoholic 99595
beverages that are made with carbonated water that is flavored, 99596
contains a food additive, and is sweetened with sugar or 99597
artificial sweeteners. "Sugar-sweetened beverages" do not 99598
include a beverage that contains milk, milk products, soy, rice, 99599
or other milk substitutes, or that contain greater than fifty 99600
per cent vegetable or fruit juice by volume, or that contain 99601
less than five grams of added sugar. 99602

(B) The director of job and family services shall submit a 99603
request to the United States department of agriculture for a 99604
waiver to exclude sugar-sweetened beverages as items that may be 99605
purchased in this state under the supplemental nutrition 99606
assistance program. If a waiver submitted under this section is 99607
not approved, the director shall resubmit a request for a waiver 99608
on an annual basis. 99609

Sec. 5101.612. (A) As used in this section, "federal 99610
poverty line" has the same meaning as in section 5162.01 of the 99611
Revised Code. 99612

(B) Within available funds, the department of job and 99613
family services shall distribute funds to the counties not later 99614
than thirty days after the beginning of each calendar quarter 99615
for a part of the counties' costs for protective services. Funds 99616
provided to a county under this section shall be deposited into 99617
the public assistance fund created under section 5101.161 of the 99618
Revised Code. 99619

(C) In each fiscal year, the amount of funds available for 99620
distribution under this section shall be allocated to counties 99621
as follows: 99622

(1) If the amount is less than the amount initially 99623
appropriated for the immediately preceding fiscal year, each 99624
county shall receive an amount equal to the percentage of the 99625
funding it received in the immediately preceding fiscal year, 99626
exclusive of any releases from or additions to the allocation or 99627
any sanctions imposed under this section; 99628

(2) If the amount is equal to the amount initially 99629
appropriated for the immediately preceding fiscal year, each 99630
county shall receive an amount equal to the amount it received 99631
in the preceding fiscal year, exclusive of any releases from or 99632
additions to the allocation or any sanctions imposed under this 99633
section; 99634

(3) If the amount is greater than the amount initially 99635
appropriated for the immediately preceding fiscal year, each 99636
county shall receive the amount determined under division (C) (2) 99637
of this section as a base allocation, plus a percentage of the 99638
amount that exceeds the amount initially appropriated for the 99639
immediately preceding fiscal year. The amount exceeding the 99640
amount initially appropriated in the immediately preceding 99641
fiscal year shall be allocated to the counties as follows: 99642

(a) Twelve per cent divided equally among all counties; 99643

(b) Forty-eight per cent in the ratio that the number of 99644
residents of the county aged sixty or older bears to the total 99645
number of such persons residing in this state; 99646

(c) Forty per cent in the ratio that the number of 99647
residents of the county with incomes under the federal poverty 99648

line bears to the total number of such persons in this state. 99649

(D) Not later than ninety days after the end of each state 99650
fiscal biennium, each county shall return any unspent funds to 99651
the department. 99652

(E) The director of job and family services may adopt 99653
rules in accordance with section 111.15 of the Revised Code to 99654
allocate funds under this section and prescribe reports on 99655
expenditures to be submitted by the counties as necessary for 99656
the implementation of this section. 99657

Sec. 5101.80. (A) As used in this section and in section 99658
5101.801 of the Revised Code: 99659

(1) "County family services agency" has the same meaning 99660
as in section 307.981 of the Revised Code. 99661

(2) "State agency" has the same meaning as in section 9.82 99662
of the Revised Code. 99663

(3) "Title IV-A administrative agency" means both of the 99664
following: 99665

(a) A county family services agency or state agency 99666
administering a Title IV-A program under the supervision of the 99667
department of job and family services or the department of 99668
children and youth; 99669

(b) A government agency or private, not-for-profit entity 99670
administering a project funded in whole or in part with funds 99671
provided under the Title IV-A demonstration program created 99672
under section 5101.803 of the Revised Code. 99673

(4) "Title IV-A program" means all of the following that 99674
are funded in part with funds provided under the temporary 99675
assistance for needy families block grant established by Title 99676

IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 99677
U.S.C. 601, as amended: 99678

(a) The Ohio works first program established under Chapter 99679
5107. of the Revised Code; 99680

(b) The prevention, retention, and contingency program 99681
established under Chapter 5108. of the Revised Code; 99682

(c) A program established by the general assembly or an 99683
executive order issued by the governor that is administered or 99684
supervised by the department of job and family services or 99685
department of children and youth pursuant to section 5101.801 of 99686
the Revised Code; 99687

(d) The kinship permanency incentive program created under 99688
section ~~5101.802~~5180.52 of the Revised Code; 99689

(e) The Title IV-A demonstration program created under 99690
section 5101.803 of the Revised Code; 99691

(f) The Ohio parenting and pregnancy program created under 99692
section ~~5101.804~~5180.71 of the Revised Code; 99693

(g) Fatherhood programs recommended by the Ohio commission 99694
on fatherhood under section ~~5101.805~~5180.704 of the Revised 99695
Code; 99696

(h) A component of a Title IV-A program identified under 99697
divisions (A) (4) (a) to (g) of this section that the Title IV-A 99698
state plan prepared under division (C) (1) of this section 99699
identifies as a component. 99700

(B) The department of job and family services shall act as 99701
the single state agency to administer and supervise the 99702
administration of Title IV-A programs. The Title IV-A state plan 99703
and amendments to the plan prepared under division (C) of this 99704

section are binding on Title IV-A administrative agencies. No 99705
Title IV-A administrative agency may establish, by rule or 99706
otherwise, a policy governing a Title IV-A program that is 99707
inconsistent with a Title IV-A program policy established, in 99708
rule or otherwise, by the director of job and family services. 99709

(C) The department of job and family services shall do all 99710
of the following: 99711

(1) Prepare and submit to the United States secretary of 99712
health and human services a Title IV-A state plan for Title IV-A 99713
programs; 99714

(2) Prepare and submit to the United States secretary of 99715
health and human services amendments to the Title IV-A state 99716
plan that the department determines necessary, including 99717
amendments necessary to implement Title IV-A programs identified 99718
in divisions (A) (4) (c) to (h) of this section; 99719

(3) Prescribe forms for applications, certificates, 99720
reports, records, and accounts of Title IV-A administrative 99721
agencies, and other matters related to Title IV-A programs; 99722

(4) Make such reports, in such form and containing such 99723
information as the department may find necessary to assure the 99724
correctness and verification of such reports, regarding Title 99725
IV-A programs; 99726

(5) Require reports and information from each Title IV-A 99727
administrative agency as may be necessary or advisable regarding 99728
a Title IV-A program; 99729

(6) Afford a fair hearing in accordance with section 99730
5101.35 of the Revised Code to any applicant for, or participant 99731
or former participant of, a Title IV-A program aggrieved by a 99732
decision regarding the program; 99733

(7) Administer and expend, pursuant to Chapters 5104., 99734
5107., and 5108. of the Revised Code and sections 5101.801, 99735
~~5101.802,~~ 5101.803, ~~and 5101.804~~ 5180.52, and 5180.71 of the 99736
Revised Code, any sums appropriated by the general assembly for 99737
the purpose of those chapters and sections and all sums paid to 99738
the state by the secretary of the treasury of the United States 99739
as authorized by Title IV-A of the "Social Security Act," 110 99740
Stat. 2113 (1996), 42 U.S.C. 601, as amended; 99741

(8) Conduct investigations and audits as are necessary 99742
regarding Title IV-A programs; 99743

(9) Enter into reciprocal agreements with other states 99744
relative to the provision of Ohio works first and prevention, 99745
retention, and contingency to residents and nonresidents; 99746

(10) Contract with a private entity to conduct an 99747
independent on-going evaluation of the Ohio works first program 99748
and the prevention, retention, and contingency program. The 99749
contract must require the private entity to do all of the 99750
following: 99751

(a) Examine issues of process, practice, impact, and 99752
outcomes; 99753

(b) Study former participants of Ohio works first who have 99754
not participated in Ohio works first for at least one year to 99755
determine whether they are employed, the type of employment in 99756
which they are engaged, the amount of compensation they are 99757
receiving, whether their employer provides health insurance, 99758
whether and how often they have received benefits or services 99759
under the prevention, retention, and contingency program, and 99760
whether they are successfully self sufficient; 99761

(c) Provide the department with reports at times the 99762

department specifies. 99763

(11) Not later than the last day of each January and July, 99764
prepare a report containing information on the following: 99765

(a) Individuals exhausting the time limits for 99766
participation in Ohio works first set forth in section 5107.18 99767
of the Revised Code. 99768

(b) Individuals who have been exempted from the time 99769
limits set forth in section 5107.18 of the Revised Code and the 99770
reasons for the exemption. 99771

(D) The department shall provide copies of the reports it 99772
receives under division (C) (10) of this section and prepares 99773
under division (C) (11) of this section to the governor, the 99774
president and minority leader of the senate, and the speaker and 99775
minority leader of the house of representatives. The department 99776
shall provide copies of the reports to any private or government 99777
entity on request. 99778

(E) An authorized representative of the department or a 99779
county family services agency or state agency administering a 99780
Title IV-A program shall have access to all records and 99781
information bearing thereon for the purposes of investigations 99782
conducted pursuant to this section. An authorized representative 99783
of a government entity or private, not-for-profit entity 99784
administering a project funded in whole or in part with funds 99785
provided under the Title IV-A demonstration program shall have 99786
access to all records and information bearing on the project for 99787
the purpose of investigations conducted pursuant to this 99788
section. 99789

Sec. 5101.801. (A) Except as otherwise provided by the law 99790
enacted by the general assembly or executive order issued by the 99791

governor establishing the Title IV-A program, a Title IV-A 99792
program identified under division (A)(4)(c), (d), (e), (f), (g), 99793
or (h) of section 5101.80 of the Revised Code shall provide 99794
benefits and services that are not "assistance" as defined in 45 99795
C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 99796
260.31(b) excludes from the definition of assistance. 99797

(B)(1) Except as otherwise provided by the law enacted by 99798
the general assembly or executive order issued by the governor 99799
establishing the Title IV-A program, the department of job and 99800
family services or the department of children and youth, as 99801
appropriate, shall do either of the following regarding a Title 99802
IV-A program identified under division (A)(4)(c), (d), (e), (f), 99803
(g), or (h) of section 5101.80 of the Revised Code: 99804

(a) Administer the program or supervise a county family 99805
services agency's administration of the program; 99806

(b) Enter into an interagency agreement with a state 99807
agency for the state agency to administer the program under the 99808
department's supervision. 99809

(2) The department of job and family services and the 99810
department of children and youth may enter into an agreement 99811
with a government entity and, to the extent permitted by federal 99812
law, a private, not-for-profit entity for the entity to receive 99813
funding for a project under the Title IV-A demonstration program 99814
created under section 5101.803 of the Revised Code. 99815

(3) To the extent permitted by federal law, the department 99816
of children and youth may enter into an agreement with a 99817
private, not-for-profit entity for the entity to receive funds 99818
under the Ohio parenting and pregnancy program created under 99819
section ~~5101.804~~5180.71 of the Revised Code. 99820

(4) To the extent permitted by federal law, the department 99821
of children and youth may enter into an agreement with a 99822
private, not-for-profit entity for the entity to receive funds 99823
as recommended by the Ohio commission on fatherhood under 99824
section ~~5101.805~~ 5180.704 of the Revised Code. 99825

(C) The department of job and family services and the 99826
department of children and youth, may adopt rules governing 99827
Title IV-A programs identified under divisions (A) (4) (c), (d), 99828
(e), (f), (g), and (h) of section 5101.80 of the Revised Code. 99829
Rules governing financial and operational matters of either 99830
department or between either department and county family 99831
services agencies shall be adopted as internal management rules 99832
adopted in accordance with section 111.15 of the Revised Code. 99833
All other rules shall be adopted in accordance with Chapter 119. 99834
of the Revised Code. 99835

(D) If the department of job and family services or the 99836
department of children and youth, enters into an agreement 99837
regarding a Title IV-A program identified under division (A) (4) 99838
(c), (e), (f), (g), or (h) of section 5101.80 of the Revised 99839
Code pursuant to division (B) (1) (b) or (2) of this section, the 99840
agreement shall include at least all of the following: 99841

(1) A requirement that the state agency or entity comply 99842
with the requirements for the program or project, including all 99843
of the following requirements established by federal statutes 99844
and regulations, state statutes and rules, the United States 99845
office of management and budget, and the Title IV-A state plan 99846
prepared under section 5101.80 of the Revised Code: 99847

(a) Eligibility; 99848

(b) Reports; 99849

- (c) Benefits and services; 99850
- (d) Use of funds; 99851
- (e) Appeals for applicants for, and recipients and former recipients of, the benefits and services; 99852
99853
- (f) Audits. 99854
- (2) A complete description of all of the following: 99855
 - (a) The benefits and services that the program or project is to provide; 99856
99857
 - (b) The methods of program or project administration; 99858
 - (c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services; 99859
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99861
 - (d) Other requirements that the department of job and family services or the department of children and youth, as applicable, requires be included. 99862
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- (3) Procedures for the department of job and family services or the department of children and youth, as applicable, to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established; 99865
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- (4) Provisions regarding how the department of job and family services or the department of children and youth, as applicable, is to reimburse the state agency or entity for allowable expenditures under the program or project that the applicable department approves, including all of the following: 99870
99871
99872
99873
99874
 - (a) Limitations on administrative costs; 99875
 - (b) The department of job and family services or the 99876

department of children and youth, as applicable, at its 99877
discretion, doing either of the following: 99878

(i) Withholding no more than five per cent of the funds 99879
that the department of job and family services or the department 99880
of children and youth, as applicable, would otherwise provide to 99881
the state agency or entity for the program or project; 99882

(ii) Charging the state agency or entity for the costs to 99883
the department of job and family services or the department of 99884
children and youth, as applicable, of performing, or contracting 99885
for the performance of, audits and other administrative 99886
functions associated with the program or project. 99887

(5) If the state agency or entity arranges by contract, 99888
grant, or other agreement for another entity to perform a 99889
function the state agency or entity would otherwise perform 99890
regarding the program or project, the state agency or entity's 99891
responsibilities for both of the following: 99892

(a) Ensuring that the other entity complies with the 99893
agreement between the state agency or entity and the department 99894
of job and family services or the department of children and 99895
youth, as applicable and federal statutes and regulations and 99896
state statutes and rules governing the use of funds for the 99897
program or project; 99898

(b) Auditing the other entity in accordance with 99899
requirements established by the United States office of 99900
management and budget. 99901

(6) The state agency or entity's responsibilities 99902
regarding the prompt payment, including any interest assessed, 99903
of any adverse audit finding, final disallowance of federal 99904
funds, or other sanction or penalty imposed by the federal 99905

government, auditor of state, department of job and family 99906
services or the department of children and youth, as applicable, 99907
a court, or other entity regarding funds for the program or 99908
project; 99909

(7) Provisions for the department of job and family 99910
services or the department of children and youth, as applicable, 99911
to terminate the agreement or withhold reimbursement from the 99912
state agency or entity if either of the following occur: 99913

(a) The federal government disapproves the program or 99914
project or reduces federal funds for the program or project; 99915

(b) The state agency or entity fails to comply with the 99916
terms of the agreement. 99917

(8) Provisions for both of the following: 99918

(a) The department of job and family services or the 99919
department of children and youth, as applicable, and state 99920
agency or entity determining the performance outcomes expected 99921
for the program or project; 99922

(b) An evaluation of the program or project to determine 99923
its success in achieving the performance outcomes determined 99924
under division (D)(8)(a) of this section. 99925

(E) To the extent consistent with the law enacted by the 99926
general assembly or executive order issued by the governor 99927
establishing the Title IV-A program and subject to the approval 99928
of the director of budget and management, the director of job 99929
and family services or the director of children and youth, as 99930
applicable, may terminate a Title IV-A program identified under 99931
division (A)(4)(c), (d), (e), (f), (g), or (h) of section 99932
5101.80 of the Revised Code or reduce funding for the program if 99933
the applicable director determines that federal or state funds 99934

are insufficient to fund the program. If the director of budget 99935
and management approves the termination or reduction in funding 99936
for such a program, the director of job and family services or 99937
the department of children and youth, as applicable, shall issue 99938
instructions for the termination or funding reduction. If a 99939
Title IV-A administrative agency is administering the program, 99940
the agency is bound by the termination or funding reduction and 99941
shall comply with the applicable director's instructions. 99942

(F) The director of job and family services and the 99943
director of children and youth may adopt internal management 99944
rules in accordance with section 111.15 of the Revised Code as 99945
necessary to implement this section. The rules are binding on 99946
each Title IV-A administrative agency. 99947

Sec. 5101.89. As used in sections 5101.89 to 5101.899 of 99948
the Revised Code: 99949

(A) "Youth" means a person who is any of the following: 99950

(1) Less than eighteen years of age; 99951

(2) An emancipated young adult; 99952

(3) Is in the temporary or permanent custody of a public 99953
children services agency, a planned permanent living 99954
arrangement, or in the Title-IV-E-eligible care and placement 99955
responsibility of a juvenile court or other governmental agency 99956
that provides Title IV-E reimbursable placement services. 99957

(B) "Emancipated young adult" has the same meaning as in 99958
section ~~5101.141~~5180.42 of the Revised Code. 99959

Sec. 5101.891. (A) There is created a youth and family 99960
~~ombudsman~~ombudsmen office under the department of job and 99961
family services consisting of the following: 99962

(1) A family ombudsman, who shall be appointed by the 99963
governor, to investigate complaints made by adults; 99964

(2) A youth ombudsman, who shall be appointed by the 99965
governor with advice from the overcoming hurdles in Ohio youth 99966
advisory board, to investigate complaints made by youth and to 99967
advocate for the best interests of children involved in concerns 99968
investigated by the office; 99969

(3) Not fewer than two regional ombudsmen; 99970

(4) Any necessary support staff. 99971

(B) The office shall investigate and resolve concerns made 99972
by or on behalf of children and families involved with public 99973
children services agencies, Title IV-E agencies, or private 99974
provider agencies that administer or oversee foster care or 99975
placement services for the children services system. The office 99976
shall ensure the independent and impartial review of youth, 99977
family, and community complaints or concerns. 99978

Sec. 5101.892. The youth and family ~~ombudsman~~ ombudsmen 99979
office shall perform all of the following duties: 99980

(A) Receive, investigate, and attempt to resolve 99981
complaints from citizens, including children in the custody of a 99982
public children services agency or in the care and placement of 99983
a Title IV-E agency, related to government services regarding 99984
child protective services, foster care, and adoption; 99985

(B) Establish procedures for receiving, investigating, and 99986
resolving complaints, consistent with state and federal law; 99987

(C) Provide an annual report to the governor, speaker of 99988
the house of representatives, president of the senate, minority 99989
leadership of the house of representatives and senate, the 99990

director of job and family services, the director of children 99991
and youth, and representatives of the overcoming hurdles in Ohio 99992
youth advisory board. 99993

Sec. 5101.893. Not later than sixty days after release of 99994
the annual report described under section 5101.892 of the 99995
Revised Code, the overcoming hurdles in Ohio youth advisory 99996
board shall provide an evaluation of the report to the governor 99997
and the youth ombudsman of the youth and family ~~ombudsman~~ 99998
ombudsmen office. 99999

Sec. 5101.894. To the extent permitted by state or federal 100000
law, a representative of the youth and family ~~ombudsman~~ 100001
ombudsmen office may report to an appropriate authority any 100002
suspected violation of state law discovered during the course of 100003
a complaint review. 100004

Sec. 5101.895. The department of job and family services 100005
shall be responsible for all administrative undertakings for the 100006
youth and family ~~ombudsman~~ ombudsmen office, including the 100007
provision of offices, equipment, and supplies, as necessary. 100008

Sec. 5101.897. (A) No employee of the youth and family 100009
~~ombudsman~~ ombudsmen office shall do any of the following: 100010

- (1) Hold any office of trust or profit; 100011
- (2) Engage in any occupation or business interfering or 100012
inconsistent with the duties of the office; 100013
- (3) Serve on any committee of any political party; 100014
- (4) Have any interest that is, or may be, in conflict with 100015
the interests and concerns of the office. 100016

(B) As used in this section, "office of trust or profit" 100017
means any of the following: 100018

(1) A federal or state elective office or an elective office of a political subdivision of the state; 100019
100020

(2) A position on a board or commission of the state that is appointed by the governor; 100021
100022

(3) An office set forth in section 121.03, 121.04, or 121.05 of the Revised Code; 100023
100024

(4) An office of the government of the United States that is appointed by the president of the United States. 100025
100026

Sec. 5101.899. (A) The youth and family ~~ombudsman~~ ombudsmen office shall have access to ~~only~~ the records of the 100027
department of children and youth and the department of job and 100028
family services that are necessary for the administration of 100029
sections 5101.89 to 5101.899 of the Revised Code and in the 100030
performance of its official duties, including any records 100031
maintained in the uniform statewide automated child welfare 100032
information system under section ~~5101.13~~ 5180.40 of the Revised 100033
Code. The office has the right to request of the director of 100034
children and youth and the director of job and family services 100035
necessary information from any work unit of the department 100036
having information. The collection, compilation, analysis, and 100037
dissemination of information by the office shall be performed in 100038
a manner that protects complainants, individuals providing 100039
information about a complaint, public entities, and confidential 100040
records. 100041
100042

(B) The office shall have access to any necessary records 100043
in the control of a public children services agency, a Title IV- 100044
E agency, or a private provider agency that administers or 100045
oversees foster care or placement services for the children 100046
services system. 100047

(C) Files of the office and any records contained in those 100048
files are not public records subject to inspection or copying 100049
under section 149.43 of the Revised Code. Information contained 100050
in investigative and other files maintained by the office shall 100051
be disclosed only at the discretion of the office or if 100052
disclosure is required by a court order. 100053

Sec. 5101.99. (A) Whoever violates division (A) of section 100054
5101.27 of the Revised Code is guilty of a misdemeanor of the 100055
first degree. 100056

(B) Whoever violates ~~section 5101.133,~~ division (A) of 100057
section 5101.63~~7~~, or division (C) (2) of section 5101.631 of the 100058
Revised Code is guilty of a misdemeanor of the fourth degree. 100059

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of 100060
the Revised Code: 100061

(A) (1) "Association" or "institution" includes all of the 100062
following: 100063

(a) Any incorporated or unincorporated organization, 100064
society, association, or agency, public or private, that 100065
receives or cares for children for two or more consecutive 100066
weeks; 100067

(b) Any individual, including the operator of a foster 100068
home, who, for hire, gain, or reward, receives or cares for 100069
children for two or more consecutive weeks, unless the 100070
individual is related to them by blood or marriage; 100071

(c) Any individual not in the regular employ of a court, 100072
or of an institution or association certified in accordance with 100073
section 5103.03 of the Revised Code, who in any manner becomes a 100074
party to the placing of children in foster homes, unless the 100075
individual is related to such children by blood or marriage or 100076

is the appointed guardian of such children. 100077

(2) "Association" or "institution" does not include any of 100078
the following: 100079

(a) Any organization, society, association, school, 100080
agency, child guidance center, detention or rehabilitation 100081
facility, or children's clinic licensed, regulated, approved, 100082
operated under the direction of, or otherwise certified by the 100083
department of education and workforce, a local board of 100084
education, the department of youth services, the department of 100085
mental health and addiction services, or the department of 100086
developmental disabilities; 100087

(b) Any individual who provides care for only a single- 100088
family group, placed there by their parents or other relative 100089
having custody; 100090

(c) A private, nonprofit therapeutic wilderness camp; 100091

(d) A qualified organization as defined in section 2151.90 100092
of the Revised Code. 100093

(B) "Family foster home" means a foster home that is not a 100094
specialized foster home. 100095

(C) "Foster caregiver" means a person holding a valid 100096
foster home certificate issued under section 5103.03 of the 100097
Revised Code. 100098

(D) "Foster home" means a private residence in which 100099
children are received apart from their parents, guardian, or 100100
legal custodian, by an individual reimbursed for providing the 100101
children nonsecure care, supervision, or training twenty-four 100102
hours a day. "Foster home" does not include care provided for a 100103
child in the home of a person other than the child's parent, 100104

guardian, or legal custodian while the parent, guardian, or 100105
legal custodian is temporarily away. Family foster homes and 100106
specialized foster homes are types of foster homes. 100107

(E) "Kinship caregiver" has the same meaning as in section 100108
~~5101.85~~ 5180.50 of the Revised Code. 100109

(F) "Medically fragile foster home" means a foster home 100110
that provides specialized medical services designed to meet the 100111
needs of children with intensive health care needs who meet all 100112
of the following criteria: 100113

(1) Under rules adopted by the medicaid director governing 100114
medicaid payments for long-term care services, the children 100115
require a skilled level of care. 100116

(2) The children require the services of a doctor of 100117
medicine or osteopathic medicine at least once a week due to the 100118
instability of their medical conditions. 100119

(3) The children require the services of a registered 100120
nurse on a daily basis. 100121

(4) The children are at risk of institutionalization in a 100122
hospital, skilled nursing facility, or intermediate care 100123
facility for individuals with intellectual disabilities. 100124

(G) "Private, nonprofit therapeutic wilderness camp" means 100125
a structured, alternative residential setting for children who 100126
are experiencing emotional, behavioral, moral, social, or 100127
learning difficulties at home or school in which all of the 100128
following are the case: 100129

(1) The children spend the majority of their time, 100130
including overnight, either outdoors or in a primitive 100131
structure. 100132

(2) The children have been placed there by their parents	100133
or another relative having custody.	100134
(3) The camp accepts no public funds for use in its	100135
operations.	100136
(H) "Recommending agency" means a public children services	100137
agency, private child placing agency, or private noncustodial	100138
agency that recommends that the department of children and youth	100139
take any of the following actions under section 5103.03 of the	100140
Revised Code regarding a foster home:	100141
(1) Issue a certificate;	100142
(2) Deny a certificate;	100143
(3) Revoke a certificate.	100144
(I) "Resource caregiver" means a foster caregiver or a	100145
kinship caregiver.	100146
(J) "Resource family" means a foster home or the kinship	100147
caregiver family.	100148
(K) "Specialized foster home" means a medically fragile	100149
foster home or a treatment foster home.	100150
(L) "Treatment foster home" means a foster home that	100151
incorporates special rehabilitative services designed to treat	100152
the specific needs of the children received in the foster home	100153
and that receives and cares for children who are emotionally or	100154
behaviorally disturbed, who are chemically dependent, who have	100155
developmental disabilities, or who otherwise have exceptional	100156
needs.	100157
Sec. 5103.021. (A) As used in this section, a "scholars	100158
residential center" is a center that meets all of the following:	100159

(1) The center is a certified affiliate in good standing 100160
of a national organization with a mission to help underserved 100161
children in middle school and high school in a comprehensive 100162
manner that is academically focused and service-oriented and in 100163
a family-like setting. 100164

(2) The center is private and not-for-profit. 100165

(3) The center does not receive Title IV-E funding or any 100166
associated Title IV funds related to child welfare. 100167

(4) The center only accepts children placed by their 100168
parents or legal custodian. 100169

(5) The center is voluntary and uses a competitive 100170
selection process. 100171

(B) The director of ~~job and family services~~ children and 100172
youth shall adopt rules in accordance with Chapter 119. of the 100173
Revised Code to implement standards regarding a scholars 100174
residential center. The rules shall be substantially similar, as 100175
determined by the director, to other similarly situated 100176
providers of residential care for children, including rules 100177
provided in Chapters 5101:2-5 and 5101:2-9 of the Administrative 100178
Code, except that the rules shall reflect all of the following: 100179

(1) A center is not subject to any policy that is not 100180
specific or relevant to the center. 100181

(2) A center is not required to provide discharge 100182
summaries. 100183

(3) A center is permitted to request agency waivers. 100184

(4) A center is not required to implement case plans or 100185
service plans. 100186

(5) Training requirements for center staff are limited to	100187
completion of all of the following:	100188
(a) Orientation training;	100189
(b) Current American red cross, American heart	100190
association, or equivalent first aid and cardiopulmonary	100191
resuscitation certification;	100192
(c) One hour of annual trauma training.	100193
(6) A center is not subject to existing rules regarding:	100194
(a) Recreation and leisure activity requirements, provided	100195
that the center has a recreation area available and permits	100196
children to swim if a person who has completed life-saving or	100197
water safety training is present;	100198
(b) Visiting and communications policies, provided that	100199
the center ensures that children have contact with their family;	100200
(c) Qualified residential treatment program requirements;	100201
(d) Treatment-focused requirements established for	100202
residential agencies.	100203
(7) A center shall provide notification and documentation	100204
of critical incidents to parents and legal custodians.	100205
(C) The director shall certify a scholars residential	100206
center that submits an application to the director, on a form	100207
prescribed by the director, that indicates to the director's	100208
satisfaction that the center meets the standards set forth in	100209
rules adopted under division (B) of this section.	100210
<u>Sec. 5103.039. (A) The department of children and youth</u>	100211
<u>may suspend, without a prior hearing, the certificate of an</u>	100212
<u>institution or association, as defined in section 5103.02 of the</u>	100213

Revised Code, which includes a foster caregiver, if any of the 100214
following occur: 100215

(1) A child dies or suffers a serious injury while placed 100216
or residing with the institution or association, including a 100217
foster home, as defined in section 5103.02 of the Revised Code. 100218

(2) A public children services agency receives a report 100219
pursuant to section 2151.421 of the Revised Code, and the person 100220
alleged to have inflicted abuse or neglect on the child who is 100221
the subject of the report is any of the following: 100222

(a) A principal of the institution or association; 100223

(b) An employee or volunteer of the institution or 100224
association who has not immediately been placed on 100225
administrative leave or released from employment; 100226

(c) Any person who resides in the foster home. 100227

(3) One of the following is charged by an indictment, 100228
information, or complaint with an offense relating to the death, 100229
injury, abuse, or neglect of a child: 100230

(a) A principal of the institution or association; 100231

(b) An employee or volunteer of the institution or 100232
association who has not immediately been placed on 100233
administrative leave or released from employment. 100234

(4) The department, the recommending agency, a public 100235
children services agency, or a county department of job and 100236
family services determines that a principal, employee, or 100237
volunteer of the institution or association, including a foster 100238
caregiver, or a person residing in the foster home, created a 100239
serious risk to the health or safety of a child placed therein 100240
that resulted in or could have resulted in a child's death or 100241

injury. 100242

(5) The department determines that the owner of the 100243
institution or association or the foster caregiver does not meet 100244
the requirements of section 2151.86, 5103.0310, or 5103.053 of 100245
the Revised Code. 100246

(B) In suspending a license under division (A) of this 100247
section, the department shall comply with section 119.07 of the 100248
Revised Code. A principal of an institution or association, 100249
including a foster caregiver, may request an adjudicatory 100250
hearing before the department pursuant to sections 119.06 and 100251
119.12 of the Revised Code. If a hearing is requested and the 100252
department does not issue its final adjudication order within 100253
one hundred twenty days after the suspension, the suspension is 100254
void on the one hundred twenty-first day after the suspension, 100255
unless the hearing on the suspension is continued on agreement 100256
by the parties or for good cause. 100257

(C) A summary suspension imposed under this section shall 100258
remain in effect until any of the following occurs: 100259

(1) The public children services agency completes its 100260
investigation of the report pursuant to section 2151.421 of the 100261
Revised Code and determines that all of the allegations are 100262
unsubstantiated. 100263

(2) All criminal charges are disposed of through dismissal 100264
or a finding of not guilty. 100265

(3) The department issues pursuant to Chapter 119. of the 100266
Revised Code a final order terminating the suspension. 100267

(D) An institution or association shall not have children 100268
placed in the institution or association while a summary 100269
suspension remains in effect. Upon the issuance of the order of 100270

suspension, the department shall place a hold on the certificate 100271
or indicate that the certificate is suspended in Ohio's 100272
statewide automated child welfare information system. 100273

(E) The director of children and youth may adopt rules in 100274
accordance with Chapter 119. of the Revised Code establishing 100275
standards and procedures for the summary suspension of 100276
certificates. 100277

(F) This section does not limit the authority of the 100278
department to revoke a certificate pursuant to section 5103.03 100279
of the Revised Code. 100280

(G) As used in this section, "principal" means any of the 100281
following: 100282

(1) The institution or association's administrator or 100283
director; 100284

(2) The institution or association's owners or partners; 100285

(3) Members of the institution or association's governing 100286
body; 100287

(4) A foster caregiver. 100288

Sec. 5103.0329. ~~(A)~~ A recommending agency may submit a 100289
request to the department of children and youth, on a case-by- 100290
case basis only, to waive any non-safety standards for a kinship 100291
caregiver seeking foster home certification. Non-safety 100292
standards include training hours and other requirements under 100293
sections 5103.031 and 5103.032 of the Revised Code and standards 100294
established by rules adopted under sections 5103.03 and 100295
5103.0316 of the Revised Code, in accordance with 42 U.S.C. 671 100296
(a) (10).— 100297

~~(B) "Kinship caregiver" has the same meaning as in section~~ 100298

~~5101.85 of the Revised Code.~~ 100299

Sec. 5103.0520. (A) As used in this section, "group home" 100300
has the same meaning as "group home for children" in section 100301
5103.05 of the Revised Code. 100302

(B) Not later than two hundred seventy days after the 100303
effective date of this section, the director of children and 100304
youth shall adopt rules in accordance with Chapter 119. of the 100305
Revised Code to establish requirements regarding all of the 100306
following for group homes: 100307

(1) The use of the Ohio professional registry, as operated 100308
by the Ohio child care resource and referral association or its 100309
successor organization or entity, to complete background checks 100310
or criminal records checks pursuant to section 2151.86, 100311
5103.037, 5103.0310, or 5103.053 of the Revised Code for any 100312
owner, board president, administrator, officer, operator, staff, 100313
volunteer, intern, and subcontractor of a group home; 100314

(2) Training on behavioral intervention, including the use 100315
of de-escalation, for all new and existing individuals working 100316
at a group home; 100317

(3) The supervision of children, including a ratio of at 100318
least one staff person for every five children or, if the group 100319
home accepts placement of fewer than five children, one staff 100320
person for every four children. 100321

(C) The operator of a group home shall comply with the 100322
ratio requirements established in rules adopted under division 100323
(B) (3) of this section as a requirement for certification. 100324

(D) The director of children and youth may suspend or 100325
revoke the certificate of a group home in accordance with 100326
Chapter 119. of the Revised Code for any violation under this 100327

section or rules adopted under this section. 100328

Sec. 5103.09. (A) As used in this section, "Title IV-E 100329
agency" has the same meaning as in section 5101.132 of the 100330
Revised Code. 100331

(B) Upon receiving the care and placement of a child, a 100332
Title IV-E agency shall determine if the child is eligible for 100333
or receiving benefits administered by the United States social 100334
security administration, the United States department of 100335
veterans affairs, the Ohio public employee retirement system, 100336
the Ohio police and fire pension fund, the state teachers 100337
retirement system of Ohio, the school employees retirement 100338
system of Ohio, or the Ohio highway patrol retirement system. If 100339
the child is eligible for or receiving such benefits, the agency 100340
shall not use the child's benefits to pay for or reimburse the 100341
agency, county, or state for any cost of the child's care. 100342

(C) The director of children and youth may adopt rules in 100343
accordance with section 111.15 of the Revised Code to implement 100344
this section, including the establishment of new procedures 100345
necessary to assist a Title IV-E agency in complying with this 100346
section. 100347

Sec. 5103.15. (A) (1) The parents, guardian, or other 100348
persons having the custody of a child may enter into an 100349
agreement with any public children services agency or private 100350
child placing agency, whereby the child is placed without the 100351
approval of the juvenile court in the temporary custody of the 100352
agency for a period of time of up to thirty days, except that an 100353
agreement for temporary custody can be for a period of time of 100354
up to sixty days without court approval if the agreement is 100355
executed solely for the purpose of obtaining the adoption of a 100356
child who is less than six months of age on the date of the 100357

execution of the agreement. 100358

(2) Except as provided in division (A) (3) of this section 100359
for agreements entered into to obtain the adoption of a child 100360
under the age of six months, any public children services agency 100361
or private child placing agency that obtains, without court 100362
approval, temporary custody of a child pursuant to an agreement 100363
executed in accordance with this division may request the 100364
juvenile court of the county in which the child has a residence 100365
or legal settlement for an original thirty-day extension of the 100366
temporary custody agreement. Upon the filing of a request for 100367
the extension of the temporary custody agreement, the juvenile 100368
court shall determine whether the extension is in the best 100369
interest of the child and may extend the temporary custody 100370
agreement for a period of thirty days beyond the initial thirty- 100371
day period for which court approval is not required by this 100372
division. The agency requesting the original extension shall 100373
file a case plan, prepared pursuant to section 2151.412 of the 100374
Revised Code, with the court at the same time that it files its 100375
request for an extension. 100376

At the expiration of the original thirty-day extension 100377
period, the agency may request the juvenile court to grant an 100378
additional thirty-day extension of the temporary custody 100379
agreement. Upon the filing of the request for the additional 100380
extension, the juvenile court may extend the temporary custody 100381
agreement for a period of thirty days beyond the original 100382
thirty-day extension period if it determines that the additional 100383
extension is in the best interest of the child. The agency shall 100384
file an updated version of the child's case plan at the same 100385
time that it files its request for an additional extension. 100386

At the expiration of an additional thirty-day extension 100387

period and at the expiration of the original thirty-day 100388
extension period if the agency does not request an additional 100389
thirty-day extension, the agency shall either return the child 100390
to the child's parents, guardian, or other person having custody 100391
of the child or file a complaint with the court pursuant to 100392
section 2151.27 of the Revised Code requesting temporary or 100393
permanent custody of the child. The complaint shall be 100394
accompanied by a case plan prepared in accordance with section 100395
2151.412 of the Revised Code. 100396

(3) Any public children services agency or private child 100397
placing agency that obtains, without court approval and solely 100398
for the purpose of obtaining the adoption of the child, 100399
temporary custody of a child who is under the age of six months 100400
pursuant to an agreement executed in accordance with this 100401
division may request the juvenile court in the county in which 100402
the child has a residence or legal settlement to grant a thirty 100403
day extension of the temporary custody agreement. Upon the 100404
filing of the request, the court shall determine whether the 100405
extension is in the best interest of the child and may extend 100406
the temporary custody agreement for a period of thirty days 100407
beyond the sixty day period for which the court approval is not 100408
required by this division. The agency requesting the extension 100409
shall file a case plan, prepared pursuant to section 2151.412 of 100410
the Revised Code, with the court at the same time that it files 100411
its request for an extension. 100412

At the expiration of the thirty day extension, the agency 100413
shall either return the child to the parents, guardian, or other 100414
person having custody of the child or file a complaint with the 100415
court pursuant to section 2151.27 of the Revised Code requesting 100416
temporary or permanent custody of the child. The complaint shall 100417
be accompanied by a case plan prepared in accordance with 100418

section 2151.412 of the Revised Code. 100419

(B) (1) Subject to juvenile court approval, the following 100420
may enter into an agreement with a public children services 100421
agency or private child placing agency surrendering the child 100422
into the permanent custody of that agency: 100423

(a) The parents, guardian, or other persons having custody 100424
of the child; 100425

(b) The parents of a child who is in the temporary custody 100426
of a public children services agency or private child placing 100427
agency. 100428

(2) An agency that enters into an agreement under division 100429
(B) (1) of this section may take and care for the child or place 100430
the child in a family home. 100431

(3) A private child placing agency or public children 100432
services agency that seeks permanent custody of a child pursuant 100433
to division (B) (1) of this section shall file a request with the 100434
juvenile court of the county in which the child has a residence 100435
or legal settlement for approval of the agency's permanent 100436
surrender agreement with the parents, guardian, or other persons 100437
having custody of the child. Not later than fourteen business 100438
days after the request is filed, the juvenile court shall 100439
determine whether the permanent surrender agreement is in the 100440
best interest of the child. The court may approve the permanent 100441
surrender agreement if it determines that the agreement is in 100442
the best interest of the child and, in the case of an agreement 100443
between a parent and an agency, the requirements of section 100444
5103.151 of the Revised Code are met. The agency requesting the 100445
approval of the permanent surrender agreement shall file with 100446
the court an original or amended case plan, prepared pursuant to 100447

section 2151.412 of the Revised Code, at the same time that it 100448
files its request for the approval of the permanent surrender 100449
agreement. 100450

(4) Notwithstanding division (B)(1) of this section, the 100451
parents of a child less than six months of age may enter into an 100452
agreement with a private child placing agency surrendering the 100453
child into the permanent custody of the agency without juvenile 100454
court approval if the agreement is executed solely for the 100455
purpose of obtaining the adoption of the child. The agency 100456
shall, not later than two business days after entering into the 100457
agreement, notify the juvenile court. The agency also shall 100458
notify the court not later than two business days after the 100459
agency places the child for adoption. The court shall journalize 100460
the notices it receives under division (B)(4) of this section. 100461

(C) The agreements provided for in this section shall be 100462
in writing, on forms prescribed and furnished by the department_ 100463
of children and youth, and may contain any proper and legal 100464
stipulations for proper care of the child, and may authorize the 100465
public children services agency or private child placing agency 100466
when such agreements are for permanent care and custody to 100467
appear in any proceeding for the legal adoption of the child, 100468
and consent to the child's adoption, as provided in section 100469
3107.06 of the Revised Code. If an agreement for permanent care 100470
and custody of a child is executed, social and medical histories 100471
shall be completed in relation to the child in accordance with 100472
section 3107.09 of the Revised Code. The adoption order of the 100473
probate court judge made upon the consent shall be binding upon 100474
the child and the child's parents, guardian, or other person, as 100475
if those persons were personally in court and consented to the 100476
order, whether made party to the proceeding or not. 100477

(D) An agreement entered into under this section by a 100478
parent under age eighteen is as valid as an agreement entered 100479
into by a parent age eighteen or older. 100480

Sec. 5103.155. As used in this section, "children with 100481
special needs" has the same meaning as in rules adopted under 100482
section 5153.163 of the Revised Code. 100483

If the department of ~~job and family services~~ children and 100484
youth determines that money in the putative father registry fund 100485
created under section 2101.16 of the Revised Code is more than 100486
is needed to perform its duties related to the putative father 100487
registry, the department may ~~transfer~~ use surplus moneys in the 100488
fund to ~~the department of children and youth~~ to promote adoption 100489
of children with special needs. 100490

Sec. 5103.18. (A) (1) Prior to certification as a foster 100491
home under section 5103.03 of the Revised Code, a recommending 100492
agency shall obtain a summary report of a search of the uniform 100493
statewide automated child welfare information system, 100494
established under section ~~5101.13~~ 5180.40 of the Revised Code, 100495
from an entity listed in section ~~5101.132~~ 5180.402 of the 100496
Revised Code. 100497

(2) Whenever a prospective foster parent or any other 100498
person eighteen years of age or older who resides with a 100499
prospective foster parent has resided in another state within 100500
the five-year period immediately prior to the date on which a 100501
criminal records check is requested for the person under 100502
division (A) of section 2151.86 of the Revised Code, the 100503
recommending agency shall request a check of the central 100504
registry of abuse and neglect of this state from the department 100505
of children and youth regarding the prospective foster parent or 100506
the person eighteen years of age or older who resides with the 100507

prospective foster parent to enable the agency to check any 100508
child abuse and neglect registry maintained by that other state. 100509
The recommending agency shall make the request and shall review 100510
the results of the check before the prospective foster parent 100511
may be finally approved for placement of a child. Information 100512
received pursuant to such a request shall be considered for 100513
purposes of this chapter as if it were a summary report required 100514
under division (A) of this section. The department of children 100515
and youth shall comply with any request to check the central 100516
registry that is similar to the request described in this 100517
division and that is received from any other state. 100518

(B) (1) The summary report required under division (A) of 100519
this section shall contain, if applicable, a chronological list 100520
of abuse and neglect determinations or allegations of which a 100521
person seeking to become a foster caregiver of a child is 100522
subject and in regards to which a public children services 100523
agency has done one of the following: 100524

(a) Determined that abuse or neglect occurred; 100525

(b) Initiated an investigation, and the investigation is 100526
ongoing; 100527

(c) Initiated an investigation, and the agency was unable 100528
to determine whether abuse or neglect occurred. 100529

(2) The summary report required under division (A) of this 100530
section shall not contain any of the following: 100531

(a) An abuse and neglect determination of which a person 100532
seeking to become a foster caregiver of a child is subject and 100533
in regards to which a public children services agency determined 100534
that abuse or neglect did not occur; 100535

(b) Information or reports the dissemination of which is 100536

prohibited by, or interferes with eligibility under, the "Child 100537
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 100538
U.S.C. 5101 et seq., as amended; 100539

(c) The name of the person who or entity that made, or 100540
participated in the making of, the report of abuse or neglect. 100541

(C) (1) A foster home certification may be denied based on 100542
a summary report containing the information described under 100543
division (B) (1) (a) of this section, when considered within the 100544
totality of the circumstances. 100545

(2) A foster home certification shall not be denied solely 100546
based on a summary report containing the information described 100547
under division (B) (1) (b) or (c) of this section. 100548

(D) The director of children and youth shall adopt rules 100549
in accordance with Chapter 119. of the Revised Code necessary 100550
for the implementation and execution of this section. 100551

Sec. 5103.30. The Ohio child welfare training program is 100552
hereby established in the department of children and youth as a 100553
statewide program. The program shall provide all of the 100554
following: 100555

(A) The training that section 3107.014 of the Revised Code 100556
requires an assessor to complete; 100557

(B) The preplacement training that sections 5103.031 and 100558
5103.033 of the Revised Code require a prospective foster 100559
caregiver to complete; 100560

(C) The continuing training that sections 5103.032 and 100561
5103.033 of the Revised Code require a foster caregiver to 100562
complete; 100563

(D) The training that section 5153.122 of the Revised Code 100564

requires a PCSA caseworker to complete; 100565

(E) The training that section 5153.123 of the Revised Code 100566
requires a PCSA caseworker supervisor to complete; 100567

(F) The training required under section ~~5101.1414~~ 100568
5180.4211 of the Revised Code for a case manager and supervisor. 100569

Sec. 5103.32. (A) As used in this section: 100570

(1) "Title IV-B" means Title IV-B of the "Social Security 100571
Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 100572

(2) "Title IV-E" means Title IV-E of the "Social Security 100573
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 100574

(3) "Title XX" has the same meaning as in section 5101.46 100575
of the Revised Code. 100576

(B) For purposes of adequately funding the Ohio child 100577
welfare training program, the department of children and youth 100578
may use any of the following: 100579

(1) The federal financial participation funds withheld 100580
pursuant to division (E) of section ~~5101.141~~ 5180.42 of the 100581
Revised Code in an amount determined by the department; 100582

(2) Funds available under Title XX, Title IV-B, and Title 100583
IV-E to pay for training costs; 100584

(3) Other available state or federal funds; 100585

(4) Funds that a person, including a foundation, makes 100586
available for the program. 100587

Sec. 5103.41. The department of ~~job and family~~ 100588
~~services~~ children and youth, in consultation with the Ohio child 100589
welfare training program steering committee, shall designate 100590
training regions in the state. The department ~~of children and~~ 100591

~~youth~~, at times it selects, shall review the composition of the 100592
training regions. The committee, at times it selects, shall also 100593
review the training regions' composition and provide the 100594
department recommendations on changes. The department ~~of~~ 100595
~~children and youth~~ may change the composition of the training 100596
regions as the department considers necessary. 100597

The department may make a grant to a public children 100598
services agency that establishes and maintains a regional 100599
training center under this section for the purpose of wholly or 100600
partially subsidizing the operation of the center. The 100601
department shall specify in the grant all of the center's 100602
duties, including the duties specified in section 5103.42 of the 100603
Revised Code. 100604

Sec. 5104.01. As used in this chapter: 100605

(A) "Administrator" means the person responsible for the 100606
daily operation of a center, type A home, or approved child day 100607
camp. The administrator and the owner may be the same person. 100608

(B) "Approved child day camp" means a child day camp 100609
approved pursuant to section 5104.22 of the Revised Code. 100610

(C) "Authorized representative" means an individual 100611
employed by a center, type A home, or approved child day camp 100612
that is owned by a person other than an individual and who is 100613
authorized by the owner to do all of the following: 100614

(1) Communicate on the owner's behalf; 100615

(2) Submit on the owner's behalf applications for 100616
licensure or approval; 100617

(3) Enter into on the owner's behalf provider agreements 100618
for publicly funded child care. 100619

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.

(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child care staff member or administrator that does both of the following:

(1) Uses a framework approved by the director of children and youth to document formal education, training, experience, and specialized credentials and certifications;

(2) Allows the child care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the director of education and workforce for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(H) "Child" includes an infant, toddler, preschool-age child, or school-age child.

(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42

U.S.C. 9858, as amended. 100649

(J) "Child day camp" means a program in which only school- 100650
age children attend or participate, that operates for no more 100651
than twelve hours per day and no more than fifteen weeks during 100652
the summer. For purposes of this division, the maximum twelve 100653
hours of operation time does not include transportation time 100654
from a child's home to a child day camp and from a child day 100655
camp to a child's home. 100656

(K) "Child care" means all of the following: 100657

(1) Administering to the needs of infants, toddlers, 100658
preschool-age children, and school-age children outside of 100659
school hours; 100660

(2) By persons other than their parents, guardians, or 100661
custodians; 100662

(3) For part of the twenty-four-hour day; 100663

(4) In a place other than a child's own home, except that 100664
an in-home aide provides child care in the child's own home; 100665

(5) By a provider required by this chapter to be licensed 100666
or approved by the department of children and youth, certified 100667
by a county department of job and family services, or under 100668
contract with the department to provide publicly funded child 100669
care as described in section 5104.32 of the Revised Code. 100670

(L) "Child care center" and "center" mean any place that 100671
is not the permanent residence of the licensee or administrator 100672
in which child care or publicly funded child care is provided 100673
for seven or more children at one time. "Child care center" and 100674
"center" do not include any of the following: 100675

(1) A place located in and operated by a hospital, as 100676

defined in section 3727.01 of the Revised Code, in which the 100677
needs of children are administered to, if all the children whose 100678
needs are being administered to are monitored under the on-site 100679
supervision of a physician licensed under Chapter 4731. of the 100680
Revised Code or a registered nurse licensed under Chapter 4723. 100681
of the Revised Code, and the services are provided only for 100682
children who, in the opinion of the child's parent, guardian, or 100683
custodian, are exhibiting symptoms of a communicable disease or 100684
other illness or are injured; 100685

(2) A child day camp; 100686

(3) A place that provides care, if all of the following 100687
apply: 100688

(a) An organized religious body provides the care; 100689

(b) A parent, custodian, or guardian of at least one child 100690
receiving care is on the premises and readily accessible at all 100691
times; 100692

(c) The care is not provided for more than thirty days a 100693
year; 100694

(d) The care is provided only for preschool-age and 100695
school-age children. 100696

(M) "Child care resource and referral service 100697
organization" means a community-based nonprofit organization 100698
that provides child care resource and referral services but not 100699
child care. 100700

(N) "Child care resource and referral services" means all 100701
of the following services: 100702

(1) Maintenance of a uniform data base of all child care 100703
providers in the community that are in compliance with this 100704

chapter, including current occupancy and vacancy data;	100705
(2) Provision of individualized consumer education to families seeking child care;	100706 100707
(3) Provision of timely referrals of available child care providers to families seeking child care;	100708 100709
(4) Recruitment of child care providers;	100710
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	100711 100712 100713 100714
(6) Collection and analysis of data on the supply of and demand for child care in the community;	100715 100716
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	100717 100718 100719
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	100720 100721 100722
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	100723 100724 100725
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of children and youth;	100726 100727 100728 100729 100730
(11) Cooperation with the county department of job and	100731

family services in encouraging the establishment of parent 100732
cooperative child care centers and parent cooperative type A 100733
family child care homes. 100734

(O) "Child care staff member" means an employee of a child 100735
care center, type A family child care home, licensed type B 100736
family child care home, or approved child day camp who is 100737
primarily responsible for the care and supervision of children. 100738
The administrator, authorized representative, or owner may be a 100739
child care staff member when not involved in other duties. 100740

(P) "Drop-in child care center," "drop-in center," "drop- 100741
in type A family child care home," and "drop-in type A home" 100742
mean a center or type A home that provides child care or 100743
publicly funded child care for children on a temporary, 100744
irregular basis. 100745

(Q) "Early learning and development program" has the same 100746
meaning as "licensed child care program." 100747

(R) "Employee" means a person who either: 100748

(1) Receives compensation for duties performed in a child 100749
care center, type A family child care home, licensed type B 100750
family child care home, or approved child day camp; 100751

(2) Is assigned specific working hours or duties in a 100752
child care center, type A family child care home, licensed type 100753
B family child care home, or approved child day camp. 100754

~~(R)~~ (S) "Employer" means a person, firm, institution, 100755
organization, or agency that operates a child care center, type 100756
A family child care home, licensed type B family child care 100757
home, or approved child day camp subject to licensure or 100758
approval under this chapter. 100759

~~(S)~~ (T) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

~~(T)~~ (U) "Head start program" means a school-readiness program that satisfies all of the following:

(1) Is for children from birth to age five who are from low-income families;

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;

(3) Is licensed as a child care program.

~~(U)~~ (V) "Home education" has the same meaning as in section 3321.042 of the Revised Code.

~~(V)~~ (W) "Home education learning pod" means a voluntary association of parents who direct their children's education through home education and includes the following characteristics:

(1) The parents choose to group their children together in a home or other location at various times, which may include hours when home education is not provided.

(2) The pod includes only the parents' children who are receiving home education, except that it also may include siblings of those children, or other children who are under the care of the parents, regardless of age.

(3) At least one parent of any of the children

participating in the pod must be on the premises while the pod
is meeting.

~~(W)~~ (X) "Homeless child care" means child care provided to
a child who satisfies any of the following:

(1) Is homeless as defined in 42 U.S.C. 11302;

(2) Is a homeless child or youth as defined in 42 U.S.C.
11434a;

(3) Resides temporarily with a caretaker in a facility
providing emergency shelter for homeless families or is
determined by a county department of job and family services to
be homeless.

~~(X)~~ (Y) "Income" means gross income, as defined in section
5107.10 of the Revised Code, less any amounts required by
federal statutes or regulations to be disregarded.

~~(Y)~~ (Z) "Indicator checklist" means an inspection tool,
used in conjunction with an instrument-based program monitoring
information system, that contains selected licensing
requirements that are statistically reliable indicators or
predictors of a child care center's, type A family child care
home's, or licensed type B family child care home's compliance
with licensing requirements.

~~(Z)~~ (AA) "Infant" means a child who is less than eighteen
months of age.

~~(AA)~~ (BB) "In-home aide" means a person who does not reside
with the child but provides care in the child's home and is
certified by a county director of job and family services
pursuant to section 5104.12 of the Revised Code to provide
publicly funded child care to a child in a child's own home

pursuant to this chapter and any rules adopted under it. 100816

~~(BB)~~ (CC) "Instrument-based program monitoring information 100817
system" means a method to assess compliance with licensing 100818
requirements for child care centers, type A family child care 100819
homes, and licensed type B family child care homes in which each 100820
licensing requirement is assigned a weight indicative of the 100821
relative importance of the requirement to the health, growth, 100822
and safety of the children that is used to develop an indicator 100823
checklist. 100824

~~(CC)~~ (DD) "License capacity" means the maximum number in 100825
each age category of children who may be cared for in a child 100826
care center, type A family child care home, or licensed type B 100827
family child care home at one time as determined by the director 100828
of children and youth considering building occupancy limits 100829
established by the department of commerce, amount of available 100830
indoor floor space and outdoor play space, and amount of 100831
available play equipment, materials, and supplies. 100832

~~(DD)~~ (EE) "Licensed child care program" means any of the 100833
following: 100834

(1) A child care center licensed by the department of 100835
children and youth pursuant to this chapter; 100836

(2) A type A family child care home or type B family child 100837
care home licensed by the department of children and youth 100838
pursuant to this chapter; 100839

(3) A licensed preschool program or licensed school child 100840
program. 100841

~~(EE)~~ (FF) "Licensed preschool program" or "licensed school 100842
child program" means a preschool program or school child 100843
program, as defined in section 3301.52 of the Revised Code, that 100844

is licensed by the department of children and youth pursuant to 100845
sections 3301.52 to 3301.59 of the Revised Code. 100846

~~(FF)~~(GG) "Licensed type B family child care home" and 100847
"licensed type B home" mean a type B family child care home for 100848
which there is a valid license issued by the director of 100849
children and youth pursuant to section 5104.03 of the Revised 100850
Code. 100851

~~(GG)~~(HH) "Licensee" means the owner of a child care 100852
center, type A family child care home, or type B family child 100853
care home that is licensed pursuant to this chapter and who is 100854
responsible for ensuring compliance with this chapter and rules 100855
adopted pursuant to this chapter. 100856

~~(HH)~~(II) "Operate a child day camp" means to operate, 100857
establish, manage, conduct, or maintain a child day camp. 100858

~~(II)~~(JJ) "Owner" includes a person, as defined in section 100859
1.59 of the Revised Code, or government entity. 100860

~~(JJ)~~(KK) "Parent cooperative child care center," "parent 100861
cooperative center," "parent cooperative type A family child 100862
care home," and "parent cooperative type A home" mean a 100863
corporation or association organized for providing educational 100864
services to the children of members of the corporation or 100865
association, without gain to the corporation or association as 100866
an entity, in which the services of the corporation or 100867
association are provided only to children of the members of the 100868
corporation or association, ownership and control of the 100869
corporation or association rests solely with the members of the 100870
corporation or association, and at least one parent-member of 100871
the corporation or association is on the premises of the center 100872
or type A home during its hours of operation. 100873

~~(KK)~~ (LL) "Part-time child care center," "part-time center," "part-time type A family child care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for not more than four hours a day for any child or not more than fifteen consecutive weeks per year, regardless of the number of hours per day.

~~(LL)~~ (MM) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

~~(MM)~~ (NN) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

~~(NN)~~ (OO) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the following apply:

(1) A case plan has been prepared and maintained for the child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code.

~~(OO)~~ (PP) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of children and youth.

~~(PP)~~ (QQ) "Religious activities" means any of the 100903
following: worship or other religious services; religious 100904
instruction; Sunday school classes or other religious classes 100905
conducted during or prior to worship or other religious 100906
services; youth or adult fellowship activities; choir or other 100907
musical group practices or programs; meals; festivals; or 100908
meetings conducted by an organized religious group. 100909

~~(QQ)~~ (RR) "School-age child" means a child who is enrolled 100910
in or is eligible to be enrolled in a grade of kindergarten or 100911
above but is less than fifteen years old or, in the case of a 100912
child who is receiving special needs child care, is less than 100913
eighteen years old. 100914

~~(RR)~~ (SS) "Serious risk noncompliance" means a licensure or 100915
certification rule violation that leads to a great risk of harm 100916
to, or death of, a child, and is observable, not inferable. 100917

~~(SS)~~ (TT) "Special needs child care" means child care 100918
provided to a child who is less than eighteen years of age and 100919
either has one or more chronic health conditions or does not 100920
meet age appropriate expectations in one or more areas of 100921
development, including social, emotional, cognitive, 100922
communicative, perceptual, motor, physical, and behavioral 100923
development and that may include on a regular basis such 100924
services, adaptations, modifications, or adjustments needed to 100925
assist in the child's function or development. 100926

~~(TT)~~ (UU) "Title IV-A" means Title IV-A of the "Social 100927
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 100928

~~(UU)~~ (VV) "Title XX" means Title XX of the "Social Security 100929
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 100930

~~(VV)~~ (WW) "Toddler" means a child who is at least eighteen 100931

months of age but less than three years of age. 100932

~~(WW)~~ (XX) "Type A family child care home" and "type A home" 100933
mean the permanent residence of the administrator in which child 100934
care or publicly funded child care is provided for seven to 100935
twelve children at one time or a permanent residence of the 100936
administrator in which child care is provided for four to twelve 100937
children at one time if four or more children at one time are 100938
under two years of age. In counting children for the purposes of 100939
this division, any children under six years of age who are 100940
related to a licensee, administrator, or employee and who are on 100941
the premises of the type A home shall be counted. "Type A family 100942
child care home" and "type A home" do not include any child day 100943
camp. 100944

~~(XX)~~ (YY) "Type B family child care home" and "type B home" 100945
mean a permanent residence of the provider in which care is 100946
provided for one to six children at one time and in which no 100947
more than three children are under two years of age at one time. 100948
In counting children for the purposes of this division, any 100949
children under six years of age who are related to the provider 100950
and who are on the premises of the type B home shall be counted. 100951
"Type B family child care home" and "type B home" do not include 100952
any child day camp. 100953

Sec. 5104.12. (A) (1) A county director of job and family 100954
services may certify in-home aides to provide publicly funded 100955
child care pursuant to this chapter and any rules adopted under 100956
it. Any in-home aide who receives a certificate pursuant to this 100957
section to provide publicly funded child care is an independent 100958
contractor and is not an employee of the county department of 100959
job and family services that issues the certificate. 100960

(2) Every person desiring to receive certification as an 100961

in-home aide shall apply for certification to a county director 100962
of job and family services on such forms as the director of 100963
children and youth prescribes. A county director shall provide 100964
at no charge to each applicant a copy of rules for certifying 100965
in-home aides adopted pursuant to this chapter. 100966

(B) To be eligible for certification as an in-home aide, a 100967
person shall not be either of the following: 100968

(1) The owner of a center or home whose license was 100969
revoked pursuant to section 5104.04 of the Revised Code within 100970
the previous five years; 100971

(2) An in-home aide whose certificate was revoked under 100972
division (C) (2) of this section within the previous five years. 100973

(C) (1) If the county director of job and family services 100974
determines that the applicant complies with this chapter and any 100975
rules adopted under it, the county director shall certify the 100976
person as an in-home aide and issue the person a certificate to 100977
provide publicly funded child care ~~for twenty-four months~~. The 100978
county director shall furnish a copy of the certificate to the 100979
parent, custodian, or guardian. The certificate shall state the 100980
name and address of the in-home aide, ~~the expiration date of the~~
~~certification~~, and the name and telephone number of the county 100981
director who issued the certificate. 100982
100983

(2) The county director may revoke the certificate in 100984
either of the following circumstances: 100985

(a) The county director determines, pursuant to rules 100986
adopted under Chapter 119. of the Revised Code, that revocation 100987
is necessary; 100988

(b) The in-home aide does not comply with division (C) (2) 100989
of section 5104.32 of the Revised Code. 100990

(D) (1) The county director of job and family services 100991
shall inspect every home of a child who is receiving publicly 100992
funded child care in the child's own home while the in-home aide 100993
is providing the services. Inspections may be unannounced. Upon 100994
receipt of a complaint, the county director shall investigate 100995
the in-home aide, shall investigate the home of a child who is 100996
receiving publicly funded child care in the child's own home, 100997
and division (D) (2) of this section applies regarding the 100998
complaint. The caretaker parent shall permit the county director 100999
to inspect any part of the child's home. The county director 101000
shall prepare a written inspection report and furnish one copy 101001
each to the in-home aide and the caretaker parent within a 101002
reasonable time after the inspection. 101003

(2) Upon receipt of a complaint as described in division 101004
(D) (1) of this section, in addition to the investigations that 101005
are required under that division, both of the following apply: 101006

(a) If the complaint alleges that a child suffered 101007
physical harm while receiving publicly funded child care in the 101008
child's own home from an in-home aide or that the noncompliance 101009
with law or act alleged in the complaint involved, resulted in, 101010
or poses a substantial risk of physical harm to a child 101011
receiving publicly funded child care in the child's own home 101012
from an in-home aide, the county director shall inspect the home 101013
of the child. 101014

(b) If division (D) (2) (a) of this section does not apply 101015
regarding the complaint, the county director may inspect the 101016
home of the child. 101017

(3) Division (D) (2) of this section does not limit, 101018
restrict, or negate any duty of the county director to inspect a 101019
home of a child who is receiving publicly funded child care from 101020

an in-home aide that otherwise is imposed under this section, or 101021
any authority of the county director to inspect such a home that 101022
otherwise is granted under this section when the county director 101023
believes the inspection is necessary and it is permitted under 101024
the grant. 101025

Sec. 5104.29. (A) ~~As used in this section, "early learning~~ 101026
~~and development program" has the same meaning as "licensed child~~ 101027
~~care program" as defined in section 5104.01 of the Revised Code.~~ 101028

~~(B)~~ There is hereby created in the department of children 101029
and youth the step up to quality program, under which the 101030
department of children and youth, in cooperation with the 101031
department of education and workforce, shall develop a tiered 101032
quality rating and improvement system for all early learning and 101033
development programs in this state. The step up to quality 101034
program shall include all of the following components: 101035

(1) Quality program standards for early learning and 101036
development programs; 101037

(2) Accountability measures that include tiered ratings 101038
representing each program's level of quality; 101039

(3) Program and provider outreach and support to help 101040
programs meet higher standards and promote participation in the 101041
step up to quality program; 101042

(4) Financial incentives for early learning and 101043
development programs that provide publicly funded child care and 101044
are linked to achieving and maintaining quality standards; 101045

(5) Parent and consumer education to help parents learn 101046
about program quality and ratings so they can make informed 101047
choices on behalf of their children. 101048

~~(C)~~ (B) The step up to quality program shall have the 101049
following goals: 101050

(1) Increasing the number of low-income children, special 101051
needs children, and children with limited English proficiency 101052
participating in quality early learning and development 101053
programs; 101054

(2) Providing families with an easy-to-use tool for 101055
evaluating the quality of early learning and development 101056
programs; 101057

(3) Recognizing and supporting early learning and 101058
development programs that achieve higher levels of quality; 101059

(4) Providing incentives and supports to help early 101060
learning and development programs implement continuous quality 101061
improvement systems. 101062

~~(D)~~ (C) Under the step up to quality program, participating 101063
early learning and development programs may be eligible for 101064
grants, technical assistance, training, and other assistance. 101065
Programs that maintain a quality rating may be eligible for 101066
unrestricted monetary awards. 101067

~~(E)~~ (D) The tiered ratings developed pursuant to this 101068
section shall be based on an early learning and development 101069
program's performance in meeting program standards in the 101070
following four domains: 101071

(1) Learning and development; 101072

(2) Administration and leadership practices; 101073

(3) Staff quality and professional development; 101074

(4) Family and community partnerships. 101075

The ratings developed under this section shall not take
into consideration whether an administrator or employee of an
early learning and development program holds or obtains a
bachelor's, master's, or doctoral degree.

~~(F)~~ (E) The director of children and youth, in
collaboration with the director of education and workforce,
shall adopt rules in accordance with Chapter 119. of the Revised
Code to implement the step up to quality program described in
this section.

Sec. 5104.292. (A) An early learning and development
program that applied to be rated in the step up to quality
program but was denied or that had its step up to quality rating
reduced or removed may appeal the decision of the director of
children and youth to refuse to rate the program or to reduce or
remove the program's rating. This section establishes standards
and procedures by which an appeal of such a decision is filed
and heard and the director's determination following a hearing
is reviewed.

(B) An early learning and development program that wishes
to appeal a decision described in division (A) of this section
shall file an appeal with the director not later than fifteen
days after the program receives notice of the decision.

(C) The director shall hear the appeal not later than
forty-five days after its filing. The hearing shall be conducted
either in-person or through virtual means. During the hearing,
the program shall be allowed to participate, including by asking
and answering questions and offering evidence in support of the
program's position.

(D) Not later than fifteen days after the hearing, the

director shall make an initial determination as to whether the 101105
decision described in division (A) of this section is to be 101106
upheld or reversed. As soon as practicable after making the 101107
initial determination, the director shall convene a panel to 101108
review both the initial determination and evidence presented at 101109
the hearing. Neither of the following shall occur until after 101110
the review panel convenes and makes a recommendation to the 101111
director: 101112

(1) The determination is enforced. 101113

(2) The determination is made public. 101114

(E) A review panel shall consist of all of the following: 101115

(1) One individual representing the department of children 101116
and youth, except that the individual shall be neither the 101117
individual who recommended to the director that the program's 101118
rating be refused, removed, or reduced nor that individual's 101119
direct supervisor; 101120

(2) Two individuals, each representing an early learning 101121
and development program and each participating in the early 101122
childhood education and care advisory group of the department's 101123
children and youth advisory council. 101124

The review panel shall meet either in-person or through 101125
virtual means. 101126

(F) As soon as practicable after it convenes, the review 101127
panel shall make a recommendation to the director as to whether 101128
the director's initial determination should be enforced and made 101129
public. The director shall consider the review panel's 101130
recommendation before doing either of the following: 101131

(1) Making a final determination as to whether the 101132

decision in division (A) is to be upheld or reversed; 101133

(2) Making the final determination public. 101134

The actions described in divisions (F) (1) and (2) of this 101135
section shall occur as soon as practicable after the panel makes 101136
its recommendation. 101137

Sec. 5104.30. (A) The department of children and youth is 101138
hereby designated as the state agency responsible for 101139
administration and coordination of federal and state funding for 101140
publicly funded child care in this state. Publicly funded child 101141
care shall be provided to the following: 101142

(1) Recipients of transitional child care as provided 101143
under section 5104.34 of the Revised Code; 101144

(2) Participants in the Ohio works first program 101145
established under Chapter 5107. of the Revised Code; 101146

(3) Individuals who would be participating in the Ohio 101147
works first program if not for a sanction under section 5107.16 101148
of the Revised Code and who continue to participate in a work 101149
activity, developmental activity, or alternative work activity 101150
pursuant to an assignment under section 5107.42 of the Revised 101151
Code; 101152

(4) A family receiving publicly funded child care on 101153
October 1, 1997, until the family's income reaches one hundred 101154
fifty per cent of the federal poverty line; 101155

(5) Subject to available funds, other individuals 101156
determined eligible in accordance with rules adopted under 101157
section 5104.38 of the Revised Code. 101158

The department shall apply to the United States department 101159
of health and human services for authority to operate a 101160

coordinated program for publicly funded child care, if the 101161
director of children and youth determines that the application 101162
is necessary. For purposes of this section, the department of 101163
children and youth may enter into agreements with other state 101164
agencies that are involved in regulation or funding of child 101165
care. The department shall consider the special needs of migrant 101166
workers when it administers and coordinates publicly funded 101167
child care and shall develop appropriate procedures for 101168
accommodating the needs of migrant workers for publicly funded 101169
child care. 101170

(B) The department of children and youth shall distribute 101171
state and federal funds for publicly funded child care, 101172
including appropriations of state funds for publicly funded 101173
child care and appropriations of federal funds available under 101174
the child care block grant act, Title IV-A, and Title XX. The 101175
department may use any state funds appropriated for publicly 101176
funded child care as the state share required to match any 101177
federal funds appropriated for publicly funded child care. 101178

(C) In the use of federal funds available under the child 101179
care block grant act, all of the following apply: 101180

(1) The department may use the federal funds to hire staff 101181
to prepare any rules required under this chapter and to 101182
administer and coordinate federal and state funding for publicly 101183
funded child care. 101184

(2) Not more than five per cent of the aggregate amount of 101185
the federal funds received for a fiscal year may be expended for 101186
administrative costs. 101187

(3) The department shall allocate and use at least four 101188
per cent of the federal funds for the following: 101189

(a) Activities designed to provide comprehensive consumer	101190
education to parents and the public;	101191
(b) Activities that increase parental choice;	101192
(c) Activities, including child care resource and referral	101193
services, designed to improve the quality, and increase the	101194
supply, of child care;	101195
(d) Establishing the step up to quality program pursuant	101196
to section 5104.29 of the Revised Code.	101197
(4) The department shall ensure that the federal funds	101198
will be used only to supplement, and will not be used to	101199
supplant, federal, state, and local funds available on the	101200
effective date of the child care block grant act for publicly	101201
funded child care and related programs. If authorized by rules	101202
adopted by the department pursuant to section 5104.42 of the	101203
Revised Code, county departments of job and family services may	101204
purchase child care from funds obtained through any other means.	101205
(D) The department shall encourage the development of	101206
suitable child care throughout the state, especially in areas	101207
with high concentrations of recipients of public assistance and	101208
families with low incomes. The department shall encourage the	101209
development of suitable child care designed to accommodate the	101210
special needs of migrant workers. On request, the department,	101211
through its employees or contracts with state or community child	101212
care resource and referral service organizations, shall provide	101213
consultation to groups and individuals interested in developing	101214
child care. The department of children and youth may enter into	101215
interagency agreements with the department of education and	101216
workforce, the chancellor of higher education, the department of	101217
development, and other state agencies and entities whenever the	101218

cooperative efforts of the other state agencies and entities are 101219
necessary for the department of children and youth to fulfill 101220
its duties and responsibilities under this chapter. 101221

The department shall develop and maintain a registry of 101222
persons providing child care. The director shall adopt rules in 101223
accordance with Chapter 119. of the Revised Code establishing 101224
procedures and requirements for the registry's administration. 101225

(E) (1) The director shall adopt rules in accordance with 101226
Chapter 119. of the Revised Code establishing both of the 101227
following: 101228

(a) ~~Reimbursement~~ Payment rates for providers of publicly 101229
funded child care not later than the first day of July in each 101230
odd-numbered year; 101231

(b) A procedure for ~~reimbursing and~~ paying providers of 101232
publicly funded child care. 101233

(2) In establishing ~~reimbursement~~ payment rates under 101234
division (E) (1) (a) of this section, the director shall do all of 101235
the following: 101236

(a) Use the information obtained from the market rate 101237
survey developed and conducted in accordance with 45 C.F.R. 101238
98.45; 101239

(b) Establish an enhanced ~~reimbursement~~ payment rate for 101240
providers who ~~provide child care for~~ enroll children whose 101241
caretaker parents ~~who~~ work nontraditional hours; 101242

(c) With regard to the step up to quality program 101243
established pursuant to section 5104.29 of the Revised Code, 101244
establish enhanced ~~reimbursement~~ payment rates for child care 101245
providers that participate in the program. 101246

(3) In establishing ~~reimbursement~~ payment rates under 101247
division (E) (1) (a) of this section, the director may establish 101248
different ~~reimbursement~~ payment rates based on any of the 101249
following: 101250

- (a) Geographic location of the provider; 101251
- (b) Type of care provided; 101252
- (c) Age of the child served; 101253
- (d) Special needs of the child served; 101254
- (e) Whether the expanded hours of service are provided; 101255
- (f) Whether weekend service is provided; 101256
- (g) Whether the provider has exceeded the minimum 101257
requirements of state statutes and rules governing child care; 101258
- (h) Any other factors the director considers appropriate. 101259

Sec. 5104.302. In addition to establishing payment rates 101260
for publicly funded child care providers in each odd-numbered 101261
year, as required by section 5104.30 of the Revised Code, the 101262
director of children and youth may contract with a third-party 101263
entity to analyze information regarding the prices charged for 101264
child care for the subsequent even-numbered year. 101265

Sec. 5104.32. (A) All purchases of publicly funded child 101266
care shall be made under a contract entered into by a licensed 101267
child care center, licensed type A family child care home, 101268
licensed type B family child care home, certified in-home aide, 101269
approved child day camp, licensed preschool program, licensed 101270
school child program, or border state child care provider and 101271
the department of children and youth. All contracts for publicly 101272
funded child care shall be contingent upon the availability of 101273

state and federal funds. The department shall prescribe a 101274
standard form to be used for all contracts for the purchase of 101275
publicly funded child care, regardless of the source of public 101276
funds used to purchase the child care. To the extent permitted 101277
by federal law and notwithstanding any other provision of the 101278
Revised Code that regulates state contracts or contracts 101279
involving the expenditure of state or federal funds, all 101280
contracts for publicly funded child care shall be entered into 101281
in accordance with the provisions of this chapter and are exempt 101282
from any other provision of the Revised Code that regulates 101283
state contracts or contracts involving the expenditure of state 101284
or federal funds. 101285

(B) Each contract for publicly funded child care shall 101286
specify at least the following: 101287

(1) That the provider of publicly funded child care agrees 101288
to be paid ~~for rendering services at the lower of the rate~~ 101289
~~customarily charged by the provider for children enrolled for~~ 101290
~~child care or the reimbursement rate of payment established~~ 101291
pursuant to section 5104.30 of the Revised Code; 101292

(2) ~~That, if a provider provides child care to an~~ 101293
~~individual potentially eligible for publicly funded child care~~ 101294
~~who is subsequently determined to be eligible, the department~~ 101295
~~agrees to pay for all child care provided between the date the~~ 101296
~~county department of job and family services receives the~~ 101297
~~individual's completed application and the date the individual's~~ 101298
~~eligibility is determined;~~ 101299

~~(3)~~ Whether the county department of job and family 101300
services, the provider, or a child care resource and referral 101301
service organization will make eligibility determinations, 101302
whether the provider or a child care resource and referral 101303

service organization will be required to collect information to 101304
be used by the county department to make eligibility 101305
determinations, and the time period within which the provider or 101306
child care resource and referral service organization is 101307
required to complete required eligibility determinations or to 101308
transmit to the county department any information collected for 101309
the purpose of making eligibility determinations; 101310

~~(4)~~ (3) That the provider, other than a border state child 101311
care provider, shall continue to be licensed, approved, or 101312
certified pursuant to this chapter and shall comply with all 101313
standards and other requirements in this chapter and in rules 101314
adopted pursuant to this chapter for maintaining the provider's 101315
license, approval, or certification; 101316

~~(5)~~ (4) That, in the case of a border state child care 101317
provider, the provider shall continue to be licensed, certified, 101318
or otherwise approved by the state in which the provider is 101319
located and shall comply with all standards and other 101320
requirements established by that state for maintaining the 101321
provider's license, certificate, or other approval; 101322

~~(6)~~ (5) Whether the provider will be paid by the 101323
department of children and youth or in some other manner as 101324
prescribed by rules adopted under section 5104.42 of the Revised 101325
Code; 101326

~~(7)~~ (6) That the contract is subject to the availability 101327
of state and federal funds. 101328

(C) (1) The department shall establish an automated child 101329
care system to track child attendance and enrollment and 101330
calculate payments for publicly funded child care. Not later 101331
than July 1, 2026, and thereafter, the department shall 101332

calculate payments for publicly funded child care based on a 101333
child's enrollment, as described in 45 C.F.R. 98.45(m), rather 101334
than on a child's attendance. 101335

(2) Each eligible provider that provides publicly funded 101336
child care shall participate in the automated child care system. 101337
A provider participating in the system shall not do any of the 101338
following: 101339

(a) Use or have possession of a personal identification 101340
number or password issued to a caretaker parent under the 101341
automated child care system; 101342

(b) Falsify child attendance or enrollment records; 101343

(c) Knowingly seek or accept payment for publicly funded 101344
child care ~~that was not provided for a child not enrolled with~~ 101345
the provider or for which the provider was not eligible; 101346

(d) Knowingly seek or accept payment for child care 101347
~~provided to for~~ a child who resides in the provider's own home. 101348

(D) The department may withhold any money due under this 101349
chapter and may recover through any appropriate method any money 101350
erroneously paid under this chapter if evidence demonstrates 101351
that a provider of publicly funded child care failed to comply 101352
with either of the following: 101353

(1) The terms of the contract entered into under this 101354
section; 101355

(2) This chapter or any rules adopted under it. 101356

(E) If the department has evidence that a provider has 101357
employed an individual who is ineligible for employment under 101358
section 5104.013 of the Revised Code and the provider has not 101359
released the individual from employment upon notice that the 101360

individual is ineligible, the department may terminate 101361
immediately the contract entered into under this section to 101362
provide publicly funded child care. 101363

(F) Any decision by the department concerning publicly 101364
funded child care, including the recovery of funds, overpayment 101365
determinations, and contract terminations is final and is not 101366
subject to appeal, hearing, or further review under Chapter 119. 101367
of the Revised Code. 101368

Sec. 5104.34. (A) (1) Each county department of job and 101369
family services shall implement procedures for making 101370
determinations of eligibility for publicly funded child care. 101371
Under those procedures, the eligibility determination for each 101372
applicant shall be made no later than thirty calendar days from 101373
the date the county department receives a completed application 101374
for publicly funded child care. Each applicant shall be notified 101375
promptly of the results of the eligibility determination. An 101376
applicant aggrieved by a decision or delay in making an 101377
eligibility determination may appeal the decision or delay to 101378
the department of children and youth in accordance with section 101379
5101.35 of the Revised Code. The due process rights of 101380
applicants shall be protected. 101381

To the extent permitted by federal law, the county 101382
department may make all determinations of eligibility for 101383
publicly funded child care, may contract with child care 101384
providers or child care resource and referral service 101385
organizations for the providers or resource and referral service 101386
organizations to make all or any part of the determinations, and 101387
may contract with child care providers or child care resource 101388
and referral service organizations for the providers or resource 101389
and referral service organizations to collect specified 101390

information for use by the county department in making 101391
determinations. If a county department contracts with a child 101392
care provider or a child care resource and referral service 101393
organization for eligibility determinations or for the 101394
collection of information, the contract shall require the 101395
provider or resource and referral service organization to make 101396
each eligibility determination no later than thirty calendar 101397
days from the date the provider or resource and referral 101398
organization receives a completed application that is the basis 101399
of the determination and to collect and transmit all necessary 101400
information to the county department within a period of time 101401
that enables the county department to make each eligibility 101402
determination no later than thirty days after the filing of the 101403
application that is the basis of the determination. 101404

The county department may station employees of the 101405
department in various locations throughout the county to collect 101406
information relevant to applications for publicly funded child 101407
care and to make eligibility determinations. The county 101408
department, child care provider, and child care resource and 101409
referral service organization shall make each determination of 101410
eligibility for publicly funded child care no later than thirty 101411
days after the filing of the application that is the basis of 101412
the determination, shall make each determination in accordance 101413
with any relevant rules adopted pursuant to section 5104.38 of 101414
the Revised Code, and shall notify promptly each applicant for 101415
publicly funded child care of the results of the determination 101416
of the applicant's eligibility. 101417

The director of children and youth shall adopt rules in 101418
accordance with Chapter 119. of the Revised Code for monitoring 101419
the eligibility determination process. In accordance with those 101420
rules, the state department shall monitor eligibility 101421

determinations made by county departments of job and family 101422
services and shall direct any entity that is not in compliance 101423
with this division or any rule adopted under this division to 101424
implement corrective action specified by the department. 101425

(2) (a) All eligibility determinations for publicly funded 101426
child care shall be made in accordance with rules adopted 101427
pursuant to division (A) of section 5104.38 of the Revised Code. 101428
Except as otherwise provided in this section, all of the 101429
following apply: 101430

(i) Publicly funded child care may be provided only to 101431
eligible infants, toddlers, preschool-age children, school-age 101432
children under age thirteen, or children receiving special needs 101433
child care. 101434

(ii) For an applicant to be eligible for publicly funded 101435
child care, the caretaker parent must be employed or 101436
participating in a program of education or training for an 101437
amount of time reasonably related to the time that the parent's 101438
children are receiving publicly funded child care. This 101439
restriction does not apply to families whose children are 101440
eligible for protective child care. 101441

(iii) The eligibility period for publicly funded child 101442
care shall be at least twelve months. 101443

(b) ~~In accordance with rules adopted under division (B) of~~ 101444
~~section 5104.38 of the Revised Code, an applicant may receive~~ 101445
~~publicly funded child care while the county department~~ 101446
~~determines eligibility. An applicant may receive publicly funded~~ 101447
~~child care while a county department determines eligibility only~~ 101448
~~once during a twelve-month period. If the county department~~ 101449
~~determines that an applicant is not eligible for publicly funded~~ 101450

~~child care, the child care provider shall be paid for providing~~ 101451
~~publicly funded child care for up to five days after that~~ 101452
~~determination if the county department received a completed~~ 101453
~~application with all required documentation. A program may~~ 101454
~~appeal a denial of payment under this division.~~ 101455

~~(e)~~ If a caretaker parent who has been determined eligible 101456
to receive publicly funded child care no longer meets the 101457
requirements of division (A) (2) (a) (ii) of this section, the 101458
caretaker parent may continue to receive publicly funded child 101459
care for a period of at least three but not more than four 101460
months not to extend beyond the caretaker parent's eligibility 101461
period. 101462

~~(d)~~ (c) If a child turns thirteen, or if a child receiving 101463
special needs child care turns eighteen, during the eligibility 101464
period, the caretaker parent may continue to receive publicly 101465
funded child care until the end of that eligibility period. 101466

Subject to available funds, the department of children and 101467
youth shall allow a family to receive publicly funded child care 101468
unless the family's income exceeds the maximum income 101469
eligibility limit. Initial and continued eligibility for 101470
publicly funded child care is subject to available funds unless 101471
the family is receiving child care pursuant to division (A) (1), 101472
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 101473
department must limit eligibility due to lack of available 101474
funds, it shall give first priority for publicly funded child 101475
care to an assistance group whose income is not more than the 101476
maximum income eligibility limit that received transitional 101477
child care in the previous month but is no longer eligible 101478
because the eligibility period has expired. Such an assistance 101479
group shall continue to receive priority for publicly funded 101480

child care until its income exceeds the maximum income 101481
eligibility limit. 101482

(3) An assistance group that ceases to participate in the 101483
Ohio works first program established under Chapter 5107. of the 101484
Revised Code is eligible for transitional child care at any time 101485
during the immediately following twelve-month period that both 101486
of the following apply: 101487

(a) The assistance group requires child care due to 101488
employment; 101489

(b) The assistance group's income is not more than one 101490
hundred fifty per cent of the federal poverty line. 101491

An assistance group ineligible to participate in the Ohio 101492
works first program pursuant to section 5101.83 or section 101493
5107.16 of the Revised Code is not eligible for transitional 101494
child care. 101495

(B) To the extent permitted by federal law, the department 101496
of children and youth may require a caretaker parent determined 101497
to be eligible for publicly funded child care to pay a fee 101498
according to the schedule of fees established in rules adopted 101499
under section 5104.38 of the Revised Code. The department shall 101500
make protective child care services and homeless child care 101501
services available to children without regard to the income or 101502
assets of the caretaker parent of the child. 101503

(C) A caretaker parent receiving publicly funded child 101504
care shall report to the entity that determined eligibility any 101505
changes in status with respect to employment or participation in 101506
a program of education or training not later than ten calendar 101507
days after the change occurs. 101508

(D) If the department of children and youth determines 101509

that available resources are not sufficient to provide publicly 101510
funded child care to all eligible families who request it, the 101511
department may establish a waiting list. The department may 101512
establish separate waiting lists within the waiting list based 101513
on income. 101514

(E) A caretaker parent shall not receive publicly funded 101515
child care from more than one child care provider per child 101516
during a week, unless a county department grants the family an 101517
exemption for one of the following reasons: 101518

(1) The child needs additional care during non-traditional 101519
hours; 101520

(2) The child needs to change providers in the middle of 101521
the week and the hours of care provided by the providers do not 101522
overlap; 101523

(3) The child's provider is closed on scheduled school 101524
days off or on calamity days. 101525

(F) As used in this section, "maximum income eligibility 101526
limit" means the amount of income specified in rules adopted 101527
under division (A) of section 5104.38 of the Revised Code. 101528

Sec. 5104.36. The licensee or administrator of a child 101529
care center, type A family child care home, or licensed type B 101530
family child care home, an in-home aide providing child care 101531
services, the director or administrator of an approved child day 101532
camp, and a border state child care provider shall keep a record 101533
for each eligible child enrolled with the center, home, in-home 101534
aide, camp, or provider, to be made available to the county 101535
department of job and family services or the department of 101536
children and youth on request. The record shall include all of 101537
the following: 101538

(A) The name and date of birth of the child; 101539

(B) The name and address of the child's caretaker parent; 101540

(C) The name and address of the caretaker parent's place 101541
of employment or program of education or training; 101542

(D) The hours for which the child has been enrolled with 101543
the center, home, in-home aide, camp, or provider and the hours 101544
for which child care services have been provided for the child; 101545

(E) Any other information required by the county 101546
department of job and family services or the department of 101547
children and youth. 101548

Sec. 5104.37. (A) In addition to the duties described in 101549
division (D) of section 5104.30 of the Revised Code, the 101550
director of ~~job and family services~~ children and youth shall 101551
engage in activities to do the following: 101552

(1) Encourage the establishment and licensure of family 101553
~~day-care~~ child care homes in this state, especially in areas 101554
with the greatest need for child care; 101555

(2) Connect families and caretaker parents in need of 101556
child care with family ~~day-care~~ child care homes not meeting the 101557
license capacity specified on their licenses, as described in 101558
division (E) of section 5104.03 of the Revised Code. 101559

(B) The director may contract with one or more third-party 101560
entities to assist the director in performing the duties 101561
described in division (A) of this section. 101562

(C) Not later than May 30, 2023, and periodically 101563
thereafter, the director shall submit to the general assembly a 101564
report documenting any barriers that may prevent the 101565
establishment or licensure of family ~~day-care~~ child care homes. 101566

The director shall submit the required report in accordance with 101567
section 101.68 of the Revised Code. 101568

Sec. 5104.38. In addition to any other rules adopted under 101569
this chapter, the director of children and youth shall adopt 101570
rules in accordance with Chapter 119. of the Revised Code 101571
governing financial and administrative requirements for publicly 101572
funded child care and establishing all of the following: 101573

(A) Procedures and criteria to be used in making 101574
determinations of eligibility for publicly funded child care 101575
that give priority to children of families with lower incomes 101576
and procedures and criteria for eligibility for publicly funded 101577
protective child care or homeless child care. The rules shall 101578
specify the maximum amount of income a family may have for 101579
initial and continued eligibility. The maximum amount shall not 101580
exceed three hundred per cent of the federal poverty line. The 101581
rules may specify exceptions to the eligibility requirements in 101582
the case of a family that previously received publicly funded 101583
child care and is seeking to have the child care reinstated 101584
after the family's eligibility was terminated. 101585

~~(B) Procedures under which an applicant for publicly 101586
funded child care may receive publicly funded child care while 101587
the county department of job and family services determines 101588
eligibility and under which a child care provider may appeal a 101589
denial of payment under division (A) (2) (b) of section 5104.34 of 101590
the Revised Code; 101591~~

~~(C)~~ A schedule of fees requiring all eligible caretaker 101592
parents to pay a fee for publicly funded child care according to 101593
income and family size, which shall be uniform for all types of 101594
publicly funded child care, except as authorized by rule, and, 101595
to the extent permitted by federal law, shall permit the use of 101596

state and federal funds to pay the customary deposits and other 101597
advance payments that a provider charges all children who 101598
receive child care from that provider. 101599

~~(D)~~ (C) A formula for determining the amount of state and 101600
federal funds appropriated for publicly funded child care that 101601
may be allocated to a county department to use for 101602
administrative purposes; 101603

~~(E)~~ (D) Procedures to be followed by the department and 101604
county departments in recruiting individuals and groups to 101605
become providers of child care; 101606

~~(F)~~ (E) Procedures to be followed in establishing state or 101607
local programs designed to assist individuals who are eligible 101608
for publicly funded child care in identifying the resources 101609
available to them and to refer the individuals to appropriate 101610
sources to obtain child care; 101611

~~(G)~~ (F) Procedures to deal with fraud and abuse committed 101612
by either recipients or providers of publicly funded child care; 101613

~~(H)~~ (G) Procedures for establishing a child care grant or 101614
loan program in accordance with the child care block grant act; 101615

~~(I)~~ (H) Standards and procedures for applicants to apply 101616
for grants and loans, and for the department to make grants and 101617
loans; 101618

~~(J)~~ (I) A definition of "person who stands in loco 101619
parentis" for the purposes of division ~~(NN)~~ ~~(3)~~ (OO) (3) of section 101620
5104.01 of the Revised Code; 101621

~~(K)~~ (J) Procedures for a county department of job and 101622
family services to follow in making eligibility determinations 101623
and redeterminations for publicly funded child care available 101624

through telephone, computer, and other means at locations other 101625
than the county department; 101626

~~(L)~~ (K) If the director establishes a different 101627
~~reimbursement payment~~ rate under division (E) (3) (d) of section 101628
5104.30 of the Revised Code, standards and procedures for 101629
determining the amount of the higher payment that is to be 101630
issued to a child care provider based on the special needs of 101631
the child being served; 101632

~~(M)~~ (L) To the extent permitted by federal law, procedures 101633
for enrolling and paying for up to thirty days of child care for 101634
a child whose caretaker parent is seeking employment, taking 101635
part in employment orientation activities, or taking part in 101636
activities in anticipation of enrolling in or attending an 101637
education or training program or activity, if the employment or 101638
the education or training program or activity is expected to 101639
begin within the thirty-day period; 101640

~~(N)~~ (M) Any other rules necessary to carry out sections 101641
5104.30 to 5104.43 of the Revised Code. 101642

Sec. 5104.41. A child and the child's caretaker who are 101643
otherwise ineligible for publicly funded child care are eligible 101644
for homeless child care for ~~the lesser of the following:~~ 101645

~~(A) Not more than ninety days;~~ 101646

~~(B) The period of time they reside in a facility providing 101647
emergency shelter for homeless families or the period of time in 101648
which the county department determines they are homeless~~ twelve 101649
months. 101650

Sec. 5104.53. (A) As used in this section: 101651

(1) "IEP" has the same meaning as in section 3323.01 of 101652

the Revised Code. 101653

(2) "Resource caregiver" has the same meaning as in 101654
section 5103.02 of the Revised Code. 101655

(B) The early childhood education grant program is created 101656
in the department of children and youth. Subject to available 101657
funds, the program shall support and invest in early learning 101658
and development programs operating in this state by awarding 101659
grants to programs that meet the conditions of this section in 101660
an amount that corresponds to the number of eligible children 101661
served by the programs. 101662

(C) To be eligible for a grant under this section, an 101663
early learning and development program shall meet each of the 101664
following conditions: 101665

(1) The program is rated through the step up to quality 101666
program established under section 5104.29 of the Revised Code at 101667
the tiered rating specified by the department in rules adopted 101668
under this section. 101669

(2) The program provides early learning and development 101670
services to one or more preschool-age children described in 101671
division (D) of this section. 101672

(3) The program meets any other eligibility condition 101673
specified by the department in rules adopted under this section. 101674

(D) A preschool-age child who meets all of the following 101675
conditions, as determined by a county department of job and 101676
family services, is eligible to participate in the early 101677
childhood education grant program if a slot is available: 101678

(1) Either the amount of the child's family income does 101679
not exceed two hundred per cent of the federal poverty line or 101680

the child meets one of the following conditions: 101681

(a) An IEP has been developed for the child; 101682

(b) The child is placed with a resource caregiver as 101683
described in Chapter 5103. of the Revised Code, with such 101684
placement documented by either a family case plan or kinship 101685
permanency incentive payments; 101686

(c) The child is homeless as described in division (V) of 101687
section 5104.01 of the Revised Code. 101688

(2) The child is a citizen of the United States or a 101689
qualified alien. 101690

(3) The child meets any other eligibility condition 101691
specified by the department in rules adopted under this section. 101692

(E) Any funds appropriated to the department for purposes 101693
of the early childhood education grant program shall be used as 101694
follows: 101695

(1) In each fiscal year, not more than two per cent of 101696
appropriated funds shall be used for program support and 101697
technical assistance. 101698

(2) Appropriated funds other than those described in 101699
division (E)(1) of this section shall be distributed to grant 101700
recipients. 101701

(F) In accordance with Chapter 119. of the Revised Code, 101702
the director shall adopt rules to implement this section and 101703
administer the early childhood education grant program, 101704
including rules addressing all of the following topics: 101705

(1) Eligibility conditions and other requirements for 101706
participation in the grant program by early learning and 101707

development programs, including the tiered rating at which a 101708
program becomes eligible to participate; 101709

(2) Eligibility conditions for children participating in 101710
the early childhood education grant program if a slot is 101711
available; 101712

(3) Standards, procedures, and requirements to apply for 101713
and distribute funds to participating early learning and 101714
development programs; 101715

(4) In the event funds are distributed in error under the 101716
program, methods by which the department may recover those 101717
funds. 101718

Sec. 5104.54. (A) The child care cred program is created 101719
in the department of children and youth, under which the costs 101720
of child care are shared by participating employees, their 101721
employers, and, subject to available funds, the department. The 101722
distribution of the costs shall be as follows: employees are 101723
responsible for forty per cent; employers are responsible for 101724
forty per cent; and, subject to available funds, the department 101725
is responsible for twenty per cent. The program has all of the 101726
following goals: enabling employers to attract and retain 101727
talent; assisting employees with child care costs; and 101728
sustaining the businesses of child care providers. 101729

(B) To be eligible to participate in the program, all of 101730
the following apply: 101731

(1) In the case of an employee, the maximum amount of the 101732
family's income shall not exceed four hundred per cent of the 101733
federal poverty line and the employee shall reside in this state 101734
and have been selected for participation by the employee's 101735
employer. 101736

(2) In the case of an employer, the employer shall be 101737
located in this state and have selected one or more of its 101738
employees to participate in the program. 101739

(3) In the case of a child care provider, the provider 101740
shall either hold a license issued under this chapter or be 101741
certified by a county department of job and family services 101742
under section 5104.12 of the Revised Code. The department shall 101743
not require participation in the step up to quality program in 101744
order to be an eligible provider for this program. 101745

(C) Each employee and employer seeking to participate in 101746
the program shall together submit an application to the 101747
department in a manner prescribed by the department. The 101748
department shall review each application as soon as practicable 101749
after it is received and shall determine if the employee and 101750
employer are both eligible to participate. 101751

(D) After an employee and employer are both determined 101752
eligible and agree to participate in the program, all of the 101753
following apply: 101754

(1) The employee, with the assistance of the department, 101755
shall select a child care provider for the employee's child and 101756
shall enroll the child with the provider. An employee may opt to 101757
select the employee's existing child care provider so long as 101758
that provider is licensed or certified as described in this 101759
section. 101760

(2) In addition to the employer's share, the employer may 101761
agree to contribute some or all of an employee's share of child 101762
care costs. 101763

(3) As a condition of participation, the department may 101764
require the employee, employer, and child care provider to each 101765

sign a memorandum of understanding with the department. 101766

(4) The department is responsible for coordinating and 101767
performing all administrative activities associated with the 101768
sharing of child care costs and making payments to child care 101769
providers. 101770

(E) An eligibility determination made under division (C) 101771
of this section remains valid as long as the employee, employer, 101772
and child care provider continue to satisfy the eligibility 101773
conditions described in division (B) of this section. 101774

(F) If the department finds that an employee or employer 101775
has committed fraud, misrepresentation, or deception in applying 101776
to participate, or in participating, in the program, the 101777
employee or employer is permanently ineligible to participate, 101778
or continue to participate, in the program. 101779

(G) (1) The department may adopt rules as necessary to 101780
implement this section. Any rules shall be adopted in accordance 101781
with Chapter 119. of the Revised Code. 101782

(2) Notwithstanding any provision of section 121.95 of the 101783
Revised Code to the contrary, a regulatory restriction contained 101784
in a rule adopted under division (G) (1) of this section is not 101785
subject to sections 121.95 to 121.953 of the Revised Code. 101786

Sec. 5104.60. The director of children and youth shall 101787
contract with a third-party entity to develop a registry 101788
information system to provide, on an ongoing basis, training and 101789
professional development opportunities to the employees of early 101790
learning and development programs that receive funding under the 101791
child care block grant act. The registry information system 101792
shall be known as the Ohio professional registry. 101793

In developing the registry information system, the third- 101794

party entity shall comply with requirements set forth in the 101795
child care block grant act and 45 C.F.R. Part 98. 101796

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 101797
Revised Code shall be punished as follows: 101798

(1) For each offense, the offender shall be fined not less 101799
than one hundred dollars nor more than five hundred dollars 101800
multiplied by the number of children receiving child care at the 101801
child care center or type A family child care home that either 101802
exceeds the number of children to which a type B family ~~day-care~~ 101803
child care home may provide child care or, if the offender is a 101804
licensed type A family child care home that is operating as a 101805
child care center without being licensed as a center, exceeds 101806
the license capacity of the type A home. 101807

(2) In addition to the fine specified in division (A) (1) 101808
of this section, all of the following apply: 101809

(a) Except as provided in divisions (A) (2) (b), (c), and 101810
(d) of this section, the court shall order the offender to 101811
reduce the number of children to which it provides child care to 101812
a number that does not exceed either the number of children to 101813
which a type B family child care home may provide child care or, 101814
if the offender is a licensed type A family child care home that 101815
is operating as a child care center without being licensed as a 101816
center, the license capacity of the type A home. 101817

(b) If the offender previously has been convicted of or 101818
pleaded guilty to one violation of section 5104.02 of the 101819
Revised Code, the court shall order the offender to cease the 101820
provision of child care to any person until it obtains a child 101821
care center license or a type A family child care home license, 101822
as appropriate, under section 5104.03 of the Revised Code. 101823

(c) If the offender previously has been convicted of or
pleaded guilty to two violations of section 5104.02 of the
Revised Code, the offender is guilty of a misdemeanor of the
first degree, and the court shall order the offender to cease
the provision of child care to any person until it obtains a
child care center license or a type A family child care home
license, as appropriate, under section 5104.03 of the Revised
Code. The court shall impose the fine specified in division (A)
(1) of this section and may impose an additional fine provided
that the total amount of the fines so imposed does not exceed
the maximum fine authorized for a misdemeanor of the first
degree under section 2929.28 of the Revised Code.

(d) If the offender previously has been convicted of or
pleaded guilty to three or more violations of section 5104.02 of
the Revised Code, the offender is guilty of a felony of the
fifth degree, and the court shall order the offender to cease
the provision of child care to any person until it obtains a
child care center license or a type A family child care home
license, as appropriate, under section 5104.03 of the Revised
Code. The court shall impose the fine specified in division (A)
(1) of this section and may impose an additional fine provided
that the total amount of the fines so imposed does not exceed
the maximum fine authorized for a felony of the fifth degree
under section 2929.18 of the Revised Code.

(B) Whoever violates section 5104.09 of the Revised Code
is guilty of a misdemeanor of the third degree.

Sec. 5117.07. (A) On or before the first day of October,
the director of development shall review all applications
submitted under division (C) of section 5117.03 of the Revised
Code and shall determine the eligibility of each applicant to

receive a credit or payment. The total income and current total 101854
income amounts set forth in division (A) of this section are 101855
subject to adjustment under section 5117.071 of the Revised 101856
Code. 101857

(1) An applicant is eligible for a credit of thirty per 101858
cent if the applicant is a head of household, has a total income 101859
of five thousand dollars or less or a current total income of 101860
two thousand five hundred dollars or less, owns and occupies or 101861
rents and occupies a household receiving the source of energy 101862
for its primary heating system from an energy company and such 101863
energy is separately metered, and is either of the following: 101864

(a) Sixty-five years of age or older; 101865

(b) Permanently and totally disabled. 101866

(2) An applicant is eligible for a credit of twenty-five 101867
per cent if the applicant is a head of household, has a total 101868
income of more than five thousand dollars but not more than nine 101869
thousand dollars or a current total income of more than two 101870
thousand five hundred dollars but not more than four thousand 101871
five hundred dollars, is sixty-five years of age or older or 101872
permanently and totally disabled, and owns and occupies or rents 101873
and occupies a household receiving the source of energy for its 101874
primary heating system from an energy company and such energy is 101875
separately metered. 101876

(3) An applicant is eligible for a payment if either of 101877
the following applies to the applicant: 101878

(a) The applicant would be eligible for the credit under 101879
division (A)(1) or (2) of this section but for the fact that the 101880
source of energy for the primary heating system of the 101881
applicant's household is not separately metered; 101882

(b) The applicant is a head of household, has a total 101883
income of no more than nine thousand dollars or a current total 101884
income of no more than four thousand five hundred dollars, is 101885
sixty-five years of age or older or permanently and totally 101886
disabled, and owns and occupies or rents and occupies a 101887
household receiving the source of energy for its primary heating 101888
system from an energy dealer. 101889

(4) In the case of a multiple unit dwelling for which 101890
separate metering for the source of energy for its primary 101891
heating system is not provided, more than one applicant 101892
occupying such dwelling may be determined eligible for a payment 101893
under division (A) (3) (a) of this section. 101894

(B) Notwithstanding division (A) of this section: 101895

(1) No head of household who resides in public housing or 101896
receives a rent subsidy from a government agency is eligible for 101897
a credit or payment unless the person's rent subsidy does not 101898
reflect the costs of that person's household receiving the 101899
source of energy for its primary heating system; 101900

(2) A resident of a nursing home, hospital, or other 101901
extended health care facility is not eligible for a credit or 101902
payment for the costs of providing the source of energy for the 101903
primary heating system of the facility. 101904

(C) The director shall establish a procedure whereby the 101905
director~~-commissioner~~ can verify total income and current total 101906
income for the calendar year in which an applicant is determined 101907
eligible for a payment or credit. If a person receives a credit 101908
or payment that the person is ineligible to receive under 101909
division (A) of this section as determined by the director, that 101910
person shall refund to the director the credit or payment, or 101911

excess portion of a credit or payment, that person received. The 101912
sum refunded shall be deposited in the state treasury to the 101913
credit of the ~~universal service~~ electric partnership plan fund 101914
created in section 4928.51 of the Revised Code. 101915

(D) The director may request an additional certification 101916
of permanent and total disability for any applicant claiming 101917
such status on an application renewal form submitted under 101918
section 5117.03 of the Revised Code. Such certification shall be 101919
requested from the person or agency named on the form pursuant 101920
to division (B) (1) of section 5117.03 of the Revised Code. If 101921
such additional certification is refused due to a conclusion by 101922
the person or agency that the applicant is not permanently and 101923
totally disabled, the director shall determine the applicant 101924
ineligible for any credit or payment. If such additional 101925
certification is unavailable or refused for any other reason, 101926
the director may determine the applicant to be eligible for a 101927
credit or payment provided the director-~~commissioner~~ has good 101928
cause to believe the applicant is permanently and totally 101929
disabled. 101930

(E) On or before the first day of October, the director 101931
shall notify each applicant of the disposition of the 101932
applicant's application under divisions (A) and (B) of this 101933
section. At the same time, the director-~~tax commissioner~~ shall 101934
notify the applicant, regardless of whether the applicant's 101935
application is approved or disapproved, that the applicant may 101936
be eligible to participate in a state or federal weatherization 101937
program and should contact the applicant's community action 101938
agency for further information. If an application is 101939
disapproved, the applicant may appeal to the director for a 101940
hearing on the matter. A notice of disapproval shall include a 101941
detailed explanation of the applicant's right of appeal under 101942

this chapter. Any such appeal shall be on an appeal form 101943
prescribed by the director and shall be filed with the director 101944
within twenty days of the receipt of the notice of disapproval. 101945

Sec. 5119.01. (A) As used in this chapter: 101946

(1) "Addiction" means the chronic and habitual use of 101947
alcoholic beverages, the use of a drug of abuse as defined in 101948
section 3719.011 of the Revised Code, or the use of gambling by 101949
an individual to the extent that the individual no longer can 101950
control the individual's use of alcohol, the individual becomes 101951
physically or psychologically dependent on the drug, the 101952
individual's use of alcohol or drugs endangers the health, 101953
safety, or welfare of the individual or others, or the 101954
individual's gambling causes psychological, financial, 101955
emotional, marital, legal, or other difficulties endangering the 101956
health, safety, or welfare of the individual or others. 101957

(2) "Addiction services" means services, including 101958
intervention, for the treatment of persons with alcohol, drug, 101959
or gambling addictions, and for the prevention of such 101960
addictions. 101961

(3) "Alcohol and drug addiction services" means services, 101962
including intervention, for the treatment of persons with 101963
alcohol use disorder or persons who abuse drugs of abuse and for 101964
the prevention of alcohol use disorder and drug addiction. 101965

(4) "Alcohol use disorder" means a medical condition 101966
characterized by an individual's impaired ability to stop or 101967
control the individual's alcohol use despite adverse social, 101968
occupational, or health consequences. An alcohol use disorder 101969
may be classified as mild, moderate, or severe. 101970

(5) "Certifiable services and supports" means all of the 101971

following: 101972

(a) Alcohol and drug addiction services; 101973

(b) Mental health services; 101974

(c) The types of recovery supports that are specified in 101975
rules adopted under section 5119.36 of the Revised Code as 101976
requiring certification under that section. 101977

(6) "Community addiction services provider" means an 101978
agency, association, corporation or other legal entity, 101979
individual, or program that provides one or more of the 101980
following: 101981

(a) Alcohol and drug addiction services that are certified 101982
by the director of ~~mental-behavioral health and addiction-~~ 101983
~~services~~ under section 5119.36 of the Revised Code; 101984

(b) Gambling addiction services; 101985

(c) Recovery supports that are related to alcohol and drug 101986
addiction services or gambling addiction services and paid for 101987
with federal, state, or local funds administered by the 101988
department of ~~mental-behavioral health and addiction services~~ or 101989
a board of alcohol, drug addiction, and mental health services. 101990

(7) "Community mental health services provider" means an 101991
agency, association, corporation, individual, or program that 101992
provides either of the following: 101993

(a) Mental health services that are certified by the 101994
director of ~~mental-behavioral health and addiction services~~ 101995
under section 5119.36 of the Revised Code; 101996

(b) Recovery supports that are related to mental health 101997
services and paid for with federal, state, or local funds 101998

administered by the department of ~~mental-behavioral health and~~ 101999
~~addiction services~~ or a board of alcohol, drug addiction, and 102000
mental health services. 102001

(8) "Drug addiction" means the use of a drug of abuse, as 102002
defined in section 3719.011 of the Revised Code, by an 102003
individual to the extent that the individual becomes physically 102004
or psychologically dependent on the drug or endangers the 102005
health, safety, or welfare of the individual or others. 102006

(9) "Gambling addiction" means the use of gambling by an 102007
individual to the extent that it causes psychological, 102008
financial, emotional, marital, legal, or other difficulties 102009
endangering the health, safety, or welfare of the individual or 102010
others. 102011

(10) "Gambling addiction services" means services for the 102012
treatment of persons who have a gambling addiction and for the 102013
prevention of gambling addiction. 102014

(11) "Hospital" means a hospital or inpatient unit 102015
licensed by the department of ~~mental-behavioral health and~~ 102016
~~addiction services~~ under section 5119.33 of the Revised Code, 102017
and any institution, hospital, or other place established, 102018
controlled, or supervised by the department under this chapter. 102019

(12) "Included opioid and co-occurring drug addiction 102020
services and recovery supports" means the addiction services and 102021
recovery supports that, pursuant to section 340.033 of the 102022
Revised Code, are included in the array of services and recovery 102023
supports for all levels of opioid and co-occurring drug 102024
addiction required to be included in the community-based 102025
continuum of care established under section 340.032 of the 102026
Revised Code. 102027

- (13) "Medication-assisted treatment" has the same meaning
as in section 340.01 of the Revised Code. 102028
102029
- (14) "Mental illness" means a substantial disorder of 102030
thought, mood, perception, orientation, or memory that grossly 102031
impairs judgment, behavior, capacity to recognize reality, or 102032
ability to meet the ordinary demands of life. 102033
- (15) "Mental health services" means services for the 102034
assessment, care, or treatment of persons who have a mental 102035
illness and for the prevention of mental illness. 102036
- (16) "Opioid treatment program" has the same meaning as in 102037
42 C.F.R. 8.2. 102038
- (17) "Recovery housing residence" means a residence for 102039
individuals recovering from alcohol use disorder or drug 102040
addiction that provides an alcohol-free and drug-free living 102041
environment, peer support, assistance with obtaining alcohol and 102042
drug addiction services, and other recovery assistance for 102043
alcohol use disorder and drug addiction. 102044
- (18) "Recovery supports" means assistance that is intended 102045
to help an individual with alcohol use disorder, drug addiction, 102046
or mental illness, or a member of such an individual's family, 102047
initiate and sustain the individual's recovery from alcohol use 102048
disorder, drug addiction, or mental illness. "Recovery supports" 102049
does not mean alcohol and drug addiction services or mental 102050
health services. 102051
- (19)(a) "Residence," except when referring to a recovery 102052
housing residence or the meaning of "residence" in section 102053
5119.90 of the Revised Code, means a person's physical presence 102054
in a county with intent to remain there, except in either of the 102055
following circumstances: 102056

(i) If a person is receiving a mental health treatment 102057
service at a facility that includes nighttime sleeping 102058
accommodations, "residence" means that county in which the 102059
person maintained the person's primary place of residence at the 102060
time the person entered the facility; 102061

(ii) If a person is committed pursuant to section 2945.38, 102062
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 102063
"residence" means the county where the criminal charges were 102064
filed. 102065

(b) When the residence of a person is disputed, the matter 102066
of residence shall be referred to the department of ~~mental-~~ 102067
~~behavioral health and addiction services~~ for investigation and 102068
determination. Residence shall not be a basis for a board of 102069
alcohol, drug addiction, and mental health services to deny 102070
services to any person present in the board's service district, 102071
and the board shall provide services for a person whose 102072
residence is in dispute while residence is being determined and 102073
for a person in an emergency situation. 102074

(B) Any reference in this chapter to a board of alcohol, 102075
drug addiction, and mental health services also refers to an 102076
alcohol and drug addiction services board or a community mental 102077
health board in a service district in which an alcohol and drug 102078
addiction services board or a community mental health board has 102079
been established under section 340.021 or former section 340.02 102080
of the Revised Code. 102081

Sec. 5119.011. (A) Whenever the term ~~"department of mental~~ 102082
~~health," the term "Ohio department of mental health," the term~~ 102083
~~"department of alcohol and drug addiction services," or the term~~ 102084
~~"Ohio department of alcohol and drug addiction services"~~ 102085
"department of mental health and addiction services" is used, 102086

referred to, or designated in any statute, rule, contract, 102087
grant, or other document, the use, reference, or designation 102088
shall be construed to mean the department of ~~mental behavioral~~ 102089
~~health and addiction services~~. 102090

(B) Whenever the term "~~director of mental health~~" or the 102091
term "~~director of alcohol and drug addiction services~~" "director 102092
of mental health and addiction services" is used, referred to, 102093
or designated in any statute, rule, contract, grant, or other 102094
document, the use, reference, or designation shall be construed 102095
to mean the director of ~~mental behavioral~~ health and addiction 102096
~~services~~. 102097

Sec. 5119.04. The department of ~~mental behavioral~~ health 102098
~~and addiction services~~ and any institutions under its 102099
supervision or jurisdiction shall, where applicable, be in 102100
substantial compliance with standards set forth for psychiatric 102101
facilities by the joint commission or medical assistance 102102
standards under Title XIX of the "Social Security Act," 49 Stat. 102103
620 (1935), 42 U.S.C. 301, as amended, or other applicable 102104
standards. 102105

The requirements of this section are in addition to any 102106
other requirements established by the Revised Code and nothing 102107
in this section shall be construed to limit any rights, 102108
privileges, protections, or immunities which may exist under the 102109
constitution and laws of the United States or this state. 102110

Sec. 5119.05. Subject to the rules of the director of 102111
~~mental behavioral~~ health and addiction services, each 102112
institution under the jurisdiction of the department shall be 102113
under the management and control of a managing officer to be 102114
known as a chief executive officer or by another appropriate 102115
title. Such managing officer shall be appointed by the director 102116

of ~~mental behavioral health and addiction services~~, and shall be 102117
in the unclassified service and serve at the pleasure of the 102118
director. Each managing officer shall be of good moral character 102119
and have skill, ability, and experience in the managing 102120
officer's profession. 102121

The managing officer, under the director, shall serve as 102122
the appointing authority of the institution to which such 102123
managing officer is appointed. Subject to civil service rules, 102124
the managing officer shall have the power to appoint and remove 102125
employees of the institution. On behalf of the institution, the 102126
managing officer has the authority and responsibility for 102127
entering into contracts and other agreements for the efficient 102128
operations of the institution. 102129

Sec. 5119.051. The department of ~~mental behavioral health~~ 102130
~~and addiction services~~ shall keep in its office a proper and 102131
complete set of books and accounts with each institution, which 102132
shall clearly show the nature and amount of every expenditure 102133
authorized and made at such institution, and which shall contain 102134
an account of all appropriations made by the general assembly 102135
and of all other funds, together with the disposition of such 102136
funds. 102137

The department shall prescribe the form of vouchers, 102138
records, and methods of keeping accounts at each of the 102139
institutions, which shall be as nearly uniform as possible. The 102140
department may examine the records of each institution at any 102141
time. 102142

The department may authorize any of its bookkeepers, 102143
accountants, or employees to examine and check the records, 102144
accounts, and vouchers or take an inventory of the property of 102145
any institution, or do whatever is necessary, and pay the actual 102146

and reasonable expenses incurred in such service when an 102147
itemized account is filed and approved. 102148

Sec. 5119.06. The department of ~~mental-behavioral~~ health 102149
~~and addiction services~~ shall keep in its office, accessible only 102150
to its employees, except by the consent of the department or the 102151
order of the judge of a court of record, a record showing the 102152
name, residence, sex, age, nativity, occupation, condition, and 102153
date of entrance or commitment of every patient in the 102154
institutions governed by it, the date, cause, and terms of 102155
discharge and the condition of such person at the time of 102156
leaving, and also a record of all transfers from one institution 102157
to another, and, if such person dies while in the care or 102158
custody of the department, the date and cause of death. These 102159
and such other facts as the department requires shall be 102160
furnished by the managing officer of each institution within 102161
twenty-four hours after the commitment, entrance, death, or 102162
discharge of a patient. 102163

In case of an accident or injury or peculiar death of a 102164
patient the managing officer shall make a special report to the 102165
department within twenty-four hours thereafter, giving the 102166
circumstances as fully as possible. 102167

Sec. 5119.07. A person, firm, or corporation may file a 102168
petition in the court of common pleas of the county in which a 102169
benevolent institution of the department of ~~mental-behavioral~~ 102170
~~health and addiction services~~ is located, in which petition the 102171
desire to erect or carry on at a less distance than that 102172
prescribed in section 3767.19 of the Revised Code shall be set 102173
forth, the business prohibited, the precise point of its 102174
establishment, and the reasons and circumstances, in its 102175
opinion, why the erection or carrying on of the business would 102176

not annoy or endanger the health, convenience, or recovery of 102177
the patients of such institution. The petitioner shall give 102178
notice in a newspaper of general circulation in the county of 102179
the pendency and prayer of the petition for at least six 102180
consecutive weeks before the day set for hearing the petition 102181
and serve a written notice upon the managing officer of the 102182
institution at least thirty days before the day set for hearing 102183
the petition. 102184

If, upon the hearing of the petition, it appears that the 102185
notice has been given as required and the court is of the 102186
opinion that no good reason exists why such establishment may 102187
not be erected or such business carried on and that by the 102188
erection or carrying on of the business at the point named, the 102189
institution will sustain no detriment, the court may issue an 102190
order granting the prayer of the petitioner. Thereafter the 102191
petitioner may locate such establishment or carry on such 102192
business at the point named in the petition. 102193

Sec. 5119.08. (A) As used in this section, "felony" has 102194
the same meaning as in section 109.511 of the Revised Code. 102195

(B) (1) Subject to division (C) of this section, upon the 102196
recommendation of the director of ~~mental-behavioral health-and-~~ 102197
~~addiction services~~, the managing officer of an institution under 102198
the jurisdiction of the department of ~~mental-behavioral health~~ 102199
~~and addiction services~~ may designate one or more employees to be 102200
special police officers of the department. The special police 102201
officers shall take an oath of office, wear the badge of office, 102202
and give bond for the proper and faithful discharge of their 102203
duties in an amount that the director requires. 102204

(2) In accordance with section 109.77 of the Revised Code, 102205
the special police officers shall be required to complete 102206

successfully a peace officer basic training program approved by 102207
the Ohio peace officer training commission and to be certified 102208
by the commission. The cost of the training shall be paid by the 102209
department of ~~mental-behavioral health and addiction services~~. 102210

(3) Special police officers, on the premises of 102211
institutions under the jurisdiction of the department of ~~mental-~~ 102212
~~behavioral health and addiction services~~ and subject to the 102213
rules of the department, shall protect the property of the 102214
institutions and the persons and property of patients in the 102215
institutions, suppress riots, disturbances, and breaches of the 102216
peace, and enforce the laws of the state and the rules of the 102217
department for the preservation of good order. They may arrest 102218
any person without a warrant and detain the person until a 102219
warrant can be obtained under the circumstances described in 102220
division (F) of section 2935.03 of the Revised Code. 102221

(C) (1) The managing officer of an institution under the 102222
jurisdiction of the department of ~~mental-behavioral health and-~~ 102223
~~addiction services~~ shall not designate an employee as a special 102224
police officer of the department pursuant to division (B) (1) of 102225
this section on a permanent basis, on a temporary basis, for a 102226
probationary term, or on other than a permanent basis if the 102227
employee previously has been convicted of or has pleaded guilty 102228
to a felony. 102229

(2) (a) The managing officer of an institution under the 102230
jurisdiction of the department of ~~mental-behavioral health and-~~ 102231
~~addiction services~~ shall terminate the employment as a special 102232
police officer of the department of an employee designated as a 102233
special police officer under division (B) (1) of this section if 102234
that employee does either of the following: 102235

(i) Pleads guilty to a felony; 102236

(ii) Pleads guilty to a misdemeanor pursuant to a 102237
negotiated plea agreement as provided in division (D) of section 102238
2929.43 of the Revised Code in which the employee agrees to 102239
surrender the certificate awarded to that employee under section 102240
109.77 of the Revised Code. 102241

(b) The managing officer shall suspend from employment as 102242
a special police officer of the department an employee 102243
designated as a special police officer under division (B) (1) of 102244
this section if that employee is convicted, after trial, of a 102245
felony. If the special police officer files an appeal from that 102246
conviction and the conviction is upheld by the highest court to 102247
which the appeal is taken or if the special police officer does 102248
not file a timely appeal, the managing officer shall terminate 102249
the employment of that special police officer. If the special 102250
police officer files an appeal that results in that special 102251
police officer's acquittal of the felony or conviction of a 102252
misdemeanor, or in the dismissal of the felony charge against 102253
that special police officer, the managing officer shall 102254
reinstate that special police officer. A special police officer 102255
of the department who is reinstated under division (C) (2) (b) of 102256
this section shall not receive any back pay unless that special 102257
police officer's conviction of the felony was reversed on 102258
appeal, or the felony charge was dismissed, because the court 102259
found insufficient evidence to convict the special police 102260
officer of the felony. 102261

(3) Division (C) of this section does not apply regarding 102262
an offense that was committed prior to January 1, 1997. 102263

(4) The suspension from employment, or the termination of 102264
the employment, of a special police officer under division (C) 102265
(2) of this section shall be in accordance with applicable 102266

collective bargaining agreements.

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Sec. 5119.091. The attorney general shall attend to all
claims instituted on behalf of or against the department of
~~mental-behavioral health and addiction services~~ or any
institution under the jurisdiction of the department and the
managing officer thereof, except such institutions as are
privately owned or operated under a license from the department
of ~~mental-behavioral health and addiction services~~, and shall
represent the public hospital in proceedings under section
5122.15 of the Revised Code. The department of ~~mental-behavioral~~
~~health and addiction services~~ shall reimburse the attorney
general for the compensation of assistant attorneys general
required to represent the public hospital in proceedings under
section 5122.15 of the Revised ~~code~~Code and shall also pay the
costs of litigation incurred by the attorney general under that
section.

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If a writ of habeas corpus is applied for, the clerk of
the court shall give notice of the time and place of hearing to
the attorney general.

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Sec. 5119.10. (A) The director of ~~mental-behavioral health~~
~~and addiction services~~ is the chief executive and appointing
authority of the department of ~~mental-behavioral health-and-~~
~~addiction services~~. The director may organize the department for
its efficient operation, including creating divisions or offices
as necessary. The director may establish procedures for the
governance of the department, conduct of its employees and
officers, performance of its business, and custody, use, and
preservation of departmental records, papers, books, documents,
and property. Whenever the Revised Code imposes a duty upon or
requires an action of the department or any of its institutions,

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the director or the director's designee shall perform the action 102297
or duty in the name of the department, except that the medical 102298
director appointed pursuant to section 5119.11 of the Revised 102299
Code shall be responsible for decisions relating to medical 102300
diagnosis, treatment, rehabilitation, quality assurance, and the 102301
clinical aspects of the following: licensure of hospitals and 102302
residential facilities, research, community addiction and mental 102303
health plans, and certification and delivery of addiction 102304
services and mental health services. 102305

(B) The director shall: 102306

(1) Adopt rules for the proper execution of the powers and 102307
duties of the department with respect to the institutions under 102308
its control, and require the performance of additional duties by 102309
the officers of the institutions as necessary to fully meet the 102310
requirements, intents, and purposes of this chapter. In case of 102311
an apparent conflict between the powers conferred upon any 102312
managing officer and those conferred by such sections upon the 102313
department, the presumption shall be conclusive in favor of the 102314
department. 102315

(2) Adopt rules for the nonpartisan management of the 102316
institutions under the department's control. An officer or 102317
employee of the department or any officer or employee of any 102318
institution under its control who, by solicitation or otherwise, 102319
exerts influence directly or indirectly to induce any other 102320
officer or employee of the department or any of its institutions 102321
to adopt the exerting officer's or employee's political views or 102322
to favor any particular person, issue, or candidate for office 102323
shall be removed from the exerting officer's or employee's 102324
office or position, by the department in case of an officer or 102325
employee, and by the governor in case of the director. 102326

- (3) Appoint such employees, including the medical director, as are necessary for the efficient conduct of the department, and prescribe their titles and duties; 102327
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- (4) Prescribe the forms of affidavits, applications, medical certificates, orders of hospitalization and release, and all other forms, reports, and records that are required in the hospitalization or admission and release of all persons to the institutions under the control of the department, or are otherwise required under this chapter or Chapter 5122. of the Revised Code; 102330
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- (5) Exercise the powers and perform the duties relating to addiction and mental health facilities, addiction services, mental health services, 9-8-8 suicide and crisis response, and recovery supports that are assigned to the director under this chapter and Chapter 340. of the Revised Code; 102337
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- (6) Develop and implement clinical evaluation and monitoring of services that are operated by the department; 102342
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- (7) Adopt rules establishing standards for the performance of evaluations by a forensic center or other psychiatric program or facility of the mental condition of defendants ordered by the court under section 2919.271, or 2945.371 of the Revised Code, and for the treatment of defendants who have been found incompetent to stand trial and ordered by the court under section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised Code to receive treatment in facilities; 102344
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- (8) On behalf of the department, have the authority and responsibility for entering into contracts and other agreements with providers, agencies, institutions, and other entities, both public and private, as necessary for the department to carry out 102352
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its duties under this chapter and Chapters 340., 2919., 2945., 102356
and 5122. of the Revised Code. Chapter 125. of the Revised Code 102357
does not apply to contracts the director enters into under this 102358
section for addiction services, mental health services, or 102359
recovery supports provided to individuals who have an addiction 102360
or mental illness by providers, agencies, institutions, and 102361
other entities not owned or operated by the department. 102362

(9) Adopt rules in accordance with Chapter 119. of the 102363
Revised Code specifying the supplemental services that may be 102364
provided through a trust authorized by section 5815.28 of the 102365
Revised Code; 102366

(10) Adopt rules in accordance with Chapter 119. of the 102367
Revised Code establishing standards for the maintenance and 102368
distribution to a beneficiary of assets of a trust authorized by 102369
section 5815.28 of the Revised Code. 102370

(C) The director may contract with hospitals licensed by 102371
the department under section 5119.33 of the Revised Code for the 102372
care and treatment of patients with mental illnesses, or with 102373
persons, organizations, or agencies for the custody, evaluation, 102374
supervision, care, or treatment of persons with mental illnesses 102375
receiving services elsewhere than within the enclosure of a 102376
hospital operated under section 5119.14 of the Revised Code. 102377

Sec. 5119.11. (A) The director of ~~mental-behavioral~~ health 102378
~~and addiction services~~ shall appoint a medical director who is 102379
eligible or certified by the American board of psychiatry and 102380
neurology or the American osteopathic board of neurology and 102381
psychiatry, and has at least five years of clinical and two 102382
years of administrative experience. The medical director shall 102383
also have certification or substantial training and experience 102384
in the field of addiction medicine or addiction psychiatry. The 102385

medical director shall be responsible for decisions relating to 102386
medical diagnosis, treatment, prevention, rehabilitation, 102387
quality assurance, and the clinical aspects of addiction 102388
services and mental health services involving all of the 102389
following: 102390

(1) Licensure of hospitals, residential facilities, and 102391
outpatient facilities; 102392

(2) Research; 102393

(3) Community addiction and mental health plans; 102394

(4) Certification and delivery of addiction and mental 102395
health services. 102396

(B) The medical director shall also exercise clinical 102397
supervision of the chief clinical officers of hospitals and 102398
institutions under the jurisdiction of the department and shall 102399
review and approve decisions relating to the employment of the 102400
chief clinical officers. The medical director or the medical 102401
director's designee shall advise the director on matters 102402
relating to licensure, research, the certification and delivery 102403
of addiction services and mental health services, and community 102404
addiction and mental health plans. The medical director shall 102405
participate in the development of guidelines for community 102406
addiction and mental health plans. The director of ~~mental-~~ 102407
behavioral health and addiction services may establish other 102408
duties of the medical director. 102409

Sec. 5119.14. (A) The department of ~~mental-behavioral~~ 102410
health and ~~addiction services~~ shall maintain, operate, manage, 102411
and govern state institutions and other services for the care 102412
and treatment of persons with mental illnesses. 102413

(B) (1) The department of ~~mental-~~behavioral health and 102414

~~addiction services~~ may, with the approval of the governor, 102415
designate the name and purpose of any institutions under its 102416
jurisdiction and may change, with the approval of the governor, 102417
the designation and name when necessary. 102418

(2) The department shall divide the state into districts 102419
for the purpose of designating the institution in which persons 102420
with mental illnesses are hospitalized and may change the 102421
districts. 102422

~~(3)~~ (C) Subject to section 5139.08 and pursuant to Chapter 102423
5122. of the Revised Code and on the agreement of the 102424
~~departments~~ department of mental behavioral health and addiction 102425
~~services~~ and department of youth services, the department of 102426
~~mental behavioral health and addiction services~~ may receive from 102427
the department of youth services for psychiatric observation, 102428
diagnosis, or treatment any person eighteen years of age or 102429
older in the custody of the department of youth services. The 102430
departments may enter into a written agreement specifying the 102431
procedures necessary to implement this division. 102432

~~(C)~~ (D) The department of ~~mental behavioral health and~~ 102433
~~addiction services~~ shall designate hospitals, facilities, and 102434
community mental health services providers for the custody, 102435
care, and special treatment of, and authorize payment for such 102436
custody, care, and special treatment provided to, persons who 102437
are charged with a crime and who are found incompetent to stand 102438
trial or not guilty by reason of insanity. 102439

~~(D)~~ (E) The department of ~~mental behavioral health and~~ 102440
~~addiction services~~ may do any of the following: 102441

(1) Require reports from the managing officer of any 102442
institution under the department's jurisdiction, relating to the 102443

admission, examination, comprehensive evaluation, diagnosis, 102444
release, or discharge of any patient; 102445

(2) Visit each institution regularly to review its 102446
operations and to investigate complaints made by any patient or 102447
by any person on behalf of a patient, provided these duties may 102448
be performed by a person designated by the director. 102449

~~(E)~~ (F) The department of ~~mental~~ behavioral health and 102450
~~addiction services~~ may provide or contract to provide addiction 102451
services for offenders incarcerated in the state prison system. 102452

~~(F)~~ (G) In addition to the powers expressly conferred on 102453
the department of behavioral health, the department of ~~mental~~ 102454
~~health and addiction services~~ shall have all other powers and 102455
authority necessary for the full and efficient exercise of the 102456
executive, administrative, and fiscal supervision over the state 102457
institutions described in this section. 102458

Sec. 5119.141. ~~The~~ In addition to the powers and duties 102459
expressly conferred on the department of behavioral health, the 102460
~~department of mental health and addiction services has all the~~ 102461
~~authority~~ may take any other action it considers necessary to 102462
carry out its powers and duties under the purposes of this 102463
chapter and Chapters 340., 2919., 2945., and 5122. of the 102464
Revised Code, ~~including~~. Actions authorized by this section 102465
include the authority to adopt rules pursuant to Chapter 119. of 102466
the Revised Code that may be necessary to carry out the purposes 102467
of this chapter and Chapters 340., 2919., 2945., and 5122. of 102468
the Revised Code. 102469

Sec. 5119.15. The department of ~~mental~~ behavioral health 102470
~~and addiction services~~ may make such investigations as are 102471
necessary in the performance of its duties and to that end the 102472

director of ~~mental-behavioral health and addiction services~~ 102473
shall have the same power as a judge of a county court to 102474
administer oaths and to enforce the attendance and testimony of 102475
witnesses and the production of books or papers. 102476

The department shall keep a record of such investigations 102477
stating the time, place, charges or subject, witnesses summoned 102478
and examined, and its conclusions. 102479

In matters involving the conduct of an officer, a 102480
stenographic report of the evidence shall be taken and a copy of 102481
such report, with all documents introduced, kept on file at the 102482
office of the department. 102483

The fees of witnesses for attendance and travel shall be 102484
the same as in the court of common pleas, but no officer or 102485
employee of the institution under investigation is entitled to 102486
such fees. 102487

Any judge of the probate court or of the court of common 102488
pleas, upon application of the department, may compel the 102489
attendance of witnesses, the production of books or papers, and 102490
the giving of testimony before the department, by a judgment for 102491
contempt or otherwise, in the same manner as in cases before 102492
such courts. 102493

The department of ~~mental-behavioral health and addiction~~ 102494
~~services~~ may appoint and commission any competent agency or 102495
person, to serve without compensation, as a special agent, 102496
investigator, or representative to perform a designated duty for 102497
the department. Specific credentials shall be given by the 102498
department to each person so designated. Each credential shall 102499
state the: 102500

(A) Name of the agent, investigator, or representative; 102501

(B) Agency with which such person is connected; 102502

(C) Purpose of appointment; 102503

(D) Date of expiration of appointment; 102504

(E) Such information as the department considers proper. 102505

Sec. 5119.161. The department of ~~mental-behavioral~~ health- 102506
~~and addiction services~~, in conjunction with the department of 102507
job and family services, shall develop a joint state plan to 102508
improve the accessibility and timeliness of alcohol and drug 102509
addiction services for individuals identified by a public 102510
children services agency as in need of those services. The plan 102511
shall address the fact that Ohio works first participants may be 102512
among the persons receiving services under section 340.15 of the 102513
Revised Code and shall require the department of job and family 102514
services to seek federal funds available under Title IV-A of the 102515
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 102516
amended, for the provision of the services to Ohio works first 102517
participants who are receiving services under section 340.15 of 102518
the Revised Code. 102519

The departments shall review and amend the plan as 102520
necessary. 102521

Sec. 5119.17. (A) The department of ~~mental-behavioral~~ 102522
~~health-and-addiction services~~, in accordance with division (B) 102523
of this section, shall give priority to developing, and promptly 102524
shall develop, with available public and private resources a 102525
program that does all of the following: 102526

(1) Provides a manner of identifying the aggregate number 102527
of pregnant women in this state who are addicted to a drug of 102528
abuse; 102529

(2) Provides for an effective means of intervention to 102530
eliminate the addiction of pregnant women to drugs of abuse 102531
prior to the birth of their children; 102532

(3) Gives priority to the treatment of pregnant women 102533
addicted to drugs of abuse, including by requiring community 102534
addiction services providers that receive public funds to give 102535
priority to pregnant women referred for treatment; 102536

(4) Provides for the continued monitoring of women who 102537
were addicted to a drug of abuse during their pregnancies, after 102538
the birth of their children, and for the availability of 102539
treatment and rehabilitation for those women; 102540

(5) Provides a manner of determining the aggregate number 102541
of children who are born in this state to women who are 102542
addicted, at the time of birth, to a drug of abuse, and of 102543
children who are born in this state with an addiction to or a 102544
dependency on a drug of abuse; 102545

(6) Provides for the continued monitoring of children who 102546
are born in this state to women who are addicted, at the time of 102547
birth, to a drug of abuse, or who are born in this state with an 102548
addiction to or dependency on a drug of abuse, after their 102549
birth; 102550

(7) Provides for the treatment and rehabilitation of any 102551
child who is born to a woman who is addicted, at the time of 102552
birth, to a drug of abuse, and of any child who is born with an 102553
addiction to or dependency on a drug of abuse. 102554

(B) In developing the program described in division (A) of 102555
this section, the department may obtain information from the 102556
department of health and the department of job and family 102557
services, and those departments shall cooperate with the 102558

department of ~~mental-behavioral health and addiction services~~ in 102559
its development and implementation of the program. 102560

(C) Immediately upon its development of the program 102561
described in division (A) of this section, the department shall 102562
implement the program. 102563

(D) Any record or information that is obtained or 102564
maintained by the department in connection with the program 102565
described in division (A) of this section and could enable the 102566
identification of any woman or child described in division (A) 102567
(1) or (5) of this section is not a public record subject to 102568
inspection or copying under section 149.43 of the Revised Code. 102569

(E) A community addiction services provider that receives 102570
public funds shall not refuse to treat a person solely because 102571
the person is pregnant if appropriate treatment is offered by 102572
the provider. 102573

Sec. 5119.18. An appointing authority may appoint a person 102574
who holds a certified or permanent position in the classified 102575
service within the department of ~~mental-behavioral health and~~ 102576
~~addiction services~~ to a position in the unclassified service 102577
within the department. A person appointed pursuant to this 102578
section to a position in the unclassified service shall retain 102579
the right to resume the position and status held by the person 102580
in the classified service immediately prior to the person's 102581
appointment to the position in the unclassified service, 102582
pursuant to division (D) of section 124.11 of the Revised Code. 102583

A person who holds a position in the classified service 102584
and who is appointed to a position in the unclassified service 102585
on or after January 1, 2016, shall have the right to resume a 102586
position in the classified service under this section only 102587

within five years after the effective date of the person's 102588
appointment in the unclassified service. 102589

Sec. 5119.181. (A) No appointing officer shall appoint a 102590
person to fill a position in either the classified or 102591
unclassified service of the department of mental-behavioral 102592
~~health and addiction services~~ if the person has been convicted 102593
of or pleaded guilty to a violation of the following: 102594

(1) Any felony contained in the Revised Code, if the 102595
felony bears a direct and substantial relationship to the 102596
position being filled; 102597

(2) Any crime contained in the Revised Code constituting a 102598
misdemeanor of the first degree on the first offense and a 102599
felony on subsequent offenses, if the crime bears a direct and 102600
substantial relationship to the position being filled; 102601

(3) An existing or former law of this state, any other 102602
state, or the United States, if the law violated is 102603
substantially equivalent to any of the offenses described in 102604
division (A) (1) or (2) of this section. 102605

(B) The director of mental-behavioral ~~health and addiction~~ 102606
~~services~~ shall adopt rules, in accordance with Chapter 119. of 102607
the Revised Code, to implement this section. 102608

(C) The director or an appointing officer shall request 102609
the bureau of criminal identification and investigation created 102610
by section 109.51 of the Revised Code or, at the director's or 102611
appointing officer's discretion, any other state or federal 102612
agency, to supply the director or appointing officer with a 102613
written report regarding the criminal records of any applicant. 102614
For each investigation undertaken at the department's request 102615
under this section, the department shall pay a reasonable fee to 102616

the bureau or other state or federal agency conducting the 102617
investigation. The amount of the fee shall be determined by the 102618
bureau or other state or federal agency conducting the 102619
investigation and shall be sufficient to cover the costs of 102620
conducting the investigation. The report made by the bureau or 102621
other state or federal agency is not a public record for 102622
purposes of section 149.43 of the Revised Code and shall not be 102623
made available to any person, except the applicant, the 102624
director, the appointing officer or the appointing officer's 102625
designees, or any hearing officer involved in a case denying 102626
employment. 102627

(D) As used in this section, "applicant" means a person 102628
who is under final consideration for appointment to a position 102629
in the classified or unclassified service of the department of 102630
~~mental-behavioral health-and-addiction services.~~ 102631

Sec. 5119.182. The department of ~~mental-behavioral health~~ 102632
~~and-addiction services~~ may require any of its employees and each 102633
officer and employee of every institution under its control who 102634
may be charged with custody or control of any money or property 102635
belonging to the state or who is required to give bond, to give 102636
a surety company bond, properly conditioned, in a sum to be 102637
fixed by the department which when approved by the department, 102638
shall be filed in the office of the secretary of state. The cost 102639
of such bonds, when approved by the department, shall be paid 102640
from funds available for the department. The bonds required or 102641
authorized by this section may, in the discretion of the 102642
director of ~~mental-behavioral health-and-addiction services~~, be 102643
individual, schedule, or blanket bonds. 102644

Sec. 5119.184. The department of ~~mental-behavioral health~~ 102645
~~and-addiction services~~ may provide educational grants or tuition 102646

reimbursements to upgrade the education, training, and 102647
professional achievement of its employees, whenever it 102648
determines that provision of such grants or reimbursements is 102649
essential to the achievement of its goals. The department may 102650
enter into agreements with its employees for the purposes of 102651
this section. The agreements may require, as a condition of each 102652
grant or reimbursement, that the employee continue employment 102653
with the department or with another federal, state, or local 102654
public agency designated by the department for a period of time 102655
stated in the agreement. If an employee does not fulfill the 102656
employment requirement stated in the agreement, the department 102657
may take action to recover the amount of all educational grants 102658
or tuition reimbursements paid to the employee under this 102659
section, plus interest at the rate of ten per cent per year 102660
calculated from the date of payment of each grant or 102661
reimbursement. 102662

Sec. 5119.185. (A) As used in this section: 102663

(1) "Advanced practice registered nurse" has the same 102664
meaning as in section 4723.01 of the Revised Code. 102665

(2) "Clinician" means any of the following: 102666

(a) An advanced practice registered nurse; 102667

(b) A physician; 102668

(c) A physician assistant. 102669

(3) "Physician" means an individual authorized under 102670
Chapter 4731. of the Revised Code to practice medicine and 102671
surgery or osteopathic medicine and surgery. 102672

(4) "Physician assistant" means an individual who holds a 102673
current, valid license to practice as a physician assistant 102674

issued under Chapter 4730. of the Revised Code. 102675

(B) The department of ~~mental-behavioral~~ health and ~~addiction services~~ may establish a clinician recruitment program 102676
under which the department agrees to repay all or part of the 102677
principal and interest of a government or other educational loan 102678
incurred by a clinician who agrees to provide services to 102679
inpatients and outpatients of institutions under the 102680
department's administration. To be eligible to participate in 102681
the program, a clinician must have attended the following: 102682
102683

(1) In the case of a physician, a school that was, at the 102684
time of attendance, a medical school or osteopathic medical 102685
school in this country accredited by the ~~liason~~ liaison 102686
committee on medical education or the American osteopathic 102687
association, or a medical school or osteopathic medical school 102688
located outside this country that was acknowledged by the world 102689
health organization and verified by a member state of that 102690
organization as operating within that state's jurisdiction; 102691

(2) In the case of a physician assistant, a school that 102692
was, at the time of attendance, accredited by the accreditation 102693
review commission on education for the physician assistant or a 102694
regional or specialized and professional accrediting agency 102695
recognized by the council for higher education accreditation; 102696

(3) In the case of an advanced practice registered nurse, 102697
a school that was, at the time of attendance, accredited by a 102698
national or regional accrediting organization. 102699

(C) The department shall enter into a contract with each 102700
clinician it recruits under this section. Each contract shall 102701
include at least the following terms: 102702

(1) The clinician agrees to provide a specified scope of 102703

health care services for a specified number of hours per week 102704
and a specified number of years to patients of one or more 102705
specified institutions administered by the department. 102706

(2) The department agrees to repay all or a specified 102707
portion of the principal and interest of a government or other 102708
educational loan taken by the clinician for the following 102709
expenses if the clinician meets the service obligation agreed to 102710
and the expenses were incurred while the clinician was enrolled 102711
in, for up to a maximum of four years, a school that qualifies 102712
the clinician to participate in the program: 102713

(a) Tuition; 102714

(b) Other educational expenses for specific purposes, 102715
including fees, books, and laboratory expenses, in amounts 102716
determined to be reasonable in accordance with rules adopted 102717
under division (D) of this section; 102718

(c) Room and board, in an amount determined to be 102719
reasonable in accordance with rules adopted under division (D) 102720
of this section. 102721

(3) The clinician agrees to pay the department a specified 102722
amount, which shall be not less than the amount already paid by 102723
the department pursuant to its agreement, as damages if the 102724
clinician fails to complete the service obligation agreed to or 102725
fails to comply with other specified terms of the contract. The 102726
contract may vary the amount of damages based on the portion of 102727
the clinician's service obligation that remains uncompleted as 102728
determined by the department. 102729

(4) Other terms agreed upon by the parties. 102730

(D) If the department elects to implement the clinician 102731
recruitment program, it shall adopt rules in accordance with 102732

Chapter 119. of the Revised Code that establish all of the 102733
following: 102734

(1) Criteria for designating institutions for which 102735
clinicians will be recruited; 102736

(2) Criteria for selecting clinicians for participation in 102737
the program; 102738

(3) Criteria for determining the portion of a clinician's 102739
loan that the department will agree to repay; 102740

(4) Criteria for determining reasonable amounts of the 102741
expenses described in divisions (C) (2) (b) and (c) of this 102742
section; 102743

(5) Procedures for monitoring compliance by clinicians 102744
with the terms of their contracts; 102745

(6) Any other criteria or procedures necessary to 102746
implement the program. 102747

Sec. 5119.186. (A) The director of ~~mental-behavioral~~ 102748
~~health and addiction services~~ or the managing officer of an 102749
institution of the department may enter into an agreement with 102750
boards of trustees or boards of directors of one or more 102751
institutions of higher education or hospitals licensed pursuant 102752
to section 5119.33 of the Revised Code to establish, manage, and 102753
conduct collaborative training efforts for students enrolled in 102754
courses of studies for occupations or professions that involve 102755
the care and treatment for persons receiving addiction or mental 102756
health services. 102757

(B) Such collaborative training efforts may include but 102758
are not limited to programs in psychiatry, psychology, nursing, 102759
social work, counseling professions, and others considered 102760

appropriate by the director of ~~mental-behavioral health-and-~~ 102761
~~addiction services~~. Any such program shall be approved or 102762
accredited by its respective professional organization or state 102763
board having jurisdiction over the profession. 102764

(1) The department shall require that the following be 102765
provided for in agreements between the department and 102766
institutions of higher education or hospitals licensed pursuant 102767
to section 5119.33 of the Revised Code: 102768

(a) Establishment of inter-disciplinary committees to 102769
advise persons responsible for training programs. Each committee 102770
shall have representation drawn from the geographical community 102771
the institution of higher education or hospital serves and shall 102772
include representatives of agencies, boards, targeted 102773
populations as determined by the department, racial and ethnic 102774
minority groups, and publicly funded programs; 102775

(b) Funding procedures; 102776

(c) Specific outcomes and accomplishments that are 102777
expected or required of a program under such agreement; 102778

(d) The types of services to be provided under such 102779
agreement. 102780

(2) The department may require that the following be 102781
provided for in agreements between the department and 102782
institutions of higher education or hospitals licensed pursuant 102783
to section 5119.33 of the Revised Code: 102784

(a) Special arrangements for individual residents or 102785
trainees to encourage their employment in publicly funded 102786
settings upon completion of their training; 102787

(b) Procedures for the selection of residents or trainees 102788

to promote the admission, retention, and graduation of women, 102789
minorities, and disabled persons; 102790

(c) Cross-cultural training and other subjects considered 102791
necessary to enhance training efforts and the care and treatment 102792
of patients and clients; 102793

(d) Funding of faculty positions oriented toward meeting 102794
the needs of publicly funded programs. 102795

Subject to appropriations by the general assembly, the 102796
director of ~~mental-behavioral health and addiction services~~ has 102797
final approval of the funding of these collaborative training 102798
efforts. 102799

Sec. 5119.187. The courses of study for the instruction 102800
and training of all persons in institutions under the control of 102801
the department of ~~mental-behavioral health and addiction~~ 102802
~~services~~ shall be subject to the approval of the superintendent 102803
of public instruction. 102804

All teachers employed in institutions under the control of 102805
the department of ~~mental-behavioral health and addiction~~ 102806
~~services~~ shall possess such educator licenses or have such 102807
qualifications and approval as the superintendent of public 102808
instruction, after consulting with the officers in charge of the 102809
institutions, prescribes for the various types of service in the 102810
institutions. 102811

Sec. 5119.188. (A) As used in this section, "state 102812
correctional institution" has the same meaning as in section 102813
2967.01 of the Revised Code. 102814

(B) The department of ~~mental-behavioral health and~~ 102815
~~addiction services~~ shall develop a program that is designed to 102816
educate and train the employees of each state correctional 102817

institution, the employees of each department of youth services 102818
institution, and other persons associated by contract or 102819
otherwise with each state correctional institution or each 102820
department of youth services institution, who will be 102821
responsible for the conduct of, or otherwise providing treatment 102822
or rehabilitation services pursuant to, a substance abuse 102823
treatment or rehabilitation program offered in the institution 102824
to adult prisoners or juvenile offenders. Upon the development 102825
of the educational and training program, the department of 102826
~~mental-behavioral health and addiction services~~ promptly shall 102827
commence its implementation. The department of ~~mental-behavioral~~ 102828
~~health and addiction services~~ may charge to the department of 102829
rehabilitation and correction and to the department of youth 102830
services a reasonable annual fee that reflects the expenses 102831
incurred by it during the immediately preceding calendar year in 102832
preparing and offering the educational and training program 102833
during that year to the respective employees and other 102834
associated persons described in this division. 102835

The director of rehabilitation and correction and the 102836
director of youth services shall require the respective 102837
employees and other associated persons described in this 102838
division to attend and successfully complete the educational and 102839
training program developed pursuant to this division as a 102840
condition of their continuing to have responsibility for the 102841
conduct of, or their continuing to provide treatment or 102842
rehabilitation services pursuant to, any treatment or 102843
rehabilitation program that is offered in a state correctional 102844
institution or in a department of youth services institution to 102845
adult prisoners or juvenile offenders. If the department of 102846
~~mental-behavioral health and addiction services~~ charges a 102847
reasonable annual fee as described in this division, the 102848

director involved shall cause that fee to be paid from any 102849
available funds of the department of rehabilitation and 102850
correction or any available funds of the department of youth 102851
services. 102852

(C) The department of rehabilitation and correction and 102853
the department of ~~mental-behavioral health and addiction-~~ 102854
~~services~~ jointly shall develop program specifications for the 102855
alcohol and drug addiction treatment programs offered in state 102856
correctional institutions. 102857

Sec. 5119.19. (A) As used in this section: 102858

(1) "Community-based correctional facility" has the same 102859
meaning as in section 2929.01 of the Revised Code. 102860

(2) "Drug used in medication-assisted treatment" means a 102861
drug approved by the United States food and drug administration 102862
for use in medication-assisted treatment, regardless of the 102863
method the drug is administered or the form in which it is 102864
dispensed, including an oral drug, an injectable drug, or a 102865
long-acting or extended-release drug. "Drug used in medication- 102866
assisted treatment" includes all of the following: 102867

(a) A full agonist; 102868

(b) A partial agonist; 102869

(c) An antagonist. 102870

(3) "Drug used in withdrawal management or detoxification" 102871
means a drug approved by the United States food and drug 102872
administration for use in, or a drug in standard use for, 102873
mitigating opioid or alcohol withdrawal symptoms or assisting 102874
with detoxification, regardless of the method the drug is 102875
administered or the form in which it is dispensed, including an 102876

oral drug, an injectable drug, or a long-acting or extended- 102877
release drug. "Drug used in withdrawal management or 102878
detoxification" includes all of the following: 102879

- (a) A full agonist; 102880
- (b) A partial agonist; 102881
- (c) An antagonist; 102882
- (d) An alpha-2 adrenergic agonist. 102883

(4) "Medication-assisted treatment" has the same meaning 102884
as in section 340.01 of the Revised Code. 102885

(5) "Prescribed drug" has the same meaning as in section 102886
5164.01 of the Revised Code. 102887

(6) (a) "Psychotropic drug" means, except as provided in 102888
division (A) (6) (b) of this section, a drug that has the 102889
capability of changing or controlling mental functioning or 102890
behavior through direct pharmacological action. "Psychotropic 102891
drug" includes all of the following: 102892

- (i) Antipsychotic medications, including those 102893
administered or dispensed in a long-acting injectable form; 102894
- (ii) Antidepressant medications; 102895
- (iii) Anti-anxiety medications; 102896
- (iv) Mood stabilizing medications. 102897

(b) "Psychotropic drug" excludes a stimulant prescribed 102898
for the treatment of attention deficit hyperactivity disorder. 102899

(7) "Withdrawal management or detoxification" means a set 102900
of medical interventions aimed at managing the acute physical 102901
symptoms of intoxication and withdrawal. Withdrawal management 102902

seeks to minimize the physical harm caused by the intoxication 102903
and withdrawal from a substance of abuse. Detoxification denotes 102904
a clearing of toxins from the body of the patient who is acutely 102905
intoxicated, dependent on a substance of abuse, or both. 102906

(B) There is hereby created a program to be known as the 102907
behavioral health drug reimbursement ~~program~~. ~~The program, which~~ 102908
shall be administered by the department of ~~mental-behavioral~~ 102909
~~health and addiction services~~. 102910

The purpose of the program is to provide state 102911
~~reimbursement financial assistance~~ to counties for the cost of 102912
the following drugs that are administered or dispensed to 102913
inmates of county jails in this state and individuals confined 102914
in community-based correctional facilities in this state: 102915
psychotropic drugs, drugs used in medication-assisted treatment, 102916
and drugs used in withdrawal management or detoxification. 102917

Each county shall ensure that inmates of county jails and 102918
individuals confined in community-based correctional facilities 102919
have access to all behavioral health drugs specified in this 102920
division that are prescribed drugs covered by the fee-for- 102921
service component of the medicaid program. 102922

(C) The department, based on factors it considers 102923
appropriate, shall allocate an amount to each county for 102924
~~reimbursement of drug costs~~ that have been or will be incurred 102925
by the county pursuant to this section. 102926

(D) The director of ~~mental-behavioral health and addiction~~ 102927
~~services~~ may adopt rules as necessary to implement this section. 102928
The rules, if adopted, shall be adopted in accordance with 102929
Chapter 119. of the Revised Code. 102930

Sec. 5119.20. (A) As used in this section: 102931

"Electroencephalogram (EEG) combined transcranial magnetic stimulation" means treatment in which transcranial magnetic stimulation (TMS) frequency pulses are tuned to the patient's physiology and biometric data.

"First responder" has the meaning defined in section 2903.01 of the Revised Code.

"Law enforcement officer" has the meaning defined in section 9.69 of the Revised Code.

(B) The director of ~~mental-behavioral health and addiction services~~ shall establish a program to make electroencephalogram (EEG) combined transcranial magnetic stimulation available for veterans, first responders, and law enforcement officers. Eligible individuals must have substance use disorders, mental illness, sleep disorders, traumatic brain injuries, sexual trauma, post traumatic stress disorder and accompanying comorbidities, concussions or other brain trauma, or other issues identified by the individual's qualified medical practitioner as issues that would warrant treatment under the program. The program shall be operated in conjunction with a supplier selected under this section.

(C) The director shall choose a location for the program and for up to ten branch sites, and shall enter into a contract for the purchase of services related to the program. Each branch site may operate one or more portable units or EEG combined neuromodulation portable units if the director determines that portable units or EEG combined neuromodulation portable units are necessary to expand access to care. The contract shall include provisions requiring the supplier to create and conduct a clinical trial, to establish and operate a clinical practice, to evaluate outcomes of the clinical trial and the clinical

practice, to expend payments received from the state as needed 102962
for purposes of the program, and to report quarterly regarding 102963
the program to the president of the senate and to the standing 102964
committee of the senate that generally considers legislation 102965
regarding veterans affairs. 102966

(D) There is the electroencephalogram (EEG) combined 102967
transcranial magnetic stimulation fund in the state treasury. It 102968
shall consist of moneys appropriated to it by the general 102969
assembly. The director, with the approval of the controlling 102970
board, may authorize a disbursement from the fund for services 102971
rendered under the contract. 102972

(E) The director shall adopt rules under Chapter 119. of 102973
the Revised Code as necessary to administer this section. 102974

(F) The supplier, in conducting the clinical trial and in 102975
operating the clinical practice, shall adhere to all of the 102976
following: 102977

(1) The United States food and drug administration 102978
regulations governing the conduct of clinical practice and 102979
clinical trials; 102980

(2) A peer-to-peer support network shall be made available 102981
by the supplier to any individual receiving treatment under the 102982
program. 102983

(3) The program protocol shall use adapted stimulation 102984
frequency and intensity modulation based on EEG and motor 102985
threshold testing as well as clinical symptoms and signs, and 102986
biometrics. 102987

(4) Each individual who receives treatment under the 102988
program also shall receive neurophysiological monitoring, 102989
monitoring for symptoms of substance use and mental health 102990

disorders, and access to counseling and wellness programming. 102991
Each individual also shall participate in the peer-to-peer 102992
support network established by the supplier. 102993

(5) Clinical protocols and outcomes of the clinical trial, 102994
and of any treatment provided by the clinical practice, shall be 102995
collected and reported quarterly in a report provided by the 102996
supplier to the director of ~~mental-behavioral~~ health and- 102997
~~addiction services~~ and to the United States food and drug 102998
administration. 102999

(6) Any individual who receives treatment at the clinical 103000
practice shall be eligible for a minimum of two 103001
electroencephalograms, plus an additional electroencephalogram 103002
for every ten treatments, during the course of the individual's 103003
treatment. 103004

(7) The report required by this section shall include a 103005
thorough accounting of the use and expenditure of all funds 103006
received from the state under this section. 103007

(G) Contracts entered into under this section are subject 103008
to section 9.231 and Chapter 125. of the Revised Code. 103009

(H) Operation of the program established under this 103010
section is contingent upon an appropriation by the general 103011
assembly designated for that purpose. 103012

Sec. 5119.201. (A) The director of ~~mental-behavioral~~ 103013
health and ~~addiction services~~ may acquire by purchase, lease, or 103014
otherwise such real and personal property rights in the name of 103015
the state as are necessary for the purposes of the department. 103016

(B) When it is necessary for a state institution under the 103017
jurisdiction of the department to acquire any real estate, 103018
right-of-way, or easement in real estate in order to accomplish 103019

the purposes for which it was organized or is being conducted, 103020
and the department is unable to agree with the owner of such 103021
property upon the price to be paid for the property, such 103022
property may be appropriated in the manner provided for the 103023
appropriation of property for other state purposes. 103024

(C) The director may work with the department of 103025
administrative services to sell, lease, or exchange portions of 103026
real and personal property of the department when the sale, 103027
lease, or exchange is advantageous to the state. Money received 103028
from such sales, leases, or exchanges shall be credited to the 103029
~~the department of mental-behavioral health and addiction-~~ 103030
~~services~~ trust fund, created in section 5119.46 of the Revised 103031
Code. 103032

(D) Any instrument by which real property is acquired 103033
pursuant to this section shall identify the agency of the state 103034
that has the use and benefit of the real property as specified 103035
in section 5301.012 of the Revised Code. 103036

Sec. 5119.21. (A) The department of ~~mental-behavioral~~ 103037
~~health and addiction services~~ shall: 103038

(1) To the extent the department has available resources 103039
and in consultation with boards of alcohol, drug addiction, and 103040
mental health services, support the community-based continuum of 103041
care that the boards are required by section 340.032 of the 103042
Revised Code to establish. The department shall provide the 103043
support on a district or multi-district basis. The department 103044
shall assist in identifying resources, and may prioritize 103045
support, for one or more of the elements of the community-based 103046
continuum of care. For the purpose of division (A) (10) of 103047
section 340.032 of the Revised Code and to the extent the 103048
department determines is necessary, the department shall define 103049

additional elements to be included in the community-based 103050
continuum of care. 103051

(2) Provide training, consultation, and technical 103052
assistance regarding addiction services, mental health services, 103053
recovery supports, and appropriate prevention, recovery, and 103054
mental health promotion activities, including those that are 103055
culturally competent, to employees of the department, community 103056
addiction services providers, community mental health services 103057
providers, and boards of alcohol, drug addiction, and mental 103058
health services; 103059

(3) To the extent the department has available resources, 103060
promote and support a full range of addiction services, mental 103061
health services, and recovery supports that are available and 103062
accessible to all residents of this state, especially for 103063
severely emotionally disturbed children and adolescents, adults 103064
with severe mental disabilities, pregnant women, parents, 103065
guardians or custodians of children at risk of abuse or neglect, 103066
and other special target populations, including racial and 103067
ethnic minorities, as determined by the department; 103068

(4) Develop standards and measures for both of the 103069
following: 103070

(a) Evaluating the effectiveness of addiction services, 103071
including opioid treatment programs, of mental health services, 103072
and of recovery supports; 103073

(b) Increasing the accountability of community addiction 103074
services providers and community mental health services 103075
providers. 103076

(5) Design and set criteria for the determination of 103077
priority populations; 103078

(6) Promote, direct, conduct, and coordinate scientific 103079
research, taking ethnic and racial differences into 103080
consideration, concerning all of the following: 103081

(a) The causes and prevention of mental illness and 103082
addiction; 103083

(b) Methods of providing effective addiction services, 103084
mental health services, and recovery supports; 103085

(c) Means of enhancing the mental health of and recovery 103086
from addiction of all residents of this state. 103087

(7) Foster the establishment and availability of 103088
vocational rehabilitation services and the creation of 103089
employment opportunities for individuals with addiction and 103090
mental health needs, including members of racial and ethnic 103091
minorities; 103092

(8) Establish a program to protect and promote the rights 103093
of persons receiving addiction services, mental health services, 103094
and recovery supports, including the issuance of guidelines on 103095
informed consent and other rights; 103096

(9) Promote the involvement of persons who are receiving 103097
or have received addiction services, mental health services, and 103098
recovery supports including families and other persons having a 103099
close relationship to a person receiving those services and 103100
supports, in the planning, evaluation, delivery, and operation 103101
of addiction services, mental health services, and recovery 103102
supports; 103103

(10) Notify and consult with the relevant constituencies 103104
that may be affected by rules, standards, and guidelines issued 103105
by the department of ~~mental-behavioral health-and-addiction-~~ 103106
~~services~~. These constituencies shall include consumers of 103107

addiction services, mental health services, and recovery 103108
supports and the families of such consumers. These 103109
constituencies may include public and private providers, 103110
employee organizations, and others when appropriate. Whenever 103111
the department proposes the adoption, amendment, or rescission 103112
of rules under Chapter 119. of the Revised Code, the 103113
notification and consultation required by this division shall 103114
occur prior to the commencement of proceedings under Chapter 103115
119. The department shall adopt rules under Chapter 119. of the 103116
Revised Code that establish procedures for the notification and 103117
consultation required by this division. 103118

(11) Provide consultation to the department of 103119
rehabilitation and correction concerning the delivery of 103120
addiction services and mental health services in state 103121
correctional institutions; 103122

(12) Promote and coordinate efforts in the provision of 103123
addiction services by other state agencies, as defined in 103124
section 1.60 of the Revised Code; courts; hospitals; clinics; 103125
physicians in private practice; public health authorities; 103126
boards of alcohol, drug addiction, and mental health services; 103127
community addiction services providers; law enforcement 103128
agencies; and related groups; 103129

(13) Provide to each court of record, and biennially 103130
update, a list of the treatment and education programs within 103131
that court's jurisdiction that the court may require an 103132
offender, sentenced pursuant to section 4511.19 of the Revised 103133
Code, to attend; 103134

(14) Make the warning sign described in sections 3313.752, 103135
3345.41, and 3707.50 of the Revised Code available on the 103136
department's internet web site; 103137

(15) Provide a program of gambling addiction services on behalf of the state lottery commission, pursuant to an agreement entered into with the director of the commission under division (K) of section 3770.02 of the Revised Code, and provide a program of gambling addiction services on behalf of the Ohio casino control commission, under an agreement entered into with the executive director of the commission under section 3772.062 of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio Constitution, the department may enter into agreements with boards of alcohol, drug addiction, and mental health services, including boards with districts in which a casino facility is not located, and nonprofit organizations to provide addiction services, and with state institutions of higher education or private nonprofit institutions that possess a certificate of authorization issued under Chapter 1713. of the Revised Code to perform related research.

(B) The department may accept and administer grants from public or private sources for carrying out any of the duties enumerated in this section.

(C) The department may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the requirements of this chapter.

Sec. 5119.211. The department of behavioral health may establish a process and standards for the state certification of certified community behavioral health clinics. The process and standards may be based on the provisions of section 223 of the "Protecting Access to Medicare Act of 2014," 42 U.S.C. 1396a note.

If the department establishes a process and standards for the state certification of certified community behavioral health

clinics, the department may coordinate with local, state, and 103168
federal government entities for the development and 103169
establishment of the clinics. 103170

The director of behavioral health may adopt rules as the 103171
director considers necessary to implement this section. If the 103172
director adopts rules, the rules shall be adopted in accordance 103173
with Chapter 119. of the Revised Code. 103174

Sec. 5119.22. The director of ~~mental-behavioral health-and~~ 103175
~~addiction-services~~, with respect to all mental health and 103176
addiction facilities, addiction services, mental health 103177
services, and recovery supports established and operated or 103178
provided under Chapter 340. of the Revised Code, shall do all of 103179
the following: 103180

(A) Adopt rules pursuant to Chapter 119. of the Revised 103181
Code that may be necessary to carry out the purposes of this 103182
chapter and Chapters 340. and 5122. of the Revised Code. 103183

(B) Review and evaluate the community-based continuum of 103184
care required by section 340.032 of the Revised Code to be 103185
established in each service district, taking into account the 103186
findings and recommendations of the board of alcohol, drug 103187
addiction, and mental health services of the district submitted 103188
under division (A) (4) of section 340.03 of the Revised Code and 103189
the priorities and plans of the department of ~~mental-behavioral~~ 103190
~~health-and-addiction-services~~, including the needs of residents 103191
of the district currently receiving services in state-operated 103192
hospitals, and make recommendations for needed improvements to 103193
boards of alcohol, drug addiction, and mental health services; 103194

(C) At the director's discretion, provide to boards of 103195
alcohol, drug addiction, and mental health services state or 103196

federal funds, in addition to those allocated under section 103197
5119.23 of the Revised Code, for special programs or projects 103198
the director considers necessary but for which local funds are 103199
not available; 103200

(D) Establish criteria by which each board of alcohol, 103201
drug addiction, and mental health services reviews and evaluates 103202
the quality, effectiveness, and efficiency of the facility 103203
services, addiction services, mental health services, and 103204
recovery supports for which it contracts under section 340.036 103205
of the Revised Code. The criteria shall include requirements 103206
ensuring appropriate utilization of the services and supports. 103207
The department shall assess each board's evaluation of the 103208
services and supports and the compliance of each board with this 103209
section, Chapter 340. of the Revised Code, and other state or 103210
federal law and regulations. The department, in cooperation with 103211
the board, periodically shall review and evaluate the quality, 103212
effectiveness, and efficiency of the facility services, 103213
addiction services, mental health services, and recovery 103214
supports for which each board contracts under section 340.036 of 103215
the Revised Code and the facilities, addiction services, and 103216
mental health services that each board operates or provides 103217
under section 340.037 of the Revised Code. The department shall 103218
collect information that is necessary to perform these 103219
functions. 103220

(E) To the extent the director determines necessary and 103221
after consulting with boards of alcohol, drug addiction, and 103222
mental health services, community addiction services providers, 103223
and community mental health services providers, develop and 103224
operate, or contract for the operation of, a community 103225
behavioral health information system or systems. The department 103226
shall specify the information that must be provided by the 103227

boards and providers for inclusion in the system or systems. 103228

Boards of alcohol, drug addiction, and mental health 103229
services, community addiction services providers, and community 103230
mental health services providers shall submit information 103231
requested by the department in the form and manner and in 103232
accordance with time frames prescribed by the department. 103233
Information collected by the department may include all of the 103234
following: 103235

(1) Information on addiction services, mental health 103236
services, and recovery supports provided; 103237

(2) Financial information regarding expenditures of 103238
federal, state, or local funds; 103239

(3) Information about persons served. 103240

The department shall not collect any personal information 103241
from the boards or providers except as required or permitted by 103242
state or federal law for purposes related to payment, health 103243
care operations, program and service evaluation, reporting 103244
activities, research, system administration, and oversight. 103245

(F) In consultation with representatives of boards of 103246
alcohol, drug addiction, and mental health services and after 103247
consideration of recommendations made by the medical director 103248
appointed under section 5119.11 of the Revised Code, establish 103249
all of the following: 103250

(1) Guidelines, including a timetable, for the boards' 103251
development and submission of proposed community addiction and 103252
mental health plans, budgets, and lists of addiction services, 103253
mental health services, and recovery supports under sections 103254
340.03 and 340.08 of the Revised Code; 103255

(2) Procedures, including a timetable, for the director's review and approval or disapproval of the plans, budgets, and lists; 103256
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(3) Procedures for corrective action regarding the plans, budgets, and lists, including submission of revised or new plans, budgets, and lists; 103259
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(4) Procedures for the director to follow in offering technical assistance to boards to assist them in making the plans, budgets, and lists acceptable or in making proposed amendments to approved plans, budgets, and lists meet criteria for approval; 103262
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(5) Procedures for issuing time-limited waivers under section 5119.221 of the Revised Code. 103267
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(G) Review each board's proposed community addiction and mental health plan, budget, and list of addiction services, mental health services, and recovery supports submitted pursuant to sections 340.03 and 340.08 of the Revised Code and approve or disapprove the plan, the budget, and the list in whole or in part. The director shall disapprove a board's proposed budget in whole or in part if the proposed budget would not make available in the board's service district the essential elements of the community-based continuum of care required by section 340.032 of the Revised Code, including, except as otherwise authorized by a time-limited waiver issued under section 5119.221 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction. 103269
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Prior to a final decision to disapprove a plan, budget, or list in whole or in part, a representative of the director shall meet with the board and discuss the reason for the action the 103282
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director proposes to take and any corrective action that should 103285
be taken to make the plan, budget, or list acceptable to the 103286
director. In addition, the director shall offer technical 103287
assistance to the board to assist it to make the plan, budget, 103288
or list acceptable. The director shall give the board a 103289
reasonable time in which to revise the plan, budget, or list. 103290
The board thereafter shall submit a revised plan, budget, or 103291
list or a new plan, budget, or list. 103292

(H) Approve or disapprove all or part of proposed 103293
amendments that a board of alcohol, drug addiction, or mental 103294
health services submits under section 340.03 or 340.08 of the 103295
Revised Code to an approved community addiction and mental 103296
health plan, budget, or list of addiction services, mental 103297
health services, and recovery supports. 103298

If the director disapproves of all or part of any proposed 103299
amendment, the director shall provide the board an opportunity 103300
to present its position. The director shall inform the board of 103301
the reasons for the disapproval and of the criteria that must be 103302
met before the proposed amendment may be approved. The director 103303
shall give the board a reasonable time within which to meet the 103304
criteria and shall offer technical assistance to the board to 103305
help it meet the criteria. 103306

Sec. 5119.221. (A) The director of ~~mental-behavioral~~ 103307
~~health-and-addiction services~~, in accordance with procedures 103308
established under division (F) (5) of section 5119.22 of the 103309
Revised Code, may issue to a board of alcohol, drug addiction, 103310
and mental health services a time-limited waiver of the 103311
requirement of section 340.033 of the Revised Code that 103312
ambulatory detoxification and medication-assisted treatment be 103313
made available within the borders of the board's service 103314

district if the director determines that both of the following 103315
apply: 103316

(1) The board seeking the waiver has made reasonable 103317
efforts to make ambulatory detoxification and medication- 103318
assisted treatment available within the borders of the board's 103319
service district; 103320

(2) Ambulatory detoxification and medication-assisted 103321
treatment can be made available through one or more contracts 103322
between the board seeking the waiver and community addiction 103323
services providers that are located not more than thirty miles 103324
beyond the borders of the board's service district. 103325

(B) Each waiver issued under this section shall specify 103326
the amount of time for which it is in effect and whether it 103327
applies to ambulatory detoxification, medication-assisted 103328
treatment, or both. 103329

Sec. 5119.23. (A) The department of ~~mental-behavioral~~ 103330
~~health and addiction services~~ shall establish a methodology for 103331
allocating to boards of alcohol, drug addiction, and mental 103332
health services the funds appropriated by the general assembly 103333
to the department for the purpose of the community-based 103334
continuum of care that each board establishes under section 103335
340.032 of the Revised Code. The department shall establish the 103336
methodology after notifying and consulting with relevant 103337
constituencies as required by division (A)(10) of section 103338
5119.21 of the Revised Code. The methodology may provide for the 103339
funds to be allocated to boards on a district or multi-district 103340
basis. 103341

(B) Subject to section 5119.25 of the Revised Code, and to 103342
required submissions and approvals under sections 340.08 and 103343

5119.22 of the Revised Code, the department shall allocate the 103344
funds to the boards in a manner consistent with the methodology, 103345
this section, other state and federal laws, rules, and 103346
regulations. 103347

(C) In consultation with boards, community addiction 103348
services providers, community mental health services providers, 103349
and persons receiving addiction services, mental health 103350
services, and recovery supports, the department shall establish 103351
guidelines for the use of funds allocated under this section. 103352

Sec. 5119.24. (A) As used in this section, "administrative 103353
function" means a function related to one or more of the 103354
following: 103355

(1) Continuous quality improvement; 103356

(2) Utilization review; 103357

(3) Resource development; 103358

(4) Fiscal administration; 103359

(5) General administration; 103360

(6) Any other function related to administration that is 103361
required by Chapter 340. of the Revised Code. 103362

(B) Each board of alcohol, drug addiction, and mental 103363
health services shall submit an annual report to the department 103364
of ~~mental behavioral health and addiction services~~ specifying 103365
how the board used funds allocated to the board under section 103366
5119.23 of the Revised Code for administrative functions in the 103367
year preceding the report's submission. The director of ~~mental-~~ 103368
~~behavioral health and addiction services~~ shall establish the 103369
date by which the report must be submitted each year. 103370

Sec. 5119.25. (A) The director of ~~mental-behavioral~~ health 103371
~~and addiction services~~ may withhold funds, in whole or in part, 103372
that otherwise are to be allocated to a board of alcohol, drug 103373
addiction, and mental health services under section 5119.23 of 103374
the Revised Code if either of the following circumstances apply: 103375

(1) The board fails to comply with Chapter 340. or 5119. 103376
of the Revised Code or rules of the department of ~~mental-~~ 103377
behavioral health~~and addiction services~~; 103378

(2) The board denies available service on the basis of 103379
race, color, religion, ancestry, military status, sex, age, 103380
national origin, disability as defined in section 4112.01 of the 103381
Revised Code, or developmental disability. 103382

(B) The director shall withhold funds, in whole or in 103383
part, that otherwise are to be allocated to a board under 103384
section 5119.23 of the Revised Code if either of the following 103385
circumstances apply: 103386

(1) The director, under division (G) of section 5119.22 of 103387
the Revised Code, disapproves all or part of the board's 103388
proposed community addiction and mental health plan, budget, or 103389
list of addiction services, mental health services, and recovery 103390
supports; 103391

(2) The board's use of state and federal funds fails to 103392
comply with the board's approved budget, including approved 103393
amendments to the budget. 103394

(C) The director shall issue a notice identifying the 103395
areas of noncompliance and the action necessary to achieve 103396
compliance. The director may offer technical assistance to the 103397
board to achieve compliance. The board shall have thirty days 103398
from receipt of the notice of noncompliance to present its 103399

position that it is in compliance or to submit to the director 103400
evidence of corrective action the board took to achieve 103401
compliance. Before withholding funds, the director or the 103402
director's designee shall hold a hearing within thirty days of 103403
receipt of the board's position or evidence to determine if 103404
there are continuing violations and that either assistance is 103405
rejected or the board is unable, or has failed, to achieve 103406
compliance. The director may appoint a representative from 103407
another board of alcohol, drug addiction, and mental health 103408
services to serve as a mentor for the board in developing and 103409
executing a plan of corrective action to achieve compliance. Any 103410
such representative shall be from a board that is in compliance 103411
with Chapter 340. of the Revised Code, this chapter, and the 103412
department's rules. Subsequent to the hearing process, if it is 103413
determined that compliance has not been achieved, the director 103414
may allocate all or part of the withheld funds to one or more 103415
community mental health services providers or community 103416
addiction services providers to provide the mental health 103417
service, addiction service, or recovery support for which the 103418
board is not in compliance until the time that there is 103419
compliance. 103420

(D) The director shall adopt rules in accordance with 103421
Chapter 119. of the Revised Code to implement this section. 103422

Sec. 5119.27. (A) As used in this section: 103423

(1) "Community control sanction" has the same meaning as 103424
in section 2929.01 of the Revised Code. 103425

(2) "Federally assisted," "program," and "substance use 103426
disorder" have the same meanings as in 42 C.F.R. 2.11 and as 103427
further described in 42 C.F.R. 2.12(b). 103428

(3) "Post-release control sanction" has the same meaning 103429
as in section 2967.01 of the Revised Code. 103430

(B) In accordance with 42 U.S.C. 290dd-2, records or 103431
information created or maintained by a federally assisted 103432
program for the treatment of substance use disorders shall be 103433
kept confidential and may be disclosed only for the purposes and 103434
under the circumstances expressly authorized under 42 C.F.R. 103435
Part 2. 103436

(C) When the person, with respect to whom any record or 103437
information referred to in division (B) of this section is 103438
maintained, gives consent in the form of a written release 103439
signed by the person, the content of the record or information 103440
may be disclosed if the written release conforms to all of the 103441
requirements set forth in 42 C.F.R. 2.31. 103442

(D) In accordance with 42 C.F.R. 2.35, a person who is 103443
subject to a community control sanction, a post-release control 103444
sanction, is on parole, or is ordered to intervention in lieu of 103445
conviction, and who has agreed to participate in a federally 103446
assisted program for the treatment of substance use disorders as 103447
a condition of the community control sanction, post-release 103448
control sanction, parole, or intervention order, shall consent 103449
to the release of records and information relating to the 103450
progress of treatment, frequency of treatment, adherence to 103451
treatment requirements, and probable outcome of treatment. 103452
Release of information and records under this division shall be 103453
limited to the court or governmental personnel having the 103454
responsibility for supervising the person's community control 103455
sanction, post-release control sanction, parole, or intervention 103456
order. A person, described in this division, who refuses to 103457
allow disclosure may be considered in violation of the 103458

conditions of the person's community control sanction, post- 103459
release control sanction, parole, or intervention order. 103460

(E) In accordance with 42 C.F.R. 2.52 and 2.53, disclosure 103461
of a person's record may be made without the person's consent to 103462
qualified personnel for the purpose of conducting scientific 103463
research, management, financial audits, or program evaluation, 103464
but these personnel may not identify, directly or indirectly, 103465
any particular person in any report of the research, audit, or 103466
evaluation, or otherwise disclose a person's identity in any 103467
manner. 103468

(F) In accordance with 42 C.F.R. 2.66, upon the request of 103469
a prosecuting attorney or the director of mental-behavioral 103470
~~health-and-addiction services~~, a court of competent jurisdiction 103471
may order the disclosure of records or information referred to 103472
in division (B) of this section if the court has reason to 103473
believe that a federally assisted program for the treatment of 103474
substance use disorders is being operated or used in a manner 103475
contrary to law. The use of any information or record so 103476
disclosed shall be limited to the prosecution of persons who are 103477
or may be charged with any offense related to the illegal 103478
operation or use of the program, or to the decision to withdraw 103479
the authority of a the program to continue operation. For 103480
purposes of this division the court shall do all of the 103481
following: 103482

(1) Limit disclosure to those parts of the person's record 103483
considered essential to fulfill the objective for which the 103484
order was granted; 103485

(2) Require, where appropriate, that all information be 103486
disclosed in chambers; 103487

(3) Include any other appropriate measures to keep 103488
disclosure to a minimum, consistent with the protection of the 103489
persons seeking or receiving services, the provider-client 103490
relationship, and the administration of the program. 103491

Sec. 5119.28. (A) All records, and reports, other than 103492
court journal entries or court docket entries, identifying a 103493
person and pertaining to the person's mental health condition, 103494
assessment, provision of care, treatment, or recovery supports, 103495
or payment for assessment, care, treatment, or recovery supports 103496
that are maintained in connection with any services certified by 103497
the department of ~~mental-behavioral health-and-addiction-~~ 103498
~~services~~, any recovery supports paid for with funds administered 103499
by the department or a board of alcohol, drug addiction, and 103500
mental health services, or any hospitals or facilities licensed 103501
or operated by the department, shall be kept confidential and 103502
shall not be disclosed by any person except: 103503

(1) If the person identified, or the person's legal 103504
guardian, if any, or if the person is a minor, the person's 103505
parent or legal guardian, consents; 103506

(2) When disclosure is provided for in this chapter or 103507
Chapter 340. or 5122. of the Revised Code or in accordance with 103508
other provisions of state or federal law authorizing such 103509
disclosure; 103510

(3) That hospitals, boards of alcohol, drug addiction, and 103511
mental health services, licensed facilities, and community 103512
mental health services providers may release necessary 103513
information to insurers and other third-party payers, including 103514
government entities responsible for processing and authorizing 103515
payment, to obtain payment for goods and services furnished to 103516
the person; 103517

- (4) Pursuant to a court order signed by a judge; 103518
- (5) That a person shall be granted access to the person's 103519
own psychiatric and medical records, unless access specifically 103520
is restricted in a person's treatment plan for clear treatment 103521
reasons; 103522
- (6) That the department of ~~mental-behavioral health and~~ 103523
~~addiction services~~ may exchange psychiatric records and other 103524
pertinent information with community mental health services 103525
providers and boards of alcohol, drug addiction, and mental 103526
health services relating to the person's care or services. 103527
Records and information that may be exchanged pursuant to this 103528
division shall be limited to medication history, physical health 103529
status and history, financial status, summary of course of 103530
treatment, summary of treatment needs, and a discharge summary, 103531
if any. 103532
- (7) That the department of ~~mental-behavioral health and~~ 103533
~~addiction services~~, hospitals and community providers operated 103534
by the department, hospitals licensed by the department under 103535
section 5119.33 of the Revised Code, and community mental health 103536
services providers may exchange psychiatric records and other 103537
pertinent information with payers and other providers of 103538
treatment and health services if the purpose of the exchange is 103539
to facilitate continuity of care for the person or for the 103540
emergency treatment of the person; 103541
- (8) That the department of ~~mental-behavioral health and~~ 103542
~~addiction services~~ and community mental health services 103543
providers may exchange psychiatric records and other pertinent 103544
information with boards of alcohol, drug addiction, and mental 103545
health services for purposes of any board function set forth in 103546
Chapter 340. of the Revised Code. Boards of alcohol, drug 103547

addiction, and mental health services shall not access any 103548
personal information from the department or providers except as 103549
required or permitted by this section, or Chapter 340. or 5122. 103550
of the Revised Code for purposes related to payment, care 103551
coordination, health care operations, program and service 103552
evaluation, reporting activities, research, system 103553
administration, oversight, or other authorized purposes. 103554

(9) That a person's family member who is involved in the 103555
provision, planning, and monitoring of services to the person 103556
may receive medication information, a summary of the person's 103557
diagnosis and prognosis, and a list of the services and 103558
personnel available to assist the person and the person's 103559
family, if the person's treatment provider determines that the 103560
disclosure would be in the best interests of the person. No such 103561
disclosure shall be made unless the person is notified first and 103562
receives the information and does not object to the disclosure. 103563

(10) That community mental health services providers may 103564
exchange psychiatric records and certain other information with 103565
the board of alcohol, drug addiction, and mental health services 103566
and other providers in order to provide services to a person 103567
involuntarily committed to a board. Release of records under 103568
this division shall be limited to medication history, physical 103569
health status and history, financial status, summary of course 103570
of treatment, summary of treatment needs, and discharge summary, 103571
if any. 103572

(11) That information may be disclosed to the executor or 103573
the administrator of an estate of a deceased person when the 103574
information is necessary to administer the estate; 103575

(12) That information may be disclosed to staff members of 103576
the appropriate board or to staff members designated by the 103577

director of ~~mental-behavioral health and addiction services~~ for 103578
the purpose of evaluating the quality, effectiveness, and 103579
efficiency of mental health services and recovery supports and 103580
determining if the services and supports meet minimum standards. 103581
Information obtained during such evaluations shall not be 103582
retained with the name of any person. 103583

(13) That records pertaining to the person's diagnosis, 103584
course of treatment, treatment needs, and prognosis shall be 103585
disclosed and released to the appropriate prosecuting attorney 103586
if the person was committed pursuant to section 2945.38, 103587
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 103588
to the attorney designated by the board for proceedings pursuant 103589
to involuntary commitment under Chapter 5122. of the Revised 103590
Code; 103591

(14) That the department of ~~mental-behavioral health and~~ 103592
~~addiction services~~ may exchange psychiatric hospitalization 103593
records, other mental health treatment records, and other 103594
pertinent information with the department of rehabilitation and 103595
correction and with the department of youth services to ensure 103596
continuity of care for inmates and offenders who are receiving 103597
mental health services in an institution of the department of 103598
rehabilitation and correction or the department of youth 103599
services and may exchange psychiatric hospitalization records, 103600
other mental health treatment records, and other pertinent 103601
information with boards of alcohol, drug addiction, and mental 103602
health services and community mental health services providers 103603
to ensure continuity of care for inmates or offenders who are 103604
receiving mental health services in an institution and are 103605
scheduled for release within six months. The release of records 103606
under this division is limited to records regarding an inmate's 103607
or offender's medication history, physical health status and 103608

history, summary of course of treatment, summary of treatment 103609
needs, and a discharge summary, if any. 103610

(15) That a community mental health services provider that 103611
ceases to operate may transfer to either a community mental 103612
health services provider that assumes its caseload or to the 103613
board of alcohol, drug addiction, and mental health services of 103614
the service district in which the person resided at the time 103615
mental health services or recovery supports were most recently 103616
provided any records concerning the services or supports that 103617
have not been transferred elsewhere at the person's request; 103618

(16) That records and reports relating to a person who has 103619
been deceased for fifty years or more are no longer considered 103620
confidential. 103621

(B) Before records are disclosed pursuant to divisions (A) 103622
(3), (6), and (10) of this section, the custodian of the records 103623
shall attempt to obtain the person's consent for the disclosure. 103624

(C) No person shall reveal the content of a medical record 103625
of a person that is confidential pursuant to this section, 103626
except as authorized by law. 103627

Sec. 5119.29. The department of ~~mental-behavioral health-~~ 103628
~~and addiction services,~~ in conjunction with boards of alcohol, 103629
drug addiction, and mental health services and community mental 103630
health boards, shall develop a coordinated system for tracking 103631
and monitoring persons found not guilty by reason of insanity 103632
and committed pursuant to section 2945.40 of the Revised Code 103633
who have been granted a conditional release and persons found 103634
incompetent to stand trial and committed pursuant to section 103635
2945.39 of the Revised Code who have been granted a conditional 103636
release. The system shall do all of the following: 103637

(A) Centralize responsibility for the tracking of those 103638
persons; 103639

(B) Develop uniformity in monitoring those persons; 103640

(C) Develop a mechanism to allow prompt rehospitalization, 103641
reinstitutionalization, or detention when a violation of the 103642
conditional release or decompensation occurs. 103643

Sec. 5119.30. The department of ~~mental-behavioral~~ health 103644
~~and addiction services~~ promptly shall develop and maintain a 103645
program that continually provides the courts of this state with 103646
relevant information pertaining to addiction services and 103647
programs available both within their jurisdictions and statewide 103648
in order to facilitate the ability of the courts to utilize 103649
treatment and rehabilitation alternatives in addition to or in 103650
lieu of imposing sentences of imprisonment upon appropriate 103651
offenders. 103652

Sec. 5119.31. The department of administrative services 103653
shall purchase all supplies needed for the proper support and 103654
maintenance of the institutions under the control of the 103655
department of ~~mental-behavioral~~ health ~~and addiction services~~ in 103656
accordance with the competitive selection procedures of Chapter 103657
125. of the Revised Code and such rules as the department of 103658
administrative services adopts. All bids shall be publicly 103659
opened on the day and hour and at the place specified in the 103660
advertisement. 103661

Preference shall be given to bidders in localities wherein 103662
the institution is located, if the price is fair and reasonable 103663
and not greater than the usual price; but bids not meeting the 103664
specifications shall be rejected. 103665

The department of administrative services may require such 103666

security as it considers proper to accompany the bids and shall 103667
fix the security to be given by the contractor. 103668

The department of administrative services may reject any 103669
or all bids and secure new bids, if for any reason it is deemed 103670
for the best interest of the state to do so, and it may 103671
authorize the managing officer of any institution to purchase 103672
perishable goods and supplies for use in cases of emergency, in 103673
which cases such managing officer shall certify such fact in 103674
writing and the department of administrative services shall 103675
record the reasons for such purchase. 103676

Sec. 5119.311. The department of ~~mental-behavioral~~ health 103677
~~and addiction services~~ may examine into, with or without expert 103678
assistance, the question of the mental and physical condition of 103679
any person committed to or involuntarily confined in any 103680
hospital for persons with mental illnesses, or restrained of 103681
liberty at any place within this state by reason of alleged 103682
mental illness and may order and compel the discharge of any 103683
such person who is not a person with a mental illness subject to 103684
court order as defined in division (B) of section 5122.01 of the 103685
Revised Code and direct what disposition shall be made of the 103686
person. The order of discharge shall be signed by the director 103687
of ~~mental-behavioral~~ health ~~and addiction services~~. Upon receipt 103688
of such order by the superintendent or other person in charge of 103689
the building in which the person named in such order is 103690
confined, such person shall forthwith be discharged or otherwise 103691
disposed of according to the terms of said order, and any 103692
further or other detention of such person is unlawful. No such 103693
order shall be made in favor of any person committed and held 103694
for trial on a criminal charge, in confinement by an order of a 103695
judge or court made in a criminal proceeding, or in any case 103696
unless notice is given to the superintendent or other person 103697

having charge of the building in which the alleged person with a 103698
mental illness is detained, and a reasonable opportunity is 103699
allowed the person in charge to justify further detention of the 103700
person confined. 103701

Sec. 5119.32. The department of ~~mental~~behavioral health 103702
~~and addiction services~~ is hereby designated as the state 103703
administrative agency for the substance abuse prevention 103704
treatment block grant and the community mental health services 103705
block grant authorized by the "Public Health Services Act," 95 103706
Stat. 357, 543, 42 U.S.C. 300x, as amended, and similar alcohol, 103707
drug abuse, or mental health programs that are specified in an 103708
appropriations act. 103709

Sec. 5119.33. ~~(A)(1)~~ (A) The department of ~~mental~~ 103710
behavioral health ~~and addiction services~~ shall inspect and 103711
license all hospitals that receive persons with mental 103712
illnesses, except those hospitals managed by the department. No 103713
hospital may receive for care or treatment, either at public or 103714
private expense, any person who is or appears to have a mental 103715
illness, whether or not so adjudicated, unless the hospital has 103716
received a license from the department authorizing it to receive 103717
for care or treatment persons with mental illnesses or the 103718
hospital is managed by the department. 103719

~~(2) No such license shall be granted to a hospital for the~~ 103720
~~treatment of persons with mental illnesses unless both of the~~ 103721
~~following are the case:—~~ 103722

~~(a) The department is satisfied, after investigation, that~~ 103723
~~the hospital is managed and operated by qualified persons, is~~ 103724
~~adequately staffed and equipped to operate, and has on its staff~~ 103725
~~one or more qualified physicians responsible for the medical~~ 103726
~~care of the patients confined there. At least one such physician~~ 103727

~~shall be a psychiatrist.~~ 103728

~~(b) The department has not been notified under section 5119.334 of the Revised Code or is not otherwise aware that the hospital, or any owner, sponsor, medical director, administrator, or principal of the hospital, has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of application.~~ 103729
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(B) The department shall adopt rules under Chapter 119. of the Revised Code prescribing minimum standards for the operation of hospitals for the care and treatment of persons with mental illnesses and establishing standards and procedures for the issuance, renewal, or revocation of full, probationary, and interim licenses. No license shall be granted to any hospital established or used for the care of persons with mental illnesses unless such hospital is operating in accordance with this section and rules adopted pursuant to this section. A full license shall expire one year after the date of issuance, a probationary license shall expire at the time prescribed by rule adopted pursuant to Chapter 119. of the Revised Code by the director of ~~mental-behavioral health-and-addiction services~~, and an interim license shall expire ninety days after the date of issuance. A full, probationary, or interim license may be renewed, except that an interim license may be renewed only twice. The department may fix reasonable fees for licenses and for license renewals. Such hospitals are subject to inspection and on-site review by the department. 103736
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(C) Except as otherwise provided in Chapter 5122. of the Revised Code, neither the director of ~~mental-behavioral health-and-addiction services~~; an employee of the department; a board 103755
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of alcohol, drug addiction, and mental health services or 103758
employee of a community mental health services provider; nor any 103759
other public official shall hospitalize any person with a mental 103760
illness for care or treatment in any hospital that is not 103761
licensed in accordance with this section. 103762

(D) (1) The department may issue an order suspending the 103763
admission of patients with mental illnesses to a hospital for 103764
care or treatment if it finds either of the following: 103765

(a) The hospital is not in compliance with rules adopted 103766
by the director pursuant to this section. 103767

(b) The hospital has been cited for more than one 103768
violation of statutes or rules during any previous period of 103769
time during which the hospital is licensed pursuant to this 103770
section. 103771

(2) (a) Except as provided in division (D) (2) (b) of this 103772
section, proceedings initiated to suspend the admission of 103773
patients are governed by Chapter 119. of the Revised Code. 103774

(b) If a suspension of admissions is proposed because the 103775
director has determined that the licensee has demonstrated a 103776
pattern of serious noncompliance or that a violation creates a 103777
substantial risk to the health and safety of patients, the 103778
director may issue an order imposing the suspension of 103779
admissions before providing an opportunity for an adjudication 103780
under Chapter 119. of the Revised Code. The director shall lift 103781
the order for the suspension of admissions if the director 103782
determines that the violation that formed the basis for the 103783
order has been corrected. 103784

(3) Appeals from proceedings initiated to order the 103785
suspension of admissions shall be conducted in accordance with 103786

Chapter 119. of the Revised Code, unless the order was issued 103787
before providing an opportunity for an adjudication, in which 103788
case all of the following apply: 103789

(a) The licensee may request a hearing not later than ten 103790
days after being served in accordance with sections 119.05 and 103791
119.07 of the Revised Code. 103792

(b) If a timely request for a hearing that includes the 103793
licensee's current address is made, the hearing shall commence 103794
not later than thirty days after the department receives the 103795
request. 103796

(c) After commencing, the hearing shall continue 103797
uninterrupted, except for Saturdays, Sundays, and legal 103798
holidays, unless other interruptions are agreed to by the 103799
licensee and the director. 103800

(d) If the hearing is conducted by a hearing examiner, the 103801
hearing examiner shall file a report and recommendations with 103802
the department not later than ten days after the last of the 103803
following: 103804

(i) The close of the hearing; 103805

(ii) If a transcript of the proceedings is ordered, the 103806
hearing examiner receives the transcript; 103807

(iii) If post-hearing briefs are timely filed, the hearing 103808
examiner receives the briefs. 103809

(e) The hearing examiner shall send a written copy of the 103810
report and recommendations, by certified mail, to the licensee, 103811
or the licensee's attorney, if applicable, not later than five 103812
days after the report is filed with the department. 103813

(f) Not later than five days after receiving the report 103814

and recommendations, the licensee may file objections with the 103815
department. 103816

(g) Not later than fifteen days after the hearing examiner 103817
files the report and recommendations, the department shall issue 103818
an order approving, modifying, or disapproving the report and 103819
recommendations. 103820

(h) Notwithstanding the pendency of the hearing, the 103821
department shall lift the order for the suspension of admissions 103822
if the department determines the violation that formed the basis 103823
for the order has been corrected. 103824

(E) (1) ~~Any license issued by the department under this~~ 103825
~~section may be revoked or not renewed by the department. The~~ 103826
department may deny, refuse to renew, or revoke a license for 103827
any of the following reasons: 103828

(a) The hospital is ~~no longer~~ not a suitable place for the 103829
care or treatment of persons with mental illnesses. 103830

(b) The hospital refuses to be subject to inspection or 103831
on-site review by the department. 103832

(c) The hospital ~~has failed~~ fails to furnish humane, kind, 103833
and adequate treatment and care. 103834

(d) The hospital fails to comply with the licensure rules 103835
of the department. 103836

(e) The department finds that the hospital is not managed 103837
and operated by qualified persons, is not adequately staffed and 103838
equipped to operate, or does not have on its staff one or more 103839
qualified physicians, including at least one psychiatrist, who 103840
is responsible for the care of the patients in the hospital. 103841

(f) The department has been notified under section 103842

5119.334 of the Revised Code or otherwise becomes aware that the 103843
hospital, any owner, sponsor, medical director, administrator, 103844
or principal of the hospital, or any subsidiary of the hospital, 103845
owner, or sponsor has been the subject of an adverse action, as 103846
defined in that section, taken during the three-year period 103847
immediately preceding the date of notification or date of 103848
becoming aware of the adverse action. 103849

(2) Proceedings initiated to deny applications for full or 103850
probationary licenses, to refuse to renew full or probationary 103851
licenses, or to revoke full or probationary licenses are 103852
governed by Chapter 119. of the Revised Code. If an order has 103853
been issued suspending the admission of patients, the order 103854
remains in effect during the pendency of those proceedings. 103855

(F) (1) In a proceeding initiated to suspend the admission 103856
of patients, to deny an application for a full or probationary 103857
license, to refuse to renew a full or probationary license, or 103858
to revoke a full or probationary license, the department may 103859
order the suspension, denial, refusal, or revocation regardless 103860
of whether some or all of the deficiencies that prompted the 103861
proceedings have been corrected at the time of the hearing. 103862

(2) When the department issues an order suspending the 103863
admission of patients, denies an application for a full or 103864
probationary license, refuses to renew a full or probationary 103865
license, or revokes a full or probationary license, the 103866
department shall not grant an opportunity for submitting a plan 103867
of correction. 103868

(G) The department may inspect, conduct an on-site review, 103869
and review the records of any hospital that the department has 103870
reason to believe is operating without a license. 103871

Sec. 5119.331. If the department of ~~mental-behavioral~~ 103872
~~health and addiction services~~ determines that a hospital not 103873
licensed by the department is receiving for care or treatment 103874
any person who is or appears to have a mental illness, the 103875
department may request in writing that the attorney general 103876
petition the court of common pleas in the county where the 103877
hospital is located to enjoin the hospital from continued 103878
operation in violation of section 5119.33 of the Revised Code. 103879

Sec. 5119.332. No third-party payer shall directly or 103880
indirectly reimburse, nor shall any person be obligated to pay 103881
any hospital for psychiatric services for which a license is 103882
required under section 5119.33 of the Revised Code unless the 103883
hospital is licensed by the department of ~~mental-behavioral~~ 103884
~~health and addiction services~~. 103885

As used in this section, "third-party payer" means a 103886
health insuring corporation licensed under Chapter 1751. of the 103887
Revised Code, an insurance company that issues sickness and 103888
accident insurance in conformity with Chapter 3923. of the 103889
Revised Code, a state-financed health insurance program under 103890
Chapter 3701., 4123., or 5101. of the Revised Code, or any self- 103891
insurance plan. 103892

Sec. 5119.333. No person shall keep or maintain a hospital 103893
for the care or treatment of persons with mental illnesses 103894
unless it is licensed by the department of ~~mental-behavioral~~ 103895
~~health and addiction services~~, as provided by section 5119.33 of 103896
the Revised Code. 103897

Sec. 5119.334. (A) As used in this section, "adverse 103898
action" means an action by a state, provincial, federal, or 103899
other licensing or regulatory authority other than the 103900
department of behavioral health to deny, revoke, suspend, place 103901

on probation, or otherwise restrict a license, certificate, or 103902
other approval to operate a hospital or practice a health care 103903
profession. 103904

(B) (1) When submitting an application for initial or 103905
renewed licensure of a hospital under section 5119.33 of the 103906
Revised Code, the applicant shall notify the department of 103907
~~mental-behavioral health and addiction services~~ of any adverse 103908
action taken against any of the following during the three-year 103909
period immediately preceding the date of application: 103910

(a) The hospital or the hospital's; 103911

(b) Any owner, sponsor, medical director, administrator, 103912
or any of its principals within principal of the three-year 103913
period immediately preceding the date of application hospital; 103914

(c) Any subsidiary of the hospital, owner, or sponsor. 103915

(2) Not later than seven days after receiving a notice of 103916
~~adverse action from a licensing or regulatory authority that is~~ 103917
~~other than the department of mental health and addiction~~ 103918
~~services,~~ the holder of a hospital license issued under section 103919
5119.33 of the Revised Code shall notify the department of the 103920
action. 103921

(C) To notify the department as required by this section, 103922
a copy of the notice of adverse action shall be provided to the 103923
department. 103924

Sec. 5119.34. (A) As used in this section and sections 103925
5119.341 to ~~5119.343~~ 5119.344 of the Revised Code: 103926

(1) "Accommodations" means housing, daily meal 103927
preparation, laundry, housekeeping, arranging for 103928
transportation, social and recreational activities, maintenance, 103929

security, and other services that do not constitute personal 103930
care services or skilled nursing care. 103931

(2) "ADAMHS board" means a board of alcohol, drug 103932
addiction, and mental health services. 103933

(3) "Adult" means a person who is eighteen years of age or 103934
older, other than a person described in division (A) (4) of this 103935
section who is between eighteen and twenty-one years of age. 103936

(4) "Child" means a person who is under eighteen years of 103937
age or a person with a mental disability who is under twenty-one 103938
years of age. 103939

(5) ~~"Community mental health services provider" means a~~ 103940
~~community mental health services provider as defined in section~~ 103941
~~5119.01 of the Revised Code.~~ 103942

~~(6) "Community mental health services" means any mental~~ 103943
~~health services certified by the department pursuant to section~~ 103944
~~5119.36 of the Revised Code.~~ 103945

~~(7)~~ "Operator" means the person or persons, firm, 103946
partnership, agency, governing body, association, corporation, 103947
or other entity that is responsible for the administration and 103948
management of a residential facility and that is the applicant 103949
for a residential facility license. 103950

~~(8)~~ (6) "Personal care services" means services including, 103951
but not limited to, the following: 103952

(a) Assisting residents with activities of daily living; 103953

(b) Assisting residents with self-administration of 103954
medication in accordance with rules adopted under this section; 103955

(c) Preparing special diets, other than complex 103956

therapeutic diets, for residents pursuant to the instructions of 103957
a physician or a licensed dietitian, in accordance with rules 103958
adopted under this section. 103959

"Personal care services" does not include "skilled nursing 103960
care" as defined in section 3721.01 of the Revised Code. A 103961
facility need not provide more than one of the services listed 103962
in division ~~(A)(8)~~ (A)(6) of this section to be considered to be 103963
providing personal care services. 103964

~~(9)~~ (7) "Room and board" means the provision of sleeping 103965
and living space, meals or meal preparation, laundry services, 103966
housekeeping services, or any combination thereof. 103967

~~(10)~~ (8) "Residential state supplement program" means the 103968
program established under section 5119.41 of the Revised Code. 103969

~~(11)~~ (9) "Supervision" means any of the following: 103970

(a) Observing a resident to ensure the resident's health, 103971
safety, and welfare while the resident engages in activities of 103972
daily living or other activities; 103973

(b) Reminding a resident to perform or complete an 103974
activity, such as reminding a resident to engage in personal 103975
hygiene or other self-care activities; 103976

(c) Assisting a resident in making or keeping an 103977
appointment. 103978

~~(12)~~ (10) "Unrelated" means that a resident is not related 103979
to the owner or operator of a residential facility or to the 103980
owner's or operator's spouse as a parent, grandparent, child, 103981
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 103982
uncle, or as the child of an aunt or uncle. 103983

(B) (1) A "residential facility" is a publicly or privately 103984

operated home or facility that falls into one of the following 103985
categories: 103986

(a) Class one facilities provide accommodations, 103987
supervision, personal care services, and mental health services 103988
for one or more unrelated adults with mental illness or one or 103989
more unrelated children or adolescents with severe emotional 103990
disturbances; 103991

(b) Class two facilities provide accommodations, 103992
supervision, and personal care services to any of the following: 103993

(i) One or two unrelated persons with mental illness; 103994

(ii) One or two unrelated adults who are receiving 103995
payments under the residential state supplement program; 103996

(iii) Three to sixteen unrelated adults. 103997

(c) Class three facilities provide room and board for five 103998
or more unrelated adults with mental illness. 103999

(2) "Residential facility" does not include any of the 104000
following: 104001

(a) A hospital subject to licensure under section 5119.33 104002
of the Revised Code or an institution maintained, operated, 104003
managed, and governed by the department of ~~mental-behavioral~~ 104004
~~health and addiction services~~ for the hospitalization of persons 104005
with mental illnesses pursuant to section 5119.14 of the Revised 104006
Code; 104007

(b) A residential facility licensed under section 5123.19 104008
of the Revised Code or otherwise regulated by the department of 104009
developmental disabilities; 104010

(c) An institution or association subject to certification 104011

under section 5103.03 of the Revised Code;	104012
(d) A facility operated by a hospice care program licensed	104013
under section 3712.04 of the Revised Code that is used	104014
exclusively for care of hospice patients;	104015
(e) A nursing home, residential care facility, or home for	104016
the aging as defined in section 3721.02 of the Revised Code;	104017
(f) A facility licensed under section 5119.37 of the	104018
Revised Code to operate an opioid treatment program;	104019
(g) Any facility that receives funding for operating costs	104020
from the department of development under any program established	104021
to provide emergency shelter housing or transitional housing for	104022
the homeless;	104023
(h) A terminal care facility for the homeless that has	104024
entered into an agreement with a hospice care program under	104025
section 3712.07 of the Revised Code;	104026
(i) A facility approved by the veterans administration	104027
under section 104(a) of the "Veterans Health Care Amendments of	104028
1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used	104029
exclusively for the placement and care of veterans;	104030
(j) The residence of a relative or guardian of a person	104031
with mental illness.	104032
(C) Nothing in division (B) of this section shall be	104033
construed to permit personal care services to be imposed on a	104034
resident who is capable of performing the activity in question	104035
without assistance.	104036
(D) Except in the case of a residential facility described	104037
in division (B) (1) (a) of this section, members of the staff of a	104038
residential facility shall not administer medication to the	104039

facility's residents, but may do any of the following: 104040

(1) Remind a resident when to take medication and watch to 104041
ensure that the resident follows the directions on the 104042
container; 104043

(2) Assist a resident in the self-administration of 104044
medication by taking the medication from the locked area where 104045
it is stored, in accordance with rules adopted pursuant to this 104046
section, and handing it to the resident. If the resident is 104047
physically unable to open the container, a staff member may open 104048
the container for the resident. 104049

(3) Assist a resident who is physically impaired but 104050
mentally alert, such as a resident with arthritis, cerebral 104051
palsy, or Parkinson's disease, in removing oral or topical 104052
medication from containers and in consuming or applying the 104053
medication, upon request by or with the consent of the resident. 104054
If a resident is physically unable to place a dose of medicine 104055
to the resident's mouth without spilling it, a staff member may 104056
place the dose in a container and place the container to the 104057
mouth of the resident. 104058

(E) A person operating or seeking to operate a residential 104059
facility shall apply for licensure of the facility to the 104060
department of ~~mental-behavioral health-and-addiction services~~. 104061
The application shall be submitted by the operator. When 104062
applying for the license, the applicant shall pay to the 104063
department the application fee specified in rules adopted under 104064
division (N) of this section. The fee is nonrefundable. 104065

The department shall send a copy of an application to the 104066
ADAMHS board serving the county in which the person operates or 104067
seeks to operate the facility. The ADAMHS board shall review the 104068

application and provide to the department any information about 104069
the applicant or the facility that the board would like the 104070
department to consider in reviewing the application. 104071

(F) The department of ~~mental-behavioral health and~~ 104072
~~addiction services~~ shall inspect and license the operation of 104073
residential facilities. ~~The department may issue a license to~~ 104074
~~operate a residential facility only if all of the following are~~ 104075
~~the case:—~~ 104076

~~(1) The department is satisfied, after investigation, that~~ 104077
~~the facility is managed and operated by qualified persons and is~~ 104078
~~adequately staffed and equipped to operate.—~~ 104079

~~(2) The department has not been notified under section~~ 104080
~~5119.343 of the Revised Code or is not otherwise aware that the~~ 104081
~~residential facility or any owner, operator, or manager of the~~ 104082
~~residential facility has been the subject of an adverse action,~~ 104083
~~as defined in that section, taken during the three-year period~~ 104084
~~immediately preceding the date of application.—~~ 104085

~~(3) The department has not been notified or is not~~ 104086
~~otherwise aware that the residential facility or any owner,~~ 104087
~~operator, or manager of the facility has been the subject of an~~ 104088
~~adverse action, as defined in that section, taken at any time~~ 104089
~~based on an act or omission that violated the right of a~~ 104090
~~residential facility resident to be free from abuse, neglect, or~~ 104091
~~exploitation.—~~ 104092

The department may issue full, probationary, and interim 104093
licenses. A full license shall expire up to three years after 104094
the date of issuance, a probationary license shall expire in a 104095
shorter period of time as specified in rules adopted by the 104096
director of ~~mental-behavioral health and addiction services—~~ 104097

under division (N) of this section, and an interim license shall 104098
expire ninety days after the date of issuance. A license may be 104099
renewed in accordance with rules adopted by the director under 104100
division (N) of this section. The renewal application shall be 104101
submitted by the operator. When applying for renewal of a 104102
license, the applicant shall pay to the department the renewal 104103
fee specified in rules adopted under division (N) of this 104104
section. The fee is nonrefundable. 104105

(G) (1) If the department finds any of the following with 104106
respect to a residential facility, the department may issue an 104107
order suspending the admission of residents to the facility, 104108
refuse to issue or renew a license for the facility, or revoke 104109
the facility's license: 104110

(a) The facility is not in compliance with rules adopted 104111
by the director pursuant to division (N) of this section; 104112

(b) Any facility operated by the applicant or licensee has 104113
been cited for a pattern of serious noncompliance or repeated 104114
violations of statutes or rules during the period of current or 104115
previous licenses; 104116

(c) The applicant or licensee submits false or misleading 104117
information as part of a license application, renewal, or 104118
investigation. 104119

(d) The facility is not managed and operated by qualified 104120
persons or adequately staffed and equipped to operate. 104121

(e) The department has been notified under section 104122
5119.343 of the Revised Code or otherwise becomes aware that the 104123
facility, any owner, operator, or manager of the facility, or 104124
any subsidiary of the facility, owner, or operator has been the 104125
subject of an adverse action, as defined in that section, taken 104126

during the three-year period immediately preceding the date of 104127
notification or date of becoming aware of the adverse action. 104128

(f) The department has been notified under section 104129
5119.343 of the Revised Code or otherwise becomes aware that the 104130
facility, any owner, operator, or manager of the facility, or 104131
any subsidiary of the facility, owner, or operator has been the 104132
subject of an adverse action, as defined in that section, taken 104133
at any time based on an act or omission that violated the right 104134
of a residential facility resident to be free from abuse, 104135
neglect, or exploitation. 104136

(2) Proceedings initiated to deny applications for full or 104137
probationary licenses, to refuse to renew full or probationary 104138
licenses, or to revoke full or probationary licenses are 104139
governed by Chapter 119. of the Revised Code. If an order has 104140
been issued suspending the admission of residents to the 104141
facility, the order remains in effect during the pendency of 104142
those proceedings. 104143

Proceedings initiated to suspend the admission of 104144
residents to a facility are governed by Chapter 119. of the 104145
Revised Code, except as provided in division (H) of this 104146
section. 104147

(3) In a proceeding initiated to suspend the admission of 104148
residents to a facility, to deny an application for a full or 104149
probationary license, to refuse to renew a full or probationary 104150
license, or to revoke a full or probationary license, the 104151
department may order the suspension, denial, refusal, or 104152
revocation regardless of whether some or all of the deficiencies 104153
that prompted the proceedings have been corrected at the time of 104154
the hearing. 104155

(4) When the department issues an order suspending the admission of residents to a facility, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(H) (1) If a suspension of admissions of residents to a facility is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after being served in accordance with sections 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue

uninterrupted, except for Saturdays, Sundays, and legal 104185
holidays, unless other interruptions are agreed to by the 104186
licensee and the director. 104187

(d) If the hearing is conducted by a hearing examiner, the 104188
hearing examiner shall file a report and recommendations with 104189
the department not later than ten days after the last of the 104190
following: 104191

(i) The close of the hearing; 104192

(ii) If a transcript of the proceedings is ordered, the 104193
hearing examiner receives the transcript; 104194

(iii) If post-hearing briefs are timely filed, the hearing 104195
examiner receives the briefs. 104196

(e) The hearing examiner shall send a written copy of the 104197
report and recommendations, by certified mail, to the licensee, 104198
or the licensee's attorney, if applicable, not later than five 104199
days after the report is filed with the department. 104200

(f) Not later than five days after receiving the report 104201
and recommendations, the licensee may file objections with the 104202
department. 104203

(g) Not later than fifteen days after the hearing examiner 104204
files the report and recommendations, the department shall issue 104205
an order approving, modifying, or disapproving the report and 104206
recommendations. 104207

(h) Notwithstanding the pendency of the hearing, the 104208
department shall lift the order for the suspension of admissions 104209
if the department determines the violation that formed the basis 104210
for the order has been corrected. 104211

(I) The department may issue an interim license to operate 104212

a residential facility if both of the following conditions are 104213
met: 104214

(1) The department determines that the closing of or the 104215
need to remove residents from another residential facility has 104216
created an emergency situation requiring immediate removal of 104217
residents and an insufficient number of licensed beds are 104218
available. 104219

(2) The residential facility applying for an interim 104220
license meets standards established for interim licenses in 104221
rules adopted by the director under division (N) of this 104222
section. 104223

An interim license shall be valid for ninety days and may 104224
be renewed by the director no more than twice. Proceedings 104225
initiated to deny applications for or to revoke interim licenses 104226
under this division are not subject to Chapter 119. of the 104227
Revised Code. 104228

(J) (1) The department of ~~mental~~ behavioral health and 104229
~~addiction services~~ may conduct an inspection of a residential 104230
facility as follows: 104231

(a) Prior to issuance of a license for the facility; 104232

(b) Prior to renewal of the license; 104233

(c) To determine whether the facility has completed a plan 104234
of correction required pursuant to division (J) (2) of this 104235
section and corrected deficiencies to the satisfaction of the 104236
department and in compliance with this section and rules adopted 104237
pursuant to it; 104238

(d) Upon complaint by any individual or agency; 104239

(e) At any time the director considers an inspection to be 104240

necessary in order to determine whether the facility is in 104241
compliance with this section and rules adopted pursuant to this 104242
section. 104243

(2) In conducting inspections the department may conduct 104244
an on-site examination and evaluation of the residential 104245
facility and its personnel, activities, and services. The 104246
department shall have access to examine and copy all records, 104247
accounts, and any other documents relating to the operation of 104248
the residential facility, including records pertaining to 104249
residents, and shall have access to the facility in order to 104250
conduct interviews with the operator, staff, and residents. 104251
Following each inspection and review, the department shall 104252
complete a report listing any deficiencies, and including, when 104253
appropriate, a time table within which the operator shall 104254
correct the deficiencies. The department may require the 104255
operator to submit a plan of correction describing how the 104256
deficiencies will be corrected. 104257

(K) No person shall do any of the following: 104258

(1) Operate a residential facility unless the facility 104259
holds a valid license; 104260

(2) Violate any of the conditions of licensure after 104261
having been granted a license; 104262

(3) Interfere with a state or local official's inspection 104263
or investigation of a residential facility; 104264

(4) Violate any of the provisions of this section or any 104265
rules adopted pursuant to this section. 104266

(L) The following may enter a residential facility at any 104267
time: 104268

- (1) Employees designated by the director of ~~mental-~~
behavioral health and addiction services; 104269
104270
- (2) Employees of an ADAMHS board under either of the 104271
following circumstances: 104272
- (a) When a resident of the facility is receiving services 104273
from a community mental health services provider under contract 104274
with that ADAMHS board or another ADAMHS board; 104275
- (b) When authorized by section 340.05 of the Revised Code. 104276
- (3) Employees of a community mental health services 104277
provider under either of the following circumstances: 104278
- (a) When the provider has a person receiving services 104279
residing in the facility; 104280
- (b) When the provider is acting as an agent of an ADAMHS 104281
board other than the board with which it is under contract. 104282
- (4) Representatives of the state long-term care ombudsman 104283
program when the facility provides accommodations, supervision, 104284
and personal care services for three to sixteen unrelated adults 104285
or to one or two unrelated adults who are receiving payments 104286
under the residential state supplement program. 104287
- The persons specified in division (L) of this section 104288
shall be afforded access to examine and copy all records, 104289
accounts, and any other documents relating to the operation of 104290
the residential facility, including records pertaining to 104291
residents. 104292
- (M) Employees of the department of ~~mental-behavioral~~
health and addiction services may enter, for the purpose of 104293
investigation, any institution, residence, facility, or other 104294
structure which has been reported to the department as, or that 104295
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the department has reasonable cause to believe is, operating as 104297
a residential facility without a valid license. 104298

(N) The director of behavioral health shall adopt and may 104299
amend and rescind rules pursuant to Chapter 119. of the Revised 104300
Code governing the licensing and operation of residential 104301
facilities. The rules shall establish all of the following: 104302

(1) Minimum standards for the health, safety, adequacy, 104303
and cultural competency of treatment of and services for persons 104304
in residential facilities; 104305

(2) Procedures for the issuance, renewal, or revocation of 104306
the licenses of residential facilities; 104307

(3) Procedures for conducting background investigations 104308
for prospective or current operators, employees, volunteers, and 104309
other non-resident occupants who may have direct access to 104310
facility residents; 104311

(4) The fee to be paid when applying for a new residential 104312
facility license or renewing the license; 104313

(5) Procedures for the operator of a residential facility 104314
to follow when notifying the ADAMHS board serving the county in 104315
which the facility is located when the facility is serving 104316
residents with mental illness or severe mental disability, 104317
including the circumstances under which the operator is required 104318
to make such a notification; 104319

(6) Procedures for the issuance and termination of orders 104320
of suspension of admission of residents to a residential 104321
facility; 104322

(7) Measures to be taken by residential facilities 104323
relative to residents' medication; 104324

- (8) Requirements relating to preparation of special diets; 104325
- (9) The maximum number of residents who may be served in a residential facility; 104326
104327
- (10) The rights of residents of residential facilities and procedures to protect such rights; 104328
104329
- (11) Standards and procedures under which the director may waive the requirements of any of the rules adopted. 104330
104331
- (O) (1) The department of behavioral health may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction. 104332
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- (2) Any person who makes a complaint under division (O) (1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose. 104340
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104345
- (P) (1) The director of ~~mental~~ behavioral health ~~and~~ ~~addiction services~~ may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a 104346
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showing that the respondent named in the petition is operating a 104354
facility without a license or there is a present danger to the 104355
health or safety of any residents of the facility. 104356

(2) When the court grants injunctive relief in the case of 104357
a facility operating without a license, the court shall issue, 104358
at a minimum, an order enjoining the facility from admitting new 104359
residents to the facility and an order requiring the facility to 104360
assist with the safe and orderly relocation of the facility's 104361
residents. 104362

(3) If injunctive relief is granted against a facility for 104363
operating without a license and the facility continues to 104364
operate without a license, the director shall refer the case to 104365
the attorney general for further action. 104366

(Q) The director of behavioral health may fine a person 104367
for violating division (K) of this section. The fine shall be 104368
five hundred dollars for a first offense; for each subsequent 104369
offense, the fine shall be one thousand dollars. The director's 104370
actions in imposing a fine shall be taken in accordance with 104371
Chapter 119. of the Revised Code. 104372

Sec. 5119.342. (A) Upon petition by the director of ~~mental~~ 104373
behavioral health and addiction services, the court of common 104374
pleas or the probate court may appoint a receiver to take 104375
possession of and operate a residential facility licensed 104376
pursuant to section 5119.34 of the Revised Code, when conditions 104377
existing at the residential facility present a substantial risk 104378
of physical or mental harm to residents and no other remedies at 104379
law are adequate to protect the health, safety, and welfare of 104380
the residents. 104381

Petitions filed pursuant to this section shall include: 104382

(1) A description of the specific conditions existing at 104383
the residential facility which present a substantial risk of 104384
physical or mental harm to residents; 104385

(2) A statement of the absence of other adequate remedies 104386
at law; 104387

(3) The number of individuals residing at the facility; 104388

(4) A statement that the facts have been brought to the 104389
attention of the owner or licensee and that conditions have not 104390
been remedied within a reasonable period of time or that the 104391
conditions, though remedied periodically, habitually exist at 104392
the residential facility as a pattern or practice; and 104393

(5) The name and address of the person holding the license 104394
for the residential facility. 104395

(B) A court in which a petition is filed pursuant to this 104396
section shall notify the person holding the license for the 104397
facility of the filing. The department shall send notice of the 104398
filing to the following, as appropriate: the Ohio protection and 104399
advocacy system as defined in section 5123.60 of the Revised 104400
Code; facility owner; facility operator; board of alcohol, drug 104401
addiction, and mental health services; board of health; 104402
department of developmental disabilities; department of job and 104403
family services; facility residents; and residents' families and 104404
guardians. The court shall provide a hearing on the petition 104405
within five court days of the time it was filed, except that the 104406
court may appoint a receiver prior to that time if it determines 104407
that the circumstances necessitate such action. 104408

Following a hearing on the petition, and upon a 104409
determination that the appointment of a receiver is warranted, 104410
the court shall appoint a receiver and notify the department of 104411

~~mental-behavioral health and addiction services~~ and appropriate 104412
persons of this action. 104413

In setting forth the powers of the receiver, the court may 104414
generally authorize the receiver to do all that is prudent and 104415
necessary to safely and efficiently operate the residential 104416
facility within the requirements of state and federal law, but 104417
shall require the receiver to obtain court approval prior to 104418
making any single expenditure of more than five thousand dollars 104419
to correct deficiencies in the structure or furnishings of a 104420
facility. The court shall closely review the conduct of the 104421
receiver and shall require regular and detailed reports. 104422

(C) A receivership established pursuant to this section 104423
shall be terminated, following notification of the appropriate 104424
parties and a hearing, if the court determines either of the 104425
following: 104426

(1) The residential facility has been closed and the 104427
former residents have been relocated to an appropriate facility; 104428

(2) Circumstances no longer exist at the residential 104429
facility which present a substantial risk of physical or mental 104430
harm to residents, and there is no deficiency in the residential 104431
facility that is likely to create a future risk of harm. 104432

Notwithstanding division (C) (2) of this section, the court 104433
shall not terminate a receivership for a residential facility 104434
that has previously operated under another receivership unless 104435
the responsibility for the operation of the facility is 104436
transferred to an operator approved by the court and the 104437
department of ~~mental-behavioral health and addiction services~~. 104438

(D) Except for the department of ~~mental-behavioral health~~ 104439
~~and addiction services~~ or appropriate board of alcohol, drug 104440

addiction, and mental health services, no party or person 104441
interested in an action shall be appointed a receiver pursuant 104442
to this section. 104443

To assist the court in identifying persons qualified to be 104444
named as receivers, the director of ~~mental-behavioral~~ health and 104445
~~addiction services~~ shall maintain a list of the names of such 104446
persons. The department of ~~mental-behavioral~~ health-and- 104447
~~addiction services~~, the department of job and family services, 104448
and the department of health shall provide technical assistance 104449
to any receiver appointed pursuant to this section. 104450

Before entering upon the duties of receiver, the receiver 104451
must be sworn to perform the duties faithfully, and, with surety 104452
approved by the court, judge, or clerk, execute a bond to such 104453
person, and in such sum as the court or judge directs, to the 104454
effect that such receiver will faithfully discharge the duties 104455
of receiver in the action, and obey the orders of the court 104456
therein. 104457

(1) Under the control of the appointing court, a receiver 104458
may do the following: 104459

(a) Bring and defend actions in the appointee's name as 104460
receiver; 104461

(b) Take and keep possession of property. 104462

(2) The court shall authorize the receiver to do the 104463
following: 104464

(a) Collect payment for all goods and services provided to 104465
the residents or others during the period of the receivership at 104466
the same rate as was charged by the licensee at the time the 104467
petition for receivership was filed, unless a different rate is 104468
set by the court; 104469

(b) Honor all leases, mortgages, and secured transactions 104470
governing all buildings, goods, and fixtures of which the 104471
receiver has taken possession, but, in the case of a rental 104472
agreement only to the extent of payments that are for the use of 104473
the property during the period of the receivership, or, in the 104474
case of a purchase agreement, only to the extent that payments 104475
come due during the period of the receivership; 104476

(c) If transfer of residents is necessary, provide for the 104477
orderly transfer of residents by: 104478

(i) Cooperating with all appropriate state and local 104479
agencies in carrying out the transfer of residents to 104480
alternative community placements; 104481

(ii) Providing for the transportation of residents' 104482
belongings and records; 104483

(iii) Helping to locate alternative placements and develop 104484
plans for transfer; 104485

(iv) Encouraging residents or guardians to participate in 104486
transfer planning except when an emergency exists and immediate 104487
transfer is necessary. 104488

(d) Make periodic reports on the status of the residential 104489
facility to the court; the appropriate state agencies; and the 104490
board of alcohol, drug addiction, and mental health services. 104491
Each report shall be made available to residents, their 104492
guardians, and families. 104493

(e) Compromise demands or claims; and 104494

(f) Generally do such acts respecting the residential 104495
facility as the court authorizes. 104496

Notwithstanding any other provision of law, contracts 104497

which are necessary to carry out the powers and duties of the 104498
receiver need not be competitively bid. 104499

Sec. 5119.343. (A) As used in this section, "adverse 104500
action" means an action by a state, provincial, federal, or 104501
other licensing or regulatory authority other than the 104502
department of behavioral health to deny, revoke, suspend, place 104503
on probation, or otherwise restrict a license, certificate, or 104504
other approval to operate a residential facility or practice a 104505
health care profession. 104506

(B) (1) When submitting an application for initial or 104507
renewed licensure of a residential facility under section 104508
5119.34 of the Revised Code, the applicant shall notify the 104509
department of ~~mental-behavioral health and addiction services~~ of 104510
any adverse action taken against any of the following during the 104511
three-year period immediately preceding the date of application: 104512

(a) The residential facility or the facility's; 104513

(b) Any owner, operator, or manager within of the three- 104514
year period immediately preceding the date of 104515
application facility; 104516

(c) Any subsidiary of the facility, owner, or operator. 104517

(2) Not later than seven days after receiving a notice of 104518
adverse action ~~from a licensing or regulatory authority that is~~ 104519
~~other than the department of mental health and addiction~~ 104520
~~services~~, the holder of a residential facility license issued 104521
under section 5119.34 of the Revised Code shall notify the 104522
department of the action. 104523

(3) To notify the department as required by this section, 104524
a copy of the notice of adverse action shall be provided to the 104525
department. 104526

Sec. 5119.344. (A) As used in this section, "principal" 104527
means an owner, operator, or manager of a class one residential 104528
facility. 104529

(B) The department of mental health and addiction services 104530
may suspend, without a prior hearing, the license of a class one 104531
residential facility that serves children if any of the 104532
following occurs: 104533

(1) A child suffers a serious injury or dies while 104534
residing in the residential facility. 104535

(2) The department, a public children services agency, or 104536
a county department of job and family services determines that a 104537
principal, employee, volunteer, or nonresident occupant of the 104538
residential facility created a serious risk to the health or 104539
safety of a child residing in the facility that resulted in or 104540
could have resulted in a child's death or injury. 104541

(3) A principal, employee, resident, volunteer, or 104542
nonresident occupant of the facility was charged by an 104543
indictment, information, or complaint with an offense relating 104544
to the death, injury, or sexual assault of another person that 104545
occurred on the premises of the facility. 104546

(4) A principal, employee, volunteer, or nonresident 104547
occupant of the facility was charged by an indictment, 104548
information, or complaint with an offense relating to the death, 104549
injury, or sexual assault of a child residing in the facility. 104550

(5) A public children services agency receives a report 104551
pursuant to section 2151.421 of the Revised Code, and the person 104552
alleged to have inflicted abuse or neglect on the child, who is 104553
the subject of the report, is either of the following: 104554

(a) A principal of the residential facility; 104555

(b) An employee of the residential facility who has not 104556
been immediately placed on administrative leave or released from 104557
employment. 104558

(6) The residential facility is not in compliance with the 104559
rule, adopted under section 5119.34 of the Revised Code, 104560
pertaining to background investigations for owners, operators, 104561
employees, and other specified individuals. 104562

(C) In suspending a license under division (B) of this 104563
section, the department shall comply with section 119.07 of the 104564
Revised Code. The owner of a class one residential facility may 104565
request an adjudicatory hearing before the department pursuant 104566
to sections 119.06 and 119.12 of the Revised Code. If a hearing 104567
is requested and the department does not issue its final 104568
adjudication order within one hundred twenty days after the 104569
suspension, the suspension is void on the one hundred twenty- 104570
first day after the suspension, unless the hearing on the 104571
suspension is continued on agreement by the parties or for good 104572
cause. 104573

(D) Any summary suspension imposed under this section 104574
shall remain in effect until any of the following occurs: 104575

(1) The public children services agency completes its 104576
investigation of the report pursuant to section 2151.421 of the 104577
Revised Code and determines that all of the allegations are 104578
unsubstantiated. 104579

(2) All criminal charges are disposed of through dismissal 104580
or a finding of not guilty. 104581

(3) The department issues, pursuant to Chapter 119. of the 104582
Revised Code, a final order terminating the suspension. 104583

(E) A class one residential facility serving children 104584

shall not have children placed in the facility while a summary 104585
suspension remains in effect. Upon the issuance of the order of 104586
suspension, the department shall place a hold on the license or 104587
indicate that the license is suspended in Ohio's statewide 104588
automated child welfare information system. 104589

(F) The director of mental health and addiction services 104590
may adopt rules in accordance with Chapter 119. of the Revised 104591
Code establishing standards and procedures for the summary 104592
suspension of licenses. 104593

(G) This section does not limit the authority of the 104594
department to take other action, such as issuing an order 104595
suspending the admission of residents to a residential facility, 104596
refusing to issue or renew a license for a facility, or revoking 104597
a facility's license under section 5119.34 of the Revised Code. 104598

Sec. 5119.35. (A) Except as provided in division (B) of 104599
this section, if a mental health service or alcohol and drug 104600
addiction service has been specified in rules adopted under this 104601
section as a service that is required to be certified, no person 104602
or government entity shall provide that service unless it has 104603
been certified under section 5119.36 of the Revised Code. 104604

(B) Division (A) of this section does not apply to either 104605
of the following: 104606

(1) An individual who holds a valid license, certificate, 104607
or registration issued by this state authorizing the practice of 104608
a health care profession that includes the performance of any 104609
service that is required to be certified as described in this 104610
section, regardless of whether the service is performed as part 104611
of a sole proprietorship, partnership, or group practice; 104612

(2) An individual who provides any service that is 104613

required to be certified as described in this section as part of 104614
an employment or contractual relationship with a hospital 104615
outpatient clinic that is accredited by an accreditation agency 104616
or organization approved by the director of ~~mental behavioral~~ 104617
~~health and addiction services.~~ 104618

(C) (1) If the director of ~~mental behavioral health and~~ 104619
~~addiction services~~ determines that a person or government entity 104620
is violating division (A) of this section, the director may 104621
request, in writing, that the attorney general petition the 104622
court of common pleas in the county where the person or 104623
government entity is located or providing the services to enjoin 104624
the person or government entity from engaging in the conduct 104625
that violates division (A) of this section. 104626

(2) No person or government entity that is subject to this 104627
section is eligible to receive, for a service that is subject to 104628
this section, any federal funds, state funds, or funds 104629
administered by a board of alcohol, drug addiction, and mental 104630
health services, unless that service has been certified under 104631
section 5119.36 of the Revised Code. This limitation is in 104632
addition to the injunction that may be sought under division (C) 104633
(1) of this section for a violation of division (A) of this 104634
section. 104635

(D) The director may adopt rules in accordance with 104636
Chapter 119. of the Revised Code to specify mental health 104637
services and alcohol and drug addiction services that are 104638
required to be certified under section 5119.36 of the Revised 104639
Code. 104640

Sec. 5119.36. (A) A person or government entity that seeks 104641
initial certification of one or more certifiable services and 104642
supports, or that seeks to renew certification of one or more 104643

certifiable services and supports, shall submit an application 104644
to the director of ~~mental-behavioral health-and-addiction-~~ 104645
~~services~~. On receipt of the application, the director shall 104646
determine whether the standards established by ~~divisions-~~ 104647
division (B) ~~and (C)~~ of this section and any rules adopted under 104648
this section are satisfied or continue to be satisfied by the 104649
applicant. As part of the determination the director may conduct 104650
an on-site review of the applicant. In doing so, the director 104651
may conduct the review in cooperation with a board of alcohol, 104652
drug addiction, and mental health services that seeks to 104653
contract or has a contract with the applicant under section 104654
340.036 of the Revised Code. 104655

Not later than fourteen days after receipt of an ~~initial-~~ 104656
~~or-renewal~~ application for initial or renewed certification, the 104657
director shall inform the board of alcohol, drug addiction, and 104658
mental health services serving the alcohol, drug addiction, and 104659
mental health service district in which the applicant's 104660
certifiable services and supports will be provided of the 104661
receipt of the application. On the board's request, the director 104662
shall provide the board with a copy of the application. 104663

Not later than thirty days after a provider's 104664
certification ceases to be valid for any reason, including the 104665
provider's failure to renew the certification prior to 104666
expiration, the director's acceptance of the provider's 104667
surrender of the certification, or the issuance of a final order 104668
for disciplinary action under division ~~(G)~~ (F) or ~~(M)~~ (L) of this 104669
section, the director shall provide notice to the applicable 104670
board of alcohol, drug addiction, and mental health services of 104671
the reason the certification ceased to be valid and the date it 104672
became invalid. 104673

(B) (1) Except as provided in division (B) (4) of this 104674
section, beginning on ~~the effective date of this amendment~~ 104675
October 3, 2023, an applicant seeking initial certification of 104676
certifiable services and supports shall be accredited by one or 104677
more national accrediting organizations specified in division 104678
(B) (3) of this section for certifiable services and supports for 104679
which national accreditation exists for such services and 104680
supports or equivalent services and supports. 104681

(2) Except as provided in division (B) (4) of this section, 104682
beginning October 1, 2025, an applicant seeking to renew 104683
certification of certifiable services and supports shall be 104684
accredited by one or more national accrediting organizations 104685
specified in division (B) (3) of this section for certifiable 104686
services and supports for which national accreditation exists 104687
for such services and supports or equivalent services and 104688
supports. 104689

(3) For purposes of divisions (B) (1) and (2) of this 104690
section, the director shall accept appropriate accreditation of 104691
an applicant's certifiable services and supports from any of the 104692
following national accrediting organizations: 104693

(a) The joint commission; 104694

(b) The commission on accreditation of rehabilitation 104695
facilities; 104696

(c) The council on accreditation; 104697

(d) Any other national accrediting organization the 104698
director considers appropriate. 104699

(4) The accreditation requirements of divisions (B) (1) and 104700
(2) of this section do not apply to an applicant seeking an 104701
initial or renewed certification to provide prevention services, 104702

as that term is defined in rules adopted under this section. For 104703
such applicants, accreditation is optional. 104704

~~(C) In addition to meeting the accreditation standard set 104705
forth in division (B) of this section, an applicant seeking 104706
initial or renewed certification of one or more certifiable 104707
services and supports is eligible to receive the certification 104708
only if both of the following are the case, as determined by the 104709
director: 104710~~

~~(1) The applicant has adequate staff and equipment to 104711
provide the certifiable services and supports; 104712~~

~~(2) The department has not been notified under section 104713
5119.367 of the Revised Code or is not otherwise aware that the 104714
applicant, or any owner or principal of the applicant, has been 104715
the subject of an adverse action, as defined in that section, 104716
taken during the three-year period immediately preceding the 104717
date of application. 104718~~

~~(D) (1)~~ (C) (1) Except as provided in division ~~(D) (2)~~ (C) (2) 104719
of this section, if the director determines that an applicant 104720
has paid any required certification fee, that the applicant's 104721
accreditation of certifiable services and supports is current 104722
and appropriate for the services and supports for which the 104723
applicant is seeking initial or renewed certification, ~~that the~~ 104724
~~applicant meets the requirements of division (C) of this~~ 104725
~~section,~~ and that the applicant meets any other requirements 104726
established by this section or rules adopted under it, the 104727
director shall certify the services and supports or renew the 104728
certification of the services and supports, as applicable. 104729
Except as provided in division ~~(J)~~ (I) of this section, the 104730
director shall issue or renew the certification without further 104731
evaluation of the services and supports. 104732

(2) Prior to October 1, 2025, if an applicant that seeks 104733
to renew certification of certifiable services and supports is 104734
not accredited to provide those services and supports by one or 104735
more national accrediting organizations specified in division 104736
(B) (3) of this section, the director shall conduct an evaluation 104737
of the applicant to determine whether the applicant's 104738
certifiable services and supports satisfy the standards for 104739
certification. The evaluation is in addition to any on-site 104740
review conducted under division (A) of this section and shall be 104741
performed in cooperation with a board of alcohol, drug 104742
addiction, and mental health services that seeks to contract or 104743
has a contract with the applicant under section 340.036 of the 104744
Revised Code. If the director determines that an applicant has 104745
paid any required certification fee, that the applicant's 104746
certifiable services and supports satisfy the standards for 104747
renewed certification, ~~that the applicant meets the requirements~~ 104748
~~of division (C) of this section,~~ and that the applicant meets 104749
any other requirements established by this section or the rules 104750
adopted under it, the director shall certify the certifiable 104751
services and supports. 104752

~~(E)~~ (D) For purposes of the accreditation requirements of 104753
this section, both of the following apply: 104754

(1) The director may review the accrediting organizations 104755
specified in division (B) (3) of this section to evaluate whether 104756
the accreditation standards and processes used by the 104757
organizations are consistent with service delivery models the 104758
director considers appropriate for mental health services, 104759
alcohol and drug addiction services, or physical health 104760
services. The director may communicate to an accrediting 104761
organization any identified concerns, trends, needs, and 104762
recommendations. 104763

(2) The director shall require a community mental health services provider and a community addiction services provider to notify the director not later than ten days after any change in the provider's accreditation status. The provider may notify the director by providing a copy of the relevant document the provider received from the accrediting organization.

~~(F)~~ (E) The director may require a community mental health services provider or a community addiction services provider to submit to the director cost reports pertaining to the provider.

~~(G)~~ (F) The director may refuse to certify certifiable services and supports, refuse to renew certification, or revoke certification if any of the following apply to an applicant for certification or the holder of the certification:

(1) The applicant or holder is not in compliance with rules adopted under this section.

(2) The applicant or holder has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the current certification period or any previous certification period.

(3) The applicant or holder has been found to be in violation of section 5119.396 of the Revised Code;

(4) The applicant or holder submits false or misleading information as part of a certification application, renewal, or investigation.

(5) The applicant does not have adequate staff and equipment to provide the certifiable services and supports.

(6) The department has been notified under section 5119.367 of the Revised Code or is otherwise aware that the

applicant, any owner or principal of the applicant, or any 104792
subsidiary of the applicant or owner has been the subject of an 104793
adverse action, as defined in that section, taken during the 104794
three-year period immediately preceding the date of notification 104795
or date of becoming aware of the adverse action. 104796

~~(H)~~ (G) Proceedings initiated to deny applications to 104797
certify certifiable services and supports, to refuse to renew 104798
certification, or to revoke certification are governed by 104799
Chapter 119. of the Revised Code. If an order has been issued 104800
suspending admissions to a community addiction services 104801
provider, as provided in division ~~(M)~~ (L) of this section, the 104802
order remains in effect during the pendency of those 104803
proceedings. 104804

~~(I)~~ (H) The director may conduct an on-site review or 104805
otherwise evaluate a community mental health services provider 104806
or a community addiction services provider at any time based on 104807
cause, including complaints made by or on behalf of persons 104808
receiving mental health services or alcohol and drug addiction 104809
services and confirmed or alleged deficiencies brought to the 104810
attention of the director. This authority does not affect the 104811
director's duty to conduct the inspections required by section 104812
5119.37 of the Revised Code. 104813

In conducting an on-site review under this division, the 104814
director may do so in cooperation with a board of alcohol, drug 104815
addiction, and mental health services that seeks to contract or 104816
has a contract with the applicant under section 340.036 of the 104817
Revised Code. In conducting any other evaluation under this 104818
division, the director shall do so in cooperation with such a 104819
board. 104820

~~(J)~~ (I) If the director proposes to take action under 104821

division ~~(G)~~(F) of this section, the director shall notify the 104822
board of alcohol, drug addiction, and mental health services 104823
serving the alcohol, drug addiction, and mental health service 104824
district in which the certifiable services and supports will be 104825
or were provided, and provide the board opportunity to respond 104826
as specified in division (A) of this section with respect to 104827
initial or renewal applications. 104828

When a final order is issued by the director under 104829
division ~~(G)~~(F) of this section, the director may request that 104830
the appropriate board of alcohol, drug addiction, and mental 104831
health services reallocate any funds for the certifiable 104832
services and supports the applicant was to provide to a 104833
community mental health services provider or community addiction 104834
services provider whose certifiable services and supports 104835
satisfy the standards. If the board does not reallocate such 104836
funds in a reasonable period of time, the director may withhold 104837
state and federal funds for the certifiable services and 104838
supports and allocate those funds directly to a community mental 104839
health services provider or community addiction services 104840
provider whose certifiable services and supports satisfy the 104841
standards. 104842

~~(K)~~(J) Each applicant seeking initial or renewed 104843
certification of its certifiable services and supports shall pay 104844
a fee for the certification required by this section, unless the 104845
applicant is exempt under rules adopted under this section. Fees 104846
shall be paid into the state treasury to the credit of the sale 104847
of goods and services fund created pursuant to section 5119.45 104848
of the Revised Code. 104849

~~(L)~~(K) The director shall adopt rules in accordance with 104850
Chapter 119. of the Revised Code to implement this section. The 104851

rules shall do all of the following: 104852

(1) Subject to section 340.034 of the Revised Code, 104853
specify the types of recovery supports that are required to be 104854
certified under this section; 104855

(2) Establish certification standards for certifiable 104856
services and supports that are consistent with nationally 104857
recognized applicable standards and facilitate participation in 104858
federal assistance programs. The rules shall include as 104859
certification standards only requirements that improve the 104860
quality of certifiable services and supports or the health and 104861
safety of persons receiving certifiable services and supports. 104862
The standards shall address at a minimum all of the following: 104863

(a) Reporting major unusual incidents to the director; 104864

(b) Procedures for applicants for and persons receiving 104865
certifiable services and supports to file grievances and 104866
complaints; 104867

(c) Seclusion; 104868

(d) Restraint; 104869

(e) Requirements regarding the physical facilities in 104870
which certifiable services and supports are provided; 104871

(f) Requirements with regard to health, safety, adequacy, 104872
and cultural specificity and sensitivity; 104873

(g) Standards for evaluating certifiable services and 104874
supports; 104875

(h) Standards and procedures for granting full, 104876
probationary, and interim certification of the certifiable 104877
services and supports of an applicant; 104878

(i) Standards and procedures for revoking the 104879
certification of a community mental health services provider's 104880
or community addiction services provider's certifiable services 104881
and supports that do not continue to meet the minimum standards 104882
established pursuant to this section; 104883

(j) The limitations to be placed on a provider whose 104884
certifiable services and supports are granted probationary or 104885
interim certification; 104886

(k) Development of written policies addressing the rights 104887
of persons receiving certifiable services and supports, 104888
including all of the following: 104889

(i) The right to a copy of the written policies addressing 104890
the rights of persons receiving certifiable services and 104891
supports; 104892

(ii) The right at all times to be treated with 104893
consideration and respect for the person's privacy and dignity; 104894

(iii) The right to have access to the person's own 104895
psychiatric, medical, or other treatment records unless access 104896
is specifically restricted in the person's treatment plan for 104897
clear treatment reasons; 104898

(iv) The right to have a client rights officer provided by 104899
the provider or board of alcohol, drug addiction, and mental 104900
health services advise the person of the person's rights, 104901
including the person's rights under Chapter 5122. of the Revised 104902
Code if the person is committed to the provider or board. 104903

(l) Documentation that must be submitted as evidence of 104904
holding appropriate accreditation; 104905

(m) A process by which the director may review the 104906

accreditation standards and process used by the national 104907
accrediting organizations specified in division (B) (3) of this 104908
section. 104909

(3) Establish the process for certification of certifiable 104910
services and supports; 104911

(4) Set the amount of initial and renewal certification 104912
fees and any reasons for which applicants may be exempt from the 104913
fees; 104914

(5) Specify the type of notice and hearing to be provided 104915
prior to a decision on whether to reallocate funds; 104916

(6) Establish a process by which the director, based on 104917
deficiencies identified as a result of conducting an on-site 104918
review or otherwise evaluating a community mental health 104919
services provider or community addiction services provider under 104920
division ~~(I)~~ (H) of this section, may take any range of 104921
correction actions, including revocation of the provider's 104922
certification. 104923

~~(M) (1)~~ (L) (1) The director may issue an order suspending 104924
admissions to a community addiction services provider that 104925
provides overnight accommodations if the director finds either 104926
of the following: 104927

(a) The provider's certifiable services and supports are 104928
not in compliance with rules adopted under this section; 104929

(b) The provider has been cited for more than one 104930
violation of statutes or rules during any previous certification 104931
period of the provider. 104932

(2) (a) Except as provided in division ~~(M) (2) (b)~~ (L) (2) (b) 104933
of this section, proceedings initiated to suspend admissions to 104934

a community addiction services provider that provides overnight accommodations are governed by Chapter 119. of the Revised Code. 104935
104936

(b) If a suspension of admissions is proposed because the director has determined that the provider has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order suspending admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected. 104937
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(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply: 104947
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(a) The provider may request a hearing not later than ten days after being served in accordance with sections 119.05 and 119.07 of the Revised Code. 104952
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(b) If a timely request for a hearing that includes the provider's current address is made, the hearing shall commence not later than thirty days after the department receives the request. 104955
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(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the director. 104959
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(d) If the hearing is conducted by a hearing examiner, the 104963

hearing examiner shall file a report and recommendations with 104964
the department not later than ten days after the last of the 104965
following: 104966

(i) The close of the hearing; 104967

(ii) If a transcript of the proceedings is ordered, the 104968
hearing examiner receives the transcript; 104969

(iii) If post-hearing briefs are timely filed, the hearing 104970
examiner receives the briefs. 104971

(e) The hearing examiner shall send a written copy of the 104972
report and recommendations, by certified mail, to the provider, 104973
or the provider's attorney, if applicable, not later than five 104974
days after the report is filed with the department. 104975

(f) Not later than five days after receiving the report 104976
and recommendations, the provider may file objections with the 104977
department. 104978

(g) Not later than fifteen days after the hearing examiner 104979
files the report and recommendations, the department shall issue 104980
an order approving, modifying, or disapproving the report and 104981
recommendations. 104982

(h) Notwithstanding the pendency of the hearing, the 104983
department shall lift the order for the suspension of admissions 104984
if the department determines the violation that formed the basis 104985
for the order has been corrected. 104986

~~(N) (1)~~ (M) (1) In a proceeding initiated to suspend 104987
admissions to a community addiction services provider that 104988
provides overnight accommodations, to deny an application for 104989
certification of certifiable services and supports, to refuse to 104990
renew certification, or to revoke certification, the department 104991

may order the suspension, denial, refusal, or revocation 104992
regardless of whether some or all of the deficiencies that 104993
prompted the proceedings have been corrected at the time of the 104994
hearing. 104995

(2) When the department issues an order suspending 104996
admissions to a community addiction services provider that 104997
provides overnight accommodations, denies an application for 104998
certification of certifiable services and supports, refuses to 104999
renew certification, or revokes a certification, the department 105000
shall not grant an opportunity for submitting a plan of 105001
correction. 105002

~~(O)~~ (N) The department of ~~mental-behavioral~~ health and 105003
~~addiction services~~ shall maintain a current list of community 105004
addiction services providers and shall provide a copy of the 105005
list to a judge of a court of common pleas who requests a copy 105006
for the use of the judge under division (H) of section 2925.03 105007
of the Revised Code. The list shall identify each provider by 105008
its name, its address, and the county in which it is located. 105009

~~(P)~~ (O) No person shall represent in any manner that a 105010
community mental health services provider's or community 105011
addiction services provider's certifiable services and supports 105012
are certified by the director if the certifiable services and 105013
supports are not so certified at the time the representation is 105014
made. 105015

~~(O)~~ (P) If a board of alcohol, drug addiction, and mental 105016
health services requests the department of ~~mental-behavioral~~ 105017
health and ~~addiction services~~ to investigate a community mental 105018
health services provider or community addiction services 105019
provider pursuant to this section, the department shall initiate 105020
the investigation not later than ten business days after receipt 105021

of the request. If the department initiates an investigation of 105022
a community mental health services provider or community 105023
addiction services provider under this section for any other 105024
reason, the department shall notify the board of alcohol, drug 105025
addiction, and mental health services serving the applicable 105026
alcohol, drug addiction, and mental health service district of 105027
the investigation and the reason for the investigation not later 105028
than three business days after the investigation begins. On the 105029
board's request, the department shall provide the board with 105030
information specifying the status of the investigation and the 105031
final disposition of the investigation. 105032

Sec. 5119.362. (A) In accordance with rules adopted under 105033
section 5119.363 of the Revised Code, each community addiction 105034
services provider shall do all of the following: 105035

(1) Maintain a waiting list for the provider's included 105036
opioid and co-occurring drug addiction services and recovery 105037
supports; 105038

(2) Notify an individual included on the provider's 105039
waiting list when the provider has a slot available for the 105040
individual and, if the individual does not contact the provider 105041
about the slot within a period of time specified in the rules, 105042
contact the individual to determine why the individual did not 105043
contact the provider and to assess whether the individual still 105044
needs the included opioid and co-occurring drug addiction 105045
services and recovery supports; 105046

(3) Remove an individual from the waiting list if either 105047
of the following applies: 105048

(a) The individual withdraws the individual's request for 105049
included opioid and co-occurring drug addiction services and 105050

recovery supports; 105051

(b) When the provider notifies the individual about an 105052
available slot, the individual does not contact the provider 105053
about the slot within the period of time specified in the rules 105054
or otherwise vacates the slot before beginning to receive the 105055
services and supports. 105056

(4) As part of the process of maintaining the waiting 105057
list, determine both of the following: 105058

(a) For each individual who seeks from the provider 105059
included opioid and co-occurring drug addiction services and 105060
recovery supports, the number of days that starts with the day 105061
the individual first contacts the provider about accessing the 105062
services and supports and ends on the following day: 105063

(i) If the individual is required to be assessed for the 105064
individual's clinical need for the services and supports, the 105065
day of the assessment; 105066

(ii) If the individual is not required to be assessed for 105067
the individual's clinical need for the services and supports, 105068
the first day of the individual's access to the services and 105069
supports. 105070

(b) For each such individual who is required to be 105071
assessed for the individual's clinical need for the services and 105072
supports, the number of days that starts with the day of the 105073
assessment and ends with the first day of the individual's 105074
access to the services and supports. 105075

(5) Using information the provider acquires by maintaining 105076
the waiting list, determine whether included opioid and co- 105077
occurring drug addiction services and recovery supports are 105078
insufficient to meet the needs of individuals on the waiting 105079

list; 105080

(6) Subject to division (B) of this section, report all of 105081
the following information not later than the last day of each 105082
month to the department of ~~mental behavioral health and~~ 105083
~~addiction services:~~ 105084

(a) An unduplicated count of all individuals who were 105085
included on the provider's waiting list during the immediately 105086
preceding month and each type of included opioid and co- 105087
occurring drug addiction services and recovery supports for 105088
which they were waiting; 105089

(b) The total number of days each such individual had been 105090
on the provider's waiting list during the immediately preceding 105091
month; 105092

(c) The last known type of residential setting in which 105093
each such individual resided during the immediately preceding 105094
month; 105095

(d) The total number of individuals who did not contact 105096
the provider after receiving, during the immediately preceding 105097
month, the notices under division (A) (2) of this section about 105098
the provider having slots available for the individuals and, if 105099
known, the reasons the contacts were not made; 105100

(e) The total number of such individuals who withdrew, in 105101
the immediately preceding month, their requests for included 105102
opioid and co-occurring drug addiction services and recovery 105103
supports, each type of service and support that those 105104
individuals had requested or been assessed as having a clinical 105105
need for, and, if known, the reasons those individuals withdrew 105106
their requests; 105107

(f) An unduplicated count of all individuals who were 105108

referred to another community addiction services provider 105109
because the referring provider does not provide the type of 105110
included opioid and co-occurring drug addiction services and 105111
recovery supports that those individuals had requested or been 105112
assessed as having a clinical need for and each type of service 105113
and support for which those individuals were referred; 105114

(g) All other information specified in the rules. 105115

(B) Each report that a community addiction services 105116
provider provides to the department under this section shall do 105117
both of the following: 105118

(1) For the purposes of divisions (A)(6)(a) and (f) of 105119
this section, specify the counties of residence of the 105120
individuals in the unduplicated counts and include identifying 105121
information required by the rules adopted under section 5119.363 105122
of the Revised Code so that the department is able to identify 105123
any individuals who are inadvertently duplicated in the counts; 105124

(2) For the purpose of the information reported under 105125
division (A)(6)(c) of this section, identify the types of 105126
residential settings at least as either institutional or 105127
noninstitutional. 105128

Sec. 5119.363. The director of ~~mental-behavioral~~ health 105129
~~and addiction services~~ shall adopt rules governing the duties of 105130
community addiction services providers under section 5119.362 of 105131
the Revised Code. The rules shall be adopted in accordance with 105132
Chapter 119. of the Revised Code. 105133

The director shall adopt rules under this section that 105134
authorize the department of ~~mental-behavioral~~ health ~~and~~ 105135
~~addiction services~~ to determine an advanced practice registered 105136
nurse's, physician assistant's, or physician's compliance with 105137

section 3719.064 of the Revised Code if such practitioner works 105138
for a community addiction services provider. 105139

Sec. 5119.364. (A) The department of ~~mental behavioral~~ 105140
~~health and addiction services~~ shall do both of the following 105141
with the reports it receives from community addiction services 105142
providers under section 5119.362 of the Revised Code: 105143

(1) Subject to division (B) of this section, make the 105144
reports available on the department's internet web site; 105145

(2) Make the reports available in an electronic format to 105146
boards of alcohol, drug addiction, and mental health services in 105147
a manner that provides the information about an individual 105148
contained in a report to the board that serves the individual's 105149
county. 105150

(B) In making the reports available on the department's 105151
web site, the department shall present the information contained 105152
in the reports on both a statewide aggregate basis and county- 105153
level aggregate basis. The information on the web site shall be 105154
updated monthly after the community addiction services providers 105155
submit new reports to the department. 105156

Sec. 5119.365. The director of ~~mental behavioral~~ health 105157
~~and addiction services~~ shall adopt rules in accordance with 105158
Chapter 119. of the Revised Code to do both of the following: 105159

(A) Streamline the intake procedures used by a community 105160
addiction services provider accepting and beginning to serve a 105161
new individual, including procedures regarding intake forms and 105162
questionnaires; 105163

(B) Enable a community addiction services provider to 105164
retain an individual as an active patient even though the 105165
patient last received services from the provider more than 105166

thirty days before resumption of services so that the individual 105167
and provider do not have to repeat the intake procedures. 105168

Sec. 5119.366. The director of ~~mental-behavioral~~ health 105169
~~and addiction services~~ shall require that each board of alcohol, 105170
drug addiction, and mental health services ensure that each 105171
community mental health services provider and community 105172
addiction services provider with which it contracts under 105173
section 340.036 of the Revised Code to provide certifiable 105174
services and supports establish grievance procedures consistent 105175
with rules adopted under section 5119.36 of the Revised Code 105176
that are available to all persons seeking or receiving 105177
certifiable services and supports from a community mental health 105178
services provider or community addiction services provider. 105179

Sec. 5119.367. (A) As used in this section, "adverse 105180
action" means an action by a state, provincial, federal, or 105181
other licensing or regulatory authority other than the 105182
department of behavioral health to deny, revoke, suspend, place 105183
on probation, or otherwise restrict a license, certification, or 105184
other approval to provide certifiable services and supports or 105185
an equivalent to certifiable services and supports. 105186

(B) (1) When submitting an application for initial or 105187
renewed certification of one or more certifiable services and 105188
supports, the applicant shall notify the department of ~~mental-~~ 105189
~~behavioral~~ health ~~and addiction services~~ of any adverse action 105190
taken against the following during the three-year period 105191
immediately preceding the date of application: 105192

(a) The applicant-or-any; 105193

(b) Any owner or principal of the applicant-within; 105194

(c) Any subsidiary of the three-year period immediately 105195

~~preceding the date of application~~applicant or owner. 105196

(2) Not later than seven days after receiving a notice of 105197
~~adverse action from a licensing or regulatory authority that is~~ 105198
~~other than the department of mental health and addiction~~ 105199
~~services, an applicant for initial or renewed certification or~~ 105200
the holder of a certification issued under section 5119.36 of 105201
the Revised Code shall notify the department of the action. 105202

(C) To notify the department as required by this section, 105203
a copy of the notice of adverse action shall be provided to the 105204
department. 105205

Sec. 5119.368. (A) As used in this section, "telehealth 105206
services" has the same meaning as in section 4743.09 of the 105207
Revised Code. 105208

(B) Each community mental health services provider and 105209
community addiction services provider shall establish written 105210
policies and procedures describing how the provider will ensure 105211
that staff persons assisting clients with receiving telehealth 105212
services or providing telehealth services are fully trained in 105213
using equipment necessary for providing the services. 105214

(C) Prior to providing telehealth services to a client, a 105215
provider shall describe to the client the potential risks 105216
associated with receiving treatment through telehealth services 105217
and shall document that the client was provided with the risks 105218
and agreed to assume those risks. The risks communicated to a 105219
client shall address the following: 105220

(1) Clinical aspects of receiving treatment through 105221
telehealth services; 105222

(2) Security considerations when receiving treatment 105223
through telehealth services; 105224

(3) Confidentiality for individual and group counseling. 105225

(D) It is the responsibility of the provider, to the 105226
extent possible, to ensure contractually that any entity or 105227
individuals involved in the transmission of information through 105228
telehealth mechanisms guarantee that the confidentiality of the 105229
information is protected. 105230

(E) Every provider shall have a contingency plan for 105231
providing telehealth services to clients in the event that 105232
technical problems occur during the provision of those services. 105233

(F) Providers shall maintain, at a minimum, the following 105234
information pertaining to local resources: 105235

(1) The local suicide prevention telephone hotline, if 105236
available, or the national suicide prevention telephone hotline. 105237

(2) Contact information for the local police and fire 105238
departments. 105239

The provider shall provide the client written information 105240
on how to access assistance in a crisis, including one caused by 105241
equipment malfunction or failure. 105242

(G) It is the responsibility of the provider to ensure 105243
that equipment meets standards sufficient to do the following: 105244

(1) To the extent possible, ensure confidentiality of 105245
communication; 105246

(2) Provide for interactive communication between the 105247
provider and the client; 105248

(3) When providing telehealth services using synchronous 105249
technology, ensure that video or audio are sufficient to enable 105250
real-time interaction between the client and the provider and to 105251

ensure the quality of the service provided. 105252

(H) A mental health facility or unit that is serving as a 105253
client site shall be maintained in such a manner that 105254
appropriate staff persons are on hand at the facility or unit in 105255
the event of a malfunction with the equipment used to provide 105256
telehealth services. 105257

(I) (1) All telehealth services provided by interactive 105258
videoconferencing shall meet both of the following conditions: 105259

(a) Begin with the verification of the client through a 105260
name and password or personal identification number when 105261
treatment services are being provided; 105262

(b) Be provided in accordance with state and federal law. 105263

(2) When providing telehealth services in accordance with 105264
this section, a provider shall comply with all requirements 105265
under state and federal law regarding the protection of patient 105266
information. Each provider shall ensure that any username or 105267
password information and any electronic communications between 105268
the provider and a client are securely transmitted and stored. 105269

(J) The department of ~~mental-behavioral health and~~ 105270
~~addiction services~~ may adopt rules as it considers necessary to 105271
implement this section. The rules shall be adopted in accordance 105272
with Chapter 119. of the Revised Code. Any such rules adopted by 105273
the department are not subject to the requirements of division 105274
(F) of section 121.95 of the Revised Code. 105275

Sec. 5119.37. (A) (1) (a) Except as provided in division (A) 105276
(1) (b) of this section, no person or government entity shall 105277
operate an opioid treatment program requiring certification, as 105278
certification is defined in 42 C.F.R. 8.2, unless the person or 105279
government entity is a community addiction services provider and 105280

the program is licensed under this section. 105281

(b) Division (A) (1) (a) of this section does not apply to a 105282
program operated by the United States department of veterans 105283
affairs. 105284

(2) No community addiction services provider licensed 105285
under this section shall operate an opioid treatment program in 105286
a manner inconsistent with this section and the rules adopted 105287
under it. 105288

(B) A community addiction services provider seeking a 105289
license to operate an opioid treatment program shall apply to 105290
the department of ~~mental-behavioral health-and-addiction-~~ 105291
~~services~~. The department shall review all applications received. 105292

(C) The department may issue a license to operate an 105293
opioid treatment program to a community addiction services 105294
provider only if all of the following apply: 105295

(1) During the three-year period immediately preceding the 105296
date of application, the provider ~~or any owner, sponsor, medical~~ 105297
~~director, administrator, or principal of the provider has and~~ 105298
each of the following, as the case may be, have been in good 105299
standing to operate an opioid treatment program in all other 105300
locations where the provider or such other person has been 105301
operating a similar program, ~~as~~: an owner, sponsor, medical 105302
director, administrator, or principal of the provider; a 105303
subsidiary of the provider; or a subsidiary of the provider's 105304
owner or sponsor. Good standing shall be evidenced by both of 105305
the following: 105306

(a) Not having been denied a license, certificate, or 105307
similar approval to operate an opioid treatment program by this 105308
state or another jurisdiction; 105309

(b) Not having been the subject of any of the following in 105310
this state or another jurisdiction: 105311

(i) An action that resulted in the suspension or 105312
revocation of the license, certificate, or similar approval of 105313
the provider or other person; 105314

(ii) A voluntary relinquishment, withdrawal, or other 105315
action taken by the provider or other person to avoid suspension 105316
or revocation of the license, certificate, or similar approval; 105317

(iii) A disciplinary action that was based, in whole or in 105318
part, on the provider or other person engaging in the 105319
inappropriate prescribing, dispensing, administering, personally 105320
furnishing, diverting, storing, supplying, compounding, or 105321
selling of a controlled substance or other dangerous drug. 105322

(2) It affirmatively appears to the department that the 105323
provider is adequately staffed and equipped to operate an opioid 105324
treatment program. 105325

(3) It affirmatively appears to the department that the 105326
provider will operate an opioid treatment program in strict 105327
compliance with all laws relating to drug abuse and the rules 105328
adopted by the department. 105329

(4) Except as provided in division (D) of this section and 105330
section 5119.371 of the Revised Code, if the provider is seeking 105331
an initial license for a particular location, the proposed 105332
opioid treatment program is not located on a parcel of real 105333
estate that is within a radius of five hundred linear feet of 105334
the boundaries of a parcel of real estate having situated on it 105335
a public or private school, child care center licensed under 105336
Chapter 5104. of the Revised Code, or child-serving agency 105337
regulated by the department under this chapter. 105338

(5) The provider meets any additional requirements 105339
established by the department in rules adopted under division 105340
(F) of this section. 105341

(D) The department may waive the requirement of division 105342
(C) (4) of this section if it receives, from each public or 105343
private school, child care center, or child-serving agency that 105344
is within the five hundred linear feet radius described in that 105345
division, a letter of support for the location. The department 105346
shall determine whether a letter of support is satisfactory for 105347
purposes of waiving the requirement. 105348

(E) (1) Except as provided in division (E) (2) of this 105349
section, a license to operate an opioid treatment program shall 105350
expire two years from the date of issuance. Licenses may be 105351
renewed. 105352

(2) In circumstances in which the director of ~~mental~~ 105353
behavioral health and addiction services has concerns regarding 105354
compliance of a community addiction services provider licensed 105355
as an opioid treatment program, the department shall notify the 105356
provider of those concerns and stipulate that the provider's 105357
license expires annually on a date determined by the department. 105358

(F) The department shall establish procedures and adopt 105359
rules for licensing, inspection, and supervision of community 105360
addiction services providers that operate an opioid treatment 105361
program. The rules shall establish standards for the control, 105362
storage, furnishing, use, dispensing, and administering of 105363
medications used in medication-assisted treatment; prescribe 105364
minimum standards for the operation of the opioid treatment 105365
program component of the provider's operations; and comply with 105366
federal laws and regulations. 105367

All rules adopted under this division shall be adopted in 105368
accordance with Chapter 119. of the Revised Code. All actions 105369
taken by the department regarding the licensing of providers to 105370
operate opioid treatment programs shall be conducted in 105371
accordance with Chapter 119. of the Revised Code, except as 105372
provided in division (L) of this section. 105373

(G) (1) The department shall inspect all community 105374
addiction services providers licensed to operate an opioid 105375
treatment program. Inspections shall be conducted at least 105376
biennially and may be conducted more frequently. 105377

In addition, the department may inspect any provider or 105378
other person that it reasonably believes to be operating an 105379
opioid treatment program without a license issued under this 105380
section. 105381

(2) When conducting an inspection, the department may do 105382
both of the following: 105383

(a) Examine and copy all records, accounts, and other 105384
documents relating to the provider's or other person's 105385
operations, including records pertaining to patients or clients; 105386

(b) Conduct interviews with any individual employed by or 105387
contracted or otherwise associated with the provider or person, 105388
including an administrator, staff person, patient, or client. 105389

(3) No person or government entity shall interfere with a 105390
state or local government official acting on behalf of the 105391
department while conducting an inspection. 105392

(H) A community addiction services provider shall not 105393
administer or dispense methadone in a tablet, powder, or 105394
intravenous form. Methadone shall be administered or dispensed 105395
only in a liquid form intended for ingestion. 105396

A community addiction services provider shall not 105397
administer or dispense a medication used in medication-assisted 105398
treatment for pain or other medical reasons. 105399

(I) As used in this division, "program sponsor" means a 105400
person who assumes responsibility for the operation and 105401
employees of the opioid treatment program component of a 105402
community addiction services provider's operations. 105403

A provider shall not permit an individual to act as a 105404
program sponsor, medical director, or director of the provider 105405
if the individual is receiving a medication used in medication- 105406
assisted treatment from any community addiction services 105407
provider. 105408

(J) The department may issue orders to ensure compliance 105409
with all laws relating to drug abuse and the rules adopted under 105410
this section. Subject to section 5119.27 of the Revised Code, 105411
the department may hold hearings, require the production of 105412
relevant matter, compel testimony, issue subpoenas, and make 105413
adjudications. Upon failure of a person without lawful excuse to 105414
obey a subpoena or to produce relevant matter, the department 105415
may apply to a court of common pleas for an order compelling 105416
compliance. 105417

(K) The department may refuse to issue, or may withdraw or 105418
revoke, a license to operate an opioid treatment program. A 105419
license may be refused if a community addiction services 105420
provider does not meet the requirements of division (C) of this 105421
section. A license may be withdrawn at any time the department 105422
determines that the provider no longer meets the requirements 105423
for receiving the license. A license may be revoked in 105424
accordance with division (L) of this section. 105425

Once a license is issued under this section, the 105426
department shall not consider the requirement of division (C) (4) 105427
of this section in determining whether to renew, withdraw, or 105428
revoke the license or whether to reissue the license as a result 105429
of a change in ownership. 105430

(L) If the department finds reasonable cause to believe 105431
that a community addiction services provider licensed under this 105432
section is in violation of any state or federal law or rule 105433
relating to drug abuse, the department may issue an order 105434
immediately revoking the license, subject to division (M) of 105435
this section. The department shall set a date not more than 105436
fifteen days later than the date of the order of revocation for 105437
a hearing on the continuation or cancellation of the revocation. 105438
For good cause, the department may continue the hearing on 105439
application of any interested party. In conducting hearings, the 105440
department has all the authority and power set forth in division 105441
(J) of this section. Following the hearing, the department shall 105442
either confirm or cancel the revocation. The hearing shall be 105443
conducted in accordance with Chapter 119. of the Revised Code, 105444
except that the provider shall not be permitted to operate an 105445
opioid treatment program pending the hearing or pending any 105446
appeal from an adjudication made as a result of the hearing. 105447
Notwithstanding any provision of Chapter 119. of the Revised 105448
Code to the contrary, a court shall not stay or suspend any 105449
order of revocation issued by the department under this division 105450
pending judicial appeal. 105451

(M) The department shall not revoke a license to operate 105452
an opioid treatment program unless all clients receiving 105453
medication used in medication-assisted treatment from the 105454
community addiction services provider are provided adequate 105455
substitute medication or treatment. For purposes of this 105456

division, the department may transfer the clients to other 105457
providers licensed to operate opioid treatment programs or 105458
replace any or all of the administrators and staff of the 105459
provider with representatives of the department who shall 105460
continue on a provisional basis the opioid treatment component 105461
of the provider's operations. 105462

(N) Each time the department receives an application from 105463
a community addiction services provider for a license to operate 105464
an opioid treatment program, issues or refuses to issue a 105465
license, or withdraws or revokes a license, the department shall 105466
notify the board of alcohol, drug addiction, and mental health 105467
services of each alcohol, drug addiction, and mental health 105468
service district in which the provider operates. 105469

(O) Whenever it appears to the department from files, upon 105470
complaint, or otherwise, that a community addiction services 105471
provider has engaged in any practice declared to be illegal or 105472
prohibited by section 3719.61 of the Revised Code, or any other 105473
state or federal laws or regulations relating to drug abuse, or 105474
when the department believes it to be in the best interest of 105475
the public and necessary for the protection of the citizens of 105476
the state, the department may request criminal proceedings by 105477
laying before the prosecuting attorney of the proper county any 105478
evidence of criminality which may come to its knowledge. 105479

(P) The department shall maintain a current list of 105480
community addiction services providers licensed by the 105481
department under this section and shall provide a copy of the 105482
current list to a judge of a court of common pleas who requests 105483
a copy for the use of the judge under division (H) of section 105484
2925.03 of the Revised Code and to a board of alcohol, drug 105485
addiction, and mental health services that requests a copy for 105486

purposes of division (I) (3) of section 340.08 of the Revised 105487
Code. The list of licensed community addiction services 105488
providers shall identify each licensed provider by its name, its 105489
address, and the county in which it is located. 105490

Sec. 5119.371. (A) On application by a community addiction 105491
services provider that has purchased or leased real property to 105492
be used as the location of an opioid treatment program subject 105493
to licensure under section 5119.37 of the Revised Code, the 105494
department of ~~mental-behavioral health and addiction services~~ 105495
shall determine whether the location of the proposed program 105496
complies with the requirements of division (C) (4) of section 105497
5119.37 of the Revised Code by not being located on a parcel of 105498
real estate that is within a radius of five hundred linear feet 105499
of the boundaries of a parcel of real estate having situated on 105500
it a public or private school, child care center licensed under 105501
Chapter 5104. of the Revised Code, or child-serving agency 105502
regulated by the department under this chapter. 105503

If the department determines that the location is in 105504
compliance with division (C) (4) of section 5119.37 of the 105505
Revised Code, the department shall issue a declaration stating 105506
that the location is in compliance. The declaration is valid for 105507
two years from the date of issuance. 105508

The department shall provide to the provider either a copy 105509
of the declaration or a notice that the department has 105510
determined that the location is not in compliance with division 105511
(C) (4) of section 5119.37 of the Revised Code. 105512

If, before expiration of the declaration, a community 105513
addiction services provider applies for a license to operate an 105514
opioid treatment program, the department shall not consider the 105515
requirement of division (C) (4) of section 5119.37 of the Revised 105516

Code in determining whether to issue the license. 105517

(B) A community addiction services provider seeking to 105518
relocate an opioid treatment program licensed under section 105519
5119.37 of the Revised Code may apply for and be granted a 105520
declaration under division (A) of this section. If, before 105521
expiration of the declaration, the provider applies for issuance 105522
of a license due to relocation, the department shall not 105523
consider the requirement of division (C) (4) of section 5119.37 105524
of the Revised Code in determining whether to reissue the 105525
license due to relocation. 105526

Sec. 5119.38. A drivers' intervention program may be used 105527
as an alternative to a term of imprisonment for an offender 105528
sentenced pursuant to division (G) (1) (a) of section 4511.19 of 105529
the Revised Code, if it is certified by the director of ~~mental-~~ 105530
behavioral health and addiction services pursuant to this 105531
section. No drivers' intervention program shall be used as an 105532
alternative to a term of imprisonment that is imposed pursuant 105533
to division (G) (1) (b), (c), (d), or (e) of section 4511.19 of 105534
the Revised Code. 105535

To qualify for certification by the director and to 105536
receive funds from the statewide treatment and prevention fund 105537
created by section 4301.30 of the Revised Code in any amounts 105538
and at any times that the director determines are appropriate, a 105539
drivers' intervention program shall meet state minimum standards 105540
that the director shall establish by rule. The rules shall 105541
include, but are not limited to, standards governing program 105542
course hours and content, qualifications of program personnel, 105543
methods of identifying and testing participants to isolate 105544
participants with alcohol and drug abuse problems, referral of 105545
such persons to community addiction services providers, the 105546

prompt notification of courts by program operators of the 105547
completion of the programs by persons required by courts to 105548
attend them, and record keeping, including methods of tracking 105549
participants for a reasonable time after they have left the 105550
program. 105551

The director shall issue a certificate to any qualified 105552
drivers' intervention program. The certificate is valid for 105553
three years. 105554

Sec. 5119.39. (A) The department of ~~mental-behavioral~~ 105555
~~health and addiction services~~ shall monitor the operation of 105556
recovery housing in this state by doing either of the following: 105557

(1) Certifying recovery housing residences through a 105558
process established by the department; 105559

(2) Accepting accreditation, or its equivalent for 105560
recovery housing, from one or more of the following: 105561

(a) The Ohio affiliate of the national alliance for 105562
recovery residences; 105563

(b) Oxford house, inc.; 105564

(c) Any other organization that is designated by the 105565
department for purposes of this section. 105566

(B) If the department certifies recovery housing 105567
residences, the department shall, in rules adopted under section 105568
5119.397 of the Revised Code, establish requirements for initial 105569
certification and renewal certification, as well as grounds and 105570
procedures for disciplinary action against operators of recovery 105571
housing residences. 105572

Sec. 5119.391. (A) The department of ~~mental-behavioral~~ 105573
~~health and addiction services~~ shall monitor the establishment of 105574

recovery housing residences in this state. 105575

(B) For purposes of division (A) of this section, and 105576
within the timeframe specified in division (C) of this section, 105577
each person or government entity that will operate a recovery 105578
housing residence on or after ~~the effective date of this section~~ 105579
October 3, 2023, including any recovery housing that was 105580
established and in operation prior to ~~the effective date of this~~ 105581
~~section~~ October 3, 2023, shall file with the department, on a 105582
form prescribed by the department, all of the following 105583
information: 105584

(1) The name of the recovery housing residence and any 105585
other name under which the residence does business; 105586

(2) The address of the recovery housing residence; 105587

(3) The name of the person or government entity operating 105588
the residence; 105589

(4) The primary telephone number and electronic mail 105590
address for the recovery housing operator; 105591

(5) The date the recovery housing residence was first 105592
occupied, or will be occupied, by its first resident; 105593

(6) Information related to any existing accreditation or 105594
its equivalent that the recovery housing residence has obtained 105595
or is in the process of obtaining; 105596

(7) Any other information the department considers 105597
appropriate. 105598

(C) The form required by division (B) of this section 105599
shall be filed with the department as follows: 105600

(1) For a recovery housing residence that began operating 105601

before the effective date of this section, not later than thirty 105602
days after ~~the effective date of this section~~ October 3, 2023; 105603

(2) For a recovery housing residence that will begin 105604
operating on or after ~~the effective date of this section~~ October 105605
3, 2023, not later than thirty days after the first resident 105606
begins occupying the residence. 105607

(D) If the department accepts accreditation or its 105608
equivalent from an organization specified in section 5119.39 of 105609
the Revised Code, the department may provide copies of forms 105610
filed in accordance with this section to any such organization. 105611

Sec. 5119.392. (A) Beginning January 1, 2025, no person or 105612
government entity shall operate a recovery housing residence 105613
unless either of the following applies: 105614

(1) (a) If the department of ~~mental-behavioral~~ health and 105615
~~addiction services~~ certifies recovery housing residences, the 105616
recovery housing residence is certified by the department. 105617

(b) If the department accepts accreditation or its 105618
equivalent from an organization specified in section 5119.39 of 105619
the Revised Code, the residence is accredited by such an 105620
organization. 105621

(2) The recovery housing residence has been operating for 105622
not more than eighteen months and is actively engaged in efforts 105623
to obtain certification or accreditation, as applicable. For 105624
purposes of identifying this eighteen-month timeframe, a 105625
recovery housing residence is considered to begin operating on 105626
the date that the first resident occupies the residence, as 105627
specified on the form filed in accordance with section 5119.391 105628
of the Revised Code. 105629

(B) If the director of ~~mental-behavioral~~ health and 105630

~~addiction services~~ determines that a recovery housing residence 105631
is operating in violation of this section, the director may 105632
request, in writing, that the attorney general petition the 105633
court of common pleas of the county in which the recovery 105634
housing residence is located for an order enjoining operation of 105635
the recovery housing residence. 105636

Sec. 5119.393. (A) The department of ~~mental-behavioral~~ 105637
~~health and addiction services~~ shall establish a procedure to 105638
receive and investigate complaints from residents, staff, and 105639
the public regarding recovery housing residences. The department 105640
may contract with one or more of the organizations specified in 105641
section 5119.39 of the Revised Code to fulfill some or all of 105642
the functions associated with receiving and investigating 105643
complaints. 105644

(B) Any organization under contract with the department to 105645
receive and investigate complaints shall make reports to the 105646
department as follows: 105647

(1) Not less than monthly, the contractor shall report the 105648
status of each pending investigation and shall report the 105649
outcome of each investigation that has been completed since the 105650
last report was made; 105651

(2) As soon as practicable, but not later than ten days 105652
after making an adverse decision, if a contractor's 105653
accreditation or its equivalent is accepted by the department 105654
for purposes of section 5119.39 of the Revised Code, the 105655
contractor shall report that decision to the department in a 105656
manner prescribed by the department. 105657

(C) (1) With respect to complaints received by the 105658
department or a contractor of the department, information and 105659

records received, collected, or generated by the department or a 105660
contractor pursuant to an investigation, and reports that are 105661
made under division (B) of this section, all of the following 105662
apply to those items, subject to division (C) (2) of this 105663
section: 105664

(a) The items are confidential and not public records 105665
under section 149.43 of the Revised Code. 105666

(b) The items are exempt from the provisions of Chapter 105667
1347. of the Revised Code. 105668

(c) The items are not subject to discovery in any civil 105669
action. 105670

(2) (a) The items described in division (C) (1) of this 105671
section shall be disclosed if required by law. 105672

(b) The items described in division (C) (1) of this section 105673
may be disclosed to any federal, state, or local law 105674
enforcement, prosecutorial, or regulatory agency or its officers 105675
or agents. 105676

(c) The items described in division (C) (1) of this section 105677
may be admitted into evidence in a criminal trial in accordance 105678
with the Rules of Evidence, or in an administrative hearing 105679
conducted by an agency, but the court or agency shall require 105680
that appropriate measures be taken to ensure that 105681
confidentiality is maintained with respect to any part thereof 105682
that contains names or other identifying information about 105683
residents, complainants, or others whose confidentiality was 105684
protected by the department or its contractor when the items 105685
were in the possession of the department or contractor. Measures 105686
to ensure confidentiality that may be taken by the court or 105687
agency include sealing its records or redacting specific 105688

information from its records. 105689

(d) The items described in division (C) (1) of this section 105690
may be included in the registry established and maintained under 105691
section 5119.394 of the Revised Code, but the department shall 105692
make its best effort to do so in a manner that protects the 105693
confidentiality of complainants, individuals or organizations 105694
providing information about a complaint, and recovery housing 105695
residents. The department may refer to any of the foregoing in 105696
the registry as long as it removes personally identifying 105697
information or uses any other technique it considers appropriate 105698
to maintain confidentiality. 105699

Sec. 5119.394. (A) The department of ~~mental-behavioral~~ 105700
~~health and addiction services~~ shall establish and maintain a 105701
registry of recovery housing residences that meet the criteria 105702
described in division (A) (1) or (2) of section 5119.392 of the 105703
Revised Code. ~~For~~ 105704

(B) For each residence, the registry shall include all of 105705
the following, subject to the confidentiality requirements of 105706
division (C) of section 5119.393 of the Revised Code: 105707

(1) Any information from the form required by division (B) 105708
of section 5119.391 of the Revised Code that the department 105709
chooses to include in the registry; 105710

(2) If a complaint received under section 5119.393 of the 105711
Revised Code has been investigated and substantiated, a 105712
description of the complaint, the date the complaint was 105713
submitted to the department or its contractor, and the outcome 105714
of the investigation; 105715

(3) Any other information the department considers 105716
appropriate. 105717

~~(B)~~ (C) The department shall immediately remove from the 105718
registry a recovery housing residence that ceases to meet the 105719
criteria described in division (A) (1) or (2) of section 5119.392 105720
of the Revised Code, including if the criteria described in 105721
those divisions ceases to be met because the residence has had 105722
its certification or accreditation, as applicable, revoked or 105723
not renewed. 105724

~~(C)~~ (D) The department shall make the registry available to 105725
the public on the department's web site. 105726

Sec. 5119.395. (A) Beginning January 1, 2025, no person or 105727
government entity shall advertise or represent any residence or 105728
other building to be a recovery housing residence, sober living 105729
home, or any other alcohol and drug free housing for persons 105730
recovering from alcohol use disorder or drug addiction unless 105731
the residence or building meets either of the following 105732
conditions: 105733

(1) The residence or building is on the registry 105734
established and maintained under section 5119.394 of the Revised 105735
Code; 105736

(2) The residence or building is regulated by the 105737
department of rehabilitation and correction under section 105738
2967.14 of the Revised Code. 105739

(B) If the director of ~~mental~~ behavioral health and 105740
~~addiction services~~ determines that a person or government entity 105741
is violating division (A) of this section, the director may 105742
request, in writing, that the attorney general petition the 105743
court of common pleas of the county where the person or 105744
government entity is operating the residence or other building 105745
to enjoin that person or government entity from engaging in the 105746

conduct that violates division (A) of this section. 105747

Sec. 5119.397. The director of ~~mental-behavioral health~~ 105748
~~and addiction services~~ may adopt rules in accordance with 105749
Chapter 119. of the Revised Code to implement sections 5119.39 105750
to 5119.396 of the Revised Code. 105751

Sec. 5119.40. (A) As used in this section, "individual 105752
with a mental illness" and "specialized services" have the same 105753
meanings as in section 5165.03 of the Revised Code. 105754

(B) (1) Except as provided in division (B) (2) of this 105755
section and rules adopted under division (E) (3) of this section, 105756
for purposes of section 5165.03 of the Revised Code, the 105757
department of ~~mental-behavioral health and addiction services~~ 105758
shall determine in accordance with the "Social Security Act," 105759
section 1919(e) (7), 42 U.S.C. 1396r(e) (7), and regulations 105760
adopted under section 1919(f) (8) (A) of that act, 42 U.S.C. 105761
1396r(f) (8) (A), whether, because of the individual's physical 105762
and mental condition, an individual with a mental illness 105763
seeking admission to a nursing facility requires the level of 105764
services provided by a nursing facility and, if the individual 105765
requires that level of services, whether the individual requires 105766
specialized services for mental illness. The determination 105767
required by this division shall be based on an independent 105768
physical and mental evaluation performed by a person or entity 105769
other than the department. 105770

(2) Except as provided in division (B) (3) of this section, 105771
a determination under division (B) (1) of this section is not 105772
required for any of the following: 105773

(a) An individual seeking readmission to a nursing 105774
facility after having been transferred from a nursing facility 105775

to a hospital for care; 105776

(b) An individual who meets all of the following 105777
conditions: 105778

(i) The individual is admitted to the nursing facility 105779
directly from a hospital after receiving inpatient care at the 105780
hospital; 105781

(ii) The individual requires nursing facility services for 105782
the condition for which care in the hospital was received; 105783

(iii) The individual's attending physician has certified, 105784
before admission to the nursing facility, that the individual is 105785
likely to require less than thirty days of nursing facility 105786
services. 105787

(c) An individual transferred from one nursing facility to 105788
another nursing facility, with or without an intervening 105789
hospital stay. 105790

(3) A determination under division (B) (1) of this section 105791
is required for an individual described in division (B) (2) (a) or 105792
(b) of this section if the hospital from which the individual is 105793
transferred or directly admitted to a nursing facility is either 105794
of the following: 105795

(a) A hospital that the department maintains, operates, 105796
manages, and governs under section 5119.14 of the Revised Code 105797
for the care and treatment of persons with mental illnesses; 105798

(b) A free-standing hospital, or unit of a hospital, 105799
licensed by the department under section 5119.33 of the Revised 105800
Code. 105801

(C) Except as provided in rules adopted under division (E) 105802
(3) of this section, the department of ~~mental~~-behavioral health 105803

~~and addiction services~~ shall review and determine for each 105804
resident of a nursing facility who has a mental illness, whether 105805
the resident, because of the resident's physical and mental 105806
condition, requires the level of services provided by a nursing 105807
facility and whether the resident requires specialized services 105808
for mental illness. The review and determination shall be 105809
conducted in accordance with section 1919(e) (7) of the "Social 105810
Security Act" and the regulations adopted under section 1919(f) 105811
(8) (A) of the act and based on an independent physical and 105812
mental evaluation performed by a person or entity other than the 105813
department. The review and determination shall be completed 105814
promptly after a nursing facility has notified the department 105815
that there has been a significant change in the resident's 105816
mental or physical condition. 105817

(D) (1) In the case of a nursing facility resident who has 105818
continuously resided in a nursing facility for at least thirty 105819
months before the date of a review and determination under 105820
division (C) of this section, if the resident is determined not 105821
to require the level of services provided by a nursing facility, 105822
but is determined to require specialized services for mental 105823
illness, the department, in consultation with the resident's 105824
family or legal representative and care givers, shall do all of 105825
the following: 105826

(a) Inform the resident of the institutional and 105827
noninstitutional alternatives covered under the state plan for 105828
medical assistance; 105829

(b) Offer the resident the choice of remaining in the 105830
nursing facility or receiving covered services in an alternative 105831
institutional or noninstitutional setting; 105832

(c) Clarify the effect on eligibility for services under 105833

the state plan for medical assistance if the resident chooses to 105834
leave the facility, including its effect on readmission to the 105835
facility; 105836

(d) Provide for or arrange for the provision of 105837
specialized services for the resident's mental illness in the 105838
setting chosen by the resident. 105839

(2) In the case of a nursing facility resident who has 105840
continuously resided in a nursing facility for less than thirty 105841
months before the date of the review and determination under 105842
division (C) of this section, if the resident is determined not 105843
to require the level of services provided by a nursing facility, 105844
but is determined to require specialized services for mental 105845
illness, or if the resident is determined to require neither the 105846
level of services provided by a nursing facility nor specialized 105847
services for mental illness, the department shall act in 105848
accordance with its alternative disposition plan approved by the 105849
United States department of health and human services under 105850
section 1919(e) (7) (E) of the "Social Security Act." 105851

(3) In the case of an individual who is determined under 105852
division (B) or (C) of this section to require both the level of 105853
services provided by a nursing facility and specialized services 105854
for mental illness, the department of ~~mental-behavioral~~ health 105855
~~and addiction services~~ shall provide or arrange for the 105856
provision of the specialized services needed by the individual 105857
or resident while residing in a nursing facility. 105858

(E) The department of ~~mental-behavioral~~ health ~~and~~ 105859
~~addiction services~~ shall adopt rules in accordance with Chapter 105860
119. of the Revised Code that do all of the following: 105861

(1) Establish criteria to be used in making the 105862

determinations required by divisions (B) and (C) of this 105863
section. The criteria shall not exceed the criteria established 105864
by regulations adopted by the United States department of health 105865
and human services under section 1919(f)(8)(A) of the "Social 105866
Security Act." 105867

(2) Specify information to be provided by the individual 105868
or nursing facility resident being assessed; 105869

(3) Specify any circumstances, in addition to 105870
circumstances listed in division (B) of this section, under 105871
which determinations under divisions (B) and (C) of this section 105872
are not required to be made. 105873

Sec. 5119.41. (A) The department of ~~mental-behavioral~~ 105874
~~health and addiction services~~ shall implement the residential 105875
state supplement program under which the state supplements the 105876
amounts received by aged, blind, or disabled adults as 105877
supplemental security income payments under Title XVI of the 105878
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 105879
security benefits or social security disability insurance 105880
benefits under Title II of the "Social Security Act," 42 U.S.C. 105881
401 et seq. Residential state supplement payments shall be used 105882
for the provision of accommodations, supervision, and personal 105883
care services to recipients of supplemental security income 105884
payments, social security benefits, and social security 105885
disability insurance benefits who the department determines are 105886
at risk of needing institutional care. 105887

In implementing the program, the department may designate 105888
one or more entities to be responsible for providing 105889
administrative services regarding the program. The department 105890
may designate an entity either by entering into a contract with 105891
the entity to ~~provided~~ provide the services or by otherwise 105892

delegating to the entity the responsibility to provide the 105893
services. 105894

(B) To be eligible for residential state supplement 105895
payments, an individual must satisfy all eligibility 105896
requirements established by rules adopted under this section. 105897

(C) The director of ~~mental-behavioral health and addiction~~ 105898
~~services~~ and the medicaid director shall adopt rules as 105899
necessary to implement the residential state supplement program, 105900
including the requirements that an individual must satisfy to be 105901
eligible for payments under the program. The rules shall be 105902
adopted in accordance with Chapter 119. of the Revised Code. 105903

The rules adopted by the director of ~~mental-behavioral~~ 105904
~~health and addiction services~~ may establish the method to be 105905
used to determine the payment an eligible individual will 105906
receive under the program. The amount the general assembly 105907
appropriates for the program may be a factor included in the 105908
method that director establishes. 105909

To the extent permitted by Title XVI of the "Social 105910
Security Act" and any other provision of federal law, the rules 105911
adopted by the medicaid director may establish standards for 105912
adjusting the eligibility requirements concerning the level of 105913
impairment an individual must have so that the amount 105914
appropriated for the program by the general assembly is adequate 105915
for the number of eligible individuals. The rules shall not 105916
limit the eligibility of individuals who are disabled solely on 105917
a basis classifying disabilities as physical or mental. 105918

(D) The county department of job and family services of 105919
the county in which an applicant for the residential state 105920
supplement program resides or the department of medicaid shall 105921

determine whether the applicant meets income and resource 105922
requirements for the program. 105923

The county department of job and family services or the 105924
department of medicaid shall notify each individual who is 105925
denied approval for payments under the program of the 105926
individual's right to a hearing. On request, the hearing shall 105927
be provided in accordance with section 5101.35 of the Revised 105928
Code. 105929

(E) An individual in a licensed or certified living 105930
arrangement receiving state supplementation on November 15, 105931
1990, under former section 5101.531 of the Revised Code shall 105932
not become ineligible for payments under this program solely by 105933
reason of the individual's living arrangement as long as the 105934
individual remains in the living arrangement in which the 105935
individual resided on November 15, 1990. 105936

Sec. 5119.42. (A) As used in this section, "private, 105937
nonprofit organization" means a private association, 105938
organization, corporation, or other entity that is tax exempt 105939
under section 501(a) and described in section 501(c) of the 105940
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 105941

(B) To the extent funds are available and on application 105942
by boards of alcohol, drug addiction, and mental health 105943
services, the director of ~~mental-behavioral health and addiction~~ 105944
~~services~~ may approve state reimbursement of, or state grants 105945
for, community construction programs including residential 105946
housing for persons with severe mental disabilities and persons 105947
with substance use disorders. The director may also approve an 105948
application for reimbursement or a grant for such programs 105949
submitted by other governmental entities or by private, 105950
nonprofit organizations, after the application has been reviewed 105951

and recommended for approval or disapproval by the board of 105952
alcohol, drug addiction, and mental health services for the 105953
district from which the application came, and the application is 105954
consistent with the board's approved community addiction and 105955
mental health plan submitted under division (A) of section 105956
340.03 of the Revised Code and the board's approved budget and 105957
list of addiction services, mental health services, and recovery 105958
supports submitted under divisions (A) and (B) of section 340.08 105959
of the Revised Code. 105960

(C) (1) The director of ~~mental behavioral health and~~ 105961
~~addiction services~~ shall adopt rules in accordance with Chapter 105962
119. of the Revised Code that specify procedures for applying 105963
for state reimbursement of and state grants for community 105964
construction programs, including residential housing for persons 105965
with severe mental disabilities and persons with substance use 105966
disorders and procedures and criteria for approval of such 105967
reimbursement and grants. 105968

(2) The director of ~~mental behavioral health and addiction~~ 105969
~~services~~ shall not approve state reimbursement or a state grant 105970
unless all of the following conditions are met: 105971

(a) The applicant includes with the application a plan 105972
specifying the services, in addition to housing, that will be 105973
provided to persons who will reside in the residential housing. 105974
Services specified may include any of the services described in 105975
section 340.09 of the Revised Code. 105976

(b) The director is satisfied that the residential housing 105977
for persons with severe mental disabilities will be developed to 105978
promote the maximum practical integration of persons with severe 105979
mental disabilities with persons at the same site who do not 105980
have severe mental disabilities. 105981

(c) The use of any funds distributed pursuant to the 105982
reimbursement or grant will not subject any obligation from 105983
which the funds are derived to federal income taxation. 105984

(3) The director may enter into an agreement establishing 105985
terms for any reimbursement or grant approved under this 105986
division with the organization, board, or other government 105987
entity that is the recipient of the reimbursement or grant. Any 105988
such agreement is subject to any covenant or agreement 105989
pertaining to any obligation issued to provide funds for the 105990
reimbursement or grant. 105991

Sec. 5119.421. (A) This section applies to a board of 105992
alcohol, drug addiction, and mental health services, another 105993
governmental entity, or a private, nonprofit organization that 105994
received a grant or reimbursement under section 5119.42 of the 105995
Revised Code for a facility on which the department of ~~mental-~~ 105996
behavioral health and addiction services holds a security 105997
interest. 105998

(B) A board of alcohol, drug addiction, and mental health 105999
services, another governmental entity, or a private, nonprofit 106000
organization to which this section applies may apply to the 106001
director of ~~mental-behavioral health and addiction services~~ for 106002
approval to sell its facility and acquire, construct, or 106003
renovate a replacement facility pursuant to this section. The 106004
director shall prescribe the form of the application. Before 106005
submitting an application to the director, a governmental entity 106006
or private, nonprofit organization must obtain approval of the 106007
application from the board of alcohol, drug addiction, and 106008
mental health services with jurisdiction over the service 106009
district in which the existing facility is located. The director 106010
shall approve an application for a replacement project upon 106011

determining that the project provides for the continuation of 106012
appropriate mental health and addiction services to the 106013
population served by the board, entity, or organization. 106014

(C) A board, entity, or organization that obtains approval 106015
for a project under division (B) of this section shall pay the 106016
proceeds of the sale of its facility to the director of ~~mental-~~ 106017
behavioral health ~~and addiction services~~. The director shall 106018
deposit the proceeds to the credit of the community capital 106019
replacement facilities fund. 106020

(D) When a board, entity, or organization that has sold 106021
its facility notifies the director of ~~mental-~~behavioral health 106022
~~and addiction services~~ that it is ready to acquire, construct, 106023
or renovate a replacement facility, the director shall do one of 106024
the following: 106025

(1) If the replacement facility is located in the same 106026
alcohol, drug addiction, and mental health service district as 106027
the original facility, and if the purposes for which the 106028
replacement facility will be used are the same as or similar to 106029
those for the original facility, the director shall pay to the 106030
board, entity, or organization from the community capital 106031
replacement facilities fund an amount equal to the lesser of an 106032
amount equal to the proceeds of the sale of the original 106033
facility or the amount of the state's agreed-upon participation 106034
(as a per cent of the total cost) in the cost of the replacement 106035
facility. If the amount of the state's agreed-upon participation 106036
in the cost of the replacement facility is less than the value 106037
of the state's security interest in the original facility, the 106038
difference between the state's agreed-upon participation in the 106039
cost of the replacement facility and the value of the state's 106040
security interest in the original facility shall be retained in 106041

the community capital replacement facilities fund, and any 106042
excess proceeds shall be paid to the board, entity, or 106043
organization. 106044

(2) If the replacement facility is located in a different 106045
alcohol, drug addiction, and mental health service district than 106046
the original facility, or if the purposes for which the 106047
replacement facility will be used are not the same as or similar 106048
to those for the original facility, the director shall request 106049
controlling board approval for release of funds for the project. 106050
If the controlling board so approves, the director shall pay to 106051
the board, entity, or organization from the community capital 106052
replacement facilities fund the lesser of an amount equal to the 106053
proceeds of the sale of the original facility or the amount of 106054
the state's agreed-upon participation (as a per cent of the 106055
total cost) in the cost of the replacement facility. If the 106056
amount of the state's agreed-upon participation in the cost of 106057
the replacement facility is less than the value of the state's 106058
security interest in the original facility, the difference 106059
between the state's agreed-upon participation in the cost of the 106060
replacement facility and the value of the state's security 106061
interest in the original facility shall be retained in the 106062
community capital replacement facilities fund, and any excess 106063
proceeds shall be paid to the board, entity, or organization. 106064

(E) The director of ~~mental-behavioral health and addiction~~ 106065
~~services~~ and a board, entity, or organization shall enter into 106066
an agreement specifying the terms of any payment made to the 106067
board, entity, or organization under division (D) of this 106068
section. The terms may include provision for the department of 106069
~~mental-behavioral health and addiction services~~ to hold a 106070
security interest in the facility. 106071

(F) (1) When approving an application under division (B) of this section, the director of ~~mental-behavioral health and addiction~~ services shall establish a deadline by which the board, entity, or organization must notify the director that it is ready to acquire, construct, or renovate a replacement facility. If the board, entity, or organization does not notify the director on or before the deadline, the director may cancel the project. Upon canceling the project, the director shall pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the portion of the proceeds of the sale of the original facility that exceeds the value of the state's security interest in the facility.

(2) Notwithstanding the deadline established under division (F) (1) of this section, if at any time a board, entity, or organization notifies the director that it does not intend to acquire, construct, or renovate a replacement facility under this section, the director shall cancel the replacement project and pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the portion of the proceeds of the sale of the original facility that exceeds the value of the state's security interest in the facility.

(G) If a replacement project is canceled after the sale of the original facility, the director of ~~mental-behavioral health and addiction services~~ shall use funds equal to the value of the state's security interest in the original facility for additional grants or reimbursements under section 5119.42 of the Revised Code. The director shall obtain the approval of the controlling board before releasing the additional grants or reimbursements.

(H) The community capital replacement facilities fund is hereby created in the state treasury. The director of ~~mental-behavioral health and addiction services~~ shall use the fund for the purposes of this section.

Sec. 5119.43. (A) The director of ~~mental-behavioral health and addiction services~~ may enter into agreements with any person, political subdivision, or state agency for the sale or lease of land or facilities under the jurisdiction of the director of ~~mental-behavioral health and addiction services~~ in the following manner:

(1) The director of ~~mental-behavioral health and addiction services~~ shall designate lands and facilities that are not needed by the department of ~~mental-behavioral health and addiction services~~ and are under the jurisdiction of the department.

(2) The director of ~~mental-behavioral health and addiction services~~ shall have a preliminary appraisal made of any lands or facilities designated under division (A)(1) of this section by a disinterested professional appraiser from the department of administrative services. The appraiser shall deliver to the director of ~~mental-behavioral health and addiction services~~ a signed certificate of the probable market value of the lands and facilities as determined from the preliminary appraisal.

(3) The director of ~~mental-behavioral health and addiction services~~ shall certify to the clerk of the house of representatives and to the clerk of the senate a list of all lands and facilities which may be sold or leased, and shall include with the list the results of the preliminary appraisals of the lands and facilities, a general description of the land and facilities, and a description of the current use of the land

and facilities. 106132

(4) Every list of lands and facilities certified by the 106133
director of ~~mental-behavioral health and addiction services~~ to 106134
the clerk of the house of representatives and to the clerk of 106135
the senate under division (A) (3) of this section, shall 106136
immediately be transmitted by the respective clerks to the 106137
committees in the house and the senate to which land conveyance 106138
bills are usually referred. If either committee files in its 106139
clerk's office, within sixty calendar days of the original 106140
certification of the lands and facilities by the director of 106141
~~mental-behavioral health and addiction services~~, a report 106142
disapproving the sale or lease of any lands or facilities, the 106143
sale or lease of the lands or facilities disapproved in the 106144
report shall not be made under this section. With respect to a 106145
sale or lease of lands and facilities that has not been 106146
disapproved under this division, the director of ~~mental-~~ 106147
~~behavioral health and addiction services~~ shall certify those 106148
lands and facilities to the director of administrative services. 106149

(5) After certification to the director of administrative 106150
services under division (A) (4) of this section, the director of 106151
~~mental-behavioral health and addiction services~~ shall have a 106152
formal appraisal made of the lands and facilities by a 106153
disinterested professional appraiser from the department of 106154
administrative services. The director of ~~mental-behavioral~~ 106155
~~health and addiction services~~ may accept the formal appraisal or 106156
may reject it and order a new formal appraisal by a 106157
disinterested professional appraiser who shall not be from the 106158
department of administrative services. The director of ~~mental-~~ 106159
~~behavioral health and addiction services~~ may then sell or lease 106160
the lands or facilities in accordance with this division and 106161
department of administrative services procedures as set forth in 106162

Chapter 123. of the Revised Code. Any such deed or lease shall 106163
be prepared and recorded pursuant to section 5301.13 of the 106164
Revised Code. The department of administrative services shall be 106165
the sole agent for the state and shall complete the sale or 106166
lease of the lands or facilities, up to and including the 106167
closing thereof, after the director of ~~mental-behavioral~~ health 106168
~~and addiction services~~ approves the sale price. The director of 106169
~~mental-behavioral~~ health ~~and addiction services~~ and the director 106170
of administrative services may, if it is determined to be in the 106171
best interests of the state, agree to sell surplus land for an 106172
amount less than the formal appraised value but shall not sell 106173
any land for less than two-thirds of the formal appraised value. 106174

(B) Coincident with the certification made under division 106175
(A) (3) of this section concerning lands which may be sold, the 106176
director of ~~mental-behavioral~~ health ~~and addiction services~~ 106177
shall give written notice of intention to sell the lands by 106178
certified mail to the executive officer of each county, 106179
township, municipal corporation, and school district within 106180
which the lands are situated. In each notice, the director of 106181
~~mental-behavioral~~ health ~~and addiction services~~ shall specify 106182
the conditions under which the lands shall be sold, including 106183
whether the lands will be sold as a single unit or sold in 106184
specific parcels that the director designates, and shall solicit 106185
from the subdivision offers to purchase the lands in accordance 106186
with the conditions the director of ~~mental-behavioral~~ health ~~and~~ 106187
~~addiction services~~ has specified and at a price equal to the 106188
preliminary appraised value determined pursuant to division (A) 106189
(2) of this section. If, within thirty days of having certified 106190
the lands to the director of administrative services under 106191
division (A) (4) of this section, the director of ~~mental-~~ 106192
~~behavioral~~ health ~~and addiction services~~ receives from the 106193

executive officer of a subdivision a written offer to purchase 106194
the lands at or above the price specified in the original notice 106195
from the director of ~~mental-behavioral health and addiction-~~ 106196
~~services~~ to the officer, provided such offer otherwise complies 106197
with the conditions of purchase specified in the original notice 106198
from the director of ~~mental-behavioral health and addiction-~~ 106199
~~services~~, the director of ~~mental-behavioral health and addiction~~ 106200
~~services~~ shall forthwith enter into an agreement to sell the 106201
lands to the subdivision. The agreement shall incorporate any 106202
and all terms that are acceptable to both parties and that are 106203
consistent with the terms specified in the original notice from 106204
the director of ~~mental-behavioral health and addiction services.~~ 106205
If no offer to purchase is received by the director of ~~mental-~~ 106206
~~behavioral health and addiction services~~ within the thirty-day 106207
period provided in this division, the original notice from the 106208
director of ~~mental-behavioral health and addiction services-~~ 106209
shall be considered withdrawn and the director of ~~mental-~~ 106210
~~behavioral health and addiction services~~ shall be under no 106211
obligation to sell any of the lands specified in the notice to 106212
the subdivision. If two or more offers to purchase the same 106213
parcels of land are received by the director of ~~mental-~~ 106214
~~behavioral health and addiction services~~ within the required 106215
time period from the executive officers of two or more 106216
subdivisions, the director of ~~mental-behavioral health and-~~ 106217
~~addiction services~~ shall accept the offer or offers to purchase 106218
that the director considers to be in the best interests of the 106219
state and of the department of ~~mental-behavioral health and-~~ 106220
~~addiction services~~ and shall proceed to enter into agreements of 106221
sale pursuant to this division. If all of the original notices 106222
from the director of ~~mental-behavioral health and addiction-~~ 106223
~~services~~ relating to a given parcel of land become withdrawn, 106224
the director of ~~mental-behavioral health and addiction services-~~ 106225

may thereupon proceed to sell the parcel as otherwise provided 106226
in this section. No subdivision may commence an action to 106227
enforce the provisions of this division, or to seek any other 106228
legal or equitable remedy relative to this division, with 106229
respect to any lands certified to the director of administrative 106230
services under division (A) (4) of this section, except within 106231
sixty days of the date on which the lands were so certified. 106232

(C) Any agreement under this section shall be at such 106233
terms as will be in the best interests of the state and the 106234
department of ~~mental-behavioral health-and-addiction services~~. 106235
However, the terms of any agreement for sale shall include a 106236
provision that the purchaser will abide by any comprehensive 106237
plan for the area that has been adopted by the local government 106238
in which the property is located before the parties enter into 106239
the agreement. No lease shall be of a duration greater than 106240
fifteen years. No agreement, except an agreement entered into 106241
under division (B) of this section, shall be entered into before 106242
the proposal to sell or lease the land or facilities has been 106243
advertised once each week for four weeks in a newspaper of 106244
general circulation in every county in which the lands or 106245
facilities are located and if the preliminary appraised value of 106246
the land to be sold or leased is more than one hundred thousand 106247
dollars, advertisement shall be made once each week for four 106248
weeks in at least two newspapers in the state having a daily 106249
circulation of one hundred thousand or more. If a city in this 106250
state is served by more than one newspaper having a circulation 106251
of one hundred thousand or more, advertisement may be made in 106252
only one of the newspapers serving the city. 106253

(D) Each deed or lease prepared and recorded pursuant to 106254
this section shall contain a recital stating that all provisions 106255
of this section have been complied with. The recital shall be 106256

considered binding and conclusive against all subdivisions of 106257
the state provided no action has been commenced pursuant to 106258
division (B) of this section. Any deed or lease containing such 106259
a recital shall be conclusively presumed to have been executed 106260
in compliance with this section insofar as title or other 106261
interest of any bona fide purchasers, lessees, or transferees of 106262
the property is concerned. 106263

(E) Nothing in this section shall be construed as 106264
establishing a precedent for the disposal of state lands and 106265
facilities by other departments of the state. 106266

Sec. 5119.431. When it is necessary for a state 106267
institution under the jurisdiction of the department of ~~mental-~~ 106268
~~behavioral health and addiction services~~ to acquire any real 106269
estate, right of way, or easement in real estate in order to 106270
accomplish the purposes for which it was organized or is being 106271
conducted, and the department is unable to agree with the owner 106272
of such property upon the price to be paid therefor, such 106273
property may be appropriated in the manner provided for the 106274
appropriation of property for other state purposes. 106275

Any instrument by which real property is acquired pursuant 106276
to this section shall identify the agency of the state that has 106277
the use and benefit of the real property as specified in section 106278
5301.012 of the Revised Code. 106279

Sec. 5119.44. As used in this section, "free clinic" has 106280
the same meaning as in section 2305.2341 of the Revised Code. 106281

(A) The department of ~~mental-behavioral health and-~~ 106282
~~addiction services~~ may provide certain goods and services for 106283
the department of ~~mental-behavioral health and addiction-~~ 106284
~~services~~, the department of developmental disabilities, the 106285

department of rehabilitation and correction, the department of 106286
youth services, and other state, county, or municipal agencies 106287
requesting such goods and services when the department of ~~mental~~ 106288
behavioral health and addiction services determines that it is 106289
in the public interest, and considers it advisable, to provide 106290
these goods and services. The department of ~~mental~~ behavioral 106291
health and addiction services also may provide goods and 106292
services to agencies operated by the United States government 106293
and to public or private nonprofit agencies, other than free 106294
clinics, that are funded in whole or in part by the state if the 106295
public or private nonprofit agencies are designated for 106296
participation in this program by the director of ~~mental~~ 106297
behavioral health and addiction services for community addiction 106298
services providers and community mental health services 106299
providers, the director of developmental disabilities for 106300
community developmental disabilities agencies, the director of 106301
rehabilitation and correction for community rehabilitation and 106302
correction agencies, or the director of youth services for 106303
community youth services agencies. 106304

Designated community agencies or services providers shall 106305
receive goods and services through the department of ~~mental~~ 106306
behavioral health and addiction services only in those cases 106307
where the designating state agency certifies that providing such 106308
goods and services to the agency or services provider will 106309
conserve public resources to the benefit of the public and where 106310
the provision of such goods and services is considered feasible 106311
by the department of ~~mental~~ behavioral health and addiction 106312
services. 106313

(B) The department of ~~mental~~ behavioral health and 106314
addiction services may permit free clinics to purchase certain 106315
goods and services to the extent the purchases fall within the 106316

exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 106317
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 106318
amended. 106319

(C) The goods and services that may be provided by the 106320
department of ~~mental-behavioral health and addiction services~~ 106321
under divisions (A) and (B) of this section may include: 106322

(1) Procurement, storage, processing, and distribution of 106323
food and professional consultation on food operations; 106324

(2) Procurement, storage, and distribution of medical and 106325
laboratory supplies, dental supplies, medical records, forms, 106326
optical supplies, and sundries; 106327

(3) Procurement, storage, repackaging, distribution, and 106328
dispensing of drugs, the provision of professional pharmacy 106329
consultation, and drug information services; 106330

(4) Other goods and services. 106331

(D) The department of ~~mental-behavioral health and~~ 106332
~~addiction services~~ may provide the goods and services designated 106333
in division (C) of this section to its institutions and to 106334
state-operated community-based mental health or addiction 106335
services providers. 106336

(E) After consultation with and advice from the director 106337
of developmental disabilities, the director of rehabilitation 106338
and correction, and the director of youth services, the 106339
department of ~~mental-behavioral health and addiction services~~ 106340
may provide the goods and services designated in division (C) of 106341
this section to the department of developmental disabilities, 106342
the department of rehabilitation and correction, and the 106343
department of youth services. 106344

(F) The cost of administration of this section shall be 106345
determined by the department of ~~mental-behavioral health and~~ 106346
~~addiction services~~ and paid by the agencies, services providers, 106347
or free clinics receiving the goods and services to the 106348
department for deposit in the state treasury to the credit of 106349
the Ohio pharmacy services fund, which is hereby created. The 106350
fund shall be used to pay the cost of administration of this 106351
section to the department. 106352

(G) Whenever a state agency fails to make a payment for 106353
goods and services provided under this section within thirty-one 106354
days after the date the payment was due, the office of budget 106355
and management may transfer moneys from the state agency to the 106356
department of ~~mental-behavioral health and addiction services~~. 106357
The amount transferred shall not exceed the amount of overdue 106358
payments. Prior to making a transfer under this division, the 106359
office of budget and management shall apply any credits the 106360
state agency has accumulated in payments for goods and services 106361
provided under this section. 106362

(H) Purchases of goods and services under this section are 106363
not subject to section 307.86 of the Revised Code. 106364

Sec. 5119.45. Unless otherwise specifically provided by 106365
law, all moneys received by the department of ~~mental-behavioral~~ 106366
~~health and addiction services~~ from the sale of goods and 106367
services, including, but not limited to, shared service 106368
agreements with other governmental entities and nongovernmental 106369
entities, employee housing and cafeteria receipts, fees for 106370
copying services, and sales of other tangible personal property 106371
under the department's control, shall be paid into the state 106372
treasury to the credit of the sale of goods and services fund, 106373
which is hereby created. Moneys received by the department 106374

pursuant to section 5119.44 of the Revised Code shall not be 106375
paid into the fund. The department shall use the moneys in the 106376
fund for paying operating expenses of the department. 106377

Sec. 5119.46. There is hereby created in the state 106378
treasury the department of ~~mental behavioral health and~~ 106379
~~addiction services trust fund. Not later than the first day of~~ 106380
~~September of each year, the director of mental health and~~ 106381
~~addiction services shall certify to the director of budget and~~ 106382
~~management the amount of all of the unexpended, unencumbered~~ 106383
~~balances of general revenue fund appropriations made to the~~ 106384
~~department of mental health and addiction services for the~~ 106385
~~previous fiscal year, excluding funds appropriated for rental~~ 106386
~~payments to the Ohio public facilities commission. On receipt of~~ 106387
~~the certification, the director of budget and management shall~~ 106388
~~transfer cash to the trust fund in an amount up to, but not~~ 106389
~~exceeding, the total of the amounts certified by the director of~~ 106390
~~mental health and addiction services.~~ 106391

~~In addition, the~~ The trust fund shall receive all amounts, 106392
subject to any provisions in bond documents, received from the 106393
sale or lease of lands and facilities by the department. 106394

All moneys in the trust fund ~~shall be used by the~~ 106395
~~department of mental health and addiction services to pay for~~ 106396
~~expenditures the department incurs in performing any of its~~ 106397
~~duties under this chapter~~ are subject to appropriation by the 106398
general assembly or may be used with the approval of the 106399
controlling board. The use of moneys in the trust fund pursuant 106400
to this section does not represent an ongoing commitment to the 106401
continuation of the trust fund or to the use of moneys in the 106402
trust fund. 106403

Sec. 5119.47. The director of ~~mental behavioral health and~~ 106404

~~addiction services~~ shall administer the problem casino gambling
and addictions fund. The director shall use the money in the
fund to support gambling addiction services, alcohol and drug
addiction services, other services that relate to gambling
addiction and substance abuse, and research that relates to
gambling addiction and substance abuse. Treatment and prevention
services supported by money in the fund under this section shall
be services that are certified by the department of ~~mental-~~
behavioral health and addiction services.

The director shall prepare an annual report describing the
use of the fund for these purposes. The director shall submit
the report to the Ohio casino control commission, the speaker
and minority leader of the house of representatives, the
president and minority leader of the senate, and the governor.

Sec. 5119.48. (A) The department of ~~mental-behavioral~~
~~health and addiction services~~ shall create the all roads lead to
home program. The program shall include all of the following
initiatives:

(1) A media campaign. As part of the campaign, the
department shall develop public service announcements and shall
make the announcements available to television and radio media
outlets. The announcements shall be made available beginning on
January 1, 2018, ~~and~~ Thereafter, the announcements shall be
made at least twice annually, once between January and March of
each year, and once in September of each year as part of
national recovery month.

(2) A web site ~~as~~ that meets the requirements described in
division (C) of this section;

(3) A twenty-four-hour hotline, that is operated by a call

center, for the purpose of helping individuals access addiction 106434
services. 106435

(B) The media campaign described in division (A) (1) of 106436
this section shall do all of the following: 106437

(1) Include messages to reduce the stigma associated with 106438
seeking help for drug addiction; 106439

(2) Provide directions for people who are in need of drug 106440
addiction assistance to a web-based location that includes all 106441
of the following: 106442

(a) Information on where to find help for drug addiction; 106443

(b) Information on intervention and referral options; 106444

(c) Contact information for county board boards of 106445
alcohol, drug addiction assistance authorities, and mental 106446
health services. 106447

(3) Prioritize its efforts in media markets that have the 106448
highest rates of drug overdose deaths in this state; 106449

(4) Utilize television and radio public service 106450
announcements provided to media outlets, as well as internet 106451
advertising models such as low-cost social media outlets. 106452

(C) Before January 1, 2018, for purposes of division (A) 106453
(2) of this section, the department shall create a web site ~~as~~ 106454
~~described in division (A) (2) of this section~~ that is interactive 106455
and offers all of the following components: 106456

(1) If reasonably available for use, an evidence-based 106457
self-reporting screening tool approved by the department's 106458
medical director; 106459

(2) Community detoxification and withdrawal management 106460

options and community treatment options; 106461

(3) A searchable database of certified substance abuse 106462
providers organized by zip code; 106463

(4) Information on recovery supports, including recovery 106464
housing residences; 106465

(5) Clinical information regarding what a person may 106466
expect during detoxification, withdrawal, and treatment. 106467

(D) The department may contract with private vendors for 106468
the creation and maintenance of the ~~interactive~~ web site 106469
described in division (C) of this section. 106470

Sec. 5119.49. (A) The director of ~~mental-behavioral~~ health 106471
~~and addiction services~~ shall collaborate with the state board of 106472
pharmacy and attorney general in the establishment and 106473
administration of a drug take-back program, as provided under 106474
section 4729.69 of the Revised Code. 106475

(B) The department may accept grants, gifts, or donations 106476
for purposes of the program. Money received under this division 106477
shall be deposited into the drug take-back program fund 106478
established under section 109.90 of the Revised Code. 106479

Sec. 5119.50. The director of ~~mental-behavioral~~ health ~~and~~ 106480
~~addiction services~~ may accept, hold, and administer in trust on 106481
behalf of the state, if it is for the public interest, any 106482
grant, gift, devise, or bequest of money or property made to the 106483
state for the use or benefit of any institution described in 106484
section 5119.14 of the Revised Code or for the use and benefit 106485
of persons with mental illnesses under its control. If the trust 106486
so provides, the money or property may be used for any work 106487
which the department of ~~mental-behavioral~~ health ~~and addiction~~ 106488
~~services~~ is authorized to undertake. 106489

The department shall keep such gift, grant, devise, or 106490
bequest as a distinct property or fund and, if it is in money, 106491
shall invest it in the manner provided by law. The department 106492
may deposit in a proper trust company or savings bank any money 106493
left in trust during a specified life or lives and shall adopt 106494
rules governing the deposit, transfer, withdrawal, or investment 106495
of such money and the income thereof. 106496

The department shall, in the manner prescribed by the 106497
director of budget and management pursuant to section 126.21 of 106498
the Revised Code, account for all money or property received or 106499
expended under this section. The records, together with a 106500
statement certified by the depository showing the funds 106501
deposited there to the credit of the trust, shall be open to 106502
public inspection. The director of budget and management may 106503
require the department to file a report with the director on any 106504
particular portion, or the whole, of any trust property received 106505
or expended by it. 106506

The department shall, upon the expiration of any trust 106507
according to its terms, dispose of the funds or property held 106508
thereunder in the manner provided in the instrument creating the 106509
trust. If the instrument creating the trust failed to make any 106510
terms of disposition, or if no trust was in evidence, then the 106511
decedent patient's money, saving or commercial deposits, 106512
dividends or distributions, bonds, or any other interest-bearing 106513
debt certificate or stamp issued by the United States government 106514
shall escheat to the state. All such unclaimed intangible 106515
personal property of a former patient shall be retained by the 106516
managing officer in such institution for the period of one year, 106517
during which time every possible effort shall be made to find 106518
such former patient or the former patient's legal 106519
representative. 106520

If, after a period of one year from the time the patient
has left the institution or has died, the managing officer has
been unable to locate such person or the person's legal
representative, then upon proper notice of such fact the
director shall at that time formulate in writing a method of
disposition on the minutes of the department authorizing the
managing officer to convert such intangible personal property to
cash to be paid into the state treasury to the credit of the
general revenue fund.

The department shall include in its annual report a
statement of all money and property and the terms and conditions
relating thereto.

Sec. 5119.51. (A) As used in this section, "supplemental
services" has the same meaning as in section 5815.28 of the
Revised Code.

(B) There is hereby created in the state treasury the
services fund for individuals with mental illness. On the death
of the beneficiary of a trust created pursuant to section
5815.28 of the Revised Code, the portion of the remaining assets
of the trust specified in the trust instrument shall be
deposited to the credit of the fund. Money credited to the fund
shall be used for individuals with mental illness.

Supplemental services may be provided through the
department or boards of alcohol, drug addiction, and mental
health services. In accordance with Chapter 119. of the Revised
Code, the department of ~~mental behavioral health and addiction~~
~~services~~ may adopt any rules necessary to implement this
section.

Sec. 5119.52. Each managing officer of an institution

under the jurisdiction of the department of ~~mental~~-behavioral 106550
health and ~~addiction services~~ as described in section 5119.14 of 106551
the Revised Code, with the approval of the director of ~~mental~~- 106552
behavioral health and addiction services, may establish local 106553
institution funds designated as follows: 106554

(A) Industrial and entertainment fund created and 106555
maintained for the entertainment and welfare of the patients of 106556
the institution. The director shall establish rules for the 106557
operation of the industrial and entertainment fund. 106558

(B) Commissary fund created and maintained for the benefit 106559
of patients in the institution. Commissary revenue over and 106560
above operating costs and reserve shall be considered profits. 106561
All profits from the commissary fund operations shall be paid 106562
into the industrial and entertainment fund and used only for the 106563
entertainment and welfare of patients. The director shall 106564
establish rules for the operation of the commissary fund. 106565

Sec. 5119.54. The treasurer of state shall have charge of 106566
all funds under the jurisdiction of the department of ~~mental~~- 106567
behavioral health and addiction services and shall pay out the 106568
same only in accordance with this chapter. 106569

The department shall cause to be furnished a contract of 106570
indemnity to cover all funds received by it or by its managing 106571
officers, employees, or agents while the funds are in the 106572
possession of such managing officers, employees or agents. Such 106573
funds are designated as follows: 106574

(A) Funds which are due and payable to the treasurer of 106575
state as provided by Chapter 131. of the Revised Code; 106576

(B) Those funds which are held in trust by the managing 106577
officers, employees, or agents of the institution as local funds 106578

or accounts under the jurisdiction of the department. 106579

Such contract of indemnity shall be made payable to the 106580
state and the premium for such contract of indemnity may be paid 106581
from any of the moneys received for the use of the department 106582
under this chapter and Chapters 5121. and 5122. of the Revised 106583
Code. 106584

Funds collected from various sources, such as the sale of 106585
goods, and all miscellaneous articles, shall be transmitted on 106586
or before Monday of each week to the treasurer of state and a 106587
detailed statement of such collections shall be made to the 106588
department. 106589

Sec. 5119.55. The department of ~~mental-behavioral health~~ 106590
~~and addiction services~~ may pay an amount for personal use to 106591
each individual residing in a state institution as described in 106592
section 5119.14 of the Revised Code who would be eligible for 106593
supplemental security income benefits at the reduced rate 106594
established by Title XVI of the "Social Security Act," 42 U.S.C. 106595
1381 et seq., if the medicaid program covers services provided 106596
in such institutions. The amount paid by the department shall 106597
not exceed the reduced supplemental security income benefit rate 106598
established by Title XVI of the "Social Security Act." 106599

Sec. 5119.56. Money or property deposited with managing 106600
officers of institutions under the jurisdiction of the 106601
department of ~~mental-behavioral health and addiction services~~ by 106602
any patient under the department's control or by relatives, 106603
guardians, conservators, and others for the special benefit of 106604
such patient, as well as all other funds and all other income 106605
paid to the patient, the patient's estate, or on the patient's 106606
behalf, or paid to the managing officer or to the institution as 106607
representative payee or otherwise paid on the patient's behalf, 106608

shall remain in the hands of such officers in appropriate 106609
accounts for use accordingly. The managing officer shall keep 106610
itemized book accounts of the receipt and disposition of such 106611
money and property, which book shall be open at all times to the 106612
inspection of the department. The director of ~~mental~~ behavioral 106613
health ~~and addiction services~~ shall adopt rules governing the 106614
deposit, transfer, withdrawal, or investment of the funds and 106615
the income thereof, as well as rules under which such funds and 106616
income shall be paid by managing officers for the support of the 106617
patients pursuant to Chapter 5121. of the Revised Code, or for 106618
their other needs. 106619

Whenever any patient confined in any state institution 106620
subject to the jurisdiction of the department dies, escapes, or 106621
is discharged from such institution, and any personal funds of 106622
such person remain in the hands of the managing officer thereof 106623
and no demand for such funds is made upon such managing officer 106624
by the owner of the funds or the owner's legally appointed 106625
representative, the managing officer shall hold the funds in the 106626
personal deposit fund for a period of at least one year during 106627
which time the managing officer shall make every effort possible 106628
to locate the owner or the owner's legally appointed 106629
representative. 106630

If at the end of this period no demand has been made for 106631
the funds, the managing officer shall dispose of the funds as 106632
follows: 106633

(A) All money in a personal deposit fund in excess of ten 106634
dollars due for the support of a patient shall be paid in 106635
accordance with the provisions of Chapter 5121. of the Revised 106636
Code. 106637

(B) All money in a personal deposit fund in excess of ten 106638

dollars not due for the support of a patient shall be placed to 106639
the credit of the institution's local account designated as the 106640
"industrial and entertainment" fund. 106641

(C) The first ten dollars to the credit of a patient shall 106642
be placed to the credit of the institution's local account 106643
designated as the "industrial and entertainment" fund. 106644

Whenever any patient in any state institution subject to 106645
the jurisdiction of the department dies, escapes, or is 106646
discharged from such institution, and any personal effects of 106647
such person remain in the hands of the managing officer thereof, 106648
and no demand is made upon such managing officer by the owner of 106649
the property or the owner's legally appointed representative, 106650
the managing officer shall hold and dispose of such property in 106651
the following manner. 106652

All the miscellaneous personal effects shall be held for a 106653
period of at least one year, during which time the managing 106654
officer shall make every effort possible to locate the owner or 106655
the owner's legal representative. If at the end of this period, 106656
no demand has been made by the owner of the property or the 106657
owner's legal representative, the managing officer shall file 106658
with the county recorder of the county of commitment of such 106659
owner, all deeds, wills, contract mortgages, or assignments. The 106660
balance of the personal effects shall be sold at public auction 106661
after being duly advertised, and the funds turned over to the 106662
treasurer of state for credit to the general revenue fund. If 106663
any of the property is not of a type to be filed with the county 106664
recorder and is not salable at public auction, then the managing 106665
officer of the institution shall destroy such property. 106666

Sec. 5119.60. The department of ~~mental-behavioral~~ health 106667
~~and addiction services~~ shall submit an annual report to the 106668

governor that shall describe the services the department offers 106669
and how appropriated funds have been spent. The report shall 106670
include all of the following: 106671

(A) The utilization of state hospitals by each alcohol, 106672
drug addiction, and mental health service district; 106673

(B) The number of persons served by community addiction 106674
services providers that receive funds distributed by the 106675
department, with a breakdown into categories including age, sex, 106676
race, the type of drug to which the person is addicted, and any 106677
other categories the director of ~~mental-behavioral~~ health and 106678
~~addiction services~~ considers significant; 106679

(C) The number of persons with severe mental disabilities 106680
served in each district; 106681

(D) The number and types of addiction services, mental 106682
health services, and recovery supports provided to persons with 106683
severe mental disabilities through state-operated services, 106684
community addiction services providers, and community mental 106685
health services providers; 106686

(E) A report measuring the success of community addiction 106687
services providers, based on the measures for accountability 106688
developed by the department, including the percentage of persons 106689
served by such community addiction services providers who have 106690
not relapsed; 106691

(F) Any other information that the director considers 106692
significant or is requested by the governor. 106693

Sec. 5119.61. (A) The department of ~~mental-behavioral~~ 106694
~~health and addiction services~~ shall collect and compile 106695
statistics and other information on the care and treatment of 106696
persons with mental disabilities, and the care, treatment, and 106697

rehabilitation of persons with alcohol use disorder, persons 106698
with drug dependencies, persons in danger of drug dependence, 106699
and persons with or in danger of developing a gambling addiction 106700
in this state. The information shall include, without 106701
limitation, information on the number of such persons, the type 106702
of drug involved, if any, the type of care, treatment, or 106703
rehabilitation prescribed or undertaken, and the success or 106704
failure of the care, treatment, or rehabilitation. The 106705
department shall collect information about addiction services, 106706
mental health services, and recovery supports delivered and 106707
persons served as required for reporting and evaluation relating 106708
to state and federal funds expended for such purposes. 106709

(B) No community addiction services provider or community 106710
mental health services provider shall fail to supply statistics 106711
and other information within its knowledge and with respect to 106712
its addiction services, mental health services, and recovery 106713
supports upon request of the department. 106714

(C) Communications by a person seeking aid in good faith 106715
for alcohol use disorder or drug dependence are confidential, 106716
and this section does not require the collection or permit the 106717
disclosure of information which reveals or comprises the 106718
identity of any person seeking aid. 106719

(D) Based on the information collected and compiled under 106720
division (A) of this section, the department shall develop a 106721
project to assess the outcomes of persons served by community 106722
addiction services providers and community mental health 106723
services providers that receive funds distributed by the 106724
department. 106725

(E) The director of ~~mental-behavioral health and addiction~~ 106726
~~services~~ may fine a community addiction services provider or 106727

community mental health services provider for violating division 106728
(B) of this section. In determining whether to impose a fine, 106729
the director shall consider whether the provider has engaged in 106730
a pattern of noncompliance. If a fine is imposed, it shall be 106731
one thousand dollars for a first failure to comply with division 106732
(B) of this section and two thousand dollars for each subsequent 106733
failure. The director's actions in imposing a fine shall be 106734
taken in accordance with Chapter 119. of the Revised Code. 106735

All fines collected under this division shall be deposited 106736
in the state treasury to the credit of the department's 106737
statewide treatment and prevention fund created by section 106738
4301.30 of the Revised Code. 106739

Sec. 5119.71. Pursuant to Article X of the compact set 106740
forth in section 5119.70 of the Revised Code, the director of 106741
~~mental-behavioral health and addiction services~~ and the director 106742
of developmental disabilities each shall designate an officer 106743
who shall be the compact administrator for the department and 106744
who, acting jointly with like officers of other party states, 106745
shall adopt rules to carry out more effectively the terms of the 106746
compact. The compact administrators of each department shall 106747
serve subject to the pleasure of the governor and shall 106748
cooperate with all departments, agencies, and officers of and in 106749
the government of this state and its subdivisions in 106750
facilitating the proper administration of the compact or of any 106751
supplementary agreements entered into by this state thereunder. 106752

Sec. 5119.82. There is hereby established a 9-8-8 106753
administrator within the department of ~~mental-behavioral health~~ 106754
~~and addiction services~~ to oversee the administration of the 9-8- 106755
8 suicide prevention and mental health crisis hotline system 106756
statewide. 106757

Sec. 5119.85. (A) As used in this section, "telephone 106758
company" has the same meaning as in section 128.01 of the 106759
Revised Code. 106760

(B) Except for willful or wanton misconduct, a telephone 106761
company, a provider of interconnected voice over internet 106762
protocol service, and any other installer, maintainer, or 106763
provider, through the sale or otherwise, of customer premises 106764
equipment, or service used for or with the 9-8-8 hotline, and 106765
their respective officers, directors, employees, agents, 106766
suppliers, corporate parents, and affiliates are not liable in 106767
damages in a civil action for injuries, death or loss to persons 106768
or property incurred by any person resulting from such an 106769
entity's or its officers', directors', employees', agents', or 106770
suppliers' participation in or acts or omissions in connection 106771
with participating in or developing, maintaining, or operating 106772
the 9-8-8 hotline. 106773

Sec. 5119.89. The director of ~~mental-behavioral health and~~ 106774
~~addiction services~~ shall consult with the superintendent of 106775
insurance as required by section 3901.90 of the Revised Code to 106776
develop consumer and payer education on ~~mental-behavioral health~~ 106777
~~and addiction services~~ insurance parity and establish and 106778
promote a consumer hotline to collect information and help 106779
consumers understand and access their insurance benefits. 106780

The department of ~~mental-behavioral health and addiction-~~ 106781
~~services~~ and the department of insurance shall jointly report 106782
annually on the departments' efforts, which shall include 106783
information on consumer and payer outreach activities and 106784
identification of trends and barriers to access and coverage in 106785
this state. The departments shall submit the report to the 106786
general assembly, the joint medicaid oversight committee, and 106787

the governor, not later than the thirtieth day of January of 106788
each year. 106789

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of 106790
the Revised Code: 106791

(A) "Alcohol and other drug abuse" means alcohol use 106792
disorder or drug addiction. 106793

(B) "Another drug" means a controlled substance as defined 106794
in section 3719.01 of the Revised Code or a harmful intoxicant 106795
as defined in section 2925.01 of the Revised Code. 106796

(C) "Board of alcohol, drug addiction, and mental health 106797
services" means a board of alcohol, drug addiction, and mental 106798
health services established under section 340.02 or 340.021 of 106799
the Revised Code. 106800

(D) "Danger" or "threat of danger to self, family, or 106801
others" means substantial physical harm or threat of substantial 106802
physical harm upon self, family, or others. 106803

(E) "Hospital" has the same meaning as in section 3701.01 106804
or 3727.01 of the Revised Code but does not include either a 106805
hospital operated by the department of ~~mental-behavioral health~~ 106806
~~and addiction services~~ or an inpatient unit licensed by the 106807
department. 106808

(F) "Intoxicated" means being under the influence of 106809
alcohol, another drug, or both alcohol and another drug and, as 106810
a result, having a significantly impaired ability to function. 106811

(G) "Petitioner" means a person who institutes a 106812
proceeding under sections 5119.91 to 5119.98 of the Revised 106813
Code. 106814

(H) "Probate court" means the probate division of the 106815

court of common pleas. 106816

(I) "Qualified health professional" means a person that is 106817
properly credentialed or licensed to conduct a drug and alcohol 106818
assessment and diagnosis under Ohio law. 106819

(J) "Residence" means the legal residence of a person as 106820
determined by applicable principles governing conflicts of law. 106821

(K) "Respondent" means a person alleged in a petition 106822
filed or hearing under sections 5119.91 to 5119.98 of the 106823
Revised Code to be a person who is experiencing alcohol and 106824
other drug abuse and who may be ordered under those sections to 106825
undergo treatment. 106826

(L) "Treatment" means services and programs for the care 106827
and rehabilitation of intoxicated persons and persons 106828
experiencing alcohol and other drug abuse. "Treatment" includes 106829
residential treatment, a halfway house setting, and an intensive 106830
outpatient or outpatient level of care. 106831

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 106832
Revised Code is guilty of a misdemeanor of the first degree. 106833

(B) Whoever violates section 5119.27 or 5119.28, division 106834
~~(P)~~(O) of section 5119.36, or division (A) (1) or (2) of section 106835
5119.37 of the Revised Code is guilty of a felony of the fifth 106836
degree. 106837

Sec. 5120.035. (A) As used in this section: 106838

(1) "Community treatment provider" means a program that 106839
provides substance use disorder assessment and treatment for 106840
persons and that satisfies all of the following: 106841

(a) It is located outside of a state correctional 106842
institution. 106843

(b) It shall provide the assessment and treatment for 106844
qualified prisoners referred and transferred to it under this 106845
section in a suitable facility that is licensed pursuant to 106846
division ~~(C)~~ (D) of section 2967.14 of the Revised Code. 106847

(c) All qualified prisoners referred and transferred to it 106848
under this section shall reside initially in the suitable 106849
facility specified in division (A) (1) (b) of this section while 106850
undergoing the assessment and treatment. 106851

(2) "Electronic monitoring device" has the same meaning as 106852
in section 2929.01 of the Revised Code. 106853

(3) "State correctional institution" has the same meaning 106854
as in section 2967.01 of the Revised Code. 106855

(4) "Qualified prisoner" means a person who satisfies all 106856
of the following: 106857

(a) The person is confined in a state correctional 106858
institution under a prison term imposed for a felony of the 106859
third, fourth, or fifth degree that is not an offense of 106860
violence. 106861

(b) The department of rehabilitation and correction 106862
determines, using a standardized assessment tool, that the 106863
person has a substance use disorder. 106864

(c) The person has not more than twelve months remaining 106865
to be served under the prison term described in division (A) (4) 106866
(a) of this section. 106867

(d) The person is not serving any prison term other than 106868
the term described in division (A) (4) (a) of this section. 106869

(e) The person is eighteen years of age or older. 106870

(f) The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification.

(g) As determined by the department of rehabilitation and correction, the person is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program established under division (B) of this section.

(B) The department of rehabilitation and correction shall establish and operate a program for community-based substance use disorder treatment for qualified prisoners. The purpose of the program shall be to provide substance use disorder assessment and treatment through community treatment providers to help reduce substance use relapses and recidivism for qualified prisoners while preparing them for reentry into the community and improving public safety.

(C) (1) The department shall determine which qualified prisoners in its custody should be placed in the substance use disorder treatment program established under division (B) of this section. The department has full discretion in making that determination. If the department determines that a qualified prisoner should be placed in the program, the department may refer the prisoner to a community treatment provider the department has approved under division (E) of this section for participation in the program and transfer the prisoner from the state correctional institution to the provider's approved and licensed facility. Except as otherwise provided in division (C) (3) of this section, no prisoner shall be placed under the program in any facility other than a facility of a community treatment provider that has been so approved. If the department places a prisoner in the program, the prisoner shall receive

credit against the prisoner's prison term for all time served in 106901
the provider's approved and licensed facility and may earn days 106902
of credit under section 2967.193 or 2967.194 of the Revised 106903
Code, but otherwise neither the placement nor the prisoner's 106904
participation in or completion of the program shall result in 106905
any reduction of the prisoner's prison term. 106906

(2) If the department places a prisoner in the substance 106907
use disorder treatment program, the prisoner does not 106908
satisfactorily participate in the program, and the prisoner has 106909
not served the prisoner's entire prison term, the department may 106910
remove the prisoner from the program and return the prisoner to 106911
a state correctional institution. 106912

(3) If the department places a prisoner in the substance 106913
use disorder treatment program and the prisoner is 106914
satisfactorily participating in the program, the department may 106915
permit the prisoner to reside at a residence approved by the 106916
department if the department determines, with input from the 106917
community treatment provider, that residing at the approved 106918
residence will help the prisoner prepare for reentry into the 106919
community and will help reduce substance use relapses and 106920
recidivism for the prisoner. If a prisoner is permitted under 106921
this division to reside at a residence approved by the 106922
department, the prisoner shall be monitored during the period of 106923
that residence by an electronic monitoring device. 106924

(D) (1) When a prisoner has been placed in the substance 106925
use disorder treatment program established under division (B) of 106926
this section, before the prisoner is released from custody of 106927
the department upon completion of the prisoner's prison term, 106928
the department shall conduct and prepare an evaluation of the 106929
prisoner, the prisoner's participation in the program, and the 106930

prisoner's needs regarding substance use disorder treatment upon 106931
release. Before the prisoner is released from custody of the 106932
department upon completion of the prisoner's prison term, the 106933
parole board or the court acting pursuant to an agreement under 106934
section 2967.29 of the Revised Code shall consider the 106935
evaluation, in addition to all other information and materials 106936
considered, as follows: 106937

(a) If the prisoner is a prisoner for whom post-release 106938
control is mandatory under section 2967.28 of the Revised Code, 106939
the board or court shall consider it in determining which post- 106940
release control sanction or sanctions to impose upon the 106941
prisoner under that section. 106942

(b) If the prisoner is a prisoner for whom post-release 106943
control is not mandatory under section 2967.28 of the Revised 106944
Code, the board or court shall consider it in determining 106945
whether a post-release control sanction is necessary and, if so, 106946
which post-release control sanction or sanctions to impose upon 106947
the prisoner under that section. 106948

(2) If the department determines that a prisoner it placed 106949
in the substance use disorder treatment program successfully 106950
completed the program and successfully completed a term of post- 106951
release control, if applicable, and if the prisoner submits an 106952
application under section 2953.32 or the prosecutor in the case 106953
submits an application under section 2953.39 of the Revised Code 106954
for sealing or expungement of the record of the conviction, the 106955
director may issue a letter to the court in support of the 106956
application. 106957

(E) (1) The department shall accept applications from 106958
community treatment providers that satisfy the requirement 106959
specified in division (E) (2) of this section and that wish to 106960

participate in the substance use disorder treatment program 106961
established under division (B) of this section, and shall 106962
approve for participation in the program at least four and not 106963
more than eight of the providers that apply. To the extent 106964
feasible, the department shall approve one or more providers 106965
from each geographical quadrant of the state. 106966

(2) Each community treatment provider that applies under 106967
division (E) (1) of this section to participate in the program 106968
shall have the provider's alcohol and drug addiction services 106969
that provide substance use disorder treatment certified by the 106970
department of mental health and addiction services under section 106971
5119.36 of the Revised Code. A community treatment provider is 106972
not required to have the provider's halfway house or residential 106973
treatment certified by the department of mental health and 106974
addiction services. 106975

(F) The department of rehabilitation and correction shall 106976
adopt rules for the operation of the substance use disorder 106977
treatment program it establishes under division (B) of this 106978
section and shall operate the program in accordance with this 106979
section and those rules. The rules shall establish, at a 106980
minimum, all of the following: 106981

(1) Criteria that establish which qualified prisoners are 106982
eligible for the program; 106983

(2) Criteria that must be satisfied to transfer a 106984
qualified prisoner to a residence pursuant to division (C) (3) of 106985
this section; 106986

(3) Criteria for the removal of a prisoner from the 106987
program pursuant to division (C) (2) of this section; 106988

(4) Criteria for determining when an offender has 106989

successfully completed the program for purposes of division (D) 106990
(2) of this section; 106991

(5) Criteria for community treatment providers to provide 106992
assessment and treatment, including minimum standards for 106993
treatment. 106994

Sec. 5120.039. The department of rehabilitation and 106995
correction shall permit the Frederick Douglass project for 106996
justice to register with the department under section 5120.034 106997
of the Revised Code to enter institutions under the control of 106998
the department for the purpose of facilitating structured 106999
meetings between incarcerated people and non-incarcerated 107000
people. 107001

Sec. 5120.16. (A) Persons sentenced to any institution, 107002
division, or place under the control of the department of 107003
rehabilitation and correction are committed to the control, 107004
care, and custody of the department. Subject to division ~~(B)~~(C) 107005
of this section, the director of rehabilitation and correction 107006
or the director's designee may direct that persons sentenced to 107007
the department, or to any institution or place within the 107008
department, shall be conveyed by the sheriff initially to an 107009
appropriate facility established and maintained by the 107010
department, or committed electronically in accordance with 107011
division (B) of this section, for reception, examination, 107012
observation, and classification of the persons so sentenced. 107013
Prior to removal of an individual on an out of jurisdiction 107014
detainer, the sheriff shall convey the sentenced person to the 107015
department of rehabilitation and correction or electronically 107016
commit the sentenced person in accordance with division (B) of 107017
this section. 107018

If a presentence investigation report was not prepared 107019

pursuant to section 2947.06 or 2951.03 of the Revised Code or 107020
Criminal Rule 32.2 regarding any person sentenced to the 107021
department or to any institution or place within the department, 107022
the director or the director's designee may order the 107023
department's field staff to conduct an offender background 107024
investigation and prepare an offender background investigation 107025
report regarding the person. The investigation and report shall 107026
be conducted in accordance with division (A) of section 2951.03 107027
of the Revised Code and the report shall contain the same 107028
information as a presentence investigation report prepared 107029
pursuant to that section. 107030

When the examination, observation, and classification of 107031
the person have been completed by the facility and a written 107032
report of the examination, observation, and classification is 107033
filed with the commitment papers, the director or the director's 107034
designee, subject to division (B) of this section, shall assign 107035
the person to a suitable state institution or place maintained 107036
by the state within the director's department or shall designate 107037
that the person is to be housed in a county, multicounty, 107038
municipal, municipal-county, or multicounty-municipal jail or 107039
workhouse, if authorized by section 5120.161 of the Revised 107040
Code, there to be confined, cared for, treated, trained, and 107041
rehabilitated until paroled, released in accordance with section 107042
2929.20, 2967.26, 2967.28, or 5120.036 of the Revised Code, or 107043
otherwise released under the order of the court that imposed the 107044
person's sentence. No person committed by a probate court, a 107045
trial court pursuant to section 2945.40, 2945.401, or 2945.402 107046
of the Revised Code subsequent to a finding of not guilty by 107047
reason of insanity, or a juvenile court shall be assigned to a 107048
state correctional institution. 107049

If a person is sentenced, committed, or assigned for the 107050

commission of a felony to any one of the institutions or places 107051
maintained by the department or to a county, multicounty, 107052
municipal, municipal-county, or multicounty-municipal jail or 107053
workhouse, the department, by order duly recorded and subject to 107054
division (B) of this section, may transfer the person to any 107055
other institution, or, if authorized by section 5120.161 of the 107056
Revised Code, to a county, multicounty, municipal, municipal- 107057
county, or multicounty-municipal jail or workhouse. 107058

(B) An agreement may be entered into between a court of 107059
common pleas and the department of rehabilitation and correction 107060
under which persons may be electronically committed to the 107061
department of rehabilitation and correction. 107062

(C) If the case of a child who is alleged to be a 107063
delinquent child is transferred for criminal prosecution to the 107064
appropriate court having jurisdiction of the offense pursuant to 107065
section 2152.12 of the Revised Code, if the child is convicted 107066
of or pleads guilty to a felony in that case, if the child is 107067
sentenced to a prison term, as defined in section 2901.01 of the 107068
Revised Code, and if the child is under eighteen years of age 107069
when delivered to the custody of the department of 107070
rehabilitation and correction, all of the following apply 107071
regarding the housing of the child: 107072

(1) Until the child attains eighteen years of age, subject 107073
to divisions ~~(B) (2)~~ (C) (2), (3), and (4) of this section, the 107074
department shall house the child in a housing unit in a state 107075
correctional institution separate from inmates who are eighteen 107076
years of age or older. 107077

(2) The department is not required to house the child in 107078
the manner described in division ~~(B) (1)~~ (C) (1) of this section if 107079
the child does not observe the rules and regulations of the 107080

institution or the child otherwise creates a security risk by 107081
being housed separately. 107082

(3) If the department receives too few inmates who are 107083
under eighteen years of age to fill a housing unit in a state 107084
correctional institution separate from inmates who are eighteen 107085
years of age or older, as described in division ~~(B) (1)~~ (C) (1) of 107086
this section, the department may house the child in a housing 107087
unit in a state correctional institution that includes both 107088
inmates who are under eighteen years of age and inmates who are 107089
eighteen years of age or older and under twenty-one years of 107090
age. 107091

(4) Upon the child's attainment of eighteen years of age, 107092
the department may house the child with the adult population of 107093
the state correctional institution. 107094

~~(C)~~ (D) The director or the director's designee shall 107095
develop a policy for dealing with problems related to infection 107096
with the human immunodeficiency virus. The policy shall include 107097
methods of identifying individuals committed to the custody of 107098
the department who are at high risk of infection with the virus 107099
and counseling those individuals. 107100

Arrangements for housing individuals diagnosed as having 107101
AIDS or an AIDS-related condition shall be made by the 107102
department based on security and medical considerations and in 107103
accordance with division ~~(B)~~ (C) of this section, if applicable. 107104

Sec. 5120.21. (A) The department of rehabilitation and 107105
correction shall keep in its office, accessible only to its 107106
employees, except by the consent of the department or the order 107107
of the judge of a court of record, and except as provided in 107108
division (C) of this section, a record showing the name, 107109

residence, sex, age, nativity, occupation, condition, and date 107110
of entrance or commitment of every inmate in the several 107111
institutions governed by it. The record also shall include the 107112
date, cause, and terms of discharge and the condition of such 107113
person at the time of leaving, a record of all transfers from 107114
one institution to another, and, if such inmate is dead, the 107115
date and cause of death. These and other facts that the 107116
department requires shall be furnished by the managing officer 107117
of each institution within ten days after the commitment, 107118
entrance, death, or discharge of an inmate. 107119

(B) In case of an accident or injury or peculiar death of 107120
an inmate, the managing officer shall make a special report to 107121
the department within twenty-four hours thereafter, giving the 107122
circumstances as fully as possible. 107123

(C) (1) As used in this division, "medical record" means 107124
any document or combination of documents that pertains to the 107125
medical history, diagnosis, prognosis, or medical condition of a 107126
patient and that is generated and maintained in the process of 107127
medical treatment. 107128

(2) A separate medical record of every inmate in an 107129
institution governed by the department shall be compiled, 107130
maintained, and kept apart from and independently of any other 107131
record pertaining to the inmate. Upon the signed written request 107132
of the inmate to whom the record pertains together with the 107133
written request of a person the inmate designates who is either 107134
a licensed attorney at law or a licensed physician, certified 107135
nurse-midwife, clinical nurse specialist, or certified nurse 107136
practitioner, the department shall make the inmate's medical 107137
record available to the designated attorney, physician, or 107138
nurse. The record may be inspected or copied by the inmate's 107139

designated attorney, physician, or nurse. The department may 107140
establish a reasonable fee for the copying of any medical 107141
record. If a physician, certified nurse-midwife, clinical nurse 107142
specialist, or certified nurse practitioner concludes that 107143
presentation of all or any part of the medical record directly 107144
to the inmate will result in serious medical harm to the inmate, 107145
the physician or nurse shall so indicate on the medical record. 107146
An inmate's medical record shall be made available to a 107147
physician, certified nurse-midwife, clinical nurse specialist, 107148
certified nurse practitioner, or attorney designated in writing 107149
by the inmate not more than once every twelve months. 107150

(D) ~~Except as otherwise provided by a~~ Notwithstanding any 107151
other law of this state or the United States to the contrary, 107152
the department and the officers of its institutions shall keep 107153
confidential and accessible only to its employees, except by the 107154
consent of the department or the order of a judge of a court of 107155
record, all of the following: 107156

(1) Architectural, engineering, or construction diagrams, 107157
drawings, or plans of a correctional institution; 107158

(2) Plans for hostage negotiation, for disturbance 107159
control, for the control and location of keys, and for dealing 107160
with escapes; 107161

(3) Statements made by inmate informants; 107162

(4) Records that are maintained by the department of youth 107163
services, that pertain to children in its custody, and that are 107164
released to the department of rehabilitation and correction by 107165
the department of youth services pursuant to section 5139.05 of 107166
the Revised Code; 107167

(5) Victim impact statements and information provided by 107168

victims of crimes that the department considers when determining 107169
the security level assignment, program participation, and 107170
release eligibility of inmates; 107171

(6) Information and data of any kind or medium pertaining 107172
to groups that pose a security threat; 107173

(7) Conversations recorded from the monitored inmate 107174
telephones that involve nonprivileged communications. 107175

~~(E)~~ (E) (1) Records regarding inmates committed to the 107176
department of rehabilitation and correction or records of 107177
persons under the supervision of the adult parole authority are 107178
not public records under section 149.43 of the Revised Code. 107179
Nothing in this division prohibits the disclosure of the 107180
following information related to inmates committed to the 107181
department of rehabilitation and correction: 107182

(a) Name; 107183

(b) Criminal convictions; 107184

(c) Photograph; 107185

(d) Supervision status, including current and past place 107186
of incarceration; 107187

(e) Disciplinary history. 107188

(2) Except as otherwise provided by a law of this state or 107189
the United States, the department of rehabilitation and 107190
correction may release inmate records to the department of youth 107191
services or a court of record, and the department of youth 107192
services or the court of record may use those records for the 107193
limited purpose of carrying out the duties of the department of 107194
youth services or the court of record. Inmate records released 107195
by the department of rehabilitation and correction to the 107196

department of youth services or a court of record shall remain 107197
confidential and shall not be considered public records as 107198
defined in section 149.43 of the Revised Code. 107199

~~(F) Except as otherwise provided in division (C) of this 107200
section, records of inmates committed to the department of 107201
rehabilitation and correction as well as records of persons 107202
under the supervision of the adult parole authority shall not be 107203
considered public records as defined in section 149.43 of the 107204
Revised Code. 107205~~

Sec. 5120.85. (A) As used in this section: 107206

(1) "Correction officer" means a correction officer, 107207
corporal, sergeant, lieutenant, or captain, and the equivalents 107208
of all such persons, at an institution under the control of the 107209
department of rehabilitation and correction. 107210

(2) "Killed in the line of duty" has the same meaning as 107211
in section 742.63 of the Revised Code. 107212

(B) (1) The director of rehabilitation and correction shall 107213
notify the director of administrative services when a correction 107214
officer is killed in the line of duty. On receiving the notice, 107215
the director of administrative services shall enroll the 107216
surviving spouse of the deceased correction officer in any 107217
health, medical, hospital, dental, surgical, or vision benefit 107218
the department of administrative services contracts for under 107219
section 124.82 of the Revised Code or otherwise provides for the 107220
benefit of state employees who are paid directly by warrant of 107221
the director of budget and management. Receiving benefits under 107222
this section does not make the surviving spouse a state 107223
employee. 107224

(2) A surviving spouse is ineligible to participate in a 107225

health, medical, hospital, dental, surgical, or vision benefit 107226
under division (B) (1) of this section if the spouse is either of 107227
the following: 107228

(a) An employee paid directly by warrant of the director 107229
of budget and management who is eligible to participate in those 107230
benefits pursuant to section 124.82 of the Revised Code; 107231

(b) Eligible to enroll in the medicare program established 107232
by Title XVIII of the "Social Security Act," 42 U.S.C. 1395c. 107233

(C) The department of rehabilitation and correction shall 107234
pay the department of administrative services for the total cost 107235
of a surviving spouse's health, medical, hospital, dental, 107236
surgical, or vision benefit under division (B) (1) of this 107237
section, plus any applicable administrative costs. 107238

(D) A surviving spouse who is receiving a health, medical, 107239
hospital, dental, surgical, or vision benefit under division (B) 107240
(1) of this section shall apply to the director of 107241
administrative services to participate in any health, medical, 107242
hospital, dental, surgical, or vision benefit available under 107243
section 124.824 of the Revised Code as soon as practicable after 107244
the spouse's application for a death benefit paid under section 107245
742.63 of the Revised Code is approved by the board of trustees 107246
of the Ohio police and fire pension fund. 107247

Sec. 5121.30. As used in sections 5121.30 to 5121.56 of 107248
the Revised Code: 107249

(A) "Countable assets" means all of the following: 107250

(1) Cash; 107251

(2) Bank deposits; 107252

(3) Securities; 107253

(4) Individual retirement accounts;	107254
(5) Qualified employer plans, including 401(k) and Keogh plans;	107255 107256
(6) Annuities;	107257
(7) Funds in a trust created under section 5815.28 of the Revised Code;	107258 107259
(8) Investment property and income;	107260
(9) The cash surrender values of life insurance policies;	107261
(10) Assets acquired by gift, bequest, devise, or inheritance;	107262 107263
(11) Any other asset determined by the department of mental health and addiction services to be equivalent to the assets enumerated in this division.	107264 107265 107266
(B) "Federal poverty level" or "FPL" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	107267 107268 107269 107270 107271 107272 107273
(C) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	107274 107275 107276 107277 107278 107279 107280

(D) "Hospital" means an institution, hospital, or other place established, controlled, or supervised by the department of mental health and addiction services under Chapter 5119. of the Revised Code, except when otherwise described only as a hospital operated by the department.

(E) "Liable relative" means all of the following:

(1) A patient's spouse;

(2) A patient's mother or father, or both, if the patient is under eighteen years of age;

(3) A patient's guardian.

(F) "Patient" means a person admitted to a hospital for inpatient care or treatment, including a person transferred to a hospital from a state correctional institution or a person under indictment or conviction who has been transferred to a hospital.

Sec. 5121.32. On an annual basis, the department of mental health and addiction services shall determine both of the following using generally accepted governmental accounting principles:

(A) The ~~applicable~~ per diem charge for each hospital operated by the department;

(B) The ancillary per diem rate for each hospital operated by the department.

In determining a hospital's ~~applicable~~ per diem charge and ancillary per diem rate, the department shall consider the average actual per diem cost of maintaining and treating a patient at the hospital or, at the department's discretion, the average actual per diem cost of maintaining and treating a patient in a unit of the hospital.

Sec. 5121.33. (A) Except as provided in sections 5121.35, 107309
5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised 107310
Code, the department of mental health and addiction services 107311
shall, for each billing cycle, charge a patient, patient's 107312
estate, or liable relative ~~an amount equal to the sum of the~~ 107313
~~following:~~ 107314

~~(A) The applicable per diem charge multiplied the amount~~ 107315
~~calculated under division (B) of this section for care and~~ 107316
~~treatment the patient receives in a hospital operated by the~~ 107317
~~department.~~ 107318

(B) The amount to be charged under division (A) of this 107319
section shall be calculated by multiplying the hospital's per 107320
diem charge or ancillary per diem rate determined under section 107321
5121.32 of the Revised Code, whichever the department determines 107322
applies, by the number of days the patient was admitted to the 107323
hospital. 107324

~~(B) An amount that was previously billed but not paid~~ 107325
~~during the period that is covered by the billing cycle.~~ 107326

Sec. 5121.34. (A) A patient, patient's estate, and 107327
patient's liable relatives shall be jointly and severally liable 107328
for amounts charged by the department of mental health and 107329
addiction services in accordance with section 5121.33 or 5121.35 107330
of the Revised Code. In no case shall any of the foregoing 107331
persons be liable for more than one hundred per cent of the full 107332
~~sum~~ amount charged under section 5121.33 of the Revised Code. 107333

(B) Collections of support payments shall be made by the 107334
department and, subject to meeting prior requirements for 107335
payment and crediting of such collections and other available 107336
receipts, in accordance with the bond proceedings applicable to 107337

obligations issued pursuant to section 154.20 of the Revised 107338
Code. The collections and other available receipts designated by 107339
the director of mental health and addiction services for deposit 107340
in the special accounts, together with insurance contract 107341
payments provided for in section 5121.43 of the Revised Code, 107342
shall be remitted to the treasurer of state for deposit in the 107343
state treasury to the credit of the mental health operating 107344
fund, which is hereby created, to be used for the general 107345
purposes of the department. The department shall make refunds of 107346
overpayment of support charges from the mental health operating 107347
fund. 107348

Sec. 5121.41. (A) If the assets of a patient, patient's 107349
estate, or liable relative do not exceed the countable asset 107350
limit in section 5121.40 of the Revised Code and the annual 107351
income of the patient, estate, or relative does not exceed four 107352
hundred per cent of the federal poverty level, the patient, 107353
estate, or relative shall be charged an amount discounted from 107354
the amount the department charges under section 5121.33 of the 107355
Revised Code for the first thirty days the patient is admitted 107356
as an inpatient in a hospital and for which the patient is 107357
liable for the cost of care. The amount of the discount shall be 107358
computed according to the following schedule: 107359

Annual Gross Income 107360

Expressed as a Percentage of FPL 107361

107362

	1	2	3	4	5	6	7
A Inpatient Days at	0 -	176 -	200 -	250 -	300 -	350 -	
a Hospital	175	199	249	299	349	400	

Percentage discount from charged amount 107363

107364

	1	2	3	4	5	6	7
A	1 - 14	100	90	70	50	30	10
B	15 - 30	100	95	75	55	35	15

(B) A patient, estate, or relative who is charged a 107365
discounted amount for the first thirty days the patient is 107366
admitted as an inpatient and who has an annual income not 107367
greater than one hundred seventy-five per cent of the federal 107368
poverty level shall not be charged for the days the patient is 107369
admitted beyond the thirtieth day. 107370

(C) A patient, estate, or relative who is charged a 107371
discounted amount for the first thirty days the patient is 107372
admitted as an inpatient and who has an annual income greater 107373
than one hundred seventy-five per cent of the federal poverty 107374
level shall be charged an amount equal to the sum of the 107375
following for the days the patient is admitted beyond the 107376
thirtieth day: 107377

(1) The ancillary per diem rate that applies to the 107378
hospital, as determined under section 5121.32 of the Revised 107379
Code, multiplied by the number of days the patient was admitted 107380
to the hospital; 107381

(2) An amount that was previously charged but not paid. 107382

Sec. 5121.43. (A) If a patient is covered by an insurance 107383
policy or other contract that provides for payment of expenses 107384
for care and treatment for mental illness at or from a hospital 107385
~~under the jurisdiction of operated by the department of mental~~ 107386
~~health and addiction services, sections 5121.33 to 5121.55 of~~ 107387
~~the Revised Code are inapplicable to the extent that the policy~~ 107388

~~or contract is in force. Any insurance carrier or other third-~~ 107389
~~party payor providing coverage for such care and treatment shall~~ 107390
~~pay for the patient's support obligation in amounts equal to the~~ 107391
~~lesser of amounts charged by the department under section-~~ 107392
~~5121.33 of the Revised Code or the benefits provided under the~~ 107393
~~policy or other contract. Whether or not an insured, owner of,~~ 107394
~~or other person having an interest in such policy or other~~ 107395
~~contract is liable for support payments, the all of the~~ 107396
~~following apply with respect to the amount owed to the~~ 107397
~~department for such care and treatment:~~ 107398

(1) The insured, policy owner, or other person having an 107399
interest in the policy or other contract shall assign payment 107400
directly to the department of all assignable benefits under the 107401
policy or other contract and shall pay to the department, within 107402
ten days of receipt, all insurance or other benefits received as 107403
reimbursement or payment for expenses incurred by the patient or 107404
for any other reason. ~~If the insured, policy owner, or other~~ 107405
~~person refuses to assign payment to the department or refuses to~~ 107406
~~pay received reimbursements or payments to the department within~~ 107407
~~ten days of receipt, the total liability of the insured, policy-~~ 107408
~~owner, or other person for the services is an amount equal to-~~ 107409
~~the per diem charge for the hospital where the patient was-~~ 107410
~~admitted multiplied by the number of days the patient was-~~ 107411
~~admitted.~~ 107412

(2) (a) Regardless of the coverage provided by the policy 107413
or other contract, the patient, patient's estate, or patient's 107414
liable relative is liable to the department for the actual cost 107415
of care and treatment calculated under section 5121.33 of the 107416
Revised Code. 107417

(b) If the amount the department receives through the 107418

assignment of benefits, as required by division (A) (1) of this 107419
section, is less than the actual cost of care and treatment that 107420
is calculated under section 5121.33 of the Revised Code, the 107421
department shall charge the patient, patient's estate, or liable 107422
relative the lesser of the following: 107423

(i) The amount calculated under section 5121.33 of the 107424
Revised Code that remains after subtracting the amount the 107425
department receives through the assignment of benefits; 107426

(ii) The amount calculated under section 5121.33 of the 107427
Revised Code that applies after the department takes into 107428
consideration the exceptions described in sections 5121.35, 107429
5121.46, 5121.47, 5121.49, and 5121.52 of the Revised Code. 107430

(3) In no event shall ~~this total~~ a patient, patient's 107431
estate, or liable relative have liability ~~exceed~~ under this 107432
section for an amount that exceeds either, as the case may be, 107433
the department's actual cost of providing care and treatment to 107434
a patient calculated under section 5121.33 of the Revised Code 107435
or the amount that is charged under division (A) (2) (b) of this 107436
section. 107437

(B) With respect to the requirements of division (A) (1) of 107438
this section, both of the following apply: 107439

(1) The department may disqualify patients and liable 107440
relatives who have failed to assign benefits in accordance with 107441
division (A) (1) of this section, and retained third party funds, 107442
from future discounts that otherwise may have been available. 107443

(2) The department may request that the attorney general 107444
petition a court of competent jurisdiction to compel ~~the~~ an 107445
insured, policy owner~~of~~, or other person having an interest in 107446
the policy or other contract to comply with the assignment 107447

requirements ~~in~~ of division (A)(1) of this section. 107448

Sec. 5122.01. As used in this chapter and Chapter 5119. of 107449
the Revised Code: 107450

(A) "Mental illness" means a substantial disorder of 107451
thought, mood, perception, orientation, or memory that grossly 107452
impairs judgment, behavior, capacity to recognize reality, or 107453
ability to meet the ordinary demands of life. 107454

(B) "Person with a mental illness subject to court order" 107455
means a person with a mental illness who, because of the 107456
person's illness: 107457

(1) Represents a substantial risk of physical harm to self 107458
as manifested by evidence of threats of, or attempts at, suicide 107459
or serious self-inflicted bodily harm; 107460

(2) Represents a substantial risk of physical harm to 107461
others as manifested by evidence of recent homicidal or other 107462
violent behavior, evidence of recent threats that place another 107463
in reasonable fear of violent behavior and serious physical 107464
harm, or other evidence of present dangerousness; 107465

(3) Represents a substantial and immediate risk of serious 107466
physical impairment or injury to self as manifested by evidence 107467
that the person is unable to provide for and is not providing 107468
for the person's basic physical needs because of the person's 107469
mental illness and that appropriate provision for those needs 107470
cannot be made immediately available in the community; 107471

(4) Would benefit from treatment for the person's mental 107472
illness and is in need of such treatment as manifested by 107473
evidence of behavior that creates a grave and imminent risk to 107474
substantial rights of others or the person; 107475

(5) (a) Would benefit from treatment as manifested by 107476
evidence of behavior that indicates all of the following: 107477

(i) The person is unlikely to survive safely in the 107478
community without supervision, based on a clinical 107479
determination. 107480

(ii) The person has a history of lack of compliance with 107481
treatment for mental illness and one of the following applies: 107482

(I) At least twice within the thirty-six months prior to 107483
the filing of an affidavit seeking court-ordered treatment of 107484
the person under section 5122.111 of the Revised Code, the lack 107485
of compliance has been a significant factor in necessitating 107486
hospitalization in a hospital or receipt of services in a 107487
forensic or other mental health unit of a correctional facility, 107488
provided that the thirty-six-month period shall be extended by 107489
the length of any hospitalization or incarceration of the person 107490
that occurred within the thirty-six-month period. 107491

(II) Within the forty-eight months prior to the filing of 107492
an affidavit seeking court-ordered treatment of the person under 107493
section 5122.111 of the Revised Code, the lack of compliance 107494
resulted in one or more acts of serious violent behavior toward 107495
self or others or threats of, or attempts at, serious physical 107496
harm to self or others, provided that the forty-eight-month 107497
period shall be extended by the length of any hospitalization or 107498
incarceration of the person that occurred within the forty- 107499
eight-month period. 107500

(iii) The person, as a result of the person's mental 107501
illness, is unlikely to voluntarily participate in necessary 107502
treatment. 107503

(iv) In view of the person's treatment history and current 107504

behavior, the person is in need of treatment in order to prevent 107505
a relapse or deterioration that would be likely to result in 107506
substantial risk of serious harm to the person or others. 107507

(b) An individual who meets only the criteria described in 107508
division (B) (5) (a) of this section is not subject to 107509
hospitalization. 107510

(C) (1) "Patient" means, subject to division (C) (2) of this 107511
section, a person who is admitted either voluntarily or 107512
involuntarily to a hospital or other place under section 107513
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 107514
subsequent to a finding of not guilty by reason of insanity or 107515
incompetence to stand trial or under this chapter, who is under 107516
observation or receiving treatment in such place. 107517

(2) "Patient" does not include a person admitted to a 107518
hospital or other place under section 2945.39, 2945.40, 107519
2945.401, or 2945.402 of the Revised Code to the extent that the 107520
reference in this chapter to patient, or the context in which 107521
the reference occurs, is in conflict with any provision of 107522
sections 2945.37 to 2945.402 of the Revised Code. 107523

(D) "Licensed physician" means a person licensed under the 107524
laws of this state to practice medicine or a medical officer of 107525
the government of the United States while in this state in the 107526
performance of the person's official duties. 107527

(E) "Psychiatrist" means a licensed physician who has 107528
satisfactorily completed a residency training program in 107529
psychiatry, as approved by the residency review committee of the 107530
American medical association, the committee on post-graduate 107531
education of the American osteopathic association, or the 107532
American osteopathic board of neurology and psychiatry, or who 107533

on July 1, 1989, has been recognized as a psychiatrist by the 107534
Ohio state medical association or the Ohio osteopathic 107535
association on the basis of formal training and five or more 107536
years of medical practice limited to psychiatry. 107537

(F) "Hospital" means a hospital or inpatient unit licensed 107538
by the department of ~~mental behavioral health and addiction~~ 107539
~~services~~ under section 5119.33 of the Revised Code, and any 107540
institution, hospital, or other place established, controlled, 107541
or supervised by the department under Chapter 5119. of the 107542
Revised Code. 107543

(G) "Public hospital" means a facility that is tax- 107544
supported and under the jurisdiction of the department of ~~mental~~ 107545
~~behavioral health and addiction services~~. 107546

(H) "Community mental health services provider" means an 107547
agency, association, corporation, individual, or program that 107548
provides community mental health services that are certified by 107549
the director of ~~mental behavioral health and addiction services~~ 107550
under section 5119.36 of the Revised Code. 107551

(I) "Licensed clinical psychologist" means a person who 107552
holds a current, valid psychologist license issued under section 107553
4732.12 of the Revised Code, and in addition, meets the 107554
educational requirements set forth in division (B) of section 107555
4732.10 of the Revised Code and has a minimum of two years' 107556
full-time professional experience, or the equivalent as 107557
determined by rule of the state board of psychology, at least 107558
one year of which shall be a predoctoral internship, in clinical 107559
psychological work in a public or private hospital or clinic or 107560
in private practice, diagnosing and treating problems of mental 107561
illness or intellectual disability under the supervision of a 107562
psychologist who is licensed or who holds a diploma issued by 107563

the American board of professional psychology, or whose 107564
qualifications are substantially similar to those required for 107565
licensure by the state board of psychology when the supervision 107566
has occurred prior to enactment of laws governing the practice 107567
of psychology. 107568

(J) "Health officer" means any public health physician; 107569
public health nurse; or other person authorized or designated by 107570
a city or general health district or a board of alcohol, drug 107571
addiction, and mental health services to perform the duties of a 107572
health officer under this chapter. 107573

(K) "Chief clinical officer" means the medical director of 107574
a hospital, community mental health services provider, or board 107575
of alcohol, drug addiction, and mental health services, or, if 107576
there is no medical director, the licensed physician responsible 107577
for the treatment provided by a hospital or community mental 107578
health services provider. The chief clinical officer may 107579
delegate to the attending physician responsible for a patient's 107580
care the duties imposed on the chief clinical officer by this 107581
chapter. In the case of a community mental health services 107582
provider, the chief clinical officer shall be designated by the 107583
governing body of the services provider and shall be a licensed 107584
physician or licensed clinical psychologist who supervises 107585
diagnostic and treatment services. A licensed physician or 107586
licensed clinical psychologist designated by the chief clinical 107587
officer may perform the duties and accept the responsibilities 107588
of the chief clinical officer in the chief clinical officer's 107589
absence. 107590

(L) "Working day" or "court day" means Monday, Tuesday, 107591
Wednesday, Thursday, and Friday, except when such day is a 107592
holiday. 107593

(M) "Indigent" means unable without deprivation of satisfaction of basic needs to provide for the payment of an attorney and other necessary expenses of legal representation, including expert testimony.

(N) "Respondent" means the person whose detention, commitment, hospitalization, continued hospitalization or commitment, or discharge is being sought in any proceeding under this chapter.

(O) "Ohio protection and advocacy system" has the same meaning as in section 5123.60 of the Revised Code.

(P) "Independent expert evaluation" means an evaluation conducted by a licensed clinical psychologist, psychiatrist, or licensed physician who has been selected by the respondent or the respondent's counsel and who consents to conducting the evaluation.

(Q) "Court" means the probate division of the court of common pleas.

(R) "Expunge" means:

(1) The removal and destruction of court files and records, originals and copies, and the deletion of all index references;

(2) The reporting to the person of the nature and extent of any information about the person transmitted to any other person by the court;

(3) Otherwise insuring that any examination of court files and records in question shall show no record whatever with respect to the person;

(4) That all rights and privileges are restored, and that

the person, the court, and any other person may properly reply 107622
that no such record exists, as to any matter expunged. 107623

(S) "Residence" means a person's physical presence in a 107624
county with intent to remain there, except that: 107625

(1) If a person is receiving a mental health service at a 107626
facility that includes nighttime sleeping accommodations, 107627
residence means that county in which the person maintained the 107628
person's primary place of residence at the time the person 107629
entered the facility; 107630

(2) If a person is committed pursuant to section 2945.38, 107631
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 107632
residence means the county where the criminal charges were 107633
filed. 107634

When the residence of a person is disputed, the matter of 107635
residence shall be referred to the department of ~~mental~~ 107636
behavioral health and addiction services for investigation and 107637
determination. Residence shall not be a basis for a board of 107638
alcohol, drug addiction, and mental health services to deny 107639
services to any person present in the board's service district, 107640
and the board shall provide services for a person whose 107641
residence is in dispute while residence is being determined and 107642
for a person in an emergency situation. 107643

(T) "Admission" to a hospital or other place means that a 107644
patient is accepted for and stays at least one night at the 107645
hospital or other place. 107646

(U) "Prosecutor" means the prosecuting attorney, village 107647
solicitor, city director of law, or similar chief legal officer 107648
who prosecuted a criminal case in which a person was found not 107649
guilty by reason of insanity, who would have had the authority 107650

to prosecute a criminal case against a person if the person had 107651
not been found incompetent to stand trial, or who prosecuted a 107652
case in which a person was found guilty. 107653

(V) (1) "Treatment plan" means a written statement of 107654
reasonable objectives and goals for an individual established by 107655
the treatment team, with specific criteria to evaluate progress 107656
towards achieving those objectives. 107657

(2) The active participation of the patient in 107658
establishing the objectives and goals shall be documented. The 107659
treatment plan shall be based on patient needs and include 107660
services to be provided to the patient while the patient is 107661
hospitalized, after the patient is discharged, or in an 107662
outpatient setting. The treatment plan shall address services to 107663
be provided. In the establishment of the treatment plan, 107664
consideration should be given to the availability of services, 107665
which may include but are not limited to all of the following: 107666

(a) Community psychiatric supportive treatment; 107667

(b) Assertive community treatment; 107668

(c) Medications; 107669

(d) Individual or group therapy; 107670

(e) Peer support services; 107671

(f) Financial services; 107672

(g) Housing or supervised living services; 107673

(h) Alcohol or substance abuse treatment; 107674

(i) Any other services prescribed to treat the patient's 107675
mental illness and to either assist the patient in living and 107676
functioning in the community or to help prevent a relapse or a 107677

deterioration of the patient's current condition. 107678

(3) If the person subject to the treatment plan has 107679
executed an advance directive for mental health treatment, the 107680
treatment team shall consider any directions included in such 107681
advance directive in developing the treatment plan. 107682

(W) "Community control sanction" has the same meaning as 107683
in section 2929.01 of the Revised Code. 107684

(X) "Post-release control sanction" has the same meaning 107685
as in section 2967.01 of the Revised Code. 107686

(Y) "Local correctional facility" has the same meaning as 107687
in section 2903.13 of the Revised Code. 107688

(Z) "Clinical nurse specialist" and "certified nurse 107689
practitioner" have the same meanings as in section 4723.01 of 107690
the Revised Code. 107691

Sec. 5122.03. A patient admitted under section 5122.02 of 107692
the Revised Code who requests release in writing, or whose 107693
release is requested in writing by the patient's counsel, legal 107694
guardian, parent, spouse, or adult next of kin shall be released 107695
forthwith, except when any of the following is the case: 107696

(A) The patient was admitted on the patient's own 107697
application and the request for release is made by a person 107698
other than the patient, release may be conditional upon the 107699
agreement of the patient. 107700

(B) The patient was, within the past twelve months, a 107701
defendant described in division (B) (1) (a) (v) (I) of section 107702
2945.38 of the Revised Code and the chief clinical officer of 107703
the hospital decides not to file or cause to be filed an 107704
affidavit under section 5122.11 of the Revised Code as described 107705

in division (C) of this section. In that circumstance, the chief 107706
clinical officer shall immediately notify the trial court or 107707
prosecutor described in division (B) (1) (a) (v) (I) of section 107708
2945.38 of the Revised Code of the chief clinical officer's 107709
decision and intent to release the patient. Not later than three 107710
court days after being notified of the intent to release, the 107711
trial court or prosecutor may file or cause to be filed with the 107712
court of the county where the patient is hospitalized, or the 107713
court of the county where the patient resides, an affidavit 107714
under section 5122.11 of the Revised Code. If such an affidavit 107715
is filed, the patient's release must be postponed until a 107716
hearing under section 5122.141 of the Revised Code is held. 107717

(C) The chief clinical officer of the hospital, within 107718
three court days from the receipt of the request for release, 107719
files or causes to be filed with the court of the county where 107720
the patient is hospitalized or of the county where the patient 107721
is a resident, an affidavit under section 5122.11 of the Revised 107722
Code. Release may be postponed until the hearing held under 107723
section 5122.141 of the Revised Code. A telephone communication 107724
within three court days from the receipt of the request for 107725
release from the chief clinical officer to the court, indicating 107726
that the required affidavit has been mailed, is sufficient 107727
compliance with the time limit for filing such affidavit. 107728

Unless the patient is released within three days from the 107729
receipt of the request by the chief clinical officer, the 107730
request shall serve as a request for an initial hearing under 107731
section 5122.141 of the Revised Code. If the court finds that 107732
the patient is a person with a mental illness subject to court 107733
order, all provisions of this chapter with respect to 107734
involuntary hospitalization apply to such person. 107735

Judicial proceedings for hospitalization shall not be 107736
commenced with respect to a voluntary patient except pursuant to 107737
this section. 107738

Sections 5121.30 to 5121.56 of the Revised Code apply to 107739
persons received in a hospital operated by the department of 107740
~~mental-behavioral health and addiction services~~ on a voluntary 107741
application. 107742

The chief clinical officer of the hospital shall provide 107743
reasonable means and arrangements for informing patients of 107744
their rights to release as provided in this section and for 107745
assisting them in making and presenting requests for release or 107746
for a hearing under section 5122.141 of the Revised Code. 107747

Before a patient is released from a public hospital, the 107748
chief clinical officer shall, when possible, ~~notify~~ provide 107749
notice of the patient's pending release to the board of alcohol, 107750
drug addiction, and mental health services serving the patient's 107751
county of residence ~~of the patient's pending release after.~~ 107752
Before the notice is given, the chief clinical officer ~~has~~ 107753
~~informed~~ shall inform the patient that the board will be so 107754
notified. 107755

Sec. 5122.10. (A) (1) Any of the following who has reason 107756
to believe that a person is a person with a mental illness 107757
subject to court order and represents a substantial risk of 107758
physical harm to self or others if allowed to remain at liberty 107759
pending examination may take the person into custody and may 107760
immediately transport the person to a hospital or, 107761
notwithstanding section 5119.33 of the Revised Code, to a 107762
general hospital not licensed by the department of ~~mental-~~ 107763
behavioral health and addiction services where the person may be 107764
held for the period prescribed in this section: 107765

(a) A psychiatrist;	107766
(b) A licensed physician;	107767
(c) A licensed clinical psychologist;	107768
(d) A clinical nurse specialist who is certified as a	107769
psychiatric-mental health CNS by the American nurses	107770
credentialing center;	107771
(e) A certified nurse practitioner who is certified as a	107772
psychiatric-mental health NP by the American nurses	107773
credentialing center;	107774
(f) A health officer;	107775
(g) A parole officer;	107776
(h) A police officer;	107777
(i) A sheriff.	107778
(2) If the chief of the adult parole authority or a parole	107779
or probation officer with the approval of the chief of the	107780
authority has reason to believe that a parolee, an offender	107781
under a community control sanction or post-release control	107782
sanction, or an offender under transitional control is a person	107783
with a mental illness subject to court order and represents a	107784
substantial risk of physical harm to self or others if allowed	107785
to remain at liberty pending examination, the chief or officer	107786
may take the parolee or offender into custody and may	107787
immediately transport the parolee or offender to a hospital or,	107788
notwithstanding section 5119.33 of the Revised Code, to a	107789
general hospital not licensed by the department of mental	107790
<u>behavioral</u> health and addiction services where the parolee or	107791
offender may be held for the period prescribed in this section.	107792

(B) A written statement shall be given to the hospital by 107793
the individual authorized under division (A) (1) or (2) of this 107794
section to transport the person. The statement shall specify the 107795
circumstances under which such person was taken into custody and 107796
the reasons for the belief that the person is a person with a 107797
mental illness subject to court order and represents a 107798
substantial risk of physical harm to self or others if allowed 107799
to remain at liberty pending examination. This statement shall 107800
be made available to the respondent or the respondent's attorney 107801
upon request of either. 107802

(C) Every reasonable and appropriate effort shall be made 107803
to take persons into custody in the least conspicuous manner 107804
possible. A person taking the respondent into custody pursuant 107805
to this section shall explain to the respondent: the name and 107806
professional designation and affiliation of the person taking 107807
the respondent into custody; that the custody-taking is not a 107808
criminal arrest; and that the person is being taken for 107809
examination by mental health professionals at a specified mental 107810
health facility identified by name. 107811

(D) If a person taken into custody under this section is 107812
transported to a general hospital, the general hospital may 107813
admit the person, or provide care and treatment for the person, 107814
or both, notwithstanding section 5119.33 of the Revised Code, 107815
but by the end of twenty-four hours after arrival at the general 107816
hospital, the person shall be transferred to a hospital as 107817
defined in section 5122.01 of the Revised Code. 107818

(E) A person transported or transferred to a hospital or 107819
community mental health services provider under this section 107820
shall be examined by the staff of the hospital or services 107821
provider within twenty-four hours after arrival at the hospital 107822

or services provider. If to conduct the examination requires 107823
that the person remain overnight, the hospital or services 107824
provider shall admit the person in an unclassified status until 107825
making a disposition under this section. After the examination, 107826
if the chief clinical officer of the hospital or services 107827
provider believes that the person is not a person with a mental 107828
illness subject to court order, the chief clinical officer shall 107829
release or discharge the person immediately unless a court has 107830
issued a temporary order of detention applicable to the person 107831
under section 5122.11 of the Revised Code. After the 107832
examination, if the chief clinical officer believes that the 107833
person is a person with a mental illness subject to court order, 107834
the chief clinical officer may detain the person for not more 107835
than three court days following the day of the examination and 107836
during such period admit the person as a voluntary patient under 107837
section 5122.02 of the Revised Code or file an affidavit under 107838
section 5122.11 of the Revised Code. If neither action is taken 107839
and a court has not otherwise issued a temporary order of 107840
detention applicable to the person under section 5122.11 of the 107841
Revised Code, the chief clinical officer shall discharge the 107842
person at the end of the three-day period unless the person has 107843
been sentenced to the department of rehabilitation and 107844
correction and has not been released from the person's sentence, 107845
in which case the person shall be returned to that department. 107846

Sec. 5122.15. (A) Full hearings shall be conducted in a 107847
manner consistent with this chapter and with due process of law. 107848
The hearings shall be conducted by a judge of the probate court 107849
or a referee designated by a judge of the probate court and may 107850
be conducted in or out of the county in which the respondent is 107851
held. Any referee designated under this division shall be an 107852
attorney. 107853

(1) With the consent of the respondent, the following 107854
shall be made available to counsel for the respondent: 107855

(a) All relevant documents, information, and evidence in 107856
the custody or control of the state or prosecutor; 107857

(b) All relevant documents, information, and evidence in 107858
the custody or control of the hospital in which the respondent 107859
currently is held, or in which the respondent has been held 107860
pursuant to this chapter; 107861

(c) All relevant documents, information, and evidence in 107862
the custody or control of any hospital, facility, or person not 107863
included in division (A) (1) (a) or (b) of this section. 107864

(2) The respondent has the right to attend the hearing and 107865
to be represented by counsel of the respondent's choice. The 107866
right to attend the hearing may be waived only by the respondent 107867
or counsel for the respondent after consultation with the 107868
respondent. 107869

(3) If the respondent is not represented by counsel, is 107870
absent from the hearing, and has not validly waived the right to 107871
counsel, the court shall appoint counsel immediately to 107872
represent the respondent at the hearing, reserving the right to 107873
tax costs of appointed counsel to the respondent, unless it is 107874
shown that the respondent is indigent. If the court appoints 107875
counsel, or if the court determines that the evidence relevant 107876
to the respondent's absence does not justify the absence, the 107877
court shall continue the case. 107878

(4) The respondent shall be informed that the respondent 107879
may retain counsel and have independent expert evaluation. If 107880
the respondent is unable to obtain an attorney, the respondent 107881
shall be represented by court-appointed counsel. If the 107882

respondent is indigent, court-appointed counsel and independent 107883
expert evaluation shall be provided as an expense under section 107884
5122.43 of the Revised Code. 107885

(5) The hearing shall be closed to the public, unless 107886
counsel for the respondent, with the permission of the 107887
respondent, requests that the hearing be open to the public. 107888

(6) If the hearing is closed to the public, the court, for 107889
good cause shown, may admit persons who have a legitimate 107890
interest in the proceedings. If the respondent, the respondent's 107891
counsel, or the designee of the director or of the chief 107892
clinical officer objects to the admission of any person, the 107893
court shall hear the objection and any opposing argument and 107894
shall rule upon the admission of the person to the hearing. 107895

(7) The affiant under section 5122.11 of the Revised Code 107896
shall be subject to subpoena by either party. 107897

(8) The court shall examine the sufficiency of all 107898
documents filed and shall inform the respondent, if present, and 107899
the respondent's counsel of the nature and content of the 107900
documents and the reason for which the respondent is being 107901
detained, or for which the respondent's placement is being 107902
sought. 107903

(9) The court shall receive only reliable, competent, and 107904
material evidence. 107905

(10) Unless proceedings are initiated pursuant to section 107906
5120.17 or 5139.08 of the Revised Code, an attorney that the 107907
board designates shall present the case demonstrating that the 107908
respondent is a person with a mental illness subject to court 107909
order. The attorney shall offer evidence of the diagnosis, 107910
prognosis, record of treatment, if any, and less restrictive 107911

treatment plans, if any. In proceedings pursuant to section 107912
5120.17 or 5139.08 of the Revised Code, the attorney general 107913
shall designate an attorney who shall present the case 107914
demonstrating that the respondent is a person with a mental 107915
illness subject to court order. The attorney shall offer 107916
evidence of the diagnosis, prognosis, record of treatment, if 107917
any, and less restrictive treatment plans, if any. 107918

(11) The respondent or the respondent's counsel has the 107919
right to subpoena witnesses and documents and to examine and 107920
cross-examine witnesses. 107921

(12) The respondent has the right, but shall not be 107922
compelled, to testify, and shall be so advised by the court. 107923

(13) On motion of the respondent or the respondent's 107924
counsel for good cause shown, or on the court's own motion, the 107925
court may order a continuance of the hearing. 107926

(14) If the respondent is represented by counsel and the 107927
respondent's counsel requests a transcript and record, or if the 107928
respondent is not represented by counsel, the court shall make 107929
and maintain a full transcript and record of the proceeding. If 107930
the respondent is indigent and the transcript and record is 107931
made, a copy shall be provided to the respondent upon request 107932
and be treated as an expense under section 5122.43 of the 107933
Revised Code. 107934

(15) To the extent not inconsistent with this chapter, the 107935
Rules of Civil Procedure are applicable. 107936

(B) Unless, upon completion of the hearing the court finds 107937
by clear and convincing evidence that the respondent is a person 107938
with a mental illness subject to court order, it shall order the 107939
respondent's discharge immediately. 107940

(C) If, upon completion of the hearing, the court finds by
clear and convincing evidence that the respondent is a person
with a mental illness subject to court order, the court shall
order the respondent for a period not to exceed ninety days to
any of the following:

(1) A hospital operated by the department of ~~mental~~
behavioral health and addiction services if the respondent is
committed pursuant to section 5139.08 of the Revised Code;

(2) A nonpublic hospital;

(3) The veterans' administration or other agency of the
United States government;

(4) A board of alcohol, drug addiction, and mental health
services or services provider the board designates;

(5) Receive private psychiatric or psychological care and
treatment;

(6) Any other suitable facility or person consistent with
the diagnosis, prognosis, and treatment needs of the respondent.
A jail or other local correctional facility is not a suitable
facility.

(D) Any order made pursuant to division (C) (2), (3), (5),
or (6) of this section shall be conditioned upon the receipt by
the court of consent by the hospital, facility, agency, or
person to accept the respondent and may include a requirement
that a person or entity described in division (C) (2), (3), (5),
or (6) of this section inform the board of alcohol, drug
addiction, and mental health services or community mental health
services provider the board designates about the progress of the
respondent with the treatment plan.

(E) In determining the entity or person to which the
respondent is to be committed under division (C) of this
section, the court shall consider all of the following:

(1) The respondent's diagnosis and prognosis made by a
psychiatrist, licensed clinical psychologist, clinical nurse
specialist who is certified as a psychiatric-mental health
clinical nurse specialist by the American nurses credentialing
center, or certified nurse practitioner who is certified as a
psychiatric-mental health nurse practitioner by the American
nurses credentialing center;

(2) The respondent's preferences;

(3) The respondent's projected treatment plan.

The court shall order the implementation of the least
restrictive alternative available and consistent with treatment
goals. If the court determines that the least restrictive
alternative available that is consistent with treatment goals is
inpatient hospitalization, the court's order shall so state.

(F) During the ninety-day period the entity or person
shall examine and treat the respondent. If the respondent is
receiving treatment in an outpatient setting, or receives
treatment in an outpatient setting during a subsequent period of
continued commitment under division (H) of this section, the
entity or person to whom the respondent is committed shall
determine the appropriate outpatient treatment for the
respondent. If, at any time prior to the expiration of the
ninety-day period, it is determined by the entity or person that
the respondent's treatment needs could be equally well met in an
available and appropriate less restrictive setting, both of the
following apply:

(1) The respondent shall be released from the care of the 107998
entity or person immediately and shall be referred to the court 107999
together with a report of the findings and recommendations of 108000
the entity or person; 108001

(2) The entity or person shall notify the respondent's 108002
counsel or the attorney designated by a board of alcohol, drug 108003
addiction, and mental health services or, if the respondent was 108004
committed to a board or a services provider designated by the 108005
board, it shall place the respondent in the least restrictive 108006
setting available consistent with treatment goals and notify the 108007
court and the respondent's counsel of the placement. 108008

The court shall dismiss the case or order placement in the 108009
least restrictive setting. 108010

(G) (1) Except as provided in division (G) (2) of this 108011
section, any person for whom proceedings for treatment have been 108012
commenced pursuant to section 5122.11 of the Revised Code, may 108013
apply at any time for voluntary admission or treatment to the 108014
entity or person to which the person was committed. Upon 108015
admission as a voluntary patient the chief clinical officer of 108016
the entity or the person immediately shall notify the court, the 108017
patient's counsel, and the attorney designated by the board, if 108018
the attorney has entered the proceedings, in writing of that 108019
fact, and, upon receipt of the notice, the court shall dismiss 108020
the case. 108021

(2) A person who is found incompetent to stand trial or 108022
not guilty by reason of insanity and who is committed pursuant 108023
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 108024
Revised Code shall not voluntarily commit the person pursuant to 108025
this section until after the final termination of the 108026
commitment, as described in division (J) of section 2945.401 of 108027

the Revised Code. 108028

(H) If, at the end of the first ninety-day period or any 108029
subsequent period of continued commitment, there has been no 108030
disposition of the case, either by discharge or voluntary 108031
admission or treatment, the entity or person shall discharge the 108032
patient immediately, unless at least ten days before the 108033
expiration of the period the attorney the board designates or 108034
the prosecutor files with the court an application for continued 108035
commitment. The application of the attorney or the prosecutor 108036
shall include a written report containing the diagnosis, 108037
prognosis, past treatment, a list of alternative treatment 108038
settings and plans, and identification of the treatment setting 108039
that is the least restrictive consistent with treatment needs. 108040
The attorney the board designates or the prosecutor shall file 108041
the written report at least three days prior to the full 108042
hearing. A copy of the application and written report shall be 108043
provided to the respondent's counsel immediately. 108044

The court shall hold a full hearing on applications for 108045
continued commitment at the expiration of the first ninety-day 108046
period and at least every two years after the expiration of the 108047
first ninety-day period. 108048

Hearings following any application for continued 108049
commitment are mandatory and may not be waived. 108050

For a respondent who is ordered to receive treatment in an 108051
outpatient setting, if at any time after the first ninety-day 108052
period the entity or person to whom the respondent was ordered 108053
determines that the respondent has demonstrated voluntary 108054
consent for treatment, that entity or person shall immediately 108055
notify the respondent, the respondent's counsel, the attorney 108056
designated by the board, and the court. The entity or person 108057

shall submit to the court a report of the findings and 108058
recommendations. The court may dismiss the case upon review of 108059
the facts. 108060

Upon request of a person who is involuntarily committed 108061
under this section, or the person's counsel, that is made more 108062
than one hundred eighty days after the person's last full 108063
hearing, mandatory or requested, the court shall hold a full 108064
hearing on the person's continued commitment. Upon the 108065
application of a person involuntarily committed under this 108066
section, supported by an affidavit of a psychiatrist or licensed 108067
clinical psychologist, alleging that the person no longer is a 108068
person with a mental illness subject to court order, the court 108069
for good cause shown may hold a full hearing on the person's 108070
continued commitment prior to the expiration of one hundred 108071
eighty days after the person's last full hearing. Section 108072
5122.12 of the Revised Code applies to all hearings on continued 108073
commitment. 108074

If the court, after a hearing for continued commitment 108075
finds by clear and convincing evidence that the respondent is a 108076
person with a mental illness subject to court order, the court 108077
may order continued commitment at places or to persons specified 108078
in division (C) of this section. 108079

(I) Unless the admission is pursuant to section 5120.17 or 108080
5139.08 of the Revised Code, the chief clinical officer of the 108081
entity admitting a respondent pursuant to a judicial proceeding, 108082
within ten working days of the admission, shall make a report of 108083
the admission to the board of alcohol, drug addiction, and 108084
mental health services serving the respondent's county of 108085
residence. 108086

(J) A referee appointed by the court may make all orders 108087

that a judge may make under this section and sections 5122.11 108088
and 5122.141 of the Revised Code, except an order of contempt of 108089
court. The orders of a referee take effect immediately. Within 108090
fourteen days of the making of an order by a referee, a party 108091
may file written objections to the order with the court. The 108092
filed objections shall be considered a motion, shall be 108093
specific, and shall state their grounds with particularity. 108094
Within ten days of the filing of the objections, a judge of the 108095
court shall hold a hearing on the objections and may hear and 108096
consider any testimony or other evidence relating to the 108097
respondent's mental condition. At the conclusion of the hearing, 108098
the judge may ratify, rescind, or modify the referee's order. 108099

(K) An order of the court under division (C), (H), or (J) 108100
of this section is a final order. 108101

(L) Before a board, or a services provider the board 108102
designates, may place an unconsenting respondent in an inpatient 108103
setting from a less restrictive placement, the board or services 108104
provider shall do all of the following: 108105

(1) Determine that the respondent is in immediate need of 108106
treatment in an inpatient setting because the respondent 108107
represents a substantial risk of physical harm to the respondent 108108
or others if allowed to remain in a less restrictive setting; 108109

(2) On the day of placement in the inpatient setting or on 108110
the next court day, file with the court a motion for transfer to 108111
an inpatient setting or communicate to the court by telephone 108112
that the required motion has been mailed; 108113

(3) Ensure that every reasonable and appropriate effort is 108114
made to take the respondent to the inpatient setting in the 108115
least conspicuous manner possible; 108116

(4) Immediately notify the board's designated attorney and 108117
the respondent's attorney. 108118

At the respondent's request, the court shall hold a 108119
hearing on the motion and make a determination pursuant to 108120
division (E) of this section within five days of the placement. 108121

(M) Before a board, or a services provider the board 108122
designates, may move a respondent from one residential placement 108123
to another, the board or services provider shall consult with 108124
the respondent about the placement. If the respondent objects to 108125
the placement, the proposed placement and the need for it shall 108126
be reviewed by a qualified mental health professional who 108127
otherwise is not involved in the treatment of the respondent. 108128

(N) The entity or person to whom the respondent was 108129
ordered for treatment in an outpatient setting may submit a 108130
report to the court indicating that the respondent has either 108131
failed to comply with the treatment plan or begun to demonstrate 108132
signs of decompensation that may be grounds for hospitalization. 108133
On receipt of the report, the court shall promptly schedule a 108134
hearing to review the case. The court shall conduct the hearing 108135
in a manner consistent with this chapter and due process of law. 108136
The board shall receive notice of the hearing and the board and 108137
entity or person treating the respondent shall submit a report 108138
to the court with a plan for appropriate alternative treatment, 108139
if any, or recommend that the court discontinue the court- 108140
ordered treatment. The court shall consider available and 108141
appropriate alternative placements but shall not impose criminal 108142
sanctions that result in confinement in a jail or other local 108143
correctional facility based on the respondent's failure to 108144
comply with the treatment plan. The court may not order the 108145
respondent to a more restrictive placement unless the criteria 108146

specified in division (L) of this section are met and may not 108147
order the respondent to an inpatient setting unless the court 108148
determines by clear and convincing evidence presented by the 108149
board that the respondent meets the criteria specified in 108150
divisions (A) and (B)(1), (2), (3), or (4) of section 5122.01 of 108151
the Revised Code. 108152

Sec. 5122.20. The director of ~~mental-behavioral health and~~ 108153
~~addiction services~~ or the director's designee may transfer, or 108154
authorize the transfer of, an involuntary patient, or a 108155
consenting voluntary patient hospitalized pursuant to section 108156
5122.02 or sections 5122.11 to 5122.15 of the Revised Code, from 108157
one public hospital to another, or to a hospital, community 108158
mental health services provider, or other facility offering 108159
treatment or other services for mental illness, if the medical 108160
director of the department of ~~mental-behavioral health and~~ 108161
~~addiction services~~ determines that it would be consistent with 108162
the medical needs of the patient to do so. If such a transfer is 108163
made to a private facility, the transfer shall be conditioned 108164
upon the consent of the facility. 108165

Before an involuntary patient may be transferred to a more 108166
restrictive setting, the chief clinical officer shall file a 108167
motion with the court requesting the court to amend its order of 108168
placement issued under section 5122.15 of the Revised Code. At 108169
the patient's request, the court shall hold a hearing on the 108170
motion at which the patient has the same rights as at a full 108171
hearing under section 5122.15 of the Revised Code. The hearing 108172
shall be held within ten days after the date on which the 108173
respondent was transferred to the more restrictive setting or on 108174
which the motion was filed, whichever is earlier. On the motion 108175
of the respondent, the respondent's counsel, or the chief 108176
clinical officer, or on its own motion, and for good cause 108177

shown, the court may order a continuance of the hearing for up 108178
to ten days. 108179

Whenever an involuntary patient is transferred, written 108180
notice of the transfer shall be given to the patient's legal 108181
guardian, parents, spouse, and counsel, or, if none is known, to 108182
the patient's nearest known relative or friend. If the patient 108183
is a minor, the department, before making such a transfer, shall 108184
make a minute of the order for the transfer and the reason for 108185
it upon its record and shall send a certified copy at least 108186
seven days prior to the transfer to the person shown by its 108187
record to have had the care or custody of the minor immediately 108188
prior to the minor's commitment. Whenever a consenting voluntary 108189
patient is transferred, the notification shall be given only at 108190
the patient's request. The chief clinical officer shall advise a 108191
voluntary patient who is being transferred that the patient may 108192
decide if the notification shall be given. In all such 108193
transfers, due consideration shall be given to the wishes of the 108194
patient, and the relationship of the patient to the patient's 108195
family, legal guardian, or friends, so as to maintain the 108196
relationship and encourage visits beneficial to the patient. 108197

When a voluntary patient whose medical or psychological 108198
needs are found by the chief clinical officer to warrant a 108199
transfer refuses to be transferred to an alternate facility, the 108200
chief clinical officer may file an affidavit for a hearing under 108201
section 5122.11 of the Revised Code. 108202

Sec. 5122.21. (A) The chief clinical officer shall as 108203
frequently as practicable, and at least once every thirty days, 108204
examine or cause to be examined every patient, and, whenever the 108205
chief clinical officer determines that the conditions justifying 108206
involuntary hospitalization or commitment no longer obtain, 108207

shall discharge the patient not under indictment or conviction 108208
for crime and immediately make a report of the discharge to the 108209
department of ~~mental behavioral health and addiction services~~. 108210
The chief clinical officer may discharge a patient who is under 108211
an indictment, a sentence of imprisonment, a community control 108212
sanction, or a post-release control sanction or on parole ten 108213
days after written notice of intent to discharge the patient has 108214
been given by personal service or certified mail, return receipt 108215
requested, to the court having criminal jurisdiction over the 108216
patient. Except when the patient was found not guilty by reason 108217
of insanity and the defendant's commitment is pursuant to 108218
section 2945.40 of the Revised Code, the chief clinical officer 108219
has final authority to discharge a patient who is under an 108220
indictment, a sentence of imprisonment, a community control 108221
sanction, or a post-release control sanction or on parole. 108222

(B) After a finding pursuant to section 5122.15 of the 108223
Revised Code that a person is a person with a mental illness 108224
subject to court order, the chief clinical officer of the 108225
hospital or community mental health services provider to which 108226
the person is ordered or to which the person is transferred 108227
under section 5122.20 of the Revised Code, may grant a discharge 108228
without the consent or authorization of any court. 108229

Upon discharge, the chief clinical officer shall notify 108230
the court that caused the judicial hospitalization of the 108231
discharge from the hospital. 108232

Sec. 5122.23. The chief clinical officer of a public 108233
hospital shall immediately report to the department of ~~mental~~ 108234
~~behavioral health and addiction services~~ and the board of 108235
alcohol, drug addiction, and mental health services serving the 108236
patient's county of residence the removal, death, escape, 108237

discharge, or trial visit of any patient hospitalized under 108238
section 5122.15 of the Revised Code, or the return of such an 108239
escaped or visiting patient to the department, the probate judge 108240
of the county from which such patient was hospitalized, and the 108241
probate judge of the county of residence of such patient. In 108242
case of death, the chief clinical officer also shall notify one 108243
or more of the nearest relatives of the deceased patient, if 108244
known to the chief clinical officer, by letter, telegram, or 108245
telephone. If the place of residence of such relative is unknown 108246
to the chief clinical officer, immediately upon receiving 108247
notification the probate judge shall in the speediest manner 108248
possible notify such relatives, if known to the probate judge. 108249

The chief clinical officer of a public hospital, upon the 108250
request of the probate judge of the county from which a patient 108251
was hospitalized or the probate judge of the county of residence 108252
of such a patient, shall make a report to the judge of the 108253
condition of any patient under the care, treatment, custody, or 108254
control of the chief clinical officer. 108255

Sec. 5122.26. (A) If a patient is absent without leave, on 108256
a verbal or written order issued within five days of the time of 108257
the unauthorized absence by the department of ~~mental-behavioral~~ 108258
~~health-and-addiction-services~~, the chief clinical officer of the 108259
hospital from which the patient is absent without leave, or the 108260
court of either the county from which the patient was committed 108261
or in which the patient is found, any health or police officer 108262
or sheriff may take the patient into custody and transport the 108263
patient to the hospital in which the patient was hospitalized or 108264
to a place that is designated in the order. The officer 108265
immediately shall report such fact to the entity that issued the 108266
order. 108267

The chief clinical officer of a hospital may discharge a patient who is under an indictment, a sentence of imprisonment, a community control sanction, or a post-release control sanction or on parole and who has been absent without leave for more than thirty days but shall give written notice of the discharge to the court with criminal jurisdiction over the patient. The chief clinical officer of a hospital may discharge any other patient who has been absent without leave for more than fourteen days.

The chief clinical officer shall take all proper measures for the apprehension of an escaped patient. The expense of the return of an escaped patient shall be borne by the hospital where the patient is hospitalized.

(B) (1) Subject to division (B) (2) of this section, no patient hospitalized under Chapter 5122. of the Revised Code whose absence without leave was caused or contributed to by the patient's mental illness shall be subject to a charge of escape.

(2) Division (B) (1) of this section does not apply to any person who was hospitalized, institutionalized, or confined in a facility under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code and who escapes from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside the facility, in violation of section 2921.34 of the Revised Code.

Sec. 5122.27. The chief clinical officer of the hospital or the chief clinical officer's designee shall assure that all patients hospitalized or committed pursuant to this chapter

shall: 108298

(A) Receive, within twenty days of their admission 108299
sufficient professional care to assure that an evaluation of 108300
current status, differential diagnosis, probable prognosis, and 108301
description of the current treatment plan is stated on the 108302
official chart; 108303

(B) Have a written treatment plan consistent with the 108304
evaluation, diagnosis, prognosis, and goals which shall be 108305
provided, upon request of the patient or patient's counsel, to 108306
the patient's counsel and to any private physician or licensed 108307
clinical psychologist designated by the patient or the patient's 108308
counsel or to the Ohio protection and advocacy system; 108309

(C) Receive treatment consistent with the treatment plan. 108310
The department of ~~mental-behavioral health and addiction-~~ 108311
~~services~~ shall set standards for treatment provided to such 108312
patients, consistent wherever possible with standards set by the 108313
joint commission. 108314

(D) Receive periodic reevaluations of the treatment plan 108315
by the professional staff at intervals not to exceed ninety 108316
days; 108317

(E) Be provided with adequate medical treatment for 108318
physical disease or injury; 108319

(F) Receive humane care and treatment, including without 108320
limitation, the following: 108321

(1) The least restrictive environment consistent with the 108322
treatment plan; 108323

(2) The necessary facilities and personnel required by the 108324
treatment plan; 108325

(3) A humane psychological and physical environment; 108326

(4) The right to obtain current information concerning the 108327
patient's treatment program and expectations in terms that the 108328
patient can reasonably understand; 108329

(5) Participation in programs designed to afford the 108330
patient substantial opportunity to acquire skills to facilitate 108331
return to the community or to terminate an involuntary 108332
commitment; 108333

(6) The right to be free from unnecessary or excessive 108334
medication; 108335

(7) Freedom from restraints or isolation unless it is 108336
stated in a written order by the chief clinical officer or the 108337
chief clinical officer's designee, or the patient's individual 108338
physician or psychologist in a private or general hospital. 108339

If the chief clinical officer of the hospital is unable to 108340
provide the treatment required by divisions (C), (E), and (F) of 108341
this section for any patient hospitalized pursuant to Chapter 108342
5122. of the Revised Code, the chief clinical officer shall 108343
immediately notify the patient, the court, the Ohio protection 108344
and advocacy system, the director of ~~mental~~behavioral health- 108345
~~and addiction services~~, and the patient's counsel and legal 108346
guardian, if known. If within ten days after receipt of such 108347
notification by the director, the director is unable to effect a 108348
transfer of the patient, pursuant to section 5122.20 of the 108349
Revised Code, to a hospital, community mental health services 108350
provider, or other medical facility where treatment is 108351
available, or has not received an order of the court to the 108352
contrary, the involuntary commitment of any patient hospitalized 108353
pursuant to Chapter 5122. of the Revised Code and defined as a 108354

person with a mental illness subject to court order under 108355
division (B) (4) of section 5122.01 of the Revised Code shall 108356
automatically be terminated. 108357

Sec. 5122.31. (A) All certificates, applications, records, 108358
and reports made for the purpose of this chapter and sections 108359
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 108360
Code, other than court journal entries or court docket entries, 108361
and directly or indirectly identifying a patient or former 108362
patient or person whose hospitalization or commitment has been 108363
sought under this chapter, shall be kept confidential and shall 108364
not be disclosed by any person except: 108365

(1) If the person identified, or the person's legal 108366
guardian, if any, or if the person is a minor, the person's 108367
parent or legal guardian, consents, and if the disclosure is in 108368
the best interests of the person, as may be determined by the 108369
court for judicial records and by the chief clinical officer for 108370
medical records; 108371

(2) When disclosure is provided for in this chapter or 108372
Chapters 340. or 5119. of the Revised Code or in accordance with 108373
other provisions of state or federal law authorizing such 108374
disclosure; 108375

(3) That hospitals, boards of alcohol, drug addiction, and 108376
mental health services, and community mental health services 108377
providers may release necessary medical information to insurers 108378
and other third-party payers, including government entities 108379
responsible for processing and authorizing payment, to obtain 108380
payment for goods and services furnished to the patient; 108381

(4) Pursuant to a court order signed by a judge; 108382

(5) That a patient shall be granted access to the 108383

patient's own psychiatric and medical records, unless access 108384
specifically is restricted in a patient's treatment plan for 108385
clear treatment reasons; 108386

(6) That hospitals and other institutions and facilities 108387
within the department of ~~mental-behavioral health and addiction-~~ 108388
~~services~~ may exchange psychiatric records and other pertinent 108389
information with other hospitals, institutions, and facilities 108390
of the department, and with community mental health services 108391
providers and boards of alcohol, drug addiction, and mental 108392
health services with which the department has a current 108393
agreement for patient care or services. Records and information 108394
that may be released pursuant to this division shall be limited 108395
to medication history, physical health status and history, 108396
financial status, summary of course of treatment in the 108397
hospital, summary of treatment needs, and a discharge summary, 108398
if any. 108399

(7) That hospitals within the department and other 108400
institutions and facilities within the department may exchange 108401
psychiatric records and other pertinent information with payers 108402
and other providers of treatment, health services, and recovery 108403
supports if the purpose of the exchange is to facilitate 108404
continuity of care for a patient or for the emergency treatment 108405
of an individual; 108406

(8) That a patient's family member who is involved in the 108407
provision, planning, and monitoring of services to the patient 108408
may receive medication information, a summary of the patient's 108409
diagnosis and prognosis, and a list of the services and 108410
personnel available to assist the patient and the patient's 108411
family, if the patient's treating physician determines that the 108412
disclosure would be in the best interests of the patient. No 108413

such disclosure shall be made unless the patient is notified 108414
first and receives the information and does not object to the 108415
disclosure. 108416

(9) That community mental health services providers may 108417
exchange psychiatric records and certain other information with 108418
the board of alcohol, drug addiction, and mental health services 108419
and other services providers in order to provide services to a 108420
person involuntarily committed to a board. Release of records 108421
under this division shall be limited to medication history, 108422
physical health status and history, financial status, summary of 108423
course of treatment, summary of treatment needs, and discharge 108424
summary, if any. 108425

(10) That information may be disclosed to the executor or 108426
the administrator of an estate of a deceased patient when the 108427
information is necessary to administer the estate; 108428

(11) That records in the possession of the Ohio history 108429
connection may be released to the closest living relative of a 108430
deceased patient upon request of that relative; 108431

(12) That records pertaining to the patient's diagnosis, 108432
course of treatment, treatment needs, and prognosis shall be 108433
disclosed and released to the appropriate prosecuting attorney 108434
if the patient was committed pursuant to section 2945.38, 108435
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 108436
to the attorney designated by the board for proceedings pursuant 108437
to involuntary commitment under this chapter. 108438

(13) That the department of ~~mental-behavioral health and~~ 108439
~~addiction services~~ may exchange psychiatric hospitalization 108440
records, other mental health treatment records, and other 108441
pertinent information with the department of rehabilitation and 108442

correction and with the department of youth services to ensure 108443
continuity of care for inmates or offenders who are receiving 108444
mental health services in an institution of the department of 108445
rehabilitation and correction or the department of youth 108446
services and may exchange psychiatric hospitalization records, 108447
other mental health treatment records, and other pertinent 108448
information with boards of alcohol, drug addiction, and mental 108449
health services and community mental health services providers 108450
to ensure continuity of care for inmates or offenders who are 108451
receiving mental health services in an institution and are 108452
scheduled for release within six months. The release of records 108453
under this division is limited to records regarding an inmate's 108454
or offender's medication history, physical health status and 108455
history, summary of course of treatment, summary of treatment 108456
needs, and a discharge summary, if any; 108457

(14) That records and reports relating to a person who has 108458
been deceased for fifty years or more are no longer considered 108459
confidential. 108460

(B) Before records are disclosed pursuant to divisions (A) 108461
(3), (6), and (9) of this section, the custodian of the records 108462
shall attempt to obtain the patient's consent for the 108463
disclosure. No person shall reveal the contents of a medical 108464
record of a patient except as authorized by law. 108465

(C) The managing officer of a hospital who releases 108466
necessary medical information under division (A) (3) of this 108467
section to allow an insurance carrier or other third party payor 108468
to comply with section 5121.43 of the Revised Code shall neither 108469
be subject to criminal nor civil liability. 108470

Sec. 5122.32. (A) As used in this section: 108471

(1) "Quality assurance committee" means a committee that 108472
is appointed in the central office of the department of ~~mental-~~ 108473
~~behavioral health and addiction services~~ by the director of 108474
~~mental-behavioral health and addiction services~~, a committee of 108475
a hospital or community setting program, or a duly authorized 108476
subcommittee of a committee of that nature and that is 108477
designated to carry out quality assurance program activities. 108478

(2) "Quality assurance program" means a comprehensive 108479
program within the department of ~~mental-behavioral health and-~~ 108480
~~addiction services~~ to systematically review and improve the 108481
quality of medical and mental health services within the 108482
department and its hospitals and community setting programs, the 108483
safety and security of persons receiving or administering 108484
medical and mental health services within the department and its 108485
hospitals and community setting programs, and the efficiency and 108486
effectiveness of the utilization of staff and resources in the 108487
delivery of medical and mental health services within the 108488
department and its hospitals and community setting programs. 108489
"Quality assurance program" includes the central office quality 108490
assurance committees, morbidity and mortality review committees, 108491
quality assurance programs of community setting programs, 108492
quality assurance committees of hospitals operated by the 108493
department of ~~mental-behavioral health and addiction services~~, 108494
and the office of licensure and certification of the department. 108495

(3) "Quality assurance program activities" include 108496
collecting or compiling information and reports required by a 108497
quality assurance committee, receiving, reviewing, or 108498
implementing the recommendations made by a quality assurance 108499
committee, and credentialing, privileging, infection control, 108500
tissue review, peer review, utilization review including access 108501
to patient care records, patient care assessment records, and 108502

medical and mental health records, medical and mental health 108503
resource management, mortality and morbidity review, and 108504
identification and prevention of medical or mental health 108505
incidents and risks, whether performed by a quality assurance 108506
committee or by persons who are directed by a quality assurance 108507
committee. 108508

(4) "Quality assurance records" means the proceedings, 108509
discussion, records, findings, recommendations, evaluations, 108510
opinions, minutes, reports, and other documents or actions that 108511
emanate from quality assurance committees, quality assurance 108512
programs, or quality assurance program activities. "Quality 108513
assurance records" does not include aggregate statistical 108514
information that does not disclose the identity of persons 108515
receiving or providing medical or mental health services in 108516
department of ~~mental-behavioral health and addiction services~~ 108517
hospitals or community setting programs. 108518

(B) (1) Except as provided in division (E) of this section, 108519
quality assurance records are confidential and are not public 108520
records under section 149.43 of the Revised Code, and shall be 108521
used only in the course of the proper functions of a quality 108522
assurance program. 108523

(2) Except as provided in division (E) of this section, no 108524
person who possesses or has access to quality assurance records 108525
and who knows that the records are quality assurance records 108526
shall willfully disclose the contents of the records to any 108527
person or entity. 108528

(C) (1) Except as provided in division (E) of this section, 108529
no quality assurance record shall be subject to discovery, and 108530
is not admissible in evidence, in any judicial or administrative 108531
proceeding. 108532

(2) Except as provided in division (E) of this section, no member of a quality assurance committee or a person who is performing a function that is part of a quality assurance program shall be permitted or required to testify in a judicial or administrative proceeding with respect to quality assurance records or with respect to any finding, recommendation, evaluation, opinion, or other action taken by the committee, member, or person.

(3) Information, documents, or records otherwise available from original sources are not to be construed as being unavailable for discovery or admission in evidence in a judicial or administrative proceeding merely because they were presented to a quality assurance committee. No person testifying before a quality assurance committee or person who is a member of a quality assurance committee shall be prevented from testifying as to matters within the person's knowledge, but the witness cannot be asked about the witness' testimony before the quality assurance committee or about an opinion formed by the person as a result of the quality assurance committee proceedings.

(D) (1) A person who, without malice and in the reasonable belief that the information is warranted by the facts known to the person, provides information to a person engaged in quality assurance program activities is not liable for damages in a civil action for injury, death, or loss to person or property to any person as a result of providing the information.

(2) A member of a quality assurance committee, a person engaged in quality assurance program activities, and an employee of the department of ~~mental-behavioral health and addiction services~~ shall not be liable in damages in a civil action for injury, death, or loss to person or property to any person for

any acts, omissions, decisions, or other conduct within the 108563
scope of the functions of the quality assurance program. 108564

(3) Nothing in this section shall relieve any institution 108565
or individual from liability arising from the treatment of a 108566
patient. 108567

(E) Quality assurance records may be disclosed, and 108568
testimony may be provided concerning quality assurance records, 108569
only to the following persons or entities: 108570

(1) Persons who are employed or retained by the department 108571
of ~~mental behavioral health and addiction services~~ and who have 108572
authority to evaluate or implement the recommendations of a 108573
state-operated hospital, community setting program, or central 108574
office quality assurance committee; 108575

(2) Public or private agencies or organizations if needed 108576
to perform a licensing or accreditation function related to 108577
department of ~~mental behavioral health and addiction services~~ 108578
hospitals or community setting programs, or to perform 108579
monitoring of a hospital or program of that nature as required 108580
by law. 108581

(F) A disclosure of quality assurance records pursuant to 108582
division (E) of this section does not otherwise waive the 108583
confidential and privileged status of the disclosed quality 108584
assurance records. 108585

(G) Nothing in this section shall limit the access of the 108586
Ohio protection and advocacy system to records or personnel as 108587
required under section 5123.601 of the Revised Code. Nothing in 108588
this section shall limit the admissibility of documentary or 108589
testimonial evidence in an action brought by the Ohio protection 108590
and advocacy system in its own name or on behalf of a client. 108591

Sec. 5122.33. The department of ~~mental-behavioral~~ health 108592
~~and addiction services~~ may prescribe the form of applications, 108593
reports, records, and medical certificates provided for under 108594
this chapter, and the information required to be contained 108595
therein; require reports from the chief clinical officer of any 108596
public hospital relating to the admission, examination, 108597
diagnosis, release, or discharge of any patient; visit each such 108598
hospital regularly to review the admission procedures of all new 108599
patients admitted between visits; investigate by personal visit 108600
complaints made by any patient or by any person on behalf of a 108601
patient; and adopt such rules as are reasonably necessary to 108602
effectuate the provisions of this chapter. 108603

Sec. 5122.341. (A) As used in this section: 108604

(1) "Facility or provider" means, in the context of a 108605
person committed to the department of ~~mental-behavioral~~ health 108606
~~and addiction services~~ under sections 2945.37 to 2945.402 of the 108607
Revised Code, any entity in which the department of ~~mental-~~ 108608
~~behavioral~~ health ~~and addiction services~~ places such a person. 108609

(2) "Person committed to the department" means a person 108610
committed to the department of ~~mental-behavioral~~ health ~~and-~~ 108611
~~addiction services~~ under sections 2945.37 to 2945.402 of the 108612
Revised Code. 108613

(B) No member of a board of directors, or employee, of a 108614
facility or provider in which the department of ~~mental-~~ 108615
~~behavioral~~ health ~~and addiction services~~ places a person 108616
committed to the department is liable for injury or damages 108617
caused by any action or inaction taken within the scope of the 108618
board member's official duties or employee's employment relating 108619
to the commitment of, and services provided to, the person 108620
committed to the department, unless the action or inaction 108621

constitutes willful or wanton misconduct. A board member's or 108622
employee's action or inaction does not constitute willful or 108623
wanton misconduct if the board member or employee acted in good 108624
faith and reasonably under the circumstances and with the 108625
knowledge reasonably attributable to the board member or 108626
employee. 108627

The immunity from liability conferred by this section is 108628
in addition to and not in limitation of any immunity conferred 108629
by any other section of the Revised Code or by judicial 108630
precedent. 108631

Sec. 5122.36. If the legal residence of a person with a 108632
mental illness is in another county of the state, the necessary 108633
expense of the person's return is a proper charge against the 108634
county of legal residence. If an adjudication and order of 108635
hospitalization by the probate court of the county of temporary 108636
residence are required, the regular probate court fees and 108637
expenses incident to the order of hospitalization under this 108638
chapter and any other expense incurred on the person's behalf 108639
shall be charged to and paid by the county of the person's legal 108640
residence upon the approval and certification of the probate 108641
judge of the county of the person's legal residence. The 108642
ordering court shall send to the probate court of the person's 108643
county of legal residence a certified copy of the commitment 108644
order from the ordering court. The receiving court shall enter 108645
and record the commitment order. The certified commitment order 108646
is prima facie evidence of the residence of the person. When the 108647
residence of the person cannot be established as represented by 108648
the ordering court, the matter of residence shall be referred to 108649
the department of ~~mental-behavioral health and addiction-~~ 108650
~~services~~ for investigation and determination. 108651

Sec. 5122.44. As used in sections 5122.44 to 5122.47 of 108652
the Revised Code: 108653

(A) "Compilation" means a written list of the following 108654
information, as the department of ~~mental-behavioral health and~~ 108655
~~addiction services~~ is able to reasonably ascertain, for every 108656
patient who was buried, entombed, or inurned prior to March 31, 108657
2005, in a cemetery located on the grounds of or adjacent to the 108658
grounds of a public hospital: 108659

(1) Name; 108660

(2) Date of birth; 108661

(3) Date of death or burial; 108662

(4) Specific physical location of the burial, entombment, 108663
or inurnment, including the plot or grave site number if 108664
available. 108665

(B) "Patient" means an individual who died while admitted 108666
to a public hospital that was under the control of the 108667
department of ~~mental-behavioral health and addiction services~~. 108668

(C) "Record" has the same meaning as in section 149.011 of 108669
the Revised Code. 108670

(D) "State agency" means every organized body, office, or 108671
agency established by the laws of the state for the exercise of 108672
any function of state government. 108673

Sec. 5122.45. The department of ~~mental-behavioral health~~ 108674
~~and addiction services~~ shall create a separate compilation for 108675
each cemetery located on the grounds of or adjacent to the 108676
grounds of a public hospital that is under the control of the 108677
department on March 31, 2005. The compilation shall be created 108678
within a reasonable time not exceeding three years after March 108679

31, 2005. The department shall use its best efforts to create 108680
the most complete compilations possible using records in the 108681
department's possession and records obtained in accordance with 108682
section 5122.46 of the Revised Code. 108683

Sec. 5122.46. The Ohio history connection and each state 108684
agency shall, at the request of the department of ~~mental-~~ 108685
behavioral health-and-addiction services, provide the department 108686
access to records and information in the possession of the Ohio 108687
history connection or state agency for purposes of creating 108688
compilations. 108689

Sec. 5122.47. The department of ~~mental-behavioral health~~ 108690
~~and-addiction services~~ shall deposit a copy of each compilation 108691
with the Ohio history connection and the state library as soon 108692
as a compilation is completed. The department shall not disclose 108693
any record or information used to create a compilation except as 108694
provided in sections 149.43 and 5122.31 of the Revised Code. 108695

Sec. 5123.081. (A) As used in this section: 108696

(1)(a) "Applicant" means any of the following: 108697

(i) A person who is under final consideration for 108698
appointment to or employment with the department of 108699
developmental disabilities or a county board of developmental 108700
disabilities; 108701

(ii) A person who is being transferred to the department 108702
or a county board; 108703

(iii) An employee who is being recalled to or reemployed 108704
by the department or a county board after a layoff; 108705

(iv) A person under final consideration for a direct 108706
services position with a provider or subcontractor. 108707

- (b) Neither of the following is an applicant: 108708
- (i) A person who is employed by a responsible entity in a 108709
position for which a criminal records check is required by this 108710
section and either is being considered for a different position 108711
with the responsible entity or is returning after a leave of 108712
absence or seasonal break in employment, unless the responsible 108713
entity has reason to believe that the person has committed a 108714
disqualifying offense; 108715
- (ii) A person who is to provide only respite care under a 108716
family support services program established under section 108717
5126.11 of the Revised Code if a family member of the individual 108718
with a developmental disability who is to receive the respite 108719
care selects the person. 108720
- (2) "Criminal records check" has the same meaning as in 108721
section 109.572 of the Revised Code. 108722
- (3) "Direct services position" means an employment 108723
position in which the employee has the opportunity to be alone 108724
with or exercises supervision or control over one or more 108725
individuals with developmental disabilities. 108726
- (4) "Disqualifying offense" means any of the offenses 108727
listed or described in divisions (A)(3)(a) to (e) of section 108728
109.572 of the Revised Code. 108729
- (5)(a) "Employee" means either of the following: 108730
- (i) A person appointed to or employed by the department of 108731
developmental disabilities or a county board of developmental 108732
disabilities; 108733
- (ii) A person employed in a direct services position by a 108734
provider or subcontractor. 108735

(b) "Employee" does not mean a person who provides only
respite care under a family support services program established
under section 5126.11 of the Revised Code if a family member of
the individual with a developmental disability who receives the
respite care selected the person.

(6) "Minor drug possession offense" has the same meaning
as in section 2925.01 of the Revised Code.

(7) "Provider" means a person that provides specialized
services to individuals with developmental disabilities and
employs one or more persons in direct services positions.

(8) "Responsible entity" means the following:

(a) The department of developmental disabilities in the
case of either of the following:

(i) A person who is an applicant because the person is
under final consideration for appointment to or employment with
the department, being transferred to the department, or being
recalled to or reemployed by the department after a layoff;

(ii) A person who is an employee because the person is
appointed to or employed by the department.

(b) A county board of developmental disabilities in the
case of either of the following:

(i) A person who is an applicant because the person is
under final consideration for appointment to or employment with
the county board, being transferred to the county board, or
being recalled to or reemployed by the county board after a
layoff;

(ii) A person who is an employee because the person is
appointed to or employed by the county board.

- (c) A provider in the case of either of the following: 108764
- (i) A person who is an applicant because the person is 108765
under final consideration for a direct services position with 108766
the provider; 108767
- (ii) A person who is an employee because the person is 108768
employed in a direct services position by the provider. 108769
- (d) A subcontractor in the case of either of the 108770
following: 108771
- (i) A person who is an applicant because the person is 108772
under final consideration for a direct services position with 108773
the subcontractor; 108774
- (ii) A person who is an employee because the person is 108775
employed in a direct services position by the subcontractor. 108776
- (9) "Specialized services" means any program or service 108777
designed and operated to serve primarily individuals with 108778
developmental disabilities, including a program or service 108779
provided by an entity licensed or certified by the department of 108780
developmental disabilities. If there is a question as to whether 108781
a provider or subcontractor is providing specialized services, 108782
the provider or subcontractor may request that the director of 108783
developmental disabilities make a determination. The director's 108784
determination is final. 108785
- (10) "Subcontractor" means a person to which both of the 108786
following apply: 108787
- (a) The person has either of the following: 108788
- (i) A subcontract with a provider to provide specialized 108789
services included in the contract between the provider and the 108790
department of developmental disabilities or a county board of 108791

developmental disabilities; 108792

(ii) A subcontract with another subcontractor to provide 108793
specialized services included in a subcontract between the other 108794
subcontractor and a provider or other subcontractor. 108795

(b) The person employs one or more persons in direct 108796
services positions. 108797

(B) A responsible entity shall not employ an applicant or 108798
continue to employ an employee if either of the following 108799
applies: 108800

(1) The applicant or employee fails to comply with 108801
division (D) (3) of this section. 108802

(2) Except as provided in rules adopted under this 108803
section, the applicant or employee is found by a criminal 108804
records check required by this section to have been convicted 108805
of, pleaded guilty to, or been found eligible for intervention 108806
in lieu of conviction for a disqualifying offense. 108807

(C) Before employing an applicant in a position for which 108808
a criminal records check is required by this section, a 108809
responsible entity shall require the applicant to submit a 108810
statement with the applicant's signature attesting that the 108811
applicant has not been convicted of, pleaded guilty to, or been 108812
found eligible for intervention in lieu of conviction for a 108813
disqualifying offense. The responsible entity also shall require 108814
the applicant to sign an agreement under which the applicant 108815
agrees to notify the responsible entity within fourteen calendar 108816
days if, while employed by the responsible entity, the applicant 108817
is formally charged with, is convicted of, pleads guilty to, or 108818
is found eligible for intervention in lieu of conviction for a 108819
disqualifying offense. The agreement shall provide that the 108820

applicant's failure to provide the notification may result in 108821
termination of the applicant's employment. 108822

(D) (1) As a condition of employing any applicant in a 108823
position for which a criminal records check is required by this 108824
section, a responsible entity shall request the superintendent 108825
of the bureau of criminal identification and investigation to 108826
conduct a criminal records check of the applicant. If rules 108827
adopted under this section require an employee to undergo a 108828
criminal records check, a responsible entity shall request the 108829
superintendent to conduct a criminal records check of the 108830
employee at times specified in the rules as a condition of the 108831
responsible entity's continuing to employ the employee in a 108832
position for which a criminal records check is required by this 108833
section. If an applicant or employee does not present proof that 108834
the applicant or employee has been a resident of this state for 108835
the five-year period immediately prior to the date upon which 108836
the criminal records check is requested, the responsible entity 108837
shall request that the superintendent obtain information from 108838
the federal bureau of investigation as a part of the criminal 108839
records check. If the applicant or employee presents proof that 108840
the applicant or employee has been a resident of this state for 108841
that five-year period, the responsible entity may request that 108842
the superintendent include information from the federal bureau 108843
of investigation in the criminal records check. For purposes of 108844
this division, an applicant or employee may provide proof of 108845
residency in this state by presenting, with a ~~notarized~~ 108846
statement asserting that the applicant or employee has been a 108847
resident of this state for that five-year period, a valid 108848
driver's license, notification of registration as an elector, a 108849
copy of an officially filed federal or state tax form 108850
identifying the applicant's or employee's permanent residence, 108851

or any other document the responsible entity considers 108852
acceptable. 108853

(2) A responsible entity shall do all of the following: 108854

(a) Provide to each applicant and employee for whom a 108855
criminal records check is required by this section a copy of the 108856
form prescribed pursuant to division (C) (1) of section 109.572 108857
of the Revised Code and a standard impression sheet to obtain 108858
fingerprint impressions prescribed pursuant to division (C) (2) 108859
of section 109.572 of the Revised Code; 108860

(b) Obtain the completed form and standard impression 108861
sheet from the applicant or employee; 108862

(c) Forward the completed form and standard impression 108863
sheet to the superintendent at the time the criminal records 108864
check is requested. 108865

(3) Any applicant or employee who receives pursuant to 108866
this division a copy of the form prescribed pursuant to division 108867
(C) (1) of section 109.572 of the Revised Code and a copy of the 108868
standard impression sheet prescribed pursuant to division (C) (2) 108869
of that section and who is requested to complete the form and 108870
provide a set of the applicant's or employee's fingerprint 108871
impressions shall complete the form or provide all the 108872
information necessary to complete the form and shall provide the 108873
standard impression sheet with the impressions of the 108874
applicant's or employee's fingerprints. 108875

(4) A responsible entity shall pay to the bureau of 108876
criminal identification and investigation the fee prescribed 108877
pursuant to division (C) (3) of section 109.572 of the Revised 108878
Code for each criminal records check requested and conducted 108879
pursuant to this section. 108880

(E) A responsible entity may request any other state or 108881
federal agency to supply the responsible entity with a written 108882
report regarding the criminal record of an applicant or 108883
employee. If an employee holds an occupational or professional 108884
license or other credentials, the responsible entity may request 108885
that the state or federal agency that regulates the employee's 108886
occupation or profession supply the responsible entity with a 108887
written report of any information pertaining to the employee's 108888
criminal record that the agency obtains in the course of 108889
conducting an investigation or in the process of renewing the 108890
employee's license or other credentials. The responsible entity 108891
may consider the reports when determining whether to employ the 108892
applicant or to continue to employ the employee. 108893

(F) As a condition of employing an applicant in a position 108894
for which a criminal records check is required by this section 108895
and that involves transporting individuals with developmental 108896
disabilities or operating a responsible entity's vehicles for 108897
any purpose, the responsible entity shall obtain the applicant's 108898
driving record from the bureau of motor vehicles. If rules 108899
adopted under this section require a responsible entity to 108900
obtain an employee's driving record, the responsible entity 108901
shall obtain the employee's driving record from the bureau at 108902
times specified in the rules as a condition of continuing to 108903
employ the employee. The responsible entity may consider the 108904
applicant's or employee's driving record when determining 108905
whether to employ the applicant or to continue to employ the 108906
employee. 108907

(G) A responsible entity may employ an applicant 108908
conditionally pending receipt of a report regarding the 108909
applicant requested under this section. The responsible entity 108910
shall request the report before employing the applicant 108911

conditionally. The responsible entity shall terminate the 108912
applicant's employment if it is determined from a report that 108913
the applicant failed to inform the responsible entity that the 108914
applicant had been convicted of, pleaded guilty to, or been 108915
found eligible for intervention in lieu of conviction for a 108916
disqualifying offense. 108917

(H) A responsible entity may charge an applicant a fee for 108918
costs the responsible entity incurs in obtaining a report 108919
regarding the applicant under this section if the responsible 108920
entity notifies the applicant of the amount of the fee at the 108921
time of the applicant's initial application for employment and 108922
that, unless the fee is paid, the responsible entity will not 108923
consider the applicant for employment. The fee shall not exceed 108924
the amount of the fee, if any, the responsible entity pays for 108925
the report. 108926

(I) (1) Any report obtained pursuant to this section is not 108927
a public record for purposes of section 149.43 of the Revised 108928
Code and shall not be made available to any person, other than 108929
the following: 108930

(a) The applicant or employee who is the subject of the 108931
report or the applicant's or employee's representative; 108932

(b) The responsible entity that requested the report or 108933
its representative; 108934

(c) The department if a county board, provider, or 108935
subcontractor is the responsible entity that requested the 108936
report and the department requests the responsible entity to 108937
provide a copy of the report to the department; 108938

(d) A county board if a provider or subcontractor is the 108939
responsible entity that requested the report and the county 108940

board requests the responsible entity to provide a copy of the 108941
report to the county board; 108942

(e) Any court, hearing officer, or other necessary 108943
individual involved in a case dealing with any of the following: 108944

(i) The denial of employment to the applicant or employee; 108945

(ii) The denial, suspension, or revocation of a 108946
certificate under section 5123.166 or 5123.45 of the Revised 108947
Code; 108948

(iii) A civil or criminal action regarding the medicaid 108949
program or a program the department administers. 108950

(2) An applicant or employee for whom the responsible 108951
entity has obtained reports under this section may submit a 108952
written request to the responsible entity to have copies of the 108953
reports sent to any state agency, entity of local government, or 108954
private entity. The applicant or employee shall specify in the 108955
request the agencies or entities to which the copies are to be 108956
sent. On receiving the request, the responsible entity shall 108957
send copies of the reports to the agencies or entities 108958
specified. 108959

(3) A responsible entity may request that a state agency, 108960
entity of local government, or private entity send copies to the 108961
responsible entity of any report regarding a records check or 108962
criminal records check that the agency or entity possesses, if 108963
the responsible entity obtains the written consent of the 108964
individual who is the subject of the report. 108965

(4) A responsible entity shall provide each applicant and 108966
employee with a copy of any report obtained about the applicant 108967
or employee under this section. 108968

(J) The director of developmental disabilities shall adopt 108969
rules in accordance with Chapter 119. of the Revised Code to 108970
implement this section. 108971

(1) The rules may do the following: 108972

(a) Require employees to undergo criminal records checks 108973
under this section; 108974

(b) Require responsible entities to obtain the driving 108975
records of employees under this section; 108976

(c) If the rules require employees to undergo criminal 108977
records checks, require responsible entities to obtain the 108978
driving records of employees, or both, exempt one or more 108979
classes of employees from the requirements. 108980

(2) The rules shall do all of the following: 108981

(a) If the rules require employees to undergo criminal 108982
records checks, require responsible entities to obtain the 108983
driving records of employees, or both, specify the times at 108984
which the criminal records checks are to be conducted and the 108985
driving records are to be obtained; 108986

(b) Specify circumstances under which a responsible entity 108987
may employ an applicant or employee who is found by a criminal 108988
records check required by this section to have been convicted 108989
of, pleaded guilty to, or been found eligible for intervention 108990
in lieu of conviction for a disqualifying offense but meets 108991
standards in regard to rehabilitation set by the director; 108992

(c) Require a responsible entity to request a criminal 108993
records check under this section before employing an applicant 108994
conditionally as permitted under division (G) of this section. 108995

Sec. 5123.16. (A) As used in sections 5123.16 to ~~5123.1611~~ 108996

<u>5123.1613</u> of the Revised Code:	108997
(1) "Applicant" means any of the following:	108998
(a) The chief executive officer of a business that applies	108999
under section 5123.161 of the Revised Code for a certificate to	109000
provide supported living;	109001
(b) The chief executive officer of a business that seeks	109002
renewal of the business's supported living certificate under	109003
section 5123.164 of the Revised Code;	109004
(c) An individual who applies under section 5123.161 of	109005
the Revised Code for a certificate to provide supported living	109006
as an independent provider;	109007
(d) An independent provider who seeks renewal of the	109008
independent provider's supported living certificate under	109009
section 5123.164 of the Revised Code.	109010
(2) "Business" means an association, corporation,	109011
nonprofit organization, partnership, trust, or other group of	109012
persons. "Business" does not mean an independent provider.	109013
(3) "Criminal records check" has the same meaning as in	109014
section 109.572 of the Revised Code.	109015
(4) "Disqualifying offense" means any of the offenses	109016
listed or described in divisions (A) (3) (a) to (e) of section	109017
109.572 of the Revised Code.	109018
(5) "Independent provider" means a provider who provides	109019
supported living on a self-employed basis and does not employ,	109020
directly or through contract, another person to provide the	109021
supported living.	109022
(6) "Provider" means a person or government entity	109023

certified by the director of developmental disabilities to 109024
provide supported living. For the purpose of division (A) (8) of 109025
this section, "provider" includes a person or government entity 109026
that seeks or previously held a certificate to provide supported 109027
living. 109028

(7) "Minor drug possession offense" has the same meaning 109029
as in section 2925.01 of the Revised Code. 109030

(8) "Related party" means any of the following: 109031

(a) In the case of a provider who is an individual, any of 109032
the following: 109033

(i) The spouse of the provider; 109034

(ii) A parent or stepparent of the provider or provider's 109035
spouse; 109036

(iii) A child of the provider or provider's spouse; 109037

(iv) A sibling, half sibling, or stepsibling of the 109038
provider or provider's spouse; 109039

(v) A grandparent of the provider or provider's spouse; 109040

(vi) A grandchild of the provider or provider's spouse. 109041

(b) In the case of a provider that is a person other than 109042
an individual, any of the following: 109043

(i) Any person or government entity that directly or 109044
indirectly controls the provider's day-to-day operations 109045
(including as a general manager, business manager, financial 109046
manager, administrator, or director), regardless of whether the 109047
person or government entity exercises the control pursuant to a 109048
contract or other arrangement and regardless of whether the 109049
person or government entity is required to file an Internal 109050

Revenue Code form W-2 for the provider; 109051

(ii) An officer of the provider, including the chief 109052
executive officer, president, vice-president, secretary, and 109053
treasurer; 109054

(iii) A member of the provider's board of directors or 109055
trustees; 109056

(iv) A person owning a financial interest of five per cent 109057
or more in the provider, including a direct, indirect, security, 109058
or mortgage financial interest; 109059

(v) The spouse, parent, stepparent, child, sibling, half 109060
sibling, stepsibling, grandparent, or grandchild of any of the 109061
persons specified in divisions (A) (8) (b) (i) to (iv) of this 109062
section; 109063

(vi) A person over which the provider has control of the 109064
day-to-day operation; 109065

(vii) A corporation that has a subsidiary relationship 109066
with the provider. 109067

(c) In the case of a provider that is a government entity, 109068
any of the following: 109069

(i) Any person or government entity that directly or 109070
indirectly controls the provider's day-to-day operations 109071
(including as a general manager, financial manager, 109072
administrator, or director), regardless of whether the person or 109073
government entity exercises the control pursuant to a contract 109074
or other arrangement; 109075

(ii) An officer of the provider; 109076

(iii) A member of the provider's governing board; 109077

(iv) A person or government entity over which the provider 109078
has control of the day-to-day operation. 109079

(B) No person or government entity may provide supported 109080
living without a valid supported living certificate issued by 109081
the director of developmental disabilities. 109082

(C) A county board of developmental disabilities may 109083
provide supported living only to the extent permitted by rules 109084
adopted under section 5123.1611 of the Revised Code. 109085

Sec. 5123.168. The director of developmental disabilities 109086
~~may issue an adjudication order in accordance with Chapter 119.~~ 109087
~~of the Revised Code to shall~~ terminate a supported living 109088
certificate if the certificate holder has not billed for 109089
supported living for ~~twelve~~ twenty-four consecutive months. To 109090
terminate a supported living certificate under this section, the 109091
director shall send a notice by certified mail to the 109092
certificate holder at the address on file with the department of 109093
developmental disabilities explaining why the certificate is 109094
terminated. 109095

Sec. 5123.169. (A) The director of developmental 109096
disabilities shall not issue a supported living certificate to 109097
an applicant or renew an applicant's supported living 109098
certificate if either of the following applies: 109099

(1) The applicant fails to comply with division (C) (2) of 109100
this section; 109101

(2) Except as provided in rules adopted under section 109102
5123.1611 of the Revised Code, the applicant is found by a 109103
criminal records check required by this section to have been 109104
convicted of, pleaded guilty to, or been found eligible for 109105
intervention in lieu of conviction for a disqualifying offense. 109106

(B) Before issuing a supported living certificate to an
applicant or renewing an applicant's supported living
certificate, the director shall require the applicant to submit
a statement with the applicant's signature attesting that the
applicant has not been convicted of, pleaded guilty to, or been
found eligible for intervention in lieu of conviction for a
disqualifying offense. The director also shall require the
applicant to sign an agreement under which the applicant agrees
to notify the director within fourteen calendar days if, while
holding a supported living certificate, the applicant is
formally charged with, is convicted of, pleads guilty to, or is
found eligible for intervention in lieu of conviction for a
disqualifying offense. The agreement shall provide that the
applicant's failure to provide the notification may result in
action being taken by the director against the applicant under
section 5123.166 of the Revised Code.

(C) (1) As a condition of receiving a supported living
certificate or having a supported living certificate renewed, an
applicant shall request the superintendent of the bureau of
criminal identification and investigation to conduct a criminal
records check of the applicant. If an applicant does not present
proof to the director that the applicant has been a resident of
this state for the five-year period immediately prior to the
date that the applicant applies for issuance or renewal of the
supported living certificate, the director shall require the
applicant to request that the superintendent obtain information
from the federal bureau of investigation as a part of the
criminal records check. If the applicant presents proof to the
director that the applicant has been a resident of this state
for that five-year period, the director may require the
applicant to request that the superintendent include information

from the federal bureau of investigation in the criminal records 109138
check. For purposes of this division, an applicant may provide 109139
proof of residency in this state by presenting, with a ~~notarized~~ 109140
statement asserting that the applicant has been a resident of 109141
this state for that five-year period, a valid driver's license, 109142
notification of registration as an elector, a copy of an 109143
officially filed federal or state tax form identifying the 109144
applicant's permanent residence, or any other document the 109145
director considers acceptable. 109146

(2) Each applicant shall do all of the following: 109147

(a) Obtain a copy of the form prescribed pursuant to 109148
division (C) (1) of section 109.572 of the Revised Code and a 109149
standard impression sheet prescribed pursuant to division (C) (2) 109150
of section 109.572 of the Revised Code; 109151

(b) Complete the form and provide the applicant's 109152
fingerprint impressions on the standard impression sheet; 109153

(c) Forward the completed form and standard impression 109154
sheet to the superintendent at the time the criminal records 109155
check is requested; 109156

(d) Instruct the superintendent to submit the completed 109157
report of the criminal records check directly to the director; 109158

(e) Pay to the bureau of criminal identification and 109159
investigation the fee prescribed pursuant to division (C) (3) of 109160
section 109.572 of the Revised Code for each criminal records 109161
check of the applicant requested and conducted pursuant to this 109162
section. 109163

(D) The director may request any other state or federal 109164
agency to supply the director with a written report regarding 109165
the criminal record of an applicant. The director may consider 109166

the reports when determining whether to issue a supported living 109167
certificate to the applicant or to renew an applicant's 109168
supported living certificate. 109169

(E) An applicant who seeks to be an independent provider 109170
or is an independent provider seeking renewal of the applicant's 109171
supported living certificate shall obtain the applicant's 109172
driving record from the bureau of motor vehicles and provide a 109173
copy of the record to the director if the supported living that 109174
the applicant will provide involves transporting individuals 109175
with developmental disabilities. The director may consider the 109176
applicant's driving record when determining whether to issue the 109177
applicant a supported living certificate or to renew the 109178
applicant's supported living certificate. 109179

(F) (1) A report obtained pursuant to this section is not a 109180
public record for purposes of section 149.43 of the Revised Code 109181
and shall not be made available to any person, other than the 109182
following: 109183

(a) The applicant who is the subject of the report or the 109184
applicant's representative; 109185

(b) The director or the director's representative; 109186

(c) Any court, hearing officer, or other necessary 109187
individual involved in a case dealing with any of the following: 109188

(i) The denial of a supported living certificate or 109189
refusal to renew a supported living certificate; 109190

(ii) The denial, suspension, or revocation of a 109191
certificate under section 5123.45 of the Revised Code; 109192

(iii) A civil or criminal action regarding the medicaid 109193
program. 109194

(2) An applicant for whom the director has obtained 109195
reports under this section may submit a written request to the 109196
director to have copies of the reports sent to any person or 109197
state or local government entity. The applicant shall specify in 109198
the request the person or entities to which the copies are to be 109199
sent. On receiving the request, the director shall send copies 109200
of the reports to the persons or entities specified. 109201

(3) The director may request that a person or state or 109202
local government entity send copies to the director of any 109203
report regarding a records check or criminal records check that 109204
the person or entity possesses, if the director obtains the 109205
written consent of the individual who is the subject of the 109206
report. 109207

(4) The director shall provide each applicant with a copy 109208
of any report obtained about the applicant under this section. 109209

Sec. 5123.1613. (A) A person who has been granted 109210
guardianship of an individual with a developmental disability 109211
shall not provide supported living to that individual either as 109212
an independent provider or as an employee or contractor of a 109213
supported living certificate holder unless there is a 109214
relationship by blood, adoption, or marriage between the 109215
guardian and the individual. 109216

(B) A supported living certificate holder owned or 109217
operated by a guardian of an individual with a developmental 109218
disability shall not provide supported living to that individual 109219
unless there is a relationship by blood, adoption, or marriage 109220
between the guardian and the individual. 109221

Sec. 5123.191. (A) The court of common pleas or a judge 109222
thereof in the judge's county, or the probate court, may appoint 109223

a receiver to take possession of and operate a residential 109224
facility licensed by the department of developmental 109225
disabilities, in causes pending in such courts respectively, 109226
when conditions existing at the facility present a substantial 109227
risk of physical or mental harm to residents and no other 109228
remedies at law are adequate to protect the health, safety, and 109229
welfare of the residents. Conditions at the facility that may 109230
present such risk of harm include, but are not limited to, 109231
instances when any of the following occur: 109232

(1) The residential facility is in violation of state or 109233
federal law or regulations. 109234

(2) The facility has had its license revoked or procedures 109235
for revocation have been initiated, or the facility is closing 109236
or intends to cease operations. 109237

(3) Arrangements for relocating residents need to be made. 109238

(4) Insolvency of the operator, licensee, or landowner 109239
threatens the operation of the facility. 109240

(5) The facility or operator has demonstrated a pattern 109241
and practice of repeated violations of state or federal laws or 109242
regulations. 109243

(B) A court in which a petition is filed pursuant to this 109244
section shall notify the person holding the license for the 109245
facility and the department of developmental disabilities of the 109246
filing. The court shall order the department to notify the 109247
facility owner, facility operator, county board of developmental 109248
disabilities, facility residents, and residents' parents and 109249
guardians of the filing of the petition. 109250

The court shall provide a hearing on the petition within 109251
five court days of the time it was filed, except that the court 109252

may appoint a receiver prior to that time if it determines that 109253
the circumstances necessitate such action. Following a hearing 109254
on the petition, and upon a determination that the appointment 109255
of a receiver is warranted, the court shall appoint a receiver 109256
and notify the department of developmental disabilities and 109257
appropriate persons of this action. 109258

(C) A residential facility for which a receiver has been 109259
named is deemed to be in compliance with section 5123.19 and 109260
Chapter 3721. of the Revised Code for the duration of the 109261
receivership. 109262

(D) When the operating revenue of a residential facility 109263
in receivership is insufficient to meet its operating expenses, 109264
including the cost of bringing the facility into compliance with 109265
state or federal laws or regulations, the court may order the 109266
state to provide necessary funding, except as provided in 109267
division (K) of this section. The state shall provide such 109268
funding, subject to the approval of the controlling board. The 109269
court may also order the appropriate authorities to expedite all 109270
inspections necessary for the issuance of licenses or the 109271
certification of a facility, and order a facility to be closed 109272
if it determines that reasonable efforts cannot bring the 109273
facility into substantial compliance with the law. 109274

(E) In establishing a receivership, the court shall set 109275
forth the powers and duties of the receiver. The court may 109276
generally authorize the receiver to do all that is prudent and 109277
necessary to safely and efficiently operate the residential 109278
facility within the requirements of state and federal law, but 109279
shall require the receiver to obtain court approval prior to 109280
making any single expenditure of more than five thousand dollars 109281
to correct deficiencies in the structure or furnishings of a 109282

facility. The court shall closely review the conduct of the 109283
receiver it has appointed and shall require regular and detailed 109284
reports. The receivership shall be reviewed at least every sixty 109285
days. 109286

(F) A receivership established pursuant to this section 109287
shall be terminated, following notification of the appropriate 109288
parties and a hearing, if the court determines either of the 109289
following: 109290

(1) The residential facility has been closed and the 109291
former residents have been relocated to an appropriate facility. 109292

(2) Circumstances no longer exist at the facility that 109293
present a substantial risk of physical or mental harm to 109294
residents, and there is no deficiency in the facility that is 109295
likely to create a future risk of harm. 109296

Notwithstanding division (F) (2) of this section, the court 109297
shall not terminate a receivership for a residential facility 109298
that has previously operated under another receivership unless 109299
the responsibility for the operation of the facility is 109300
transferred to an operator approved by the court and the 109301
department of developmental disabilities. 109302

(G) The department of developmental disabilities may, upon 109303
its own initiative or at the request of an owner, operator, or 109304
resident of a residential facility, or at the request of a 109305
resident's guardian or relative or a county board of 109306
developmental disabilities, petition the court to appoint a 109307
receiver to take possession of and operate a residential 109308
facility. When the department has been requested to file a 109309
petition by any of the parties listed above, it shall, within 109310
forty-eight hours of such request, either file such a petition 109311

or notify the requesting party of its decision not to file. If 109312
the department refuses to file, the requesting party may file a 109313
petition with the court requesting the appointment of a receiver 109314
to take possession of and operate a residential facility. 109315

Petitions filed pursuant to this division shall include 109316
the following: 109317

(1) A description of the specific conditions existing at 109318
the facility which present a substantial risk of physical or 109319
mental harm to residents; 109320

(2) A statement of the absence of other adequate remedies 109321
at law; 109322

(3) The number of individuals residing at the facility; 109323

(4) A statement that the facts have been brought to the 109324
attention of the owner or licensee and that conditions have not 109325
been remedied within a reasonable period of time or that the 109326
conditions, though remedied periodically, habitually exist at 109327
the facility as a pattern or practice; 109328

(5) The name and address of the person holding the license 109329
for the facility and the address of the department of 109330
developmental disabilities. 109331

The court may award to an operator appropriate costs and 109332
expenses, including reasonable attorney's fees, if it determines 109333
that a petitioner has initiated a proceeding in bad faith or 109334
merely for the purpose of harassing or embarrassing the 109335
operator. 109336

(H) Except for the department of developmental 109337
disabilities or a county board of developmental disabilities, no 109338
party or person interested in an action shall be appointed a 109339

receiver pursuant to this section. 109340

To assist the court in identifying persons qualified to be 109341
named as receivers, the director of developmental disabilities 109342
shall maintain a list of the names of such persons. The director 109343
shall, in accordance with Chapter 119. of the Revised Code, 109344
establish standards for evaluating persons desiring to be 109345
included on such a list. 109346

(I) Before a receiver enters upon the duties of that 109347
person, the receiver must be sworn to perform the duties of 109348
receiver faithfully, and, with surety approved by the court, 109349
judge, or clerk, execute a bond to such person, and in such sum 109350
as the court or judge directs, to the effect that such receiver 109351
will faithfully discharge the duties of receiver in the action, 109352
and obey the orders of the court therein. 109353

(J) Under the control of the appointing court, a receiver 109354
may bring and defend actions in the receiver's own name as 109355
receiver and take and keep possession of property. 109356

The court shall authorize the receiver to do the 109357
following: 109358

(1) Collect payment for all goods and services provided to 109359
the residents or others during the period of the receivership at 109360
the same rate as was charged by the licensee at the time the 109361
petition for receivership was filed, unless a different rate is 109362
set by the court; 109363

(2) Honor all leases, mortgages, and secured transactions 109364
governing all buildings, goods, and fixtures of which the 109365
receiver has taken possession and continues to use, subject to 109366
the following conditions: 109367

(a) In the case of a rental agreement, only to the extent 109368

of payments that are for the use of the property during the 109369
period of the receivership; 109370

(b) In the case of a purchase agreement only to the extent 109371
of payments that come due during the period of the receivership. 109372

(3) If transfer of residents is necessary, provide for the 109373
orderly transfer of residents by doing the following: 109374

(a) Cooperating with all appropriate state and local 109375
agencies in carrying out the transfer of residents to 109376
alternative community placements; 109377

(b) Providing for the transportation of residents' 109378
belongings and records; 109379

(c) Helping to locate alternative placements and develop 109380
discharge plans; 109381

(d) Preparing residents for the trauma of discharge; 109382

(e) Permitting residents or guardians to participate in 109383
transfer or discharge planning except when an emergency exists 109384
and immediate transfer is necessary. 109385

(4) Make periodic reports on the status of the residential 109386
program to the appropriate state agency, county board of 109387
developmental disabilities, parents, guardians, and residents; 109388

(5) Compromise demands or claims; 109389

(6) Generally do such acts respecting the residential 109390
facility as the court authorizes. 109391

(K) Neither the receiver nor the department of 109392
developmental disabilities is liable for debts incurred by the 109393
owner or operator of a residential facility for which a receiver 109394
has been appointed. 109395

(L) The department of developmental disabilities may 109396
contract for the operation of a residential facility in 109397
receivership. The department shall establish the conditions of a 109398
contract. Notwithstanding any other provision of law, contracts 109399
that are necessary to carry out the powers and duties of the 109400
receiver need not be competitively bid. 109401

(M) The department of developmental disabilities, the 109402
department of ~~job and family services~~ children and youth, and the 109403
department of health shall provide technical assistance to any 109404
receiver appointed pursuant to this section. 109405

Sec. 5123.38. ~~(A)~~ (A) (1) Except as provided in division (B) 109406
of this section, if an individual is committed to a state- 109407
operated ICF/IID pursuant to sections 5123.71 to 5123.76 of the 109408
Revised Code, the county board of developmental disabilities of 109409
the county from which the individual was ordered 109410
institutionalized is responsible for the nonfederal share of 109411
medicaid expenditures for the individual's care in the state- 109412
operated ICF/IID. 109413

(2) The director of developmental disabilities shall 109414
annually establish a methodology for determining the amount to 109415
be collected from the county board for the estimated nonfederal 109416
share of medicaid expenditures. The department of developmental 109417
disabilities shall collect the amount of the nonfederal share 109418
from the county board by either withholding that amount from 109419
funds the department has otherwise allocated to the county board 109420
or submitting an invoice for payment of that amount to the 109421
county board. 109422

(B) Division (A) of this section does not apply ~~under~~ 109423
~~either of the following circumstances:~~ 109424

~~(1) Not later than one hundred eighty days after the date~~ 109425
~~of the commitment of an individual, the county board arranges~~ 109426
~~for the provision of alternative services for the individual,~~ 109427
~~and the individual is discharged from the ICF/IID.~~ 109428

~~(2) The~~ if the director of developmental disabilities, 109429
after determining that circumstances warrant granting a waiver 109430
in an individual's case, grants the county board a waiver that 109431
exempts the county board from responsibility for the nonfederal 109432
share for that case. The exemption may waive the collection of 109433
either the full amount or a portion of the estimated nonfederal 109434
share of medicaid expenditures. 109435

Sec. 5123.41. As used in this section and sections 5123.42 109436
to 5123.47 of the Revised Code: 109437

(A) "Adult services" has the same meaning as in section 109438
5126.01 of the Revised Code. 109439

(B) "Certified supported living provider" means a person 109440
or government entity certified under section 5123.161 of the 109441
Revised Code. 109442

(C) "Drug" has the same meaning as in section 4729.01 of 109443
the Revised Code. 109444

(D) "Family member" means a parent, sibling, spouse, son, 109445
daughter, grandparent, aunt, uncle, cousin, or guardian of an 109446
individual with a developmental disability if the individual 109447
with a developmental disability lives with the person and is 109448
dependent on the person to the extent that, if the supports were 109449
withdrawn, another living arrangement would have to be found. 109450

(E) "Family support services" has the same meaning as in 109451
section 5126.01 of the Revised Code. 109452

- ~~(F)~~ (F) "Health-related activities" means the following: 109453
- (1) Taking vital signs; 109454
 - (2) Application of clean dressings that do not require 109455
health assessment; 109456
 - (3) Basic measurement of bodily intake and output; 109457
 - (4) Oral suctioning; 109458
 - (5) Use of glucometers; 109459
 - (6) External urinary catheter cleaning; 109460
 - (7) Emptying and replacing ostomy bags; 109461
 - (8) Collection of specimens by noninvasive means; 109462
 - (9) Pulse oximetry reading; 109463
 - (10) Use of continuous positive airway pressure machines; 109464
 - (11) Application of percussion vests; 109465
 - (12) Use of cough assist devices and insufflators; 109466
 - (13) Application of prescribed compression hosiery. 109467
- ~~(F)~~ (G) "Licensed health professional authorized to 109468
prescribe drugs" has the same meaning as in section 4729.01 of 109469
the Revised Code. 109470
- ~~(G)~~ (H) "Metered dose inhaled medication" means a 109471
premeasured medication administered by inhalation using a hand- 109472
held dispenser or aerosol nebulizer. 109473
- ~~(H)~~ (I) "Developmental disabilities personnel" means the 109474
employees and the workers under contract who provide specialized 109475
services to individuals with developmental disabilities. 109476
"Developmental disabilities personnel" includes those who 109477

provide the services as follows: 109478

(1) Through direct employment with the department of 109479
developmental disabilities or a county board of developmental 109480
disabilities; 109481

(2) Through an entity under contract with the department 109482
of developmental disabilities or a county board of developmental 109483
disabilities; 109484

(3) Through direct employment or by being under contract 109485
with private entities, including private entities that operate 109486
residential facilities. 109487

~~(I)~~ (J) "Nursing delegation" means the process established 109488
in rules adopted by the board of nursing pursuant to Chapter 109489
4723. of the Revised Code under which a registered nurse or 109490
licensed practical nurse acting at the direction of a registered 109491
nurse transfers the performance of a particular nursing activity 109492
or task to another person who is not otherwise authorized to 109493
perform the activity or task. 109494

~~(J)~~ (K) "Over-the-counter medication" means a drug that may 109495
be sold and purchased without a prescription. 109496

~~(K)~~ (L) "Prescribed medication" means a drug that is to be 109497
administered according to the instructions of a licensed health 109498
professional authorized to prescribe drugs. 109499

~~(L)~~ (M) "Residential facility" means a facility licensed 109500
under section 5123.19 of the Revised Code. 109501

~~(M)~~ (N) "Specialized services" has the same meaning as in 109502
section 5123.50 of the Revised Code. 109503

~~(N)~~ (O) "Topical over-the-counter musculoskeletal 109504
medication" means an over-the-counter medication that is applied 109505

topically or passes through the skin to provide relief from 109506
discomfort in the muscles, joints, or bones. 109507

Sec. 5123.42. (A) Developmental disabilities personnel who 109508
are not specifically authorized by other provisions of the 109509
Revised Code to administer medications or perform health-related 109510
activities may do so pursuant to this section as part of the 109511
specialized services the developmental disabilities personnel 109512
provide to individuals with developmental disabilities in the 109513
following categories: 109514

(1) Recipients of early intervention, preschool, and 109515
school-age services offered or provided pursuant to this chapter 109516
or Chapter 5126. of the Revised Code; 109517

(2) Recipients of adult services, if the services are 109518
received in a setting where seventeen or more individuals 109519
receive the services and the services are offered or provided 109520
pursuant to this chapter or Chapter 5126. of the Revised Code; 109521

(3) Recipients of adult services, if the services are 109522
received in a setting where not more than sixteen individuals 109523
receive the services and the services are offered or provided 109524
pursuant to this chapter or Chapter 5126. of the Revised Code; 109525

(4) Recipients of family support services offered or 109526
provided pursuant to this chapter or Chapter 5126. of the 109527
Revised Code; 109528

(5) Recipients of services from certified supported living 109529
providers, if the services are offered or provided pursuant to 109530
this chapter or Chapter 5126. of the Revised Code; 109531

(6) Recipients of residential support services from 109532
certified home and community-based services providers, if the 109533
services are received in a community living arrangement that 109534

includes not more than four individuals with developmental 109535
disabilities and the services are offered or provided pursuant 109536
to this chapter or Chapter 5126. of the Revised Code; 109537

(7) Recipients of services not included in divisions (A) 109538
(1) to (6) of this section that are offered or provided pursuant 109539
to this chapter or Chapter 5126. of the Revised Code; 109540

(8) Residents of a residential facility with not more than 109541
five resident beds; 109542

(9) Residents of a residential facility with at least six 109543
resident beds. 109544

(B) (1) In the case of individuals described in divisions 109545
(A) (1) to (9) of this section, developmental disabilities 109546
personnel may do all of the following without nursing delegation 109547
and without a certificate issued under section 5123.45 of the 109548
Revised Code: 109549

(a) Activate a ~~vagal~~-vagus nerve stimulator; 109550

(b) ~~Use an epinephrine autoinjector to~~To treat 109551
anaphylaxis, administer prescribed epinephrine either by 109552
autoinjector or intranasally; 109553

(c) Administer topical over-the-counter medications for 109554
the purpose of cleaning, protecting, or comforting the skin, 109555
hair, nails, teeth, or oral surfaces, but not for the purpose of 109556
treating an open wound or a condition that requires a medical 109557
diagnosis, including a fungal infection. 109558

(2) The authority of developmental disabilities personnel 109559
~~to activate a vagal nerve stimulator, use an epinephrine~~ 109560
~~autoinjector, and perform the health-related activity or~~ 109561
~~administer topical over-the-counter~~the medications described in 109562

division (B) (1) of this section is subject to all of the 109563
following: 109564

(a) ~~To activate a vagal nerve stimulator or use an~~ 109565
~~epinephrine autoinjector, developmental~~ Developmental 109566
disabilities personnel shall successfully complete the training 109567
course or courses developed under section 5123.43 of the Revised 109568
Code for developmental disabilities personnel. Developmental 109569
disabilities personnel shall ~~activate a vagal nerve stimulator~~ 109570
~~or use an epinephrine autoinjector~~ perform the health-related 109571
activity or administer the medications described in division (B) 109572
(1) of this section only as authorized by the training 109573
completed. 109574

(b) The employer of developmental disabilities personnel 109575
shall ensure that the personnel have been trained specifically 109576
with respect to each individual for whom they ~~activate a vagal~~ 109577
~~nerve stimulator or use an epinephrine autoinjector~~ perform the 109578
health-related activity or administer the medications described 109579
in division (B) (1) of this section. Developmental disabilities 109580
personnel shall not ~~activate a vagal nerve stimulator or use an~~ 109581
~~epinephrine autoinjector~~ perform such an activity or administer 109582
such medications for any individual for whom they have not been 109583
specifically trained. 109584

(c) If the employer of developmental disabilities 109585
personnel believes that the personnel have not or will not 109586
safely ~~activate a vagal nerve stimulator or use an epinephrine~~ 109587
~~autoinjector~~ perform the health-related activity or administer 109588
the medications described in division (B) (1) of this section, 109589
the employer shall prohibit the developmental disabilities 109590
personnel from continuing or commencing to do so. Developmental 109591
disabilities personnel shall not engage in the action or actions 109592

subject to an employer's prohibition. 109593

(d) Developmental disabilities personnel shall activate a 109594
~~vagal-vagus~~ nerve stimulator, ~~use an~~ administer prescribed 109595
epinephrine either by autoinjector or intranasally, or 109596
administer topical over-the-counter medications in accordance 109597
with the manufacturer's instructions. 109598

(C) (1) In the case of recipients of early intervention, 109599
preschool, and school-age services, as specified in division (A) 109600
(1) of this section, all of the following apply: 109601

(a) With nursing delegation, developmental disabilities 109602
personnel may perform health-related activities. 109603

(b) With nursing delegation, developmental disabilities 109604
personnel may administer oral and topical prescribed medications 109605
and topical over-the-counter musculoskeletal medications. 109606

(c) With nursing delegation, developmental disabilities 109607
personnel may administer oxygen and metered dose inhaled 109608
medications. 109609

(d) With nursing delegation, developmental disabilities 109610
personnel may administer prescribed medications through 109611
gastrostomy and jejunostomy tubes, if the tubes being used are 109612
stable and labeled. 109613

(e) With nursing delegation, developmental disabilities 109614
personnel may administer routine doses of insulin through 109615
subcutaneous injections, inhalation, and insulin pumps. 109616

(f) With nursing delegation, developmental disabilities 109617
personnel may administer prescribed medications for the 109618
treatment of metabolic glycemc disorders through subcutaneous 109619
injections. 109620

(2) In the case of individuals described in divisions (A)	109621
(2), (7), and (9) of this section, all of the following apply:	109622
(a) With nursing delegation, developmental disabilities	109623
personnel may perform health-related activities.	109624
(b) With nursing delegation, developmental disabilities	109625
personnel may administer oral and topical prescribed medications	109626
and topical over-the-counter musculoskeletal medications.	109627
(c) With nursing delegation, developmental disabilities	109628
personnel may administer oxygen and metered dose inhaled	109629
medications.	109630
(d) With nursing delegation, developmental disabilities	109631
personnel may administer prescribed medications through	109632
gastrostomy and jejunostomy tubes, if the tubes being used are	109633
stable and labeled.	109634
(e) With nursing delegation, developmental disabilities	109635
personnel may administer routine doses of insulin through	109636
subcutaneous injections, inhalation, and insulin pumps.	109637
(f) With nursing delegation, developmental disabilities	109638
personnel may administer prescribed medications for the	109639
treatment of metabolic glyceimic disorders through subcutaneous	109640
injections.	109641
(3) In the case of individuals described in divisions (A)	109642
(3), (4), (5), (6), and (8) of this section, all of the	109643
following apply:	109644
(a) Without nursing delegation, developmental disabilities	109645
personnel may perform health-related activities.	109646
(b) Without nursing delegation, developmental disabilities	109647
personnel may administer oral and topical prescribed medications	109648

and topical over-the-counter musculoskeletal medications. 109649

(c) Without nursing delegation, developmental disabilities 109650
personnel may administer oxygen and metered dose inhaled 109651
medications. 109652

(d) With nursing delegation, developmental disabilities 109653
personnel may administer prescribed medications through 109654
gastrostomy and jejunostomy tubes, if the tubes being used are 109655
stable and labeled. 109656

(e) With nursing delegation, developmental disabilities 109657
personnel may administer routine doses of insulin through 109658
subcutaneous injections, inhalation, and insulin pumps. 109659

(f) With nursing delegation, developmental disabilities 109660
personnel may administer prescribed medications for the 109661
treatment of metabolic glyceimic disorders through subcutaneous 109662
injections. 109663

(D) The authority of developmental disabilities personnel 109664
to administer medications and perform health-related activities 109665
pursuant to division (C) of this section is subject to all of 109666
the following: 109667

(1) To administer medications or perform health-related 109668
activities for individuals in the categories specified under 109669
divisions (A) (1) to (9) of this section, developmental 109670
disabilities personnel shall obtain the certificate or 109671
certificates required by the department of developmental 109672
disabilities and issued under section 5123.45 of the Revised 109673
Code. Developmental disabilities personnel shall administer 109674
medications and perform health-related activities only as 109675
authorized by the certificate or certificates held. 109676

(2) If nursing delegation is required under division (C) 109677

of this section, developmental disabilities personnel shall not 109678
act without nursing delegation or in a manner that is 109679
inconsistent with the delegation. 109680

(3) The employer of developmental disabilities personnel 109681
shall ensure that the personnel have been trained specifically 109682
with respect to each individual for whom they administer 109683
medications or perform health-related activities. Developmental 109684
disabilities personnel shall not administer medications or 109685
perform health-related activities for any individual for whom 109686
they have not been specifically trained. 109687

(4) If the employer of developmental disabilities 109688
personnel believes that the developmental disabilities personnel 109689
have not or will not safely administer medications or perform 109690
health-related activities, the employer shall prohibit the ~~the~~ 109691
personnel from continuing or commencing to do so. Developmental 109692
disabilities personnel shall not engage in the action or actions 109693
subject to an employer's prohibition. 109694

(E) In accordance with section 5123.46 of the Revised 109695
Code, the department of developmental disabilities shall adopt 109696
rules governing its implementation of this section. The rules 109697
shall include the following: 109698

(1) Requirements for documentation of the administration 109699
of medications and performance of health-related activities by 109700
developmental disabilities personnel pursuant to the authority 109701
granted under this section; 109702

(2) Procedures for reporting errors that occur in the 109703
administration of medications and performance of health-related 109704
activities by developmental disabilities personnel pursuant to 109705
the authority granted under this section; 109706

(3) Other standards and procedures the department 109707
considers necessary for implementation of this section. 109708

Sec. 5123.423. A family member may administer medications 109709
or perform health-related activities as described in section 109710
5123.42 of the Revised Code without either of the following: 109711
nursing delegation or a certificate issued under section 5123.45 109712
of the Revised Code. 109713

Sec. 5123.47. (A) As used in this section: 109714

(1) "In-home care" means the supportive services provided 109715
within the home of an individual with a developmental disability 109716
who receives funding for the services through a county board of 109717
developmental disabilities, including any recipient of 109718
residential services funded as home and community-based 109719
services, family support services provided under section 5126.11 109720
of the Revised Code, or supported living provided in accordance 109721
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 109722
care" includes care that is provided outside an individual's 109723
home in places incidental to the home, and while traveling to 109724
places incidental to the home, except that "in-home care" does 109725
not include care provided in the facilities of a county board of 109726
developmental disabilities or care provided in schools. 109727

(2) "Parent" means either parent of a child, including an 109728
adoptive parent but not a foster parent. 109729

(3) "Unlicensed in-home care worker" means an individual 109730
who provides in-home care on a self-employed basis and does not 109731
employ, either directly or through contract, another person to 109732
provide the in-home care, but who is not a health care 109733
professional. 109734

(4) ~~"Family member" means a parent, sibling, spouse, son,~~ 109735

~~daughter, grandparent, aunt, uncle, cousin, or guardian of the~~ 109736
~~individual with a developmental disability if the individual~~ 109737
~~with a developmental disability lives with the person and is~~ 109738
~~dependent on the person to the extent that, if the supports were~~ 109739
~~withdrawn, another living arrangement would have to be found.~~ 109740

~~(5)~~—"Health care professional" means any of the following: 109741

(a) A dentist who holds a valid license issued under 109742
Chapter 4715. of the Revised Code; 109743

(b) A registered or licensed practical nurse who holds a 109744
valid license issued under Chapter 4723. of the Revised Code; 109745

(c) An optometrist who holds a valid license issued under 109746
Chapter 4725. of the Revised Code; 109747

(d) A pharmacist who holds a valid license issued under 109748
Chapter 4729. of the Revised Code; 109749

(e) A person who holds a valid license or certificate 109750
issued under Chapter 4731. of the Revised Code to practice 109751
medicine and surgery, osteopathic medicine and surgery, 109752
podiatric medicine and surgery, or a limited brand of medicine; 109753

(f) A physician assistant who holds a valid license issued 109754
under Chapter 4730. of the Revised Code; 109755

(g) An occupational therapist or occupational therapy 109756
assistant or a physical therapist or physical therapist 109757
assistant who holds a valid license issued under Chapter 4755. 109758
of the Revised Code; 109759

(h) A respiratory care professional who holds a valid 109760
license issued under Chapter 4761. of the Revised Code; 109761

(i) A certified mental health assistant who holds a valid 109762

license issued under Chapter 4772. of the Revised Code. 109763

~~(6)~~ (5) "Health care task" means a task that is prescribed, 109764
ordered, ~~delegated,~~ or otherwise directed by a health care 109765
professional acting within the scope of the professional's 109766
practice. "Health care task" includes the administration of ~~oral~~ 109767
~~and topical prescribed medications; administration of nutrition~~ 109768
~~and medications through gastrostomy and jejunostomy tubes that~~ 109769
~~are stable and labeled; administration of oxygen and metered~~ 109770
~~dose inhaled medications; administration of insulin through~~ 109771
~~subcutaneous injections, inhalation, and insulin pumps; and~~ 109772
~~administration of prescribed medications for the treatment of~~ 109773
~~metabolic glyceemic disorders through subcutaneous injections.~~ 109774

(B) Except as provided in division ~~(E)~~ (F) of this section, 109775
a family member of an individual with a developmental disability 109776
may authorize an unlicensed in-home care worker to perform 109777
health care tasks as part of the in-home care the worker 109778
provides to the individual, if all of the following apply: 109779

(1) The family member is the primary supervisor of the 109780
care. 109781

(2) At the time the family member both authorizes the 109782
unlicensed in-home care worker to perform health care tasks and 109783
supervises the care provided to the individual, the family 109784
member is not acting as a paid provider for the individual. 109785

(3) The unlicensed in-home care worker has been selected 109786
by the family member or the individual receiving care and is 109787
under the direct supervision of the family member. 109788

~~(3) The unlicensed in-home care worker is providing the~~ 109789
~~care through an employment or other arrangement entered into~~ 109790
~~directly with the family member and is not otherwise employed by~~ 109791

~~or under contract with a person or government entity to provide~~ 109792
~~services to individuals with developmental disabilities.~~ 109793

(4) The health care task is completed in accordance with 109794
standard, written instructions. 109795

(5) Performance of the health care task requires no 109796
judgment based on specialized health care knowledge or 109797
expertise. 109798

(6) The outcome of the health care task is reasonably 109799
predictable. 109800

(7) Performance of the health care task requires no 109801
complex observation of the individual receiving the care. 109802

(8) Improper performance of the health care task will 109803
result in only minimal complications that are not life- 109804
threatening. 109805

(C) A family member who authorizes an unlicensed in-home 109806
care worker to perform health care tasks under this section 109807
shall ~~obtain~~ do all of the following: 109808

(1) Obtain a prescription, if applicable, and written 109809
instructions from a health care professional for the care to be 109810
provided to the individual. ~~The family member shall authorize;~~ 109811

(2) Authorize the unlicensed in-home care worker to 109812
provide the care by preparing a written document granting the 109813
authority. ~~The family member shall provide;~~ 109814

(3) Provide the unlicensed in-home care worker with 109815
appropriate training and written instructions in accordance with 109816
the instructions obtained from the health care professional. ~~The~~ 109817
~~family member or a health care professional shall be;~~ 109818

(4) Be available to communicate with the unlicensed in- 109819
home care worker either in person or by telecommunication while 109820
the in-home care worker performs a health care task. 109821

(D) Before an unlicensed in-home care worker may perform 109822
the health care tasks authorized by a family member under this 109823
section, the worker shall accept the written document described 109824
in division (C) (2) of this section granting the worker that 109825
authority. 109826

(E) A family member who authorizes an unlicensed in-home 109827
care worker to ~~administer oral and topical prescribed~~ 109828
~~medications or perform other~~ health care tasks retains full 109829
responsibility for the health and safety of the individual 109830
receiving the care and for ensuring that the worker provides the 109831
care appropriately and safely. No entity that funds or monitors 109832
the provision of in-home care may be held liable for the results 109833
of the care provided under this section by an unlicensed in-home 109834
care worker, including such entities as the county board of 109835
developmental disabilities and the department of developmental 109836
disabilities. 109837

An unlicensed in-home care worker who is authorized under 109838
this section by a family member to provide care to an individual 109839
may not be held liable for any injury caused in providing the 109840
care, unless the worker provides the care in a manner that is 109841
not in accordance with the training and instructions received or 109842
the worker acts in a manner that constitutes willful or wanton 109843
misconduct. 109844

~~(E)~~ (F) A county board of developmental disabilities may 109845
evaluate the authority granted by a family member under this 109846
section to an unlicensed in-home care worker at any time it 109847
considers necessary and shall evaluate the authority on receipt 109848

of a complaint. ~~If~~In evaluating the authority, the board shall 109849
use appropriately licensed health care professionals. 109850

If, after its evaluation, the board determines that a 109851
family member has acted in a manner that is inappropriate for 109852
the health and safety of the individual receiving the care, then 109853
all of the following apply: 109854

(1) The authorization granted by the family member to an 109855
unlicensed in-home care worker is void,~~and the~~. 109856

(2) The family member may not authorize other unlicensed 109857
in-home care workers to provide the care.~~In making such a~~ 109858
~~determination, the~~ 109859

(3) The board shall use authorize appropriately licensed 109860
~~health care professionals and or certified providers to instead~~ 109861
perform the health care tasks. 109862

(4) The board shall provide the family member an 109863
opportunity to file a complaint under section 5126.06 of the 109864
Revised Code. 109865

Sec. 5124.15. (A) Except as otherwise provided by section 109866
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of 109867
the Revised Code, and division (B) of this section, the total 109868
per medicaid day payment rate that the department of 109869
developmental disabilities shall pay to an ICF/IID provider for 109870
ICF/IID services the provider's ICF/IID provides during a fiscal 109871
year shall equal the sum of all of the following: 109872

(1) The per medicaid day capital component rate determined 109873
for the ICF/IID under section 5124.17 of the Revised Code; 109874

(2) The per medicaid day direct care costs component rate 109875
determined for the ICF/IID under section 5124.19 of the Revised 109876

Code; 109877

(3) The per medicaid day indirect care costs component 109878
rate determined for the ICF/IID under section 5124.21 of the 109879
Revised Code; 109880

(4) The per medicaid day other protected costs component 109881
rate determined for the ICF/IID under section 5124.23 of the 109882
Revised Code; 109883

(5) The sum of the following: 109884

(a) The per medicaid day quality incentive payment 109885
determined for the ICF/IID under section 5124.24 of the Revised 109886
Code; 109887

(b) A direct support personnel payment equal to two and 109888
four-hundredths per cent of the ICF/IID's desk-reviewed, actual, 109889
allowable, per medicaid day direct care costs from the 109890
applicable cost report year; 109891

(c) A-For state fiscal year 2026, a professional workforce 109892
development payment equal to thirteen and fifty-five hundredths 109893
for state fiscal year 2024 and twenty and eighty-one hundredths 109894
during fiscal year 2025 ten and four hundred five thousandths 109895
per cent of the ICF/IID's desk-reviewed, actual, allowable, per 109896
medicaid day direct care costs from the applicable cost report 109897
year. 109898

(B) The department shall adjust the total per medicaid day 109899
payment rate otherwise determined for an ICF/IID under this 109900
section as directed by the general assembly through the 109901
enactment of law governing medicaid payments to ICF/IID 109902
providers. 109903

(C) (1) In addition to paying an ICF/IID provider the total 109904

per medicaid day payment rate determined for the provider's 109905
ICF/IID under divisions (A) and (B) of this section for a fiscal 109906
year, the department may do either or both of the following: 109907

(a) In accordance with section 5124.25 of the Revised 109908
Code, pay the provider a rate add-on for ventilator-dependent 109909
outlier ICF/IID services if the rate add-on is to be paid under 109910
that section and the department approves the provider's 109911
application for the rate add-on; 109912

(b) In accordance with section 5124.26 of the Revised 109913
Code, pay the provider for outlier ICF/IID services the ICF/IID 109914
provides to residents identified as needing intensive behavioral 109915
health support services if the rate add-on is to be paid under 109916
that section and the department approves the provider's 109917
application for the rate add-on. 109918

(2) The rate add-ons are not to be part of the ICF/IID's 109919
total per medicaid day payment rate. 109920

Sec. 5126.201. (A) A person may be employed by or under 109921
contract with a county board of developmental disabilities as a 109922
conditional status service and support administrator only if 109923
either of the following is true: 109924

(1) The person has at least an appropriate associate 109925
degree; 109926

(2) The person meets both of the following requirements: 109927

(a) The person was employed by the county board and 109928
performed service and support administration duties on June 30, 109929
2005; 109930

(b) The person holds a high school diploma or a 109931
certificate of high school equivalence. 109932

(B) A conditional status service and support administrator shall perform the duties of service and support administration, as specified in division (B) of section 5126.15 of the Revised Code, only under the supervision of a management employee who is a service and support administration supervisor.

(C) A superintendent of a county board of developmental disabilities shall ensure that a conditional status service and support administrator successfully completes a web-based training program established by the department of developmental disabilities not later than thirty days after being hired. The training shall include all of the following topics:

(1) Empowering individuals serviced through the development of person-centered individual service plans;

(2) Coordinating services;

(3) Enhancing team effectiveness;

(4) Understanding medicaid;

(5) An overview of ICFs/IID;

(6) An overview of medicaid home and community-based services waivers administered by the department and county boards of developmental disabilities, including self-directed services, budget authority, and employer authority;

(7) Targeted case management;

(8) Employment navigation.

Sec. 5139.05. (A) The juvenile court may commit any child to the department of youth services as authorized in Chapter 2152. of the Revised Code, provided that any child so committed shall be at least ten years of age at the time of the child's

delinquent act, and, if the child is ten or eleven years of age, 109960
the delinquent act is a violation of section 2909.03 of the 109961
Revised Code or would be aggravated murder, murder, or a first 109962
or second degree felony offense of violence if committed by an 109963
adult. Any order to commit a child to an institution under the 109964
control and management of the department shall have the effect 109965
of ordering that the child be committed to the department and 109966
assigned to an institution or placed in a community corrections 109967
facility in accordance with division (E) of section 5139.36 of 109968
the Revised Code as follows: 109969

(1) For an indefinite term consisting of the prescribed 109970
minimum period specified by the court under division (A) (1) of 109971
section 2152.16 of the Revised Code and a maximum period not to 109972
exceed the child's attainment of twenty-one years of age, if the 109973
child was committed pursuant to section 2152.16 of the Revised 109974
Code; 109975

(2) Until the child's attainment of twenty-one years of 109976
age, if the child was committed for aggravated murder or murder 109977
pursuant to section 2152.16 of the Revised Code; 109978

(3) For a period of commitment that shall be in addition 109979
to, and shall be served consecutively with and prior to, a 109980
period of commitment described in division (A) (1) or (2) of this 109981
section, if the child was committed pursuant to section 2152.17 109982
of the Revised Code; 109983

(4) If the child is ten or eleven years of age, to an 109984
institution, a residential care facility, a residential 109985
facility, or a facility licensed by the department of ~~job and~~ 109986
~~family services~~ children and youth that the department of youth 109987
services considers best designated for the training and 109988
rehabilitation of the child and protection of the public. The 109989

child shall be housed separately from children who are twelve 109990
years of age or older until the child is released or discharged 109991
or until the child attains twelve years of age, whichever occurs 109992
first. Upon the child's attainment of twelve years of age, if 109993
the child has not been released or discharged, the department is 109994
not required to house the child separately. 109995

(B) (1) Except as otherwise provided in section 5139.54 of 109996
the Revised Code, the release authority of the department of 109997
youth services, in accordance with section 5139.51 of the 109998
Revised Code and at any time after the end of the minimum period 109999
specified under division (A) (1) of section 2152.16 of the 110000
Revised Code, may grant the release from custody of any child 110001
committed to the department. 110002

The order committing a child to the department of youth 110003
services shall state that the child has been adjudicated a 110004
delinquent child and state the minimum period. The jurisdiction 110005
of the court terminates at the end of the minimum period except 110006
as follows: 110007

(a) In relation to judicial release procedures, 110008
supervision, and violations; 110009

(b) With respect to functions of the court related to the 110010
revocation of supervised release that are specified in sections 110011
5139.51 and 5139.52 of the Revised Code; 110012

(c) In relation to its duties relating to serious youthful 110013
offender dispositional sentences under sections 2152.13 and 110014
2152.14 of the Revised Code. 110015

(2) When a child has been committed to the department 110016
under section 2152.16 of the Revised Code, the department shall 110017
retain legal custody of the child until one of the following: 110018

(a) The department discharges the child to the exclusive management, control, and custody of the child's parent or the guardian of the child's person or, if the child is eighteen years of age or older, discharges the child.

(b) The committing court, upon its own motion, upon petition of the parent, guardian of the person, or next friend of a child, or upon petition of the department, terminates the department's legal custody of the child.

(c) The committing court grants the child a judicial release to court supervision under section 2152.22 of the Revised Code.

(d) The department's legal custody of the child is terminated automatically by the child attaining twenty-one years of age.

(e) If the child is subject to a serious youthful offender dispositional sentence, the adult portion of that dispositional sentence is imposed under section 2152.14 of the Revised Code.

(C) When a child is committed to the department of youth services, the department may assign the child to a hospital for mental, physical, and other examination, inquiry, or treatment for the period of time that is necessary. The department may remove any child in its custody to a hospital for observation, and a complete report of every observation at the hospital shall be made in writing and shall include a record of observation, treatment, and medical history and a recommendation for future treatment, custody, and maintenance. The department shall thereupon order the placement and treatment that it determines to be most conducive to the purposes of Chapters 2151. and 5139. of the Revised Code. The committing court and all public

authorities shall make available to the department all pertinent 110048
data in their possession with respect to the case. 110049

(D) Records maintained by the department of youth services 110050
pertaining to the children in its custody shall be accessible 110051
only to department employees, except by consent of the 110052
department, upon the order of the judge of a court of record, or 110053
as provided in divisions (D) (1) and (2) of this section. These 110054
records shall not be considered "public records," as defined in 110055
section 149.43 of the Revised Code. 110056

(1) Except as otherwise provided by a law of this state or 110057
the United States, the department of youth services may release 110058
records that are maintained by the department of youth services 110059
and that pertain to children in its custody to the department of 110060
rehabilitation and correction regarding persons who are under 110061
the jurisdiction of the department of rehabilitation and 110062
correction and who have previously been committed to the 110063
department of youth services. The department of rehabilitation 110064
and correction may use those records for the limited purpose of 110065
carrying out the duties of the department of rehabilitation and 110066
correction. Records released by the department of youth services 110067
to the department of rehabilitation and correction shall remain 110068
confidential and shall not be considered public records as 110069
defined in section 149.43 of the Revised Code. 110070

(2) The department of youth services shall provide to the 110071
superintendent of the school district in which a child 110072
discharged or released from the custody of the department is 110073
entitled to attend school under section 3313.64 or 3313.65 of 110074
the Revised Code the records described in divisions (D) (4) (a) to 110075
(d) of section 2152.18 of the Revised Code. Subject to the 110076
provisions of section 3319.321 of the Revised Code and the 110077

Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 110078
amended, the records released to the superintendent shall remain 110079
confidential and shall not be considered public records as 110080
defined in section 149.43 of the Revised Code. 110081

(E) (1) When a child is committed to the department of 110082
youth services, the department, orally or in writing, shall 110083
notify the parent, guardian, or custodian of a child that the 110084
parent, guardian, or custodian may request at any time from the 110085
superintendent of the institution in which the child is located 110086
any of the information described in divisions (E) (1) (a), (b), 110087
(c), and (d) of this section. The parent, guardian, or custodian 110088
may provide the department with the name, address, and telephone 110089
number of the parent, guardian, or custodian, and, until the 110090
department is notified of a change of name, address, or 110091
telephone number, the department shall use the name, address, 110092
and telephone number provided by the parent, guardian, or 110093
custodian to provide notices or answer inquiries concerning the 110094
following information: 110095

(a) When the department of youth services makes a 110096
permanent assignment of the child to a facility, the department, 110097
orally or in writing and on or before the third business day 110098
after the day the permanent assignment is made, shall notify the 110099
parent, guardian, or custodian of the child of the name of the 110100
facility to which the child has been permanently assigned. 110101

If a parent, guardian, or custodian of a child who is 110102
committed to the department of youth services requests, orally 110103
or in writing, the department to provide the parent, guardian, 110104
or custodian with the name of the facility in which the child is 110105
currently located, the department, orally or in writing and on 110106
or before the next business day after the day on which the 110107

request is made, shall provide the name of that facility to the 110108
parent, guardian, or custodian. 110109

(b) If a parent, guardian, or custodian of a child who is 110110
committed to the department of youth services, orally or in 110111
writing, asks the superintendent of the institution in which the 110112
child is located whether the child is being disciplined by the 110113
personnel of the institution, what disciplinary measure the 110114
personnel of the institution are using for the child, or why the 110115
child is being disciplined, the superintendent or the 110116
superintendent's designee, on or before the next business day 110117
after the day on which the request is made, shall provide the 110118
parent, guardian, or custodian with written or oral responses to 110119
the questions. 110120

(c) If a parent, guardian, or custodian of a child who is 110121
committed to the department of youth services, orally or in 110122
writing, asks the superintendent of the institution in which the 110123
child is held whether the child is receiving any medication from 110124
personnel of the institution, what type of medication the child 110125
is receiving, or what condition of the child the medication is 110126
intended to treat, the superintendent or the superintendent's 110127
designee, on or before the next business day after the day on 110128
which the request is made, shall provide the parent, guardian, 110129
or custodian with oral or written responses to the questions. 110130

(d) When a major incident occurs with respect to a child 110131
who is committed to the department of youth services, the 110132
department, as soon as reasonably possible after the major 110133
incident occurs, shall notify the parent, guardian, or custodian 110134
of the child that a major incident has occurred with respect to 110135
the child and of all the details of that incident that the 110136
department has ascertained. 110137

(2) The failure of the department of youth services to 110138
provide any notification required by or answer any requests made 110139
pursuant to division (E) of this section does not create a cause 110140
of action against the state. 110141

(F) The department of youth services, as a means of 110142
punishment while the child is in its custody, shall not prohibit 110143
a child who is committed to the department from seeing that 110144
child's parent, guardian, or custodian during standard 110145
visitation periods allowed by the department of youth services 110146
unless the superintendent of the institution in which the child 110147
is held determines that permitting that child to visit with the 110148
child's parent, guardian, or custodian would create a safety 110149
risk to that child, that child's parents, guardian, or 110150
custodian, the personnel of the institution, or other children 110151
held in that institution. 110152

(G) As used in this section: 110153

(1) "Permanent assignment" means the assignment or 110154
transfer for an extended period of time of a child who is 110155
committed to the department of youth services to a facility in 110156
which the child will receive training or participate in 110157
activities that are directed toward the child's successful 110158
rehabilitation. "Permanent assignment" does not include the 110159
transfer of a child to a facility for judicial release hearings 110160
pursuant to section 2152.22 of the Revised Code or for any other 110161
temporary assignment or transfer to a facility. 110162

(2) "Major incident" means the escape or attempted escape 110163
of a child who has been committed to the department of youth 110164
services from the facility to which the child is assigned; the 110165
return to the custody of the department of a child who has 110166
escaped or otherwise fled the custody and control of the 110167

department without authorization; the allegation of any sexual 110168
activity with a child committed to the department; physical 110169
injury to a child committed to the department as a result of 110170
alleged abuse by department staff; an accident resulting in 110171
injury to a child committed to the department that requires 110172
medical care or treatment outside the institution in which the 110173
child is located; the discovery of a controlled substance upon 110174
the person or in the property of a child committed to the 110175
department; a suicide attempt by a child committed to the 110176
department; a suicide attempt by a child committed to the 110177
department that results in injury to the child requiring 110178
emergency medical services outside the institution in which the 110179
child is located; the death of a child committed to the 110180
department; an injury to a visitor at an institution under the 110181
control of the department that is caused by a child committed to 110182
the department; and the commission or suspected commission of an 110183
act by a child committed to the department that would be an 110184
offense if committed by an adult. 110185

(3) "Sexual activity" has the same meaning as in section 110186
2907.01 of the Revised Code. 110187

(4) "Controlled substance" has the same meaning as in 110188
section 3719.01 of the Revised Code. 110189

(5) "Residential care facility" and "residential facility" 110190
have the same meanings as in section 2151.011 of the Revised 110191
Code. 110192

Sec. 5139.08. The department of youth services may enter 110193
into an agreement with the director of rehabilitation and 110194
correction pursuant to which the department of youth services, 110195
in accordance with division (C) (2) of section 5139.06 and 110196
section 5120.162 of the Revised Code, may transfer to a 110197

correctional medical center established by the department of 110198
rehabilitation and correction, children who are within its 110199
custody for diagnosis or treatment of an illness, physical 110200
condition, or other medical problem. The department of youth 110201
services may enter into any other agreements with the director 110202
of children and youth, the director of job and family services, 110203
the director of mental health and addiction services, the 110204
director of developmental disabilities, the director of 110205
rehabilitation and correction, with the courts having probation 110206
officers or other public officials, and with private agencies or 110207
institutions for separate care or special treatment of children 110208
subject to the control of the department of youth services. The 110209
department of youth services may, upon the request of a juvenile 110210
court not having a regular probation officer, provide probation 110211
services for such court. 110212

Upon request by the department of youth services, any 110213
public agency or group care facility established or administered 110214
by the state for the care and treatment of children and youth 110215
shall, consistent with its functions, accept and care for any 110216
child whose custody is vested in the department in the same 110217
manner as it would be required to do if custody had been vested 110218
by a court in such agency or group care facility. If the 110219
department has reasonable grounds to believe that any child or 110220
youth whose custody is vested in it is mentally ill or has an 110221
intellectual disability, the department may file an affidavit 110222
under section 5122.11 or 5123.76 of the Revised Code. The 110223
department's affidavit for admission of a child or youth to such 110224
institution shall be filed with the probate court of the county 110225
from which the child was committed to the department. Such court 110226
may request the probate court of the county in which the child 110227
is held to conduct the hearing on the application, in which case 110228

the court making such request shall bear the expenses of the 110229
proceeding. If the department files such an affidavit, the child 110230
or youth may be kept in such institution until a final decision 110231
on the affidavit is made by the appropriate court. 110232

Sec. 5139.34. (A) Funds may be appropriated to the 110233
department of youth services for the purpose of granting state 110234
subsidies to counties. A county or the juvenile court that 110235
serves a county shall use state subsidies granted to the county 110236
pursuant to this section only in accordance with divisions (B) 110237
(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the 110238
rules pertaining to the state subsidy funds that the department 110239
adopts pursuant to division (D) of section 5139.04 of the 110240
Revised Code. The department shall not grant financial 110241
assistance pursuant to this section for the provision of care 110242
and services for children in a placement facility unless the 110243
facility has been certified, licensed, or approved by a state or 110244
national agency with certification, licensure, or approval 110245
authority, including, but not limited to, the department of ~~job-~~ 110246
~~and family services~~ children and youth, department of education 110247
and workforce, department of mental health and addiction 110248
services, department of developmental disabilities, or American 110249
correctional association. For the purposes of this section, 110250
placement facilities do not include a state institution or a 110251
county or district children's home. 110252

The department of youth services also shall not grant 110253
financial assistance pursuant to this section for the provision 110254
of care and services for children, including, but not limited 110255
to, care and services in a detention facility, in another 110256
facility, or in out-of-home placement, unless the minimum 110257
standards applicable to the care and services that the 110258
department prescribes in rules adopted pursuant to division (D) 110259

of section 5139.04 of the Revised Code have been satisfied. 110260

(B) The department of youth services shall apply the 110261
following formula to determine the amount of the annual grant 110262
that each county is to receive pursuant to division (A) of this 110263
section, subject to the appropriation for this purpose to the 110264
department made by the general assembly: 110265

(1) Each county shall receive a basic annual grant of 110266
fifty thousand dollars. 110267

(2) The sum of the basic annual grants provided under 110268
division (B) (1) of this section shall be subtracted from the 110269
total amount of funds appropriated to the department of youth 110270
services for the purpose of making grants pursuant to division 110271
(A) of this section to determine the remaining portion of the 110272
funds appropriated. The remaining portion of the funds 110273
appropriated shall be distributed on a per capita basis to each 110274
county that has a population of more than twenty-five thousand 110275
for that portion of the population of the county that exceeds 110276
twenty-five thousand. 110277

(C) (1) Prior to a county's receipt of an annual grant 110278
pursuant to this section, the juvenile court that serves the 110279
county shall prepare, submit, and file in accordance with 110280
division (B) (3) (a) of section 5139.43 of the Revised Code an 110281
annual grant agreement and application for funding that is for 110282
the combined purposes of, and that satisfies the requirements 110283
of, this section and section 5139.43 of the Revised Code. In 110284
addition to the subject matters described in division (B) (3) (a) 110285
of section 5139.43 of the Revised Code or in the rules that the 110286
department adopts to implement that division, the annual grant 110287
agreement and application for funding shall address fiscal 110288
accountability and performance matters pertaining to the 110289

programs, care, and services that are specified in the agreement 110290
and application and for which state subsidy funds granted 110291
pursuant to this section will be used. 110292

(2) The county treasurer of each county that receives an 110293
annual grant pursuant to this section shall deposit the state 110294
subsidy funds so received into the county's felony delinquent 110295
care and custody fund created pursuant to division (B)(1) of 110296
section 5139.43 of the Revised Code. Subject to exceptions 110297
prescribed in section 5139.43 of the Revised Code that may apply 110298
to the disbursement, the department shall disburse the state 110299
subsidy funds to which a county is entitled in a lump sum 110300
payment that shall be made in July of each calendar year. 110301

(3) Upon an order of the juvenile court that serves a 110302
county and subject to appropriation by the board of county 110303
commissioners of that county, a county treasurer shall disburse 110304
from the county's felony delinquent care and custody fund the 110305
state subsidy funds granted to the county pursuant to this 110306
section for use only in accordance with this section, the 110307
applicable provisions of section 5139.43 of the Revised Code, 110308
and the county's approved annual grant agreement and application 110309
for funding. 110310

(4) The moneys in a county's felony delinquent care and 110311
custody fund that represent state subsidy funds granted pursuant 110312
to this section are subject to appropriation by the board of 110313
county commissioners of the county; shall be disbursed by the 110314
county treasurer as required by division (C)(3) of this section; 110315
shall be used in the manners referred to in division (C)(3) of 110316
this section; shall not revert to the county general fund at the 110317
end of any fiscal year; shall carry over in the felony 110318
delinquent care and custody fund from the end of any fiscal year 110319

to the next fiscal year; shall be in addition to, and shall not 110320
be used to reduce, any usual annual increase in county funding 110321
that the juvenile court is eligible to receive or the current 110322
level of county funding of the juvenile court and of any 110323
programs, care, or services for alleged or adjudicated 110324
delinquent children, unruly children, or juvenile traffic 110325
offenders or for children who are at risk of becoming delinquent 110326
children, unruly children, or juvenile traffic offenders; and 110327
shall not be used to pay for the care and custody of felony 110328
delinquents who are in the care and custody of an institution 110329
pursuant to a commitment, recommitment, or revocation of a 110330
release on parole by the juvenile court of that county or who 110331
are in the care and custody of a community corrections facility 110332
pursuant to a placement by the department as described in 110333
division (E) of section 5139.36 of the Revised Code. 110334

(5) As a condition of the continued receipt of state 110335
subsidy funds pursuant to this section, each county and the 110336
juvenile court that serves each county that receives an annual 110337
grant pursuant to this section shall comply with divisions (B) 110338
(3) (b), (c), and (d) of section 5139.43 of the Revised Code. 110339

Sec. 5145.32. Every officer or employee of a correctional 110340
institution under the control or supervision of the department 110341
of rehabilitation and correction, and every contractor, or 110342
employee of such contractor, upon entering the grounds of a 110343
state correctional institution, shall be subject to screening to 110344
prevent the conveyance of drugs of abuse into the institution. 110345

Sec. 5153.10. Each public children services agency shall 110346
designate an executive officer known as the "executive 110347
director," who shall not be in the classified civil service. The 110348
superintendent of the children's home, the county director of 110349

job and family services, or other individual may serve as the 110350
executive director. 110351

The agency shall, from time to time, inquire into 110352
community conditions affecting the welfare of children and study 110353
the work of the agency and its relation to the work of other 110354
organizations whose functions are related to child welfare. The 110355
agency may, after consultation with the executive director, 110356
adopt rules of general application, not inconsistent with law or 110357
with the rules adopted by the director of ~~job and family~~ 110358
~~services~~ children and youth. 110359

Sec. 5153.122. Each PCSA caseworker hired after January 1, 110360
2007, shall complete in-service training during the first year 110361
of the caseworker's continuous employment as a PCSA caseworker, 110362
except that the executive director of the public children 110363
services agency may waive the training requirement for a school 110364
of social work graduate who participated in the university 110365
partnership program described in division (E) of section 110366
~~5101.141-5180.42~~ of the Revised Code and as provided in section 110367
5153.124 of the Revised Code. The training shall consist of 110368
courses in all of the following: 110369

(A) Recognizing, accepting reports of, and preventing 110370
child abuse, neglect, and dependency; 110371

(B) Assessing child safety; 110372

(C) Assessing risks; 110373

(D) Interviewing persons; 110374

(E) Investigating cases; 110375

(F) Intervening; 110376

(G) Providing services to children and their families; 110377

(H) The importance of and need for accurate data; 110378

(I) Preparation for court; 110379

(J) Maintenance of case record information; 110380

(K) The legal duties of PCSA caseworkers to protect the 110381
constitutional and statutory rights of children and families 110382
from the initial time of contact during investigation through 110383
treatment, including instruction regarding parents' rights and 110384
the limitations that the Fourth Amendment to the United States 110385
Constitution places upon caseworkers and their investigations; 110386

(L) Content on other topics relevant to child abuse, 110387
neglect, and dependency, including permanency strategies, 110388
concurrent planning, and adoption as an option for unintended 110389
pregnancies. 110390

After a PCSA caseworker's first year of continuous 110391
employment as a PCSA caseworker, the caseworker annually shall 110392
complete thirty-six hours of training in areas relevant to the 110393
caseworker's assigned duties. 110394

During the first two years of continuous employment as a 110395
PCSA caseworker, each PCSA caseworker shall complete training in 110396
recognizing the signs of domestic violence and its relationship 110397
to child abuse as established in rules the director of children 110398
and youth shall adopt pursuant to Chapter 119. of the Revised 110399
Code. 110400

Sec. 5153.16. (A) Except as provided in section 2151.422 110401
of the Revised Code, in accordance with rules adopted under 110402
section 5153.166 of the Revised Code, and on behalf of children 110403
in the county whom the public children services agency considers 110404
to be in need of public care or protective services, the public 110405
children services agency shall do all of the following: 110406

- (1) Make an investigation concerning any child alleged to be an abused, neglected, or dependent child; 110407
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- (2) Enter into agreements with the parent, guardian, or other person having legal custody of any child, or with the department of children and youth, department of mental health and addiction services, department of developmental disabilities, other department, any certified organization within or outside the county, or any agency or institution outside the state, having legal custody of any child, with respect to the custody, care, or placement of any child, or with respect to any matter, in the interests of the child, provided the permanent custody of a child shall not be transferred by a parent to the public children services agency without the consent of the juvenile court; 110409
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- (3) Enter into a contract with an agency providing prevention services in an effort to prevent neglect or abuse, to enhance a child's welfare, and to preserve the family unit intact when referring a family for prevention services under division (J) of section 2151.421 of the Revised Code. 110421
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- (4) Accept custody of children committed to the public children services agency by a court exercising juvenile jurisdiction; 110426
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- (5) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service; 110429
110430
110431
110432
- (6) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child; 110433
110434
110435

- (7) Make available to the children with medical handicaps 110436
program of the department of health at its request any 110437
information concerning a child with a disability found to be in 110438
need of treatment under sections 3701.021 to 3701.028 of the 110439
Revised Code who is receiving services from the public children 110440
services agency; 110441
- (8) Provide temporary emergency care for any child 110442
considered by the public children services agency to be in need 110443
of such care, without agreement or commitment; 110444
- (9) Find certified foster homes, within or outside the 110445
county, for the care of children, including children with 110446
disabilities from other counties attending special schools in 110447
the county; 110448
- (10) Subject to the approval of the board of county 110449
commissioners and the department of children and youth, 110450
establish and operate a training school or enter into an 110451
agreement with any municipal corporation or other political 110452
subdivision of the county respecting the operation, acquisition, 110453
or maintenance of any children's home, training school, or other 110454
institution for the care of children maintained by such 110455
municipal corporation or political subdivision; 110456
- (11) Acquire and operate a county children's home, 110457
establish, maintain, and operate a receiving home for the 110458
temporary care of children, or procure certified foster homes 110459
for this purpose; 110460
- (12) Enter into an agreement with the trustees of any 110461
district children's home, respecting the operation of the 110462
district children's home in cooperation with the other county 110463
boards in the district; 110464

(13) Cooperate with, make its services available to, and 110465
act as the agent of persons, courts, the department of children 110466
and youth, the department of health, and other organizations 110467
within and outside the state, in matters relating to the welfare 110468
of children, except that the public children services agency 110469
shall not be required to provide supervision of or other 110470
services related to the exercise of parenting time rights 110471
granted pursuant to section 3109.051 or 3109.12 of the Revised 110472
Code or companionship or visitation rights granted pursuant to 110473
section 3109.051, 3109.11, or 3109.12 of the Revised Code unless 110474
a juvenile court, pursuant to Chapter 2151. of the Revised Code, 110475
or a common pleas court, pursuant to division (E)(6) of section 110476
3113.31 of the Revised Code, requires the provision of 110477
supervision or other services related to the exercise of the 110478
parenting time rights or companionship or visitation rights; 110479

(14) Make investigations at the request of any 110480
superintendent of schools in the county or the principal of any 110481
school concerning the application of any child adjudicated to be 110482
an abused, neglected, or dependent child for release from 110483
school, where such service is not provided through a school 110484
attendance department; 110485

(15) Administer funds provided under Title IV-E of the 110486
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 110487
amended, in accordance with rules adopted under section ~~5101.141~~ 110488
5180.42 of the Revised Code; 110489

(16) In addition to administering Title IV-E adoption 110490
assistance funds, enter into agreements to make adoption 110491
assistance payments under section 5153.163 of the Revised Code; 110492

(17) Implement a system of safety and risk assessment, in 110493
accordance with rules adopted by the director of children and 110494

youth, to assist the public children services agency in 110495
determining the risk of abuse or neglect to a child; 110496

(18) Enter into a plan of cooperation with the board of 110497
county commissioners under section 307.983 of the Revised Code 110498
and comply with each fiscal agreement the board enters into 110499
under section 307.98 of the Revised Code that include family 110500
services duties of public children services agencies and 110501
contracts the board enters into under sections 307.981 and 110502
307.982 of the Revised Code that affect the public children 110503
services agency; 110504

(19) Make reasonable efforts to prevent the removal of an 110505
alleged or adjudicated abused, neglected, or dependent child 110506
from the child's home, eliminate the continued removal of the 110507
child from the child's home, or make it possible for the child 110508
to return home safely, except that reasonable efforts of that 110509
nature are not required when a court has made a determination 110510
under division (A) (2) of section 2151.419 of the Revised Code; 110511

(20) Make reasonable efforts to place the child in a 110512
timely manner in accordance with the permanency plan approved 110513
under division (E) of section 2151.417 of the Revised Code and 110514
to complete whatever steps are necessary to finalize the 110515
permanent placement of the child; 110516

(21) Administer a Title IV-A program identified under 110517
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 110518
that the department of children and youth provides for the 110519
public children services agency to administer under the 110520
department's supervision pursuant to section 5101.801 of the 110521
Revised Code; 110522

(22) Administer the kinship permanency incentive program 110523

created under section ~~5101.802~~ 5180.52 of the Revised Code under 110524
the supervision of the director of children and youth; 110525

(23) Provide independent living services pursuant to 110526
sections 2151.81 to 2151.84 of the Revised Code; 110527

(24) File a missing child report with a local law 110528
enforcement agency upon becoming aware that a child in the 110529
custody of the public children services agency is or may be 110530
missing. 110531

(B) The public children services agency shall use the 110532
system implemented pursuant to division (A) (17) of this section 110533
in connection with an investigation undertaken pursuant to 110534
division (G) (1) of section 2151.421 of the Revised Code to 110535
assess both of the following: 110536

(1) The ongoing safety of the child; 110537

(2) The appropriateness of the intensity and duration of 110538
the services provided to meet child and family needs throughout 110539
the duration of a case. 110540

(C) Except as provided in section 2151.422 of the Revised 110541
Code, in accordance with rules of the director of children and 110542
youth, and on behalf of children in the county whom the public 110543
children services agency considers to be in need of public care 110544
or protective services, the public children services agency may 110545
do the following: 110546

(1) Provide or find, with other child serving systems, 110547
specialized foster care for the care of children in a 110548
specialized foster home, as defined in section 5103.02 of the 110549
Revised Code, certified under section 5103.03 of the Revised 110550
Code; 110551

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 110552
this section, contract with the following for the purpose of 110553
assisting the agency with its duties: 110554

(i) County departments of job and family services; 110555

(ii) Boards of alcohol, drug addiction, and mental health 110556
services; 110557

(iii) County boards of developmental disabilities; 110558

(iv) Regional councils of political subdivisions 110559
established under Chapter 167. of the Revised Code; 110560

(v) Private and government providers of services; 110561

(vi) Managed care organizations and prepaid health plans. 110562

(b) A public children services agency contract under 110563
division (C) (2) (a) of this section regarding the agency's duties 110564
under section 2151.421 of the Revised Code may not provide for 110565
the entity under contract with the agency to perform any service 110566
not authorized by the department's rules. 110567

(c) Only a county children services board appointed under 110568
section 5153.03 of the Revised Code that is a public children 110569
services agency may contract under division (C) (2) (a) of this 110570
section. If an entity specified in division (B) or (C) of 110571
section 5153.02 of the Revised Code is the public children 110572
services agency for a county, the board of county commissioners 110573
may enter into contracts pursuant to section 307.982 of the 110574
Revised Code regarding the agency's duties. 110575

Sec. 5153.163. (A) As used in this section: 110576

(1) "Adoptive parent" means, as the context requires, a 110577
prospective adoptive parent or an adoptive parent. 110578

(2) "Relative" has the same meaning as in section ~~5101.141~~
5180.42 of the Revised Code. 110579
110580

(B) (1) Before a child's adoption is finalized, a public 110581
children services agency may enter into an agreement with the 110582
child's adoptive parent under which the agency, to the extent 110583
state funds are available, may make state adoption maintenance 110584
subsidy payments as needed on behalf of the child when all of 110585
the following apply: 110586

(a) The child is a child with special needs. 110587

(b) The child was placed in the adoptive home by a public 110588
children services agency or a private child placing agency and 110589
may legally be adopted. 110590

(c) The adoptive parent has the capability of providing 110591
the permanent family relationships needed by the child. 110592

(d) The needs of the child are beyond the economic 110593
resources of the adoptive parent. 110594

(e) Acceptance of the child as a member of the adoptive 110595
parent's family would not be in the child's best interest 110596
without payments on the child's behalf under this section. 110597

(f) The gross income of the adoptive parent's family does 110598
not exceed one hundred twenty per cent of the median income of a 110599
family of the same size, including the child, as most recently 110600
determined for this state by the secretary of health and human 110601
services under Title XX of the "Social Security Act," 88 Stat. 110602
2337, 42 U.S.C.A. 1397, as amended. 110603

(g) The child is not eligible for adoption assistance 110604
payments under Title IV-E of the "Social Security Act," 94 Stat. 110605
501 (1980), 42 U.S.C.A. 671, as amended. 110606

(2) State adoption maintenance subsidy payment agreements 110607
must be made by either the public children services agency that 110608
has permanent custody of the child or the public children 110609
services agency of the county in which the private child placing 110610
agency that has permanent custody of the child is located. 110611

(3) State adoption maintenance subsidy payments shall be 110612
made in accordance with the agreement between the public 110613
children services agency and the adoptive parent and are subject 110614
to an annual redetermination of need. 110615

(4) Payments under this division may begin either before 110616
or after issuance of the final adoption decree, except that 110617
payments made before issuance of the final adoption decree may 110618
be made only while the child is living in the adoptive parent's 110619
home. Preadoption payments may be made for not more than twelve 110620
months, unless the final adoption decree is not issued within 110621
that time because of a delay in court proceedings. Payments that 110622
begin before issuance of the final adoption decree may continue 110623
after its issuance. 110624

(C) (1) A public children services agency may enter into an 110625
agreement with a child's relative under which the agency, to the 110626
extent state funds are available, may provide state kinship 110627
guardianship assistance as needed on behalf of the child when 110628
all of the following apply: 110629

(a) The relative has cared for the eligible child as a 110630
foster caregiver as defined by section 5103.02 of the Revised 110631
Code for at least six consecutive months. 110632

(b) Both of the following apply: 110633

(i) A juvenile court issued an order granting legal 110634
custody of the child to the relative, or a probate court issued 110635

an order granting guardianship of the child to the relative, and 110636
the order is not a temporary court order. 110637

(ii) The relative has committed to care for the child on a 110638
permanent basis. 110639

(c) The relative signed a state kinship guardianship 110640
assistance agreement prior to assuming legal guardianship or 110641
legal custody of the child. 110642

(d) The child had been removed from home pursuant to a 110643
voluntary placement agreement or as a result of a judicial 110644
determination to the effect that continuation in the home would 110645
be contrary to the welfare of the child. 110646

(e) Returning the child home or adoption are not 110647
appropriate permanency options for the child. 110648

(f) The child demonstrates a strong attachment to the 110649
relative and the relative has a strong commitment to caring 110650
permanently for the child. 110651

(g) With respect to a child who has attained fourteen 110652
years of age, the child has been consulted regarding the state 110653
kinship guardianship assistance arrangement. 110654

(h) The child is not eligible for kinship guardianship 110655
assistance payments under Title IV-E of the "Social Security 110656
Act," 42 U.S.C. 673(d), as amended. 110657

(2) The public children services agency that had custody 110658
of a child immediately prior to a court granting legal custody 110659
or guardianship of the child to a relative of the child 110660
described in division (C)(1) of this section is authorized to 110661
enter into a state kinship guardianship assistance agreement 110662
with that relative. 110663

(3) State kinship guardianship assistance for a child 110664
shall be provided in accordance with a state kinship 110665
guardianship assistance agreement entered into between the 110666
public children services agency and relative of the child 110667
described in division (C) (1) of this section and is subject to 110668
an annual redetermination of need. 110669

~~(4) Not later than fifteen months after September 30,~~ 110670
~~2021, if the amended state plan submitted under Title IV-E to~~ 110671
~~implement 42 U.S.C. 673(d) as described in section 5101.1416 of~~ 110672
~~the Revised Code is approved, division (C) of this section shall~~ 110673
~~be implemented.~~ 110674

(D) No payment shall be made under division (B) or (C) of 110675
this section on behalf of any person eighteen years of age or 110676
older beyond the end of the school year during which the person 110677
attains the age of eighteen or on behalf of a person with a 110678
mental or physical disability twenty-one years of age or older. 110679

(E) The director of children and youth shall adopt rules 110680
in accordance with Chapter 119. of the Revised Code that are 110681
needed to implement this section. The rules shall establish all 110682
of the following: 110683

(1) The application process for all forms of assistance 110684
provided under this section; 110685

(2) The method to determine the amount of assistance 110686
payable under division (B) of this section; 110687

(3) The definition of "child with special needs" for this 110688
section; 110689

(4) The process whereby a child's continuing need for 110690
services provided under division (B) or (C) of this section is 110691
annually redetermined; 110692

(5) Any other rule, requirement, or procedure the 110693
department considers appropriate for the implementation of this 110694
section. 110695

(F) The state adoption special services subsidy program 110696
ceases to exist on July 1, 2004, except that, subject to the 110697
findings of the annual redetermination process established under 110698
division (E) of this section and the child's individual need for 110699
services, a public children services agency may continue to 110700
provide state adoption special services subsidy payments on 110701
behalf of a child for whom payments were being made prior to 110702
July 1, 2004. 110703

(G) Benefits and services provided under this section are 110704
inalienable whether by way of assignment, charge, or otherwise 110705
and exempt from execution, attachment, garnishment, and other 110706
like processes. 110707

Sec. 5160.37. (A) A medical assistance recipient's 110708
enrollment in a medical assistance program gives an automatic 110709
right of recovery to the department of medicaid and a county 110710
department of job and family services against the liability of a 110711
third party for the cost of medical assistance paid on behalf of 110712
the recipient. When an action or claim is brought against a 110713
third party by a medical assistance recipient, any payment, 110714
settlement or compromise of the action or claim, or any court 110715
award or judgment, is subject to the recovery right of the 110716
department of medicaid or county department. Except in the case 110717
of a medical assistance recipient who receives medical 110718
assistance through a medicaid managed care organization, the 110719
department's or county department's claim shall not exceed the 110720
amount of medical assistance paid by the department or county 110721
department on behalf of the recipient. A payment, settlement, 110722

compromise, judgment, or award that excludes the cost of medical 110723
assistance paid for by the department or county department shall 110724
not preclude a department from enforcing its rights under this 110725
section. 110726

(B) (1) In the case of a medical assistance recipient who 110727
receives medical assistance through a medicaid managed care 110728
organization that has a capitation agreement with a provider, 110729
the amount of the department's or county department's claim 110730
shall be the amount the medicaid managed care organization would 110731
have paid in the absence of a capitation agreement. 110732

(2) In the case of a medical assistance recipient who 110733
receives medical assistance through a medicaid managed care 110734
organization that does not have a capitation agreement with a 110735
provider, the amount of the department's or county department's 110736
claim shall be the amount the medicaid managed care organization 110737
pays for medical assistance rendered to the recipient, even if 110738
that amount is more than the amount the department or county 110739
department pays to the medicaid managed care organization for 110740
the recipient's medical assistance. 110741

(C) A medical assistance recipient, and the recipient's 110742
attorney, if any, shall cooperate with the departments. In 110743
furtherance of this requirement, the medical assistance 110744
recipient, or the recipient's attorney, if any, shall, not later 110745
than thirty days after initiating informal recovery activity or 110746
filing a legal recovery action against a third party, provide 110747
written notice of the activity or action to the department of 110748
medicaid or county department if it has paid for medical 110749
assistance under a medical assistance program. 110750

(D) The written notice that must be given under division 110751
(C) of this section shall disclose the identity and address of 110752

any third party against whom the medical assistance recipient 110753
has or may have a right of recovery. 110754

(E) No settlement, compromise, judgment, or award or any 110755
recovery in any action or claim by a medical assistance 110756
recipient where the department or county department has a right 110757
of recovery shall be made final without first giving the 110758
department or county department written notice as described in 110759
division (C) of this section and a reasonable opportunity to 110760
perfect its rights of recovery. If the department or county 110761
department is not given the appropriate written notice, the 110762
medical assistance recipient and, if there is one, the 110763
recipient's attorney, are liable to reimburse the department or 110764
county department for the recovery received to the extent of 110765
medical assistance payments made by the department or county 110766
department. 110767

(F) The department or county department shall be permitted 110768
to enforce its recovery rights against the third party even 110769
though it accepted prior payments in discharge of its rights 110770
under this section if, at the time the department or county 110771
department received such payments, it was not aware that 110772
additional medical expenses had been incurred but had not yet 110773
been paid by the department or county department. The third 110774
party becomes liable to the department or county department as 110775
soon as the third party is notified in writing of the valid 110776
claims for recovery under this section. 110777

(G) (1) Subject to division (G) (2) of this section, the 110778
right of recovery of the department or county department does 110779
not apply to that portion of any judgment, award, settlement, or 110780
compromise of a claim, to the extent of attorneys' fees, costs, 110781
or other expenses incurred by a medical assistance recipient in 110782

securing the judgment, award, settlement, or compromise, or to 110783
the extent of medical, surgical, and hospital expenses paid by 110784
such recipient from the recipient's own resources. 110785

(2) Reasonable attorneys' fees, not to exceed one-third of 110786
the total judgment, award, settlement, or compromise, plus costs 110787
and other expenses incurred by the medical assistance recipient 110788
in securing the judgment, award, settlement, or compromise, 110789
shall first be deducted from the total judgment, award, 110790
settlement, or compromise. After fees, costs, and other expenses 110791
are deducted from the total judgment, award, settlement, or 110792
compromise, there shall be a rebuttable presumption that the 110793
department of medicaid or county department shall receive no 110794
less than one-half of the remaining amount, or the actual amount 110795
of medical assistance paid, whichever is less. A party may rebut 110796
the presumption in accordance with division (L) (1) ~~or~~, (2), or 110797
(3) of this section, as applicable. 110798

(H) A right of recovery created by this section may be 110799
enforced separately or jointly by the department of medicaid or 110800
county department. To enforce its recovery rights, the 110801
department or county department may do any of the following: 110802

(1) Intervene or join in any action or proceeding brought 110803
by the medical assistance recipient or on the recipient's behalf 110804
against any third party who may be liable for the cost of 110805
medical assistance paid; 110806

(2) Institute and pursue legal proceedings against any 110807
third party who may be liable for the cost of medical assistance 110808
paid; 110809

(3) Initiate legal proceedings in conjunction with any 110810
injured, diseased, or disabled medical assistance recipient or 110811

the recipient's attorney or representative. 110812

(I) A medical assistance recipient shall not assess 110813
attorney fees, costs, or other expenses against the department 110814
of medicaid or a county department when the department or county 110815
department enforces its right of recovery created by this 110816
section. 110817

(J) The right of recovery given to the department under 110818
this section includes payments made by a third party under 110819
contract with a person having a duty to support. 110820

(K) The department of medicaid may assign to a medical 110821
assistance provider the right of recovery given to the 110822
department under this section with respect to any claim for 110823
which the department has notified the provider that the 110824
department intends to recoup the department's prior payment for 110825
the claim. 110826

(L) (1) Prior to any payment to the department or a county 110827
department pursuant to the department's or county department's 110828
right of recovery under this section, a party that desires to 110829
rebut the presumption in division (G) of this section shall 110830
submit to the department or county department a request for a 110831
hearing in accordance with the procedure the department 110832
establishes in rules required by division (O) of this section. 110833
The amount sought by the department or county department shall 110834
be held in escrow or in an interest on lawyers' trust account 110835
until the hearing examiner renders a decision or the case is 110836
otherwise concluded. A party successfully rebuts the presumption 110837
by a showing of clear and convincing evidence that a different 110838
allocation is warranted. 110839

(2) A medical assistance recipient who has repaid money, 110840

on or after September 29, 2007, to the department or a county 110841
department pursuant to the department's or county department's 110842
right of recovery under this section, section 5160.38 of the 110843
Revised Code, or former section 5101.58 or 5101.59 of the 110844
Revised Code may request a hearing to rebut the presumption in 110845
division (G) of this section. The request shall be made in 110846
accordance with the procedure the department establishes for 110847
this purpose in rules required by division (O) of this section. 110848
It must be made not later than one hundred eighty days after 110849
September 29, 2015, or ninety days after the payment is made, 110850
whichever is later. A party successfully rebuts the presumption 110851
by a showing of clear and convincing evidence that a different 110852
allocation is warranted. 110853

(3) A medical assistance recipient who has repaid money, 110854
between April 6, 2007 and September 28, 2007, to the department 110855
or a county department pursuant to the department's or county 110856
department's right of recovery under this section, section 110857
5160.38 of the Revised Code, or former section 5101.58 or 110858
5101.59 of the Revised Code may request a hearing to rebut the 110859
presumption in division (G) of this section. The request shall 110860
be made not later than one hundred eighty days after the 110861
effective date of this amendment in accordance with the 110862
procedure the department establishes for this purpose in rules 110863
required by division (O) of this section. The presumption is 110864
successfully rebutted if the requestor demonstrates by clear and 110865
convincing evidence that a different allocation is warranted. 110866

(4) With respect to a hearing requested under division (L) 110867
(1) ~~or~~, (2), or (3) of this section, all of the following are 110868
the case: 110869

(a) The hearing examiner may consider, but is not bound by 110870

the allocation of, medical expenses specified in a settlement 110871
agreement between the medical assistance recipient and the 110872
relevant third party; 110873

(b) The department or county department may raise 110874
affirmative defenses during the hearing, including the existence 110875
of a prior settlement with the medical assistance recipient, the 110876
doctrine of accord and satisfaction, or the common law principle 110877
of res judicata; 110878

(c) If the parties agree, live testimony shall not be 110879
presented at the hearing; 110880

(d) The hearing may be governed by rules adopted under 110881
section 5160.02 of the Revised Code. If such rules are adopted, 110882
Chapter 119. of the Revised Code applies to the hearing only to 110883
the extent specified in those rules; 110884

(e) The hearing examiner's decision is binding on the 110885
department or county department and the medical assistance 110886
recipient unless the decision is reversed or modified on appeal 110887
to the medicaid director as described in division (M) of this 110888
section; 110889

(f) A request for a hearing may be submitted by any of the 110890
following: 110891

(i) The medical assistance recipient; 110892

(ii) The medical assistance recipient's authorized 110893
representative; 110894

(iii) The executor or administrator of a medical 110895
assistance recipient's estate authorized to make or pursue a 110896
request; 110897

(iv) A court-appointed guardian; 110898

(v) An attorney who has been directly retained by the 110899
medical assistance recipient, or the recipient's parent, legal 110900
guardian, or court-appointed guardian. 110901

(M) (1) A medical assistance recipient who disagrees with a 110902
hearing examiner's decision under division (L) of this section 110903
may file an administrative appeal with the medicaid director in 110904
accordance with the procedure the department establishes for 110905
this purpose in rules required by division (O) of this section. 110906
A hearing is not required during the administrative appeal, but 110907
the director or the director's designee shall review the hearing 110908
examiner's decision and any prior relevant administrative 110909
action. After the review, the director or the director's 110910
designee shall affirm, modify, remand, or reverse the hearing 110911
decision. A decision made under this division is final and 110912
binding on the department or county department and the medical 110913
assistance recipient unless it is reversed or modified on appeal 110914
to a court of common pleas as described in division (N) of this 110915
section. 110916

(2) An administrative appeal may be governed by rules 110917
adopted under section 5160.02 of the Revised Code. If such rules 110918
are adopted, Chapter 119. of the Revised Code applies to an 110919
administrative appeal only to the extent specified in those 110920
rules. 110921

(N) A party to an administrative appeal described in 110922
division (M) of this section may file an appeal with a court of 110923
common pleas in accordance with section 119.12 of the Revised 110924
Code. 110925

(O) The medicaid director shall adopt rules under section 110926
5160.02 of the Revised Code as necessary to implement this 110927
section, including rules establishing procedures a party may use 110928

to request a hearing under division (L) (1) ~~or~~, (2), or (3) of 110929
this section or an administrative appeal under division (M) (1) 110930
of this section. The rules shall be adopted in accordance with 110931
Chapter 119. of the Revised Code. 110932

(P) Divisions (L) to (N) of this section are remedial in 110933
nature and shall be liberally construed by the courts of this 110934
state in accordance with section 1.11 of the Revised Code. Those 110935
divisions specify the sole remedy available to a party who 110936
claims the department or a county department has received or is 110937
to receive more money than entitled to receive under this 110938
section, section 5160.38 of the Revised Code, or former section 110939
5101.58 or 5101.59 of the Revised Code. 110940

Sec. 5160.45. (A) As used in sections 5160.45 to 5160.481 110941
of the Revised Code, "information" means all of the following: 110942

(1) Records, as defined in section 149.011 of the Revised 110943
Code; 110944

(2) Any other documents in any format; 110945

(3) Data derived from records and documents that are 110946
generated, acquired, or maintained by the department of 110947
medicaid, a county department of job and family services, or an 110948
entity performing duties on behalf of the department or a county 110949
department. 110950

(B) Except as permitted by this section, section 340.038, 110951
section 5160.47, or rules authorized by section 5160.48 or 110952
5160.481 of the Revised Code, or when required by federal law, 110953
no person or government entity shall use or disclose information 110954
regarding a medical assistance recipient for any purpose not 110955
directly connected with the administration of a medical 110956
assistance program. 110957

(C) Both of the following shall be considered to be 110958
purposes directly connected with the administration of a medical 110959
assistance program: 110960

(1) Treatment, payment, or other operations or activities 110961
authorized by 42 C.F.R. Chapter IV; 110962

(2) Any administrative function or duty the department of 110963
medicaid performs alone or jointly with a federal government 110964
entity, another state government entity, or a local government 110965
entity implementing a provision of federal law. 110966

(D) The department or a county department of job and 110967
family services may disclose information regarding a medical 110968
assistance recipient to any of the following: 110969

(1) The recipient or the recipient's authorized 110970
representative; 110971

(2) The recipient's legal guardian in accordance with 110972
division (C) of section 2111.13 of the Revised Code; 110973

(3) The attorney of the recipient, if the department or 110974
county department has obtained authorization from the recipient 110975
or the recipient's authorized representative or legal guardian 110976
that meets all requirements of the Health Insurance Portability 110977
and Accountability Act of 1996, 42 U.S.C. 1320d et seq., 110978
regulations promulgated by the United States department of 110979
health and human services to implement the act, section 5160.46 110980
of the Revised Code, and any rules authorized by section 5160.48 110981
of the Revised Code; 110982

(4) A health information or health records management 110983
entity that has executed with the department a business 110984
associate agreement required by 45 C.F.R 164.502(e) (2) and has 110985
been authorized by the recipient or the recipient's authorized 110986

representative or legal guardian to receive the recipient's 110987
electronic health records in accordance with rules authorized by 110988
section 5160.48 of the Revised Code; 110989

(5) A court if pursuant to a written order of the court. 110990

(E) The department may receive from county departments of 110991
job and family services information regarding any medical 110992
assistance recipient for purposes of training and verifying the 110993
accuracy of eligibility determinations for a medical assistance 110994
program. The department may assemble information received under 110995
this division into a report if the report is in a form specified 110996
by the department. Information received and assembled into a 110997
report under this division shall remain confidential and not be 110998
subject to disclosure pursuant to section 149.43 or 1347.08 of 110999
the Revised Code. 111000

(F) The department shall notify courts in this state 111001
regarding its authority, under division (D) (5) of this section, 111002
to disclose information regarding a medical assistance recipient 111003
pursuant to a written court order. 111004

Sec. 5160.53. The department of medicaid shall collaborate 111005
with the department of behavioral health to publish a directory 111006
of all residential facilities licensed under section 5119.34 of 111007
the Revised Code on the department of medicaid's web site. For 111008
each facility, the directory shall include all of the following: 111009

(A) The name of the facility; 111010

(B) The facility's full address; 111011

(C) The facility's categorization as a class one, class 111012
two, or class three facility; 111013

(D) The services offered at the facility. 111014

Sec. 5162.133. Not less than once each year, the medicaid 111015
director shall submit a report on the medicaid buy-in for 111016
workers with disabilities program to the governor, general 111017
assembly, and joint medicaid oversight committee. The copy to 111018
the general assembly shall be submitted in accordance with 111019
section 101.68 of the Revised Code. The report shall include all 111020
of the following information: 111021

(A) The number of individuals who participated in the 111022
medicaid buy-in for workers with disabilities program; 111023

(B) The cost of the program; 111024

~~(C) The amount of revenue generated by premiums that~~ 111025
~~participants pay under section 5163.094 of the Revised Code;~~ 111026

~~(D)~~ The average amount of earned income of participants' 111027
families; 111028

~~(E)~~ (D) The average amount of time participants have 111029
participated in the program; 111030

~~(F)~~ (E) The types of other health insurance participants 111031
have been able to obtain. 111032

Sec. 5162.138. Beginning in 2026, the department of 111033
medicaid shall report quarterly to the joint medicaid oversight 111034
committee and its executive director, including all of the 111035
following information for the preceding quarter: 111036

(A) The total number of licensed private room beds in 111037
nursing homes in this state; 111038

(B) The number of those beds that are utilized by medicaid 111039
residents; 111040

(C) The number of those beds that are utilized by private 111041

pay or non-medicaid residents; 111042

(D) The number of those beds that are unoccupied; 111043

(E) The average length of time a medicaid resident lived 111044
in a private room during that period. 111045

Sec. 5162.14. (A) The medicaid director shall immediately 111046
provide notice in accordance with this section if the United 111047
States centers for medicare and medicaid services does any of 111048
the following related to a quarterly medicaid statement of 111049
expenditures for medical assistance programs form that is 111050
submitted by the department of medicaid: 111051

(1) Determines that the form has a variance of 111052
expenditures of eight per cent or greater; 111053

(2) Asks any questions related to the form; 111054

(3) Refuses to certify the information provided on the 111055
form; 111056

(4) Refuses to release any funds to the state. 111057

(B) When providing notice under this section, the director 111058
shall include any letter or information that is provided by the 111059
United States centers for medicare and medicaid services in its 111060
questioning or deciding not to certify the form, as well as any 111061
correspondences from the department in response. 111062

(C) The notice required under this section shall be 111063
provided to all of the following: 111064

(1) The speaker of the house of representatives and 111065
president of the senate; 111066

(2) The executive director of the joint medicaid oversight 111067
committee; 111068

(3) The chairpersons of the relevant standing committees 111069
in both the house of representatives and the senate. 111070

Sec. 5162.17. (A) (1) On the first of September annually, 111071
the department of medicaid shall prepare and submit a report to 111072
the joint medicaid oversight committee and the executive 111073
director of the joint medicaid oversight committee that details 111074
the total full-time equivalent employees and related 111075
expenditures of all of the following for each state agency: 111076

(a) Eligibility operations; 111077

(b) Information technology; 111078

(c) Medicaid management information systems operations; 111079

(d) All other administrative operations. 111080

(2) The report shall delineate the administrative costs 111081
for each category identified in division (A) (1) of this section 111082
by costs paid to vendors and costs incurred directly by the 111083
state agency. 111084

(B) The report required under this section shall include 111085
all of the following: 111086

(1) The actual total number of full-time equivalent 111087
employees, their unique identifying employee position numbers or 111088
equivalents, their salaries, their benefits, their taxes, and 111089
any non-salary or benefit administrative costs from the prior 111090
two years; 111091

(2) The budgeted number of full-time equivalent employees, 111092
salaries, taxes, and non-salary or benefit administrative costs 111093
from the prior two years; 111094

(3) The forecasted number of full-time equivalent 111095

employees, salaries, benefits, taxes, and any non-salary or 111096
benefit administrative costs for the upcoming year; 111097

(4) A comparison between both of the two prior years' 111098
actual and budgeted number of full-time equivalent employees and 111099
expenditures, as well as a comparison between the actual number 111100
of full-time equivalent employees and expenditures from the 111101
prior year and the forecasted number of full-time equivalent 111102
employees and expenditures for the upcoming year. If the total 111103
number of full-time equivalent employees or expenditures for any 111104
combination of agency and category deviates more than five per 111105
cent from the preceding year's budgeted number of full-time 111106
equivalent employees, the report shall provide a detailed 111107
justification for the variance. 111108

(C) The joint medicaid oversight committee may provide a 111109
template for the department to reference in creating the report 111110
required by this section. 111111

Sec. 5162.25. (A) As used in this section: 111112

(1) "State directed payment program" means a payment 111113
program authorized by the United States centers for medicare and 111114
medicaid services under 42 C.F.R. 438.6(c). 111115

(2) "Preprint" means a form created by the United States 111116
centers for medicare and medicaid services to request approval 111117
of a state directed payment program, as required under 42 C.F.R. 111118
438.6(c). 111119

(B) (1) Except as provided in division (B) (2) of this 111120
section, and subject to division (B) (3) of this section, the 111121
medicaid director shall comply with this section for all new and 111122
existing state directed payment programs. 111123

(2) This section does not apply to a state directed 111124

payment program that is funded by the department of medicaid or 111125
the hospital franchise permit fee program. 111126

(3) A state directed payment program subject to this 111127
section shall be approved by the joint medicaid oversight 111128
committee before being established by the medicaid director. 111129

(C) All of the following apply to a state directed payment 111130
program that is subject to this section: 111131

(1) The program shall comply with the requirements of 42 111132
C.F.R. 438.6(c), including all of the following: 111133

(a) The program shall be approved by the United States 111134
centers for medicare and medicaid services, and the director 111135
shall seek approval for the program in accordance with section 111136
5162.07 of the Revised Code. 111137

(b) Directed payments under the program shall not exceed 111138
the average commercial rate for all providers participating 111139
under a preprint unless exempted by a value-based purchasing 111140
agreement approved by the United States centers for medicare and 111141
medicaid services. 111142

(c) The program shall be subject to an evaluation plan, in 111143
accordance with 42 C.F.R. 438.6(c) (2) (ii) (D). 111144

(2) The program shall be for hospital providers and 111145
services or professional services provided by hospitals. 111146

(3) Unless otherwise determined by the medicaid director, 111147
only one state directed payment preprint may be approved for 111148
each of the following provider classes: 111149

(a) Inpatient and outpatient hospital services; 111150

(b) Physician services; 111151

(c) Children's hospitals participating in the outcomes 111152
acceleration for kids quality initiative. 111153

(D) A hospital provider participating in a state directed 111154
payment program shall do all of the following: 111155

(1) Enter into one or more contracts related to the state 111156
directed payment program as necessary, as determined by the 111157
department; 111158

(2) Comply with all average commercial rate reporting 111159
requirements established by the department, related to the 111160
requirements set forth in 42 C.F.R. 438.6(c) (2) (iii); 111161

(3) Comply with the department's state directed payment 111162
quality measure set, including the metrics and targets set by 111163
the department for the state directed payment program to advance 111164
the goals and objectives specified in the department's quality 111165
strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42 111166
C.F.R. 438.340; 111167

(4) Cooperate with any evaluation or reporting 111168
requirements established by the department related to the 111169
requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F). 111170

(E) Any hospital provider contract required under division 111171
(D) (1) of this section shall be executed not later than the 111172
first day of October preceding the first fiscal year of a 111173
biennium. A contract required under this section may be entered 111174
into in accordance with section 5162.32 of the Revised Code. 111175

(F) (1) All funds supporting a state directed payment 111176
program shall comply with the requirements specified in 42 111177
C.F.R. 433.51. No hospital provider may participate in a state 111178
directed payment program unless sufficient funds are obligated 111179
and appropriated. 111180

(2) The director may terminate or decline to establish any 111181
state directed payment program if federal or local funding is 111182
not available or sufficient to sustain the program. The 111183
department shall not at any time be required to provide funding 111184
for a state directed payment program that is subject to this 111185
section. 111186

Sec. 5163.03. (A) ~~Subject to section 5163.05 of the~~ 111187
~~Revised Code, the~~ The medicaid program shall cover all mandatory 111188
eligibility groups. 111189

(B) The medicaid program shall cover all of the optional 111190
eligibility groups that state statutes require the medicaid 111191
program to cover. 111192

(C) The medicaid program may cover any of the optional 111193
eligibility groups to which either of the following applies: 111194

(1) State statutes expressly permit the medicaid program 111195
to cover the optional eligibility group. 111196

(2) The medicaid program covers the optional eligibility 111197
group ~~on the effective date of this amendment~~ November 22, 2017. 111198

(D) The medicaid program shall not cover an optional 111199
eligibility group to which either of the following applies: 111200

(1) State statutes prohibit the medicaid program from 111201
covering the optional eligibility group. 111202

(2) Except as provided in divisions (B) and (C) (1) of this 111203
section, the medicaid program does not cover the optional 111204
eligibility group ~~on the effective date of this amendment~~ 111205
November 22, 2017. 111206

Sec. 5163.04. (A) If the federal medical assistance 111207
percentage for medical assistance provided to members of the 111208

expansion eligibility group is set below ninety per cent, the 111209
department of medicaid shall do both of the following: 111210

(1) Immediately discontinue all medical assistance for 111211
members of the group. 111212

(2) Not later than fifteen business days after the change 111213
to the federal medical assistance percentage, certify to the 111214
director of budget and management, the joint medicaid oversight 111215
committee, the president of the senate, and the speaker of the 111216
house of representatives the state and federal shares of total 111217
actual expenditure for the expansion eligibility group for the 111218
most recently completed month prior to the change. 111219

(B) (1) Except as provided in division (B) (2) of this 111220
section, the state share amount certified under division (A) (2) 111221
of this section shall be multiplied by the number of months 111222
remaining in the fiscal year. The amount calculated under this 111223
division shall remain in the general revenue fund until the end 111224
of the fiscal year, at which time the funds shall be transferred 111225
in accordance with section 131.44 of the Revised Code. 111226

(2) If the change to the federal medical assistance 111227
percentage described in division (A) of this section occurs 111228
during the first year of a fiscal biennium, the state share 111229
amount certified under division (A) (2) of this section shall be 111230
multiplied by twelve for the second year of the fiscal biennium. 111231
The amount calculated under this division shall remain in the 111232
general revenue fund until the end of the fiscal biennium, at 111233
which time the funds shall be transferred in accordance with 111234
section 131.44 of the Revised Code. 111235

Sec. 5163.091. Under the medicaid buy-in for workers with 111236
disabilities program, an individual who does ~~all~~ both of the 111237

following in accordance with rules authorized by section 111238
5163.098 of the Revised Code qualifies for the medicaid program: 111239

(A) Applies for the medicaid buy-in for workers with 111240
disabilities program; 111241

(B) Provides satisfactory evidence of all of the 111242
following: 111243

(1) That the individual is at least sixteen years of age 111244
and under sixty-five years of age; 111245

(2) Except as provided in section 5163.096 of the Revised 111246
Code, that one of the following applies to the individual: 111247

(a) The individual is considered disabled for the purpose 111248
of the supplemental security income program, regardless of 111249
whether the individual receives supplemental security income 111250
benefits, and the individual has earnings from employment. 111251

(b) The individual is an employed individual with a 111252
medically improved disability. 111253

(3) That the value of the individual's resources, less 111254
amounts disregarded pursuant to rules authorized by section 111255
5163.098 of the Revised Code, does not exceed the amount 111256
provided for by section 5163.092 of the Revised Code; 111257

(4) That the individual's income, less amounts disregarded 111258
pursuant to section 5163.093 of the Revised Code, does not 111259
exceed two hundred fifty per cent of the federal poverty line; 111260

(5) That the individual meets the additional eligibility 111261
requirements for the medicaid buy-in for workers with 111262
disabilities program established in rules authorized by section 111263
5163.098 of the Revised Code. 111264

~~(C) To the extent required by section 5163.094 of the~~ 111265
~~Revised Code, pays the premium established under that section.~~ 111266

Sec. 5163.093. For the purpose of determining whether an 111267
individual is within the income eligibility limit for the 111268
medicaid buy-in for workers with disabilities program, all of 111269
the following apply: 111270

(A) Twenty thousand dollars of the individual's earned 111271
income shall be disregarded. 111272

(B) Twenty thousand dollars of the individual's unearned 111273
income shall be disregarded. 111274

(C) No amount that the individual's employer pays to 111275
obtain health insurance for one or more members of the 111276
individual's family, ~~including any amount of a premium~~ 111277
~~established under section 5163.094 of the Revised Code that the~~ 111278
~~employer pays,~~ shall be treated as the individual's income. 111279

~~(C)~~ (D) Any other amounts, if any, specified in rules 111280
authorized by section 5163.098 of the Revised Code shall be 111281
disregarded from the individual's earned income, unearned 111282
income, or both. 111283

Sec. 5163.094. An individual ~~whose income exceeds one~~ 111284
~~hundred fifty per cent of the federal poverty line shall~~ not be 111285
required to pay an annual a premium as a condition of qualifying 111286
for the medicaid buy-in for workers with disabilities program. 111287
~~The amount of the premium shall be determined as follows:~~ 111288

~~(A) Subtract one hundred fifty per cent of the federal~~ 111289
~~poverty line, as applicable for a family size equal to the size~~ 111290
~~of the individual's family, from the amount of the income of the~~ 111291
~~individual's family,~~ 111292

~~(B) Subtract an amount specified in rules authorized by~~ 111293
~~section 5163.098 of the Revised Code from the difference~~ 111294
~~determined under division (A) of this section;~~ 111295

~~(C) Multiply the difference determined under division (B)~~ 111296
~~of this section by one tenth.~~ 111297

Sec. 5163.098. (A) The medicaid director shall adopt rules 111298
under section 5163.02 of the Revised Code as necessary to 111299
implement the medicaid buy-in for workers with disabilities 111300
program. The rules shall do all of the following: 111301

(1) Specify assets, asset values, and amounts to be 111302
disregarded in determining asset and income eligibility limits 111303
for the program; 111304

(2) Establish meanings for the terms "earned income," 111305
"health insurance," "resources," "spouse," and "unearned 111306
income"; 111307

(3) Establish additional eligibility requirements for the 111308
program that must be established for the United States secretary 111309
of health and human services to approve the program; 111310

~~(4) For the purpose of division (B) of section 5163.094 of~~ 111311
~~the Revised Code, specify an amount to be subtracted from the~~ 111312
~~difference determined under division (A) of that section.~~ 111313

(B) The director may adopt rules under section 5163.02 of 111314
the Revised Code to specify amounts to be disregarded from an 111315
individual's earned income, unearned income, or both under 111316
division ~~(C)~~ (D) of section 5163.093 of the Revised Code for the 111317
purpose of determining whether the individual is within the 111318
income eligibility limit for the medicaid buy-in for workers 111319
with disabilities program. 111320

Sec. 5163.102. (A) Notwithstanding sections 5163.10 and 111321
5163.101 of the Revised Code, not later than January 1, 2026, 111322
the department of medicaid shall seek approval from the United 111323
States centers for medicare and medicaid services to eliminate 111324
mandatory hospital presumptive eligibility and restrict 111325
presumptive eligibility determinations to children and pregnant 111326
women, as those groups are described in sections 5163.10 and 111327
5163.101 of the Revised Code. If the request is denied or 111328
approval is withdrawn at any time, the department shall resubmit 111329
the request within twenty-four months of the date of each denial 111330
or withdrawal. 111331

(B) In its request, the department shall seek to require 111332
each hospital qualified to make presumptive eligibility 111333
determinations to do all of the following: 111334

(1) Notify the department of each presumptive eligibility 111335
determination within five business days of the determination 111336
date; 111337

(2) Assist applicants who have been determined 111338
presumptively eligible to submit a complete medicaid application 111339
form; 111340

(3) Notify the applicant in writing on all forms that the 111341
applicant must file a complete medicaid application form before 111342
the last day of the following month, or the applicant will lose 111343
coverage that day; 111344

(4) Notify the applicant that if the application is filed 111345
before the last day of the month after the applicant is presumed 111346
presumptively eligible, presumptive eligibility coverage will 111347
continue until a final determination is made on the complete 111348
application. 111349

(C) (1) A qualified hospital shall comply with all of the 111350
following standards when making presumptive eligibility 111351
determinations to ensure their accuracy: 111352

(a) The department must receive the medicaid presumptive 111353
eligibility card within five business days of the date the 111354
applicant was determined presumptively eligible. 111355

(b) The department must receive a complete medicaid 111356
application before the applicant's presumptive eligibility 111357
period expires. 111358

(c) Each presumptive eligibility determination must be 111359
approved for standard eligibility after review of the 111360
applicant's completed medicaid application. 111361

(2) All of the following apply to a qualified hospital 111362
that fails to meet the standards described in division (C) (1) of 111363
this section: 111364

(a) The first time a hospital fails to meet any of the 111365
standards, the department shall notify the hospital in writing 111366
within five days from the date the standard was not met. The 111367
notice shall include: 111368

(i) A description of the standard that was not met and an 111369
explanation of how it was not met; 111370

(ii) Notification that a second failure to follow the 111371
standards will require all applicable hospital staff to 111372
participate in mandatory training conducted by the department on 111373
hospital presumptive eligibility rules and regulations. 111374

(b) The second time a hospital fails to meet any of the 111375
standards within one year of the first failure, the department 111376
shall notify the hospital in writing within five days from the 111377

date the standard was not met. The notice shall include: 111378

(i) A description of the standard that was not met and an 111379
explanation of how it was not met; 111380

(ii) Confirmation that all applicable hospital staff will 111381
be required to participate in a mandatory training conducted by 111382
the department on hospital presumptive eligibility rules and 111383
regulations, including the date, time, and location of the 111384
training; 111385

(iii) A description of appeal procedures available to the 111386
hospital to dispute the finding that the hospital failed to meet 111387
presumptive eligibility standards. The department shall provide 111388
the hospital with an opportunity to appeal the decision, and, 111389
upon a showing of clear and convincing evidence that the 111390
standard was met, the finding shall be removed from the 111391
hospital's record. 111392

(iv) A warning that any additional failure to meet 111393
presumptive eligibility standards within one year of the failure 111394
that triggered the notice will result in disqualification. 111395

(c) The third time a hospital fails to meet any of the 111396
standards within one year of the second failure, the department 111397
shall notify the hospital in writing within five days from the 111398
date the standard was not met. The notice shall include: 111399

(i) A description of the standard that was not met and an 111400
explanation of how it was not met; 111401

(ii) A description of appeal procedures available to the 111402
hospital to dispute the finding that the hospital failed to meet 111403
presumptive eligibility standards. The department shall provide 111404
the hospital with an opportunity to appeal the decision and, 111405
upon a showing of clear and convincing evidence that the 111406

standard was met, the finding shall be removed from the 111407
hospital's record. 111408

(iii) Confirmation that, effective on receipt of the 111409
notice, the hospital is no longer qualified to make presumptive 111410
eligibility determinations. 111411

(D) The department shall not designate itself as a 111412
qualified health entity for the purpose of making presumptive 111413
eligibility determinations or for any purpose not expressly 111414
authorized by state law or required by federal law. 111415

(E) Not later than ninety days after the department 111416
receives approval from the United States centers for medicare 111417
and medicaid services to eliminate mandatory hospital 111418
presumptive eligibility and restrict presumptive eligibility 111419
determinations to children and pregnant women in accordance with 111420
division (A) of this section, the auditor of state shall conduct 111421
an audit to ensure the department's compliance with the 111422
requirements of this section. 111423

Sec. 5163.30. (A) As used in this section: 111424

(1) "Assets" include all of an individual's income and 111425
resources and those of the individual's spouse, including any 111426
income or resources the individual or spouse is entitled to but 111427
does not receive because of action by any of the following: 111428

(a) The individual or spouse; 111429

(b) A person or government entity, including a court or 111430
administrative agency, with legal authority to act in place of 111431
or on behalf of the individual or spouse; 111432

(c) A person or government entity, including a court or 111433
administrative agency, acting at the direction or on the request 111434

of the individual or spouse. 111435

(2) "Home and community-based services" means home and 111436
community-based services furnished under a medicaid waiver 111437
granted by the United States secretary of health and human 111438
services under the "Social Security Act," section 1915(c) or 111439
(d), 42 U.S.C. 1396n(c) or (d). 111440

(3) "Institutionalized individual" means a resident of a 111441
nursing facility, an inpatient in a medical institution for whom 111442
a payment is made based on a level of care provided in a nursing 111443
facility, or an individual described in the "Social Security 111444
Act," section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A) 111445
(ii)(VI). 111446

(4) "Look-back date" means the date that is a number of 111447
months specified in rules adopted under section 5163.02 of the 111448
Revised Code immediately before either of the following: 111449

(a) The date an individual becomes an institutionalized 111450
individual if the individual is eligible for medicaid on that 111451
date; 111452

(b) The date an individual applies for medicaid while an 111453
institutionalized individual. 111454

(5) "Nursing facility equivalent services" means services 111455
that are covered by the medicaid program, equivalent to nursing 111456
facility services, provided by an institution that provides the 111457
same level of care as a nursing facility, and provided to an 111458
inpatient of the institution who is a medicaid recipient 111459
eligible for medicaid-covered nursing facility equivalent 111460
services. 111461

(6) "Undue hardship" means being deprived of either of the 111462
following: 111463

(a) Medical care such that an individual's health or life 111464
is endangered; 111465

(b) Food, clothing, shelter, or other necessities of life. 111466

(B) Except as provided in division (C) of this section and 111467
rules adopted under section 5163.02 of the Revised Code, an 111468
institutionalized individual is ineligible for nursing facility 111469
services, nursing facility equivalent services, and home and 111470
community-based services if the individual or individual's 111471
spouse disposes of assets for less than fair market value on or 111472
after the look-back date. The institutionalized individual's 111473
ineligibility shall begin on a date determined in accordance 111474
with rules adopted under section 5163.02 of the Revised Code and 111475
shall continue for a number of months determined in accordance 111476
with such rules. 111477

(C) (1) An institutionalized individual may be granted a 111478
waiver of all or a portion of the period of ineligibility to 111479
which the individual would otherwise be subjected under division 111480
(B) of this section if the ineligibility would cause an undue 111481
hardship for the individual. 111482

(2) An institutionalized individual ~~shall~~may be granted a 111483
waiver of all or a portion of the period of ineligibility if the 111484
administrator of the nursing facility in which the individual 111485
resides has notified the individual of a proposed transfer or 111486
discharge under section 3721.16 of the Revised Code due to 111487
failure to pay for the care the nursing facility has provided to 111488
the individual, the individual or the individual's sponsor 111489
requests a hearing on the proposed transfer or discharge in 111490
accordance with section 3721.161 of the Revised Code, and the 111491
transfer or discharge is upheld by a final determination that is 111492
not subject to further appeal. 111493

(3) An institutionalized individual may be granted a 111494
waiver of all of the period of ineligibility if all of the 111495
assets that were disposed of for less than fair market value are 111496
returned to the individual or individual's spouse or if the 111497
individual or individual's spouse receives cash or other 111498
personal or real property that equals the difference between 111499
what the individual or individual's spouse received for the 111500
assets and the fair market value of the assets. Except as 111501
provided in division (C) (1) or (2) of this section, no waiver of 111502
any part of the period of ineligibility shall be granted if the 111503
amount the individual or individual's spouse receives is less 111504
than the difference between what the individual or individual's 111505
spouse received for the assets and the fair market value of the 111506
assets. 111507

(4) Waivers shall be granted in accordance with rules 111508
adopted under section 5163.02 of the Revised Code. 111509

(D) To secure compliance with this section, the medicaid 111510
director may require an individual, as a condition of initial or 111511
continued eligibility for medicaid, to provide documentation of 111512
the individual's assets up to five years before the date the 111513
individual becomes an institutionalized individual if the 111514
individual is eligible for medicaid on that date or the date the 111515
individual applies for medicaid while an institutionalized 111516
individual. Documentation may include tax returns, records from 111517
financial institutions, and real property records. 111518

Sec. 5163.33. (A) In determining the amount of income that 111519
a medicaid recipient must apply monthly toward payment of the 111520
cost of care in a nursing facility or ICF/IID, a county 111521
department of job and family services shall deduct from the 111522
recipient's monthly income a monthly personal needs allowance in 111523

accordance with the "Social Security Act," section 1902(q), 42 U.S.C. 1396a(q). 111524
111525

(B) In the case of a resident of a nursing facility, the 111526
monthly personal needs allowance shall be not less than ~~fifty-~~ 111527
~~seventy-five~~ dollars for an individual resident and not less 111528
than one hundred fifty dollars for a married couple if both 111529
spouses are residents of a nursing facility and their incomes 111530
are considered available to each other in determining 111531
eligibility. 111532

(C) In the case of a resident of an ICF/IID, the monthly 111533
personal needs allowance shall be as follows: 111534

(1) Prior to January 1, 2016, forty dollars unless the 111535
resident has earned income, in which case the monthly personal 111536
needs allowance shall be determined by the department of 111537
medicaid, or the department's designee, but shall not exceed one 111538
hundred five dollars; 111539

(2) For calendar year 2016 and each calendar year 111540
thereafter, not less than ~~fifty-seventy-five~~ dollars for an 111541
individual resident and not less than one hundred fifty dollars 111542
for a married couple if both spouses are residents of an ICF/IID 111543
and their incomes are considered available to each other in 111544
determining eligibility. 111545

Sec. 5163.50. (A) Not later than thirty days after the 111546
effective date of this section, the department of medicaid or 111547
the department's designee shall begin utilizing third-party data 111548
sources and systems to conduct eligibility change in 111549
circumstances checks of all medicaid recipients in this state on 111550
at least a quarterly basis. 111551

(B) To the extent permitted by state and federal laws, the 111552

department or the department's designee shall verify each 111553
medicaid recipient's enrollment records against third-party data 111554
sources and systems, including all of the following: 111555

(1) Information accessed through databases available to 111556
the department under 42 C.F.R. 435.948, 435.949, and 435.956, as 111557
permitted under 42 C.F.R. 435.916(a) (2); 111558

(2) Identity records; 111559

(3) Death records; 111560

(4) Employment and wage records; 111561

(5) Lottery winnings records; 111562

(6) Residency checks; 111563

(7) Household composition and asset records; 111564

(8) Incarceration records; 111565

(9) Records indicating concurrent enrollment in medicaid 111566
programs in other states; 111567

(10) Third-party liability records; 111568

(11) Any other records the department considers 111569
appropriate in order to strengthen program integrity, reduce 111570
costs, and reduce fraud, waste, and abuse in the medicaid 111571
program. 111572

(C) To the extent permitted by federal law, the department 111573
shall disenroll those recipients who are deemed no longer 111574
eligible for the medicaid program due to verified changed 111575
circumstances. 111576

(D) The department shall complete a report containing its 111577
findings from the verification conducted under division (B) of 111578

this section, including any findings of fraud, waste, or abuse 111579
in the medicaid program. Not later than December 31, 2025, the 111580
department shall submit its report to the executive director of 111581
the joint medicaid oversight committee. Thereafter, the 111582
department shall submit updated reports to the executive 111583
director every six months. 111584

(E) To the extent practical, the department shall employ 111585
the processes described in this section to verify member 111586
compliance with work and community engagement requirements 111587
established pursuant to the medicaid waiver component authorized 111588
under section 5166.37 of the Revised Code. 111589

(F) A medicaid provider that holds a valid medicaid 111590
provider agreement may employ the processes described in this 111591
section to verify an individual's eligibility for medicaid. 111592

(G) Any third-party vendor expenses incurred from the 111593
verification required by division (B) of this section shall be 111594
entirely contingent on validated cost savings that have been 111595
realized by the department. 111596

Sec. 5164.071. (A) As used in this section, "doula" has 111597
the same meaning as in section 4723.89 of the Revised Code. 111598

(B) ~~The~~ In the six counties with the most infant deaths as 111599
determined by the department of health, the medicaid program 111600
shall cover doula services that are provided by a doula if the 111601
doula has a valid provider agreement and is certified under 111602
section 4723.89 of the Revised Code. Medicaid payments for doula 111603
services shall be determined on the basis of each pregnancy, 111604
regardless of whether multiple births occur as a result of that 111605
pregnancy. 111606

(C) Any provider outcome measurements or incentives the 111607

department of medicaid implements for the medicaid coverage of 111608
doula services shall be consistent with this state's medicare- 111609
medicaid plan quality withhold provider or managed care plan 111610
methodology and benchmarks. 111611

(D) The medicaid director shall adopt rules under section 111612
5164.02 of the Revised Code to implement this section. 111613

Sec. 5164.093. (A) As used in this section, "rapid whole 111614
genome sequencing" means an investigation of the entire human 111615
genome, including coding and non-coding regions and 111616
mitochondrial deoxyribonucleic acid, to identify disease-causing 111617
genetic changes, and includes patient-only whole genome 111618
sequencing and duo and trio whole genome sequencing of the 111619
patient and biological parent or parents. 111620

(B) Beginning one year after the effective date of this 111621
section, and subject to approval from the centers for medicare 111622
and medicaid services, the medicaid program shall reimburse 111623
medicaid providers for rapid whole genome sequencing for 111624
patients who are Medicaid recipients and meet all of the 111625
following criteria: 111626

(1) The patient is under one year of age. 111627

(2) The patient has a complex or acute illness of unknown 111628
etiology that is not confirmed to be caused by an environmental 111629
exposure, toxic ingestion, infection with normal response to 111630
therapy, or trauma. 111631

(3) The patient is receiving hospital services in an 111632
intensive care unit or other high acuity care unit within a 111633
hospital. 111634

(C) A laboratory performing the rapid whole genome 111635
sequencing provided pursuant to this section shall return the 111636

preliminary positive results within seven days and final results 111637
within fifteen days from the date of receipt of the sample. 111638

(D) Payment provided pursuant to this section may be 111639
subject to any of the following evidence-based medical necessity 111640
criteria: 111641

(1) The patient has symptoms that suggest a broad 111642
differential diagnosis that would require an evaluation by 111643
multiple genetic tests if rapid whole genome sequencing is not 111644
performed. 111645

(2) The patient's treating health care provider has 111646
determined that timely identification of a molecular diagnosis 111647
is necessary to guide clinical decision-making and testing 111648
results may guide the treatment or management of the patient's 111649
condition. 111650

(3) The patient has a family genetic history related to 111651
the patient's condition. 111652

(4) The patient has a complex or acute illness of unknown 111653
etiology including at least one of the following conditions: 111654

(a) Congenital anomalies involving at least two organ 111655
systems or complex or multiple congenital anomalies in one organ 111656
system; 111657

(b) Specific organ malformations highly suggestive of a 111658
genetic etiology; 111659

(c) Abnormal laboratory tests or abnormal chemistry 111660
profiles suggesting the presence of a genetic disease, complex 111661
metabolic disorder, or inborn error of metabolism; 111662

(d) Refractory or severe hypoglycemia or hyperglycemia; 111663

(e) Abnormal response to therapy related to an underlying 111664
medical condition affecting vital organs or bodily systems; 111665

(f) Severe muscle weakness, rigidity, or spasticity; 111666

(g) A high-risk stratification for a brief, resolved, 111667
unexplained, and recurrent event that is any of the following: 111668

(i) An event without respiratory infection; 111669

(ii) A witnessed seizure-like event; 111670

(iii) A cardiopulmonary resuscitation event. 111671

(h) Refractory seizures; 111672

(i) Abnormal cardiac diagnostic testing results suggestive 111673
of possible channelopathies, arrhythmias, cardiomyopathies, 111674
myocarditis, or structural heart disease; 111675

(j) Abnormal diagnostic imaging studies suggestive of an 111676
underlying genetic condition; 111677

(k) Abnormal physiologic function studies suggestive of an 111678
underlying genetic etiology. 111679

(E) The director may add conditions to those specified in 111680
division (D) (4) of this section based on new medical evidence 111681
and may provide coverage for rapid whole genome sequencing or 111682
other next-generation sequencing and genetic testing in addition 111683
to the reimbursement required under this section. 111684

(F) (1) Except as provided in division (F) (2) of this 111685
section, genetic data generated as a result of performing rapid 111686
whole genome sequencing pursuant to this section shall have a 111687
primary use of assisting the ordering health care professional 111688
and treating care team to diagnose and treat the patient, and as 111689
protected health information it shall be subject to the 111690

requirements applicable to protected health information set 111691
forth in the "Health Insurance Portability and Accountability 111692
Act of 1996," 42 U.S.C. 1320d et seq., the "Health Information 111693
Technology for Economic and Clinical Health Act of 2009," 42 111694
U.S.C. 17921 et seq., and any other applicable law regarding 111695
protected health information. 111696

(2) Genetic data generated from rapid whole genome 111697
sequencing reimbursed under this section can be used in 111698
scientific research if consent for such use of the data has been 111699
expressly given by the patient's legal guardian. The patient, 111700
the patient's legal guardian, or the patient's health care 111701
provider with the patient or the patient's guardian's consent, 111702
may request access to the results of the testing for use in 111703
other clinical settings. A health care provider may only charge 111704
a fee to the patient based on the direct costs of producing the 111705
results in a format usable in other clinical settings. A patient 111706
or a patient's legal guardian shall have the right to rescind 111707
the original consent to the use of the data in scientific 111708
research at any time, and upon receipt of a written revocation 111709
of the consent the health care provider or other entity using 111710
the data shall cease use and expunge the data from any data 111711
repository where it is held. 111712

(G) The director shall take any actions necessary to 111713
implement the provisions of this section, including: 111714

(1) Adopting rules authorized by section 5166.02 of the 111715
Revised Code; 111716

(2) Any other administrative action determined to be 111717
necessary to implement the requirements of this section. 111718

Sec. 5164.38. (A) As used in this section: 111719

(1) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code. 111720
111721

(2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code. 111722
111723
111724
111725

(B) This section does not apply to either of the following: 111726
111727

(1) Any action taken or decision made by the department of medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code; 111728
111729
111730
111731

(2) Any action taken by the department under division (D) (2) of section 5124.60, division (D) (1) or (2) of section 5124.61, or sections 5165.60 to 5165.89 of the Revised Code. 111732
111733
111734

(C) Except as provided in division (E) of this section and section 5164.58 of the Revised Code, the department shall do any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code: 111735
111736
111737
111738

(1) Refuse to enter into a provider agreement with a medicaid provider; 111739
111740

(2) Refuse to revalidate a medicaid provider's provider agreement; 111741
111742

(3) Suspend or terminate a medicaid provider's provider agreement; 111743
111744

(4) Take any action based upon a final fiscal audit of a medicaid provider. 111745
111746

(D) Any party who is adversely affected by the issuance of 111747
an adjudication order under division (C) of this section may 111748
appeal to the court of common pleas in accordance with section 111749
119.12 of the Revised Code. 111750

(E) The department is not required to comply with division 111751
(C) (1), (2), or (3) of this section whenever any of the 111752
following occur: 111753

(1) The terms of a provider agreement require the medicaid 111754
provider to hold a license, permit, or certificate or maintain a 111755
certification issued by an official, board, commission, 111756
department, division, bureau, or other agency of state or 111757
federal government other than the department of medicaid, and 111758
the license, permit, certificate, or certification is inactive 111759
by any means, has been denied, revoked, not renewed, suspended, 111760
surrendered, withdrawn, retired, or otherwise restricted or 111761
limited. 111762

(2) The terms of a provider agreement require the medicaid 111763
provider to hold a license, permit, or certificate or maintain 111764
certification issued by an official, board, commission, 111765
department, division, bureau, or other agency of state or 111766
federal government other than the department of medicaid, and 111767
the provider has not obtained the license, permit, certificate, 111768
or certification. 111769

(3) The medicaid provider's application for a provider 111770
agreement is denied, or the provider's provider agreement is 111771
terminated or not revalidated, because of or pursuant to any of 111772
the following: 111773

(a) The termination, refusal to renew, inactivation by any 111774
means, or denial of a license, permit, certificate, or 111775

certification by an official, board, commission, department, 111776
division, bureau, or other agency of this state other than the 111777
department of medicaid, notwithstanding the fact that the 111778
provider may hold a license, permit, certificate, or 111779
certification from an official, board, commission, department, 111780
division, bureau, or other agency of another state; 111781

(b) Division (D) or (E) of section 5164.35 of the Revised 111782
Code; 111783

(c) The provider's termination, suspension, or exclusion 111784
from the medicare program or from another state's medicaid 111785
program and, in either case, the termination, suspension, or 111786
exclusion is binding on the provider's participation in the 111787
medicaid program in this state; 111788

(d) The provider's pleading guilty to or being convicted 111789
of a criminal activity materially related to either the medicare 111790
or medicaid program; 111791

(e) The provider or its owner, officer, authorized agent, 111792
associate, manager, or employee having been convicted of one of 111793
the offenses that caused the provider's provider agreement to be 111794
suspended pursuant to section 5164.36 of the Revised Code; 111795

(f) The provider's failure to provide the department the 111796
national provider identifier assigned the provider by the 111797
national provider system pursuant to 45 C.F.R. 162.408. 111798

(4) The medicaid provider's application for a provider 111799
agreement is denied, or the provider's provider agreement is 111800
terminated or suspended, as a result of action by the United 111801
States department of health and human services and that action 111802
is binding on the provider's medicaid participation. 111803

(5) The medicaid provider's provider agreement and 111804

medicaid payments to the provider are suspended under section 111805
5164.36 or 5164.37 of the Revised Code. 111806

(6) The medicaid provider's application for a provider 111807
agreement is denied because the provider's application was not 111808
complete; 111809

(7) The medicaid provider's provider agreement is 111810
converted under section 5164.32 of the Revised Code from a 111811
provider agreement that is not time-limited to a provider 111812
agreement that is time-limited. 111813

(8) Unless the medicaid provider is a nursing facility or 111814
ICF/IID, the provider's provider agreement is not revalidated 111815
pursuant to division (B) (1) of section 5164.32 of the Revised 111816
Code. 111817

(9) The medicaid provider's provider agreement is 111818
suspended, terminated, or not revalidated because of either of 111819
the following: 111820

(a) Any reason authorized or required by one or more of 111821
the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 111822
455.450; 111823

(b) The provider has not billed or otherwise submitted a 111824
medicaid claim for two years or longer. 111825

(F) In the case of a medicaid provider described in 111826
division (E) (3) (f), (6), (7), or (9) (b) of this section, the 111827
department may take its action by sending a notice explaining 111828
the action to the provider. The notice shall be sent to the 111829
medicaid provider's address on record with the department. The 111830
notice may be sent by regular mail. 111831

(G) The department may withhold payments for medicaid 111832

services rendered by a medicaid provider during the pendency of 111833
proceedings initiated under division (C) (1), (2), or (3) of this 111834
section. If the proceedings are initiated under division (C) (4) 111835
of this section, the department may withhold payments only to 111836
the extent that they equal amounts determined in a final fiscal 111837
audit as being due the state. This division does not apply if 111838
the department fails to comply with section 119.07 of the 111839
Revised Code, requests a continuance of the hearing, or does not 111840
issue a decision within thirty days after the hearing is 111841
completed. This division does not apply to nursing facilities 111842
and ICFs/IID. 111843

Sec. 5164.451. (A) As used in this section: 111844

(1) "Electronic visit verification system" has the same 111845
meaning as in 42 U.S.C. 1396b. 111846

(2) "Integrated care delivery system" means the 111847
demonstration project implemented as described in section 111848
5164.91 of the Revised Code. 111849

(3) "Medicaid managed care organization" includes a 111850
managed care organization participating in the integrated care 111851
delivery system. 111852

(B) If the medicaid director establishes an electronic 111853
visit verification system in rules adopted under section 5164.02 111854
of the Revised Code, then all of the following apply: 111855

(1) The electronic visit verification system shall not 111856
exceed the minimum requirements specified in 42 U.S.C. 1396b. 111857

(2) The department of medicaid and the department of 111858
developmental disabilities shall provide education and technical 111859
assistance to medicaid providers subject to the electronic visit 111860
verification system to aid them in complying with the system. 111861

(3) When a medicaid provider described in division (B) (2) 111862
of this section submits a claim to the department of medicaid, 111863
the department of developmental disabilities, a medicaid managed 111864
care organization, or any other entity authorized to pay a 111865
medicaid claim subject to the electronic visit verification 111866
system and the claim is not supported by information in the 111867
system, all of the following apply: 111868

(a) The department, organization, or entity shall not deny 111869
the claim. 111870

(b) The department, organization, or entity shall notify 111871
the medicaid provider that the claim is not supported by 111872
information in the system. 111873

(c) The department, organization, or entity shall offer 111874
the medicaid provider the opportunity to review and correct both 111875
the claim and data in the system. 111876

(4) The department of medicaid, the department of 111877
developmental disabilities, a medicaid managed care 111878
organization, or any other entity authorized to conduct a post- 111879
payment audit or review may consider information in the 111880
electronic visit verification system as part of its audit or 111881
review protocol, but shall not conduct an audit or review based 111882
solely on information in the system. 111883

Sec. 5164.91. (A) The medicaid director may implement a 111884
demonstration project called the integrated care delivery system 111885
to test and evaluate the integration of the care that dual 111886
eligible individuals receive under medicare and medicaid. No 111887
provision of Title LI of the Revised Code applies to the 111888
integrated care delivery system if that provision implements or 111889
incorporates a provision of federal law governing medicaid and 111890

that provision of federal law does not apply to the system. 111891

If the director terminates the integrated care delivery 111892
system, the director may develop and establish a successor 111893
integrated care delivery system, as approved by the United 111894
States centers for medicare and medicaid services, to serve dual 111895
eligible individuals in all counties of this state. 111896

(B) (1) The director shall allow participants in the 111897
integrated care delivery system or the ICDS successor program 111898
the choice to enroll in a medicare coordination only dual 111899
special needs plan offered by an entity that does not 111900
participate in the successor program and allow participants to 111901
remain with their current medicare dual special needs plan. 111902

(2) The director shall grant medicaid provider contracts 111903
for coordination only dual special needs plans that are offered 111904
by entities not selected to participate in the integrated care 111905
delivery system or the successor program and permit the entities 111906
offering those plans to enroll in those plans dual eligible 111907
individuals and participants in the integrated care delivery 111908
system or the successor program. 111909

Sec. 5165.158. (A) As used in this section: 111910

(1) "Category one private room" means a private room that 111911
has unshared access to a toilet and sink. 111912

(2) "Category two private room" means a private room that 111913
has shared access to a toilet and sink. 111914

~~(B) Beginning six months following approval by the United~~ 111915
~~States centers for medicare and medicaid services or on the~~ 111916
~~effective date of applicable department of medicaid rules,~~ 111917
~~whichever is later, but not sooner than April 1, 2024, the~~ 111918
~~The~~ total per medicaid day payment rate for nursing facility 111919

services provided ~~on or after that date~~ in private rooms 111920
approved by the department of medicaid under division (C) of 111921
this section shall be the sum of both of the following: 111922

(1) The total per medicaid day payment rate determined for 111923
the nursing facility under section 5165.15 of the Revised Code; 111924

(2) The private room incentive payment. The private room 111925
incentive payment shall be thirty dollars per day for a category 111926
one private room and twenty dollars per day for a category two 111927
private room, beginning in state fiscal year 2024. The 111928
department may increase the payment amount for subsequent fiscal 111929
years. 111930

(C) (1) The department shall approve rooms in nursing 111931
facilities to qualify for the rate described in division (B) of 111932
this section. A nursing facility provider shall apply for 111933
approval of its private rooms by submitting an application in 111934
the form and manner prescribed by the department. ~~The department~~ 111935
~~shall begin accepting applications for approval of category one~~ 111936
~~private rooms on January 1, 2024, and category two private rooms~~ 111937
~~on March 1, 2024.~~ The department may specify evidence that an 111938
applicant must supply to demonstrate that a room meets the 111939
definition of a private room under section 5165.01 of the 111940
Revised Code and may conduct an on-site inspection of the room 111941
to verify that it meets the definition. Subject to division (C) 111942
(2) of this section, the department shall approve an application 111943
if the rooms included in the application meet the definition of 111944
a private room under section 5165.01 of the Revised Code. 111945

(2) The department shall only consider applications that 111946
meet the following criteria: 111947

(a) Private rooms that are in existence on July 1, 2023, 111948

in facilities where all of the licensed beds are in service on 111949
the application date; 111950

(b) Private rooms created by surrendering licensed beds 111951
from ~~its~~ the nursing facility's licensed capacity, or, if the 111952
facility does not hold a license, surrendering beds that have 111953
been certified by CMS. A nursing facility where the beds are 111954
owned by a county and the facility is operated by a person other 111955
than the county may satisfy this requirement by removing beds 111956
from service. 111957

(c) Private rooms created by adding space to the nursing 111958
facility or renovating nonbedroom space, without increasing the 111959
total licensed bed capacity; 111960

(d) A nursing facility licensed after July 1, 2023, in 111961
which all licensed beds are in service on the application date 111962
or in which private rooms were created by surrendering licensed 111963
beds from its licensed capacity. 111964

(3) The department may specify evidence that an applicant 111965
must supply to demonstrate that it meets the conditions 111966
specified in division (C) (2) of this section and may conduct an 111967
on-site inspection to verify that the conditions are met. 111968

(4) The department may deny an application if the 111969
department determines that any of the following circumstances 111970
apply: 111971

(a) The rooms included in the application do not meet the 111972
definition of a private room under section 5165.01 of the 111973
Revised Code; 111974

(b) The rooms included in the application do not meet the 111975
criteria specified in division (C) (2) of this section; 111976

(c) The applicant created private rooms by reducing the 111977
number of available beds without surrendering the beds, and 111978
surrender of the beds is required by this section; 111979

(d) Approval of the room would cause ~~projected-~~ 111980
~~expenditures for the total number of private room incentive-~~ 111981
~~payments rooms created under this section for the fiscal year to~~ 111982
~~exceed forty million dollars in fiscal year 2024 or one hundred-~~ 111983
~~sixty million dollars in fiscal year 2025 or subsequent fiscal~~ 111984
~~years. In projecting expenditures for private room incentive-~~ 111985
~~payments, the department shall use a medicaid utilization-~~ 111986
~~percentage of fifty per cent. If the department determines that-~~ 111987
~~there are more approvable eligible applications submitted than-~~ 111988
~~can be accommodated within the applicable spending limit-~~ 111989
~~specified in this division, the department shall prioritize-~~ 111990
~~category one private rooms to exceed fifteen thousand private~~ 111991
~~rooms across the state.~~ 111992

(e) On the application date, the nursing facility is 111993
listed on table A or table D of the SFF list, as defined in 111994
section 5165.01 of the Revised Code or is designated as having a 111995
one-star overall rating in the United States centers for 111996
medicare and medicaid services nursing facility five-star 111997
quality rating system known as care compare. 111998

~~(5)~~ (D) The department shall not pay a private room 111999
incentive payment rate under this section for more than fifteen 112000
thousand rooms. 112001

(E) Beginning July 1, 2025, to retain eligibility for 112002
private room rates, a nursing facility must do both of the 112003
following: 112004

~~(a)~~ (1) Have a policy in place to prioritize placement in a 112005

private room based on the medical and psychosocial needs of the 112006
resident; 112007

~~(b)~~ (2) Participate in the resident or family satisfaction 112008
survey performed pursuant to section 173.47 of the Revised Code. 112009

~~(6) The department shall hold all applications for a 112010
private room incentive payment in a pending status until the 112011
United States centers for medicare and medicaid services 112012
approves private room incentive payments and the department 112013
determines a facility is qualified for the payment. An 112014
application in pending status shall be included in the payment 112015
cap described in division (C) (4) (d) of this section as if the 112016
application were approved. 112017~~

~~(7)~~ (F) An applicant may request reconsideration of a 112018
denial under division (C) of this section. 112019

Sec. 5165.192. (A) (1) Except as provided in division (B) 112020
of this section and in accordance with the process specified in 112021
rules authorized by this section, the department of medicaid 112022
shall do all of the following: 112023

(a) Every quarter, determine the following two case-mix 112024
scores for each nursing facility: 112025

(i) A quarterly case-mix score that includes each resident 112026
who is a medicaid recipient and is not a low case-mix resident; 112027

(ii) A quarterly case-mix score that includes each 112028
resident regardless of payment source. 112029

(b) Every six months, determine a semiannual average case- 112030
mix score for each nursing facility by using the quarterly case- 112031
mix scores determined for the nursing facility pursuant to 112032
division (A) (1) (a) (i) of this section; 112033

(c) After the end of each calendar year, determine an 112034
annual average case-mix score for each nursing facility by using 112035
the quarterly case-mix scores determined for the nursing 112036
facility pursuant to division (A) (1) (a) (ii) of this section. 112037

(2) When determining case-mix scores under division (A) (1) 112038
of this section, the department shall use all of the following: 112039

(a) Data from a resident assessment instrument specified 112040
in rules authorized by section 5165.191 of the Revised Code; 112041

(b) Except as provided in rules authorized by this 112042
section, the case-mix values established by the United States 112043
department of health and human services; 112044

(c) Except as modified in rules authorized by this 112045
section, the grouper methodology used on ~~June 30, 1999~~October 1, 112046
2019, for the patient driven payment model nursing index, by the 112047
United States department of health and human services for 112048
prospective payment of skilled nursing facilities under the 112049
medicare program. 112050

(B) (1) Subject to division (B) (2) of this section, the 112051
department, for one or more months of a calendar quarter, may 112052
assign to a nursing facility a case-mix score that is five per 112053
cent less than the nursing facility's case-mix score for the 112054
immediately preceding calendar quarter if any of the following 112055
apply: 112056

(a) The provider does not timely submit complete and 112057
accurate resident assessment data necessary to determine the 112058
nursing facility's case-mix score for the calendar quarter; 112059

(b) The nursing facility was subject to an exception 112060
review under section 5165.193 of the Revised Code for the 112061
immediately preceding calendar quarter; 112062

(c) The nursing facility was assigned a case-mix score for 112063
the immediately preceding calendar quarter. 112064

(2) Before assigning a case-mix score to a nursing 112065
facility due to the submission of incorrect resident assessment 112066
data, the department shall permit the provider to correct the 112067
data. The department may assign the case-mix score if the 112068
provider fails to submit the corrected resident assessment data 112069
not later than the earlier of the forty-fifth day after the end 112070
of the calendar quarter to which the data pertains or the 112071
deadline for submission of such corrections established by 112072
regulations adopted by the United States department of health 112073
and human services under Title XVIII and Title XIX. 112074

(3) If, for more than six months in a calendar year, a 112075
provider is paid a rate determined for a nursing facility using 112076
a case-mix score assigned to the nursing facility under division 112077
(B)(1) of this section, the department may assign the nursing 112078
facility a cost per case-mix unit that is five per cent less 112079
than the nursing facility's actual or assigned cost per case-mix 112080
unit for the immediately preceding calendar year. The department 112081
may use the assigned cost per case-mix unit, instead of 112082
determining the nursing facility's actual cost per case-mix unit 112083
in accordance with section 5165.19 of the Revised Code, to 112084
establish the nursing facility's rate for direct care costs for 112085
the fiscal year immediately following the calendar year for 112086
which the cost per case-mix unit is assigned. 112087

(4) The department shall take action under division (B) 112088
(1), (2), or (3) of this section only in accordance with rules 112089
authorized by this section. The department shall not take an 112090
action that affects rates for prior payment periods except in 112091
accordance with sections 5165.41 and 5165.42 of the Revised 112092

Code. 112093

(C) The medicaid director shall adopt rules under section 112094
5165.02 of the Revised Code as necessary to implement this 112095
section. 112096

(1) The rules shall do all of the following: 112097

(a) Specify the process for determining the semiannual and 112098
annual average case-mix scores for nursing facilities; 112099

~~(b) Adjust the case-mix values specified in division (A)~~ 112100
~~(2) (b) of this section to reflect changes in relative wage~~ 112101
~~differentials that are specific to this state;~~ 112102

~~(c) Express all of those case-mix values in numeric terms~~ 112103
~~that are different from the terms specified by the United States~~ 112104
~~department of health and human services but that do not alter~~ 112105
~~the relationship of the case-mix values to one another;~~ 112106

~~(d)~~ Modify the grouper methodology specified in division 112107
(A) (2) (c) of this section as follows: 112108

~~(i) Establish a different hierarchy for assigning~~ 112109
~~residents to case-mix categories under the methodology;~~ 112110

~~(ii) Allow the use of the index maximizer element of the~~ 112111
~~methodology;~~ 112112

~~(iii)~~ Incorporate changes to the grouper methodology for 112113
the patient driven payment model nursing index used by the 112114
United States department of health and human services ~~makes~~ 112115
~~after June 30, 1999~~ on October 1, 2019, for prospective payment 112116
of skilled nursing facilities under the medicare program; 112117

~~(iv)~~ (ii) Make other changes the department determines are 112118
necessary. 112119

~~(e)~~(c) Establish procedures under which resident 112120
assessment data shall be reviewed for accuracy and providers 112121
shall be notified of any data that requires correction; 112122

~~(f)~~(d) Establish procedures for providers to correct 112123
resident assessment data and specify a reasonable period of time 112124
by which providers shall submit the corrections. The procedures 112125
may limit the content of corrections in the manner required by 112126
regulations adopted by the United States department of health 112127
and human services under Title XVIII and Title XIX. 112128

~~(g)~~(e) Specify when and how the department will assign 112129
case-mix scores or costs per case-mix unit to a nursing facility 112130
under division (B) of this section if information necessary to 112131
calculate the nursing facility's case-mix score is not provided 112132
or corrected in accordance with the procedures established by 112133
the rules. 112134

(2) Notwithstanding any other provision of this chapter, 112135
the rules may provide for the exclusion of case-mix scores 112136
assigned to a nursing facility under division (B) of this 112137
section from the determination of the nursing facility's 112138
semiannual or annual average case-mix score and the cost per 112139
case-mix unit for the nursing facility's peer group. 112140

Sec. 5165.26. (A) As used in this section: 112141

(1) "Base rate" means the portion of a nursing facility's 112142
total per medicaid day payment rate determined under divisions 112143
(A) and (B) of section 5165.15 of the Revised Code. 112144

(2) "CMS" means the United States centers for medicare and 112145
medicaid services. 112146

(3) "Long-stay resident" means an individual who has 112147
resided in a nursing facility for at least one hundred one days. 112148

(4) "Nursing facilities for which a quality score was 112149
determined" includes nursing facilities that are determined to 112150
have a quality score of zero. 112151

(5) "SFF list" means the list of nursing facilities that 112152
the United States department of health and human services 112153
creates under the special focus facility program. 112154

(6) "Special focus facility program" means the program 112155
conducted by the United States secretary of health and human 112156
services pursuant to section 1919(f)(10) of the "Social Security 112157
Act," 42 U.S.C. 1396r(f)(10). 112158

(B) Subject to divisions (D) and (E) and except as 112159
provided in division (F) of this section, the department of 112160
medicaid shall determine each nursing facility's per medicaid 112161
day quality incentive payment rate as follows: 112162

(1) Determine the sum of the quality scores determined 112163
under division (C) of this section for all nursing facilities. 112164

(2) Determine the average quality score by dividing the 112165
sum determined under division (B)(1) of this section by the 112166
number of nursing facilities for which a quality score was 112167
determined. 112168

(3) Determine the sum of the total number of medicaid days 112169
for all of the calendar year preceding the fiscal year for which 112170
the rate is determined for all nursing facilities for which a 112171
quality score was determined. 112172

(4) Multiply the average quality score determined under 112173
division (B)(2) of this section by the sum determined under 112174
division (B)(3) of this section. 112175

(5) Determine the value per quality point by determining 112176

the quotient of the following: 112177

(a) The sum determined under division (E) (2) of this 112178
section. 112179

(b) The product determined under division (B) (4) of this 112180
section. 112181

(6) Multiply the value per quality point determined under 112182
division (B) (5) of this section by the nursing facility's 112183
quality score determined under division (C) of this section. 112184

(C) (1) Except as provided in divisions (C) (2) and (3) of 112185
this section, a nursing facility's quality score for a state 112186
fiscal year shall be the sum of the following: 112187

(a) The total number of points that CMS assigned to the 112188
nursing facility under CMS's nursing facility five-star quality 112189
rating system for the following quality metrics, or CMS's 112190
successor metrics as described below, based on the most recent 112191
four-quarter average data, or the average data for fewer 112192
quarters in the case of successor metrics, available in the 112193
database maintained by CMS and known as nursing home compare in 112194
the most recent month of the calendar year during which the 112195
fiscal year for which the rate is determined begins: 112196

(i) The percentage of the nursing facility's long-stay 112197
residents at high risk for pressure ulcers who had pressure 112198
ulcers; 112199

(ii) The percentage of the nursing facility's long-stay 112200
residents who had a urinary tract infection; 112201

(iii) The percentage of the nursing facility's long-stay 112202
residents whose ability to move independently worsened; 112203

(iv) The percentage of the nursing facility's long-stay 112204

residents who had a catheter inserted and left in their bladder. 112205

If CMS ceases to publish any of the metrics specified in 112206
division (C)(1)(a) of this section, the department shall use the 112207
nursing facility quality metrics on the same topics that CMS 112208
subsequently publishes. 112209

(b) Seven and five-tenths points for fiscal year 2024 and 112210
three points for fiscal year 2025 and subsequent fiscal years if 112211
the nursing facility's occupancy rate is greater than seventy- 112212
five per cent. For purposes of this division, the department 112213
shall utilize the facility's occupancy rate for licensed beds 112214
reported on its cost report for the calendar year preceding the 112215
fiscal year for which the rate is determined or, if the facility 112216
is not required to be licensed, the facility's occupancy rate 112217
for certified beds. If the facility surrenders licensed or 112218
certified beds before the first day of July of the calendar year 112219
in which the fiscal year begins, the department shall calculate 112220
a nursing facility's occupancy rate by dividing the inpatient 112221
days reported on the facility's cost report for the calendar 112222
year preceding the fiscal year for which the rate is determined 112223
by the product of the number of days in the calendar year and 112224
the facility's number of licensed, or if applicable, certified 112225
beds on the first day of July of the calendar year in which the 112226
fiscal year begins. 112227

(c) Beginning with state fiscal year 2025, the total 112228
number of points that CMS assigned to the nursing facility under 112229
CMS's nursing facility five-star quality rating system for the 112230
following quality metrics, or successor metrics designated by 112231
CMS, based on the most recent four-quarter average data 112232
available in the database maintained by CMS and known as nursing 112233
home compare in the most recent month of the calendar year 112234

during which the fiscal year for which the rate is determined 112235
begins: 112236

(i) The percentage of the nursing facility's long-stay 112237
residents whose need for help with daily activities has 112238
increased; 112239

(ii) The percentage of the nursing facility's long-stay 112240
residents experiencing one or more falls with major injury; 112241

(iii) The percentage of the nursing facility's long-stay 112242
residents who were administered an antipsychotic medication; 112243

(iv) Adjusted total nurse staffing hours per resident per 112244
day using quintiles instead of deciles by using the points 112245
assigned to the higher of the two deciles that constitute the 112246
quintile. 112247

If CMS ceases to publish any of the metrics specified in 112248
division (C) (1) (c) of this section, the department shall use the 112249
nursing facility quality metrics on the same topics CMS 112250
subsequently publishes. 112251

(2) In determining a nursing facility's quality score for 112252
a state fiscal year, the department shall make the following 112253
adjustment to the number of points that CMS assigned to the 112254
nursing facility for each of the quality metrics specified in 112255
divisions (C) (1) (a) and (c) of this section: 112256

(a) Unless division (C) (2) (b) or (c) of this section 112257
applies, divide the number of the nursing facility's points for 112258
the quality metric by twenty. 112259

(b) If CMS assigned the nursing facility to the lowest 112260
percentile for the quality metric, reduce the number of the 112261
nursing facility's points for the quality metric to zero. 112262

(c) If the nursing facility's total number of points
calculated for or during a state fiscal year for all of the
quality metrics specified in divisions (C) (1) (a), and if
applicable, division (C) (1) (c) of this section is less than a
number of points that is equal to the twenty-fifth percentile of
all nursing facilities, calculated using the points for the July
1 rate setting of that fiscal year reduce the nursing facility's
points to zero until the next point calculation. If a facility's
recalculated points under division (C) (3) of this section are
below the number of points determined to be the twenty-fifth
percentile for that fiscal year, the facility shall receive zero
points for the remainder of that fiscal year.

(3) A nursing facility's quality score shall be
recalculated for the second half of the state fiscal year based
on the most recent four quarter average data, or the average
data for fewer quarters in the case of successor metrics,
available in the database maintained by CMS and known as the
care compare, in the most recent month of the calendar year
during which the fiscal year for which the rate is determined
begins. The metrics specified by division (C) (1) (b) of this
section shall not be recalculated. In redetermining the quality
payment for each facility based on the recalculated points, the
department shall use the same per point value determined for the
quality payment at the start of the fiscal year.

(D) A nursing facility shall not receive a quality
incentive payment if the Department of Health assigned the
nursing facility to the SFF list under the special focus
facility program and the nursing facility is listed in table A,
on the first day of May of the calendar year for which the rate
is being determined.

(E) The total amount to be spent on quality incentive 112293
payments under division (B) of this section for a fiscal year 112294
shall be determined as follows: 112295

(1) Determine the following amount for each nursing 112296
facility: 112297

(a) The amount that is five and two-tenths per cent of the 112298
nursing facility's base rate for nursing facility services 112299
provided on the first day of the state fiscal year plus one 112300
dollar and seventy-nine cents plus sixty per cent of the per 112301
diem amount by which the nursing facility's rate for direct care 112302
costs determined for the fiscal year under section 5165.19 of 112303
the Revised Code changed as a result of the rebasing conducted 112304
under section 5165.36 of the Revised Code. 112305

(b) Multiply the amount determined under division (E) (1) 112306
(a) of this section by the number of the nursing facility's 112307
medicaid days for the calendar year preceding the fiscal year 112308
for which the rate is determined. 112309

(2) Determine the sum of the products determined under 112310
division (E) (1) (b) of this section for all nursing facilities 112311
for which the product was determined for the state fiscal year. 112312

(3) To the sum determined under division (E) (2) of this 112313
section, add one hundred twenty-five million dollars. 112314

(F) (1) Beginning July 1, 2023, a new nursing facility 112315
shall receive a quality incentive payment for the fiscal year in 112316
which the new facility obtains an initial provider agreement and 112317
the immediately following fiscal year equal to the median 112318
quality incentive payment determined for nursing facilities for 112319
the fiscal year. For the state fiscal year after the immediately 112320
following fiscal year and subsequent fiscal years, the quality 112321

incentive payment shall be determined under division (C) of this section.

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(2) A nursing facility that undergoes a change of operator with an effective date of July 1, ~~2023~~2025, or later shall not receive a quality incentive payment until the earlier of the first day of January or the first day of July that is at least six months after the effective date of the change of operator. Thereafter any quality incentive payment shall be determined under division (C) of this section.

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~~(3) A nursing facility that undergoes a change of owner with an effective date of July 1, 2023, or later shall not receive a quality incentive payment until the earlier of the first day of January or the first day of July that is at least six months after the effective date of the change of owner if, within one year after the change of owner, there is an increase in the lease payments or other financial obligations of the operator to the owner above the payments or obligations specified by the agreement between the previous owner and the operator. Thereafter, any quality incentive payments for the facility shall be determined under division (C) of this section.~~

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Sec. 5166.50. (A) Within one year of the effective date of this amendment, the department of medicaid shall apply for a medicaid waiver component to provide reentry services to medicaid-eligible imprisoned individuals for ninety days before an imprisoned individual's expected release date. The benefits provided shall include:

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(1) Mental health services;

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(2) Behavioral health services;

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(3) Substance use disorder treatment and related services;

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(4) A thirty-day supply of prescription medication at the 112351
time of release, including medication administered by injection. 112352

(B) The department shall implement the medicaid waiver 112353
component within one year of approval from the United States 112354
centers for medicare and medicaid services. 112355

(C) (1) If the department is unable to apply for the 112356
medicaid waiver component within the time frame specified in 112357
division (A) of this section, the department shall request an 112358
extension of up to thirty days from the speaker of the house of 112359
representatives and the president of the senate. 112360

(2) If the department is unable to implement the medicaid 112361
waiver component within the time frame specified in division (B) 112362
of this section, the department shall request an extension for 112363
the amount of time needed to implement the waiver component from 112364
the speaker of the house of representatives and the president of 112365
the senate. 112366

(D) If the medicaid waiver component is not approved by 112367
the United States centers for medicare and medicaid services, 112368
the department shall reapply for the waiver within four years of 112369
the effective date of this section. 112370

Sec. 5167.01. As used in this chapter: 112371

(A) "340B covered entity" means an entity described in 112372
section 340B(a) (4) of the "Public Health Service Act," 42 U.S.C. 112373
256b(a) (4) and includes any pharmacy under contract with the 112374
entity to dispense drugs on behalf of the entity. 112375

(B) "Affiliated company" means an entity, including a 112376
third-party payer or specialty pharmacy, with common ownership, 112377
members of a board of directors, or managers, or that is a 112378
parent company, subsidiary company, jointly held company, or 112379

holding company with respect to the other entity. 112380

(C) "Care management system" means the system established 112381
under section 5167.03 of the Revised Code. 112382

(D) "Controlled substance" has the same meaning as in 112383
section 3719.01 of the Revised Code. 112384

(E) "Dual eligible individual" has the same meaning as in 112385
section 5160.01 of the Revised Code. 112386

(F) "Emergency services" has the same meaning as in the 112387
"Social Security Act," section 1932(b)(2), 42 U.S.C. 1396u-2(b) 112388
(2). 112389

(G) "Enrollee" means a medicaid recipient who participates 112390
in the care management system and enrolls in a medicaid MCO 112391
plan. 112392

(H) "ICDS participant" ~~has~~ and "integrated care delivery 112393
system" have the same ~~meaning~~ meanings as in section 5164.01 of 112394
the Revised Code. 112395

(I) "ICDS successor program" means a fully integrated dual 112396
eligible special needs plan established in accordance with 42 112397
C.F.R. 422.107, that the department of medicaid utilizes as a 112398
replacement for the integrated care delivery system. 112399

(J) "Medicaid managed care organization" means a managed 112400
care organization under contract with the department of medicaid 112401
pursuant to section 5167.10 of the Revised Code. 112402

~~(J)~~ (K) "Medicaid MCO plan" means a plan that a medicaid 112403
managed care organization, pursuant to its contract with the 112404
department of medicaid under section 5167.10 of the Revised 112405
Code, makes available to medicaid recipients participating in 112406
the care management system. 112407

(K) <u>(L)</u> "Medicaid waiver component" has the same meaning as	112408
in section 5166.01 of the Revised Code.	112409
<u>(M)</u> "Medicare coordination only dual special needs plan"	112410
means a dual special needs plan established in accordance with	112411
<u>42 C.F.R. 422.107(D)</u> .	112412
(L) <u>(N)</u> "Network provider" has the same meaning as in 42	112413
C.F.R. 438.2.	112414
(M) <u>(O)</u> "Nursing facility services" has the same meaning as	112415
in section 5165.01 of the Revised Code.	112416
(N) <u>(P)</u> "Part B drug" means a drug or biological described	112417
in section 1842(o)(1)(C) of the "Social Security Act," 42 U.S.C.	112418
1395u(o)(1)(C).	112419
(O) <u>(Q)</u> "Pharmacy benefit manager" has the same meaning as	112420
in section 3959.01 of the Revised Code.	112421
(P) <u>(R)</u> "Practice of pharmacy" has the same meaning as in	112422
section 4729.01 of the Revised Code.	112423
(Q) <u>(S)</u> "Prescribed drug" has the same meaning as in	112424
section 5164.01 of the Revised Code.	112425
(R) <u>(T)</u> "Prior authorization requirement" has the same	112426
meaning as in section 5160.34 of the Revised Code.	112427
(S) <u>(U)</u> "Provider" means any person or government entity	112428
that furnishes services to a medicaid recipient enrolled in a	112429
medicaid MCO plan, regardless of whether the person or entity	112430
has a provider agreement.	112431
(T) <u>(V)</u> "Provider agreement" has the same meaning as in	112432
section 5164.01 of the Revised Code.	112433
(U) <u>(W)</u> "State pharmacy benefit manager" means the pharmacy	112434

benefit manager selected by and under contract with the medicaid 112435
director under section 5167.24 of the Revised Code. 112436

~~(V)~~(X) "Third-party administrator" means any person who 112437
adjusts or settles claims on behalf of an insuring entity in 112438
connection with life, dental, health, prescription drugs, or 112439
disability insurance or self-insurance programs and includes a 112440
pharmacy benefit manager. 112441

Sec. 5167.03. (A) As part of the medicaid program, the 112442
department of medicaid shall establish a care management system. 112443
The department shall implement the system in some or all 112444
counties. 112445

(B) The department shall designate the medicaid recipients 112446
who are required or permitted to participate in the care 112447
management system. Those who shall be required to participate in 112448
the system include medicaid recipients who receive cognitive 112449
behavioral therapy as described in division (A) (2) of section 112450
5167.16 of the Revised Code. Except as provided in section 112451
5166.406 of the Revised Code, no medicaid recipient 112452
participating in the healthy Ohio program established under 112453
section 5166.40 of the Revised Code shall participate in the 112454
system. 112455

~~The~~ (C) Except as otherwise provided in this section, the 112456
general assembly's authorization through the enactment of 112457
legislation is needed before home and community-based services 112458
available under a medicaid waiver component or nursing facility 112459
services are included in the care management system, ~~except that~~ 112460
. ICDS participants, or participants in the ICDS successor 112461
program, may be required or permitted to obtain such services 112462
under the system. Medicaid recipients who receive such services 112463
may be designated for voluntary or mandatory participation in 112464

the system in order to receive other health care services 112465
included in the system. 112466

~~The~~ (D) Subject to division (E) of this section, the 112467
department may require or permit participants in the care 112468
management system to do either or both of the following: 112469

~~(A)~~ (1) Obtain health care services from providers 112470
designated by the department; 112471

~~(B)~~ (2) Enroll in a medicaid MCO plan. 112472

(E) (1) The department shall allow individuals 112473
participating in the care management system to enroll in the 112474
medicaid MCO plan of the individual's choosing. If an individual 112475
does not elect a medicaid MCO plan in which to enroll during the 112476
time period specified by the department, the department shall 112477
randomly assign the individual to a medicaid MCO plan. When 112478
assigning individuals to a medicaid MCO plan under this 112479
division, the department shall not give preference to any 112480
specific medicaid MCO plan or group of plans. 112481

(2) If the department is unable to satisfy the 112482
requirements established under division (E) (1) of this section, 112483
it shall notify the general assembly, the executive director of 112484
the joint medicaid oversight committee, and the auditor of state 112485
not later than thirty days after making such a determination. As 112486
part of the notice required under this division, the department 112487
shall provide an explanation as to why it is unable to satisfy 112488
the requirements. 112489

(F) The director shall allow participants in the 112490
integrated care delivery system or the ICDS successor program 112491
the choice to enroll in a medicare coordination only dual 112492
special needs plan offered by an entity that does not 112493

participate in the successor program and allow participants to 112494
remain with their current medicare dual special needs plan. 112495

The director shall grant medicaid provider contracts for 112496
coordination only dual special needs plans that are offered by 112497
entities not selected to participate in the integrated care 112498
delivery system or the successor program and permit the entities 112499
offering those plans to enroll in those plans dual eligible 112500
individuals and participants in the integrated care delivery 112501
system or the successor program. 112502

Sec. 5167.104. Each contract between the department of 112503
medicaid and a medicaid managed care organization entered into 112504
under section 5167.10 of the Revised Code shall require the 112505
organization to conduct internal cross checks of its data 112506
systems for all of the following information concerning medicaid 112507
enrollees under the organization's medicaid MCO plan: 112508

(A) Name; 112509

(B) Date of birth; 112510

(C) Social security number; 112511

(D) Home address. 112512

Sec. 5167.25. (A) The department of medicaid shall conduct 112513
an annual financial audit of each medicaid managed care 112514
organization. The audit shall, at a minimum, examine the 112515
administrative costs and total expenditures of each medicaid 112516
managed care organization. 112517

(B) As part of an audit conducted under this section, each 112518
medicaid managed care organization shall submit to the 112519
department a detailed breakdown of the organization's costs for 112520
all capitated payment contracts. The department shall utilize 112521

information provided by a medicaid managed care organization 112522
under this section to ensure that the organization complies with 112523
all medical loss ratio requirements. 112524

(C) The department shall prepare an annual report 112525
detailing the findings of audits conducted under this section. 112526
The report shall be submitted to the general assembly in 112527
accordance with section 101.68 of the Revised Code and the joint 112528
medicaid oversight committee. 112529

Sec. 5168.08. (A) Before or during each program year, the 112530
department of medicaid shall issue to each hospital the 112531
preliminary determination of the amount that the hospital is 112532
assessed under section 5168.06 of the Revised Code during the 112533
program year. The preliminary determination of a hospital's 112534
assessment shall be calculated for a cost-reporting period that 112535
is specified in rules adopted under section 5168.02 of the 112536
Revised Code. 112537

The department shall consult with hospitals each year when 112538
determining the date on which it will issue the preliminary 112539
determinations in order to minimize hospitals' cash flow 112540
difficulties. 112541

If no hospital submits a request for reconsideration under 112542
division (B) of this section, the preliminary determination 112543
constitutes the final reconciliation of each hospital's 112544
assessment under section 5168.06 of the Revised Code. The final 112545
reconciliation ~~is~~ constitutes an interim final order and may be 112546
subject to adjustments under made by the United States centers 112547
for medicare and medicaid services pursuant to division (D) of 112548
this section. 112549

(B) Not later than fourteen days after the preliminary 112550

determinations are issued, any hospital may submit to the 112551
department a written request to reconsider the preliminary 112552
determinations. The request shall be accompanied by written 112553
materials setting forth the basis for the reconsideration, which 112554
may be delivered to the department by regular mail, electronic 112555
mail, or in-person delivery. ~~If one or more hospitals submit a~~ 112556
~~request, the department shall hold a public hearing not later~~ 112557
~~than thirty days after the preliminary determinations are issued~~ 112558
~~to reconsider the preliminary determinations. The department~~ 112559
~~shall issue to each hospital a written notice of the date, time,~~ 112560
~~and place of the hearing at least ten days prior to the hearing.~~ 112561
On the basis of the evidence submitted to the department ~~or~~ 112562
~~presented at the public hearing,~~ the department shall reconsider 112563
and may adjust the preliminary determinations. The result of the 112564
reconsideration is the final reconciliation of the hospital's 112565
assessment under section 5168.06 of the Revised Code. The final 112566
reconciliation ~~is~~ constitutes an interim final order and may be 112567
subject to adjustments under by the United States centers for 112568
medicare and medicaid services pursuant to division (D) of this 112569
section. 112570

(C) The department shall issue to each hospital a written 112571
notice of its assessment for the program year under the final 112572
reconciliation. A hospital may appeal the final reconciliation 112573
of its assessment to the court of common pleas of Franklin 112574
county, pursuant to Chapter 2505. of the Revised Code. The 112575
complete record of the proceedings shall include all 112576
documentation considered by the department in issuing the final 112577
reconciliation. While a judicial appeal is pending, the hospital 112578
shall pay, in accordance with the schedules required by division 112579
(B) of section 5168.06 of the Revised Code, any amount of its 112580
assessment that is not in dispute into the hospital care 112581

assurance program fund created in section 5168.11 of the Revised 112582
Code. 112583

(D) In the course of any program year, the department may 112584
adjust the assessment rate or rates established in rules 112585
pursuant to section 5168.06 of the Revised Code or adjust the 112586
amounts of intergovernmental transfers required under section 112587
5168.07 of the Revised Code and, as a result of the adjustment, 112588
adjust each hospital's assessment and intergovernmental 112589
transfer, to reflect refinements made by the United States 112590
centers for medicare and medicaid services during that program 112591
year to the limits it prescribed under the "Social Security 112592
Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the 112593
assessment rate or rates must comply with division (A) of 112594
section 5168.06 of the Revised Code. An adjusted 112595
intergovernmental transfer must comply with division (A) of 112596
section 5168.07 of the Revised Code. The department shall notify 112597
hospitals of adjustments made under this division and adjust for 112598
the remainder of the program year the installments paid by 112599
hospitals under sections 5168.06 and 5168.07 of the Revised Code 112600
in accordance with rules adopted under section 5168.02 of the 112601
Revised Code. 112602

Sec. 5168.11. (A) Except as provided in section 5162.52 of 112603
the Revised Code, all payments of assessments by hospitals under 112604
section 5168.06 of the Revised Code and all intergovernmental 112605
transfers under section 5168.07 of the Revised Code shall be 112606
deposited in the state treasury to the credit of the hospital 112607
care assurance program fund, hereby created. All investment 112608
earnings of the hospital care assurance program fund shall be 112609
credited to the fund. The department of medicaid shall maintain 112610
records that show the amount of money in the hospital care 112611
assurance program fund at any time that has been paid by each 112612

hospital and the amount of any investment earnings on that 112613
amount. All moneys credited to the hospital care assurance 112614
program fund shall be used solely to make payments to hospitals 112615
under division (D) of this section and section 5168.09 of the 112616
Revised Code. 112617

(B) All federal matching funds received as a result of the 112618
department distributing funds from the hospital care assurance 112619
program fund to hospitals under section 5168.09 of the Revised 112620
Code shall be credited to the health care - federal fund created 112621
under section 5162.50 of the Revised Code. 112622

(C) All distributions of funds to hospitals under section 112623
5168.09 of the Revised Code are conditional on: 112624

(1) Expiration of the time for appeals under section 112625
5168.08 of the Revised Code without the filing of an appeal, or 112626
on court determinations, in the event of appeals, that the 112627
hospital is entitled to the funds; 112628

(2) The sum of the following being sufficient to 112629
distribute the funds after the final determination of any 112630
appeals: 112631

(a) The available money in the hospital care assurance 112632
program fund; 112633

(b) The available portion of the money in the health care 112634
- federal fund that is credited to that fund pursuant to 112635
division (B) of this section. 112636

(3) The hospital's compliance with section 5168.14 of the 112637
Revised Code. 112638

(D) If an audit conducted by the department, pursuant to 112639
42 C.F.R. 455.304, of the amounts of payments made and funds 112640

received by hospitals under sections 5168.06, 5168.07, and 112641
5168.09 of the Revised Code identifies amounts that, due to 112642
errors by the department, a hospital should not have been 112643
required to pay but did pay, should have been required to pay 112644
but did not pay, should not have received but did receive, or 112645
should have received but did not receive, the department shall: 112646

(1) Make payments to any hospital that the audit reveals 112647
paid amounts it should not have been required to pay or did not 112648
receive amounts it should have received; 112649

(2) Take action to recover from a hospital any amounts 112650
that the audit reveals it should have been required to pay but 112651
did not pay or that it should not have received but did receive. 112652

Payments made under division (D) (1) of this section shall 112653
be made from the hospital care assurance program fund. Amounts 112654
recovered under division (D) (2) of this section shall be 112655
deposited to the credit of that fund. ~~Any hospital may appeal~~ 112656
~~the amount.~~ An action authorized under Chapter 2721. of the 112657
Revised Code and filed in Franklin county shall be the exclusive 112658
remedy for any hospital that disagrees with the amount that the 112659
hospital is to be paid under division (D) (1) or the amount that 112660
is to be recovered from the hospital under division (D) (2) of 112661
this section to the court of common pleas of Franklin county. 112662
While any judicial proceeding is pending under division (D) of 112663
this section, a hospital shall pay to the hospital care 112664
assurance program fund any amount identified pursuant to 112665
division (D) (2) of this section that is not in dispute. 112666

Sec. 5168.22. (A) Before or during each assessment program 112667
year, the department of medicaid shall issue to each hospital 112668
the preliminary determination of the amount that the hospital is 112669
assessed under section 5168.21 of the Revised Code for the 112670

assessment program year. Except as provided in division (B) of 112671
this section, the preliminary determination becomes the final 112672
determination for the assessment program year fifteen days after 112673
the preliminary determination is issued to the hospital. 112674

(B) A hospital may request that the department reconsider 112675
the preliminary determination issued to the hospital under 112676
division (A) of this section by submitting to the department a 112677
written request for a reconsideration not later than fourteen 112678
days after the hospital's preliminary determination is issued to 112679
the hospital. The request must be accompanied by written 112680
materials setting forth the basis for the reconsideration, which 112681
may be delivered to the department by regular mail, electronic 112682
mail, or in-person delivery. On receipt of the timely request, 112683
the department shall reconsider the preliminary determination 112684
and may adjust the preliminary determination on the basis of the 112685
written materials accompanying the request. The result of the 112686
reconsideration is the final determination of the hospital's 112687
assessment under section 5168.21 of the Revised Code for the 112688
assessment program year. 112689

(C) The department shall issue to each hospital a written 112690
notice of the final determination of its assessment for the 112691
assessment program year. A hospital may appeal the final 112692
determination to the court of common pleas of Franklin county, 112693
pursuant to Chapter 2505. of the Revised Code. The complete 112694
record of the proceedings shall include all documentation 112695
considered by the department in issuing the final determination. 112696
While a judicial appeal is pending, the hospital shall pay, in 112697
accordance with section 5168.23 of the Revised Code, any amount 112698
of its assessment that is not in dispute. 112699

Sec. ~~5104.50~~ 5180.04. (A) The governor shall create the 112700

~~early childhood~~ children and youth advisory council in 112701
accordance with 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441 and 112702
shall appoint one of its members to serve as chairperson of the 112703
council with the director of children and youth serving as co- 112704
chair. The council shall serve as both the state advisory 112705
council on early childhood education and care, as described in 112706
42 U.S.C. 9837b(b) (1), and the state interagency coordinating 112707
council, as described in 20 U.S.C. 1441. ~~In addition to the~~ 112708
~~duties specified in 42 U.S.C. 9837b(b) (1), the~~ The council shall 112709
~~promote~~ advise the governor on the availability, accessibility, 112710
affordability, and quality of services provided through the 112711
prenatal and child-serving systems. This includes fostering a 112712
continuum of care that promotes family-centered programs and 112713
services that acknowledge and support the social, emotional, 112714
cognitive, intellectual, and physical development of children 112715
and the vital role of families in ensuring the well-being and 112716
success of children. 112717

(B) (1) The advisory council shall include up to twenty- 112718
five members appointed by the governor, including the following: 112719

(a) At least one representative of the department of 112720
children and youth; 112721

(b) At least one representative of the department of 112722
medicaid; 112723

(c) At least one representative of the department of job 112724
and family services; 112725

(d) At least one representative of the department of 112726
mental health and addiction services; 112727

(e) At least one representative of the department of 112728
education and workforce; 112729

<u>(f) At least one representative of the department of</u>	112730
<u>health;</u>	112731
<u>(g) At least one representative of the department of</u>	112732
<u>developmental disabilities;</u>	112733
<u>(h) At least one representative of the department of youth</u>	112734
<u>services;</u>	112735
<u>(i) At least one representative from each of the following</u>	112736
<u>stakeholder groups, selected from multi-sized municipal</u>	112737
<u>corporations and geographically diverse areas of the state,</u>	112738
<u>including rural, urban, and suburban areas:</u>	112739
<u>(i) Maternal and infant vitality;</u>	112740
<u>(ii) Early intervention;</u>	112741
<u>(iii) Home visiting;</u>	112742
<u>(iv) Early childhood education;</u>	112743
<u>(v) Child care centers providing publicly funded child</u>	112744
<u>care;</u>	112745
<u>(vi) Family child care homes providing publicly funded</u>	112746
<u>child care;</u>	112747
<u>(vii) School child programs;</u>	112748
<u>(viii) Preschool programs;</u>	112749
<u>(ix) Children's services.</u>	112750
<u>(2) In making appointments to the advisory council, the</u>	112751
<u>governor shall ensure that the membership of the council</u>	112752
<u>reasonably represents the population of the state.</u>	112753
<u>(C) (1) The advisory council shall create topic-specific</u>	112754
<u>advisory groups that address a continuum of services including</u>	112755

the following: 112756

(a) Early childhood education and care; 112757

(b) Children services; 112758

(c) Maternal and infant vitality; 112759

(d) Early childhood mental health services and supports; 112760

(e) Early intervention services. 112761

(2) No representative of the department of children and 112762
youth shall serve as a chairperson for a topic-specific advisory 112763
group. 112764

(3) The governor shall appoint additional members as 112765
necessary to the early childhood education and care advisory 112766
group and the early intervention services advisory group to 112767
satisfy the requirements of 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 112768
1441. 112769

(4) The director of children and youth shall appoint each 112770
representative appointed pursuant to division (B) (1) (i) of this 112771
section to at least one topic-specific advisory group. 112772

Sec. 5180.14. (A) As used in this section and sections 112773
5180.15, 5180.16, and 5180.17 of the Revised Code: 112774

 (1) "Child care center," "type A family child care home," 112775
and "licensed type B family child care home" have the same 112776
meanings as in section 5104.01 of the Revised Code. 112777

 (2) "Child care facility" means a child care center, a 112778
type A family child care home, or a licensed type B family child 112779
care home. 112780

 (3) "Foster caregiver" has the same meaning as in section 112781
5103.02 of the Revised Code. 112782

(4) "Freestanding birthing center" has the same meaning as 112783
in section 3701.503 of the Revised Code. 112784

(5) "Hospital" has the same meaning as in section 3722.01 112785
of the Revised Code to which either of the following applies: 112786

(a) The hospital has a maternity unit. 112787

(b) The hospital receives for care infants who have been 112788
transferred to it from other facilities and who have never been 112789
discharged to their residences following birth. 112790

(6) "Infant" means a child who is less than one year of 112791
age. 112792

(7) "Maternity unit" means the distinct portion of a 112793
hospital in which maternity services are provided. 112794

(8) "Other person responsible for the infant" includes a 112795
foster caregiver. 112796

(9) "Parent" means either parent, unless the parents are 112797
separated or divorced or their marriage has been dissolved or 112798
annulled, in which case "parent" means the parent who is the 112799
residential parent and legal custodian of the child. "Parent" 112800
also means a prospective adoptive parent with whom a child is 112801
placed. 112802

(10) "Shaken baby syndrome" means signs and symptoms, 112803
including, but not limited to, retinal hemorrhages in one or 112804
both eyes, subdural hematoma, or brain swelling, resulting from 112805
the violent shaking or the shaking and impacting of the head of 112806
an infant or small child. 112807

(B) The director of children and youth shall establish the 112808
shaken baby syndrome education program by doing all of the 112809
following: 112810

(1) Developing educational materials that present readily 112811
comprehensible information on shaken baby syndrome; 112812

(2) Making available on the department of children and 112813
youth web site in an easily accessible format the educational 112814
materials developed under division (B)(1) of this section; 112815

(3) Annually assessing the effectiveness of the shaken 112816
baby syndrome education program by doing all of the following: 112817

(a) Evaluating the reports received pursuant to section 112818
~~5101.135~~ 5180.405 of the Revised Code; 112819

(b) Reviewing the content of the educational materials to 112820
determine if updates or improvements should be made; 112821

(c) Reviewing the manner in which the educational 112822
materials are distributed, as described in section 5180.15 of 112823
the Revised Code, to determine if modifications to that manner 112824
should be made. 112825

(C) In meeting the requirements under division (B) of this 112826
section, the director shall develop educational materials that, 112827
to the extent possible, minimize administrative or financial 112828
burdens on any of the entities or persons listed in section 112829
5180.15 of the Revised Code. 112830

Sec. 5180.21. (A) The department of children and youth 112831
shall establish the help me grow program as the state's 112832
evidence-based parent support program that encourages early 112833
prenatal and well-baby care, as well as provides parenting 112834
education to promote the comprehensive health and development of 112835
children. The program shall provide home visiting services to 112836
families with a pregnant woman or child under five years of age 112837
that meet the eligibility requirements established in rules 112838
adopted under this section. Home visiting services shall be 112839

provided through evidence-based home visiting models or 112840
innovative, promising home visiting models recommended by the 112841
~~Ohio home visiting consortium~~ children and youth advisory 112842
council created under section ~~5180.23~~ 5180.04 of the Revised 112843
Code. 112844

(B) Families shall be referred to the appropriate home 112845
visiting services through the central intake and referral system 112846
created under section 5180.22 of the Revised Code. 112847

(C) To the extent possible, the goals of the help me grow 112848
program shall be consistent with the goals of the federal home 112849
visiting program, as specified by the maternal and child health 112850
bureau of the health resources and services administration in 112851
the United States department of health and human services or its 112852
successor. 112853

(D) The director of children and youth may enter into an 112854
interagency agreement with one or more state agencies to 112855
implement the help me grow program and ensure coordination of 112856
early childhood programs. 112857

(E) The director may distribute help me grow program funds 112858
through contracts, grants, or subsidies to entities providing 112859
services under the program. 112860

(F) As a condition of receiving payments for home visiting 112861
services, providers shall report to the director data on the 112862
program performance indicators, specified in rules adopted under 112863
division (G) of this section, that are used to assess progress 112864
toward achieving all of the following: 112865

(1) The benchmark domains established for the federal home 112866
visiting program, including improvement in maternal and newborn 112867
health; reduction in child injuries, abuse, and neglect; 112868

improved school readiness and achievement; reduction in crime 112869
and domestic violence; and improved family economic self- 112870
sufficiency; 112871

(2) Improvement in birth outcomes and reduction in 112872
stillbirths, as that term is defined in section 5180.12 of the 112873
Revised Code; 112874

(3) Reduction in tobacco use by pregnant women, new 112875
parents, and others living in households with children. 112876

The providers shall report the data in the format and 112877
within the time frames specified in the rules. 112878

The director shall prepare an annual report on the data 112879
received from the providers. The director shall make the report 112880
available on the internet web site maintained by the department 112881
of children and youth. 112882

(G) Pursuant to Chapter 119. of the Revised Code, the 112883
director shall adopt rules that are necessary and proper to 112884
implement this section. The rules shall specify all of the 112885
following: 112886

(1) Subject to division (H) of this section, eligibility 112887
requirements for home visiting services; 112888

(2) Eligibility requirements for providers of home 112889
visiting services; 112890

(3) Standards and procedures for the provision of program 112891
services, including data collection, program monitoring, and 112892
program evaluation; 112893

(4) Procedures for appealing the denial of an application 112894
for program services or the termination of services; 112895

(5) Procedures for appealing the denial of an application 112896
to become a provider of program services or the termination of 112897
the department's approval of a provider; 112898

(6) Procedures for addressing complaints; 112899

(7) The program performance indicators on which data must 112900
be reported by providers of home visiting services under 112901
division (F) of this section, which, to the extent possible, 112902
shall be consistent with federal reporting requirements for 112903
federally funded home visiting services; 112904

(8) The format in which reports must be submitted under 112905
division (F) of this section and the time frames within which 112906
the reports must be submitted; 112907

(9) Criteria for payment of approved providers of program 112908
services; 112909

(10) Any other rules necessary to implement the program. 112910

(H) When adopting rules required by division (G) (1) of 112911
this section, the department shall specify that families 112912
residing in the urban and rural communities specified in rules 112913
adopted under section 3701.142 of the Revised Code are to 112914
receive priority over other families for home visiting services. 112915

Sec. 5180.22. (A) The department of children and youth 112916
shall create a central intake and referral system for all home 112917
visiting programs operating in this state. Through a competitive 112918
bidding process, the department of children and youth may select 112919
one or more persons or government entities to operate the 112920
system. 112921

(B) If the department of children and youth chooses to 112922
select one or more system operators as described in division (A) 112923

of this section, a contract with any system operator shall 112924
require that the system do both of the following: 112925

(1) Serve as a single point of entry for access, 112926
assessment, and referral of families to appropriate home 112927
visiting services based on each family's location of residence; 112928

(2) Use a standardized form or other mechanism to assess 112929
for each family member's risk factors and social determinants of 112930
health, as well as ensure that the family is referred to the 112931
appropriate home visiting program, which may include a program 112932
that uses home visiting contractors who provide services within 112933
a community HUB that fully or substantially complies with the 112934
pathways community HUB certification standards developed by the 112935
pathways community HUB institute. 112936

(C) The standardized form or other mechanism described in 112937
division (B) (2) of this section shall be agreed to by the home 112938
visiting consortium created under section 5180.23 of the Revised 112939
Code. 112940

(D) A contract entered into under division (B) of this 112941
section shall require a system operator to issue an annual 112942
report to the department of children and youth that includes 112943
data regarding referrals made by the central intake and referral 112944
system, costs associated with the referrals, and the quality of 112945
services received by families who were referred to services 112946
through the system. The report shall be distributed to the ~~home-~~ 112947
~~visiting consortium~~ children and youth advisory council created 112948
under section ~~5180.23~~ 5180.04 of the Revised Code. 112949

(E) Nothing in this section is intended to do any of the 112950
following: 112951

(1) Prohibit the department of children and youth from 112952

using alternative promotional materials or names for the central 112953
intake and referral system; 112954

(2) Require the use of help me grow program promotional 112955
materials or names; 112956

(3) Prohibit providers, central coordinators, the 112957
department of children and youth, or stakeholders from using the 112958
help me grow name for promotional materials for home visiting. 112959

Sec. ~~5101.76~~ 5180.26. (A) A residential camp, as defined 112960
in section 2151.011 of the Revised Code, a child day camp, as 112961
defined in section 5104.01 of the Revised Code, or a child day 112962
camp operated by any county, township, municipal corporation, 112963
township park district created under section 511.18 of the 112964
Revised Code, park district created under section 1545.04 of the 112965
Revised Code, or joint recreation district established under 112966
section 755.14 of the Revised Code may procure epinephrine 112967
autoinjectors for use in emergency situations identified under 112968
division (C) (5) of this section by doing one of the following: 112969

(1) Having a licensed health professional authorized to 112970
prescribe drugs, acting in accordance with section 4723.483, 112971
4730.433, or 4731.96 of the Revised Code, personally furnish the 112972
epinephrine autoinjectors to the camp or issue a prescription 112973
for them in the name of the camp; 112974

(2) Obtaining a prescriber-issued protocol that includes 112975
definitive orders for epinephrine autoinjectors and the dosages 112976
of epinephrine to be administered through them. 112977

A camp that elects to procure epinephrine autoinjectors 112978
under this section is encouraged to maintain at least two 112979
epinephrine autoinjectors at all times. 112980

(B) A camp that elects to procure epinephrine 112981

autoinjectors under this section shall adopt a policy governing 112982
their maintenance and use. Before adopting the policy, the camp 112983
shall consult with a licensed health professional authorized to 112984
prescribe drugs. 112985

(C) The policy adopted under division (B) of this section 112986
shall do all of the following: 112987

(1) Identify the one or more locations in which an 112988
epinephrine autoinjector must be stored; 112989

(2) Specify the conditions under which an epinephrine 112990
autoinjector must be stored, replaced, and disposed; 112991

(3) Specify the individuals employed by or under contract 112992
with the camp who may access and use an epinephrine autoinjector 112993
to provide a dosage of epinephrine to an individual in an 112994
emergency situation identified under division (C) (5) of this 112995
section; 112996

(4) Specify any training that employees or contractors 112997
specified under division (C) (3) of this section must complete 112998
before being authorized to access and use an epinephrine 112999
autoinjector; 113000

(5) Identify the emergency situations, including when an 113001
individual exhibits signs and symptoms of anaphylaxis, in which 113002
employees or contractors specified under division (C) (3) of this 113003
section may access and use an epinephrine autoinjector; 113004

(6) Specify that assistance from an emergency medical 113005
service provider must be requested immediately after an 113006
epinephrine autoinjector is used; 113007

(7) Specify the individuals to whom a dosage of 113008
epinephrine may be administered through an epinephrine 113009

autoinjector in an emergency situation specified under division 113010
(C) (5) of this section. 113011

(D) (1) The following are not liable in damages in a civil 113012
action for injury, death, or loss to person or property that 113013
allegedly arises from an act or omission associated with 113014
procuring, maintaining, accessing, or using an epinephrine 113015
autoinjector under this section, unless the act or omission 113016
constitutes willful or wanton misconduct: 113017

(a) A camp; 113018

(b) A camp employee or contractor; 113019

(c) A licensed health professional authorized to prescribe 113020
drugs who personally furnishes or prescribes epinephrine 113021
autoinjectors, provides a consultation, or issues a protocol 113022
pursuant to this section. 113023

(2) This section does not eliminate, limit, or reduce any 113024
other immunity or defense that a camp or camp employee or 113025
contractor or licensed health professional may be entitled to 113026
under Chapter 2744. or any other provision of the Revised Code 113027
or under the common law of this state. 113028

(E) A camp may accept donations of epinephrine 113029
autoinjectors from a wholesale distributor of dangerous drugs, 113030
as defined in section 4729.01 of the Revised Code, and may 113031
accept donations of money from any person to purchase 113032
epinephrine autoinjectors. 113033

(F) A camp that elects to procure epinephrine 113034
autoinjectors under this section shall report to the department 113035
of children and youth each procurement and occurrence in which 113036
an epinephrine autoinjector is used from a camp's supply of 113037
epinephrine autoinjectors. 113038

(G) As used in this section, "licensed health professional 113039
authorized to prescribe drugs" and "prescriber" have the same 113040
meanings as in section 4729.01 of the Revised Code. 113041

Sec. ~~5101.77~~ 5180.261. (A) As used in this section, 113042
"inhaler" means a device that delivers medication to alleviate 113043
asthmatic symptoms, is manufactured in the form of a metered 113044
dose inhaler or dry powdered inhaler, and may include a spacer, 113045
holding chamber, or other device that attaches to the inhaler 113046
and is used to improve the delivery of the medication. 113047

(B) A residential camp, as defined in section 2151.011 of 113048
the Revised Code, a child day camp, as defined in section 113049
5104.01 of the Revised Code, or a child day camp operated by any 113050
county, township, municipal corporation, township park district 113051
created under section 511.18 of the Revised Code, park district 113052
created under section 1545.04 of the Revised Code, or joint 113053
recreation district established under section 755.14 of the 113054
Revised Code may procure inhalers for use in emergency 113055
situations identified under division (D)(5) of this section. A 113056
camp that elects to procure inhalers under this section is 113057
encouraged to maintain at least two inhalers at all times. 113058

(C) A camp that elects to procure inhalers under this 113059
section shall adopt a policy governing their maintenance and 113060
use. Before adopting the policy, the camp shall consult with a 113061
licensed health professional authorized to prescribe drugs, as 113062
defined in section 4729.01 of the Revised Code. 113063

(D) A component of a policy adopted by a camp under 113064
division (C) of this section shall be a prescriber-issued 113065
protocol specifying definitive orders for inhalers, including 113066
the dosages of medication to be administered through them, the 113067
number of times that each inhaler may be used before disposal, 113068

and the methods of disposal. The policy also shall do all of the following: 113069
113070

(1) Identify the one or more locations in which an inhaler must be stored; 113071
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(2) Specify the conditions under which an inhaler must be stored, replaced, and disposed; 113073
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(3) Specify the individuals employed by or under contract with the camp who may access and use an inhaler to provide a dosage of medication to an individual in an emergency situation identified under division (D) (5) of this section; 113075
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(4) Specify any training that employees or contractors specified under division (D) (3) of this section must complete before being authorized to access and use an inhaler; 113079
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113081

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of asthma, in which employees or contractors specified under division (D) (3) of this section may access and use an inhaler; 113082
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(6) Specify that assistance from an emergency medical service provider must be requested immediately after an employee or contractor, other than a licensed health professional, uses an inhaler; 113086
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(7) Specify the individuals to whom a dosage of medication may be administered through an inhaler in an emergency situation specified under division (D) (5) of this section. 113090
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(E) A camp or camp employee or contractor is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an 113093
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inhaler under this section, unless the act or omission 113097
constitutes willful or wanton misconduct. 113098

This section does not eliminate, limit, or reduce any 113099
other immunity or defense that a camp or camp employee or 113100
contractor may be entitled to under Chapter 2744. or any other 113101
provision of the Revised Code or under the common law of this 113102
state. 113103

(F) A camp may accept donations of inhalers from a 113104
wholesale distributor of dangerous drugs, as defined in section 113105
4729.01 of the Revised Code, and may accept donations of money 113106
from any person to purchase inhalers. 113107

(G) A camp that elects to procure inhalers under this 113108
section shall report to the department of children and youth 113109
each procurement and occurrence in which an inhaler is used from 113110
a camp's supply of inhalers. 113111

Sec. ~~5101.78~~ 5180.262. (A) As used in this section, 113112
"licensed health professional authorized to prescribe drugs" and 113113
"prescriber" have the same meanings as in section 4729.01 of the 113114
Revised Code. 113115

(B) A residential camp, as defined in section 2151.011 of 113116
the Revised Code; a child day camp, as defined in section 113117
5104.01 of the Revised Code; or a child day camp operated by any 113118
county, township, municipal corporation, township park district 113119
created under section 511.18 of the Revised Code, park district 113120
created under section 1545.04 of the Revised Code, or joint 113121
recreation district established under section 755.14 of the 113122
Revised Code may procure injectable or nasally administered 113123
glucagon for use in emergency situations identified under 113124
division (D) (5) of this section by doing one of the following: 113125

(1) Having a licensed health professional authorized to 113126
prescribe drugs, acting in accordance with section 4723.4811, 113127
4730.437, or 4731.92 of the Revised Code, personally furnish the 113128
injectable or nasally administered glucagon to the camp or issue 113129
a prescription for the drug in the name of the camp; 113130

(2) Obtaining a prescriber-issued protocol that includes 113131
definitive orders for injectable or nasally administered 113132
glucagon and the dosages to be administered; 113133

A camp that elects to procure injectable or nasally 113134
administered glucagon under this section is encouraged to 113135
maintain at least two doses of the drug at all times. 113136

(C) A camp that elects to procure injectable or nasally 113137
administered glucagon under this section shall adopt a policy 113138
governing maintenance and use of the drug. Before adopting the 113139
policy, the camp shall consult with a licensed health 113140
professional authorized to prescribe drugs. 113141

(D) The policy adopted under division (C) of this section 113142
shall do all of the following: 113143

(1) Identify the one or more locations at the camp in 113144
which injectable or nasally administered glucagon must be 113145
stored; 113146

(2) Specify the conditions under which injectable or 113147
nasally administered glucagon must be stored, replaced, or 113148
disposed; 113149

(3) Specify the individuals employed by or under contract 113150
with the camp, or who volunteer at the camp, who may access and 113151
use injectable or nasally administered glucagon in an emergency 113152
situation identified under division (D) (5) of this section; 113153

(4) Specify any training that employees, contractors, or volunteers specified under division (D) (3) of this section must complete before being authorized to access and use injectable or nasally administered glucagon;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of severe hypoglycemia, in which employees, contractors, or volunteers specified under division (D) (3) of this section may access and use injectable or nasally administered glucagon;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered;

(7) Specify the individuals to whom a dose of glucagon may be administered in an emergency situation specified under division (D) (5) of this section.

(E) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A camp;

(b) A camp employee, contractor, or volunteer;

(c) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section;

(2) This section does not eliminate, limit, or reduce any

other immunity or defense that a camp; camp employee, 113182
contractor, or volunteer; or licensed health professional may be 113183
entitled to under Chapter 2744. or any other provision of the 113184
Revised Code or under the common law of this state. 113185

(F) A camp may accept donations of injectable or nasally 113186
administered glucagon from a wholesale distributor of dangerous 113187
drugs or manufacturer of dangerous drugs, as defined in section 113188
4729.01 of the Revised Code, and may accept donations of money 113189
from any person to purchase the drug. 113190

(G) A camp that elects to procure injectable or nasally 113191
administered glucagon under this section shall report to the 113192
department of children and youth each procurement and each 113193
occurrence in which a dose of the drug is used from the camp's 113194
supply. 113195

Sec. ~~3738.01~~ 5180.27. (A) As used in this section and 113196
sections ~~3738.02-5180.271~~ to ~~3738.09-5180.278~~ of the Revised 113197
Code, "pregnancy-associated death" means the death of a woman 113198
while pregnant or anytime within one year of pregnancy 113199
regardless of cause. 113200

(B) There is hereby established in the department of 113201
~~health-children and youth~~ a pregnancy-associated mortality 113202
review (PAMR) board to identify and review all pregnancy- 113203
associated deaths statewide for the purpose of reducing the 113204
incidence of those deaths. 113205

Sec. ~~3738.02~~ 5180.271. The PAMR board may not conduct a 113206
review of a pregnancy-associated death while an investigation of 113207
the death or prosecution of a person for causing the death is 113208
pending unless the prosecuting attorney agrees to allow the 113209
review. The law enforcement agency conducting the criminal 113210

investigation, on the conclusion of the investigation, and the 113211
prosecuting attorney prosecuting the case, on the conclusion of 113212
the prosecution, shall notify the chairperson of the PAMR board 113213
of the conclusion. 113214

Sec. ~~3738.03~~ 5180.272. All of the following apply with 113215
respect to the PAMR board: 113216

(A) The director of ~~health~~-children and youth shall 113217
appoint the board's members. In doing so, the director shall 113218
make a good faith effort to select members who represent all 113219
regions of the state and multiple areas of expertise and 113220
constituencies concerned with the care of pregnant and 113221
postpartum women. 113222

(B) The board, by a majority vote of a quorum of its 113223
members, shall select an individual to serve as its chairperson. 113224
The board may replace a chairperson in the same manner. 113225

(C) An appointed member shall hold office until a 113226
successor is appointed. The director of ~~health~~-children and 113227
youth shall fill a vacancy as soon as practicable. 113228

(D) A member shall not receive any compensation for, and 113229
shall not be paid for any expenses incurred pursuant to, 113230
fulfilling the member's duties on the board. 113231

(E) The board shall meet at the call of the board's 113232
chairperson as often as the chairperson determines necessary for 113233
timely completion of pregnancy-associated death reviews. The 113234
reviews shall be conducted in accordance with rules adopted 113235
under section ~~3738.09~~-5180.278 of the Revised Code. 113236

(F) The department of ~~health~~-children and youth shall 113237
provide meeting space, staff services, and other technical 113238
assistance required by the board in carrying out its duties. 113239

Sec. ~~3738.04~~ 5180.273. The PAMR board shall seek to reduce 113240
the incidence of pregnancy-associated deaths in this state by 113241
doing all of the following: 113242

(A) Promoting cooperation, collaboration, and 113243
communication between all groups, professions, agencies, and 113244
entities that serve pregnant and postpartum women and families; 113245

(B) Recommending and developing plans for implementing 113246
service and program changes, as well as changes to the groups, 113247
professions, agencies, and entities that serve pregnant and 113248
postpartum women and families; 113249

(C) Providing the department of ~~health~~ children and youth 113250
with aggregate data, trends, and patterns regarding pregnancy- 113251
associated deaths using data and other relevant information 113252
specified in rules adopted under section ~~3738.09~~ 5180.278 of the 113253
Revised Code; 113254

(D) Developing effective interventions to reduce the 113255
mortality of pregnant and postpartum women. 113256

Sec. ~~3738.05~~ 5180.274. (A) Notwithstanding section 113257
3701.243 and any other section of the Revised Code pertaining to 113258
confidentiality, and except as provided in division (B) of this 113259
section, an individual, government entity, agency that provides 113260
services specifically to individuals or families, law 113261
enforcement agency, health care provider, or other public or 113262
private entity that provided services to a woman whose death is 113263
being reviewed by the PAMR board shall submit to the board a 113264
copy of any record it possesses that the board requests. In 113265
addition, such an individual or entity may make available to the 113266
board additional information, documents, or reports that could 113267
be useful to the board's investigation. 113268

(B) No person, government entity, law enforcement agency, 113269
or prosecuting attorney shall provide any information regarding 113270
a pregnancy-associated death while an investigation of the death 113271
or prosecution of a person for causing the death is pending 113272
unless the prosecuting attorney agrees to allow the review. 113273

(C) A family member of the deceased may decline to 113274
participate in an interview as part of the review process. In 113275
that case, the review shall continue without the family member's 113276
participation. 113277

Sec. ~~3738.06~~ 5180.275. (A) Any record, document, report, 113278
or other information presented to the PAMR board, as well as all 113279
statements made by board members during board meetings, all work 113280
products of the board, and data submitted to the department of 113281
~~health-children and youth~~ by the board, other than the biennial 113282
reports described in section ~~3738.08~~ 5180.277 of the Revised 113283
Code, are confidential and not a public record under section 113284
149.43 of the Revised Code. Such materials shall be used by the 113285
board and department only in the exercise of the proper 113286
functions of the board and department. 113287

(B) No person shall permit or encourage the unauthorized 113288
dissemination of confidential information described in division 113289
(A) of this section. 113290

~~(C) Whoever violates division (B) of this section is~~ 113291
~~guilty of a misdemeanor of the second degree.~~ 113292

Sec. ~~3738.07~~ 5180.276. (A) An individual or public or 113293
private entity providing records, documents, reports, or other 113294
information to the PAMR board is immune from any civil liability 113295
for injury, death, or loss to person or property that otherwise 113296
might be incurred or imposed as a result of providing the 113297

records, documents, reports, or information to the board. 113298

(B) Each board member is immune from any civil liability 113299
for injury, death, or loss to person or property that might 113300
otherwise be incurred or imposed as a result of the member's 113301
participation on the board. 113302

Sec. ~~3738.08~~ 5180.277. (A) The PAMR board shall prepare a 113303
biennial report that does all of the following: 113304

(1) Summarizes the board's findings from the reviews 113305
completed in the immediately preceding two calendar years, 113306
including any trends or patterns identified by the board; 113307

(2) Makes recommendations on how pregnancy-associated 113308
deaths may be prevented, including changes that should be made 113309
to policies and laws; 113310

(3) Includes any other information related to pregnancy- 113311
associated mortality the board considers useful. 113312

(B) A report shall not contain individually identifiable 113313
information regarding any woman whose death was reviewed by the 113314
board. 113315

(C) The board shall submit a copy of each report to the 113316
director of ~~health~~children and youth, the general assembly, and 113317
the governor. The copy to the general assembly shall be 113318
submitted in accordance with section 101.68 of the Revised Code. 113319
The initial report shall be submitted not later than March 1, 113320
2020, with subsequent reports submitted not later than March 1 113321
every two years thereafter. 113322

The director shall make a copy of each report available on 113323
the department of ~~health's~~children and youth's web site. 113324

(D) Reports prepared under this section are public records 113325

under section 149.43 of the Revised Code. 113326

Sec. ~~3738.09~~ 5180.278. The director of ~~health~~ children and
youth shall adopt rules that are necessary for the 113327
implementation of sections ~~3738.01~~ 5180.27 to ~~3738.08~~ 5180.277 113328
of the Revised Code, including rules that do all of the 113329
following: 113330
113331

(A) Establish a procedure for the PAMR board to follow in 113332
conducting pregnancy-associated death reviews; 113333

(B) Specify the data and other relevant information the 113334
board must use when conducting pregnancy-associated death 113335
reviews; 113336

(C) Establish guidelines for the board to follow to 113337
prevent an unauthorized dissemination of confidential 113338
information in violation of division (B) of section ~~3738.06~~ 113339
5180.275 of the Revised Code. 113340

The rules shall be adopted in accordance with Chapter 119. 113341
of the Revised Code. 113342

Sec. ~~5101.13~~ 5180.40. (A) The department of children and 113343
youth shall establish and maintain a uniform statewide automated 113344
child welfare information system in accordance with the 113345
requirements of 42 ~~U.S.C.A.~~ U.S.C. 674(a)(3)(C) and related 113346
federal regulations and guidelines. The information system shall 113347
contain records regarding any of the following: 113348

(1) Investigations of children and families, and 113349
children's care in out-of-home care, in accordance with sections 113350
2151.421 and 5153.16 of the Revised Code; 113351

(2) Care and treatment provided to children and families; 113352

(3) Any other information related to children and families 113353

that state or federal law, regulation, or rule requires the 113354
department or a public children services agency to maintain. 113355

~~(B) The department shall plan implementation of the 113356
information system on a county-by-county basis and shall 113357
finalize statewide implementation by all public children 113358
services agencies as described in section 5153.02 of the Revised 113359
Code not later than January 1, 2008. 113360~~

~~(C) The department shall promptly notify all public 113361
children services agencies of the initiation and completion of 113362
statewide implementation of the statewide information system 113363
established under division (A) of this section. 113364~~

~~(D) "Out-of-home care" has the same meaning as in section 113365
2151.011 of the Revised Code. 113366~~

Sec. ~~5101.131~~ 5180.401. Except as provided in section 113367
~~5101.132~~ 5180.402 of the Revised Code, information contained in 113368
or obtained from the information system established and 113369
maintained under section ~~5101.13~~ 5180.40 of the Revised Code is 113370
confidential and is not subject to disclosure pursuant to 113371
section 149.43 or 1347.08 of the Revised Code. 113372

Sec. ~~5101.132~~ 5180.402. (A) Information contained in the 113373
information system established and maintained under section 113374
~~5101.13~~ 5180.40 of the Revised Code may be accessed or entered 113375
only as follows: 113376

(1) The department of job and family services, the 113377
department of children and youth, a public children services 113378
agency, a title IV-E agency, a prosecuting attorney, a private 113379
child placing agency, and a private noncustodial agency may 113380
access or enter the information when either of the following is 113381
the case: 113382

(a) The access or entry is directly connected with 113383
assessment, investigation, or services regarding a child or 113384
family; 113385

(b) The access or entry is permitted by state or federal 113386
law, rule, or regulation. 113387

(2) A person may access or enter the information in a 113388
manner, to the extent, and for the purposes authorized by rules 113389
adopted by the department. 113390

(B) As used in this section, "title IV-E agency" means a 113391
public children services agency or a public entity with which 113392
the department of job and family services or department of 113393
children and youth has a title IV-E subgrant agreement in 113394
effect. 113395

Sec. ~~5101.133~~ 5180.403. No person shall access or use 113396
information contained in the information system established and 113397
maintained under section ~~5101.13~~ 5180.40 of the Revised Code 113398
other than in accordance with section ~~5101.132~~ 5180.402 of the 113399
Revised Code or rules authorized by that section. 113400

No person shall disclose information obtained from the 113401
information system established and maintained under section 113402
~~5101.13~~ 5180.40 of the Revised Code in a manner not specified by 113403
rules authorized by section ~~5101.134~~ 5180.404 of the Revised 113404
Code. 113405

Sec. ~~5101.134~~ 5180.404. (A) Notwithstanding any provision 113406
of the Revised Code that requires confidentiality of information 113407
that is contained in the uniform statewide automated child 113408
welfare information system established in section ~~5101.13~~ 113409
5180.40 of the Revised Code, the department of children and 113410
youth shall adopt rules in accordance with Chapter 119. of the 113411

Revised Code regarding a private child placing agency's or 113412
private noncustodial agency's access, data entry, and use of 113413
information in the uniform statewide automated child welfare 113414
information system. 113415

(B) (1) The department of children and youth may adopt 113416
rules in accordance with section 111.15 of the Revised Code, as 113417
if they were internal management rules, as necessary to carry 113418
out the purposes of sections ~~5101.13~~ 5180.40 to ~~5101.133~~ 113419
5180.403 of the Revised Code. 113420

(2) The department may adopt rules in accordance with 113421
Chapter 119. of the Revised Code as necessary to carry out the 113422
purposes of division (A) (2) of section ~~5101.132~~ 5180.402 of the 113423
Revised Code. 113424

(C) Public children services agencies shall implement and 113425
use the information system established pursuant to section 113426
~~5101.13~~ 5180.40 of the Revised Code in accordance with rules 113427
adopted by the department. 113428

Sec. ~~5101.135~~ 5180.405. (A) A public children services 113429
employee who is entering a report of an investigation of child 113430
abuse in the statewide automated child welfare information 113431
system, as required by section ~~5101.13~~ 5180.40 of the Revised 113432
Code, shall make a notation on each case of child abuse that 113433
indicates whether the child abuse arose from an act that caused 113434
the child to suffer from, or resulted in the child suffering 113435
from, shaken baby syndrome. 113436

(B) On the first day of March of each year, the department 113437
of children and youth shall report to the director of health the 113438
number of reports of child abuse that arose from an act that 113439
caused the child to suffer from, or resulted in the child 113440

suffering from, shaken baby syndrome and that arose during the 113441
calendar year immediately preceding the calendar year in which 113442
the report is made, as determined by an examination of the 113443
statewide automated child welfare information system established 113444
and maintained under section ~~5101.13~~ 5180.40 of the Revised 113445
Code. 113446

(C) As used in this section, "shaken baby syndrome" has 113447
the same meaning as in section 5180.14 of the Revised Code. 113448

Sec. ~~5101.136~~ 5180.406. If a person requests the 113449
department of ~~job and family services~~ children and youth to 113450
conduct a search of whether that person's name has been placed 113451
or remains in the statewide automated child welfare information 113452
system as an alleged perpetrator of child abuse or neglect and a 113453
search reveals that a "substantiated" disposition exists, the 113454
department shall send a letter to the person who requested the 113455
search indicating a "match." 113456

Sec. ~~5101.137~~ 5180.407. The department of ~~job and family~~ 113457
~~services~~ children and youth shall work with stakeholders to 113458
establish an expungement policy regarding dispositions of child 113459
abuse or neglect in Ohio's central registry on child abuse and 113460
neglect by March 1, 2024. 113461

Sec. ~~5101.14~~ 5180.41. (A) As used in this section and 113462
section ~~5101.144~~ 5180.411 of the Revised Code, "children 113463
services" means services provided to children pursuant to 113464
Chapter 5153. of the Revised Code. 113465

(B) Within available funds, the department of children and 113466
youth shall distribute funds to the counties within thirty days 113467
after the beginning of each calendar quarter for a part of the 113468
counties' costs for children services. 113469

Funds provided to the county under this section shall be 113470
deposited into the children services fund created pursuant to 113471
section ~~5101.144~~5180.411 of the Revised Code. 113472

(C) In each fiscal year, the amount of funds available for 113473
distribution under this section shall be allocated to counties 113474
as follows: 113475

(1) If the amount is less than the amount initially 113476
appropriated for the immediately preceding fiscal year, each 113477
county shall receive an amount equal to the percentage of the 113478
funding it received in the immediately preceding fiscal year, 113479
exclusive of any releases from or additions to the allocation or 113480
any sanctions imposed under this section; 113481

(2) If the amount is equal to the amount initially 113482
appropriated for the immediately preceding fiscal year, each 113483
county shall receive an amount equal to the amount it received 113484
in the preceding fiscal year, exclusive of any releases from or 113485
additions to the allocation or any sanctions imposed under this 113486
section; 113487

(3) If the amount is greater than the amount initially 113488
appropriated for the immediately preceding fiscal year, each 113489
county shall receive the amount determined under division (C) (2) 113490
of this section as a base allocation, plus a percentage of the 113491
amount that exceeds the amount initially appropriated for the 113492
immediately preceding fiscal year. The amount exceeding the 113493
amount initially appropriated in the immediately preceding 113494
fiscal year shall be allocated to the counties as follows: 113495

(a) Twelve per cent divided equally among all counties; 113496

(b) Forty-eight per cent in the ratio that the number of 113497
residents of the county under the age of eighteen bears to the 113498

total number of such persons residing in this state; 113499

(c) Forty per cent in the ratio that the number of 113500
residents of the county with incomes under the federal poverty 113501
guideline bears to the total number of such persons in this 113502
state. 113503

As used in division (C) (3) (c) of this section, "federal 113504
poverty guideline" means the poverty guideline as defined by the 113505
United States office of management and budget and revised by the 113506
United States secretary of health and human services in 113507
accordance with section 673 of the "Community Services Block 113508
Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 113509

(D) Within ninety days after the end of each state fiscal 113510
biennium, each county shall return any unspent funds to the 113511
department. 113512

(E) The director of children and youth may adopt the 113513
following rules in accordance with section 111.15 of the Revised 113514
Code: 113515

(1) Rules that are necessary for the allocation of funds 113516
under this section; 113517

(2) Rules prescribing reports on expenditures to be 113518
submitted by the counties as necessary for the implementation of 113519
this section. 113520

Sec. ~~5101.144~~ 5180.411. Each county shall deposit all 113521
funds its public children services agency receives from 113522
appropriations made by the board of county commissioners or any 113523
other source for the purpose of providing children services into 113524
a special fund in the county treasury known as the children 113525
services fund. A county shall use money in the fund only for the 113526
purposes of meeting the expenses of providing children services. 113527

Sec. ~~5101.141~~ 5180.42. (A) As used in sections ~~5101.141~~ 113528
~~5180.42~~ to ~~5101.1417~~ 5180.4214 of the Revised Code: 113529

(1) "Adopted young adult" means a person: 113530

(a) Who was in the temporary or permanent custody of a 113531
public children services agency; 113532

(b) Who was adopted at the age of sixteen or seventeen and 113533
attained the age of sixteen before a Title IV-E adoption 113534
assistance agreement became effective; 113535

(c) Who has attained the age of eighteen; and 113536

(d) Who has not yet attained the age of twenty-one. 113537

(2) "Child" means any of the following: 113538

(a) A person who meets the requirements of division (B) (3) 113539
of section 5153.01 of the Revised Code; 113540

(b) An adopted young adult; 113541

(c) An emancipated young adult. 113542

(3) "Emancipated young adult" means a person: 113543

(a) Who was in the temporary or permanent custody of a 113544
public children services agency, a planned permanent living 113545
arrangement, or in the Title-IV-E-eligible care and placement 113546
responsibility of a juvenile court or other governmental agency 113547
that provides Title IV-E reimbursable placement services; 113548

(b) Whose custody, arrangement, or care and placement was 113549
terminated on or after the person's eighteenth birthday; and 113550

(c) Who has not yet attained the age of twenty-one. 113551

(4) "Kinship guardianship young adult" means an individual 113552
that meets the following criteria: 113553

(a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A) (4) (b) of this section; 113554 113555 113556 113557

(b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective; 113558 113559 113560 113561

(c) Has attained the age of eighteen; 113562

(d) Has not yet attained the age of twenty-one. 113563

(5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older: 113564 113565

(a) The following individuals related by blood or adoption to the child: 113566 113567

(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great"; 113568 113569

(ii) Siblings; 113570

(iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand"; 113571 113572 113573

(iv) First cousins and first cousins once removed. 113574

(b) Stepparents and stepsiblings of the child; 113575

(c) Spouses and former spouses of individuals named in divisions (A) (5) (a) and (b) of this section; 113576 113577

(d) A legal guardian of the child; 113578

(e) A legal custodian of the child; 113579

(f) Any nonrelative adult that has a familiar and long- 113580
standing relationship or bond with the child or the family, 113581
which relationship or bond will ensure the child's social ties. 113582

(6) "Representative" means a person with whom the 113583
department of children and youth has entered into a contract, 113584
pursuant to division (B) (2) (b) of this section. 113585

(7) "Title IV-E" means Title IV-E of the "Social Security 113586
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 113587

(B) (1) Except as provided in divisions (B) (2) ~~and~~ (3) ~~and~~ 113588
~~and (4)~~ of this section, the department of children and youth 113589
shall act as the single state agency to administer federal 113590
payments for foster care, kinship guardianship assistance, and 113591
adoption assistance made pursuant to Title IV-E. The director of 113592
children and youth shall adopt rules to implement this 113593
authority. Rules governing financial and administrative 113594
requirements applicable to public children services agencies and 113595
government entities that provide Title IV-E reimbursable 113596
placement services to children shall be adopted in accordance 113597
with section 111.15 of the Revised Code, as if they were 113598
internal management rules. Rules governing requirements 113599
applicable to private child placing agencies and private 113600
noncustodial agencies and rules establishing eligibility, 113601
program participation, and other requirements concerning Title 113602
IV-E shall be adopted in accordance with Chapter 119. of the 113603
Revised Code. A public children services agency to which the 113604
department distributes Title IV-E funds shall administer the 113605
funds in accordance with those rules. 113606

~~(2) If the~~ (2) (a) The department shall implement the state 113607
plan ~~is as~~ amended under ~~divisions (A) and (B) of section~~ 113608
~~5101.1411 5180.428~~ of the Revised Code, ~~both of the following~~ 113609

~~shall apply:—~~ 113610

~~(a) Implementation of the amendments to the plan shall~~ 113611
~~begin fifteen months after September 13, 2016, the effective~~ 113612
~~date of H.B. 50 of the 131st general assembly, if both of the~~ 113613
~~following apply:—~~ 113614

~~(i) The plan as amended is approved by the secretary of~~ 113615
~~health and human services;—~~ 113616

~~(ii) The~~ if the ~~general assembly has appropriated~~ 113617
~~sufficient funds to operate the program required under the plan~~ 113618
~~as amended.~~ 113619

(b) The department shall have, exercise, and perform all 113620
new duties required under the plan as amended. In doing so, the 113621
department may contract with another person to carry out those 113622
new duties, to the extent permitted under Title IV-E. 113623

~~(3) If the state plan is amended under division (C) of~~ 113624
~~section 5101.1411 of the Revised Code, both of the following~~ 113625
~~apply:—~~ 113626

~~(a) Implementation of the amendments to the plan shall~~ 113627
~~begin fifteen months after September 30, 2021, if both of the~~ 113628
~~following apply:—~~ 113629

~~(i) The plan as amended is approved by the secretary of~~ 113630
~~health and human services.—~~ 113631

~~(ii) The general assembly has appropriated sufficient~~ 113632
~~funds to operate the program required under the plan as amended.~~ 113633

~~(b) The department shall perform all new duties required~~ 113634
~~under the amended plan. In doing so, the department may contract~~ 113635
~~with another person to carry out those new duties, to the extent~~ 113636
~~permitted under Title IV-E.—~~ 113637

~~(4) If The department shall implement the state plan is as~~ 113638
~~amended under section 5101.1416-5180.4213 of the Revised Code,~~ 113639
~~and is approved by the secretary of health and human services,~~ 113640
~~implementation of the amendments to the plan shall begin fifteen~~ 113641
~~months after September 30, 2021.~~ 113642

(C) (1) Except with regard to the new duties imposed on the 113643
department or its contractor under ~~divisions~~ division (B) (2) (b) 113644
~~and (B) (3) (b)~~ of this section that are not imposed on the 113645
county, the county, on behalf of each child eligible for foster 113646
care maintenance payments under Title IV-E, shall make payments 113647
to cover the cost of providing all of the following: 113648

(a) The child's food, clothing, shelter, daily 113649
supervision, and school supplies; 113650

(b) The child's personal incidentals; 113651

(c) Reasonable travel to the child's home for visitation. 113652

(2) In addition to payments made under division (C) (1) of 113653
this section, the county may, on behalf of each child eligible 113654
for foster care maintenance payments under Title IV-E, make 113655
payments to cover the cost of providing the following: 113656

(a) Liability insurance with respect to the child; 113657

(b) If the county is participating in the demonstration 113658
project established under division (A) of section ~~5101.142-~~ 113659
5180.421 of the Revised Code, services provided under the 113660
project. 113661

(3) With respect to a child who is in a child-care 113662
institution, including any type of group home designed for the 113663
care of children or any privately operated program consisting of 113664
two or more certified foster homes operated by a common 113665

administrative unit, the foster care maintenance payments made 113666
by the county on behalf of the child shall include the 113667
reasonable cost of the administration and operation of the 113668
institution, group home, or program, as necessary to provide the 113669
items described in divisions (C) (1) and (2) of this section. 113670

(D) To the extent that either foster care maintenance 113671
payments under division (C) of this section, Title IV-E kinship 113672
guardianship assistance, or Title IV-E adoption assistance 113673
payments for maintenance costs require the expenditure of county 113674
funds, the board of county commissioners shall report the nature 113675
and amount of each expenditure of county funds to the 113676
department. 113677

(E) The department shall distribute to public children 113678
services agencies that incur and report expenditures of the type 113679
described in division (D) of this section federal financial 113680
participation received for administrative and training costs 113681
incurred in the operation of foster care maintenance, kinship 113682
guardianship assistance, and adoption assistance programs. The 113683
department may withhold not more than three per cent of the 113684
federal financial participation received. The funds withheld may 113685
be used only to fund the following: 113686

(1) The Ohio child welfare training program established 113687
under section 5103.30 of the Revised Code; 113688

(2) The university partnership program for college and 113689
university students majoring in social work who have committed 113690
to work for a public children services agency upon graduation; 113691

(3) Efforts supporting organizational excellence, 113692
including voluntary activities to be accredited by a nationally 113693
recognized accreditation organization. 113694

The funds withheld shall be in addition to any 113695
administration and training cost for which the department is 113696
reimbursed through its own cost allocation plan. 113697

(F) All federal financial participation funds received by 113698
a county pursuant to this section shall be deposited into the 113699
county's children services fund created pursuant to section 113700
~~5101.144~~ 5180.411 of the Revised Code. 113701

~~(G)~~ (G) (1) The department shall periodically publish and 113702
distribute the maximum amounts that the department will 113703
reimburse public children services agencies for making payments 113704
on behalf of children eligible for foster care maintenance 113705
payments. 113706

(2) The department may issue a request for proposals to 113707
establish statewide rate cards for placement and care of 113708
children eligible for foster care maintenance payments. If a 113709
request for proposals is issued, the department shall review and 113710
accept the reasonable cost of providing the items described in 113711
division (C) of this section. 113712

(H) The department, by and through its director, is hereby 113713
authorized to develop, participate in the development of, 113714
negotiate, and enter into one or more interstate compacts on 113715
behalf of this state with agencies of any other states, for the 113716
provision of social services to children in relation to whom all 113717
of the following apply: 113718

(1) They have special needs. 113719

(2) This state or another state that is a party to the 113720
interstate compact is providing kinship guardianship assistance 113721
or adoption assistance on their behalf. 113722

(3) They move into this state from another state or move 113723

out of this state to another state. 113724

Sec. ~~5101.142~~ 5180.421. (A) The department of children and 113725
youth may apply to the United States secretary of health and 113726
human services for a waiver of requirements established under 113727
Title IV-E, or regulations adopted thereunder, to conduct a 113728
demonstration project expanding eligibility for and services 113729
provided under Title IV-E. The department may enter into 113730
agreements with the secretary necessary to implement the 113731
demonstration project, including agreements establishing the 113732
terms and conditions of the waiver authorizing the project. If a 113733
demonstration project is to be established, the department shall 113734
do all of the following: 113735

(1) Have the director of children and youth adopt rules in 113736
accordance with Chapter 119. of the Revised Code governing the 113737
project. The rules shall be consistent with the agreements the 113738
department enters into with the secretary. 113739

(2) Enter into agreements with public children services 113740
agencies that the department selects for participation in the 113741
project. The department shall not select an agency that objects 113742
to participation or refuses to be bound by the terms and 113743
conditions of the project. 113744

(3) Contract with persons or governmental agencies 113745
providing services under the project; 113746

(4) Amend the state plan required by section 471 of the 113747
"Social Security Act," 42 ~~U.S.C.A.~~U.S.C. 671, as amended, as 113748
needed to implement the project; 113749

(5) Conduct ongoing evaluations of the project; 113750

(6) Perform other administrative and operational 113751
activities required by the agreement with the secretary. 113752

(B) The department may apply to the United States 113753
secretary of health and human services for a waiver of the 113754
requirements established under Title IV-B of the "Social 113755
Security Act of 1967," ~~81 Stat. 821, 42 U.S.C.A.~~ U.S.C. 620 or 113756
regulations adopted thereunder and established under any other 113757
federal law or regulations that affect the children services 113758
functions prescribed by Chapter 5153. of the Revised Code, to 113759
conduct demonstration projects or otherwise improve the 113760
effectiveness and efficiency of the children services function. 113761

Sec. ~~5101.145~~ 5180.422. (A) In adopting rules under 113762
section ~~5101.141~~ 5180.42 of the Revised Code regarding financial 113763
requirements applicable to public children services agencies, 113764
private child placing agencies, private noncustodial agencies, 113765
and government entities that provide Title IV-E reimbursable 113766
placement services to children, the department of children and 113767
youth ~~shall~~ may establish both of the following: 113768

(1) A single form for the agencies or entities to report 113769
costs reimbursable under Title IV-E and costs reimbursable under 113770
medicaid; 113771

(2) Procedures to monitor cost reports submitted by the 113772
agencies or entities. 113773

(B) The procedures established under division (A) (2) of 113774
this section shall ~~be implemented not later than October 1,~~ 113775
~~2003. The procedures shall be used to do both of the following:~~ 113776

(1) Determine which of the costs are reimbursable under 113777
Title IV-E; 113778

(2) Ensure that costs reimbursable under medicaid are 113779
excluded from determinations made under division (B) (1) of this 113780
section. 113781

Sec. ~~5101.146~~ 5180.423. The department of children and 113782
youth shall establish the following penalties, which shall be 113783
enforced at the discretion of the department, for the failure of 113784
a public children services agency, private child placing agency, 113785
private noncustodial agency, or government entity that provides 113786
Title IV-E reimbursable placement services to children to comply 113787
with procedures the department establishes to ensure fiscal 113788
accountability: 113789

(A) For initial failure, the department and the agency or 113790
entity involved shall jointly develop and implement a corrective 113791
action plan according to a specific schedule. If requested by 113792
the agency or entity involved, the department shall provide 113793
technical assistance to the agency or entity to ensure the 113794
fiscal accountability procedures and goals of the plan are met. 113795

(B) For subsequent failures or failure to achieve the 113796
goals of the plan described in division (A) of this section, one 113797
of the following: 113798

(1) For public children services agencies, the department 113799
may take any action permitted under division (C) (2), (4), (5), 113800
or (6) of section 5101.24 of the Revised Code. 113801

(2) For private child placing agencies or private 113802
noncustodial agencies, cancellation of any Title IV-E 113803
allowability rates for the agency involved pursuant to section 113804
~~5101.141~~ 5180.42 of the Revised Code or revocation pursuant to 113805
Chapter 119. of the Revised Code of that agency's certificate 113806
issued under section 5103.03 of the Revised Code; 113807

(3) For government entities, other than public children 113808
services agencies, that provide Title IV-E reimbursable 113809
placement services to children, cancellation of any Title IV-E 113810

allowability rates for the entity involved pursuant to section 113811
~~5101.141~~ 5180.42 of the Revised Code. 113812

Sec. ~~5101.147~~ 5180.424. If a public children services 113813
agency fails to comply with the fiscal accountability procedures 113814
established by the department of children and youth, the 113815
department shall notify the board of county commissioners of the 113816
county served by the agency. If a private child placing agency 113817
or private noncustodial agency fails to comply with the fiscal 113818
accountability procedures, the department shall notify the 113819
executive director of each public children services agency that 113820
has entered into a contract for services with the private child 113821
placing agency or private noncustodial agency. 113822

Sec. ~~5101.148~~ 5180.425. If the department of children and 113823
youth sanctions a public children services agency, private child 113824
placing agency, or private noncustodial agency, it shall take 113825
every possible precaution to ensure that any foster children 113826
that have been placed by the agency under sanction are not 113827
unnecessarily removed from the certified foster homes in which 113828
they reside. 113829

Sec. ~~5101.149~~ 5180.426. Money from the children services 113830
fund shall not be used to provide a personal loan to any 113831
individual. 113832

Sec. ~~5101.1410~~ 5180.427. In addition to the remedies 113833
available under sections ~~5101.146~~ and ~~5101.24~~ and 5180.423 of 113834
the Revised Code, the department of children and youth may 113835
certify a claim to the attorney general under section 131.02 of 113836
the Revised Code for the attorney general to take action under 113837
that section against a public children services agency, private 113838
child placing agency, private noncustodial agency, or government 113839
entity that provides Title IV-E reimbursable placement services 113840

to children if all of the following are the case: 113841

(A) The agency or entity files a cost report with the 113842
department pursuant to rules adopted under division (B) of 113843
section ~~5101.141~~ 5180.42 of the Revised Code. 113844

(B) The department receives and distributes federal Title 113845
IV-E reimbursement funds based on the cost report. 113846

(C) The agency's or entity's misstatement, 113847
misclassification, overstatement, understatement, or other 113848
inclusion or omission of any cost included in the cost report 113849
causes the United States department of health and human services 113850
to disallow all or part of the federal Title IV-E reimbursement 113851
funds the department received and distributed. 113852

(D) The agency's or entity's misstatement, 113853
misclassification, overstatement, understatement, or other 113854
inclusion or omission of any cost included in the cost report is 113855
not the direct result of a written directive concerning the 113856
agency or entity's cost report that the department issued to the 113857
agency or entity. 113858

Sec. ~~5101.1411~~ 5180.428. (A) (1) The director of ~~job and~~ 113859
~~family services children and youth~~ shall, ~~not later than nine~~ 113860
~~months after September 13, 2016, the effective date of H.B. 50~~ 113861
~~of the 131st general assembly, submit an amendment to the state~~ 113862
~~plan required by 42 U.S.C. 671 to the United States secretary of~~ 113863
~~health and human services to~~ implement 42 U.S.C. 675(8) to make 113864
federal payments for foster care under Title IV-E directly to, 113865
or on behalf of, any emancipated young adult who meets the 113866
following requirements: 113867

(a) The emancipated young adult signs a voluntary 113868
participation agreement. 113869

(b) The emancipated young adult satisfies division (D) of 113870
this section. 113871

(2) Any emancipated young adult who meets the requirements 113872
of division (A) (1) of this section may apply for foster care 113873
payments and make the appropriate application at any time. 113874

(B) (1) The director of ~~job and family services children~~ 113875
~~and youth shall, not later than nine months after September 13,~~ 113876
~~2016, the effective date of H.B. 50 of the 131st general~~ 113877
~~assembly, submit an amendment to the state plan required by 42~~ 113878
~~U.S.C. 671 to the United States secretary of health and human~~ 113879
~~services to~~ implement 42 U.S.C. 675(8) to make federal payments 113880
for adoption assistance under Title IV-E available to any parent 113881
who meets all of the following requirements: 113882

(a) The parent adopted a person who is an adopted young 113883
adult and the parent entered into an adoption assistance 113884
agreement under 42 U.S.C. 673 while the adopted person was age 113885
sixteen or seventeen. 113886

(b) The parent maintains parental responsibility for the 113887
adopted young adult. 113888

(c) The adopted young adult satisfies division (D) of this 113889
section. 113890

(2) Any parent who meets the requirements of division (B) 113891
(1) of this section that are applicable to a parent may request 113892
an extension of adoption assistance payments at any time before 113893
the adopted young adult reaches age twenty-one. 113894

(3) An adopted young adult who is eligible to receive 113895
adoption assistance payments is not considered an emancipated 113896
young adult and is therefore not eligible to receive payment 113897
under division (A) of this section. 113898

(C) (1) The director of ~~job and family services children~~ 113899
~~and youth shall, not later than nine months after September 30,~~ 113900
~~2021, submit an amendment to the state plan required by 42-~~ 113901
~~U.S.C. 671 to the United States secretary of health and human~~ 113902
~~services to~~ implement 42 U.S.C. 673(d) to provide kinship 113903
guardianship assistance under Title IV-E available to any 113904
relative who meets all of the following requirements: 113905

(a) Both of the following apply: 113906

(i) A juvenile court issued an order granting legal 113907
custody of a person who is a kinship guardianship young adult to 113908
the relative, or a probate court issued an order granting 113909
guardianship of a person who is a kinship guardianship young 113910
adult to the relative, and the order is not a temporary court 113911
order. 113912

(ii) The relative entered into a kinship guardianship 113913
assistance agreement under 42 U.S.C. 673(d) while the kinship 113914
guardianship young adult was age sixteen or seventeen. 113915

(b) The relative maintains parental responsibility for the 113916
kinship guardianship young adult. 113917

(c) The kinship guardianship young adult satisfies 113918
division (D) of this section. 113919

(2) Any person who meets the requirements of division (C) 113920
(1) of this section may request an extension of kinship 113921
guardianship assistance at any time before the kinship 113922
guardianship young adult reaches age twenty-one. 113923

(3) A kinship guardianship young adult who is eligible to 113924
receive kinship guardianship assistance is not considered an 113925
emancipated young adult and is therefore not eligible to receive 113926
assistance under division (A) of this section. 113927

(D) In addition to other requirements, an adopted, kinship guardianship, or emancipated young adult must meet at least one of the following criteria:

(1) Is completing secondary education or a program leading to an equivalent credential;

(2) Is enrolled in an institution that provides post-secondary or vocational education;

(3) Is participating in a program or activity designed to promote, or remove barriers to, employment;

(4) Is employed for at least eighty hours per month;

(5) Is incapable of doing any of the activities described in divisions (D)(1) to (4) of this section due to a physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan.

(E) Any emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C)(1) of this section who is receiving kinship guardianship assistance, or any parent receiving adoption assistance payments, may refuse the payments at any time.

(F)(1) An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C)(1) of this section who is receiving kinship guardianship assistance and the kinship guardianship young adult, or a parent receiving adoption assistance payments and the adopted young adult shall be eligible for services set forth in the federal, "Fostering

Connections to Success and Increasing Adoptions Act of 2008," 113957
P.L. 110-351, ~~122 Stat. 3949.~~ 113958

(2) An emancipated young adult described in division (A) 113959
(1) of this section who is directly receiving foster care 113960
payments, or on whose behalf such foster care payments are 113961
received, pursuant to this section, may be eligible to reside in 113962
a supervised independent living setting, including apartment 113963
living, room and board arrangements, college or university 113964
dormitories, host homes, and shared roommate settings. 113965

(G) Any determination by the department of ~~job and family~~ 113966
~~services or the department of~~ children and youth that denies or 113967
terminates foster care assistance, kinship guardianship 113968
assistance, ~~kinship support program payments,~~ or adoption 113969
assistance payments shall be subject to a state hearing pursuant 113970
to section 5101.35 of the Revised Code. 113971

Sec. ~~5101.1412~~ 5180.429. (A) Without the approval of a 113972
court, an emancipated young adult who receives payments, or on 113973
whose behalf payments are received, under division (A) of 113974
section ~~5101.1411~~ 5180.428 of the Revised Code, may enter into a 113975
voluntary participation agreement with the department of 113976
children and youth, or its representative, for the emancipated 113977
young adult's care and placement. The agreement shall stay in 113978
effect until one of the following occurs: 113979

(1) The emancipated young adult enrolled in the program 113980
notifies the department, or its representative, that they want 113981
to terminate the agreement. 113982

(2) The emancipated young adult becomes ineligible for the 113983
program. 113984

(B) In order to maintain Title IV-E eligibility for the 113985

emancipated young adult, both of the following apply: 113986

(1) Not later than one hundred eighty days after the 113987
effective date of the voluntary participation agreement, the 113988
department or its representative must petition the court for, 113989
and obtain, a judicial determination that the emancipated young 113990
adult's best interest is served by continuing the care and 113991
placement with the department or its representative. 113992

(2) Not later than twelve months after the effective date 113993
of the voluntary participation agreement, and at least once 113994
every twelve months thereafter, the department or its 113995
representative must petition the court for, and obtain, a 113996
judicial determination that the department or its representative 113997
has made reasonable efforts to finalize a permanency plan to 113998
prepare the emancipated young adult for independence. 113999

Sec. ~~5101.1413~~ 5180.4210. Notwithstanding section ~~5101.141~~ 114000
~~5180.42~~ of the Revised Code and any rules adopted thereunder, 114001
the department of children and youth shall pay the full 114002
nonfederal share of payments made pursuant to section ~~5101.1411~~ 114003
~~5180.428~~ of the Revised Code. No public children services agency 114004
shall be responsible for the cost of any payments made pursuant 114005
to section ~~5101.1411~~ 5180.428 of the Revised Code. 114006

Sec. ~~5101.1414~~ 5180.4211. (A) The department of children 114007
and youth shall adopt rules necessary to carry out the purposes 114008
of sections ~~5101.1411~~ 5180.428 to ~~5101.1413~~ 5180.4210 of the 114009
Revised Code, including rules that do all of the following: 114010

(1) Allow an emancipated young adult described in division 114011
(A) (1) of section ~~5101.1411~~ 5180.428 of the Revised Code who is 114012
directly receiving foster care payments, or on whose behalf such 114013
foster care payments are received, or an adopted young adult 114014

whose adoptive parents are receiving adoption assistance 114015
payments, to maintain eligibility while transitioning into, or 114016
out of, qualified employment or educational activities; 114017

(2) Require that a thirty-day notice of termination be 114018
given by the department to an emancipated young adult described 114019
in division (A) (1) of section ~~5101.1411~~5180.428 of the Revised 114020
Code who is receiving foster care payments, or on whose behalf 114021
such foster care payments are received, or to a parent receiving 114022
adoption assistance payments for an adopted young adult 114023
described in division (B) (1) of section ~~5101.1411~~5180.428 of 114024
the Revised Code, who is determined to be ineligible for 114025
payments; 114026

(3) Establish the scope of practice and training necessary 114027
for case managers and supervisors who care for emancipated young 114028
adults described in division (A) (1) of section ~~5101.1411~~ 114029
5180.428 of the Revised Code who are receiving foster care 114030
payments, or on whose behalf such foster care payments are 114031
received, under section ~~5101.1411~~5180.428 of the Revised Code. 114032

(B) The department of children and youth shall create an 114033
advisory council to evaluate and make recommendations for 114034
statewide implementation of sections ~~5101.1411~~5180.428 and 114035
~~5101.1412~~5180.429 of the Revised Code. 114036

Sec. ~~5101.1415~~ 5180.4212. The provisions of divisions (A) 114037
and (D) to (G) of section ~~5101.1411~~5180.428 of the Revised Code 114038
shall not apply if the person is eligible for temporary or 114039
permanent custody until age twenty-one pursuant to a 114040
dispositional order under sections 2151.353, 2151.414, and 114041
2151.415 of the Revised Code. 114042

Sec. ~~5101.1416~~ 5180.4213. (A) ~~Not later than nine months~~ 114043

~~after the effective date of this section , the~~ The director of 114044
~~job and family services children and youth shall submit an~~ 114045
~~amendment to the state plan required by 42 U.S.C. 671 to the~~ 114046
~~United States secretary of health and human services to~~ 114047
implement 42 U.S.C. 673(d) to provide kinship guardianship 114048
assistance under Title IV-E on behalf of a child to a relative 114049
who meets the following requirements: 114050

(1) The relative has cared for the eligible child pursuant 114051
to division (B) of this section as a foster caregiver as defined 114052
by section 5103.02 of the Revised Code for at least six 114053
consecutive months. 114054

(2) Both of the following apply: 114055

(a) A juvenile court issued an order granting legal 114056
custody of the child to the relative, or a probate court issued 114057
an order granting guardianship of the child to the relative, and 114058
the order is not a temporary court order. 114059

(b) The relative has committed to care for the child on a 114060
permanent basis. 114061

(3) The relative signs a kinship guardianship assistance 114062
agreement required by 42 U.S.C. 673. 114063

(B) A child is an eligible child for kinship guardianship 114064
assistance under this section if the following are met: 114065

(1) The child has been removed from his or her home 114066
pursuant to a voluntary placement agreement or as a result of a 114067
judicial determination to the effect that continuation in the 114068
home would be contrary to the welfare of the child. 114069

(2) The child has been eligible for foster care 114070
maintenance payments under section ~~5101.141~~ 5180.42 of the 114071

Revised Code while residing for at least six consecutive months 114072
in the home of a relative described in division (A) of this 114073
section. 114074

(3) Returning the child home or adoption of the child are 114075
not appropriate permanency options for the child. 114076

(4) The child demonstrates a strong attachment to the 114077
child's relative described in division (A) of this section and 114078
the relative has a strong commitment to caring permanently for 114079
the child. 114080

(5) With respect to a child who has attained fourteen 114081
years of age, the child has been consulted regarding the kinship 114082
guardianship arrangement. 114083

Sec. ~~5101.1417~~ 5180.4214. The department of children and 114084
youth shall adopt rules necessary to carry out the purposes of 114085
sections ~~5101.1411~~5180.42, ~~5101.1411~~5180.428, and ~~5101.1416~~ 114086
5180.4213 of the Revised Code, and 42 U.S.C. 673(d) of the 114087
"Social Security Act," including rules that do all of the 114088
following: 114089

(A) Allow a kinship guardianship young adult described in 114090
division (C) of section ~~5101.1411~~5180.428 of the Revised Code 114091
on whose behalf kinship guardianship assistance is received, to 114092
maintain eligibility while transitioning into, or out of, 114093
qualified employment or educational activities; 114094

(B) Require that a thirty-day notice of termination be 114095
given by the department to a person receiving kinship 114096
guardianship assistance for a kinship guardianship young adult 114097
described in division (C) of section ~~5101.1411~~5180.428 of the 114098
Revised Code, who is determined to be ineligible for assistance. 114099

Sec. ~~5101.1418~~ 5180.43. (A) (1) If, after a child's 114100

adoption is finalized, the department of children and youth 114101
considers the child to be in need of public care or protective 114102
services, the department may, to the extent state funds are 114103
available for this purpose, enter into an agreement with the 114104
child's adoptive parent under which the department may make post 114105
adoption special services subsidy payments on behalf of the 114106
child as needed when both of the following apply: 114107

(a) The child has a physical or developmental disability 114108
or mental or emotional condition that either: 114109

(i) Existed before the adoption petition was filed; or 114110

(ii) Developed after the adoption petition was filed and 114111
can be directly attributed to factors in the child's preadoption 114112
background, medical history, or biological family's background 114113
or medical history. 114114

(b) The department determines the expenses necessitated by 114115
the child's disability or condition are beyond the adoptive 114116
parent's economic resources. 114117

(2) Services for which the department may make post 114118
adoption special services subsidy payments on behalf of a child 114119
under this section shall include medical, surgical, psychiatric, 114120
psychological, and counseling services, including residential 114121
treatment. 114122

(3) The department shall establish clinical standards to 114123
evaluate a child's physical or developmental disability or 114124
mental or emotional condition and assess the child's need for 114125
services. 114126

(4) The total dollar value of post adoption special 114127
services subsidy payments made on a child's behalf shall not 114128
exceed ten thousand dollars in any fiscal year, unless the 114129

department determines that extraordinary circumstances exist 114130
that necessitate further funding of services for the child. 114131
Under such extraordinary circumstances, the value of the 114132
payments made on the child's behalf shall not exceed fifteen 114133
thousand dollars in any fiscal year. 114134

(5) The adoptive parent or parents of a child who receives 114135
post adoption special services subsidy payments shall pay at 114136
least five per cent of the total cost of all services provided 114137
to the child; except that the department may waive this 114138
requirement if the gross annual income of the child's adoptive 114139
family is not more than two hundred per cent of the federal 114140
poverty guideline. 114141

(6) The department may use other sources of revenue to 114142
make post adoption special services subsidy payments, in 114143
addition to any state funds appropriated for that purpose. 114144

(7) The department may contract with another person to 114145
carry out any of the duties described in this section. 114146

(B) No payment shall be made on behalf of any person 114147
eighteen years of age or older beyond the end of the school year 114148
during which the person attains the age of eighteen or on behalf 114149
of a mentally or physically disabled person twenty-one years of 114150
age or older. 114151

(C) The director of children and youth shall adopt rules 114152
in accordance with Chapter 119. of the Revised Code necessary to 114153
implement this section. The rules shall establish all of the 114154
following: 114155

(1) The application process for all forms of assistance 114156
provided under this section; 114157

(2) Standards for determining the children who qualify to 114158

receive assistance provided under this section; 114159

(3) The method of determining the amount, duration, and 114160
scope of services provided to a child; 114161

(4) The method of transitioning the post adoption special 114162
services subsidy program from public children services agencies 114163
to the department; 114164

(5) Any other rule, requirement, or procedure the 114165
department considers appropriate for the implementation of this 114166
section. 114167

~~(D) The department shall implement this section not later~~ 114168
~~than July 1, 2022.~~ 114169

Sec. ~~5101.15~~ 5180.44. Within available funds the 114170
department of children and youth may reimburse counties in 114171
accordance with this section for a portion of the salaries paid 114172
to child welfare workers employed under section 5153.12 of the 114173
Revised Code. No county with a population of eighty thousand or 114174
less, according to the latest census accepted by the department 114175
as official, shall be entitled to reimbursement on the salaries 114176
of more than two child welfare workers, and no county with a 114177
population of more than eighty thousand, according to such 114178
census, shall be entitled to reimbursement on the salaries of 114179
more than two child welfare workers plus one additional child 114180
welfare worker for each one hundred thousand of population in 114181
excess of eighty thousand. 114182

The maximum reimbursement to which a county may be 114183
entitled on any child welfare worker shall be as follows: 114184

(A) Twenty-seven hundred dollars a year for a child 114185
welfare worker who is a graduate of an accredited high school, 114186
college, or university; 114187

(B) Thirty-three hundred dollars a year for a child 114188
welfare worker who has one year or more of graduate training in 114189
social work or a field which the department finds to be related 114190
to social work; 114191

(C) Thirty-nine hundred dollars a year for a child welfare 114192
worker who has completed two years of social work training. 114193

The salary of the executive director, designated in 114194
accordance with section 5153.10 of the Revised Code, shall be 114195
subject to reimbursement under this section, provided that the 114196
executive director qualifies under division (A), (B), or (C) of 114197
this section. No funds shall be allocated under this section 114198
until the director of children and youth has approved a plan of 114199
child welfare services for the county submitted by the public 114200
children services agency. 114201

Sec. ~~5101.19~~ 5180.45. As used in sections ~~5101.19~~ 5180.45 114202
to ~~5101.194~~ 5180.454 of the Revised Code: 114203

(A) "Adopted child" means a person who is less than 114204
eighteen years of age when the person becomes subject to a final 114205
order of adoption, an interlocutory order of adoption, or when 114206
the adoption is recognized by this state under section 3107.18 114207
of the Revised Code. 114208

(B) "Adoption" includes an adoption arranged by an 114209
attorney, a public children services agency, private child 114210
placing agency, or a private noncustodial agency, an interstate 114211
adoption, or an international or foreign adoption. 114212

(C) "Adoptive parent" means the person or persons who 114213
obtain parental rights and responsibilities over an adopted 114214
child pursuant to a final order of adoption, an interlocutory 114215
order of adoption, or an adoption recognized by this state under 114216

section 3107.18 of the Revised Code. 114217

(D) "Casework services" means services performed or 114218
arranged by a public children services agency, private child 114219
placing agency, private noncustodial agency, or public entity 114220
with whom the department of children and youth has a Title IV-E 114221
subgrant agreement in effect, to manage the progress, provide 114222
supervision and protection of the child and the child's parent, 114223
guardian, or custodian. 114224

(E) "Foster caregiver" has the same meaning as in section 114225
5103.02 of the Revised Code. 114226

(F) "Qualified professional" means an individual that is, 114227
but not limited to, any one of the following: 114228

- (1) Audiologist; 114229
- (2) Orthopedist; 114230
- (3) Physician; 114231
- (4) Certified nurse practitioner; 114232
- (5) Physician assistant; 114233
- (6) Psychiatrist; 114234
- (7) Psychologist; 114235
- (8) School psychologist; 114236
- (9) Licensed marriage and family therapist; 114237
- (10) Speech and language pathologist; 114238
- (11) Licensed independent social worker; 114239
- (12) Licensed professional clinical counselor; 114240
- (13) Licensed social worker who is under the direct 114241

supervision of a licensed independent social worker; 114242

(14) Licensed professional counselor who is under the 114243
direct supervision of a licensed professional clinical 114244
counselor. 114245

(G) "Special needs" means any of the following: 114246

(1) A developmental disability as defined in section 114247
5123.01 of the Revised Code; 114248

(2) A physical or mental impairment that substantially 114249
limits one or more of the major life activities; 114250

(3) Any physiological disorder or condition, cosmetic 114251
disfigurement, or anatomical loss affecting one or more body 114252
systems; 114253

(4) Any mental or psychological disorder; 114254

(5) A medical condition causing distress, pain, 114255
dysfunction, or social problems as diagnosed by a qualified 114256
professional that results in ongoing medical treatment. 114257

Sec. ~~5101.191~~ 5180.451. (A) The director of children and 114258
youth shall establish and administer the Ohio adoption grant 114259
program in accordance with sections ~~5101.19~~ 5180.45 to ~~5101.194~~ 114260
5180.454 of the Revised Code. 114261

(B) The director shall provide ~~one, but not both,~~ either of 114262
the following one-time payments for an adopted child to the 114263
child's adoptive parent if the requirements of division (A) of 114264
section ~~5101.192~~ 5180.452 of the Revised Code, but not division 114265
(B) of that section, are satisfied regarding the child: 114266

(1) Ten thousand dollars; 114267

(2) Fifteen thousand dollars, if the parent was a foster 114268

caregiver who cared for the child prior to adoption. 114269

(C) The director shall provide a one-time payment for an 114270
adopted child of twenty thousand dollars to the child's adoptive 114271
parent if the requirements of divisions (A) and (B) of section 114272
~~5101.192~~5180.452 of the Revised Code are satisfied regarding 114273
the child. 114274

(D) The payment described in divisions (B) and (C) of this 114275
section shall be provided to all eligible applicants to the 114276
extent state funds are available for this purpose. 114277

Sec. ~~5101.192~~ 5180.452. (A) To receive a grant payment 114278
under division (B) of section ~~5101.191~~5180.451 of the Revised 114279
Code, all of the following must be satisfied: 114280

(1) The adoptive parent has not previously received a 114281
grant payment from the Ohio adoption grant program for the 114282
adopted child for whom the parent is seeking payment. 114283

(2) The adoptive parent does not also currently claim an 114284
adoption tax credit pursuant to former section 5747.37 of the 114285
Revised Code for the adopted child for whom the parent is 114286
seeking payment. 114287

(3) The adoptive parent applies for the grant not later 114288
than one year after the final adoption order, interlocutory 114289
order of adoption, or recognition of the adoption by this state 114290
under section 3107.18 of the Revised Code for the adopted child 114291
for whom the grant payment is sought. 114292

(4) The adoption was not by a parent whose spouse is a 114293
biological or adoptive parent of the child prior to the adoption 114294
for which the payment is sought. 114295

(5) The adoption is finalized on or after January 1, 2023. 114296

(6) The adoptive parent was a resident of Ohio at the time 114297
the adoption was finalized. 114298

(B) To receive a grant payment under division (C) of 114299
section ~~5101.191~~ 5180.451 of the Revised Code, both of the 114300
following must be satisfied: 114301

(1) The requirements of division (A) of this section must 114302
be satisfied. 114303

(2) A qualified professional who does not provide casework 114304
services to the adopted child diagnoses the child with one or 114305
more special needs in the professional's area of expertise prior 114306
to the final order of adoption, interlocutory order of adoption, 114307
or recognition of the adoption by this state under section 114308
3107.18 of the Revised Code. 114309

Sec. ~~5101.193~~ 5180.453. (A) The director of children and 114310
youth shall adopt rules to administer and implement the Ohio 114311
adoption grant program. The director, in consultation with the 114312
tax commissioner, shall also adopt rules authorizing the 114313
department to withhold and remit to the Internal Revenue Service 114314
federal income tax from grant payments under division (B) of 114315
section ~~5101.191~~ 5180.451 of the Revised Code, provided such 114316
withholding is authorized under federal law or approved by the 114317
Internal Revenue Service. 114318

(B) No application fee shall be charged for the grant 114319
program. 114320

(C) Notwithstanding any law to the contrary, the director 114321
may require, as necessary to administer the Ohio adoption grant 114322
program, either or both of the following: 114323

(1) ~~The submission~~ Certified copies of any court or legal 114324
document necessary to prove a final order of adoption, an 114325

interlocutory order of adoption, or recognition of the adoption 114326
under section 3107.18 of the Revised Code; 114327

(2) Any department, agency, court, or division of the 114328
state, including the department of health, to provide any 114329
document related to the adoption. 114330

~~(D)~~ (D) (1) No person shall knowingly produce or submit any 114331
false or misleading documentation or information to the 114332
department of children and youth in an effort to qualify for or 114333
obtain a grant from the Ohio adoption grant program. 114334

(2) Whoever violates division (D) (1) of this section is 114335
guilty of falsification in accordance with section 2921.13 of 114336
the Revised Code. 114337

(E) Notwithstanding any provision of section 121.95 of the 114338
Revised Code to the contrary, a regulatory restriction contained 114339
in a rule adopted under section ~~5101.193~~ 5180.453 of the Revised 114340
Code is not subject to sections 121.95 to 121.953 of the Revised 114341
Code. 114342

Sec. ~~5101.194~~ 5180.454. Any document provided to the 114343
department of children and youth under division (C) of section 114344
~~5101.193~~ 5180.453 of the Revised Code remains ~~a~~ : 114345

(A) A public record under section 149.43 of the Revised 114346
Code if it was a public record under that section before being 114347
provided to the department; 114348

(B) Confidential if it was confidential under any state or 114349
federal law before being provided to the department. 114350

Sec. ~~5101.85~~ 5180.50. As used in sections ~~5101.851~~ 5180.51 114351
to ~~5101.856~~ 5180.514 of the Revised Code, "kinship caregiver" 114352
means any of the following who is eighteen years of age or older 114353

and is caring for a child in place of the child's parents: 114354

(A) The following individuals related by blood or adoption 114355
to the child: 114356

(1) Grandparents, including grandparents with the prefix 114357
"great," "great-great," or "great-great-great"; 114358

(2) Siblings; 114359

(3) Aunts, uncles, nephews, and nieces, including such 114360
relatives with the prefix "great," "great-great," "grand," or 114361
"great-grand"; 114362

(4) First cousins and first cousins once removed. 114363

(B) Stepparents and stepsiblings of the child; 114364

(C) Spouses and former spouses of individuals named in 114365
divisions (A) and (B) of this section; 114366

(D) A legal guardian of the child; 114367

(E) A legal custodian of the child; 114368

(F) Any nonrelative adult that has a familiar and long- 114369
standing relationship or bond with the child or the family, 114370
which relationship or bond will ensure the child's social ties. 114371

Sec. ~~5101.851~~ 5180.51. The department of children and 114372
youth shall establish a statewide kinship care navigator program 114373
to assist kinship caregivers who are seeking information 114374
regarding, or assistance obtaining, services and benefits 114375
available at the state and local level that address the needs of 114376
those caregivers residing in each county. The program shall 114377
provide to kinship caregivers information and referral services 114378
and assistance obtaining support services including the 114379
following: 114380

- (A) Publicly funded child care; 114381
- (B) Respite care; 114382
- (C) Training related to caring for special needs children; 114383
- (D) A toll-free telephone number that may be called to 114384
obtain basic information about the rights of, and services 114385
available to, kinship caregivers; 114386
- (E) Legal services. 114387

Sec. ~~5101.853~~ 5180.511. The director of children and youth 114388
shall divide the state into not less than five and not greater 114389
than twelve regions, for the kinship care navigator program 114390
under section ~~5101.851~~-5180.51 of the Revised Code. The director 114391
shall take the following into consideration when establishing 114392
the regions: 114393

- (A) The population size; 114394
- (B) The estimated number of kinship caregivers; 114395
- (C) The expertise of kinship navigators; 114396
- (D) Any other factor the director considers relevant. 114397

Sec. ~~5101.854~~ 5180.512. The program in each kinship care 114398
navigator region established under section ~~5101.853~~-5180.511 of 114399
the Revised Code shall provide information and referral services 114400
and assistance in obtaining support services for kinship 114401
caregivers within its region. 114402

Sec. ~~5101.855~~ 5180.513. The department of children and 114403
youth shall adopt rules to implement the kinship care navigator 114404
program. The rules shall be adopted under Chapter 119. of the 114405
Revised Code, except that rules governing fiscal and 114406
administrative matters related to implementation of the program 114407

are internal management rules and shall be adopted under section 114408
111.15 of the Revised Code. 114409

Sec. ~~5101.856~~ 5180.514. (A) (1) The kinship care navigator 114410
program shall be funded to the extent that general revenue funds 114411
have been appropriated by the general assembly for that purpose. 114412

(2) The director of children and youth shall take any 114413
action necessary to obtain funds available for the kinship care 114414
navigator program under Title IV-E of the "Social Security Act," 114415
~~94 Stat. 501 (1980),~~ 42 U.S.C. 670, as amended. 114416

(B) The department shall pay the full nonfederal share for 114417
the kinship care navigator program. No county department of job 114418
and family services or public children services agency shall be 114419
responsible for the cost of the program. 114420

Sec. ~~5101.802~~ 5180.52. (A) As used in this section: 114421

(1) "Custodian," "guardian," and "minor child" have the 114422
same meanings as in section 5107.02 of the Revised Code. 114423

(2) "Federal poverty guidelines" has the same meaning as 114424
in section 5101.46 of the Revised Code. 114425

(3) "Kinship caregiver" has the same meaning as in section 114426
~~5101.85~~ 5180.50 of the Revised Code. 114427

(B) Subject to division (E) of section 5101.801 of the 114428
Revised Code, there is hereby created the kinship permanency 114429
incentive program to promote permanency for a minor child in the 114430
legal and physical custody of a kinship caregiver. The program 114431
shall provide an initial one-time incentive payment to the 114432
kinship caregiver to defray the costs of initial placement of 114433
the minor child in the kinship caregiver's home. The program may 114434
provide additional permanency incentive payments for the minor 114435

child at six-month intervals, based on the availability of 114436
funds. An eligible caregiver may receive a maximum of eight 114437
incentive payments per minor child. 114438

(C) A kinship caregiver may participate in the program if 114439
all of the following requirements are met: 114440

(1) The kinship caregiver applies to a public children 114441
services agency in accordance with the application process 114442
established in rules authorized by division (E) of this section; 114443

(2) Not earlier than July 1, 2005, a juvenile court issues 114444
an order granting legal custody to the kinship caregiver, or a 114445
probate court grants guardianship to the kinship caregiver, 114446
except that a temporary court order is not sufficient to meet 114447
this requirement; 114448

(3) The kinship caregiver is either the minor child's 114449
custodian or guardian; 114450

(4) The minor child resides with the kinship caregiver 114451
pursuant to a placement approval process established in rules 114452
authorized by division (E) of this section; 114453

(5) Excluding any income excluded under rules adopted 114454
under division (E) of this section, the gross income of the 114455
kinship caregiver's family, including the minor child, does not 114456
exceed three hundred per cent of the federal poverty guidelines. 114457

(6) The kinship caregiver is not receiving kinship 114458
guardianship assistance under Title IV-E of the "Social Security 114459
Act," 42 U.S.C. 673(d), as amended, or the program described in 114460
section ~~5101.1411~~5180.428 of the Revised Code or the program 114461
described in section 5153.163 of the Revised Code. 114462

(D) Public children services agencies shall make initial 114463

and ongoing eligibility determinations for the kinship 114464
permanency incentive program in accordance with rules authorized 114465
by division (E) of this section. The director of children and 114466
youth shall supervise public children services agencies' duties 114467
under this section. 114468

(E) The director of children and youth shall adopt rules 114469
under division (C) of section 5101.801 of the Revised Code as 114470
necessary to implement the kinship permanency incentive program. 114471
The rules shall establish all of the following: 114472

(1) The application process for the program; 114473

(2) The placement approval process through which a minor 114474
child is placed with a kinship caregiver for the kinship 114475
caregiver to be eligible for the program; 114476

(3) The initial and ongoing eligibility determination 114477
process for the program, including the computation of income 114478
eligibility; 114479

(4) The amount of the incentive payments provided under 114480
the program; 114481

(5) The method by which the incentive payments are 114482
provided to a kinship caregiver. 114483

(F) The amendments made to this section by Am. Sub. H.B. 114484
119 of the 127th general assembly shall not affect the 114485
eligibility of any kinship caregiver whose eligibility was 114486
established before June 30, 2007. 114487

Sec. ~~5101.88~~ 5180.53. As used in sections ~~5101.881-~~ 114488
~~5180.531~~ to ~~5101.8811~~ 5180.536 of the Revised Code: 114489

(A) "Cost-of-living adjustment" has the same meaning as in 114490
section 5107.04 of the Revised Code. 114491

(B) "Kinship caregiver" has the same meaning as in section 114492
~~5101.85~~ 5180.50 of the Revised Code. 114493

Sec. ~~5101.881~~ 5180.531. There is hereby established the 114494
kinship support program. The department of children and youth 114495
shall coordinate and administer the program to the extent funds 114496
are appropriated and allocated for this purpose. 114497

Sec. ~~5101.884~~ 5180.532. The kinship support program shall 114498
provide financial payments to kinship caregivers who: 114499

(A) Receive placement of a child who is in the temporary 114500
or permanent custody of a public children services agency or 114501
under the Title IV-E agency with legal responsibility for the 114502
care and placement of the child; and 114503

(B) Do not have foster home certification under section 114504
5103.03 of the Revised Code. 114505

Sec. ~~5101.885~~ 5180.533. Kinship support program payments 114506
under section ~~5101.884~~ 5180.532 of the Revised Code shall be ten 114507
dollars and twenty cents per child, per day, to the extent funds 114508
are available. The department of children and youth shall 114509
increase the payment amount on January 1, 2022, and on the first 114510
day of each January thereafter by the cost-of-living adjustment 114511
made in the immediately preceding December. 114512

Sec. ~~5101.886~~ 5180.534. Kinship support program payments 114513
shall be made to kinship caregivers ~~as follows:~~ 114514

~~(A) For not more than nine months after the effective date~~ 114515
~~of this section, if a child has been placed with the kinship~~ 114516
~~caregiver as of the effective date of this section;~~ 114517

~~(B) For not more than than nine months after the placement~~ 114518
~~of a child with the kinship caregiver, if the placement occurs~~ 114519

~~during the nine-month period that begins on the effective date~~ 114520
~~of this section;~~ 114521

~~(C) For~~ for not more than six months after the date of 114522
placement of a child with the kinship caregiver, ~~if the~~ 114523
~~placement occurs after the nine-month period that began on the~~ 114524
~~effective date of this section.~~ 114525

Sec. ~~5101.887~~ 5180.535. Kinship support program payments 114526
under section ~~5101.884~~ 5180.532 of the Revised Code shall cease 114527
when any of the following occur: 114528

(A) The kinship caregiver obtains foster home 114529
certification under section 5103.03 of the Revised Code. 114530

(B) In accordance with section ~~5101.886~~ 5180.534 of the 114531
Revised Code; 114532

(C) Placement with the kinship caregiver is terminated or 114533
otherwise ceases. 114534

Sec. ~~5101.8811~~ 5180.536. The director of children and 114535
youth may adopt rules for the administration of the kinship 114536
support program in accordance with section 111.15 of the Revised 114537
Code. 114538

Sec. ~~5101.8812~~ 5180.56. Benefits and services provided 114539
under the kinship guardianship assistance program, extended 114540
kinship guardianship assistance program, kinship support 114541
program, and kinship permanency incentive program are 114542
inalienable whether by way of assignment, charge, or otherwise 114543
and exempt from execution, attachment, ~~guardianship~~ garnishment, 114544
and other like processes. 114545

Sec. ~~5101.889~~ 5180.57. A kinship caregiver, on obtaining 114546
foster home certification under section 5103.03 of the Revised 114547

Code, shall receive foster care maintenance payments equal to 114548
the custodial agency rate as determined by the certifying 114549
agency, which is either the custodial agency, private child 114550
placing agency, or private non-custodial agency. 114551

Sec. ~~5101.34~~ 5180.70. (A) There is hereby created in the 114552
department of children and youth the Ohio commission on 114553
fatherhood. The commission shall consist of the following 114554
members: 114555

(1) (a) Four members of the house of representatives 114556
appointed by the speaker of the house, not more than two of whom 114557
are members of the same political party. Two of the members must 114558
be from legislative districts that include a county or part of a 114559
county that is among the one-third of counties in this state 114560
with the highest number per capita of households headed by 114561
females. 114562

(b) Two members of the senate appointed by the president 114563
of the senate, each from a different political party. One of the 114564
members must be from a legislative district that includes a 114565
county or part of a county that is among the one-third of 114566
counties in this state with the highest number per capita of 114567
households headed by females. 114568

(2) The governor, or the governor's designee; 114569

(3) One representative of the judicial branch of 114570
government appointed by the chief justice of the supreme court; 114571

(4) The directors of health, children and youth, 114572
rehabilitation and correction, mental health and addiction 114573
services, youth services, and education and workforce, or their 114574
designees; 114575

(5) One representative of the Ohio family and children 114576

first cabinet council created under section 121.37 of the 114577
Revised Code appointed by the chairperson of the council; 114578

(6) Five representatives of the general public appointed 114579
by the governor. These members shall have extensive experience 114580
in issues related to fatherhood. 114581

(B) Members appointed to the Ohio commission on fatherhood 114582
shall serve two-year terms. A member appointed pursuant to 114583
division (A)(1) of this section shall serve on the commission 114584
until the end of the general assembly from which the member was 114585
appointed or until the member ceases to serve in the chamber of 114586
the general assembly in which the member serves at the time of 114587
appointment, whichever occurs first. The governor or the 114588
governor's designee shall serve on the commission until the 114589
governor ceases to be governor. The directors or their designees 114590
shall serve on the commission until they cease, or the director 114591
a designee represents ceases, to be director. Each member shall 114592
serve on the commission from the date of appointment until the 114593
end of the term for which the member was appointed. Members may 114594
be reappointed. 114595

Vacancies shall be filled in the manner provided for 114596
original appointments. Any member appointed to fill a vacancy 114597
occurring prior to the expiration date of the term for which the 114598
member's predecessor was appointed shall serve on the commission 114599
for the remainder of that term. A member shall continue to serve 114600
on the commission subsequent to the expiration date of the 114601
member's term until the member's successor is appointed or until 114602
a period of sixty days has elapsed, whichever occurs first. 114603
Members shall serve without compensation but shall be reimbursed 114604
for necessary expenses. 114605

Sec. ~~5101.341~~ 5180.701. (A) The Ohio commission on 114606

fatherhood shall elect a chairperson from among its members in 114607
every odd-numbered year. 114608

(B) The governor shall appoint an individual to serve as 114609
the commission's executive director. The executive director 114610
shall serve at the pleasure of the governor and shall report to 114611
the director of children and youth or the director's designee. 114612

The governor shall fix the executive director's salary on 114613
the basis of the executive director's experience and the 114614
executive director's responsibilities and duties. The executive 114615
director shall be in the unclassified civil service. 114616

The department of children and youth shall provide staff 114617
and other support services as necessary for the commission to 114618
fulfill its duties. 114619

(C) The commission may accept gifts, grants, donations, 114620
contributions, benefits, and other funds from any public agency 114621
or private source to carry out any or all of the commission's 114622
duties. The funds shall be deposited into the Ohio commission on 114623
fatherhood fund, which is hereby created in the state treasury. 114624
All gifts, grants, donations, contributions, benefits, and other 114625
funds received by the commission pursuant to this division shall 114626
be used solely to support the operations of the commission. 114627

Sec. ~~5101.342~~ 5180.702. The Ohio commission on fatherhood 114628
shall do both of the following: 114629

(A) Organize a state summit on fatherhood every four 114630
years; 114631

(B) Prepare a report each year that does the following: 114632

(1) Identifies resources available to fund fatherhood- 114633
related programs and explores the creation of initiatives to do 114634

the following: 114635

(a) Build the parenting skills of fathers; 114636

(b) Provide employment-related services for low-income, 114637
noncustodial fathers; 114638

(c) Prevent premature fatherhood; 114639

(d) Provide services to fathers who are inmates in or have 114640
just been released from imprisonment in a state correctional 114641
institution, as defined in section 2967.01 of the Revised Code, 114642
or in any other detention facility, as defined in section 114643
2921.01 of the Revised Code, so that they are able to maintain 114644
or reestablish their relationships with their families; 114645

(e) Reconcile fathers with their families; 114646

(f) Increase public awareness of the critical role fathers 114647
play. 114648

(2) Describes the commission's expectations for the 114649
outcomes of fatherhood-related programs and initiatives and the 114650
methods the commission uses for conducting annual measures of 114651
those outcomes; 114652

(3) Evaluates the number of fathers and children served 114653
and the number and types of additional services provided as a 114654
result of the recommendations made to the director of job and 114655
family services pursuant to section ~~5101.805~~ 5180.704 of the 114656
Revised Code. 114657

The commission shall submit each report to the general 114658
assembly in accordance with section 101.68 of the Revised Code. 114659

(C) Pursuant to section ~~5101.805~~ 5180.704 of the Revised 114660
Code, the commission may make recommendations to the director of 114661

~~job and family services~~ children and youth regarding funding, 114662
approval, and implementation of fatherhood programs in this 114663
state that meet at least one of the four purposes of the 114664
temporary assistance for needy families block grant, as 114665
specified in 42 U.S.C. 601. 114666

(D) The portion of the report prepared pursuant to 114667
division (B) (2) of this section shall be prepared by the 114668
commission in collaboration with the director of children and 114669
youth. 114670

(E) The commission shall submit each report prepared 114671
pursuant to division (B) of this section to the president and 114672
minority leader of the senate, speaker and minority leader of 114673
the house of representatives, governor, and chief justice of the 114674
supreme court. The first report is due not later than one year 114675
after the last of the initial appointments to the commission is 114676
made under section ~~5101.341~~ 5180.701 of the Revised Code. 114677

Sec. ~~5101.343~~ 5180.703. Sections 101.82 to 101.87 of the 114678
Revised Code do not apply to the Ohio commission on fatherhood. 114679

Sec. ~~5101.805~~ 5180.704. (A) Subject to division (E) of 114680
section 5101.801 of the Revised Code, the Ohio commission on 114681
fatherhood, created under section ~~5101.34~~ 5180.70 of the Revised 114682
Code, may make recommendations to the director of ~~job and family~~ 114683
~~services~~ children and youth concerning the funding, approval, 114684
and implementation of fatherhood programs in this state that 114685
meet at least one of the four purposes of the temporary 114686
assistance for needy families block grant, as specified in 42 114687
U.S.C. 601. 114688

(B) The department of ~~job and family services~~ children and 114689
youth may provide funding under this section to government 114690

entities and, to the extent permitted by federal law, private, 114691
not-for-profit entities with which the department enters into 114692
agreements under division (B) (4) of section 5101.801 of the 114693
Revised Code. 114694

Sec. ~~5101.804~~ 5180.71. (A) Subject to division (E) of 114695
section 5101.801 of the Revised Code, there is hereby created 114696
the Ohio parenting and pregnancy program to provide services for 114697
pregnant women and parents or other relatives caring for 114698
children twelve months of age or younger that do both of the 114699
following: 114700

(1) Promote childbirth, parenting, and alternatives to 114701
abortion; 114702

(2) Meet one or more of the four purposes of the temporary 114703
assistance for needy families block grant as specified in 42 114704
U.S.C. 601. 114705

(B) To the extent permitted by federal law, the department 114706
of children and youth may provide funds under the program to 114707
entities with which the department enters into agreements under 114708
division (B) (3) of section 5101.801 of the Revised Code. In 114709
accordance with criteria the department develops, the department 114710
may solicit proposals from entities seeking to provide services 114711
under the program. The department may enter into an agreement 114712
with an entity only if it meets all of the following conditions: 114713

(1) Is a private, not-for-profit entity; 114714

(2) Is an entity whose primary purpose is to promote 114715
childbirth, rather than abortion, through counseling and other 114716
services, including parenting and adoption support; 114717

(3) Provides services to pregnant women and parents or 114718
other relatives caring for children twelve months of age or 114719

younger, including clothing, counseling, diapers, food, 114720
furniture, health care, parenting classes, postpartum recovery, 114721
shelter, and any other supportive services, programs, or related 114722
outreach; 114723

(4) Does not charge pregnant women and parents or other 114724
relatives caring for children twelve months of age or younger a 114725
fee for any services received; 114726

(5) Is not involved in or associated with any abortion 114727
activities, including providing abortion counseling or referrals 114728
to abortion clinics, performing abortion-related medical 114729
procedures, or engaging in pro-abortion advertising; 114730

(6) Does not discriminate in its provision of services on 114731
the basis of race, religion, color, age, marital status, 114732
national origin, disability, or gender. 114733

(C) An entity that has entered into an agreement with the 114734
department under division (B) (3) of section 5101.801 of the 114735
Revised Code may enter into a subcontract with another entity 114736
under which the other entity provides all or part of the 114737
services described in division (B) (3) of this section. A 114738
subcontract may be entered into with another entity only if that 114739
entity meets all of the following conditions: 114740

(1) Is a private, not-for-profit entity; 114741

(2) Is physically and financially separate from any 114742
entity, or component of an entity, that engages in abortion 114743
activities; 114744

(3) Is not involved in or associated with any abortion 114745
activities, including providing abortion counseling or referrals 114746
to abortion clinics, performing abortion-related medical 114747
procedures, or engaging in pro-abortion advertising. 114748

(D) The director of children and youth shall adopt rules 114749
under division (C) of section 5101.801 of the Revised Code as 114750
necessary to implement the Ohio parenting and pregnancy program. 114751

Sec. ~~3701.65~~ 5180.72. (A) There is hereby created in the 114752
state treasury the "choose life" fund. The fund shall consist of 114753
the contributions that are paid to the registrar of motor 114754
vehicles by applicants who voluntarily elect to obtain "choose 114755
life" license plates pursuant to section 4503.91 of the Revised 114756
Code and any money returned to the fund under division (E) (1) (d) 114757
of this section. All investment earnings of the fund shall be 114758
credited to the fund. 114759

(B) (1) At least annually, the director of ~~health~~ children 114760
and youth shall distribute the money in the fund to any private, 114761
nonprofit organization that is eligible to receive funds under 114762
this section and that applies for funding under division (C) of 114763
this section. 114764

(2) The director shall allocate the funds to each county 114765
in proportion to the number of "choose life" license plates 114766
issued during the preceding year to vehicles registered in each 114767
county. The director shall distribute funds allocated for a 114768
county as follows: 114769

(a) To one or more eligible organizations located within 114770
the county; 114771

(b) If no eligible organization located within the county 114772
applies for funding, to one or more eligible organizations 114773
located in contiguous counties; 114774

(c) If no eligible organization located within the county 114775
or a contiguous county applies for funding, to one or more 114776
eligible organizations within any other county. 114777

(3) The director shall ensure that any funds allocated for 114778
a county are distributed equally among eligible organizations 114779
that apply for funding within the county. 114780

(C) Any organization seeking funds under this section 114781
annually shall apply for distribution of the funds based on the 114782
county in which the organization is located. An organization 114783
also may apply for funding in a county in which it is not 114784
located if it demonstrates that it provides services for 114785
pregnant women residing in that county. The director shall 114786
develop an application form and may determine the schedule and 114787
procedures that an organization shall follow when annually 114788
applying for funds. The application shall inform the applicant 114789
of the conditions for receiving and using funds under division 114790
(E) of this section. The application shall require evidence that 114791
the organization meets all of the following requirements: 114792

(1) Is a private, nonprofit organization; 114793

(2) Is committed to counseling pregnant women about the 114794
option of adoption; 114795

(3) Provides services within the state to pregnant women 114796
who are planning to place their children for adoption, including 114797
counseling and meeting the material needs of the women; 114798

(4) Does not charge women for any services received; 114799

(5) Is not involved or associated with any abortion 114800
activities, including counseling for or referrals to abortion 114801
clinics, providing medical abortion-related procedures, or pro- 114802
abortion advertising; 114803

(6) Does not discriminate in its provision of any services 114804
on the basis of race, religion, color, age, marital status, 114805
national origin, disability, gender, or age; 114806

(7) If the organization is applying for funding in a 114807
county in which it is not located, provides services for 114808
pregnant women residing in that county. 114809

(D) The director shall not distribute funds to an 114810
organization that does not provide verifiable evidence of the 114811
requirements specified in the application under division (C) of 114812
this section and shall not provide additional funds to any 114813
organization that fails to comply with division (E) of this 114814
section in regard to its previous receipt of funds under this 114815
section. 114816

(E) (1) An organization receiving funds under this section 114817
shall do all of the following: 114818

(a) Use not more than sixty per cent of the funds 114819
distributed to it for the material needs of pregnant women who 114820
are planning to place their children for adoption or for infants 114821
awaiting placement with adoptive parents, including clothing, 114822
housing, medical care, food, utilities, and transportation; 114823

(b) Use not more than forty per cent of the funds 114824
distributed to it for counseling, training, or advertising; 114825

(c) Not use any of the funds distributed to it for 114826
administrative expenses, legal expenses, or capital 114827
expenditures; 114828

(d) Annually return to the fund created under division (A) 114829
of this section any unused money that exceeds ten per cent of 114830
the money distributed to the organization. 114831

(2) The organization annually shall submit to the director 114832
an audited financial statement verifying its compliance with 114833
division (E) (1) of this section. 114834

(F) The director, in accordance with Chapter 119. of the 114835
Revised Code, shall adopt rules to implement this section. 114836

It is not the intent of the general assembly that the 114837
department create a new position within the department to 114838
implement and administer this section. It is the intent of the 114839
general assembly that the implementation and administration of 114840
this section be accomplished by existing department personnel. 114841

(G) If funds that have been allocated to a county for any 114842
previous year have not been distributed to one or more eligible 114843
organizations, the director may distribute those funds in 114844
accordance with this section. 114845

Sec. ~~5180.40~~ 5180.73. To increase participation in 114846
evidence-based parenting education programs, the department of 114847
children and youth shall ensure state departments, agencies, and 114848
boards have information to communicate with parents, caregivers, 114849
and child care providers about such programs to promote their 114850
benefits, including their parenting, caregiving, and educational 114851
resources. 114852

Sec. 5180.99. (A) Whoever violates division (B) of section 114853
5180.275 of the Revised Code is guilty of a misdemeanor of the 114854
second degree. 114855

(B) Whoever violates section 5180.403 of the Revised Code 114856
is guilty of a misdemeanor of the fourth degree. 114857

Sec. 5303.34. An action may be brought by a person that 114858
owns mineral rights, against any person that, without lawful 114859
authority, does either of the following: 114860

(A) Trespasses upon the land containing such minerals and 114861
extracts, exploits, or otherwise converts the minerals; 114862

(B) Trespasses upon the land containing such minerals and, 114863
as a result of the entry, renders the development and extraction 114864
of the minerals by the owner commercially unfeasible. 114865

Sec. 5303.35. (A) As used in this section, "bad faith" 114866
means a trespass committed with either of the following: 114867

(1) Actual knowledge of unlawful entry onto property 114868
containing minerals; 114869

(2) Willful or wanton disregard for the lawful property or 114870
mineral rights of another person and with the intent of 114871
depriving the lawful owner of the economic benefit of the 114872
minerals. 114873

"Bad faith" does not include an entry onto property 114874
committed in good faith that was based on a reasonable belief 114875
that such entry or extraction occurring after such entry was 114876
lawful. 114877

(B) Subject to division (C) of this section, in an action 114878
brought under division (A) of section 5303.34 of the Revised 114879
Code, damages shall be equal to the following: 114880

(1) In the case of minerals, such as coal, stone, or ore, 114881
that are extracted by underground or surface mining methods, the 114882
revenue received from the sale of the minerals measured at the 114883
mouth of the mine, less the cost of extraction, less any sums 114884
previously paid. 114885

(2) In the case of minerals, such as hydrocarbons or other 114886
minerals, in liquid or gaseous states that are extracted by 114887
drilling, the revenue received from the sale of such minerals 114888
measured at the wellhead, less the cost of extraction, less any 114889
sums previously paid. 114890

(C) When calculating damages under division (B) (1) or (2) 114891
of this section, if the person who trespassed is determined to 114892
have trespassed on the land in bad faith, no reduction for the 114893
cost of extraction shall be allowed, and the damaged party is 114894
entitled to the full revenue received from the sale of the 114895
minerals, regardless of extraction method, less any sums 114896
previously paid. 114897

(D) (1) Subject to division (D) (2) of this section, in an 114898
action brought under division (B) of section 5303.34 of the 114899
Revised Code, damages shall be equal to the putative reasonably 114900
expected revenue, on a present value basis, that could have been 114901
received from the sale of such minerals either at the mine or at 114902
the wellhead, less the cost of extraction, as established using 114903
commercially reasonable indices applicable to the location of 114904
such minerals. 114905

(2) If the person is determined to have trespassed on the 114906
land in bad faith, when calculating damages under division (D) 114907
(1) of this section, damages shall be equal to the putative 114908
reasonably expected revenue, on a present value basis, that 114909
could have been received from the sale of such minerals either 114910
at the mine or at the wellhead, less any sums previously paid. 114911

(E) A party bringing an action under division (A) or (B) 114912
of section 5303.34 of the Revised Code is not to be entitled to 114913
punitive or treble damages. 114914

(F) The general assembly, in enacting this section and 114915
section 5303.34 of the Revised Code, intends to abrogate the 114916
common law causes of action and remedies involving claims for 114917
the unlawful extraction, exploitation, or conversion of the 114918
minerals of another person. 114919

Sec. 5310.47. Abolition of land registration in a county 114920
does not bar ~~either of the following:~~ 114921

~~(A) A~~ a person who is deprived of land, any interest 114922
therein, or any encumbrance thereon as the result of a decree 114923
obtained by fraud in a case relating to registered land or to 114924
the initial registration of land from filing a complaint to open 114925
up and review the case as provided in section 5309.23 or 5309.81 114926
of the Revised Code. 114927

~~(B) A person who has a cause of action under section~~ 114928
~~5310.07 of the Revised Code from commencing and prosecuting an~~ 114929
~~action as provided in that section, subject to the period of~~ 114930
~~limitation provided in section 5310.12 of the Revised Code. If~~ 114931
~~judgment is rendered for the plaintiff in such an action,~~ 114932
~~recovery shall be had as provided in sections 5310.09 to 5310.11~~ 114933
~~and 5310.13 of the Revised Code.~~ 114934

Sec. 5502.30. (A) The state, any political subdivision, 114935
any municipal agency, any emergency management volunteer, 114936
another state, or an emergency management agency thereof or of 114937
the federal government or of another country or province or 114938
subdivision thereof performing emergency management services in 114939
this state pursuant to an arrangement, agreement, or compact for 114940
mutual aid and assistance, or any agency, member, agent, or 114941
representative of any of them, or any individual, partnership, 114942
corporation, association, trustee, or receiver, or any of the 114943
agents thereof, in good faith carrying out, complying with, or 114944
attempting to comply with any state or federal law or any 114945
arrangement, agreement, or compact for mutual aid and 114946
assistance, or any order issued by federal or state military 114947
authorities relating to emergency management, is not liable for 114948
any injury to or death of persons or damage to property as the 114949

result thereof during training periods, test periods, practice 114950
periods, or other emergency management operations, or false 114951
alerts, as well as during any hazard, actual or imminent, and 114952
subsequent to the same except in cases of willful misconduct. As 114953
used in this division, "emergency management volunteer" means 114954
only an individual who is authorized to assist any agency 114955
performing emergency management during a hazard. 114956

(B) The state, any political subdivision, any individual, 114957
partnership, corporation, association, trustee, or receiver, or 114958
any agent, agency, representative, officer, or employee of any 114959
of them that owns, maintains, occupies, operates, or controls 114960
all or part of any building, structure, or premises shall not be 114961
liable for any injury or death sustained by any person or damage 114962
caused to any property while that person or property is in the 114963
building, structure, or premises for duty, training, or shelter 114964
purposes during a hazard, drill, test, or false warning, or is 114965
entering therein for such purposes or departing therefrom, or 114966
for any injury, death, or property damage as the result of any 114967
condition in or on the building, structure, or premises or of 114968
any act or omission with respect thereto, except a willful act 114969
intended to cause injury or damage. 114970

(C) Any person deployed by the emergency management agency 114971
to render aid in another state pursuant to section 5502.40 of 114972
the Revised Code, including a full-time or part-time paid 114973
employee of a political subdivision of this state or a nonprofit 114974
organization, a paid or unpaid volunteer of a for-profit or 114975
nonprofit organization, and a health care worker of a for-profit 114976
or nonprofit organization, that is rendering aid in another 114977
state is considered an officer or employee of the state for 114978
purposes of the immunity established under Article VI of the 114979
emergency management assistance compact enacted under section 114980

5502.40 of the Revised Code. Nothing in this division entitles 114981
~~an employee of a political subdivision~~ any person deployed 114982
pursuant to section 5502.40 of the Revised Code to any other 114983
right or benefit of a state officer or employee. 114984

(D) This section does not affect the right of any person 114985
to receive benefits to which the person may be entitled under 114986
Chapter 4123. of the Revised Code or any pension law, nor the 114987
rights of any person to receive any benefits or compensation 114988
under any act of congress or under any law of this state. 114989

Sec. 5505.046. ~~The secretary of state, or any person~~ 114990
~~acting on personal knowledge and subject to the penalties of~~ 114991
~~perjury, may file a~~ A complaint with the Ohio elections 114992
~~commission~~ alleging a violation of section 5505.045 of the 114993
Revised Code may be filed in accordance with section 3517.14 of 114994
the Revised Code. ~~The complaint shall be made on a form~~ 114995
~~prescribed and provided by the commission.~~ 114996

~~On receipt of a complaint under this section, the~~ 114997
~~commission shall hold a hearing open to the public to determine~~ 114998
~~whether the violation alleged in the complaint has occurred. The~~ 114999
~~commission may administer oaths and issue subpoenas to any~~ 115000
~~person in the state compelling the attendance of witnesses and~~ 115001
~~the production of relevant papers, books, accounts, and reports.~~ 115002
~~On the refusal of any person to obey a subpoena or to be sworn~~ 115003
~~or to answer as a witness, the commission may apply to the court~~ 115004
~~of common pleas of Franklin county under section 2705.03 of the~~ 115005
~~Revised Code. The court shall hold contempt proceedings in~~ 115006
~~accordance with Chapter 2705. of the Revised Code.~~ 115007

~~The commission shall provide the person accused of the~~ 115008
~~violation at least seven days prior notice of the time, date,~~ 115009
~~and place of the hearing. The accused may be represented by an~~ 115010

~~attorney and shall have an opportunity to present evidence, call~~ 115011
~~witnesses, and cross-examine witnesses.~~ 115012

~~At the hearing, the commission shall determine whether the~~ 115013
~~violation alleged in the complaint has occurred. If the~~ 115014
~~commission determines that a violation of division (A) of~~ 115015
~~section 5505.045 of the Revised Code has occurred, the~~ 115016
~~commission shall either impose a fine under section 5505.99 of~~ 115017
~~the Revised Code or enter a finding that good cause has been~~ 115018
~~shown not to impose the fine. If the commission determines that~~ 115019
~~a violation of division (B) of section 5505.045 of the Revised~~ 115020
~~Code has occurred, the commission shall impose the fine~~ 115021
~~described in section 5505.99 of the Revised Code, refer the~~ 115022
~~matter to the appropriate prosecutor, or enter a finding that~~ 115023
~~good cause has been shown to not impose a fine or refer the~~ 115024
~~matter to the appropriate prosecutor.~~ 115025

Sec. 5505.99. (A) Whoever violates division (A) of section 115026
5505.045 of the Revised Code shall be fined not more than one 115027
hundred dollars for each day of the violation. 115028

(B) Whoever violates division (B) of section 5505.045 of 115029
the Revised Code shall be imprisoned for not more than six 115030
months or fined not more than five thousand dollars, or both. 115031

~~(C) Fines imposed by the Ohio elections commission under~~ 115032
~~this section shall be paid into the Ohio elections commission~~ 115033
~~fund created under section 3513.10 of the Revised Code.~~ 115034

Sec. 5513.01. (A) The director of transportation shall 115035
make all purchases of machinery, materials, supplies, or other 115036
articles in the manner provided in this section. In all cases 115037
except those in which the director provides written 115038
authorization for purchases by district deputy directors of 115039

transportation, the director shall make all such purchases at 115040
the central office of the department of transportation in 115041
Columbus. Before making any purchase at that office, the 115042
director, as provided in this section, shall give notice to 115043
bidders of the director's intention to purchase. Where the 115044
expenditure does not exceed the amount applicable to the 115045
purchase of ~~supplies~~goods specified in division ~~(A)~~(B) of 115046
section 125.05 of the Revised Code, the director shall give such 115047
notice as the director considers proper, or the director may 115048
make the purchase without notice. Where the expenditure exceeds 115049
the amount applicable to the purchase of ~~supplies~~goods 115050
specified in division (A) of section 125.05 of the Revised Code, 115051
the director shall give notice by posting for not less than ten 115052
days a written, typed, or printed invitation to bidders on a 115053
bulletin board. The director shall locate the notice in a place 115054
in the offices assigned to the department and open to the public 115055
during business hours. 115056

Producers or distributors of any product may notify the 115057
director, in writing, of the class of articles for the 115058
furnishing of which they desire to bid and their post-office 115059
addresses. In that circumstance, the director shall mail copies 115060
of all invitations to bidders relating to the purchase of such 115061
articles to such persons by regular first class mail at least 115062
ten days prior to the time fixed for taking bids. The director 115063
also may mail copies of all invitations to bidders to news 115064
agencies or other agencies or organizations distributing 115065
information of this character. Requests for invitations are not 115066
valid and do not require action by the director unless renewed 115067
by the director, either annually or after such shorter period as 115068
the director may prescribe by a general rule. 115069

The director shall include in an invitation to bidders a 115070

brief statement of the general character of the article that it 115071
is intended to purchase, the approximate quantity desired, and a 115072
statement of the time and place where bids will be received, and 115073
may relate to and describe as many different articles as the 115074
director thinks proper, it being the intent and purpose of this 115075
section to authorize the inclusion in a single invitation of as 115076
many different articles as the director desires to invite bids 115077
upon at any given time. The director shall give invitations 115078
issued during each calendar year consecutive numbers, and ensure 115079
that the number assigned to each invitation appears on all 115080
copies thereof. In all cases where notice is required by this 115081
section, the director shall require sealed bids, on forms 115082
prescribed and furnished by the director. The director shall not 115083
permit the modification of bids after they have been opened. 115084

(B) The director may permit a state agency, the Ohio 115085
turnpike and infrastructure commission, any political 115086
subdivision, and any state university or college to participate 115087
in contracts into which the director has entered for the 115088
purchase of machinery, materials, supplies, or other articles. 115089
The turnpike and infrastructure commission and any political 115090
subdivision or state university or college desiring to 115091
participate in such purchase contracts shall file with the 115092
director a certified copy of the bylaws or rules of the turnpike 115093
and infrastructure commission or the ordinance or resolution of 115094
the legislative authority, board of trustees, or other governing 115095
board requesting authorization to participate in such contracts 115096
and agreeing to be bound by such terms and conditions as the 115097
director prescribes. Purchases made by a state agency, the 115098
turnpike and infrastructure commission, political subdivisions, 115099
or state universities or colleges under this division are exempt 115100
from any competitive bidding required by law for the purchase of 115101

machinery, materials, supplies, or other articles. 115102

(C) As used in this section: 115103

(1) "Political subdivision" means any county, township, 115104
municipal corporation, conservancy district, township park 115105
district, park district created under Chapter 1545. of the 115106
Revised Code, port authority, regional transit authority, 115107
regional airport authority, regional water and sewer district, 115108
county transit board, school district as defined in section 115109
5513.04 of the Revised Code, regional planning commission formed 115110
under section 713.21 of the Revised Code, regional council of 115111
government formed under section 167.01 of the Revised Code, or 115112
other association of local governments established pursuant to 115113
an agreement under sections 307.14 to 307.19 of the Revised 115114
Code. 115115

(2) "State university or college" has the same meaning as 115116
in division (A) (1) of section 3345.32 of the Revised Code. 115117

(3) "Ohio turnpike and infrastructure commission" means 115118
the commission created by section 5537.02 of the Revised Code. 115119

(4) "State agency" means every organized body, office, 115120
board, authority, commission, or agency established by the laws 115121
of the state for the exercise of any governmental or quasi- 115122
governmental function of state government, regardless of the 115123
funding source for that entity, other than any state institution 115124
of higher education, the office of the governor, lieutenant 115125
governor, auditor of state, treasurer of state, secretary of 115126
state, or attorney general, the general assembly, the courts or 115127
any judicial agency, or any state retirement system or 115128
retirement program established by or referenced in the Revised 115129
Code. 115130

Sec. 5513.02. (A) Specifications describing the character 115131
of the articles that the department of transportation is 115132
proposing to purchase, and the conditions governing shipment and 115133
delivery, shall be kept on file at the department and open to 115134
public inspection throughout the time during which an invitation 115135
to bidders is required to be posted. The director of 115136
transportation may require bids to be accompanied by a certified 115137
check payable to the director in an amount fixed by the director 115138
and stated in the invitation to bidders. Persons, firms, or 115139
corporations desiring to bid on more than one invitation shall 115140
be relieved from furnishing certified checks with their bids 115141
provided they first furnish a bond payable to the state, in an 115142
amount and with surety approved by the director, conditioned for 115143
the faithful performances of all contracts that may be awarded 115144
to them, and otherwise conditioned as the director requires. All 115145
bids shall be publicly opened and read at the time and place 115146
mentioned in the notice. All purchases shall be made by the 115147
director from the lowest responsive and responsible bidder for 115148
each item in accordance with section 9.312 of the Revised Code, 115149
except where the director has established in the bidding 115150
documents a provision for multiple awards for the purchase of 115151
items such as asphalt, aggregates, machinery parts, and others 115152
as the director determines necessary, and except that in the 115153
purchase of machinery, equipment, or supplies for which fixed 115154
and definite specifications cannot be prepared, the director may 115155
purchase the articles meeting the general specifications 115156
prescribed and which the director finds are most suitable for 115157
the uses intended. Sections 5513.01 to 5513.04 of the Revised 115158
Code shall apply to the exchange of machinery and equipment and 115159
in force account operations where the director desires to 115160
combine in one order the furnishing, hauling, and placing of 115161
material. The director may purchase or authorize the purchase 115162

without notice, or upon such notice as the director prescribes, 115163
of materials that in the director's judgment may be required for 115164
the immediate repair of roads or bridges destroyed or damaged by 115165
flood, landslide, or other casualty. No person shall place 115166
separate orders for the purpose of defeating such sections, and 115167
contracts of purchase shall not be valid unless made in 115168
conformity with this section. 115169

(B) Section ~~125.092~~ 125.091 and division (B) of section 115170
125.11 of the Revised Code apply to the purchase of products by 115171
the director pursuant to sections 5513.01 to 5513.04 of the 115172
Revised Code. 115173

Sec. 5525.03. (A) All prospective bidders other than 115174
environmental remediators and specialty contractors for which 115175
there are no classes of work provided for in the rules adopted 115176
by the director of transportation shall apply for qualification 115177
on forms prescribed and furnished by the director. The 115178
application shall be ~~accompanied by a certificate of compliance~~ 115179
~~with affirmative action programs issued pursuant to section 9.47~~ 115180
~~of the Revised Code and dated no earlier than one hundred eighty~~ 115181
days before the date fixed for the opening of bids for a 115182
particular project. 115183

(B) The director shall act upon an application for 115184
qualification within thirty days after it is presented to the 115185
director. Upon the receipt of any application for qualification, 115186
the director shall examine the application to determine whether 115187
the applicant is competent and responsible and possesses the 115188
financial resources required by section 5525.04 of the Revised 115189
Code. If the applicant is found to possess the qualifications 115190
prescribed by sections 5525.02 to 5525.09 of the Revised Code 115191
and by rules adopted by the director, ~~including a certificate of~~ 115192

~~compliance with affirmative action programs,~~ a certificate of 115193
qualification shall be issued to the applicant, which shall be 115194
valid for the period of one year or such shorter period of time 115195
as the director prescribes, unless revoked by the director for 115196
cause as defined by rules adopted by the director under section 115197
5525.05 of the Revised Code. 115198

(C) The certificate of qualification shall contain a 115199
statement fixing the aggregate amount of work, for any or all 115200
owners, that the applicant may have under construction and 115201
uncompleted at any one time and may contain a statement limiting 115202
such bidder to the submission of bids upon a certain class of 115203
work. Subject to any restriction as to amount or class of work 115204
therein contained, the certificate of qualification shall 115205
authorize its holder to bid on all work on which bids are taken 115206
by the department of transportation during the period of time 115207
therein specified. 115208

(D) An applicant who has received a certificate of 115209
qualification and desires to amend the certificate by the dollar 115210
amount or by the classes of work may submit to the director such 115211
documentation as the director considers appropriate. The 115212
director shall review the documentation submitted by the 115213
applicant and, within fifteen days, shall either amend the 115214
certificate of qualification or deny the request. If the 115215
director denies the request to amend the certificate, the 115216
applicant may appeal that decision to the director's 115217
prequalification review board in accordance with section 5525.07 115218
of the Revised Code. Two or more persons, partnerships, or 115219
corporations may bid jointly on any one project, but only on 115220
condition that prior to the time bids are taken on the project 115221
the bidders make a joint application for qualification and 115222
obtain a joint certificate qualification. 115223

(E) The director may debar from participating in future 115224
contracts with the department any bidding company as well as any 115225
partner of a partnership, or the officers and directors of an 115226
association or corporation if the certificate of qualification 115227
of the company, partnership, association, or corporation is 115228
revoked or not renewed by the director. When the director 115229
reasonably believes that grounds for revocation and debarment 115230
exist, the director shall send the bidding company and any 115231
individual involved a notice of proposed revocation and 115232
debarment indicating the grounds for such action as established 115233
in rules adopted by the director under section 5525.05 of the 115234
Revised Code and the procedure for requesting a hearing. The 115235
notice and hearing shall be in accordance with Chapter 119. of 115236
the Revised Code. If the bidding company or individual does not 115237
respond with a request for a hearing in the manner specified in 115238
Chapter 119. of the Revised Code, the director shall revoke the 115239
certificate and issue the debarment decision without a hearing 115240
and shall notify the bidding company or individual of the 115241
decision by certified mail, return receipt requested. 115242

(F) The debarment period may be of any length determined 115243
by the director and the director may modify or rescind the 115244
debarment at any time. During the period of debarment, the 115245
director shall not issue a certificate of qualification for any 115246
company, partnership, association, or corporation affiliated 115247
with a debarred individual. After the debarment period expires, 115248
the bidding company or individual, and any partnership, 115249
association, or corporation affiliated with the individual may 115250
make an application for qualification if such entity or 115251
individual is not otherwise debarred. 115252

Sec. 5537.01. As used in this chapter: 115253

(A) "Commission" means the Ohio turnpike and 115254
infrastructure commission created by section 5537.02 of the 115255
Revised Code or, if that commission is abolished, the board, 115256
body, officer, or commission succeeding to the principal 115257
functions thereof or to which the powers given by this chapter 115258
to the commission are given by law. 115259

(B) "Turnpike project" means any express or limited access 115260
highway, super highway, or motorway constructed, operated, or 115261
improved, under the jurisdiction of the commission and pursuant 115262
to this chapter, ~~at a location or locations reviewed by the~~ 115263
~~turnpike legislative review committee~~ and approved by the 115264
governor, including all bridges, tunnels, overpasses, 115265
underpasses, interchanges, entrance plazas, approaches, those 115266
portions of connecting public roads that serve interchanges and 115267
are determined by the commission and the director of 115268
transportation to be necessary for the safe merging of traffic 115269
between the turnpike project and those public roads, toll 115270
booths, service facilities, and administration, storage, and 115271
other buildings, property, and facilities that the commission 115272
considers necessary for the operation or policing of the 115273
turnpike project, together with all property and rights which 115274
may be acquired by the commission for the construction, 115275
maintenance, or operation of the turnpike project, and includes 115276
any sections or extensions of a turnpike project designated by 115277
the commission as such for the particular purpose. Each turnpike 115278
project shall be separately designated, by name or number, and 115279
may be constructed, improved, or extended in such sections as 115280
the commission may from time to time determine. Construction 115281
includes the improvement and renovation of a previously 115282
constructed turnpike project, including additional interchanges, 115283
whether or not the turnpike project was initially constructed by 115284

the commission. 115285

(C) "Infrastructure project" means any public express or 115286
limited access highway, super highway, or motorway, including 115287
all bridges, tunnels, overpasses, underpasses, interchanges, 115288
entrance plazas, approaches, and those portions of connecting 115289
public roads that serve interchanges, that is constructed or 115290
improved, in whole or in part, with infrastructure funding 115291
approved pursuant to criteria established under section 5537.18 115292
of the Revised Code. 115293

(D) "Cost," as applied to construction of a turnpike 115294
project or an infrastructure project, includes the cost of 115295
construction, including bridges over or under existing highways 115296
and railroads, acquisition of all property acquired either by 115297
the commission or by the owner of the infrastructure project for 115298
the construction, demolishing or removing any buildings or 115299
structures on land so acquired, including the cost of acquiring 115300
any lands to which the buildings or structures may be moved, 115301
site clearance, improvement, and preparation, diverting public 115302
roads, interchanges with public roads, access roads to private 115303
property, including the cost of land or easements therefor, all 115304
machinery, furnishings, and equipment, communications 115305
facilities, financing expenses, interest prior to and during 115306
construction and for one year after completion of construction, 115307
traffic estimates, indemnity and surety bonds and premiums on 115308
insurance, title work and title commitments, insurance, and 115309
guarantees, engineering, feasibility studies, and legal 115310
expenses, plans, specifications, surveys, estimates of cost and 115311
revenues, other expenses necessary or incident to determining 115312
the feasibility or practicability of constructing or operating a 115313
turnpike project or an infrastructure project, administrative 115314
expenses, and any other expense that may be necessary or 115315

incident to the construction of the turnpike project or an 115316
infrastructure project, the financing of the construction, and 115317
the placing of the turnpike project or an infrastructure project 115318
in operation. Any obligation or expense incurred by the 115319
department of transportation with the approval of the commission 115320
for surveys, borings, preparation of plans and specifications, 115321
and other engineering services in connection with the 115322
construction of a turnpike project or an infrastructure project, 115323
or by the federal government with the approval of the commission 115324
for any public road projects which must be reimbursed as a 115325
condition to the exercise of any of the powers of the commission 115326
under this chapter, shall be regarded as a part of the cost of 115327
the turnpike project or an infrastructure project and shall be 115328
reimbursed to the state or the federal government, as the case 115329
may be, from revenues, state taxes, or the proceeds of bonds as 115330
authorized by this chapter. 115331

(E) "Owner" includes all persons having any title or 115332
interest in any property authorized to be acquired by the 115333
commission for turnpike projects under this chapter, or the 115334
public entity for whom an infrastructure project is funded, in 115335
whole or in part, by the commission under this chapter. 115336

(F) "Revenues" means all tolls, service revenues, 115337
investment income on special funds, rentals, gifts, grants, and 115338
all other moneys coming into the possession of or under the 115339
control of the commission by virtue of this chapter, except the 115340
proceeds from the sale of bonds. "Revenues" does not include 115341
state taxes. 115342

(G) "Public roads" means all public highways, roads, and 115343
streets in the state, whether maintained by a state agency or 115344
any other governmental agency. 115345

(H) "Public utility facilities" means tracks, pipes, 115346
mains, conduits, cables, wires, towers, poles, and other 115347
equipment and appliances of any public utility. 115348

(I) "Financing expenses" means all costs and expenses 115349
relating to the authorization, issuance, sale, delivery, 115350
authentication, deposit, custody, clearing, registration, 115351
transfer, exchange, fractionalization, replacement, payment, and 115352
servicing of bonds including, without limitation, costs and 115353
expenses for or relating to publication and printing, postage, 115354
delivery, preliminary and final official statements, offering 115355
circulars, and informational statements, travel and 115356
transportation, underwriters, placement agents, investment 115357
bankers, paying agents, registrars, authenticating agents, 115358
remarketing agents, custodians, clearing agencies or 115359
corporations, securities depositories, financial advisory 115360
services, certifications, audits, federal or state regulatory 115361
agencies, accounting and computation services, legal services 115362
and obtaining approving legal opinions and other legal opinions, 115363
credit ratings, redemption premiums, and credit enhancement 115364
facilities. 115365

(J) "Bond proceedings" means the resolutions, trust 115366
agreements, certifications, notices, sale proceedings, leases, 115367
lease-purchase agreements, assignments, credit enhancement 115368
facility agreements, and other agreements, instruments, and 115369
documents, as amended and supplemented, or any one or more or 115370
any combination thereof, authorizing, or authorizing or 115371
providing for the terms and conditions applicable to, or 115372
providing for the security or sale or award or liquidity of, 115373
bonds, and includes the provisions set forth or incorporated in 115374
those bonds and bond proceedings. 115375

(K) "Bond service charges" means principal, including any 115376
mandatory sinking fund or mandatory redemption requirements for 115377
the retirement of bonds, and interest and any redemption premium 115378
payable on bonds, as those payments come due and are payable to 115379
the bondholder or to a person making payment under a credit 115380
enhancement facility of those bond service charges to a 115381
bondholder. 115382

(L) "Bond service fund" means the applicable fund created 115383
by the bond proceedings for and pledged to the payment of bond 115384
service charges on bonds provided for by those proceedings, 115385
including all moneys and investments, and earnings from 115386
investments, credited and to be credited to that fund as 115387
provided in the bond proceedings. 115388

(M) "Bonds" means bonds, notes, including notes 115389
anticipating bonds or other notes, commercial paper, 115390
certificates of participation, or other evidences of obligation, 115391
including any interest coupons pertaining thereto, issued by the 115392
commission pursuant to this chapter. 115393

(N) "Infrastructure fund" means the applicable fund or 115394
funds created by the bond proceedings, which shall be used to 115395
pay or defray the cost of infrastructure projects recommended by 115396
the director of transportation and evaluated and approved by the 115397
commission. 115398

(O) "Net revenues" means revenues lawfully available to 115399
pay both current operating expenses of the commission and bond 115400
service charges in any fiscal year or other specified period, 115401
less current operating expenses of the commission and any amount 115402
necessary to maintain a working capital reserve for that period. 115403

(P) "Pledged revenues" means net revenues, moneys and 115404

investments, and earnings on those investments, in the 115405
applicable bond service fund and any other special funds, and 115406
the proceeds of any bonds issued for the purpose of refunding 115407
prior bonds, all as lawfully available and by resolution of the 115408
commission committed for application as pledged revenues to the 115409
payment of bond service charges on particular issues of bonds. 115410

(Q) "Service facilities" means service stations, 115411
restaurants, and other facilities for food service, roadside 115412
parks and rest areas, parking, camping, tenting, rest, and 115413
sleeping facilities, hotels or motels, and all similar and other 115414
facilities providing services to the traveling public in 115415
connection with the use of a turnpike project and owned, leased, 115416
licensed, or operated by the commission. 115417

(R) "Service revenues" means those revenues of the 115418
commission derived from its ownership, leasing, licensing, or 115419
operation of service facilities. 115420

(S) "Special funds" means the applicable bond service fund 115421
and any accounts and subaccounts in that fund, any other funds 115422
or accounts permitted by and established under, and identified 115423
as a "special fund" or "special account" in, the bond 115424
proceedings, including any special fund or account established 115425
for purposes of rebate or other requirements under federal 115426
income tax laws. 115427

(T) "State agencies" means the state, officers of the 115428
state, and boards, departments, branches, divisions, or other 115429
units or agencies of the state. 115430

(U) "State taxes" means receipts of the commission from 115431
the proceeds of state taxes or excises levied and collected, or 115432
appropriated by the general assembly to the commission, for the 115433

purposes and functions of the commission. State taxes do not 115434
include tolls, or investment earnings on state taxes except on 115435
those state taxes referred to in Section 5a of Article XII, Ohio 115436
Constitution. 115437

(V) "Tolls" means tolls, special fees or permit fees, or 115438
other charges by the commission to the owners, lessors, lessees, 115439
or operators of motor vehicles for the operation of or the right 115440
to operate those vehicles on a turnpike project. 115441

(W) "Credit enhancement facilities" means letters of 115442
credit, lines of credit, standby, contingent, or firm securities 115443
purchase agreements, insurance, or surety arrangements, 115444
guarantees, and other arrangements that provide for direct or 115445
contingent payment of bond service charges, for security or 115446
additional security in the event of nonpayment or default in 115447
respect of bonds, or for making payment of bond service charges 115448
and at the option and on demand of bondholders or at the option 115449
of the commission or upon certain conditions occurring under put 115450
or similar arrangements, or for otherwise supporting the credit 115451
or liquidity of the bonds, and includes credit, reimbursement, 115452
marketing, remarketing, indexing, carrying, interest rate hedge, 115453
and subrogation agreements, and other agreements and 115454
arrangements for payment and reimbursement of the person 115455
providing the credit enhancement facility and the security for 115456
that payment and reimbursement. 115457

(X) "Person" has the same meaning as in section 1.59 of 115458
the Revised Code and, unless the context otherwise provides, 115459
also includes any governmental agency and any combination of 115460
those persons. 115461

(Y) "Refund" means to fund and retire outstanding bonds, 115462
including advance refunding with or without payment or 115463

redemption prior to stated maturity. 115464

(Z) "Governmental agency" means any state agency, federal 115465
agency, political subdivision, or other local, interstate, or 115466
regional governmental agency, and any combination of those 115467
agencies. 115468

(AA) "Property" has the same meaning as in section 1.59 of 115469
the Revised Code, and includes interests in property. 115470

(BB) "Administrative agent," "agent," "commercial paper," 115471
"floating rate interest structure," "indexing agent," "interest 115472
rate hedge," "interest rate period," "put arrangement," and 115473
"remarketing agent" have the same meanings as in section 9.98 of 115474
the Revised Code. 115475

(CC) "Outstanding," as applied to bonds, means outstanding 115476
in accordance with the terms of the bonds and the applicable 115477
bond proceedings. 115478

(DD) "Ohio turnpike system" or "system" means all existing 115479
and future turnpike projects constructed, operated, and 115480
maintained under the jurisdiction of the commission. 115481

(EE) "Ohio turnpike and infrastructure system" means 115482
turnpike projects and infrastructure projects funded by the 115483
commission existing on and after July 1, 2013, that facilitate 115484
access to, use of, and egress from the Ohio turnpike system, and 115485
also facilitate access to and from areas of population, 115486
commerce, and industry that are connected to the Ohio turnpike 115487
system. 115488

Sec. 5537.02. (A) There is hereby created a commission to 115489
be known on and after July 1, 2013, as the "Ohio turnpike and 115490
infrastructure commission." The commission is a body both 115491
corporate and politic, constituting an instrumentality of the 115492

state, and the exercise by it of the powers conferred by this 115493
chapter in the construction, operation, and maintenance of the 115494
Ohio turnpike system, and also in entering into agreements with 115495
the department of transportation to pay the cost or a portion of 115496
the costs of infrastructure projects, are and shall be held to 115497
be essential governmental functions of the state, but the 115498
commission shall not be immune from liability by reason thereof. 115499
Chapter 2744. of the Revised Code applies to the commission and 115500
the commission is a political subdivision of the state for 115501
purposes of that chapter. The commission is subject to all 115502
provisions of law generally applicable to state agencies which 115503
do not conflict with this chapter. 115504

(B) (1) The commission shall consist of ten members as 115505
follows: 115506

(a) Six members appointed by the governor with the advice 115507
and consent of the senate, no more than three of whom shall be 115508
members of the same political party; 115509

(b) The director of transportation, or the director's 115510
designee, who shall be a voting member, and the director of 115511
budget and management, or the director's designee. The directors 115512
or their designees, as applicable, shall serve as ex officio 115513
members, without compensation; 115514

(c) One member of the senate, appointed by the president 115515
of the senate, ~~who shall represent either a district in which is~~ 115516
~~located or through which passes a portion of a turnpike project~~ 115517
~~that is part of the Ohio turnpike system or a district located~~ 115518
~~in the vicinity of a turnpike project that is part of the Ohio~~ 115519
~~turnpike system;~~ 115520

(d) One member of the house of representatives, appointed 115521

by the speaker of the house of representatives, ~~who shall~~ 115522
~~represent either a district in which is located or through which~~ 115523
~~passes a portion of a turnpike project that is part of the Ohio~~ 115524
~~turnpike system or a district located in the vicinity of a~~ 115525
~~turnpike project that is part of the Ohio turnpike system.~~ 115526

(2) The members appointed by the governor shall be 115527
residents of the state, shall have been qualified electors 115528
therein for a period of at least five years next preceding their 115529
appointment. In making the appointments, the governor may 115530
appoint persons who reside in different geographic areas of the 115531
state, taking into consideration the various turnpike and 115532
infrastructure projects in the state. Members appointed to the 115533
commission prior to July 1, 2013, shall serve terms of eight 115534
years commencing on the first day of July and ending on the 115535
thirtieth day of June. Thereafter, members appointed by the 115536
governor shall serve terms of five years commencing on the first 115537
day of July and ending on the thirtieth day of June. Those 115538
members appointed by the president of the senate or the speaker 115539
of the house of representatives shall serve a term of the 115540
remainder of the general assembly during which the senator or 115541
representative is appointed. Each appointed member shall hold 115542
office from the date of appointment until the end of the term 115543
for which the member was appointed. If a commission member dies 115544
or resigns, or if a senator or representative who is a member of 115545
the commission ceases to be a senator or representative, or if 115546
an ex officio member ceases to hold the applicable office, the 115547
vacancy shall be filled in the same manner as provided in 115548
division (B)(1) of this section. Any member who fills a vacancy 115549
occurring prior to the end of the term for which the member's 115550
predecessor was appointed shall, if appointed by the governor, 115551
hold office for the remainder of such term or, if appointed by 115552

the president of the senate or the speaker of the house of 115553
representatives, shall hold office for the remainder of the term 115554
or for a shorter period of time as determined by the president 115555
or the speaker. Any member appointed by the governor shall 115556
continue in office subsequent to the expiration date of the 115557
member's term until the member's successor takes office, or 115558
until a period of sixty days has elapsed, whichever occurs 115559
first. A member of the commission is eligible for reappointment. 115560
Each member of the commission appointed by the governor, before 115561
entering upon the member's duties, shall take an oath as 115562
provided by Section 7 of Article XV, Ohio Constitution. The 115563
governor, the president of the senate, or the speaker of the 115564
house of representatives, may at any time remove their 115565
respective appointees to the commission for misfeasance, 115566
nonfeasance, or malfeasance in office. 115567

(3) (a) A member of the commission who is appointed by the 115568
president of the senate or the speaker of the house of 115569
representatives shall not participate in any vote of the 115570
commission. Serving as an appointed member of the commission 115571
under divisions (B) (1) (c), (1) (d), or (2) of this section does 115572
not constitute grounds for resignation from the senate or the 115573
house of representatives under section 101.26 of the Revised 115574
Code. 115575

(b) The director of budget and management shall not 115576
participate in any vote of the commission. 115577

(C) The voting members of the commission shall elect one 115578
of the voting members as chairperson and another as vice- 115579
chairperson, and shall appoint a secretary-treasurer who need 115580
not be a member of the commission. Four of the voting members of 115581
the commission constitute a quorum, and the affirmative vote of 115582

four voting members is necessary for any action taken by the 115583
commission. No vacancy in the membership of the commission 115584
impairs the rights of a quorum to exercise all the rights and 115585
perform all the duties of the commission. 115586

(D) Each member of the commission appointed by the 115587
governor shall give a surety bond to the commission in the penal 115588
sum of twenty-five thousand dollars and the secretary-treasurer 115589
shall give such a bond in at least the penal sum of fifty 115590
thousand dollars. The commission may require any of its officers 115591
or employees to file surety bonds including a blanket bond as 115592
provided in section 3.06 of the Revised Code. Each such bond 115593
shall be in favor of the commission and shall be conditioned 115594
upon the faithful performance of the duties of the office, 115595
executed by a surety company authorized to transact business in 115596
this state, approved by the governor, and filed in the office of 115597
the secretary of state. The costs of the surety bonds shall be 115598
paid or reimbursed by the commission from revenues. Each member 115599
of the commission appointed by the governor shall receive an 115600
annual salary of five thousand dollars, payable in monthly 115601
installments. Each member shall be reimbursed for the member's 115602
actual expenses necessarily incurred in the performance of the 115603
member's duties. All costs and expenses incurred by the 115604
commission in carrying out this chapter shall be payable solely 115605
from revenues and state taxes, and no liability or obligation 115606
shall be incurred by the commission beyond the extent to which 115607
revenues have been provided for pursuant to this chapter. 115608

Sec. 5537.03. In order to remove present and anticipated 115609
impediments and potential hazards on the congested highways in 115610
this state, to facilitate vehicular traffic throughout the 115611
state, to finance infrastructure projects that improve and 115612
enhance mobility in Ohio, and also to promote the agricultural, 115613

recreational, tourism, and commercial, industrial, and economic 115614
development of the state, and to provide for the general welfare 115615
by the construction, improvement, and maintenance of modern 115616
express highways embodying safety devices, including without 115617
limitation center divisions, ample shoulder widths, long sight 115618
distances, multiple lanes in each direction, and grade 115619
separations at intersections with other public roads and 115620
railroads, the Ohio turnpike and infrastructure commission may 115621
do the following: 115622

(A) Subject to section 5537.26 of the Revised Code, 115623
construct, maintain, repair, and operate a system of turnpike 115624
projects ~~at locations that are reviewed by the turnpike~~ 115625
~~legislative review committee and approved by the governor,~~ and 115626
in accordance with alignment and design standards that are 115627
approved by the director of transportation, and issue revenue 115628
bonds of this state, payable solely from pledged revenues, to 115629
pay the cost of those projects. The turnpikes and turnpike 115630
projects authorized by this chapter are hereby or shall be made 115631
part of the Ohio turnpike system. 115632

(B) Provide the infrastructure funds to pay the cost or a 115633
portion of the cost of infrastructure projects as recommended by 115634
the director of transportation pursuant to a determination made 115635
by the commission based on criteria set forth in rules adopted 115636
by the commission under section 5537.18 of the Revised Code. A 115637
determination by the commission to provide infrastructure funds 115638
for an infrastructure project shall be conclusive and 115639
incontestable. 115640

Sec. 5537.27. The Ohio turnpike and infrastructure 115641
commission, the director of transportation or the director's 115642
designee, and another person designated by the governor shall 115643

establish a procedure whereby a political subdivision or other 115644
government agency or agencies may submit a written application 115645
to the commission, requesting the commission to construct and 115646
operate a turnpike project within the boundaries of the 115647
subdivision, agency, or agencies making the request. The 115648
procedure shall include a requirement that the commission send a 115649
written reply to the subdivision, agency, or agencies, 115650
explaining the disposition of the request. The procedure 115651
established pursuant to this section shall not become effective 115652
unless it is approved by the commission and by the director or 115653
the director's designee and the designee of the governor, ~~and~~ 115654
~~shall require submission of the proposed turnpike project to the~~ 115655
~~turnpike legislative review committee if the project must be~~ 115656
~~approved by the governor.~~ 115657

Sec. 5540.02. (A) A transportation improvement district 115658
may be created by the board of county commissioners of a county. 115659
The board, by resolution, shall determine the structure of the 115660
board of trustees of the transportation improvement district it 115661
creates by adopting the structure contained either in division 115662
(C) (1) or (2) of this section. 115663

(B) A transportation improvement district is a body both 115664
corporate and politic, and the exercise by it of the powers 115665
conferred by this chapter in the financing, construction, 115666
maintenance, repair, and operation of a project are and shall be 115667
held to be essential governmental functions. 115668

(C) (1) If the board of county commissioners so elects, a 115669
transportation improvement district shall be governed by a board 115670
of trustees consisting of the following members: 115671

(a) Two members appointed by the board of county 115672
commissioners; 115673

- (b) Three members appointed by the legislative authority 115674
of the most populous municipal corporation in the district; 115675
- (c) Two members appointed by the legislative authority of 115676
the second most populous municipal corporation in the district; 115677
- (d) Two members appointed by the board of township 115678
trustees of the township in the county that is most populous in 115679
its unincorporated area; 115680
- (e) The county engineer; 115681
- (f) One member appointed by the legislative authority of 115682
any township or municipal corporation that cannot otherwise 115683
appoint a member to the board pursuant to this section, and that 115684
is wholly or partially within the area of the transportation 115685
improvement district as the district was originally designated 115686
by the board of county commissioners; 115687
- (g) If the area of a transportation improvement district 115688
is expanded by the board of county commissioners, the 115689
legislative authority of any township or municipal corporation 115690
that is wholly or partially within the area of expansion and 115691
that cannot otherwise appoint a member to the board pursuant to 115692
this section, with the consent of the board of trustees of the 115693
district, may appoint one member to the board; 115694
- (h) One member appointed by the regional planning 115695
commission for the county, who shall be a nonvoting member of 115696
the board; 115697
- ~~(i) One member appointed at the discretion of the speaker~~ 115698
~~of the house of representatives, who, if appointed, shall be a~~ 115699
~~nonvoting member of the board and who may be a member of the~~ 115700
~~house of representatives.~~ 115701

One of each of the appointments made by the board of
county commissioners, the legislative authority of a municipal
corporation, and the board of township trustees under divisions
(C)(1)(a), (b), (c), and (d) of this section, shall be members
of the chamber of commerce for the respective political
subdivision.

Whenever the addition of members to the board of trustees
of a transportation improvement district pursuant to division
(C)(1)(f) or (g) of this section results in an even number of
total voting members on the board, the board of trustees of the
district may appoint an additional person to its membership to
maintain an odd number of voting members.

(2) As an alternative to the structure prescribed in
division (C)(1) of this section, a board of county
commissioners, by resolution, may elect that the transportation
improvement district it creates be governed by a board of
trustees consisting of ~~the following members:~~

~~(a) Five~~ five members appointed by the board of county
commissioners;

~~(b) One member appointed at the discretion of the speaker
of the house of representatives, who, if appointed, shall be a
nonvoting member of the board and who may be a member of the
house of representatives.~~

(D) Each appointed member of the board shall hold office
for a term of two years but subject to removal at the pleasure
of the authority that appointed the member. Members may be
reappointed. Except as otherwise provided in this division, any
vacancy on the board shall be filled in the same manner as the
original appointment. Any vacancy on a board appointed under

division (C)(1) of this section lasting longer than thirty days 115731
due to the failure of the legislative authority of a municipal 115732
corporation or a board of township trustees to make an 115733
appointment shall be filled by the board of trustees of the 115734
transportation improvement district. 115735

(E) The voting members of the board shall elect from the 115736
entire board membership a chairperson, vice-chairperson, and 115737
secretary-treasurer. A majority of the voting members of the 115738
board constitutes a quorum, the affirmative vote of which is 115739
necessary for any action of the district. No vacancy in the 115740
membership of the board impairs the right of a quorum to 115741
exercise all the rights and perform all duties of the district. 115742

(F) The board of county commissioners of any county, the 115743
legislative authority of any municipal corporation, and the 115744
board of township trustees of any township may make 115745
appropriations from moneys available to them and not otherwise 115746
appropriated to pay costs incurred by the district in the 115747
exercise of its functions under this chapter, provided those 115748
moneys are available to use for that purpose. 115749

(G) An organizational meeting of the board of trustees of 115750
a transportation improvement district created under this section 115751
shall be held at the time and place designated by the board 115752
member who has served the most years as a member of the board of 115753
county commissioners that created the transportation improvement 115754
district. 115755

Sec. 5595.01. As used in this chapter: 115756

(A) "Regional transportation improvement project" or 115757
"project" means a regional transportation improvement project 115758
undertaken pursuant to section 5595.02 of the Revised Code. 115759

(B) "Transportation improvement" means the construction, 115760
repair, maintenance, or expansion of streets, highways, parking 115761
facilities, rail tracks and necessarily related rail facilities, 115762
bridges, tunnels, overpasses, underpasses, interchanges, 115763
approaches, culverts, and other means of transportation, and the 115764
erection and maintenance of traffic signs, markers, lights, and 115765
signals. 115766

(C) "Opportunity corridor improvement" means a public 115767
infrastructure improvement, as defined by section 5709.40 of the 115768
Revised Code, the primary purpose of which is to enhance or 115769
assist one or more transportation improvements or to create or 115770
facilitate economic development opportunities described in the 115771
memorandum of understanding or to otherwise benefit real 115772
property located, or businesses that are operating or will 115773
operate, within the development area, and that is funded at 115774
least in part with private funds. "Opportunity corridor 115775
improvement" includes ~~the~~ both of the following: 115776

(1) The establishment, acquisition, ownership, control, 115777
management, sale, or transfer of a business under division (E) 115778
of section 5595.041 of the Revised Code; 115779

(2) The facilities that are required for the gathering, 115780
transmission, and distribution of utilities, including water, 115781
sewer, gas, oil, gas or oil derivatives, electric, hydrogen, and 115782
communications. 115783

(D) "Development area" means all parcels of real property 115784
located within two thousand five hundred feet of the outermost 115785
boundary of the right-of-way associated with any transportation 115786
improvement or economic development opportunity described in the 115787
memorandum of understanding. For the purpose of this division, a 115788
parcel is located within two thousand five hundred feet of the 115789

right-of-way if the distance between any portion of the parcel 115790
and any portion of the right-of-way is two thousand five hundred 115791
feet or less. 115792

(E) "Right-of-way" means land, property, or the interest 115793
therein, usually in the configuration of a strip, acquired for 115794
or devoted to transportation or economic development purposes. 115795
"Right-of-way" includes the roadway, shoulders or berm, ditch, 115796
and slopes extending to the right-of-way limits under the 115797
control of the state or local authority. 115798

(F) "Qualified RTIP" means a regional transportation 115799
improvement project undertaken before ~~the effective date of this~~ 115800
~~amendment~~ October 3, 2023, or a regional transportation 115801
improvement project undertaken after the completion of a 115802
feasibility study. 115803

(G) "Memorandum of understanding" means a memorandum of 115804
understanding between the governing board of a qualified RTIP 115805
and the department of transportation under section 5595.041 of 115806
the Revised Code. 115807

(H) "Feasibility study" means a study that contains both 115808
of the following: 115809

(1) An economic feasibility assessment, approved by the 115810
department of development, that demonstrates the financial 115811
viability of the transportation improvement or opportunity 115812
corridor improvement; 115813

(2) A technical feasibility assessment, approved by the 115814
department of transportation, that demonstrates the ease of 115815
construction of the transportation improvement or opportunity 115816
corridor improvement. 115817

Sec. 5595.02. (A) The boards of county commissioners of 115818

two or more counties may undertake a regional transportation 115819
improvement project for the purpose of completing transportation 115820
improvements within the territory of the counties. The project 115821
shall be administered by a governing board in accordance with a 115822
cooperative agreement. 115823

~~(B)~~ (B) (1) The cooperative agreement shall provide for the 115824
creation of a governing board consisting of ~~one~~ the following 115825
individuals: 115826

(a) One county commissioner from each county that is a 115827
party to the agreement or a designee appointed by the board of 115828
county commissioners of the county for the purpose of serving on 115829
the governing board, ~~and the~~ ; 115830

(b) The county engineer of each such county or a designee 115831
appointed by the county engineer for the purpose of serving on 115832
the governing board; 115833

(c) The chief executive officer of the JobsOhio network 115834
partner that covers the majority of the area encompassed by the 115835
regional transportation improvement project or a designee 115836
appointed by the chief executive officer for the purpose of 115837
serving on the governing board. ~~Membership~~ 115838

(2) Membership on the board is not a direct or indirect 115839
interest in a contract or expenditure of money by the county. 115840
The board is a public body for the purposes of section 121.22 of 115841
the Revised Code and a public office for the purposes of section 115842
149.43 of the Revised Code. Chapter 2744. of the Revised Code 115843
applies to the board. 115844

(C) The governing board of a regional transportation 115845
improvement project is a body both corporate and politic, and 115846
the exercise by it of the powers conferred by this chapter in 115847

the financing, construction, maintenance, repair, and operation 115848
of transportation improvements are essential governmental 115849
functions. 115850

(D) A board of county commissioners, in accordance with 115851
the cooperative agreement, may make appropriations to pay costs 115852
incurred by the governing board in the exercise of its functions 115853
under this chapter so long as such costs are approved by the 115854
director of transportation under section 5595.12 of the Revised 115855
Code. 115856

Sec. 5595.04. The governing board of a regional 115857
transportation improvement project may do any of the following: 115858

(A) Make and enter into all contracts and agreements 115859
necessary or incidental to the performance of its functions and 115860
the execution of its powers under this chapter and in accordance 115861
with the cooperative agreement and, if applicable, the 115862
memorandum of understanding. The procuring of goods and awarding 115863
of contracts with a cost in excess of fifty thousand dollars 115864
shall be done in accordance with the competitive bidding 115865
procedures established for boards of county commissioners by 115866
sections 307.86 to 307.91 of the Revised Code. 115867

(B) Sue and be sued in its own name, plead and be 115868
impleaded, provided any actions against the governing board or 115869
the regional transportation improvement project shall be brought 115870
in the court of common pleas of a county that is a party to the 115871
cooperative agreement or in the court of common pleas of the 115872
county in which the cause of action arose, and all summonses, 115873
exceptions, and notices shall be served on the governing board 115874
by leaving a copy thereof at its principal office with a member 115875
of the governing board or an employee or agent thereof; 115876

(C) Employ or retain persons as are necessary in the 115877
judgment of the governing board to carry out the project, and 115878
fix their compensation; 115879

(D) Acquire by purchase, lease, lease-purchase, lease with 115880
option to purchase, or otherwise any property necessary, 115881
convenient, or proper for the construction, maintenance, repair, 115882
or operation of one or more transportation improvements and, if 115883
applicable, one or more opportunity corridor improvements. The 115884
governing board may pledge net revenues, to the extent permitted 115885
by this chapter with respect to bonds, to secure payments to be 115886
paid by the governing board under such a lease, lease-purchase 115887
agreement, or lease with option to purchase. Title to real and 115888
personal property shall be held in the name of the governing 115889
board. Except as provided under section 5595.041 of the Revised 115890
Code, the governing board is not authorized to acquire property 115891
by appropriation. 115892

(E) Issue securities to pay for the costs of 115893
transportation improvements and opportunity corridor 115894
improvements pursuant to section 5595.05 of the Revised Code; 115895

(F) If the regional transportation project ~~was undertaken~~ 115896
~~pursuant to section 5595.02 of the Revised Code before March 23,~~ 115897
~~2018, the effective date of the amendment of this section by~~ 115898
~~S.B. 8 of the 132nd general assembly~~ is a qualified RTIP: 115899

(1) Create a transportation financing district and declare 115900
improvements to parcels within the district to be a public 115901
purpose and exempt from taxation as provided under section 115902
5709.48 of the Revised Code; 115903

(2) Negotiate and enter into voluntary agreements under 115904
section 5709.481 of the Revised Code that impose assessments on 115905

real property located in a transportation financing district. 115906

Sec. 5701.11. The effective date to which this section 115907
refers is the effective date of this section as amended by S.B. 115908
10 of the 135th general assembly. 115909

(A) (1) Except as provided under division (A) (2) or (B) of 115910
this section, any reference in Title LVII or section 149.311, 115911
3123.90, 3770.07, 3770.071, 3770.072, 3770.073, ~~or~~ 3772.37, or 115912
3775.16 of the Revised Code to the Internal Revenue Code, to the 115913
Internal Revenue Code "as amended," to other laws of the United 115914
States, or to other laws of the United States, "as amended," 115915
means the Internal Revenue Code or other laws of the United 115916
States as they exist on the effective date. 115917

(2) This section does not apply to any reference in Title 115918
LVII of the Revised Code to the Internal Revenue Code as of a 115919
date certain specifying the day, month, and year, or to other 115920
laws of the United States as of a date certain specifying the 115921
day, month, and year. 115922

(B) (1) For purposes of applying section 5733.04, 5745.01, 115923
or 5747.01 of the Revised Code to a taxpayer's taxable year 115924
ending after February 17, 2022, and before the effective date, a 115925
taxpayer may irrevocably elect to incorporate the provisions of 115926
the Internal Revenue Code or other laws of the United States 115927
that are in effect for federal income tax purposes for that 115928
taxable year if those provisions differ from the provisions 115929
that, under division (A) of this section, would otherwise apply. 115930
The filing by the taxpayer for that taxable year of a report or 115931
return that incorporates the provisions of the Internal Revenue 115932
Code or other laws of the United States applicable for federal 115933
income tax purposes for that taxable year, and that does not 115934
include any adjustments to reverse the effects of any 115935

differences between those provisions and the provisions that 115936
would otherwise apply, constitutes the making of an irrevocable 115937
election under this division for that taxable year. 115938

(2) Elections under prior versions of division (B) (1) of 115939
this section remain in effect for the taxable years to which 115940
they apply. 115941

Sec. 5703.052. (A) There is hereby created in the state 115942
treasury the tax refund fund, from which refunds shall be paid 115943
for amounts illegally or erroneously assessed or collected, or 115944
for any other reason overpaid, with respect to taxes levied by 115945
Chapter 4301., 4305., 5726., 5728., 5729., 5731., 5733., 5735., 115946
5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 5753. 115947
and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 115948
5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised 115949
Code. Refunds for fees levied under sections 3734.90 to 115950
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 115951
under section 128.40 of the Revised Code, next generation 9-1-1 115952
access fees imposed under sections 128.41 and 128.42 of the 115953
Revised Code, or any penalties assessed with respect to such 115954
fees or charges, that are illegally or erroneously assessed or 115955
collected, or for any other reason overpaid, also shall be paid 115956
from the fund. Refunds for amounts illegally or erroneously 115957
assessed or collected by the tax commissioner, or for any other 115958
reason overpaid, that are due under section 1509.50 of the 115959
Revised Code shall be paid from the fund. Refunds for amounts 115960
illegally or erroneously assessed or collected by the 115961
commissioner, or for any other reason overpaid to the 115962
commissioner, under sections 718.80 to 718.95 of the Revised 115963
Code shall be paid from the fund. However, refunds for amounts 115964
illegally or erroneously assessed or collected by the 115965
commissioner, or for any other reason overpaid to the 115966

commissioner, with respect to taxes levied under section 115967
5739.101 of the Revised Code shall not be paid from the tax 115968
refund fund, but shall be paid as provided in section 5739.104 115969
of the Revised Code. 115970

(B) (1) Upon certification by the tax commissioner to the 115971
treasurer of state of a tax refund, a wireless 9-1-1 charge 115972
refund, a next generation 9-1-1 access fee refund, or another 115973
amount refunded, or by the superintendent of insurance of a 115974
domestic or foreign insurance tax refund, the treasurer of state 115975
shall place the amount certified to the credit of the fund. The 115976
certified amount transferred shall be derived from the receipts 115977
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 115978
1-1 access fee, or other amount from which the refund arose. 115979

(2) When a refund is for a tax, fee, wireless 9-1-1 115980
charge, next generation 9-1-1 access fee, or other amount that 115981
is not levied by the state or that was illegally or erroneously 115982
distributed to a taxing jurisdiction, the tax commissioner shall 115983
recover the amount of that refund from the next distribution of 115984
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 115985
access fee, or other amount that otherwise would be made to the 115986
taxing jurisdiction. If the amount to be recovered would exceed 115987
twenty-five per cent of the next distribution of that tax, fee, 115988
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 115989
other amount, the commissioner may spread the recovery over more 115990
than one future distribution, taking into account the amount to 115991
be recovered and the amount of the anticipated future 115992
distributions. In no event may the commissioner spread the 115993
recovery over a period to exceed ~~thirty-six~~ seventy-two months. 115994

Sec. 5703.059. (A) The Notwithstanding any provision in 115995
the Revised Code to the contrary, the tax commissioner may adopt 115996

~~rules requiring returns, including any accompanying schedule or~~ 115997
~~statement, for any~~ require either or both of the following: 115998

(1) Any tax or fee administered by the commissioner to be 115999
filed electronically using the Ohio business gateway as defined 116000
in section 718.01 of the Revised Code, filed telephonically 116001
using the system known as the Ohio telefile system, or filed by 116002
any other electronic means prescribed by the commissioner. ~~;~~ 116003

~~(B) The commissioner may adopt rules requiring any~~ (2) Any 116004
payment of tax shown on such a return to be due to be made 116005
electronically in a manner approved by the commissioner. 116006

~~(C) A rule adopted under this section does not apply to~~ 116007
~~returns or reports filed or payments made before the effective~~ 116008
~~date of the rule.~~ (B) The commissioner shall publicize any new 116009
electronic filing requirement on the department's web site. The 116010
commissioner shall educate the public of the requirement through 116011
seminars, workshops, conferences, or other outreach activities. 116012

~~(D)~~ (C) Any person required to file returns and make 116013
payments electronically ~~under rules adopted under this section~~ 116014
may apply to the commissioner, on a form prescribed by the 116015
commissioner, to be excused from that requirement. For good 116016
cause shown, the commissioner may excuse the applicant from the 116017
requirement and permit the applicant to file the returns or 116018
reports or make the payments required under this section by 116019
nonelectronic means. 116020

Sec. 5703.19. (A) To carry out the purposes of the laws 116021
that the tax commissioner is required to administer, the 116022
commissioner or any person employed by the commissioner for that 116023
purpose, upon demand, may inspect books, accounts, records, and 116024
memoranda of any person or public utility subject to those laws, 116025

and may examine under oath any officer, agent, or employee of 116026
that person or public utility. If such books, accounts, records, 116027
or memoranda are kept electronically or available in an 116028
electronic format, the person or public utility shall provide 116029
such records to the commissioner electronically or in an 116030
electronic format at the commissioner's request. Any person 116031
other than the commissioner who makes a demand pursuant to this 116032
section shall produce the person's authority to make the 116033
inspection. 116034

(B) If a person or public utility receives at least ten 116035
days' written notice of a demand made under division (A) of this 116036
section and refuses to comply with that demand, a penalty of 116037
five hundred dollars shall be imposed upon the person or public 116038
utility for each day the person or public utility refuses to 116039
comply with the demand. Penalties imposed under this division 116040
may be assessed and collected in the same manner as assessments 116041
made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 116042
5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or 116043
sections 718.90, 3734.90 to 3734.9014, of the Revised Code. 116044

Sec. 5703.21. (A) Except as provided in divisions (B) and 116045
(C) of this section, no agent of the department of taxation, 116046
except in the agent's report to the department or when called on 116047
to testify in any court or proceeding, shall divulge any 116048
information acquired by the agent as to the transactions, 116049
property, or business of any person while acting or claiming to 116050
act under orders of the department. Whoever violates this 116051
provision shall thereafter be disqualified from acting as an 116052
officer or employee or in any other capacity under appointment 116053
or employment of the department. 116054

(B) (1) For purposes of an audit pursuant to section 117.15 116055

of the Revised Code, or an audit of the department pursuant to 116056
Chapter 117. of the Revised Code, or an audit, pursuant to that 116057
chapter, the objective of which is to express an opinion on a 116058
financial report or statement prepared or issued pursuant to 116059
division (A) (7) or (9) of section 126.21 of the Revised Code, 116060
the officers and employees of the auditor of state charged with 116061
conducting the audit shall have access to and the right to 116062
examine any state tax returns and state tax return information 116063
in the possession of the department to the extent that the 116064
access and examination are necessary for purposes of the audit. 116065
Any information acquired as the result of that access and 116066
examination shall not be divulged for any purpose other than as 116067
required for the audit or unless the officers and employees are 116068
required to testify in a court or proceeding under compulsion of 116069
legal process. Whoever violates this provision shall thereafter 116070
be disqualified from acting as an officer or employee or in any 116071
other capacity under appointment or employment of the auditor of 116072
state. 116073

(2) For purposes of an internal audit pursuant to section 116074
126.45 of the Revised Code, the officers and employees of the 116075
office of internal audit in the office of budget and management 116076
charged with directing the internal audit shall have access to 116077
and the right to examine any state tax returns and state tax 116078
return information in the possession of the department to the 116079
extent that the access and examination are necessary for 116080
purposes of the internal audit. Any information acquired as the 116081
result of that access and examination shall not be divulged for 116082
any purpose other than as required for the internal audit or 116083
unless the officers and employees are required to testify in a 116084
court or proceeding under compulsion of legal process. Whoever 116085
violates this provision shall thereafter be disqualified from 116086

acting as an officer or employee or in any other capacity under 116087
appointment or employment of the office of internal audit. 116088

(3) As provided by section 6103(d)(2) of the Internal 116089
Revenue Code, any federal tax returns or federal tax information 116090
that the department has acquired from the internal revenue 116091
service, through federal and state statutory authority, may be 116092
disclosed to the auditor of state or the office of internal 116093
audit solely for purposes of an audit of the department. 116094

(4) For purposes of Chapter 3739. of the Revised Code, an 116095
agent of the department of taxation may share information with 116096
the division of state fire marshal that the agent finds during 116097
the course of an investigation. 116098

(C) Division (A) of this section does not prohibit any of 116099
the following: 116100

(1) Divulging information contained in applications, 116101
complaints, and related documents filed with the department 116102
under section 5715.27 of the Revised Code or in applications 116103
filed with the department under section 5715.39 of the Revised 116104
Code; 116105

(2) Providing to the attorney general information the 116106
department obtains under division (J) of section 1346.01 of the 116107
Revised Code; 116108

(3) Permitting properly authorized officers, employees, or 116109
agents of a municipal corporation from inspecting reports or 116110
information pursuant to section 718.84 of the Revised Code or 116111
rules adopted under section 5745.16 of the Revised Code; 116112

(4) Providing information regarding the name, account 116113
number, or business address of a holder of a vendor's license 116114
issued pursuant to section 5739.17 of the Revised Code, a holder 116115

of a direct payment permit issued pursuant to section 5739.031 116116
of the Revised Code, or a seller having a use tax account 116117
maintained pursuant to section 5741.17 of the Revised Code, or 116118
information regarding the active or inactive status of a 116119
vendor's license, direct payment permit, or seller's use tax 116120
account; 116121

(5) Providing to a county auditor notices or documents 116122
concerning or affecting the taxable value of property in the 116123
county auditor's county. Unless authorized by law to disclose 116124
documents so provided, the county auditor shall not disclose 116125
such documents; 116126

(6) Providing to a county auditor a sales or use tax 116127
return or audit information under section 333.06 of the Revised 116128
Code; 116129

(7) Disclosing to a state or federal government agency, 116130
for use in the performance of that agency's official duties in 116131
this state, information in the possession of the tax 116132
commissioner necessary to verify compliance with any provision 116133
of the Revised Code or federal law relating to that agency. 116134
Unless disclosure is otherwise authorized by law, information 116135
provided to any state or federal government agency under this 116136
section remains confidential and is not subject to further 116137
disclosure; 116138

(8) Disclosing to a current or former employee, for use in 116139
preparation of the employee's income tax return, the account 116140
number issued by the tax commissioner to an employer for use in 116141
filing returns and making payments under section 5747.07 of the 116142
Revised Code. The commissioner may require the employee to 116143
provide evidence of current or past employment before such 116144
disclosure; 116145

(9) Publishing or disclosing the amount of revenue 116146
distributed to a county, municipal corporation, township, school 116147
district, or any other political subdivision from any tax or 116148
fund administered by the tax commissioner. 116149

Sec. 5703.261. (A) As used in this section: 116150

(1) "Instrument" has the same meaning as in section 116151
1303.03 of the Revised Code. 116152

(2) "Financial transaction device" has the same meaning as 116153
in section 113.40 of the Revised Code. 116154

(B) If a taxpayer or employer required by any tax 116155
administered by the department of taxation to pay taxes, 116156
penalties, interest, or other charges arising from unpaid taxes 116157
makes payment of the taxes, penalties, interest, or other 116158
charges with a dishonored instrument, an instrument that is 116159
determined to be nonnegotiable, or with any financial 116160
transaction device that is declined, returned, or dishonored, a 116161
penalty of fifty dollars shall be added to the amount due. The 116162
penalty imposed by this section shall be assessed and collected 116163
in the same manner as the taxes, penalties, interest, or other 116164
charges. ~~All or part of any penalty imposed under this section~~ 116165
~~may be abated by the tax commissioner.~~ The commissioner may 116166
assess only one penalty under this section against the same 116167
instrument or the same financial transaction device for the same 116168
payment. 116169

Sec. 5703.262. (A) As used in this section: 116170

(1) "Document" means any report, return, schedule, 116171
statement, claim, or other document intended for submission to 116172
any state or county official or department concerning any tax 116173
administered by the department of taxation. 116174

(2) "Preparer" means any person who, for compensation, 116175
prepares for another, or assists another in preparing, any 116176
document. 116177

(B) The tax commissioner may designate documents that must 116178
be signed by preparers. If a preparer fails to sign a document 116179
designated by the commissioner and the unsigned document is 116180
submitted to the intended state or county official or 116181
department, a penalty of one hundred dollars shall be imposed 116182
upon the preparer who failed to sign the document. 116183

(C) If a false or fraudulent document is prepared by a 116184
preparer, who previously has been warned, in writing, by the tax 116185
commissioner concerning the consequences of continuing to file 116186
false or fraudulent documents, and the document is submitted to 116187
the intended state or county official or department, a penalty 116188
of one thousand dollars shall be imposed upon the preparer who 116189
prepared or assisted another in preparing the document, knowing 116190
it to be false or fraudulent. 116191

~~(D) All or part of any penalty imposed under division (B) or~~ 116192
~~(C) of this section may be abated by the tax commissioner.~~ 116193

Sec. 5703.263. (A) (1) "Tax return preparer" means any 116194
person other than an accountant or an attorney that operates a 116195
business that prepares, or directly or indirectly employs 116196
another person to prepare, for a taxpayer a tax return or 116197
application for refund in exchange for compensation or 116198
remuneration from the taxpayer or the taxpayer's related member. 116199
The preparation of a substantial portion of a tax return or 116200
application for refund shall be considered to be the same as the 116201
preparation of the return or application for refund. "Tax return 116202
preparer" does not include an individual who performs only one 116203
or more of the following activities: 116204

(a) Furnishes typing, reproducing, or other mechanical 116205
assistance; 116206

(b) Prepares an application for refund or a return on 116207
behalf of an employer by whom the individual is regularly and 116208
continuously employed, or on behalf of an officer or employee of 116209
that employer; 116210

(c) Prepares as a fiduciary an application for refund or a 116211
return; 116212

(d) Prepares an application for refund or a return for a 116213
taxpayer in response to a notice of deficiency issued to the 116214
taxpayer or the taxpayer's related member, or in response to a 116215
waiver of restriction after the commencement of an audit of the 116216
taxpayer or the taxpayer's related member. 116217

(2) "Related member" has the same meaning as in section 116218
5733.042 of the Revised Code. 116219

(3) "Accountant" means any of the following: 116220

(a) An individual who holds both a CPA certificate and an 116221
Ohio permit or Ohio registration issued by the accountancy board 116222
under section 4701.10 of the Revised Code; 116223

(b) An individual who holds a foreign certificate; 116224

(c) An individual who is employed by a public accounting 116225
firm with respect to any return prepared under the supervision 116226
of an individual described in division (A) (3) (a) or (b) of this 116227
section, regardless of whether the public accounting firm is 116228
required to register with the accountancy board under section 116229
4701.04 of the Revised Code. 116230

(4) "CPA certificate" and "foreign certificate" have the 116231
same meanings as in section 4701.01 of the Revised Code. 116232

(5) "Attorney" means an individual who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, is permitted to practice as an attorney and counselor at law in this state under Chapter 4705. of the Revised Code, and is not currently suspended or removed from such practice under that chapter.

(6) A tax return preparer engages in "prohibited conduct" if the preparer does any of the following:

(a) Prepares any return or application for refund that includes an understatement of a taxpayer's tax liability due to an unreasonable position or due to willful or reckless conduct. For the purposes of this division, "unreasonable position" and "willful or reckless conduct" have the meanings as used in section 6694 of the Internal Revenue Code.

(b) When required under any provision of Title LVII of the Revised Code, the preparer fails to do any of the following:

(i) Provide copies of a return or application for refund;

(ii) Provide the preparer's signature or federal preparer tax identification number on a return or application for refund;

(iii) Retain copies of the preparer's records;

(iv) Provide any information or documents requested by the tax commissioner;

(v) Act diligently in determining a taxpayer's eligibility for tax credits, deductions, or exemptions.

(c) Negotiates a check or other negotiable instrument issued to a taxpayer by the department of taxation without the permission of the taxpayer;

(d) Engages in any conduct subject to criminal penalties 116260
under Title LVII of the Revised Code; 116261

(e) Misrepresents the preparer's eligibility to file 116262
returns or applications for refund on behalf of taxpayers, or 116263
otherwise misrepresents the preparer's experience or education; 116264

(f) Guarantees the payment of any tax refund or the 116265
allowance of any tax credit, deduction, or exemption; 116266

(g) Engages in any other fraudulent or deceptive conduct 116267
that substantially interferes with the proper administration of 116268
any provision of Title LVII of the Revised Code. 116269

(7) "State" means a state of the United States, the 116270
District of Columbia, the commonwealth of Puerto Rico, or any 116271
territory or possession of the United States. 116272

(B) When a tax return preparer engages in prohibited 116273
conduct, the commissioner, may do either or both of the 116274
following: 116275

(1) If the commissioner has previously warned the tax 116276
return preparer in writing of the consequences of continuing to 116277
engage in prohibited conduct, impose a penalty not exceeding one 116278
hundred dollars per instance of prohibited conduct; 116279

(2) Regardless of whether the commissioner has previously 116280
warned the tax return preparer, request that the attorney 116281
general apply to a court of competent jurisdiction for an 116282
injunction to restrain the preparer from further engaging in the 116283
prohibited conduct. The court may take either of the following 116284
actions: 116285

(a) If the court finds that injunctive relief is 116286
appropriate to prevent the recurrence of the prohibited conduct, 116287

the court shall issue an injunction against the preparer 116288
enjoining the preparer from engaging in such conduct. 116289

(b) If the court finds that the preparer has continually 116290
or repeatedly engaged in prohibited conduct, and that enjoining 116291
the preparer solely from engaging in such conduct would not be 116292
sufficient to prevent the preparer's interference with the 116293
proper administration of any provision of Title LVII of the 116294
Revised Code, the court may issue an injunction against the 116295
preparer enjoining the preparer from acting as a tax return 116296
preparer in this state. 116297

If a tax return preparer has been enjoined from preparing 116298
tax returns or applications for refunds by a federal court or by 116299
another state court in the five years preceding the date on 116300
which an injunction is requested under this section, that prior 116301
injunction shall be sufficient to establish a prima facie case 116302
for the issuance of an injunction under division (B) (2) of this 116303
section. 116304

(C) The commissioner may require a tax return preparer to 116305
include the preparer's name and federal preparer tax 116306
identification number when filing any return or application for 116307
refund. If a tax return preparer fails to include this 116308
information when required to do so by the commissioner, or if 116309
the information provided is false, inaccurate, or incomplete, 116310
the commissioner may impose a penalty of fifty dollars for each 116311
such failure, provided that the maximum penalty imposed on a 116312
preparer under this division in a calendar year shall not exceed 116313
twenty-five thousand dollars. 116314

(D) The penalties imposed under divisions (B) (1) and (C) 116315
of this section may be assessed and collected in the same manner 116316
as assessments made under Chapter 3769., 4305., 5727., 5728., 116317

5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., 116318
or 5753., section 718.90, or sections 3734.90 to 3734.9014 of 116319
the Revised Code. ~~The commissioner may abate all or a portion of~~ 116320
~~any penalty imposed under this section upon the showing of good~~ 116321
~~cause by the tax return preparer.~~ 116322

Sec. 5703.37. (A) (1) Except as provided in division (B) of 116323
this section, whenever service of a notice or order is required 116324
in the manner provided in this section, a copy of the notice or 116325
order shall be served upon the person affected thereby either by 116326
personal service, by certified mail, or by a delivery service 116327
authorized under section 5703.056 of the Revised Code that 116328
notifies the tax commissioner of the date of delivery. 116329

(2) In lieu of serving a copy of a notice or order through 116330
one of the means provided in division (A) (1) of this section, 116331
the commissioner may serve a notice or order upon the person 116332
affected thereby through alternative means as provided in this 116333
section, including, but not limited to, delivery by secure 116334
electronic mail as provided in division (F) of this section or 116335
by ordinary mail. Delivery by such means satisfies the 116336
requirements for delivery under this section. 116337

(B) (1) (a) If certified or ordinary mail is returned 116338
because of an undeliverable address, the commissioner shall 116339
first utilize reasonable means to ascertain a new last known 116340
address, including the use of a change of address service 116341
offered by the United States postal service or an authorized 116342
delivery service under section 5703.056 of the Revised Code. If, 116343
after using reasonable means, the commissioner is unable to 116344
ascertain a new last known address, the assessment is final for 116345
purposes of section 131.02 of the Revised Code sixty days after 116346
the notice or order ~~sent by certified mail~~ is first returned to 116347

the commissioner, and the commissioner shall certify the notice 116348
or order, if applicable, to the attorney general for collection 116349
under section 131.02 of the Revised Code. 116350

(b) Notwithstanding certification to the attorney general 116351
under division (B)(1)(a) of this section, once the commissioner 116352
or attorney general, or the designee of either, makes an initial 116353
contact with the person to whom the notice or order is directed, 116354
the person may protest an assessment by filing a petition for 116355
reassessment within sixty days after the initial contact. The 116356
certification of an assessment under division (B)(1)(a) of this 116357
section is prima-facie evidence that delivery is complete and 116358
that the notice or order is served. 116359

(2) If mailing of a notice or order by certified or 116360
ordinary mail is returned for some cause other than an 116361
undeliverable address or if a person does not access an 116362
electronic notice or order within the time provided in division 116363
(F) of this section, the commissioner shall resend the notice or 116364
order by ordinary mail. The notice or order shall show the date 116365
the commissioner sends the notice or order and include the 116366
following statement: 116367

"This notice or order is deemed to be served on the 116368
addressee under applicable law ten days from the date this 116369
notice or order was mailed by the commissioner as shown on the 116370
notice or order, and all periods within which an appeal may be 116371
filed apply from and after that date." 116372

Unless the mailing is returned because of an undeliverable 116373
address, the mailing of that information is prima-facie evidence 116374
that delivery of the notice or order was completed ten days 116375
after the commissioner ~~sent~~ resent the notice or order by 116376
ordinary mail and that the notice or order was served. 116377

If the ~~ordinary mail mailing~~ is subsequently returned 116378
because of an undeliverable address, the commissioner shall 116379
proceed under division (B) (1) (a) of this section. A person may 116380
challenge the presumption of delivery and service under this 116381
division in accordance with division (C) of this section. 116382

(C) (1) A person disputing the presumption of delivery and 116383
service under division (B) of this section bears the burden of 116384
proving by a preponderance of the evidence that the address to 116385
which the notice or order was sent was not an address with which 116386
the person was associated at the time the commissioner 116387
originally mailed the notice or order ~~by certified mail~~. For the 116388
purposes of this section, a person is associated with an address 116389
at the time the commissioner originally mailed the notice or 116390
order if, at that time, the person was residing, receiving legal 116391
documents, or conducting business at the address; or if, before 116392
that time, the person had conducted business at the address and, 116393
when the notice or order was mailed, the person's agent or the 116394
person's affiliate was conducting business at the address. For 116395
the purposes of this section, a person's affiliate is any other 116396
person that, at the time the notice or order was mailed, owned 116397
or controlled at least twenty per cent, as determined by voting 116398
rights, of the addressee's business. 116399

(2) If the person elects to protest an assessment 116400
certified to the attorney general for collection, the person 116401
must do so within sixty days after the attorney general's 116402
initial contact with the person. The attorney general may enter 116403
into a compromise with the person under sections 131.02 and 116404
5703.06 of the Revised Code if the person does not file a 116405
petition for reassessment with the commissioner. 116406

(D) Nothing in this section prohibits the commissioner or 116407

the commissioner's designee from delivering a notice or order by 116408
personal service. 116409

(E) Collection actions taken pursuant to section 131.02 of 116410
the Revised Code upon any assessment being challenged under 116411
division (B) (1) (b) of this section shall be stayed upon the 116412
pendency of an appeal under this section. If a petition for 116413
reassessment is filed pursuant to this section on a claim that 116414
has been certified to the attorney general for collection, the 116415
claim shall be uncertified. 116416

(F) (1) The commissioner may serve a notice or order upon 116417
the person affected by the notice or order or that person's 116418
authorized representative through secure electronic means 116419
associated with the person's or representative's last known 116420
address, but only with the person's consent. The commissioner 116421
must inform the recipient, electronically or by mail, that a 116422
notice or order is available for electronic review and provide 116423
instructions to access and print the notice or order. The types 116424
of electronic notification the commissioner may use include 116425
electronic mail, text message, or any other form of electronic 116426
communication. The recipient's electronic access of the notice 116427
or order satisfies the requirements for delivery under this 116428
section. If the recipient fails to access the notice or order 116429
electronically within ten business days, then the commissioner 116430
shall inform the recipient a second time, electronically or by 116431
mail, that a notice or order is available for electronic review 116432
and provide instructions to access and print the notice or 116433
order. If the recipient fails to access the notice or order 116434
electronically within ten business days of the second 116435
notification, the notice or order shall be served upon the 116436
person through the means provided in division (B) (2) of this 116437
section. 116438

(2) The tax commissioner shall establish a system to issue 116439
notification of assessments to taxpayers through secure 116440
electronic means. 116441

(G) As used in this section: 116442

(1) "Last known address" means the address the department 116443
has at the time the document is originally sent by certified or 116444
ordinary mail, or any address the department can ascertain using 116445
reasonable means such as the use of a change of address service 116446
offered by the United States postal service or an authorized 116447
delivery service under section 5703.056 of the Revised Code. For 116448
documents sent by secure electronic means, "last known address" 116449
means an electronic mode of communication that is identified on 116450
a form prescribed by the commissioner for such purpose or that 116451
is associated with the person or the authorized representative 116452
of the person as of the date the notification was sent on the 116453
Ohio business gateway, as defined in section 718.01 of the 116454
Revised Code, ~~as of the date the notification was sent~~ or another 116455
electronic filing or payment system prescribed by the 116456
commissioner. 116457

(2) "Undeliverable address" means an address to which the 116458
United States postal service or an authorized delivery service 116459
under section 5703.056 of the Revised Code is not able to 116460
deliver a notice or order, except when the reason for 116461
nondelivery is because the addressee fails to acknowledge or 116462
accept the notice or order. 116463

Sec. 5703.70. (A) On the filing of an application for 116464
refund under section 718.91, 3734.905, 4307.05, 4307.07, 116465
5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 116466
5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 116467
5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 116468

5751.08, or 5753.06 of the Revised Code, or an application for 116469
compensation under section 5739.061 of the Revised Code, if the 116470
tax commissioner determines that the amount of the refund or 116471
compensation to which the applicant is entitled is less than the 116472
amount claimed in the application, the commissioner shall give 116473
the applicant written notice electronically or by ordinary mail 116474
of the amount. ~~The~~ If sent by ordinary mail, the notice shall be 116475
sent to the address shown on the application unless the 116476
applicant notifies the commissioner of a different address. If 116477
sent electronically, the notice shall be sent to the person or 116478
the person's authorized representative through secure electronic 116479
means associated with the person's or representative's last 116480
known electronic mail address, but only with the person's 116481
consent. The applicant shall have sixty days from the date the 116482
commissioner electronically sends or mails the notice to provide 116483
additional information to the commissioner or request a hearing, 116484
or both. 116485

(B) If the applicant neither requests a hearing nor 116486
provides additional information to the tax commissioner within 116487
the time prescribed by division (A) of this section, the 116488
commissioner shall take no further action, and the refund or 116489
compensation amount denied becomes final. 116490

(C) (1) If the applicant requests a hearing within the time 116491
prescribed by division (A) of this section, the tax commissioner 116492
shall assign a time and place for the hearing and notify the 116493
applicant of such time and place, but the commissioner may 116494
continue the hearing from time to time, as necessary. After the 116495
hearing, the commissioner may make such adjustments to the 116496
refund or compensation as the commissioner finds proper, and 116497
shall issue a final determination thereon. 116498

(2) If the applicant does not request a hearing, but 116499
provides additional information, within the time prescribed by 116500
division (A) of this section, the commissioner shall review the 116501
information, make such adjustments to the refund or compensation 116502
as the commissioner finds proper, and issue a final 116503
determination thereon. The commissioner may review such 116504
information and make such adjustments as many times as the 116505
commissioner finds proper before the issuance of a final 116506
determination. 116507

(3) If the applicant requests a hearing and provides 116508
additional information within the time prescribed by division 116509
(A) of this section, the commissioner may review the information 116510
and make such adjustments to the refund or compensation as the 116511
commissioner finds proper. The commissioner may review such 116512
information and make such adjustments as many times as the 116513
commissioner finds proper before the issuance of a final 116514
determination. 116515

The commissioner shall assign a time and place for the 116516
hearing and notify the applicant of such time and place, but the 116517
commissioner may continue the hearing from time to time, as 116518
necessary. After the hearing, the commissioner may make any 116519
additional adjustments to the refund or compensation as the 116520
commissioner finds proper and shall issue a final determination 116521
thereon. 116522

(4) The commissioner shall serve a copy of the final 116523
determination made under division (C) (1), (2), or (3) of this 116524
section on the applicant in the manner provided in section 116525
5703.37 of the Revised Code, and the decision is final, subject 116526
to appeal under section 5717.02 of the Revised Code. 116527

(D) The tax commissioner shall certify to the director of 116528

budget and management and treasurer of state for payment from 116529
the tax refund fund created by section 5703.052 of the Revised 116530
Code, the amount of the refund to be refunded under division (B) 116531
or (C) of this section. The commissioner also shall certify to 116532
the director and treasurer of state for payment from the general 116533
revenue fund the amount of compensation to be paid under 116534
division (B) or (C) of this section. 116535

Sec. 5703.901. The tax commissioner may, in whole or in 116536
part, abate any penalty, including an interest penalty, or any 116537
other charge the commissioner imposes to enforce any tax or fee 116538
the commissioner administers. 116539

Sec. 5705.14. No transfer shall be made from one fund of a 116540
subdivision to any other fund, by order of the court or 116541
otherwise, except as follows: 116542

(A) The unexpended balance in a bond fund that is no 116543
longer needed for the purpose for which such fund was created 116544
shall be transferred to the sinking fund or bond retirement fund 116545
from which such bonds are payable. 116546

(B) The unexpended balance in any specific permanent 116547
improvement fund, other than a bond fund, after the payment of 116548
all obligations incurred in the acquisition of such improvement, 116549
shall be transferred to the sinking fund or bond retirement fund 116550
of the subdivision; provided that if such money is not required 116551
to meet the obligations payable from such funds, it may be 116552
transferred to a special fund for the acquisition of permanent 116553
improvements, or, with the approval of the court of common pleas 116554
of the county in which such subdivision is located, to the 116555
general fund of the subdivision. 116556

(C) (1) Except as provided in division (C) (2) of this 116557

section, the unexpended balance in the sinking fund or bond 116558
retirement fund of a subdivision, after all indebtedness, 116559
interest, and other obligations for the payment of which such 116560
fund exists have been paid and retired, shall be transferred, in 116561
the case of the sinking fund, to the bond retirement fund, and 116562
in the case of the bond retirement fund, to the sinking fund; 116563
provided that if such transfer is impossible by reason of the 116564
nonexistence of the fund to receive the transfer, such 116565
unexpended balance, with the approval of the court of common 116566
pleas of the county in which such division is located, may be 116567
transferred to any other fund of the subdivision. 116568

(2) Money in a bond fund or bond retirement fund of a 116569
city, local, exempted village, cooperative education, or joint 116570
vocational school district may be transferred to a specific 116571
permanent improvement fund provided that the county budget 116572
commission of the county in which the school district is located 116573
approves the transfer upon its determination that the money 116574
transferred will not be required to meet the obligations payable 116575
from the bond fund or bond retirement fund. In arriving at such 116576
a determination, the county budget commission shall consider the 116577
balance of the bond fund or bond retirement fund, the 116578
outstanding obligations payable from the fund, and the sources 116579
and timing of the fund's revenue. 116580

(D) The unexpended balance in any special fund, other than 116581
an improvement fund, existing in accordance with division (D), 116582
(F), or (G) of section 5705.09 or section 5705.12 of the Revised 116583
Code, may be transferred to the general fund or to the sinking 116584
fund or bond retirement fund after the termination of the 116585
activity, service, or other undertaking for which such special 116586
fund existed, but only after the payment of all obligations 116587
incurred and payable from such special fund. 116588

(E) Money may be transferred from the general fund to any 116589
other fund of the subdivision. 116590

(F) Moneys retained or received by a county under section 116591
4501.04 or division (A) (2) of section 5735.27 of the Revised 116592
Code may be transferred from the fund into which they were 116593
deposited to the sinking fund or bond retirement fund from which 116594
any principal, interest, or charges for which such moneys may be 116595
used is payable. 116596

(G) Moneys retained or received by a municipal corporation 116597
under section 4501.04 or division (A) (1) of section 5735.27 of 116598
the Revised Code may be transferred from the fund into which 116599
they were deposited to the sinking fund or bond retirement fund 116600
from which any principal, interest, or charges for which such 116601
moneys may be used is payable. 116602

(H) (1) Money may be transferred from the county 116603
developmental disabilities general fund to the county 116604
developmental disabilities capital fund established under 116605
section 5705.091 of the Revised Code or to any other fund 116606
created for the purposes of the county board of developmental 116607
disabilities, so long as money in the fund to which the money is 116608
transferred can be spent for the particular purpose of the 116609
transferred money. The county board of developmental 116610
disabilities may request, by resolution, that the board of 116611
county commissioners make the transfer. The county board of 116612
developmental disabilities shall transmit a certified copy of 116613
the resolution to the board of county commissioners. Upon 116614
receiving the resolution, the board of county commissioners may 116615
make the transfer. Money transferred to a fund shall be credited 116616
to an account appropriate to its particular purpose. 116617

(2) An unexpended balance in an account in the county 116618

developmental disabilities capital fund or any other fund 116619
created for the purposes of the county board of developmental 116620
disabilities may be transferred back to the county developmental 116621
disabilities general fund. The transfer may be made if the 116622
unexpended balance is no longer needed for its particular 116623
purpose and all outstanding obligations have been paid. Money 116624
transferred back to the county developmental disabilities 116625
general fund shall be credited to an account for current 116626
expenses within that fund. The county board of developmental 116627
disabilities may request, by resolution, that the board of 116628
county commissioners make the transfer. The county board of 116629
developmental disabilities shall transmit a certified copy of 116630
the resolution to the board of county commissioners. Upon 116631
receiving the resolution, the board of county commissioners may 116632
make the transfer. 116633

(I) Money may be transferred from the public assistance 116634
fund established under section 5101.161 of the Revised Code to 116635
either of the following funds, so long as the money to be 116636
transferred from the public assistance fund may be spent for the 116637
purposes for which money in the receiving fund may be used: 116638

(1) The children services fund established under section 116639
~~5101.144~~ 5180.411 of the Revised Code; 116640

(2) The child support enforcement administrative fund 116641
established, as authorized under rules adopted by the director 116642
of job and family services, in the county treasury for use by 116643
any county family services agency. 116644

(J) Notwithstanding this section, money in any fund or 116645
account of a village dissolved in accordance with sections 116646
703.31 to 703.39 of the Revised Code may be transferred by the 116647
receiver-trustee to a special account for the purpose of paying 116648

the debts, obligations, and liabilities of the dissolved village 116649
or to the general fund of any township into which the territory 116650
of the village is dissolved for any purpose that directly or 116651
indirectly benefits the former territory of the dissolved 116652
village. 116653

(K) Except in the case of transfer pursuant to division 116654
(E) or (J) of this section, transfers authorized by this section 116655
shall only be made by resolution of the taxing authority passed 116656
with the affirmative vote of two-thirds of the members. 116657

Sec. 5705.27. There is hereby created in each county a 116658
county budget commission consisting of the county auditor, the 116659
county treasurer, and the ~~prosecuting attorney~~ president of the 116660
board of county commissioners. Upon petition filed with the 116661
board of elections, signed by the number of electors of the 116662
county equal in amount to three per cent of the total number of 116663
votes cast for governor at the most recent election therefor, 116664
there shall be submitted to the electors of the county at the 116665
next general election occurring not sooner than ninety days 116666
after the filing of the petition, the question "Shall the county 116667
budget commission consist of two additional members to be 116668
elected from the county?" Provision shall be made on the ballot 116669
for the election from the county at large of two additional 116670
members of the county budget commission who shall be electors of 116671
the county if a majority of the electors voting on the question 116672
shall have voted in the affirmative. In such counties, where the 116673
electors have voted in the affirmative, the county budget 116674
commission shall consist of such two elected members in addition 116675
to the county auditor, the county treasurer and the ~~prosecuting~~ 116676
~~attorney~~ president of the board of county commissioners. Such 116677
members, who shall not hold any other public office, shall serve 116678
for a term of four years. The commission shall meet at the 116679

office of the county auditor in each county on the first Monday 116680
in February and on the first Monday in August, annually, and 116681
shall complete its work on or before the first day of September, 116682
annually, unless for good cause the tax commissioner extends the 116683
time for completing the work. A majority of members shall 116684
constitute a quorum, provided that no action of the commission 116685
shall be valid unless agreed to by a majority of the members of 116686
the commission. The auditor shall be the secretary of the 116687
commission and shall keep a full and accurate record of all 116688
proceedings. The auditor shall appoint such messengers and 116689
clerks as the commission deems necessary, and the budget 116690
commissioners shall be allowed their actual and necessary 116691
expenses. The elected members of the commission shall also 116692
receive twenty dollars for each day in attendance at commission 116693
meetings and in discharge of official duties. Any vacancy among 116694
such elected members shall be filled by the presiding judge of 116695
the court of common pleas. In adjusting the rates of taxation 116696
and fixing the amount of taxes to be levied each year, the 116697
commissioners shall be governed by the amount of the taxable 116698
property shown on the auditor's tax list for the current year; 116699
provided that if the auditor's tax list has not been completed, 116700
the auditor shall estimate, as nearly as practicable, the amount 116701
of the taxable property for such year, and such officers shall 116702
be governed by such estimate. 116703

In any county in which two members of the commission are 116704
elected, upon petition filed with the board of elections, signed 116705
by the number of electors of the county equal in amount to three 116706
per cent of the votes cast for governor at the most recent 116707
election therefor, there shall be submitted to the electors of 116708
the county at the next general election occurring not sooner 116709
than ninety days after the filing of the petition, the question 116710

"Shall the elected members be eliminated from the county budget
commission?" If the majority of the electors voting thereon
shall have voted in the affirmative, the county budget
commission shall consist solely of the county auditor, the
county treasurer, and the ~~prosecuting attorney~~ president of the
board of county commissioners.

Sec. 5705.31. The county auditor shall present to the
county budget commission the annual tax budgets submitted under
sections 5705.01 to 5705.47 of the Revised Code, together with
an estimate prepared by the auditor of the amount of any state
levy, the rate of any school tax levy as previously determined,
the tax commissioner's estimate of the amount to be received in
the county public library fund, the tax rates provided under
section 5705.281 of the Revised Code if adoption of the tax
budget was waived under that section, and such other information
as the commission requests or the tax commissioner prescribes.
The budget commission shall examine such budget and ascertain
the total amount proposed to be raised in the county for the
purposes of each subdivision and other taxing units in the
county.

The commission shall ascertain that the following levies
have been properly authorized and, if so authorized, shall
approve them without modification:

(A) All levies in excess of the ten-mill limitation;

(B) All levies for debt charges not provided for by levies
in excess of the ten-mill limitation, including levies necessary
to pay notes issued for emergency purposes;

(C) The levies prescribed by division (B) of sections
742.33 and 742.34 of the Revised Code;

(D) Except as otherwise provided in this division, a 116740
minimum levy within the ten-mill limitation for the current 116741
expense and debt service of each subdivision or taxing unit, 116742
which shall equal two-thirds of the average levy for current 116743
expenses and debt service allotted within the fifteen-mill 116744
limitation to such subdivision or taxing unit during the last 116745
five years the fifteen-mill limitation was in effect unless such 116746
subdivision or taxing unit requests an amount requiring a lower 116747
rate. Except as provided in section 5705.312 of the Revised 116748
Code, if the levies required in divisions (B) and (C) of this 116749
section for the subdivision or taxing unit equal or exceed the 116750
entire minimum levy of the subdivision as fixed, the minimum 116751
levies of the other subdivisions or taxing units shall be 116752
reduced by the commission to provide for the levies and an 116753
operating levy for the subdivision. Such additional levy shall 116754
be deducted from the minimum levies of each of the other 116755
subdivisions or taxing units, but the operating levy for a 116756
school district shall not be reduced below a figure equivalent 116757
to forty-five per cent of the millage available within the ten- 116758
mill limitation after all the levies in divisions (B) and (C) of 116759
this section have been provided for. 116760

If a municipal corporation and a township have entered 116761
into an annexation agreement under section 709.192 of the 116762
Revised Code in which they agree to reallocate their shares of 116763
the minimum levies established under this division and if that 116764
annexation agreement is submitted along with the annual tax 116765
budget of both the township and the municipal corporation, then, 116766
when determining the minimum levy under this division, the 116767
auditor shall allocate, to the extent possible, the minimum levy 116768
for that municipal corporation and township in accordance with 116769
their annexation agreement. 116770

(E) The levies prescribed by section 3709.29 of the Revised Code.

Divisions (A) to (E) of this section are mandatory, and commissions shall be without discretion to reduce such minimum levies except as provided in such divisions or section 5705.316 of the Revised Code.

If any debt charge is omitted from the budget, the commission shall include it therein.

Sec. 5705.316. A board of education of a city, local, or exempted village school district shall make the certification required under section 5705.36 of the Revised Code to the county auditor of each county in which the district is located on or before the fifteenth day of July.

The county budget commission or, if applicable, joint budget commission shall convene on or before the fifteenth day of August to review the certifications from each such school district to determine if the amount of carry-over balance in the district's general operating budget from the preceding fiscal year exceeds thirty per cent of the district's general fund expenditures made in the preceding fiscal year.

If a district's carry-over balance exceeds that threshold, the commission shall reduce the rate of, or the annual amount of money to be raised by, any or all of the current expense taxes levied by the district for the current tax year so as to reduce the district's collections by the amount by which the district's general operating budget carry-over balance exceeded the threshold. These reductions apply only for the current tax year and shall be made without regard to maintaining the reduction limit imposed under division (E) (2) of section 319.301 of the

Revised Code. 116800

This section does not apply to an island school district 116801
or a joint state school district. Nothing in this section 116802
prohibits a county budget commission from reducing the rate of a 116803
current levy as otherwise authorized by law. 116804

Sec. 5705.391. (A) The department of education and 116805
workforce and the auditor of state shall jointly adopt rules 116806
requiring boards of education to submit ~~five-year~~ three-year 116807
projections of operational revenues and expenditures. The rules 116808
shall provide for the auditor of state or the department to 116809
examine the ~~five-year~~ three-year projections and to determine 116810
whether any further fiscal analysis is needed to ascertain 116811
whether a district has the potential to incur a deficit during 116812
the first ~~three~~ two years of the ~~five-year~~ three-year period. 116813

The auditor of state or the department may conduct any 116814
further audits or analyses necessary to assess any district's 116815
fiscal condition. If further audits or analyses are conducted by 116816
the auditor of state, the auditor of state shall notify the 116817
department of the district's fiscal condition, and the 116818
department shall immediately notify the district of any 116819
potential to incur a deficit in the current fiscal year or of 116820
any strong indications that a deficit will be incurred in either 116821
of the ensuing two years. If such audits or analyses are 116822
conducted by the department, the department shall immediately 116823
notify the district and the auditor of state of such potential 116824
deficit or strong indications thereof. 116825

A district notified under this section shall take 116826
immediate steps to eliminate any deficit in the current fiscal 116827
year and shall begin to plan to avoid the projected future 116828
deficits. 116829

(B) The state board of education, in accordance with 116830
sections 3319.31 and 3319.311 of the Revised Code, may limit, 116831
suspend, or revoke a license as defined under section 3319.31 of 116832
the Revised Code that has been issued to any school employee 116833
found to have willfully contributed erroneous, inaccurate, or 116834
incomplete data required for the submission of the ~~five-year~~ 116835
three-year projection required by this section. 116836

(C) The department and the auditor of state, in their 116837
joint adoption of rules under division (A) of this section, 116838
shall not require a board of education to submit its ~~five-year~~ 116839
three-year projection of operational revenues and expenditures 116840
prior to the thirtieth day of November of any fiscal year. 116841

(D) Beginning with submissions required in fiscal year 116842
2024 and for each fiscal year in which a submission is required 116843
under this section thereafter, the department and the auditor 116844
shall label the projections regarding property tax allocation in 116845
the projection as "state share of local property taxes." 116846

Sec. 5705.412. (A) As used in this section, "qualifying 116847
contract" means any agreement for the expenditure of money under 116848
which aggregate payments from the funds included in the school 116849
district's ~~five-year~~ three-year forecast under section 5705.391 116850
of the Revised Code will exceed the lesser of the following 116851
amounts: 116852

(1) Five hundred thousand dollars; 116853

(2) One per cent of the total revenue to be credited in 116854
the current fiscal year to the district's general fund, as 116855
specified in the district's most recent certificate of estimated 116856
resources certified under section 5705.36 of the Revised Code. 116857

(B) (1) Notwithstanding section 5705.41 of the Revised 116858

Code, no school district shall adopt any appropriation measure, 116859
make any qualifying contract, or increase during any school year 116860
any wage or salary schedule unless there is attached thereto a 116861
certificate, signed as required by this section, that the school 116862
district has in effect the authorization to levy taxes including 116863
the renewal or replacement of existing levies which, when 116864
combined with the estimated revenue from all other sources 116865
available to the district at the time of certification, are 116866
sufficient to provide the operating revenues necessary to enable 116867
the district to maintain all personnel and programs for all the 116868
days set forth in its adopted school calendars for the current 116869
fiscal year and for a number of days in succeeding fiscal years 116870
equal to the number of days instruction was held or is scheduled 116871
for the current fiscal year, as follows: 116872

(a) A certificate attached to an appropriation measure 116873
under this section shall cover only the fiscal year in which the 116874
appropriation measure is effective and shall not consider the 116875
renewal or replacement of an existing levy as the authority to 116876
levy taxes that are subject to appropriation in the current 116877
fiscal year unless the renewal or replacement levy has been 116878
approved by the electors and is subject to appropriation in the 116879
current fiscal year. 116880

(b) A certificate attached, in accordance with this 116881
section, to any qualifying contract shall cover the term of the 116882
contract. 116883

(c) A certificate attached under this section to a wage or 116884
salary schedule shall cover the term of the schedule. 116885

If the board of education has not adopted a school 116886
calendar for the school year beginning on the first day of the 116887
fiscal year in which a certificate is required, the certificate 116888

attached to an appropriation measure shall include the number of 116889
days on which instruction was held in the preceding fiscal year 116890
and other certificates required under this section shall include 116891
that number of days for the fiscal year in which the certificate 116892
is required and any succeeding fiscal years that the certificate 116893
must cover. 116894

The certificate shall be signed by the treasurer and 116895
president of the board of education and the superintendent of 116896
the school district, unless the district is in a state of fiscal 116897
emergency declared under Chapter 3316. of the Revised Code. In 116898
that case, the certificate shall be signed by a member of the 116899
district's financial planning and supervision commission who is 116900
designated by the commission for this purpose. 116901

(2) In lieu of the certificate required under division (B) 116902
of this section, an alternative certificate stating the 116903
following may be attached: 116904

(a) The contract is a multi-year contract for materials, 116905
equipment, or nonpayroll services essential to the education 116906
program of the district; 116907

(b) The multi-year contract demonstrates savings over the 116908
duration of the contract as compared to costs that otherwise 116909
would have been demonstrated in a single year contract, and the 116910
terms will allow the district to reduce the deficit it is 116911
currently facing in future years as demonstrated in its ~~five-~~ 116912
~~year-three-year~~ forecast adopted in accordance with section 116913
5705.391 of the Revised Code. 116914

The certificate shall be signed by the treasurer and 116915
president of the board of education and the superintendent of 116916
the school district, unless the district is in a state of fiscal 116917

emergency declared under Chapter 3316. of the Revised Code. In 116918
that case, the certificate shall be signed by a member of the 116919
district's financial planning and supervision commission who is 116920
designated by the commission for this purpose. 116921

(C) Every qualifying contract made or wage or salary 116922
schedule adopted or put into effect without such a certificate 116923
shall be void, and no payment of any amount due thereon shall be 116924
made. 116925

(D) The department of education and workforce and the 116926
auditor of state jointly shall adopt rules governing the methods 116927
by which treasurers, presidents of boards of education, 116928
superintendents, and members of financial planning and 116929
supervision commissions shall estimate revenue and determine 116930
whether such revenue is sufficient to provide necessary 116931
operating revenue for the purpose of making certifications 116932
required by this section. 116933

(E) The auditor of state shall be responsible for 116934
determining whether school districts are in compliance with this 116935
section. At the time a school district is audited pursuant to 116936
section 117.11 of the Revised Code, the auditor of state shall 116937
review each certificate issued under this section since the 116938
district's last audit, and the appropriation measure, contract, 116939
or wage and salary schedule to which such certificate was 116940
attached. If the auditor of state determines that a school 116941
district has not complied with this section with respect to any 116942
qualifying contract or wage or salary schedule, the auditor of 116943
state shall notify the prosecuting attorney for the county, the 116944
city director of law, or other chief law officer of the school 116945
district. That officer may file a civil action in any court of 116946
appropriate jurisdiction to seek a declaration that the contract 116947

or wage or salary schedule is void, to recover for the school 116948
district from the payee the amount of payments already made 116949
under it, or both, except that the officer shall not seek to 116950
recover payments made under any collective bargaining agreement 116951
entered into under Chapter 4117. of the Revised Code. If the 116952
officer does not file such an action within one hundred twenty 116953
days after receiving notice of noncompliance from the auditor of 116954
state, any taxpayer may institute the action in the taxpayer's 116955
own name on behalf of the school district. 116956

(F) This section does not apply to any contract or 116957
increase in any wage or salary schedule that is necessary in 116958
order to enable a board of education to comply with division (B) 116959
of section 3317.13 of the Revised Code, provided the contract or 116960
increase does not exceed the amount required to be paid to be in 116961
compliance with such division. 116962

(G) Any officer, employee, or other person who expends or 116963
authorizes the expenditure of any public funds or authorizes or 116964
executes any contract or schedule contrary to this section, 116965
expends or authorizes the expenditure of any public funds on the 116966
void contract or schedule, or issues a certificate under this 116967
section which contains any false statements is liable to the 116968
school district for the full amount paid from the district's 116969
funds on the contract or schedule. The officer, employee, or 116970
other person is jointly and severally liable in person and upon 116971
any official bond that the officer, employee, or other person 116972
has given to the school district to the extent of any payments 116973
on the void claim, not to exceed ten thousand dollars. However, 116974
no officer, employee, or other person shall be liable for a 116975
mistaken estimate of available resources made in good faith and 116976
based upon reasonable grounds. If an officer, employee, or other 116977
person is found to have complied with rules jointly adopted by 116978

the department of education and workforce and the auditor of 116979
state under this section governing methods by which revenue 116980
shall be estimated and determined sufficient to provide 116981
necessary operating revenue for the purpose of making 116982
certifications required by this section, the officer, employee, 116983
or other person shall not be liable under this section if the 116984
estimates and determinations made according to those rules do 116985
not, in fact, conform with actual revenue. The prosecuting 116986
attorney of the county, the city director of law, or other chief 116987
law officer of the district shall enforce this liability by 116988
civil action brought in any court of appropriate jurisdiction in 116989
the name of and on behalf of the school district. If the 116990
prosecuting attorney, city director of law, or other chief law 116991
officer of the district fails, upon the written request of any 116992
taxpayer, to institute action for the enforcement of the 116993
liability, the attorney general, or the taxpayer in the 116994
taxpayer's own name, may institute the action on behalf of the 116995
subdivision. 116996

(H) This section does not require the attachment of an 116997
additional certificate beyond that required by section 5705.41 116998
of the Revised Code for current payrolls of, or contracts of 116999
employment with, any employees or officers of the school 117000
district. 117001

This section does not require the attachment of a 117002
certificate to a temporary appropriation measure if all of the 117003
following apply: 117004

(1) The amount appropriated does not exceed twenty-five 117005
per cent of the total amount from all sources available for 117006
expenditure from any fund during the preceding fiscal year; 117007

(2) The measure will not be in effect on or after the 117008

thirtieth day following the earliest date on which the district 117009
may pass an annual appropriation measure; 117010

(3) An amended official certificate of estimated resources 117011
for the current year, if required, has not been certified to the 117012
board of education under division (B) of section 5705.36 of the 117013
Revised Code. 117014

Sec. 5709.212. (A) With-Except for applications filed for 117015
an industrial water pollution control facility, with every 117016
application for an exempt facility certificate filed pursuant to 117017
section 5709.21 of the Revised Code, the applicant shall pay a 117018
fee equal to one-half of one per cent of the total exempt 117019
facility project cost, not to exceed two thousand dollars. If 117020
the director of environmental protection is required to provide 117021
the opinion for an application for an air pollution control 117022
facility or noise pollution control facility, the fee shall be 117023
credited to the non-Title V clean air fund created in section 117024
3704.035 of the Revised Code for use in administering section 117025
5709.211 of the Revised Code, ~~unless the application is for an~~ 117026
~~industrial water pollution control facility. In such a case, the~~ 117027
~~fee shall be credited to the surface water protection fund~~ 117028
~~created in section 6111.038 of the Revised Code for use in~~ 117029
~~administering section 5709.211 of the Revised Code.~~ If the 117030
director of development or director of natural resources is 117031
required to provide the opinion for an application, the fee for 117032
each exempt facility application shall be credited to the exempt 117033
facility inspection fund, which is hereby created in the state 117034
treasury, for appropriation to the department of development 117035
~~services agency or department of natural resources, as~~ 117036
applicable, for use in administering section 5709.211 of the 117037
Revised Code. 117038

An applicant is not entitled to any tax exemption under 117039
section 5709.25 of the Revised Code until the fee required by 117040
this section is paid. The fee required by this section is not 117041
refundable, and is due with the application for an exempt 117042
facility certificate even if an exempt facility certificate 117043
ultimately is not issued or is withdrawn. Any application 117044
submitted without payment of the fee shall be deemed incomplete 117045
until the fee is paid. 117046

(B) The application fee imposed under division (A) of this 117047
section for a jointly owned facility shall be equal to one-half 117048
of one per cent of the total exempt facility project cost, not 117049
to exceed two thousand dollars for each facility that is the 117050
subject of the application. 117051

Sec. 5709.48. (A) As used in this section and sections 117052
5709.481, 5709.49, and 5709.50 of the Revised Code: 117053

(1) "Regional transportation improvement project" has the 117054
same meaning as in section 5595.01 of the Revised Code. 117055

(2) "Improvements" means the increase in the assessed 117056
value of any real property that would first appear on the tax 117057
list and duplicate of real and public utility property after the 117058
effective date of the resolution adopted under this section were 117059
it not for the exemption granted by that resolution. 117060

(3) "Qualified RTIP" has the same meaning as in section 117061
5595.01 of the Revised Code. 117062

(B) For the purposes described in division (A) of section 117063
5595.06 of the Revised Code, the governing board of a regional 117064
transportation improvement project that ~~was undertaken pursuant~~ 117065
~~to section 5595.02 of the Revised Code before March 23, 2018~~ is a 117066
qualified RTIP, may, by resolution, create a transportation 117067

financing district and declare improvements to parcels within 117068
the district to be a public purpose and exempt from taxation. 117069

(C) A transportation financing district shall consist of 117070
all territory of all counties that are participants in the 117071
regional transportation improvement project funded by the 117072
district, except that the district shall not include parcels 117073
used primarily for residential purposes, parcels that are 117074
currently exempt from taxation under this section or section 117075
5709.40, 5709.41, 5709.45, 5709.73, or 5709.77 of the Revised 117076
Code, or parcels excluded from the district under division (G) 117077
of this section. 117078

(D) A resolution creating a transportation financing 117079
district shall specify all of the following: 117080

(1) The county treasurer's permanent parcel number 117081
associated with each parcel included in the district; 117082

(2) (a) The percentage of improvements to be exempted from 117083
taxation and the duration of the exemption. 117084

(b) Except as provided in division (E) of this section, 117085
the percentage of improvements to be exempted shall not exceed 117086
seventy-five per cent, and the duration of the exemption shall 117087
not exceed ten years. 117088

(c) In no case may the life of the exemption exceed the 117089
remaining number of years the cooperative agreement for the 117090
regional transportation improvement district, described under 117091
section 5595.03 of the Revised Code, is in effect. 117092

(3) A plan for the district that describes the principal 117093
purposes and goals to be served by the district and explains how 117094
the use of service payments provided for by section 5709.49 of 117095
the Revised Code will economically benefit owners of property 117096

within the district. 117097

(E) Subject to division (D) (2) (c) of this section, 117098
improvements to parcels located in a transportation financing 117099
district may be exempted from taxation for up to thirty years, 117100
and the percentage of improvements that may be exempted may 117101
equal up to one hundred per cent, if either of the following 117102
apply: 117103

(1) The governing board, before adopting a resolution 117104
under division (B) of this section, obtains the approval under 117105
division (F) of this section of the board of education of each 117106
city, local, and exempted village school district within the 117107
territory of the proposed transportation financing district. 117108

(2) In the resolution creating the transportation 117109
financing district, the governing board agrees to compensate 117110
each city, local, or exempted village, and joint vocational 117111
school district or districts in which the transportation 117112
financing district is located for the full amount of taxes that 117113
would have been payable to the school district or districts if 117114
the improvements had not been exempted from taxation. 117115

(F) (1) A governing board seeking the approval of a school 117116
district for the purpose of division (E) (1) of this section 117117
shall send notice of the proposed resolution to the school 117118
district not later than forty-five business days before it 117119
intends to adopt the resolution. The notice shall include a copy 117120
of the proposed resolution and shall indicate the date on which 117121
the governing board intends to adopt the resolution. 117122

The board of education, by resolution adopted by a 117123
majority of the board, may approve the exemption for the period 117124
or for the exemption percentage specified in the notice; may 117125

disapprove the exemption for the number of years in excess of 117126
ten, may disapprove the exemption for the percentage of the 117127
improvements to be exempted in excess of seventy-five per cent, 117128
or both; or may approve the exemption on the condition that the 117129
governing board and the board of education negotiate an 117130
agreement providing for compensation equal in value to a 117131
percentage of the amount of taxes exempted or some other 117132
mutually agreeable compensation. If a mutually acceptable 117133
compensation agreement is negotiated between the governing board 117134
and the board of education, the governing board shall compensate 117135
the joint vocational school district within which the district 117136
is located at the same rate and under the same terms received by 117137
the city, local, or exempted village school district. 117138

(2) The board of education shall certify a resolution 117139
adopted under division (F)(1) of this section to the governing 117140
board not later than fourteen days before the date the governing 117141
board intends to adopt the resolution as indicated in the 117142
notice. If the board of education approves the ordinance or 117143
negotiates a mutually acceptable compensation agreement, the 117144
governing board may enact the resolution in its current form. If 117145
the board of education disapproves of the ordinance and fails to 117146
negotiate a mutually acceptable compensation agreement, the 117147
resolution is subject to the limitations prescribed by divisions 117148
(D)(2)(b) and (c) of this section. If the board of education 117149
fails to certify a resolution within the time prescribed by this 117150
division, the governing board may adopt the resolution and 117151
declare the improvements a public purpose for the period of time 117152
specified in the resolution, or, in the case of exemption 117153
percentages proposed in excess of seventy-five per cent, for the 117154
exemption percentage specified in the resolution. 117155

The governing board may adopt the resolution at any time 117156

after the board of education certifies its resolution approving 117157
the exemption, or, if the board of education approves the 117158
exemption on the condition that a mutually acceptable 117159
compensation agreement be negotiated, at any time after the 117160
compensation agreement is agreed to by the board of education 117161
and the governing board. 117162

(3) A board of education may adopt a resolution waiving 117163
its right to approve or receive notice of transportation 117164
financing districts proposed under this section. If a board of 117165
education has adopted such a resolution, the terms of that 117166
resolution supersede the requirements of division (F)(1) of this 117167
section. The governing board may negotiate an agreement with a 117168
board of education providing for some mutually agreeable 117169
compensation in exchange for the board of education adopting 117170
such a resolution. If a board of education has adopted such an 117171
ordinance or resolution, it shall certify a copy to the 117172
governing board. If the board of education rescinds such a 117173
resolution, it shall certify notice of the rescission to the 117174
governing board. 117175

(4) If the governing board is not required by division (F) 117176
of this section to notify the board of education of the 117177
governing board's intent to create a transportation financing 117178
district, the governing board shall comply with the notice 117179
requirements imposed under section 5709.83 of the Revised Code, 117180
unless the board of education has adopted a resolution under 117181
that section waiving its right to receive such a notice. 117182

(G) The governing board shall notify and obtain the 117183
approval of every real property owner whose property is included 117184
in the proposed transportation financing district. The approval 117185
shall include a signed agreement between the property owner and 117186

the governing board that specifies the projects and purposes for 117187
which the service payments made by the owner under section 117188
5709.49 of the Revised Code will be used. Such an agreement does 117189
not supersede any compensation agreement between the governing 117190
board and a school district under division (F) of this section. 117191
If the property owner and the governing board do not reach an 117192
agreement under this division, the parcel shall be excluded from 117193
the district. 117194

(H) (1) Upon adopting a resolution creating a 117195
transportation financing district, the governing board shall 117196
send a copy of the resolution and documentation sufficient to 117197
prove that the requirements of divisions (F) and (G) of this 117198
section have been met to the director of development. The 117199
director shall evaluate the resolution and documentation to 117200
determine if the governing board has fully complied with the 117201
requirements of this section. If the director approves the 117202
resolution, the director shall send notice of approval to the 117203
governing board. If the director does not approve the 117204
resolution, the director shall send a notice of denial to the 117205
governing board that includes the reason or reasons for the 117206
denial. If the director does not make a determination within 117207
ninety days after receiving a resolution under this section, the 117208
director is deemed to have approved the resolution. No 117209
resolution creating a transportation financing district is 117210
effective without actual or constructive approval by the 117211
director under this section. 117212

(2) An exemption from taxation granted under this section 117213
commences with the tax year specified in the resolution so long 117214
as the year specified in the resolution commences after the 117215
effective date of the resolution. If the resolution specifies a 117216
year commencing before the effective date of the resolution or 117217

specifies no year whatsoever, the exemption commences with the 117218
tax year in which an exempted improvement first appears on the 117219
tax list and that commences after the effective date of the 117220
resolution. 117221

(3) Except as otherwise provided in this division, the 117222
exemption ends on the date specified in the resolution as the 117223
date the improvement ceases to be a public purpose or the 117224
regional transportation improvement project funded by the 117225
service payments dissolves under section 5595.13 of the Revised 117226
Code, whichever occurs first. Exemptions shall be claimed and 117227
allowed in the same manner as in the case of other real property 117228
exemptions. If an exemption status changes during a year, the 117229
procedure for the apportionment of the taxes for that year is 117230
the same as in the case of other changes in tax exemption status 117231
during the year. 117232

(I) The resolution creating a transportation financing 117233
district may be amended at any time by majority vote of the 117234
governing board and with the approval of the director of 117235
development obtained in the same manner as approval of the 117236
original resolution. Such an amendment may include adding a 117237
parcel to the district that was previously excluded under 117238
division (G) of this section, so long as the governing board and 117239
the owner of the parcel reach an agreement on the use of service 117240
payments as provided under that division. 117241

Sec. 5709.93. (A) As used in this section: 117242

(1) "Taxes charged and payable" means taxes charged and 117243
payable after the reduction required by section 319.301 of the 117244
Revised Code but before the reductions required by sections 117245
319.302 and 323.152 of the Revised Code. 117246

(2) "Threshold per cent" means two per cent for fiscal 117247
year 2016; and, for fiscal year 2017 and thereafter, the sum of 117248
the prior year's threshold per cent plus two percentage points. 117249

(3) "Public library" means a county, municipal, school 117250
district, or township public library that receives the proceeds 117251
of a tax levied under section 5705.23 of the Revised Code. 117252

(4) "Local taxing unit" means a subdivision or taxing 117253
unit, as defined in section 5705.01 of the Revised Code, a park 117254
district created under Chapter 1545. of the Revised Code, or a 117255
township park district established under section 511.23 of the 117256
Revised Code, but excludes school districts and joint vocational 117257
school districts. 117258

(5) "Municipal current expense allocation" means the sum 117259
of the payments received by a municipal corporation in calendar 117260
year 2014 for current expense levy losses under division (A)(1) 117261
(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 117262
5751.22 of the Revised Code as they existed at that time. 117263

(6) "Current expense allocation" means the sum of the 117264
payments received by a local taxing unit or public library in 117265
calendar year 2014 for current expense levy losses under 117266
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) 117267
of section 5751.22 of the Revised Code as they existed at that 117268
time, less any reduction required under division (B)(2) of this 117269
section. 117270

(7) "TPP inside millage debt levy loss" means payments 117271
made to local taxing units in calendar year 2014 under division 117272
(A)(3) of section 5751.22 of the Revised Code as that section 117273
existed at that time. 117274

(8) "S.B. 3 inside millage debt levy loss" means payments 117275

made to local taxing units in calendar year 2014 under section 117276
(A) (4) of section 5727.86 of the Revised Code as that section 117277
existed at that time. 117278

(9) "Qualifying levy" means a levy for which payment was 117279
made in calendar year 2014 under division (A) (1) of section 117280
5727.86 and divisions (A) (1) and (2) of section 5751.22 of the 117281
Revised Code as they existed at that time. 117282

(10) "Total resources," in the case of county mental 117283
health and disability related functions, means the sum of the 117284
amounts in divisions (A) (10) (a) and (b) of this section less any 117285
reduction required under division (B) (1) of this section. 117286

(a) The sum of the payments received by the county for 117287
mental health and developmental disability related functions in 117288
calendar year 2014 under division (A) (1) of section 5727.86 and 117289
division (A) (1) of section 5751.22 of the Revised Code as they 117290
existed at that time; 117291

(b) With respect to taxes levied by the county for mental 117292
health and developmental disability related purposes, the taxes 117293
charged and payable for such purposes against all property on 117294
the tax list of real and public utility property for tax year 117295
2014. 117296

(11) "Total resources," in the case of county senior 117297
services related functions, means the sum of the amounts in 117298
divisions (A) (11) (a) and (b) of this section less any reduction 117299
required under division (B) (1) of this section. 117300

(a) The sum of the payments received by the county for 117301
senior services related functions in calendar year 2014 under 117302
division (A) (1) of section 5727.86 and division (A) (1) of 117303
section 5751.22 of the Revised Code as they existed at that 117304

time; 117305

(b) With respect to taxes levied by the county for senior 117306
services related purposes, the taxes charged and payable for 117307
such purposes against all property on the tax list of real and 117308
public utility property for tax year 2014. 117309

(12) "Total resources," in the case of county children's 117310
services related functions, means the sum of the amounts in 117311
divisions (A) (12) (a) and (b) of this section less any reduction 117312
required under division (B) (1) of this section. 117313

(a) The sum of the payments received by the county for 117314
children's services related functions in calendar year 2014 117315
under division (A) (1) of section 5727.86 and division (A) (1) of 117316
section 5751.22 of the Revised Code as they existed at that 117317
time; 117318

(b) With respect to taxes levied by the county for 117319
children's services related purposes, the taxes charged and 117320
payable for such purposes against all property on the tax list 117321
of real and public utility property for tax year 2014. 117322

(13) "Total resources," in the case of county public 117323
health related functions, means the sum of the amounts in 117324
divisions (A) (13) (a) and (b) of this section less any reduction 117325
required under division (B) (1) of this section. 117326

(a) The sum of the payments received by the county for 117327
public health related functions in calendar year 2014 under 117328
division (A) (1) of section 5727.86 and division (A) (1) of 117329
section 5751.22 of the Revised Code as they existed at that 117330
time; 117331

(b) With respect to taxes levied by the county for public 117332
health related purposes, the taxes charged and payable for such 117333

purposes against all property on the tax list of real and public 117334
utility property for tax year 2014. 117335

(14) "Total resources," in the case of all county 117336
functions not included in divisions (A)(10) to (13) of this 117337
section, means the sum of the amounts in divisions (A)(14)(a) to 117338
(e) of this section less any reduction required under division 117339
(B)(1) or (2) of this section. 117340

(a) The sum of the payments received by the county for all 117341
other purposes in calendar year 2014 under division (A)(1) of 117342
section 5727.86 and division (A)(1) of section 5751.22 of the 117343
Revised Code as they existed at that time; 117344

(b) The county's percentage share of county undivided 117345
local government fund allocations as certified to the tax 117346
commissioner for calendar year 2015 by the county auditor under 117347
division (J) of section 5747.51 of the Revised Code or division 117348
(F) of section 5747.53 of the Revised Code multiplied by the 117349
total amount actually distributed in calendar year 2014 from the 117350
county undivided local government fund; 117351

(c) With respect to taxes levied by the county for all 117352
other purposes, the taxes charged and payable for such purposes 117353
against all property on the tax list of real and public utility 117354
property for tax year 2014, excluding taxes charged and payable 117355
for the purpose of paying debt charges; 117356

(d) The sum of the amounts distributed to the county in 117357
calendar year 2014 for the taxes levied pursuant to sections 117358
5739.021 and 5741.021 of the Revised Code; 117359

(e) The sum of amounts distributed to the county from the 117360
gross casino revenue county fund from July 2014 through April 117361
2015. 117362

(15) "Total resources," in the case of a municipal 117363
corporation, means the sum of the amounts in divisions (A) (15) 117364
(a) to (h) of this section less any reduction required under 117365
division (B) (1) or (2) of this section. 117366

(a) The sum of the payments received by the municipal 117367
corporation in calendar year 2014 for current expense levy 117368
losses under division (A) (1) of section 5727.86 and division (A) 117369
(1) of section 5751.22 of the Revised Code as they existed at 117370
that time; 117371

(b) The municipal corporation's percentage share of county 117372
undivided local government fund allocations as certified to the 117373
tax commissioner for calendar year 2015 by the county auditor 117374
under division (J) of section 5747.51 of the Revised Code or 117375
division (F) of section 5747.53 of the Revised Code multiplied 117376
by the total amount actually distributed in calendar year 2014 117377
from the county undivided local government fund; 117378

(c) The sum of the amounts distributed to the municipal 117379
corporation in calendar year 2014 pursuant to section 5747.50 of 117380
the Revised Code; 117381

(d) With respect to taxes levied by the municipal 117382
corporation, the taxes charged and payable against all property 117383
on the tax list of real and public utility property for 117384
municipal current expenses for tax year 2014; 117385

(e) The amount of admissions tax collected by the 117386
municipal corporation in calendar year 2013, or if such 117387
information has not yet been reported to the tax commissioner, 117388
in the most recent year before 2013 for which the municipal 117389
corporation has reported data to the commissioner; 117390

(f) The amount of income taxes collected by the municipal 117391

corporation in calendar year 2013 as certified to the tax 117392
commissioner under section 5747.50 of the Revised Code in 2013, 117393
or if such information has not yet been reported to the 117394
commissioner, in the most recent year before 2014 for which the 117395
municipal corporation has reported such data to the 117396
commissioner; 117397

(g) The sum of the amounts distributed to the municipal 117398
corporation from the gross casino revenue host city fund from 117399
July 2014 through April 2015; 117400

(h) The sum of the amounts distributed to the municipal 117401
corporation from the gross casino revenue county fund from July 117402
2014 through April 2015. 117403

(16) "Total resources," in the case of a township, means 117404
the sum of the amounts in divisions (A) (16) (a) to (c) of this 117405
section less any reduction required under division (B) (1) or (2) 117406
of this section. 117407

(a) The sum of the payments received by the township in 117408
calendar year 2014 pursuant to division (A) (1) of section 117409
5727.86 of the Revised Code and division (A) (1) of section 117410
5751.22 of the Revised Code as they existed at that time, 117411
excluding payments received for debt purposes; 117412

(b) The township's percentage share of county undivided 117413
local government fund allocations as certified to the tax 117414
commissioner for calendar year 2015 by the county auditor under 117415
division (J) of section 5747.51 of the Revised Code or division 117416
(F) of section 5747.53 of the Revised Code multiplied by the 117417
total amount actually distributed in calendar year 2014 from the 117418
county undivided local government fund; 117419

(c) With respect to taxes levied by the township, the 117420

taxes charged and payable against all property on the tax list 117421
of real and public utility property for tax year 2014 excluding 117422
taxes charged and payable for the purpose of paying debt charges 117423
or from levies imposed under section 5705.23 of the Revised 117424
Code. 117425

(17) "Total resources," in the case of a local taxing unit 117426
that is not a county, municipal corporation, township, or public 117427
library means the sum of the amounts in divisions (A) (17) (a) to 117428
(e) of this section less any reduction required under division 117429
(B) (1) of this section. 117430

(a) The sum of the payments received by the local taxing 117431
unit in calendar year 2014 pursuant to division (A) (1) of 117432
section 5727.86 of the Revised Code and division (A) (1) of 117433
section 5751.22 of the Revised Code as they existed at that 117434
time; 117435

(b) The local taxing unit's percentage share of county 117436
undivided local government fund allocations as certified to the 117437
tax commissioner for calendar year 2015 by the county auditor 117438
under division (J) of section 5747.51 of the Revised Code or 117439
division (F) of section 5747.53 of the Revised Code multiplied 117440
by the total amount actually distributed in calendar year 2014 117441
from the county undivided local government fund; 117442

(c) With respect to taxes levied by the local taxing unit, 117443
the taxes charged and payable against all property on the tax 117444
list of real and public utility property for tax year 2014 117445
excluding taxes charged and payable for the purpose of paying 117446
debt charges or from a levy imposed under section 5705.23 of the 117447
Revised Code; 117448

(d) The amount received from the tax commissioner during 117449

calendar year 2014 for sales or use taxes authorized under 117450
sections 5739.023 and 5741.022 of the Revised Code; 117451

(e) For institutions of higher education receiving tax 117452
revenue from a local levy, as identified in section 3358.02 of 117453
the Revised Code, the final state share of instruction 117454
allocation for fiscal year 2014 as calculated by the chancellor 117455
of higher education and reported to the state controlling board. 117456

(18) "Total resources," in the case of a county, municipal 117457
corporation, school district, or township public library that 117458
receives the proceeds of a tax levied under section 5705.23 of 117459
the Revised Code, means the sum of the amounts in divisions (A) 117460
(18) (a) to (d) of this section less any reduction required under 117461
division (B) (1) of this section. 117462

(a) The sum of the payments received by the county, 117463
municipal corporation, school district, or township public 117464
library in calendar year 2014 pursuant to sections 5727.86 and 117465
5751.22 of the Revised Code, as they existed at that time, for 117466
fixed-rate levy losses attributable to a tax levied under 117467
section 5705.23 of the Revised Code for the benefit of the 117468
public library; 117469

(b) The public library's percentage share of county 117470
undivided local government fund allocations as certified to the 117471
tax commissioner for calendar year 2015 by the county auditor 117472
under division (J) of section 5747.51 of the Revised Code or 117473
division (F) of section 5747.53 of the Revised Code multiplied 117474
by the total amount actually distributed in calendar year 2014 117475
from the county undivided local government fund; 117476

(c) With respect to a tax levied pursuant to section 117477
5705.23 of the Revised Code for the benefit of the public 117478

library, the amount of such tax that is charged and payable 117479
against all property on the tax list of real and public utility 117480
property for tax year 2014 excluding any tax that is charged and 117481
payable for the purpose of paying debt charges; 117482

(d) The sum of the amounts distributed to the library 117483
district from the county public library fund in calendar year 117484
2014, as reported to the tax commissioner by the county auditor. 117485

(19) "Municipal current expense property tax levies" means 117486
all property tax levies of a municipality, except those with the 117487
following levy names: library; airport resurfacing; bond or any 117488
levy name including the word "bond"; capital improvement or any 117489
levy name including the word "capital"; debt or any levy name 117490
including the word "debt"; equipment or any levy name including 117491
the word "equipment," unless the levy is for combined operating 117492
and equipment; employee termination fund; fire pension or any 117493
levy containing the word "pension," including police pensions; 117494
fireman's fund or any practically similar name; sinking fund; 117495
road improvements or any levy containing the word "road"; fire 117496
truck or apparatus; flood or any levy containing the word 117497
"flood"; conservancy district; county health; note retirement; 117498
sewage, or any levy containing the words "sewage" or "sewer"; 117499
park improvement; parkland acquisition; storm drain; street or 117500
any levy name containing the word "street"; lighting, or any 117501
levy name containing the word "lighting"; and water. 117502

(20) "Operating fixed-rate levy loss" means, in the case 117503
of local taxing units other than municipal corporations, fixed- 117504
rate levy losses of levies imposed for purposes other than 117505
paying debt charges or, in the case of municipal corporations, 117506
fixed-rate levy losses of municipal current expense property tax 117507
levies. 117508

(21) (a) "Qualifying municipal corporation" means a 117509
municipal corporation in the territory of which a qualifying end 117510
user is located. 117511

(b) "Qualifying end user" means an end user of at least 117512
seven million qualifying kilowatt hours of electricity annually. 117513

(c) "Qualifying kilowatt hours" means kilowatt hours of 117514
electricity generated by a renewable energy resource, as defined 117515
in section 5727.01 of the Revised Code, using wind energy and 117516
the distribution of which is subject to the tax levied under 117517
section 5727.81 of the Revised Code for any measurement period 117518
beginning after June 30, 2015. 117519

(22) Any term used in this section has the same meaning as 117520
in section 5727.84 or 5751.20 of the Revised Code unless 117521
otherwise defined by this section. 117522

(B) (1) "Total resources" used to compute payments to be 117523
made under division (C) of this section shall be reduced to the 117524
extent that payments distributed in calendar year 2014 were 117525
attributable to levies no longer charged and payable. 117526

(2) "Current expense allocation" used to compute payments 117527
to be made under division (C) of this section shall be reduced 117528
to the extent that payments distributed in calendar year 2014 117529
were attributable to levies no longer charged and payable. 117530

(C) (1) Except as provided in division (D) of this section, 117531
the tax commissioner shall compute payments for operating fixed- 117532
rate levy losses of local taxing units and public libraries for 117533
fiscal year 2016 and each year thereafter as prescribed in 117534
divisions (C) (1) (a) and (b) of this section: 117535

(a) For public libraries and local taxing units other than 117536
municipal corporations: 117537

(i) If the ratio of current expense allocation to total resources is equal to or less than the threshold per cent, zero; 117538
117539

(ii) If the ratio of current expense allocation to total resources is greater than the threshold per cent, the current expense allocation minus the product of total resources multiplied by the threshold per cent. 117540
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(b) For municipal corporations: 117544

(i) If the ratio of the municipal current expense allocation to total resources is equal to or less than the threshold per cent, zero; 117545
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(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent. 117548
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(2) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable. 117552
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(D) (1) Except as provided in division (D) (2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not 117562
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charged and payable for debt purposes in fiscal year 2016 or any 117567
year thereafter. 117568

(2) No payment shall be made for TPP inside millage debt 117569
levy loss in calendar year 2018 or thereafter. No payment shall 117570
be made for S.B.3 inside millage debt levy loss in calendar year 117571
2017 or thereafter. 117572

(E) For a qualifying municipal corporation, the tax 117573
commissioner shall compute payments for fiscal year 2016 and 117574
each ensuing fiscal year in an amount equal to the amount of tax 117575
imposed under section 5727.81 of the Revised Code and paid on 117576
the basis of qualifying kilowatt hours of electricity 117577
distributed through the meter of a qualifying end user located 117578
in the municipal corporation for measurement periods ending in 117579
the preceding calendar year. The payment shall be computed 117580
regardless of whether the qualifying municipal corporation 117581
qualifies for a payment under any other division of this section 117582
for the fiscal year in which the payment is computed under this 117583
division. For the purposes of this division, the commissioner 117584
may require an electric distribution company distributing 117585
qualifying kilowatt hours or, if the end user is a self- 117586
assessing purchaser, the end user, to report to the commissioner 117587
the number of qualifying kilowatt hours distributed through the 117588
meter of the qualifying end user. 117589

(F) (1) The payments required to be made under divisions 117590
(C), (D), and (H) of this section shall be paid from the ~~local-~~ 117591
~~government tangible property tax replacement general revenue~~ 117592
fund to the county undivided income tax fund in the proper 117593
county treasury. Beginning in August 2015, one-half of the 117594
amount determined under each of those divisions shall be paid on 117595
or before the last day of August each year, and one-half shall 117596

be paid on or before the last day of February each year. Within 117597
thirty days after receipt of such payments, the county treasurer 117598
shall distribute amounts determined under this section to the 117599
proper local taxing unit or public library as if they had been 117600
levied and collected as taxes, and the local taxing unit or 117601
public library shall allocate the amounts so received among its 117602
funds in the same proportions as if those amounts had been 117603
levied and collected as taxes. 117604

(2) On or before the last day of August and of February of 117605
each fiscal year that follows a calendar year in which taxes are 117606
paid on the basis of qualifying kilowatt hours of electricity 117607
distributed through the meter of a qualifying end user located 117608
in a qualifying municipal corporation, one-half of the payment 117609
computed under division (E) of this section shall be paid from 117610
the ~~local government tangible personal property tax replacement~~ 117611
general revenue fund directly to the qualifying municipal 117612
corporation. The municipal corporation shall credit the payments 117613
to a special fund created for the purpose of providing grants or 117614
other financial assistance to the qualifying end user or to 117615
compensate the municipal corporation for municipal income tax or 117616
other tax credits or reductions as the legislative authority may 117617
grant to the qualifying end user. Such grants or other financial 117618
assistance may be provided for by ordinance or resolution of the 117619
legislative authority of the qualifying municipal corporation 117620
and may continue for as long as is provided by the ordinance or 117621
resolution. 117622

(G) If all or a part of the territories of two or more 117623
local taxing units are merged, or unincorporated territory of a 117624
township is annexed by a municipal corporation, the tax 117625
commissioner shall adjust the payments made under this section 117626
to each of the local taxing units in proportion to the square 117627

mileage of the merged or annexed territory as a percentage of 117628
the total square mileage of the jurisdiction from which the 117629
territory originated, or as otherwise provided by a written 117630
agreement between the legislative authorities of the local 117631
taxing units certified to the commissioner not later than the 117632
first day of June of the calendar year in which the payment is 117633
to be made. 117634

(H) For fiscal years 2022 through 2026, if the total 117635
amount to be received under division (C) of this section by a 117636
joint fire district that has a nuclear power plant located 117637
within its territory is less than the amount the district 117638
received under this section in fiscal year 2017, the district 117639
shall receive a supplemental payment equal to the difference 117640
between the amount to be received under that division for the 117641
fiscal year and the amount received under this section in fiscal 117642
year 2017. 117643

Sec. 5715.19. (A) As used in this section: 117644

"Member" has the same meaning as in section 1706.01 of the 117645
Revised Code. 117646

"Internet identifier of record" has the same meaning as in 117647
section 9.312 of the Revised Code. 117648

"Interim period" means, for each county, the tax year to 117649
which section 5715.24 of the Revised Code applies and each 117650
subsequent tax year until the tax year in which that section 117651
applies again. 117652

"Legislative authority" means a board of county 117653
commissioners, a board of township trustees of any township with 117654
territory in the county, the board of education of any school 117655
district with territory in the county, or the legislative 117656

authority of a municipal corporation with territory in the 117657
county. 117658

"Original complaint" means a complaint filed under 117659
division (A) of this section. 117660

"Counter-complaint" means a complaint filed under division 117661
(B) of this section in response to an original complaint. 117662

"Third party complainant" means a complainant other than 117663
the property owner, the owner's spouse, a tenant authorized to 117664
file an original complaint, or any person acting on behalf of a 117665
property owner. "Third party complainant" does not include a 117666
legislative authority or a mayor of a municipal corporation, but 117667
does include the prosecuting attorney or treasurer of a county_ 117668
or any person acting on behalf of a legislative authority or 117669
mayor. 117670

For purposes of this section, a person is considered to be 117671
acting on behalf of a legislative authority or mayor if the 117672
person is an official or employee of the political subdivision 117673
or has been hired, contracted, or directed by such an official 117674
or employee to file a complaint or counter-complaint under this 117675
section on behalf of the political subdivision. 117676

(1) Subject to division (A) (2) of this section, a 117677
complaint against any of the following determinations for the 117678
current tax year shall be filed with the county auditor on or 117679
before the thirty-first day of March of the ensuing tax year or 117680
the date of closing of the collection for the first half of real 117681
and public utility property taxes for the current tax year, 117682
whichever is later: 117683

(a) Any classification made under section 5713.041 of the 117684
Revised Code; 117685

(b) Any determination made under section 5713.32 or 117686
5713.35 of the Revised Code; 117687

(c) Any recoupment charge levied under section 5713.35 of 117688
the Revised Code; 117689

(d) The determination of the total valuation or assessment 117690
of any parcel that appears on the tax list, except parcels 117691
assessed by the tax commissioner pursuant to section 5727.06 of 117692
the Revised Code; 117693

(e) The determination of the total valuation of any parcel 117694
that appears on the agricultural land tax list, except parcels 117695
assessed by the tax commissioner pursuant to section 5727.06 of 117696
the Revised Code; 117697

(f) Any determination made under division (A) of section 117698
319.302 of the Revised Code. 117699

If such a complaint is filed by mail or certified mail, 117700
the date of the United States postmark placed on the envelope or 117701
sender's receipt by the postal service shall be treated as the 117702
date of filing. A private meter postmark on an envelope is not a 117703
valid postmark for purposes of establishing whether a complaint 117704
has been timely filed. 117705

Subject to division (A) (6) of this section, any person 117706
owning taxable real property in the county or in a taxing 117707
district with territory in the county; such a person's spouse; a 117708
tenant of the property owner, if the property is classified as 117709
to use for tax purposes as commercial or industrial, the lease 117710
requires the tenant to pay the entire amount of taxes charged 117711
against the property, and the lease allows, or the property 117712
owner otherwise authorizes, the tenant to file such a complaint 117713
with respect to the property; an individual who is retained by 117714

such a person or tenant and who holds a designation from a 117715
professional assessment organization, such as the institute for 117716
professionals in taxation, the national council of property 117717
taxation, or the international association of assessing 117718
officers; a public accountant who holds a permit under section 117719
4701.10 of the Revised Code, a general or residential real 117720
estate appraiser licensed or certified under Chapter 4763. of 117721
the Revised Code, or a real estate broker licensed under Chapter 117722
4735. of the Revised Code, who is retained by such a person or 117723
tenant; if the person or tenant is a firm, company, association, 117724
partnership, limited liability company, or corporation, an 117725
officer, a salaried employee, a partner, or a member of that 117726
person or tenant; if the person or tenant is a trust, a trustee 117727
of the trust; the prosecuting attorney or treasurer of the 117728
county; or the legislative authority of a subdivision or the 117729
mayor of a municipal corporation may file such a complaint 117730
regarding any such determination affecting any real property in 117731
the county, except that a person owning taxable real property in 117732
another county may file such a complaint only with regard to any 117733
such determination affecting real property in the county that is 117734
located in the same taxing district as that person's real 117735
property is located. The county auditor shall present to the 117736
county board of revision all complaints filed with the auditor. 117737

(2) No person, legislative authority, or officer shall 117738
file a complaint against the valuation or assessment of any 117739
parcel that appears on the tax list if it filed a complaint 117740
against the valuation or assessment of that parcel for any prior 117741
tax year in the same interim period, unless the person, 117742
legislative authority, or officer alleges that the valuation or 117743
assessment should be changed due to one or more of the following 117744
circumstances that occurred after the tax lien date for the tax 117745

year for which the prior complaint was filed and that the 117746
circumstances were not taken into consideration with respect to 117747
the prior complaint: 117748

(a) The property was sold in an arm's length transaction, 117749
as described in section 5713.03 of the Revised Code; 117750

(b) The property lost value due to some casualty; 117751

(c) Substantial improvement was added to the property; 117752

(d) An increase or decrease of at least fifteen per cent 117753
in the property's occupancy has had a substantial economic 117754
impact on the property. 117755

(3) If a county board of revision, the board of tax 117756
appeals, or any court dismisses a complaint filed under this 117757
section or section 5715.13 of the Revised Code for the reason 117758
that the act of filing the complaint was the unauthorized 117759
practice of law or the person filing the complaint was engaged 117760
in the unauthorized practice of law, the party affected by a 117761
decrease in valuation or the party's agent, or the person owning 117762
taxable real property in the county or in a taxing district with 117763
territory in the county, may refile the complaint, 117764
notwithstanding division (A) (2) of this section. 117765

(4) (a) No complaint filed under this section or section 117766
5715.13 of the Revised Code shall be dismissed for the reason 117767
that the complaint fails to accurately identify the owner of the 117768
property that is the subject of the complaint. 117769

(b) If a complaint fails to accurately identify the owner 117770
of the property that is the subject of the complaint, the board 117771
of revision shall exercise due diligence to ensure the correct 117772
property owner is notified as required by divisions (B) and (C) 117773
of this section. 117774

(5) Notwithstanding division (A) (2) of this section, a person, legislative authority, or officer may file a complaint against the valuation or assessment of any parcel that appears on the tax list if it filed a complaint against the valuation or assessment of that parcel for any prior tax year in the same interim period if the person, legislative authority, or officer withdrew the complaint before the complaint was heard by the board.

(6) The legislative authority of a subdivision, the mayor of a municipal corporation, or a third party complainant shall not file an original complaint with respect to property the subdivision or complainant does not own or lease unless both of the following conditions are met:

(a) If the complaint is based on a determination described in division (A) (1) (d) or (e) of this section, ~~the property was~~ (i) sold all of the following requirements are met:

(i) The complaint seeks an increase in the valuation of the property based upon the sale of the property in an arm's length transaction, as described in section 5713.03 of the Revised Code, ~~before, but not after,~~

(ii) That sale is evidenced by a conveyance fee statement, attached to the complaint, that declares the value of the property conveyed pursuant to section 319.202 of the Revised Code and that was filed during the two years preceding the tax lien date for the tax year for which the complaint is to be filed, ~~and (ii) the~~

(iii) That sale price exceeds the true value of the property appearing on the tax list for that tax year by both ten per cent and the amount of the filing threshold determined under

division (J) of this section~~+~~. 117804

(b) If the complaint is filed by a legislative authority- 117805
~~or, mayor, or third party complainant acting on behalf of a~~ 117806
legislative authority or mayor, the legislative authority or, in 117807
the case of a mayor, the legislative authority of the municipal 117808
corporation, first adopts a resolution authorizing the filing of 117809
the original complaint at a public meeting of the legislative 117810
authority. 117811

(7) A resolution adopted under division (A) (6) (b) of this 117812
section shall include all of the following information: 117813

(a) Identification of the parcel or parcels that are the 117814
subject of the original complaint by street address, if 117815
available from online records of the county auditor, and by 117816
permanent parcel number; 117817

(b) The name of at least one of the record owners of the 117818
parcel or parcels; 117819

(c) The basis for the complaint under divisions (A) (1) (a) 117820
to (f) of this section relative to each parcel identified in the 117821
resolution; 117822

(d) The tax year for which the complaint will be filed, 117823
which shall be a year for which a complaint may be timely filed 117824
under this section at the time of the resolution's adoption. 117825

A legislative authority shall not adopt a resolution 117826
required under division (A) (6) (b) of this section that 117827
identifies more than one parcel under division (A) (7) (a) of this 117828
section, except that a single resolution may identify more than 117829
one parcel under that division if each parcel has the same 117830
record owner or the same record owners, as applicable. A 117831
legislative authority may adopt multiple resolutions required 117832

under division (A) (6) (b) of this section by a single vote, 117833
provided that the vote is separate from the question of whether 117834
to adopt any resolution that is not adopted under division (A) 117835
(6) (b) of this section. 117836

Before adopting a resolution required by division (A) (6) 117837
(b) of this section, the legislative authority shall mail a 117838
written notice to at least one of the record owners of the 117839
parcel or parcels identified in the resolution stating the 117840
intent of the legislative authority in adopting the resolution, 117841
the proposed date of adoption, and the basis for the complaint 117842
under divisions (A) (1) (a) to (f) of this section relative to 117843
each parcel identified in the resolution. The notice shall be 117844
sent by certified mail to the last known tax-mailing address of 117845
at least one of the record owners and, if different from that 117846
tax-mailing address, to the street address of the parcel or 117847
parcels identified in the resolution. Alternatively, if the 117848
legislative authority has record of an internet identifier of 117849
record associated with at least one of the record owners, the 117850
legislative authority may send the notice by ordinary mail and 117851
by that internet identifier of record. The notice shall be 117852
postmarked or, if sent by internet identifier of record, sent at 117853
least seven calendar days before the legislative authority 117854
adopts the resolution. 117855

A board of revision has jurisdiction to consider a 117856
complaint filed pursuant to a resolution adopted under division 117857
(A) (6) (b) of this section only if the legislative authority 117858
notifies the board of revision of the resolution in the manner 117859
prescribed in division ~~(A) (8)~~ (A) (8) (a) of this section. The 117860
failure to accurately identify the street address or the name of 117861
the record owners of the parcel in the resolution does not 117862
invalidate the resolution nor is it a cause for dismissal of the 117863

complaint. 117864

~~(8)~~ (8) (a) A complaint form prescribed by a board of 117865
revision or the tax commissioner for the purpose of this section 117866
shall include a box that must be checked, when a legislative 117867
authority, mayor, or third party complainant acting on behalf of 117868
either files an original complaint, to indicate that a 117869
resolution authorizing the complaint was adopted in accordance 117870
with divisions (A) (6) (b) and (7) of this section and that notice 117871
was mailed or sent in accordance with division (A) (7) of this 117872
section before adoption of the resolution to at least one of the 117873
record owners of the property that is the subject of the 117874
complaint. 117875

(b) Any third party complainant shall submit, with the 117876
complaint, a sworn affidavit stating whether the third party 117877
complainant is or is not acting on behalf of a legislative 117878
authority or mayor. 117879

~~(B)~~ (B) (1) Within thirty days after the last date such 117880
complaints may be filed, the auditor shall give notice of each 117881
complaint in which the stated amount of overvaluation, 117882
undervaluation, discriminatory valuation, illegal valuation, or 117883
incorrect determination is at least seventeen thousand five 117884
hundred dollars in taxable value to each property owner whose 117885
property is the subject of the complaint, if the complaint was 117886
not filed by the owner or the owner's spouse. A board of 117887
education, subject to this division; a property owner; the 117888
owner's spouse; a tenant of the owner, if that tenant would be 117889
eligible to file a complaint under division (A) of this section 117890
with respect to the property; an individual who is retained by 117891
such an owner or tenant and who holds a designation from a 117892
professional assessment organization, such as the institute for 117893

professionals in taxation, the national council of property 117894
taxation, or the international association of assessing 117895
officers; a public accountant who holds a permit under section 117896
4701.10 of the Revised Code, a general or residential real 117897
estate appraiser licensed or certified under Chapter 4763. of 117898
the Revised Code, or a real estate broker licensed under Chapter 117899
4735. of the Revised Code, who is retained by such an owner or 117900
tenant; or, if the owner or tenant is a firm, company, 117901
association, partnership, limited liability company, 117902
corporation, or trust, an officer, a salaried employee, a 117903
partner, a member, or trustee of that owner or tenant, may file 117904
a counter-complaint in support of or objecting to the amount of 117905
alleged overvaluation, undervaluation, discriminatory valuation, 117906
illegal valuation, or incorrect determination stated in a 117907
previously filed original complaint or objecting to the current 117908
valuation. 117909

(2) A board of education may file a counter-complaint only 117910
if the original complaint (a) was filed by the owner of the 117911
property that is the subject of the complaint, a tenant of that 117912
property owner, or any person acting on behalf of such owner or 117913
tenant, and (b) states an amount of overvaluation, 117914
undervaluation, discriminatory valuation, illegal valuation, or 117915
incorrect determination of at least seventeen thousand five 117916
hundred dollars in taxable value. 117917

The board shall file the counter-complaint within thirty 117918
days after the original complaint is filed or after the last day 117919
such complaints may be filed, whichever is later, and any other 117920
person shall file the counter-complaint within thirty days after 117921
receiving the notice required under this division. 117922

(3) Upon the filing of a counter-complaint, the board of 117923

education, property owner, or tenant shall be made a party to 117924
the action. 117925

(C) Each board of revision shall notify any complainant 117926
and counter-complainant, and also the property owner, if the 117927
property owner's address is known, and the complaint is filed by 117928
one other than the property owner, not less than ten days prior 117929
to the hearing, either by certified mail or, if the board has 117930
record of an internet identifier of record associated with the 117931
owner, by ordinary mail and by that internet identifier of 117932
record of the time and place the same will be heard. The board 117933
of revision shall hear and render its decision on an original 117934
complaint within one hundred eighty days after the last day such 117935
a complaint may be filed with the board under division (A)(1) of 117936
this section or, if a counter-complaint is filed, within one 117937
hundred eighty days after such filing. If the original complaint 117938
is filed by the legislative authority of a subdivision, the 117939
mayor of a municipal corporation with territory in the county, 117940
or a third party complainant, and if the board of revision has 117941
not rendered its decision on the complaint within one year after 117942
the date the complaint was filed, the board may dismiss the 117943
complaint. 117944

(D) The determination of any such original complaint or 117945
counter-complaint shall relate back to the date when the lien 117946
for taxes or recoupment charges for the current year attached or 117947
the date as of which liability for such year was determined. 117948
Liability for taxes and recoupment charges for such year and 117949
each succeeding year until the complaint is finally determined 117950
and for any penalty and interest for nonpayment thereof within 117951
the time required by law shall be based upon the determination, 117952
valuation, or assessment as finally determined. Each complaint 117953
shall state the amount of overvaluation, undervaluation, 117954

discriminatory valuation, illegal valuation, or incorrect 117955
classification or determination upon which the complaint is 117956
based. The treasurer shall accept any amount tendered as taxes 117957
or recoupment charge upon property concerning which a complaint 117958
is then pending, computed upon the claimed valuation as set 117959
forth in the complaint. Unless dismissal is required under 117960
division (C) of this section, if an original complaint or 117961
counter-complaint filed for the current year is not determined 117962
by the board within the time prescribed for such determination, 117963
the complaint and any proceedings in relation thereto shall be 117964
continued by the board as a valid complaint for any ensuing year 117965
until that original complaint or counter-complaint is finally 117966
determined by the board or upon any appeal from a decision of 117967
the board. In such case, the original complaint and counter- 117968
complaint shall continue in effect without further filing by the 117969
original taxpayer, the original taxpayer's assignee, or any 117970
other person or entity authorized to file a complaint under this 117971
section. 117972

(E) If a taxpayer files a complaint as to the 117973
classification, valuation, assessment, or any determination 117974
affecting the taxpayer's own property and tenders less than the 117975
full amount of taxes or recoupment charges as finally 117976
determined, an interest charge shall accrue as follows: 117977

(1) If the amount finally determined is less than the 117978
amount billed but more than the amount tendered, the taxpayer 117979
shall pay interest at the rate per annum prescribed by section 117980
5703.47 of the Revised Code, computed from the date that the 117981
taxes were due on the difference between the amount finally 117982
determined and the amount tendered. This interest charge shall 117983
be in lieu of any penalty or interest charge under section 117984
323.121 of the Revised Code unless the taxpayer failed to file a 117985

complaint and tender an amount as taxes or recoupment charges 117986
within the time required by this section, in which case section 117987
323.121 of the Revised Code applies. 117988

(2) If the amount of taxes finally determined is equal to 117989
or greater than the amount billed and more than the amount 117990
tendered, the taxpayer shall pay interest at the rate prescribed 117991
by section 5703.47 of the Revised Code from the date the taxes 117992
were due on the difference between the amount finally determined 117993
and the amount tendered, such interest to be in lieu of any 117994
interest charge but in addition to any penalty prescribed by 117995
section 323.121 of the Revised Code. 117996

(F) Upon request of a complainant, the tax commissioner 117997
shall determine the common level of assessment of real property 117998
in the county for the year stated in the request that is not 117999
valued under section 5713.31 of the Revised Code, which common 118000
level of assessment shall be expressed as a percentage of true 118001
value and the common level of assessment of lands valued under 118002
such section, which common level of assessment shall also be 118003
expressed as a percentage of the current agricultural use value 118004
of such lands. Such determination shall be made on the basis of 118005
the most recent available sales ratio studies of the 118006
commissioner and such other factual data as the commissioner 118007
deems pertinent. 118008

(G) A complainant shall provide to the board of revision 118009
all information or evidence within the complainant's knowledge 118010
or possession that affects the real property that is the subject 118011
of the complaint. A complainant who fails to provide such 118012
information or evidence is precluded from introducing it on 118013
appeal to the board of tax appeals or the court of common pleas, 118014
except that the board of tax appeals or court may admit and 118015

consider the evidence if the complainant shows good cause for 118016
the complainant's failure to provide the information or evidence 118017
to the board of revision. 118018

(H) In case of the pendency of any proceeding in court 118019
based upon an alleged excessive, discriminatory, or illegal 118020
valuation or incorrect classification or determination, the 118021
taxpayer may tender to the treasurer an amount as taxes upon 118022
property computed upon the claimed valuation as set forth in the 118023
complaint to the court. The treasurer may accept the tender. If 118024
the tender is not accepted, no penalty shall be assessed because 118025
of the nonpayment of the full taxes assessed. 118026

(I) A legislative authority, or any person acting on 118027
behalf of a legislative authority, may not enter into a private 118028
payment agreement with respect to any complaint filed or 118029
contemplated under this section or section 5715.13 of the 118030
Revised Code, and any such agreement is void and unenforceable. 118031
As used in this division, "private payment agreement" means any 118032
type of agreement in which a property owner, a tenant authorized 118033
to file a complaint under division (A) of this section, or any 118034
person acting on behalf of a property owner or such a tenant 118035
agrees to make one or more payments to a subdivision in exchange 118036
for the legislative authority of that subdivision, or any person 118037
acting on behalf of that subdivision, doing any of the 118038
following: 118039

(1) Refraining from filing a complaint or counter- 118040
complaint under this section; 118041

(2) Dismissing a complaint or counter-complaint filed 118042
under this section by the legislative authority ~~under this~~ 118043
~~section~~ or any person acting on behalf of the legislative 118044
authority; 118045

(3) Resolving a claim under this section by settlement 118046
agreement. 118047

A "private payment agreement" does not include any 118048
agreement to resolve a claim under this section pursuant to 118049
which an agreed-upon valuation for the property that is the 118050
subject of the claim is approved by the county auditor and 118051
reflected on the tax list, provided that agreement does not 118052
require any payments described in this division. 118053

(J) For the purpose of division (A) (6) (a) of this section, 118054
the filing threshold for tax year 2022 equals five hundred 118055
thousand dollars. For tax year 2023 and each tax year 118056
thereafter, the tax commissioner shall adjust the filing 118057
threshold used in that division by completing the following 118058
calculations in September of each year: 118059

(1) Determine the percentage increase in the gross 118060
domestic product deflator determined by the bureau of economic 118061
analysis of the United States department of commerce from the 118062
first day of January of the preceding year to the last day of 118063
December of the preceding year; 118064

(2) Multiply that percentage increase by the filing 118065
threshold for the current year; 118066

(3) Add the resulting product to the filing threshold for 118067
the current year; 118068

(4) Round the resulting sum to the nearest multiple of one 118069
thousand dollars. 118070

The commissioner shall certify the amount resulting from 118071
the adjustment to each county auditor not later than the first 118072
day of October each year. The certified amount applies to 118073
complaints filed for the tax year in which the amount is 118074

certified. The commissioner shall not make the adjustment for 118075
any tax year in which the amount resulting from the adjustment 118076
would be less than the filing threshold for the current tax 118077
year. 118078

(K) If a board of revision dismisses a complaint filed by 118079
a legislative authority, mayor, or person acting on behalf of 118080
either on the basis that the complaint does not comply with the 118081
requirements of divisions (A) (6) to (8) of this section, the 118082
board shall order the legislative authority, mayor, or person to 118083
pay any costs and reasonable attorney's fees incurred by the 118084
property owner in connection with the complaint. 118085

The political subdivision shall remit the costs and 118086
attorney's fees to the board of revision within sixty days after 118087
the board dismisses the complaint, and the board shall remit 118088
those amounts to the property owner. If the political 118089
subdivision fails to pay the required amount within sixty days 118090
after the complaint was dismissed, the board shall notify the 118091
prosecuting attorney of the county in which the property is 118092
located, and the prosecuting attorney shall proceed to collect 118093
the amount owed. The prosecuting attorney may recover from the 118094
political subdivision any costs related to the collection 118095
action. 118096

(L) Any person who knowingly makes a false statement in an 118097
affidavit furnished under division (A) (8) (b) of this section is 118098
guilty of falsification under division (A) (11) of section 118099
2921.13 of the Revised Code. 118100

Sec. 5717.01. An appeal from a decision of a county board 118101
of revision may be taken to the board of tax appeals within 118102
thirty days after notice of the decision of the county board of 118103
revision is mailed as provided in division (A) of section 118104

5715.20 of the Revised Code. Such an appeal may be taken by the 118105
county auditor, the tax commissioner, or any board, legislative 118106
authority, public official, or taxpayer authorized by section 118107
5715.19 of the Revised Code to file complaints against 118108
valuations or assessments with the auditor, except that a 118109
subdivision ~~that files an original complaint or counter-~~ 118110
~~complaint under that section with respect to property the~~ 118111
~~subdivision does not own or lease may not appeal the decision of~~ 118112
~~the board of revision with respect to that original complaint or~~ 118113
~~counter-complaint~~ or the legislative authority or mayor of a 118114
subdivision may file such an appeal only if the subdivision owns 118115
or leases the property that is the subject of the board of 118116
revision's decision, and except that no such appeal may be taken 118117
by a third party complainant, as defined in that section. Such 118118
appeal shall be taken by the filing of a notice of appeal, in 118119
person or by certified mail, express mail, facsimile 118120
transmission, electronic transmission, or by authorized delivery 118121
service, with the board of tax appeals and with the county board 118122
of revision. If notice of appeal is filed by certified mail, 118123
express mail, or authorized delivery service as provided in 118124
section 5703.056 of the Revised Code, the date of the United 118125
States postmark placed on the sender's receipt by the postal 118126
service or the date of receipt recorded by the authorized 118127
delivery service shall be treated as the date of filing. If 118128
notice of appeal is filed by facsimile transmission or 118129
electronic transmission, the date and time the notice is 118130
received by the board shall be the date and time reflected on a 118131
timestamp provided by the board's electronic system, and the 118132
appeal shall be considered filed with the board on the date 118133
reflected on that timestamp. Any timestamp provided by another 118134
computer system or electronic submission device shall not affect 118135
the time and date the notice is received by the board. Upon 118136

receipt of such notice of appeal such county board of revision 118137
shall notify all persons thereof who were parties to the 118138
proceeding before such county board of revision by either 118139
certified mail or, if the board has record of an internet 118140
identifier of record associated with such a person, by ordinary 118141
mail and by that internet identifier of record, and shall file 118142
proof of such notice or, in the case of ordinary mail, an 118143
affidavit attesting that the board sent the notice with the 118144
board of tax appeals. The county board of revision shall 118145
thereupon certify to the board of tax appeals a transcript of 118146
the record of the proceedings of the county board of revision 118147
pertaining to the original complaint, and all evidence offered 118148
in connection therewith. Such appeal may be heard by the board 118149
of tax appeals at its offices in Columbus or in the county where 118150
the property is listed for taxation, or the board of tax appeals 118151
may cause its examiners to conduct such hearing and to report to 118152
it their findings for affirmation or rejection. An appeal may 118153
proceed pursuant to section 5703.021 of the Revised Code on the 118154
small claims docket if the appeal qualifies under that section. 118155

The board of tax appeals may order the appeal to be heard 118156
on the record and the evidence certified to it by the county 118157
board of revision, or it may order the hearing of additional 118158
evidence, and it may make such investigation concerning the 118159
appeal as it deems proper. 118160

As used in this section, "internet identifier of record" 118161
has the same meaning as in section 9.312 of the Revised Code. 118162

Sec. 5725.01. As used in sections 5725.01 to 5725.26 of 118163
the Revised Code: 118164

(A) "Financial institution" means: 118165

(1) A national bank organized and existing as a national 118166
bank association pursuant to the "National Bank Act," 12 U.S.C. 118167
21; 118168

(2) A federal savings association or federal savings bank 118169
that is chartered under 12 U.S.C. 1464; 118170

(3) A bank, banking association, trust company, savings 118171
and loan association, savings bank, or other banking institution 118172
that is incorporated or organized under the laws of any state; 118173

(4) Any corporation organized under 12 U.S.C. 611 to 631; 118174

(5) Any agency or branch of a foreign depository as 118175
defined in 12 U.S.C. 3101; 118176

(6) A company licensed as a small business investment 118177
company under the "Small Business Investment Act of 1958," 72 118178
Stat. 689, 15 U.S.C. 661, as amended; or 118179

(7) A company chartered under the "Farm Credit Act of 118180
1933," 48 Stat. 257, 12 U.S.C. 1131(d), as amended. 118181

Corporations or institutions organized under the "Federal 118182
Farm Loan Act" and amendments thereto, insurance companies, and 118183
credit unions shall not be considered financial institutions or 118184
dealers in intangibles within the meaning of such sections. 118185

~~(B) (1)~~ (B) "Dealer in intangibles" includes every person 118186
who keeps an office or other place of business in this state and 118187
engages at such office or other place in a business that 118188
consists primarily of lending money, or discounting, buying, or 118189
selling bills of exchange, drafts, acceptances, notes, 118190
mortgages, or other evidences of indebtedness, or of buying or 118191
selling bonds, stocks, or other investment securities, whether 118192
on the person's own account with a view to profit, or as agent 118193

or broker for others, with a view to profit or personal 118194
earnings. Dealer in intangibles excludes institutions used 118195
exclusively for charitable purposes, insurance companies, and 118196
financial institutions. The investment of funds as personal 118197
accumulations or as business reserves or working capital does 118198
not constitute engaging in a business within the meaning of this 118199
division; but a person who, having engaged in a business that 118200
consists primarily of lending money, or discounting, buying, or 118201
selling bills of exchange, drafts, acceptances, notes, 118202
mortgages, or other evidences of indebtedness on the person's 118203
own account, remains in business primarily for the purpose of 118204
realizing upon the assets of the business is deemed a dealer in 118205
intangibles, though not presently engaged in a business that 118206
consists primarily of lending money or discounting or buying 118207
such securities. 118208

~~(2) The tax commissioner shall adopt a rule defining 118209~~
~~"primarily" as that term is used in division (B) (1) of this 118210~~
~~section. 118211~~

(C) "Insurance company" includes every corporation, 118212
association, and society engaged in the business of insurance of 118213
any character, or engaged in the business of entering into 118214
contracts substantially amounting to insurance of any character, 118215
or of indemnifying or guaranteeing against loss or damage, or 118216
acting as surety on bonds or undertakings. "Insurance company" 118217
also includes any health insuring corporation as defined in 118218
section 1751.01 of the Revised Code. 118219

(D) "Domestic insurance company" includes every insurance 118220
company organized and existing under the laws of this state, and 118221
every unincorporated association and society formed under the 118222
laws of this state for the purpose of engaging in said business, 118223

except a company, association, or society that is an insurance 118224
holding company affiliate controlled by a nonresident affiliate 118225
and has risks in this state formerly written by its foreign 118226
affiliates in a total amount exceeding the risks outstanding on 118227
the taxpayer's latest annual report that arise from business 118228
initially written by it in this state; and excludes every 118229
foreign insurance company. As used in this division, terms 118230
defined in section 3901.32 of the Revised Code have the same 118231
meanings given to them in that section. 118232

(E) "Foreign insurance company" includes every insurance 118233
company organized or existing under the laws of any other state, 118234
territory, country, or the United States and every insurance 118235
holding company affiliate excepted under division (D) of this 118236
section. 118237

(F) "Credit union" means a nonprofit cooperative financial 118238
institution organized or chartered under the laws of this state, 118239
of another state, or of the United States. 118240

Sec. 5725.23. Taxes, interest, and penalties may be 118241
recovered from a delinquent domestic insurance company or person 118242
in an action brought in the name of the state in the court of 118243
common pleas of Franklin county or any county in which such 118244
company or person has an office or place of business, and such 118245
court shall have jurisdiction of such action regardless of the 118246
amount involved. The attorney general, on request of the 118247
superintendent of insurance or tax commissioner, shall institute 118248
such action in the court of common pleas of Franklin county or 118249
any other county the superintendent or commissioner directs. In 118250
any such action, it shall be sufficient to allege that the tax, 118251
interest, and penalty sought to be recovered stand charged on 118252
the tax list of domestic insurance company franchise taxes ~~or~~ 118253

~~intangible property taxes~~ in the office of the treasurer of 118254
state and have been unpaid for a period of forty-five days after 118255
having been placed thereon. Sums recovered in any such action 118256
shall be paid into the state treasury and distributed as 118257
provided in section 5725.24 of the Revised Code. 118258

Sec. 5726.03. (A) (1) Annually, on or before the fifteenth 118259
day of October, the reporting person for each taxpayer shall 118260
make a report in writing to the tax commissioner, in such form 118261
as the commissioner prescribes, and shall remit to the 118262
commissioner the amount of tax shown to be due on the report. 118263
The remittance shall be made payable to the treasurer of state. 118264
~~The commissioner shall make available, on the official internet-~~ 118265
~~web site of the department of taxation, copies of the forms-~~ 118266
~~prescribed by the commissioner for the purpose of making the-~~ 118267
~~annual report.~~ 118268

(2) An annual report shall be signed by the president, 118269
vice-president, secretary, treasurer, general manager, 118270
superintendent, or managing agent in this state of the reporting 118271
person. 118272

(3) An annual report shall contain the facts, figures, 118273
computations, and attachments that result in the determination 118274
of the amount of tax due from a taxpayer under this chapter. 118275

(B) (1) In the case of a financial institution described in 118276
division (H) (1) of section 5726.01 of the Revised Code, the 118277
annual report filed for a taxable year shall list, and include 118278
information related to, each person includable in an FR Y-9 118279
filed by the reporting person for that taxable year. 118280

(2) In the case of a financial institution described in 118281
division (H) (2) or (3) of section 5726.01 of the Revised Code, 118282

the annual report for a taxable year shall list, and include 118283
information related to, each person includable in a call report 118284
filed by the reporting person for that taxable year. 118285

(C) (1) The reporting person for a taxpayer shall remit 118286
each tax payment and, if required by the commissioner, file each 118287
annual or estimated tax report electronically. The commissioner 118288
may require reporting persons to use the Ohio business gateway 118289
as defined in section 718.01 of the Revised Code to file reports 118290
and remit the tax, or may provide another means for reporting 118291
persons to file and remit the tax electronically. 118292

(2) The payment of taxes as provided in division (C) of 118293
this section shall not affect a taxpayer's obligation to file an 118294
annual report required under division (A) of this section. 118295

(3) The reporting person for a taxpayer that is required 118296
to remit tax payments electronically under this section may 118297
apply to the tax commissioner, in the manner prescribed by the 118298
commissioner, to be excused from that requirement. The 118299
commissioner may excuse the taxpayer from the requirements of 118300
division (C) of this section for good cause. 118301

(4) If the reporting person for a taxpayer that is 118302
required to remit tax payments or file reports electronically 118303
under this section fails to do so, the commissioner may impose a 118304
penalty not to exceed the following: 118305

(a) For either of the first two reports the person so 118306
fails, five per cent of the amount of the payment that was 118307
required to be remitted; 118308

(b) For the third and any subsequent reports the person so 118309
fails, ten per cent of the amount of the payment that was 118310
required to be remitted. 118311

The penalty imposed under this section is in addition to 118312
any other penalty or charge imposed under this chapter and shall 118313
be considered as revenue arising from the tax levied under this 118314
chapter. A penalty may be collected by assessment in the manner 118315
prescribed by section 5726.20 of the Revised Code. ~~The tax-~~ 118316
~~commissioner may abate all or a portion of such a penalty and-~~ 118317
~~may adopt rules governing such abatements.~~ 118318

Sec. 5726.20. (A) The tax commissioner may make an 118319
assessment, based on any information in the commissioner's 118320
possession, against any person that fails to file a return or 118321
report or pay any tax as required by this chapter. The reporting 118322
person for a taxpayer shall file the annual report required 118323
under section 5726.03 of the Revised Code and remit the tax 118324
imposed by this chapter. Each person included in the annual 118325
report of the taxpayer is jointly and severally liable for the 118326
tax imposed by this chapter and any penalties and interest 118327
thereon. If the reporting person fails, for any reason, to file 118328
and remit any tax, the amount due may be collected by assessment 118329
against the reporting person and against any or all other 118330
persons required to be included in the annual report of the 118331
taxpayer as provided in section 5703.90 of the Revised Code. The 118332
commissioner shall make the assessment in the manner provided in 118333
this section. The commissioner shall give the person assessed 118334
written notice of the assessment as provided in section 5703.37 118335
of the Revised Code. With the notice, the commissioner shall 118336
provide instructions on the manner in which to petition for 118337
reassessment and request a hearing with respect to the petition. 118338

(B) No assessment shall be made or issued against a person 118339
under this section more than four years after the later of the 118340
final date the report subject to assessment was required to be 118341
filed or the date such report was filed. Such time limit may be 118342

extended if both the person and the commissioner consent in 118343
writing to the extension or if an agreement waiving or extending 118344
the time limit has been entered into pursuant to section 122.171 118345
of the Revised Code. Any such extension shall extend the four- 118346
year time limit prescribed in division (A) of section 5726.30 of 118347
the Revised Code for the same period of time. There shall be no 118348
bar or limit to an assessment against a person that fails to 118349
file a report subject to assessment as required by this chapter, 118350
or that files a fraudulent report. 118351

(C) Unless the person assessed, within sixty days after 118352
service of the notice of assessment, files with the tax 118353
commissioner, ~~either in person or by certified mail,~~ a written 118354
petition for reassessment signed by the person or the person's 118355
authorized agent having knowledge of the facts, the assessment 118356
shall become final, and the amount of the assessment is due and 118357
payable from the person assessed to the treasurer of state. A 118358
petition shall indicate the objections of the person assessed, 118359
but additional objections may be raised in writing if received 118360
by the commissioner prior to the date shown on the final 118361
determination. If a petition for reassessment has been properly 118362
filed, the commissioner shall proceed under section 5703.60 of 118363
the Revised Code. 118364

(D) (1) After an assessment becomes final, if any portion 118365
of the assessment, including any accrued interest, remains 118366
unpaid, a certified copy of the tax commissioner's entry making 118367
the assessment final may be filed in the office of the clerk of 118368
the court of common pleas in the county in which the person 118369
resides or has its principal place of business in this state, or 118370
in the office of the clerk of court of common pleas of Franklin 118371
county. 118372

(2) Immediately upon the filing of the entry, the clerk
shall enter judgment for the state against the person assessed
in the amount shown on the entry. The judgment may be filed by
the clerk in a loose-leaf book entitled, "special judgments for
the financial institution tax" and shall have the same effect as
other judgments. Execution shall issue upon the judgment at the
request of the tax commissioner, and all laws applicable to
sales on execution shall apply to sales made under the judgment.

(3) If the assessment is not paid in its entirety within
sixty days after the day the assessment was issued, the portion
of the assessment consisting of tax due shall bear interest at
the rate per annum prescribed by section 5703.47 of the Revised
Code from the date the tax commissioner issues the assessment
until the date the assessment is paid or until it is certified
to the attorney general for collection under section 131.02 of
the Revised Code, whichever comes first. If the unpaid portion
of the assessment is certified to the attorney general for
collection, the entire unpaid portion of the assessment shall
bear interest at the rate per annum prescribed by section
5703.47 of the Revised Code from the date of certification until
the date it is paid in its entirety. Interest shall be paid in
the same manner as the tax and may be collected by the issuance
of an assessment under this section.

(E) If the tax commissioner believes that collection of
the tax imposed by this chapter will be jeopardized unless
proceedings to collect or secure collection of the tax are
instituted without delay, the commissioner may issue a jeopardy
assessment against the person liable for the tax. Immediately
upon the issuance of the jeopardy assessment, the commissioner
shall file an entry with the clerk of the court of common pleas
in the manner prescribed by division (D) of this section. Notice

of the jeopardy assessment shall be served on the person 118404
assessed or the person's authorized agent in the manner provided 118405
in section 5703.37 of the Revised Code within five days of the 118406
filing of the entry with the clerk. The total amount assessed 118407
shall be immediately due and payable, unless the person assessed 118408
files a petition for reassessment in accordance with division 118409
(C) of this section and provides security in a form satisfactory 118410
to the commissioner and in an amount sufficient to satisfy the 118411
unpaid balance of the assessment. Full or partial payment of the 118412
assessment shall not prejudice the commissioner's consideration 118413
of the petition for reassessment. 118414

(F) The tax commissioner shall immediately forward to the 118415
treasurer of state all amounts the commissioner receives under 118416
this section. Such amounts shall be considered as revenue 118417
arising from the tax imposed by this chapter. 118418

(G) If the tax commissioner possesses information 118419
indicating that the amount of tax a taxpayer is required to pay 118420
under this chapter exceeds the amount the reporting person for 118421
the taxpayer paid, the tax commissioner may audit a sample of 118422
the taxpayer's gross receipts over a representative period of 118423
time to ascertain the amount of tax due, and may issue an 118424
assessment based on the audit. The tax commissioner shall make a 118425
good faith effort to reach agreement with the taxpayer in 118426
selecting a representative sample. The tax commissioner may 118427
apply a sampling method only if the commissioner has prescribed 118428
the method by rule. 118429

(H) If the whereabouts of a person subject to this chapter 118430
is not known to the tax commissioner, the secretary of state is 118431
hereby deemed to be that person's agent for purposes of service 118432
of process or notice of any assessment, action, or proceedings 118433

instituted in this state against the person under this chapter. 118434
Such process or notice shall be served on such person by the 118435
commissioner or by an agent of the commissioner by leaving a 118436
true and attested copy of the process or notice at the office of 118437
the secretary of state at least fifteen days before the return 118438
day of such process or notice, and by sending a copy of the 118439
process or notice to such person by ordinary mail, with an 118440
endorsement thereon of the service upon the secretary of state, 118441
addressed to such person at the person's last known address. 118442

Sec. 5726.21. (A) In addition to any other penalty imposed 118443
by this chapter or Chapter 5703. of the Revised Code, the 118444
following penalties shall apply: 118445

(1) If a taxpayer required to file any report under this 118446
chapter fails to make and file the report within the time 118447
prescribed, a penalty may be imposed not exceeding the greater 118448
of fifty dollars per month or fraction of a month, not to exceed 118449
five hundred dollars, or five per cent per month or fraction of 118450
a month, not to exceed fifty per cent of the tax required to be 118451
shown on the report, for each month or fraction of a month 118452
elapsing between the due date and the date on which the report 118453
is filed. 118454

(2) If a taxpayer fails to pay the amount of tax required 118455
to be paid under this chapter, except for estimated tax under 118456
section 5726.06 of the Revised Code, by the dates prescribed in 118457
this chapter for payment, a penalty may be imposed not exceeding 118458
fifteen per cent of the delinquent payment. 118459

(3) If a taxpayer files what purports to be a report 118460
required by this chapter that does not contain information upon 118461
which the substantial correctness of the report may be judged or 118462
contains information that on its face indicates that the report 118463

is substantially incorrect, and the filing of the report in that 118464
manner is due to a position that is frivolous or a desire that 118465
is apparent from the report to delay or impede the 118466
administration of the tax levied under this chapter, a penalty 118467
of up to five hundred dollars may be imposed. 118468

(4) If a taxpayer makes a fraudulent attempt to evade the 118469
reporting or payment of the tax required to be shown on any 118470
report required under this chapter, a penalty may be imposed not 118471
exceeding the greater of one thousand dollars or one hundred per 118472
cent of the tax required to be shown on the report. 118473

(5) If a taxpayer makes a false or fraudulent claim for a 118474
refund under this chapter, a penalty may be imposed not 118475
exceeding the greater of one thousand dollars or one hundred per 118476
cent of the claim. 118477

(B) The tax commissioner may collect any penalty imposed 118478
by this section in the same manner as the tax levied under this 118479
chapter. Penalties so collected shall be considered as revenue 118480
arising from the tax levied under this chapter. 118481

(C) For purposes of this section, the tax required to be 118482
shown on the report shall be reduced by the amount of any part 118483
of the tax paid on or before the date prescribed for filing the 118484
report. 118485

~~(D) The tax commissioner may abate all or a portion of any 118486
penalties imposed under this section and may adopt rules 118487
governing such abatements. 118488~~

Sec. 5726.98. (A) To provide a uniform procedure for 118489
calculating the amount of tax due under section 5726.02 of the 118490
Revised Code, a taxpayer shall claim any credits to which the 118491
taxpayer is entitled under this chapter in the following order: 118492

The nonrefundable job retention credit under division (B)	118493
of section 5726.50 of the Revised Code;	118494
The nonrefundable credit for purchases of qualified low-	118495
income community investments under section 5726.54 of the	118496
Revised Code;	118497
The nonrefundable credit for qualified research expenses	118498
under section 5726.56 of the Revised Code;	118499
The nonrefundable credit for qualifying dealer in	118500
intangibles taxes under section 5726.57 of the Revised Code;	118501
The nonrefundable Ohio low-income housing tax credit under	118502
section 5726.58 of the Revised Code;	118503
The nonrefundable affordable single-family home credit	118504
under section 5726.60 of the Revised Code;	118505
The nonrefundable welcome home Ohio (WHO) program credit	118506
under section 122.633 of the Revised Code;	118507
The nonrefundable opportunity zone investment credit under	118508
section 5726.61 of the Revised Code;	118509
The refundable credit for rehabilitating an historic	118510
building under section 5726.52 of the Revised Code;	118511
The refundable job retention or job creation credit under	118512
division (A) of section 5726.50 of the Revised Code;	118513
The refundable credit under section 5726.53 of the Revised	118514
Code for losses on loans made under the Ohio venture capital	118515
program under sections 150.01 to 150.10 of the Revised Code;	118516
The refundable motion picture and Broadway theatrical	118517
production credit under section 5726.55 of the Revised Code;	118518
The refundable credit for film and theater capital	118519

~~improvement projects under section 5726.59 of the Revised Code.~~ 118520

(B) For any credit except the refundable credits 118521
enumerated in this section, the amount of the credit for a 118522
taxable year shall not exceed the tax due after allowing for any 118523
other credit that precedes it in the order required under this 118524
section. Any excess amount of a particular credit may be carried 118525
forward if authorized under the section creating that credit. 118526
Nothing in this chapter shall be construed to allow a taxpayer 118527
to claim, directly or indirectly, a credit more than once for a 118528
taxable year. 118529

Sec. 5727.08. On or before the first day of March, 118530
annually, each public utility and interexchange 118531
telecommunications company, and, for tax years 2009 and 118532
thereafter, each public utility property lessor, shall file a 118533
report with the tax commissioner, on a form prescribed by the 118534
tax commissioner. The report shall include such information as 118535
the tax commissioner requires to enable the tax commissioner to 118536
make any assessment or apportionment required under this 118537
chapter. 118538

The report shall be signed by either the owner of the 118539
public utility, interexchange telecommunications company, or 118540
public utility property lessor or the president, secretary, 118541
treasurer, or another duly authorized person. 118542

If such a public utility, interexchange telecommunications 118543
company, or lessor fails to file the report on or before the 118544
first day of March, or the date it is due under an extension 118545
allowed pursuant to section 5727.48 of the Revised Code, or 118546
fails to accurately report all taxable property, the tax 118547
commissioner may impose a penalty of up to fifty per cent of the 118548
taxable value of the property that was not timely or accurately 118549

reported. However, if such a public utility, company, or lessor 118550
files, within sixty days after the first day of March or the 118551
extended due date, the report or an amended report and discloses 118552
all items of taxable property that are required by this chapter 118553
to be reported, the penalty shall not be more than five per cent 118554
of the taxable value that was not timely or accurately reported. 118555
The penalty shall be added to and considered a part of the total 118556
taxable value of the property that was not timely or accurately 118557
reported, ~~and may be abated in whole or in part by the tax-~~ 118558
~~commissioner pursuant to a petition for reassessment filed under~~ 118559
~~section 5727.47 of the Revised Code.~~ 118560

Sec. 5727.25. (A) Except as provided in division (B) of 118561
this section, within forty-five days after the last day of 118562
March, June, September, and December, each natural gas company 118563
or combined company subject to the excise tax imposed by section 118564
5727.24 of the Revised Code shall file a return with the tax 118565
commissioner, in such form as the commissioner prescribes, and 118566
pay the full amount of the tax due on its taxable gross receipts 118567
for the preceding calendar quarter. All payments made under this 118568
division shall be made electronically in accordance with section 118569
5727.311 of the Revised Code. 118570

(B) Any natural gas company or combined company subject to 118571
the excise tax imposed by this section that has an annual tax 118572
liability for the preceding calendar year ending on the thirty- 118573
first day of December of less than three hundred twenty-five 118574
thousand dollars may elect to file an annual return with the tax 118575
commissioner, in such form as the commissioner prescribes, for 118576
the next year. A company that elects to file an annual return 118577
for the calendar year shall file the return and remit the taxes 118578
due on its taxable gross receipts within forty-five days after 118579
the thirty-first day of December. The minimum tax for a natural 118580

gas company or combined company subject to this division shall 118581
be fifty dollars, and the company shall not be required to remit 118582
the tax due electronically. 118583

(C) A return required to be filed under division (A) or 118584
(B) of this section shall show the amount of tax due from the 118585
company for the period covered by the return and any other 118586
information as prescribed by the tax commissioner. A return 118587
shall be considered filed when received by the commissioner. The 118588
commissioner may extend the time for making and filing returns 118589
and paying the tax. 118590

(D) Any natural gas company or combined company that fails 118591
to file a return or pay the full amount of the tax due within 118592
the period prescribed under this section shall pay an additional 118593
charge of fifty dollars or ten per cent of the tax required to 118594
be paid for the reporting period, whichever is greater. If any 118595
tax due is not paid timely in accordance with this section, the 118596
company liable for the tax shall pay interest, calculated at the 118597
rate per annum prescribed by section 5703.47 of the Revised 118598
Code, from the date the tax payment was due to the date of 118599
payment or to the date an assessment was issued, whichever 118600
occurs first. The tax commissioner may collect any additional 118601
charge or interest imposed by this section by assessment in the 118602
manner provided in section 5727.26 of the Revised Code. ~~The~~ 118603
~~commissioner may abate all or a portion of the additional charge~~ 118604
~~and may adopt rules governing such abatements.~~ 118605

(E) The taxes, additional charges, penalties, and interest 118606
collected under sections 5727.24 to 5727.29 of the Revised Code 118607
shall be credited in accordance with section 5727.45 of the 118608
Revised Code. 118609

Sec. 5727.26. (A) The tax commissioner may make an 118610

assessment, based on any information in the commissioner's 118611
possession, against any natural gas company or combined company 118612
that fails to file a return or pay any tax, interest, or 118613
additional charge as required by sections 5727.24 to 5727.29 of 118614
the Revised Code. The commissioner shall give the company 118615
assessed written notice of the assessment as provided in section 118616
5703.37 of the Revised Code. With the notice, the commissioner 118617
shall provide instructions on how to petition for reassessment 118618
and request a hearing on the petition. A penalty of up to 118619
fifteen per cent may be added to all amounts assessed under this 118620
section. ~~The tax commissioner may adopt rules providing for the~~ 118621
~~imposition and remission of the penalty.~~ 118622

(B) Unless the company assessed, within sixty days after 118623
service of the notice of assessment, files with the tax 118624
commissioner, ~~either personally or by certified mail,~~ a written 118625
petition signed by the company's authorized agent having 118626
knowledge of the facts, the assessment becomes final, and the 118627
amount of the assessment is due and payable from the company 118628
assessed to the commissioner. The petition shall indicate the 118629
objections of the company assessed, but additional objections 118630
may be raised in writing if received by the commissioner prior 118631
to the date shown on the final determination. 118632

If a petition for reassessment has been properly filed, 118633
the commissioner shall proceed under section 5703.60 of the 118634
Revised Code. 118635

(C) After an assessment becomes final, if any portion of 118636
the assessment, including accrued interest, remains unpaid, a 118637
certified copy of the tax commissioner's entry making the 118638
assessment final may be filed in the office of the clerk of the 118639
court of common pleas in the county in which the natural gas 118640

company's or combined company's principal place of business is 118641
located, or in the office of the clerk of court of common pleas 118642
of Franklin county. 118643

Immediately on the filing of the entry, the clerk shall 118644
enter judgment for the state against the company assessed in the 118645
amount shown on the entry. The judgment may be filed by the 118646
clerk in a loose-leaf book entitled, "special judgments for the 118647
public utility excise tax on natural gas and combined 118648
companies," and shall have the same effect as other judgments. 118649
Execution shall issue upon the judgment at the request of the 118650
tax commissioner, and all laws applicable to sales on execution 118651
shall apply to sales made under the judgment. 118652

If the assessment is not paid in its entirety within sixty 118653
days after the day the assessment was issued, the portion of the 118654
assessment consisting of tax due shall bear interest at the rate 118655
per annum prescribed by section 5703.47 of the Revised Code from 118656
the day the tax commissioner issues the assessment until it is 118657
paid or until it is certified to the attorney general for 118658
collection under section 131.02 of the Revised Code, whichever 118659
comes first. If the unpaid portion of the assessment is 118660
certified to the attorney general for collection, the entire 118661
unpaid portion of the assessment shall bear interest at the rate 118662
per annum prescribed by section 5703.47 of the Revised Code from 118663
the date of certification until the date it is paid in its 118664
entirety. Interest shall be paid in the same manner as the tax 118665
and may be collected by the issuance of an assessment under this 118666
section. 118667

(D) If the tax commissioner believes that collection of 118668
the tax will be jeopardized unless proceedings to collect or 118669
secure collection of the tax are instituted without delay, the 118670

commissioner may issue a jeopardy assessment against the company 118671
liable for the tax. Immediately upon the issuance of the 118672
jeopardy assessment, the commissioner shall file an entry with 118673
the clerk of the court of common pleas in the manner prescribed 118674
by division (C) of this section. Notice of the jeopardy 118675
assessment shall be served on the company assessed or the 118676
company's authorized agent in the manner provided in section 118677
5703.37 of the Revised Code within five days of the filing of 118678
the entry with the clerk. The total amount assessed is 118679
immediately due and payable, unless the company assessed files a 118680
petition for reassessment in accordance with division (B) of 118681
this section and provides security in a form satisfactory to the 118682
commissioner and in an amount sufficient to satisfy the unpaid 118683
balance of the assessment. Full or partial payment of the 118684
assessment does not prejudice the commissioner's consideration 118685
of the petition for reassessment. 118686

(E) The tax commissioner shall immediately forward to the 118687
treasurer of state all amounts that the tax commissioner 118688
receives under this section, and such amounts shall be 118689
considered revenue arising from the tax imposed by section 118690
5727.24 of the Revised Code. 118691

(F) No assessment shall be made or issued against a 118692
natural gas company or combined company for the tax imposed by 118693
section 5727.24 of the Revised Code more than four years after 118694
the return date for the period in which the tax was reported, or 118695
more than four years after the return for the period was filed, 118696
whichever is later. 118697

Sec. 5727.38. On or before the first Monday of November, 118698
annually, the tax commissioner may assess an excise tax against 118699
a public utility subject to the excise tax under section 5727.30 118700

of the Revised Code. The tax shall be computed by multiplying 118701
the taxable gross receipts as determined by the commissioner 118702
under section 5727.33 of the Revised Code by six and three- 118703
fourths per cent in the case of pipe-line companies, and four 118704
and three-fourths per cent in the case of all other companies. 118705
The minimum tax for any such company for owning property or 118706
doing business in this state shall be fifty dollars. The 118707
assessment shall be ~~mailed to the taxpayer~~served on the public 118708
utility in the manner prescribed by section 5703.37 of the 118709
Revised Code. 118710

Sec. 5727.42. (A) The tax commissioner shall collect the 118711
excise tax imposed by section 5727.30 of the Revised Code and 118712
the taxpayer shall pay all taxes and any penalties thereon. 118713
Payments of the tax may be made by mail, in person, 118714
electronically if required to do so by section 5727.311 of the 118715
Revised Code, or by any other means authorized by the 118716
commissioner. The commissioner may adopt rules concerning the 118717
methods and timeliness of payment. 118718

(B) Each tax assessment issued pursuant to this section 118719
shall separately reflect the taxes and any penalty due, and any 118720
other information considered necessary. ~~The commissioner shall~~ 118721
~~mail the assessment to the taxpayer, and the mailing of it shall~~ 118722
~~be prima-facie evidence of receipt thereof by the taxpayer~~The 118723
assessment shall be served on the taxpayer in the manner 118724
prescribed by section 5703.37 of the Revised Code. 118725

(C) The commissioner shall refund taxes levied and 118726
payments made for the tax imposed by section 5727.30 of the 118727
Revised Code as provided in this section, ~~but no refund shall be~~ 118728
~~made to a taxpayer having a delinquent claim certified pursuant~~ 118729
~~to this section that remains unpaid. The commissioner may~~ 118730

~~consult the attorney general regarding such claims.~~ 118731

(D) After receiving any excise tax annual statement for 118732
the tax imposed by section 5727.30 of the Revised Code, the 118733
commissioner shall: 118734

(1) Ascertain the difference between the total taxes owed 118735
and the sum of all payments made for that year. 118736

(2) If the difference is a deficiency, the commissioner 118737
shall issue an assessment. 118738

(3) If the difference is an excess, the commissioner shall 118739
issue a refund of that amount to the taxpayer. If the amount of 118740
the refund is less than that claimed by the taxpayer, the 118741
taxpayer, within sixty days of the issuance of the refund, may 118742
provide to the commissioner additional information to support 118743
the claim or may request a hearing. Upon receiving such 118744
information or request within that time, the commissioner shall 118745
follow the same procedures set forth in divisions (C) and (D) of 118746
section 5703.70 of the Revised Code for the determination of 118747
refund applications. 118748

If the taxpayer has a deficiency for one tax year and an 118749
excess for another tax year, or any combination thereof for more 118750
than two years, the commissioner may determine the net result 118751
and, depending on such result, proceed to issue an assessment or 118752
certify a refund. 118753

(E) If a taxpayer fails to pay the amount of taxes 118754
required to be paid, or fails to make an estimated payment on or 118755
before the due date prescribed in division (B) of section 118756
5727.31 of the Revised Code, the commissioner shall impose a 118757
penalty in the amount of fifteen per cent of the unpaid amount, 118758
and the commissioner shall issue an assessment for the unpaid 118759

amount and penalty. Unless a timely petition for reassessment is
filed under section 5727.47 of the Revised Code, the attorney
general shall proceed to collect the delinquent taxes and
penalties thereon in the manner prescribed by law and notify the
commissioner of all collections.

(F) If a taxpayer entitled to a refund under this section
is indebted to the state for any tax or fee administered by the
tax commissioner, or any charge, penalty, or interest arising
from such a tax or fee, the amount refundable may be applied in
satisfaction of that debt. If the amount refundable is less than
the amount of the debt, it may be applied in partial
satisfaction of the debt. If the amount refundable is greater
than the amount of the debt, the amount remaining after
satisfaction of the debt shall be refunded.

Sec. 5727.47. (A) Notice of each assessment certified or
issued pursuant to section 5727.23 or 5727.38 of the Revised
Code shall be ~~mailed to the public utility, and its mailing~~
~~shall be prima-facie evidence of its receipt by the public~~
~~utility to which it is addressed~~served on the public utility or
public utility property lessor in the manner prescribed by
section 5703.37 of the Revised Code. With the notice, the tax
commissioner shall provide instructions on how to petition for
reassessment and request a hearing on the petition. If a public
utility objects to such an assessment, it may file with the
commissioner, ~~either personally or by certified mail,~~ within
sixty days after the mailing of the notice of assessment a
written petition for reassessment signed by the utility's
authorized agent having knowledge of the facts. The date the
commissioner receives the petition shall be considered the date
of filing. The petition shall indicate the utility's objections,
but additional objections may be raised in writing if received

by the commissioner prior to the date shown on the final 118791
determination. 118792

In the case of a petition seeking a reduction in taxable 118793
value filed with respect to an assessment certified under 118794
section 5727.23 of the Revised Code, the petitioner shall state 118795
in the petition the total amount of reduction in taxable value 118796
sought by the petitioner. If the petitioner objects to the 118797
percentage of true value at which taxable property is assessed 118798
by the commissioner, the petitioner shall state in the petition 118799
the total amount of reduction in taxable value sought both with 118800
and without regard to the objection pertaining to the percentage 118801
of true value at which its taxable property is assessed. If a 118802
petitioner objects to the commissioner's apportionment of the 118803
taxable value of the petitioner's taxable property, the 118804
petitioner shall distinctly state in the petition that the 118805
petitioner objects to the commissioner's apportionment, and, 118806
within forty-five days after filing the petition for 118807
reassessment, shall submit the petitioner's proposed 118808
apportionment of the taxable value of its taxable property among 118809
taxing districts. If a petitioner that objects to the 118810
commissioner's apportionment fails to state its objections to 118811
that apportionment in its petition for reassessment or fails to 118812
submit its proposed apportionment within forty-five days after 118813
filing the petition for reassessment, the commissioner shall 118814
dismiss the petitioner's objection to the commissioner's 118815
apportionment, and the taxable value of the petitioner's taxable 118816
property, subject to any adjustment to taxable value pursuant to 118817
the petition or appeal, shall be apportioned in the manner used 118818
by the commissioner in the preliminary or amended preliminary 118819
assessment certified under section 5727.23 of the Revised Code. 118820

If an additional objection seeking a reduction in taxable 118821

value in excess of the reduction stated in the original petition 118822
is properly and timely raised with respect to an assessment 118823
issued under section 5727.23 of the Revised Code, the petitioner 118824
shall state the total amount of the reduction in taxable value 118825
sought in the additional objection both with and without regard 118826
to any reduction in taxable value pertaining to the percentage 118827
of true value at which taxable property is assessed. If a 118828
petitioner fails to state the reduction in taxable value sought 118829
in the original petition or in additional objections properly 118830
raised after the petition is filed, the commissioner shall 118831
notify the petitioner of the failure in the manner provided in 118832
section 5703.37 of the Revised Code. If the petitioner fails to 118833
notify the commissioner in writing of the reduction in taxable 118834
value sought in the petition or in an additional objection 118835
within thirty days after receiving the commissioner's notice, 118836
the commissioner shall dismiss the petition or the additional 118837
objection in which that reduction is sought. 118838

(B) (1) Subject to divisions (B) (2) and (3) of this 118839
section, a public utility filing a petition for reassessment 118840
regarding an assessment certified or issued under section 118841
5727.23 or 5727.38 of the Revised Code shall pay the tax with 118842
respect to the assessment objected to as required by law. The 118843
acceptance of any tax payment by the tax commissioner or any 118844
county treasurer shall not prejudice any claim for taxes on 118845
final determination by the commissioner or final decision by the 118846
board of tax appeals or any court. 118847

(2) If a public utility properly and timely files a 118848
petition for reassessment regarding an assessment certified 118849
under section 5727.23 of the Revised Code, the petitioner shall 118850
pay the tax as prescribed by divisions (B) (2) (a), (b), and (c) 118851
of this section: 118852

(a) If the petitioner does not object to the 118853
commissioner's apportionment of the taxable value of the 118854
petitioner's taxable property, the petitioner is not required to 118855
pay the part of the tax otherwise due on the taxable value that 118856
the petitioner seeks to have reduced, subject to division (B) (2) 118857
(c) of this section. 118858

(b) If the petitioner objects to the commissioner's 118859
apportionment of the taxable value of the petitioner's taxable 118860
property, the petitioner is not required to pay the tax 118861
otherwise due on the part of the taxable value apportioned to 118862
any taxing district that the petitioner objects to, subject to 118863
division (B) (2) (c) of this section. If, pursuant to division (A) 118864
of this section, the petitioner has, in a proper and timely 118865
manner, apportioned taxable value to a taxing district to which 118866
the commissioner did not apportion the petitioner's taxable 118867
value, the petitioner shall pay the tax due on the taxable value 118868
that the petitioner has apportioned to the taxing district, 118869
subject to division (B) (2) (c) of this section. 118870

(c) If a petitioner objects to the percentage of true 118871
value at which taxable property is assessed by the commissioner, 118872
the petitioner shall pay the tax due on the basis of the 118873
percentage of true value at which the public utility's taxable 118874
property is assessed by the commissioner. In any case, the 118875
petitioner's payment of tax shall not be less than the amount of 118876
tax due based on the taxable value reflected on the last appeal 118877
notice issued by the commissioner under division (C) of this 118878
section. Until the county auditor receives notification under 118879
division (E) of this section and proceeds under section 5727.471 118880
of the Revised Code to issue any refund that is found to be due, 118881
the county auditor shall not issue a refund for any increase in 118882
the reduction in taxable value that is sought by a petitioner 118883

later than forty-five days after the petitioner files the 118884
original petition as required under division (A) of this 118885
section. 118886

(3) Any part of the tax that, under division (B) (2) (a) or 118887
(b) of this section, is not paid shall be collected upon receipt 118888
of the notification as provided in section 5727.471 of the 118889
Revised Code with interest thereon computed in the same manner 118890
as interest is computed under division (E) of section 5715.19 of 118891
the Revised Code, subject to any correction of the assessment by 118892
the commissioner under division (E) of this section or the final 118893
judgment of the board of tax appeals or a court to which the 118894
board's final judgment is appealed. The penalty imposed under 118895
section 323.121 of the Revised Code shall apply only to the 118896
unpaid portion of the tax if the petitioner's tax payment is 118897
less than the amount of tax due based on the taxable value 118898
reflected on the last appeal notice issued by the commissioner 118899
under division (C) of this section. 118900

(C) Upon receipt of a properly filed petition for 118901
reassessment with respect to an assessment certified under 118902
section 5727.23 of the Revised Code, the tax commissioner shall 118903
notify the treasurer of state or the auditor of each county to 118904
which the assessment objected to has been certified. In the case 118905
of a petition with respect to an assessment certified under 118906
section 5727.23 of the Revised Code, the commissioner shall 118907
issue an appeal notice within thirty days after receiving the 118908
amount of the taxable value reduction and apportionment changes 118909
sought by the petitioner in the original petition or in any 118910
additional objections properly and timely raised by the 118911
petitioner. The appeal notice shall indicate the amount of the 118912
reduction in taxable value sought in the petition or in the 118913
additional objections and the extent to which the reduction in 118914

taxable value and any change in apportionment requested by the 118915
petitioner would affect the commissioner's apportionment of the 118916
taxable value among taxing districts in the county as shown in 118917
the assessment. If a petitioner is seeking a reduction in 118918
taxable value on the basis of a lower percentage of true value 118919
than the percentage at which the commissioner assessed the 118920
petitioner's taxable property, the appeal notice shall indicate 118921
the reduction in taxable value sought by the petitioner without 118922
regard to the reduction sought on the basis of the lower 118923
percentage and shall indicate that the petitioner is required to 118924
pay tax on the reduced taxable value determined without regard 118925
to the reduction sought on the basis of a lower percentage of 118926
true value, as provided under division (B) (2) (c) of this 118927
section. The appeal notice shall include a statement that the 118928
reduced taxable value and the apportionment indicated in the 118929
notice are not final and are subject to adjustment by the 118930
commissioner or by the board of tax appeals or a court on 118931
appeal. If the commissioner finds an error in the appeal notice, 118932
the commissioner may amend the notice, but the notice is only 118933
for informational and tax payment purposes; the notice is not 118934
subject to appeal by any person. The commissioner also shall 118935
~~mail~~provide a copy of the appeal notice to the petitioner. Upon 118936
the request of a taxing authority, the county auditor may 118937
disclose to the taxing authority the extent to which a reduction 118938
in taxable value sought by a petitioner would affect the 118939
apportionment of taxable value to the taxing district or 118940
districts under the taxing authority's jurisdiction, but such a 118941
disclosure does not constitute a notice required by law to be 118942
given for the purpose of section 5717.02 of the Revised Code. 118943

(D) If the petitioner requests a hearing on the petition, 118944
the tax commissioner shall assign a time and place for the 118945

hearing on the petition and notify the petitioner of such time 118946
and place, but the commissioner may continue the hearing from 118947
time to time as necessary. 118948

(E) The tax commissioner may make corrections to the 118949
assessment as the commissioner finds proper. The commissioner 118950
shall serve a copy of the commissioner's final determination on 118951
the petitioner in the manner provided in section 5703.37 of the 118952
Revised Code. The commissioner's decision in the matter shall be 118953
final, subject to appeal under section 5717.02 of the Revised 118954
Code. With respect to a final determination issued for an 118955
assessment certified under section 5727.23 of the Revised Code, 118956
the commissioner also shall transmit a copy of the final 118957
determination to the applicable county auditor. In the absence 118958
of any further appeal, or when a decision of the board of tax 118959
appeals or of any court to which the decision has been appealed 118960
becomes final, the commissioner shall notify the public utility 118961
and, as appropriate, shall proceed under section 5727.42 of the 118962
Revised Code, or notify the applicable county auditor, who shall 118963
proceed under section 5727.471 of the Revised Code. 118964

The notification made under this division is not subject 118965
to further appeal. 118966

(F) On appeal, no adjustment shall be made in the tax 118967
commissioner's assessment certified under section 5727.23 of the 118968
Revised Code that reduces the taxable value of a petitioner's 118969
taxable property by an amount that exceeds the reduction sought 118970
by the petitioner in its petition for reassessment or in any 118971
additional objections properly and timely raised after the 118972
petition is filed with the commissioner. 118973

Sec. 5727.48. The tax commissioner, ~~on application by a~~ 118974
~~public utility,~~ may extend to ~~the~~ a public utility a further 118975

specified time, not to exceed thirty days, within which to file 118976
any report or statement required by this chapter to be filed 118977
with the commissioner, except reports required by sections 118978
5727.24 to 5727.29 of the Revised Code. A public utility ~~must~~ 118979
~~file such an application, in writing, with the commissioner~~ 118980
shall request this extension, in the form and manner prescribed 118981
by the commissioner, on or before the date that the report or 118982
statement is otherwise required to be filed. 118983

Sec. 5727.60. If a person fails to file a report within 118984
the time prescribed by section 5727.08 or 5727.31 of the Revised 118985
Code, including any extensions of time granted by the tax 118986
commissioner, a penalty of fifty dollars per month, not to 118987
exceed five hundred dollars, may be imposed for each month or 118988
fraction of a month elapsing between the due date of the report, 118989
including any extensions, and the date the report was filed. The 118990
penalty under this section for failing to file a report required 118991
by section 5727.08 of the Revised Code shall be paid into the 118992
state general revenue fund. The penalty under this section for 118993
failing to file the report required by section 5727.31 of the 118994
Revised Code shall be deposited into the state treasury in the 118995
same manner as the tax, and the commissioner may collect the 118996
penalty by assessment pursuant to section 5727.38 of the Revised 118997
Code. ~~The tax commissioner may abate this penalty in full or in~~ 118998
~~part.~~ 118999

Sec. 5727.82. (A) (1) Except as provided in divisions (A) 119000
(3) and (D) of this section, by the twentieth day of each month, 119001
each electric distribution company required to pay the tax 119002
imposed by section 5727.81 of the Revised Code shall file with 119003
the tax commissioner a return as prescribed by the tax 119004
commissioner and shall make payment of the full amount of tax 119005
due for the preceding month. The electric distribution company 119006

shall make payment to the tax commissioner unless required to 119007
remit the payment electronically as provided in section 5727.83 119008
of the Revised Code. 119009

(2) By the twentieth day of May, August, November, and 119010
February, each natural gas distribution company required to pay 119011
the tax imposed by section 5727.811 of the Revised Code shall 119012
file with the tax commissioner a return as prescribed by the tax 119013
commissioner and shall make payment to the tax commissioner of 119014
the full amount of tax due for the preceding quarter. 119015

(3) If the electric distribution company required to pay 119016
the tax imposed by section 5727.81 of the Revised Code is a 119017
municipal electric utility, it may retain in its general fund 119018
that portion of the tax on the kilowatt hours distributed to end 119019
users located within the boundaries of the municipal 119020
corporation. However, the municipal electric utility shall make 119021
payment in accordance with division (A) (1) of this section of 119022
the tax due on the kilowatt hours distributed to end users 119023
located outside the boundaries of the municipal corporation. 119024

(4) By the twentieth day of each month, each self- 119025
assessing purchaser that under division (C) of section 5727.81 119026
of the Revised Code pays directly to the tax commissioner the 119027
tax imposed by section 5727.81 of the Revised Code shall file 119028
with the tax commissioner a return as prescribed by the tax 119029
commissioner and shall make payment of the full amount of the 119030
tax due for the preceding month. 119031

(5) As prescribed by the tax commissioner, a return shall 119032
be signed by the company or self-assessing purchaser required to 119033
file it, or an authorized employee, officer, or agent of the 119034
company or purchaser. The return shall be deemed filed when 119035
received by the tax commissioner. 119036

(B) Any natural gas distribution company, electric 119037
distribution company, or self-assessing purchaser required by 119038
this section to file a return who fails to file it and pay the 119039
tax within the period prescribed shall pay an additional charge 119040
of fifty dollars or ten per cent of the tax required to be paid 119041
for the reporting period, whichever is greater. The tax 119042
commissioner may collect the additional charge by assessment 119043
pursuant to section 5727.89 of the Revised Code. The 119044
~~commissioner may abate all or a portion of the additional charge~~ 119045
~~and may adopt rules governing such abatements.~~ 119046

(C) If any tax due is not paid timely in accordance with 119047
this section, the natural gas distribution company, electric 119048
distribution company, or self-assessing purchaser liable for the 119049
tax shall pay interest, calculated at the rate per annum 119050
prescribed by section 5703.47 of the Revised Code, from the date 119051
the tax payment was due to the date of payment or to the date an 119052
assessment is issued, whichever occurs first. Interest shall be 119053
paid in the same manner as the tax, and the commissioner may 119054
collect the interest by assessment pursuant to section 5727.89 119055
of the Revised Code. 119056

(D) Not later than the tenth day of each month, a 119057
qualified end user not making the election to self-assess under 119058
division (C) of section 5727.81 of the Revised Code shall report 119059
in writing to the electric distribution company that distributes 119060
electricity to the end user the kilowatt hours that were 119061
consumed as a qualified end user in a qualifying manufacturing 119062
process for the prior month and the number of days, if any, on 119063
which the end user was not a qualified end user. For each 119064
calendar day during that month, a qualified end user shall 119065
report the kilowatt hours that were not used in a qualifying 119066
manufacturing process. For each calendar day the end user was 119067

not a qualified end user, the end user shall report in writing 119068
to the electric distribution company the total number of 119069
kilowatt hours used on that day, and the electric distribution 119070
company shall pay the tax imposed under section 5727.81 of the 119071
Revised Code on each kilowatt hour that was not distributed to a 119072
qualified end user in a qualifying manufacturing process. The 119073
electric distribution company may rely in good faith on a 119074
qualified end user's report filed under this division. If it is 119075
determined that the end user was not a qualified end user for 119076
any calendar day or the quantity of electricity used by the 119077
qualified end user in a qualifying manufacturing process was 119078
overstated, the tax commissioner shall assess and collect any 119079
tax imposed under section 5727.81 of the Revised Code directly 119080
from the qualified end user. As requested by the commissioner, 119081
each end user reporting to an electric distribution company that 119082
it is a qualified end user shall provide documentation to the 119083
commissioner that establishes the volume of electricity consumed 119084
daily by the qualified end user and the total number of kilowatt 119085
hours consumed in a qualifying manufacturing process. 119086

Sec. 5727.83. (A) A natural gas distribution company, an 119087
electric distribution company, or a self-assessing purchaser 119088
shall remit each tax payment electronically as prescribed by 119089
divisions (B) and (C) of this section. 119090

The tax commissioner shall notify each natural gas 119091
distribution company, electric distribution company, and self- 119092
assessing purchaser of the obligation to remit taxes 119093
electronically by using the Ohio business gateway, as defined in 119094
section 718.01 of the Revised Code, or another means of 119095
electronic payment. Failure by the commissioner to notify a 119096
company or self-assessing purchaser subject to this section to 119097
remit taxes electronically does not relieve the company or self- 119098

assessing purchaser of its obligation to remit taxes in that 119099
manner. 119100

(B) A natural gas distribution company, an electric 119101
distribution company, or a self-assessing purchaser required by 119102
this section to remit payments electronically shall remit such 119103
payments on or before the dates specified under section 5727.82 119104
of the Revised Code. The payment of taxes electronically does 119105
not affect a company's or self-assessing purchaser's obligation 119106
to file a return as required under section 5727.82 of the 119107
Revised Code. 119108

(C) A natural gas distribution company, an electric 119109
distribution company, or a self-assessing purchaser required by 119110
this section to remit taxes electronically may apply to the tax 119111
commissioner in the manner prescribed by the commissioner to be 119112
excused from that requirement. The commissioner may excuse the 119113
company or self-assessing purchaser from electronic remittance 119114
for good cause shown for the period of time requested by the 119115
company or self-assessing purchaser or for a portion of that 119116
period. The commissioner shall notify the company or self- 119117
assessing purchaser of the commissioner's decision as soon as is 119118
practicable. 119119

(D) If a natural gas distribution company, an electric 119120
distribution company, or a self-assessing purchaser required by 119121
this section to remit taxes electronically remits those taxes by 119122
some means other than electronically as prescribed by this 119123
section , and the tax commissioner determines that such failure 119124
was not due to reasonable cause or was due to willful neglect, 119125
the commissioner may collect an additional charge by assessment 119126
in the manner prescribed by section 5727.89 of the Revised Code. 119127
The additional charge shall equal five per cent of the amount of 119128

the taxes required to be paid electronically, but shall not 119129
exceed five thousand dollars. Any additional charge assessed 119130
under this section is in addition to any other penalty or charge 119131
imposed under this chapter, and shall be considered as revenue 119132
arising from the tax imposed under this chapter. ~~The tax-~~ 119133
~~commissioner may abate all or a portion of such a charge and may~~ 119134
~~adopt rules governing such abatements.~~ 119135

No additional charge shall be assessed under this division 119136
against a natural gas distribution company, an electric 119137
distribution company, or a self-assessing purchaser that has 119138
been notified of its obligation to remit taxes electronically 119139
under this section and that remits its first two tax payments 119140
after such notification by some other means. The additional 119141
charge may be assessed upon the remittance of any subsequent tax 119142
payment that the company or purchaser remits by some means other 119143
than electronically. 119144

Sec. 5727.89. (A) The tax commissioner may make an 119145
assessment, based on any information in the commissioner's 119146
possession, against any natural gas distribution company, 119147
electric distribution company, self-assessing purchaser, or 119148
qualified end user that fails to file a return or pay any tax, 119149
interest, or additional charge as required by sections 5727.80 119150
to 5727.95 of the Revised Code. 119151

When information in the possession of the tax commissioner 119152
indicates that a person liable for the tax imposed by section 119153
5727.81 or 5727.811 of the Revised Code has not paid the full 119154
amount of tax due, the commissioner may audit a representative 119155
sample of the person's business and may issue an assessment 119156
based on the audit. The commissioner shall give the person 119157
assessed written notice of the assessment in the manner provided 119158

in section 5703.37 of the Revised Code. With the notice, the 119159
commissioner shall provide instructions on how to petition for 119160
reassessment and request a hearing on the petition. 119161

The tax commissioner may issue an assessment for which the 119162
tax imposed by section 5727.81 or 5727.811 of the Revised Code 119163
was due and unpaid on the date the person was informed by an 119164
agent of the tax commissioner of an investigation or audit of 119165
the person. Any payment of the tax for the period covered by the 119166
assessment, after the person is so informed, shall be credited 119167
against the assessment. 119168

A penalty of up to fifteen per cent may be added to all 119169
amounts assessed under this section. ~~The commissioner may adopt~~ 119170
~~rules providing for the imposition and remission of penalties.~~ 119171

(B) Unless the party assessed files with the tax 119172
commissioner within sixty days after service of the notice of 119173
assessment, ~~either personally or by certified mail,~~ a written 119174
petition for reassessment signed by the party assessed or that 119175
party's authorized agent having knowledge of the facts, the 119176
assessment becomes final and the amount of the assessment is due 119177
and payable from the party assessed to the treasurer of state. 119178
The petition shall indicate the objections of the party 119179
assessed, but additional objections may be raised in writing if 119180
received by the commissioner prior to the date shown on the 119181
final determination. If the petition has been properly filed, 119182
the commissioner shall proceed under section 5703.60 of the 119183
Revised Code. 119184

(C) After an assessment becomes final, if any portion of 119185
the assessment, including accrued interest, remains unpaid, a 119186
certified copy of the tax commissioner's entry making the 119187
assessment final may be filed in the office of the clerk of the 119188

court of common pleas in the county in which the party assessed 119189
resides or in which the party's business is conducted. If the 119190
party assessed maintains no place of business in this state and 119191
is not a resident of this state, the certified copy of the entry 119192
may be filed in the office of the clerk of the court of common 119193
pleas of Franklin county. 119194

Immediately upon the filing of the entry, the clerk shall 119195
enter a judgment for the state against the person assessed in 119196
the amount shown on the entry. The judgment may be filed by the 119197
clerk in a loose-leaf book entitled "special judgments for the 119198
distribution excise taxes," and shall have the same effect as 119199
other judgments. Execution shall issue upon the judgment at the 119200
request of the tax commissioner, and all laws applicable to 119201
sales on execution shall apply to sales made under the judgment. 119202

If the assessment is not paid in its entirety within sixty 119203
days after the day the assessment was issued, the portion of the 119204
assessment consisting of tax due shall bear interest at the rate 119205
per annum prescribed by section 5703.47 of the Revised Code from 119206
the day the tax commissioner issues the assessment until the day 119207
the assessment is paid or until it is certified to the attorney 119208
general for collection under section 131.02 of the Revised Code, 119209
whichever comes first. If the unpaid portion of the assessment 119210
is certified to the attorney general for collection, the entire 119211
unpaid portion of the assessment shall bear interest at the rate 119212
per annum prescribed by section 5703.47 of the Revised Code from 119213
the date of certification until the date it is paid in its 119214
entirety. Interest shall be paid in the same manner as the tax 119215
and may be collected by the issuance of an assessment under this 119216
section. 119217

(D) If the tax commissioner believes that collection of 119218

the tax imposed by section 5727.81 or 5727.811 of the Revised 119219
Code will be jeopardized unless proceedings to collect or secure 119220
collection of the tax are instituted without delay, the 119221
commissioner may issue a jeopardy assessment against the person 119222
liable for the tax. Immediately upon the issuance of the 119223
jeopardy assessment, the commissioner shall file an entry with 119224
the clerk of the court of common pleas in the manner prescribed 119225
by division (C) of this section. Notice of the jeopardy 119226
assessment shall be served on the party assessed or the party's 119227
legal representative within five days of the filing of the entry 119228
with the clerk. The total amount assessed is immediately due and 119229
payable, unless the party assessed files a petition for 119230
reassessment in accordance with division (B) of this section and 119231
provides security in a form satisfactory to the commissioner and 119232
in an amount sufficient to satisfy the unpaid balance of the 119233
assessment. Full or partial payment of the assessment does not 119234
prejudice the commissioner's consideration of the petition for 119235
reassessment. 119236

(E) All money collected by the tax commissioner under this 119237
section shall be paid to the treasurer of state, and when paid 119238
shall be considered as revenue arising from the taxes imposed by 119239
sections 5727.81 and 5727.811 of the Revised Code. 119240

Sec. 5728.09. (A) Any person who fails to file timely the 119241
return required by section 5728.08 of the Revised Code may be 119242
required to pay an additional charge equal to the greater of 119243
fifty dollars or ten per cent of the tax due. ~~The tax-~~ 119244
~~commissioner may adopt rules providing for the imposition and-~~ 119245
~~remission of the additional charges.~~ Any additional charge 119246
imposed under this section may be collected through an 119247
assessment as provided in section 5728.10 of the Revised Code. 119248

(B) If the tax imposed by this chapter, or any portion of that tax, whether determined by the tax commissioner or the taxpayer, is not paid on or before the date prescribed in section 5728.08 of the Revised Code, interest shall be collected and paid in the same manner as the tax, upon that unpaid amount at the rate per annum prescribed by section 5703.47 of the Revised Code from the date prescribed for payment of the tax until it is paid or until the day an assessment is issued under section 5728.10 of the Revised Code, whichever occurs first. Any interest imposed under this chapter may be collected through an assessment as provided in section 5728.10 of the Revised Code.

Sec. 5728.10. (A) If any person required to file a fuel use tax return by sections 5728.01 to 5728.14 of the Revised Code, fails to file the return within the time prescribed by those sections, files an incomplete return, files an incorrect return, or fails to remit the full amount of the tax due for the period covered by the return, the tax commissioner may make an assessment against the person, based upon any information in the commissioner's possession, for the period for which the tax was due.

No assessment shall be made against any person for any tax imposed by this chapter more than four years after the return date for the period for which the tax was due or more than four years after the return for the period was filed, whichever is later. This section does not bar an assessment against any person who fails to file a fuel use tax return as required by this chapter, or who files a fraudulent fuel use tax return.

A penalty of up to fifteen per cent may be added to the amount of every assessment made pursuant to this section. ~~The commissioner may adopt rules providing for the imposition and~~

~~remission of penalties added to assessments made under this~~ 119279
~~section.~~ 119280

The commissioner shall give the party assessed written 119281
notice of the assessment in the manner provided in section 119282
5703.37 of the Revised Code. With the notice, the commissioner 119283
shall provide instructions on how to petition for reassessment 119284
and request a hearing on the petition. 119285

(B) Unless the party assessed files with the tax 119286
commissioner within sixty days after service of the notice of 119287
assessment, ~~either personally or by certified mail,~~ a written 119288
petition for reassessment, signed by the party assessed, or by 119289
the party's authorized agent having knowledge of the facts, the 119290
assessment becomes final and the amount of the assessment is due 119291
and payable from the party assessed to the treasurer of state. 119292
The petition shall indicate the objections of the party 119293
assessed, but additional objections may be raised in writing if 119294
received by the commissioner prior to the date shown on the 119295
final determination. If the petition has been properly filed, 119296
the commissioner shall proceed under section 5703.60 of the 119297
Revised Code. 119298

(C) After an assessment becomes final, if any portion of 119299
the assessment remains unpaid, including accrued interest, a 119300
certified copy of the tax commissioner's entry making the 119301
assessment final may be filed in the office of the clerk of the 119302
court of common pleas in the county in which the party's place 119303
of business is located or the county in which the party assessed 119304
resides. If the party maintains no office in this state and is 119305
not a resident of this state, the certified copy of the entry 119306
may be filed in the office of the clerk of the court of common 119307
pleas of Franklin county. 119308

Immediately upon the filing of the entry, the clerk shall 119309
enter a judgment for the state of Ohio against the party 119310
assessed in the amount shown on the entry. The judgment may be 119311
filed by the clerk in a loose-leaf book entitled "special 119312
judgments for state fuel use tax," and shall have the same 119313
effect as other judgments. Execution shall issue upon the 119314
judgment upon the request of the commissioner, and all laws 119315
applicable to sales on execution shall apply to sales made under 119316
the judgment. 119317

If the assessment is not paid within sixty days after the 119318
day the assessment was issued, the portion of the assessment 119319
consisting of tax due shall bear interest at the rate per annum 119320
prescribed by section 5703.47 of the Revised Code from the day 119321
the commissioner issues the assessment until it is paid or until 119322
it is certified to the attorney general for collection under 119323
section 131.02 of the Revised Code, whichever comes first. If 119324
the unpaid portion of the assessment is certified to the 119325
attorney general for collection, the entire unpaid portion of 119326
the assessment shall bear interest at the rate per annum 119327
prescribed by section 5703.47 of the Revised Code from the date 119328
of certification until the date it is paid in its entirety. 119329
Interest shall be paid in the same manner as the tax and may be 119330
collected by the issuance of an assessment under this section. 119331

(D) All money collected by the tax commissioner under this 119332
section shall be paid into the state treasury in the same manner 119333
as the revenues deriving from the taxes imposed by section 119334
5728.06 of the Revised Code. 119335

Sec. 5729.10. If a company fails to pay the tax levied by 119336
section 5729.03 of the Revised Code, or to make any partial 119337
payment thereof as required by law after a statement thereof has 119338

been made and mailed to it, or if the annual statement required 119339
by law to be made by it is false or incorrect, the 119340
superintendent of insurance may revoke the license of such 119341
company doing business in this state. Upon failure to pay the 119342
tax or to make partial payment thereof according to law, the 119343
~~superintendent~~ treasurer of state shall certify that fact to the 119344
attorney general, who shall thereupon begin an action against 119345
the company in the court of common pleas of Franklin county, or 119346
any other county ~~he~~ the attorney general elects, to recover the 119347
amount of the tax. If such company ceases to do business in this 119348
state, it shall thereupon make a report to the superintendent of 119349
the gross amount of premiums not theretofore reported as 119350
provided in section 5729.02 or 5729.04 of the Revised Code 119351
received by it from policies covering risks within this state 119352
prior to such discontinuance of business, after deducting return 119353
premiums and considerations received for reinsurance not 119354
theretofore so reported, and shall forthwith pay to the 119355
~~superintendent~~ treasurer of state a like per cent of tax 119356
thereon. 119357

Sec. 5733.022. (A) Subject to division (C) of this 119358
section, if a taxpayer's total liability for taxes imposed by 119359
section 5733.06 of the Revised Code, after reduction for all 119360
nonrefundable credits allowed the taxpayer, exceeds fifty 119361
thousand dollars, the taxpayer shall remit each tax payment for 119362
the tax year electronically as prescribed by divisions (B) and 119363
(C) of this section. 119364

The tax commissioner shall notify each taxpayer required 119365
to remit taxes electronically of the taxpayer's obligation to do 119366
so. Failure by the commissioner to notify a taxpayer subject to 119367
this section to remit taxes electronically does not relieve the 119368
taxpayer of its obligation to remit taxes in that manner. 119369

(B) Taxpayers required by this section to remit payments 119370
electronically shall remit such payments in the manner 119371
prescribed by the tax commissioner. 119372

Except as otherwise provided in this paragraph, the 119373
electronic payment of taxes does not affect a taxpayer's 119374
obligation to file the annual corporation report or the 119375
declaration of estimated tax report as required under sections 119376
5733.02 and 5733.021 of the Revised Code. 119377

(C) If two or more taxpayers have elected or are required 119378
to file a combined report under section 5733.052 of the Revised 119379
Code, the tax liability of those taxpayers for purposes of 119380
division (A) of this section is the aggregate tax liability of 119381
those taxpayers after reduction for nonrefundable credits 119382
allowed the taxpayers. 119383

(D) A taxpayer required by this section to remit taxes 119384
electronically may apply to the tax commissioner in the manner 119385
prescribed by the commissioner to be excused from that 119386
requirement. The commissioner may excuse the taxpayer from 119387
electronic remittance for good cause shown for the period of 119388
time requested by the taxpayer or for a portion of that period. 119389
The commissioner shall notify the taxpayer of the commissioner's 119390
decision as soon as is practicable. 119391

(E) If a taxpayer required by this section to remit taxes 119392
electronically remits those taxes by some means other than 119393
electronically as prescribed by this section, and the tax 119394
commissioner determines that such failure was not due to 119395
reasonable cause or was due to willful neglect, the commissioner 119396
may collect an additional charge by assessment in the manner 119397
prescribed by section 5733.11 of the Revised Code. The 119398
additional charge shall equal five per cent of the amount of the 119399

taxes or estimated tax payments required to be paid 119400
electronically, but shall not exceed five thousand dollars. Any 119401
additional charge assessed under this section is in addition to 119402
any other penalty or charge imposed under this chapter, and 119403
shall be considered as revenue arising from the taxes imposed 119404
under this chapter. ~~The commissioner may remit all or a portion~~ 119405
~~of such a charge and may adopt rules governing such remission.~~ 119406

No additional charge shall be assessed under this division 119407
against a taxpayer that has been notified of its obligation to 119408
remit taxes electronically under this section and that remits 119409
its first two tax payments after such notification by some other 119410
means . The additional charge may be assessed upon the 119411
remittance of any subsequent tax payment that the taxpayer 119412
remits by some means other than electronically. 119413

Sec. 5735.062. (A) If the tax commissioner so requires, 119414
the dealer shall remit each monthly tax payment electronically 119415
as prescribed by division (B) of this section. 119416

The commissioner shall notify each dealer required to 119417
remit taxes electronically of the dealer's obligation to do so. 119418
Failure by the commissioner to notify a dealer subject to this 119419
section to remit taxes electronically does not relieve the 119420
dealer of its obligation to remit taxes electronically. 119421

(B) Dealers required by division (A) of this section to 119422
remit payments electronically shall remit such payments through 119423
the Ohio business gateway, as defined in section 718.01 of the 119424
Revised Code, or in another manner as prescribed by the 119425
commissioner. Required payments shall be remitted on or before 119426
the dates specified under section 5735.06 of the Revised Code. 119427
The payment of taxes electronically does not affect a dealer's 119428
obligation to file the monthly return as required under section 119429

5735.06 of the Revised Code. 119430

A dealer required by this section to remit taxes 119431
electronically may apply to the commissioner to be excused from 119432
that requirement. The commissioner may excuse the dealer from 119433
the electronic remittance requirement for good cause shown for 119434
the period of time requested by the dealer or for a portion of 119435
that period. 119436

(C) If a dealer required by this section to remit taxes 119437
electronically fails to do so, the commissioner may impose a 119438
penalty on the dealer not to exceed one of the following: 119439

(1) For the first return period the dealer fails to remit 119440
taxes electronically, the greater of twenty-five dollars or five 119441
per cent of the amount of the payment required to be remitted; 119442

(2) For the second or any subsequent return period the 119443
dealer fails to remit taxes electronically, the greater of fifty 119444
dollars or ten per cent of the amount of the payment required to 119445
be remitted. 119446

The penalty imposed under division (C) of this section is 119447
in addition to any other penalty imposed under this chapter and 119448
shall be considered as revenue arising from the taxes imposed 119449
under this chapter. A penalty may be collected by assessment in 119450
the manner prescribed by section 5735.12 of the Revised Code. 119451
~~The commissioner may abate all or a portion of a penalty.~~ 119452

(D) The commissioner may adopt rules necessary to 119453
administer this section. 119454

Sec. 5735.12. (A) Any person required by this chapter to 119455
file reports or pay the tax levied by this chapter who fails to 119456
do so within the time prescribed may be liable for an additional 119457
charge not exceeding the greater of ten per cent of the person's 119458

tax liability for that month or fifty dollars. ~~The tax-~~ 119459
~~commissioner may remit all or a portion of the additional charge~~ 119460
~~and may adopt rules relating to the remission of all or a~~ 119461
~~portion of the charge.~~ 119462

If any person required by this chapter to file reports or 119463
pay the taxes, interest, or additional charge levied by this 119464
chapter fails to file the report, files an incomplete or 119465
incorrect report, or fails to remit the full amount of the tax, 119466
interest, or additional charge due for the period covered by the 119467
report, the commissioner may make an assessment against the 119468
person based upon any information in the commissioner's 119469
possession. 119470

No assessment shall be made against any motor fuel dealer 119471
for taxes imposed by this chapter more than four years after the 119472
date on which the report on which the assessment was based was 119473
due or was filed, whichever is later. This section does not bar 119474
an assessment against any motor fuel dealer who fails to file a 119475
report required by section 5735.06 of the Revised Code, or who 119476
files a fraudulent motor fuel tax report. 119477

A penalty of up to fifteen per cent may be added to the 119478
amount of every assessment made under this section. The 119479
commissioner may adopt rules providing for the imposition and 119480
remission of penalties added to assessments made under this 119481
section. 119482

The commissioner shall give the party assessed written 119483
notice of the assessment in the manner provided in section 119484
5703.37 of the Revised Code. With the notice, the commissioner 119485
shall provide instructions on how to petition for reassessment 119486
and request a hearing on the petition. 119487

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, ~~either personally or by certified mail,~~ a written petition for reassessment in writing, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the party assessed resides or in which the business of the party assessed is conducted. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state motor fuel tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty 119519
days after the day the assessment was issued, the portion of the 119520
assessment consisting of tax due shall bear interest at the rate 119521
per annum prescribed by section 5703.47 of the Revised Code from 119522
the day the commissioner issues the assessment until it is paid 119523
or until it is certified to the attorney general for collection 119524
under section 131.02 of the Revised Code, whichever comes first. 119525
If the unpaid portion of the assessment is certified to the 119526
attorney general for collection, the entire unpaid portion of 119527
the assessment shall bear interest at the rate per annum 119528
prescribed by section 5703.47 of the Revised Code from the date 119529
of certification until the date it is paid in its entirety. 119530
Interest shall be paid in the same manner as the tax and may be 119531
collected by the issuance of an assessment under this section. 119532

(D) All money collected by the tax commissioner under this 119533
section shall be paid to the treasurer of state, and when paid 119534
shall be considered as revenue arising from the tax imposed by 119535
this chapter. 119536

(E) If the tax commissioner determines that the 119537
commissioner has erroneously refunded motor fuel tax to any 119538
person, the commissioner may make an assessment against the 119539
person for recovery of the erroneously refunded tax. 119540

Sec. 5735.121. (A) If the tax commissioner finds that any 119541
person liable for tax under this chapter is about to depart from 119542
the state, remove property from the state, conceal self, or 119543
conceal the person's property, or do any other act tending to 119544
prejudice, obstruct, or render wholly or partly ineffectual 119545
proceedings to collect the tax, unless proceedings are commenced 119546
without delay, or if the commissioner believes that the 119547
collection of the amount due from any person will be jeopardized 119548

by delay, the commissioner may issue a jeopardy assessment 119549
against the person for the amount of the tax, plus a penalty of 119550
up to fifteen per cent. Upon issuance of a jeopardy assessment 119551
under this division, the total amount assessed shall immediately 119552
be due and payable unless security is provided pursuant to 119553
division (C) of this section. Any assessment issued under this 119554
section shall bear interest in the manner prescribed in section 119555
5735.12 of the Revised Code. 119556

(B) The commissioner immediately shall file an entry with 119557
the clerk of the court of common pleas in the same manner and 119558
with the same effect as provided in section 5735.12 of the 119559
Revised Code. Notice of the jeopardy assessment shall be served 119560
on the person assessed or the legal representative of the person 119561
assessed, as provided in section 5703.37 of the Revised Code, 119562
within five days of the filing of the entry. The person assessed 119563
may petition for reassessment within sixty days of receipt of 119564
the notice of jeopardy assessment in the same manner as provided 119565
in section 5735.12 of the Revised Code. Full or partial payment 119566
of the assessment shall not prejudice the commissioner's 119567
consideration of the merits of the assessment as contested by 119568
the petition for reassessment. Upon notification of the 119569
existence of the judgment filed pursuant to this division, any 119570
public official having control or custody of any funds or 119571
property of the person assessed immediately shall pay or deliver 119572
the funds or property to the commissioner as full or partial 119573
satisfaction of the jeopardy assessment. However, funds or 119574
property needed as evidence in criminal proceedings or that is 119575
expected to be forfeited pursuant to Chapter 2981. of the 119576
Revised Code, need not be relinquished by the public official. 119577
Upon disposition of criminal and forfeiture proceedings, funds 119578
and property not needed as evidence and not forfeited shall be 119579

delivered to the commissioner. 119580

(C) If the person subject to a jeopardy assessment files a 119581
petition for reassessment and posts security satisfactory to the 119582
commissioner in an amount sufficient to satisfy the unpaid 119583
balance of the assessment, execution on the judgment shall be 119584
stayed pending disposition of the petition for reassessment and 119585
all appeals resulting from the petition. If the security is 119586
sufficient to satisfy the full amount of the assessment, the 119587
commissioner shall return any funds or property of the person 119588
that previously were seized. Upon satisfaction of the 119589
assessment, the commissioner shall order the security released 119590
and the judgment vacated. 119591

~~(D) The commissioner may adopt rules providing for the 119592~~
~~imposition and remission of penalties added to assessments made 119593~~
~~under this section. 119594~~

Sec. 5736.02. (A) Beginning with the tax period that 119595
commences July 1, 2014, and continuing for every tax period 119596
thereafter, there is hereby levied an excise tax on each 119597
supplier measured by the supplier's calculated gross receipts 119598
derived from the first sale of motor fuel within this state. The 119599
tax due shall be computed by multiplying sixty-five one- 119600
hundredths of one per cent by the supplier's calculated gross 119601
receipts. 119602

All revenue from the tax shall be distributed as follows: 119603

(1) All revenue from the tax as measured by calculated 119604
gross receipts derived from the sale of motor fuel used for 119605
propelling vehicles on public highways and waterways shall be 119606
used for the purposes of maintaining the state highway system, 119607
funding the enforcement of traffic laws, and covering the costs 119608

of hospitalization of indigent persons injured in motor vehicle 119609
accidents on the public highways. 119610

(2) All revenue from the tax as measured by calculated 119611
gross receipts derived from the sale of motor fuel used 119612
exclusively in the operation of aircraft shall be used to fund 119613
airport improvements. 119614

(3) All revenue not distributed as required by division 119615
(A) (1) or (2) of this section shall be used for the purpose of 119616
funding the needs of this state and its local governments. 119617

(B) The tax imposed by this section is in addition to any 119618
other taxes or fees imposed under the Revised Code. 119619

(C) The tax commissioner shall determine and publish, on 119620
the web site of the department of taxation, the statewide 119621
average wholesale prices of a gallon of unleaded regular 119622
gasoline, of a gallon of propane, and of a gallon of diesel fuel 119623
for each calendar quarter. The commissioner's determination is 119624
presumed to be correct unless clearly erroneous. The figure 119625
shall be published at least fifteen days before the beginning of 119626
the calendar quarter. The commissioner shall base the average 119627
price on pricing information available from the United States 119628
energy information administration or, if such information is not 119629
available from that agency, from another publicly available 119630
source selected by the commissioner. The commissioner shall 119631
first make reasonable efforts to obtain data specific to this 119632
state before using national data to determine the average 119633
wholesale price. The price shall not include any federal or 119634
state excise taxes on the gasoline or diesel fuel, or the tax 119635
imposed by this chapter. The price shall be rounded up to the 119636
nearest one-tenth of one cent. 119637

(D) Nothing in this chapter prohibits a person from 119638
separately or proportionately billing or invoicing the tax 119639
imposed by this section to a purchaser of motor fuel. 119640

(E) The tax imposed by this section applies only to 119641
suppliers having a substantial nexus with this state, as that 119642
term is defined in section 5751.01 of the Revised Code. A 119643
supplier that does not have substantial nexus with the state may 119644
voluntarily obtain a license from the commissioner under section 119645
5736.06 of the Revised Code. A supplier that voluntarily obtains 119646
a license from the commissioner is entitled to the same benefits 119647
and is subject to the same duties and requirements as are 119648
suppliers required to be licensed with the commissioner. 119649

Sec. 5736.04. (A) Not later than the tenth day of the 119650
second month after the end of each calendar quarter, every 119651
taxpayer shall file with the tax commissioner a tax return in 119652
such form as the commissioner prescribes. The return shall 119653
include, but is not limited to, the amount of the taxpayer's 119654
calculated gross receipts for the calendar quarter and shall 119655
indicate the amount of tax due under section 5736.02 of the 119656
Revised Code for the calendar quarter. The taxpayer shall 119657
indicate on each return the portion of the taxpayer's gross 119658
receipts attributable to motor fuel used for propelling vehicles 119659
on public highways and waterways, the portion of such receipts 119660
attributable to motor fuel used exclusively in the operation of 119661
aircraft, and the portion of such receipts attributable to motor 119662
fuel used for other purposes. For this purpose, the sale of 119663
gasoline and of diesel fuel that is not dyed diesel fuel shall 119664
be rebuttably presumed to be distributed or sold for use or used 119665
to propel vehicles on public highways or waterways. All other 119666
sales of motor fuel shall be rebuttably presumed not to be 119667
distributed or sold for use or used to propel vehicles on public 119668

highways or waterways. 119669

(B) (1) The taxpayer shall remit the tax shown to be due on 119670
the return, and, if required by the tax commissioner, file the 119671
return, electronically. The commissioner may require taxpayers 119672
to use the Ohio business gateway as defined in section 718.01 of 119673
the Revised Code to file ~~return~~-returns and remit the tax, or 119674
may provide another means for taxpayers to file and remit the 119675
tax electronically. 119676

(2) A person required by this section to remit taxes or 119677
file returns electronically may apply to the commissioner, on 119678
the form prescribed by the commissioner, to be excused from that 119679
requirement. The commissioner may excuse a person from such 119680
requirement for good cause. 119681

(C) The tax rate with respect to calculated gross receipts 119682
for a calendar quarter is not fixed until the end of the 119683
measurement period for each calendar quarter. The total amount 119684
of calculated gross receipts reported for a given calendar 119685
quarter shall be subject to the tax rate in effect in that 119686
quarter. 119687

Sec. 5736.05. (A) Any taxpayer that fails to file a return 119688
or pay the full amount of the tax due within the period 119689
prescribed therefor under this chapter shall pay a penalty in an 119690
amount not exceeding the greater of fifty dollars or ten per 119691
cent of the tax required to be paid for the tax period. 119692

(B) (1) If any additional tax is found to be due, the tax 119693
commissioner may impose an additional penalty of up to fifteen 119694
per cent on the additional tax found to be due. 119695

(2) Any delinquent payments of the tax made after a 119696
taxpayer is notified of an audit or a tax discrepancy by the 119697

commissioner is subject to the penalty imposed by division (B) 119698
of this section. If an assessment is issued under section 119699
5736.09 of the Revised Code in connection with such delinquent 119700
payments, the payments shall be credited to the assessment. 119701

(C) If a person required to remit taxes or file a return 119702
electronically under section 5736.04 of the Revised Code fails 119703
to do so, the commissioner may impose a penalty not to exceed 119704
the following: 119705

(1) For either of the first two calendar quarters the 119706
person so fails, five per cent of the amount of the payment that 119707
was required to be remitted; 119708

(2) For the third and any subsequent calendar quarters the 119709
person so fails, ten per cent of the amount of the payment that 119710
was required to be remitted. 119711

(D) The tax commissioner may collect any penalty or 119712
interest imposed by this section in the same manner as the tax 119713
imposed under this chapter. Penalties and interest so collected 119714
shall be considered as revenue arising from the tax imposed 119715
under this chapter. 119716

~~(E) The tax commissioner may abate all or a portion of any 119717
penalties imposed under this section and may adopt rules 119718
governing such abatements. 119719~~

~~(F)~~ If any tax due is not timely paid in accordance with 119720
this chapter, the taxpayer shall pay interest, calculated at the 119721
rate per annum prescribed by section 5703.47 of the Revised 119722
Code, from the date the tax payment was due to the date of 119723
payment or to the date an assessment was issued, whichever 119724
occurs first. 119725

Sec. 5736.09. (A) The tax commissioner may make an 119726

assessment, based on any information in the commissioner's 119727
possession, against any person that fails to file a return or 119728
pay any ~~tax~~ amounts as required by this chapter. The 119729
commissioner shall give the person assessed written notice of 119730
the assessment as provided in section 5703.37 of the Revised 119731
Code. With the notice, the commissioner shall provide 119732
instructions on the manner in which to petition for reassessment 119733
and request a hearing with respect to the petition. 119734

(B) Unless the person assessed, within sixty days after 119735
service of the notice of assessment, files with the 119736
commissioner, ~~either personally or by certified mail,~~ a written 119737
petition signed by the person or the person's authorized agent 119738
having knowledge of the facts, the assessment becomes final, and 119739
the amount of the assessment is due and payable from the person 119740
assessed to the treasurer of state. The petition shall indicate 119741
the objections of the person assessed, but additional objections 119742
may be raised in writing if received by the commissioner prior 119743
to the date shown on the final determination. 119744

If a petition for reassessment has been properly filed, 119745
the commissioner shall proceed under section 5703.60 of the 119746
Revised Code. 119747

(C) (1) After an assessment becomes final, if any portion 119748
of the assessment, including accrued interest, remains unpaid, a 119749
certified copy of the commissioner's entry making the assessment 119750
final may be filed in the office of the clerk of the court of 119751
common pleas in the county in which the person resides or has 119752
its principal place of business in this state, or in the office 119753
of the clerk of court of common pleas of Franklin county. 119754

(2) Immediately upon the filing of the entry, the clerk 119755
shall enter judgment for the state against the person assessed 119756

in the amount shown on the entry. The judgment may be filed by 119757
the clerk in a loose-leaf book entitled, "special judgments for 119758
the petroleum activity tax" and shall have the same effect as 119759
other judgments. Execution shall issue upon the judgment at the 119760
request of the commissioner, and all laws applicable to sales on 119761
execution shall apply to sales made under the judgment. 119762

(3) If the assessment is not paid in its entirety within 119763
sixty days after the day the assessment was issued, the portion 119764
of the assessment consisting of tax due shall bear interest at 119765
the rate per annum prescribed by section 5703.47 of the Revised 119766
Code from the day the commissioner issues the assessment until 119767
it is paid or until it is certified to the attorney general for 119768
collection under section 131.02 of the Revised Code, whichever 119769
comes first. If the unpaid portion of the assessment is 119770
certified to the attorney general for collection, the entire 119771
unpaid portion of the assessment shall bear interest at the rate 119772
per annum prescribed by section 5703.47 of the Revised Code from 119773
the date of certification until the date it is paid in its 119774
entirety. Interest shall be paid in the same manner as the tax 119775
and may be collected by the issuance of an assessment under this 119776
section. 119777

(D) If the commissioner believes that collection of the 119778
tax will be jeopardized unless proceedings to collect or secure 119779
collection of the tax are instituted without delay, the 119780
commissioner may issue a jeopardy assessment against the person 119781
liable for the tax. Immediately upon the issuance of the 119782
jeopardy assessment, the commissioner shall file an entry with 119783
the clerk of the court of common pleas in the manner prescribed 119784
by division (C) of this section. Notice of the jeopardy 119785
assessment shall be served on the person assessed or the 119786
person's authorized agent in the manner provided in section 119787

5703.37 of the Revised Code within five days of the filing of 119788
the entry with the clerk. The total amount assessed is 119789
immediately due and payable, unless the person assessed files a 119790
petition for reassessment in accordance with division (B) of 119791
this section and provides security in a form satisfactory to the 119792
commissioner and in an amount sufficient to satisfy the unpaid 119793
balance of the assessment. Full or partial payment of the 119794
assessment does not prejudice the commissioner's consideration 119795
of the petition for reassessment. 119796

(E) The commissioner shall immediately forward to the 119797
treasurer of state all amounts the commissioner receives under 119798
this section, and such amounts shall be considered as revenue 119799
arising from the tax imposed under this chapter. 119800

(F) Except as otherwise provided in this division, no 119801
assessment shall be made or issued against a taxpayer for ~~the~~ 119802
~~tax amounts~~ imposed under this chapter more than four years 119803
after the due date for the filing of the return or application 119804
for the tax period for which the ~~tax amount~~ was reported, or 119805
more than four years after the return or application for the tax 119806
period was filed, whichever is later. The time limit may be 119807
extended if both the taxpayer and the commissioner consent in 119808
writing to the extension or enter into an agreement waiving or 119809
extending the time limit. Any such extension shall extend the 119810
four-year time limit in division (A) of section 5736.08 of the 119811
Revised Code for the same period of time. Nothing in this 119812
division bars an assessment against a taxpayer that fails to 119813
file a return required by this chapter or that files a 119814
fraudulent return. 119815

(G) If the commissioner possesses information that 119816
indicates that the amount of tax a taxpayer is required to pay 119817

under this chapter exceeds the amount the taxpayer paid, the 119818
commissioner may audit a sample of the taxpayer's calculated 119819
gross receipts over a representative period of time to ascertain 119820
the amount of tax due, and may issue an assessment based on the 119821
audit. The commissioner shall make a good faith effort to reach 119822
agreement with the taxpayer in selecting a representative 119823
sample. The commissioner may apply a sampling method only if the 119824
commissioner has prescribed the method by rule. 119825

(H) If the whereabouts of a person subject to this chapter 119826
is not known to the commissioner, the commissioner shall follow 119827
the procedures under section 5703.37 of the Revised Code. 119828

Sec. 5736.13. (A) For the purpose of receiving, accounting 119829
for, and distributing revenue received from the tax imposed by 119830
section 5736.02 of the Revised Code, the following funds are 119831
hereby created in the state treasury: 119832

(1) The petroleum activity tax fund; 119833

(2) The petroleum activity tax administration fund. All 119834
amounts credited to the petroleum activity tax administration 119835
fund shall be used solely for the purpose of paying the expenses 119836
of the department of taxation incident to the administration of 119837
the tax imposed by section 5736.02 of the Revised Code. 119838

(3) The petroleum activity tax public highways fund. 119839

(B) All money collected from the tax imposed by section 119840
5736.02 of the Revised Code shall be deposited into the 119841
petroleum activity tax fund. 119842

(C) From the petroleum activity tax fund, the director of 119843
budget and management shall place to the credit of the tax 119844
refund fund established by section 5703.052 of the Revised Code 119845
amounts equal to the refunds certified by the tax commissioner 119846

pursuant to section 5736.08 of the Revised Code. 119847

(D) Not later than the last day of March, June, September, 119848
and December of each year, the director of budget and management 119849
shall provide for the transfer of the balance of the petroleum 119850
activity tax fund as of the last day of the preceding month, 119851
excluding any amounts required to be transferred as provided in 119852
division (C) of this section, as follows: 119853

(1) To the petroleum activity tax administration fund, one 119854
per cent; 119855

(2) To the Ohio airport improvement program fund created 119856
in section 4561.03 of the Revised Code, an amount equal to the 119857
balance of the fund attributable to the tax on calculated gross 119858
receipts derived from the sale of motor fuel used exclusively in 119859
the operation of aircraft minus one per cent of that balance; 119860

(3) To the petroleum activity tax public highways fund, an 119861
amount that bears the same ratio to the balance in the petroleum 119862
activity tax fund, after subtracting the amount transferred 119863
under division (D) (1) and (2) of this section, that (a) the 119864
calculated gross receipts attributed to motor fuel used for 119865
propelling vehicles on public highways and waterways as 119866
indicated by returns filed by the last day of the preceding 119867
month, bears to (b) all calculated gross receipts as indicated 119868
by those returns; 119869

~~(3)~~ (4) To the general revenue fund, the amount remaining 119870
after the transfers required by divisions (D) (1) ~~and (2)~~ to (3) 119871
of this section. 119872

Sec. 5739.032. (A) If the total amount of tax required to 119873
be paid by a permit holder under section 5739.031 of the Revised 119874
Code for any calendar year equals or exceeds seventy-five 119875

thousand dollars, the permit holder shall remit each monthly tax 119876
payment in the second ensuing and each succeeding year 119877
electronically as prescribed by division (B) of this section. 119878

If a permit holder's tax payment for each of two 119879
consecutive years is less than seventy-five thousand dollars, 119880
the permit holder is relieved of the requirement to remit taxes 119881
electronically for the year that next follows the second of the 119882
consecutive years in which the tax payment is less than that 119883
amount, and is relieved of that requirement for each succeeding 119884
year, unless the tax payment in a subsequent year equals or 119885
exceeds seventy-five thousand dollars. 119886

Failure by the tax commissioner to notify a permit holder 119887
subject to this section to remit taxes electronically does not 119888
relieve the permit holder of its obligation to remit taxes in 119889
that manner. 119890

(B) Permit holders required by division (A) of this 119891
section to remit payments electronically shall remit such 119892
payments by using the Ohio business gateway, as defined in 119893
section 718.01 of the Revised Code, or another means of 119894
electronic payment, and as follows: 119895

(1) On or before the twenty-third day of each month, a 119896
permit holder shall remit an amount equal to seventy-five per 119897
cent of the anticipated tax liability for that month. 119898

(2) On or before the twenty-third day of each month, a 119899
permit holder shall report the taxes due for the previous month 119900
and shall remit that amount, less any amounts paid for that 119901
month as required by division (B) (1) of this section. 119902

The electronic payment of taxes does not affect a permit 119903
holder's obligation to file the monthly return as required under 119904

section 5739.031 of the Revised Code. 119905

(C) (1) (a) If a permit holder that is required to remit 119906
payments under division (B) of this section fails to make a 119907
payment, or makes a payment under division (B) (1) of this 119908
section that is less than seventy-five per cent of the actual 119909
liability for that month, the commissioner may impose an 119910
additional charge not to exceed five per cent of that unpaid 119911
amount. 119912

(b) Division (C) (1) (a) of this section does not apply if 119913
the permit holder's payment under division (B) (1) of this 119914
section is equal to or greater than seventy-five per cent of the 119915
permit holder's reported liability for the same month in the 119916
immediately preceding calendar year. 119917

(2) If a permit holder required by this section to remit 119918
taxes electronically remits those taxes by some means other than 119919
electronically as prescribed by this section and the tax 119920
commissioner determines that such failure was not due to 119921
reasonable cause or was due to willful neglect, the commissioner 119922
may impose an additional charge not to exceed the lesser of five 119923
per cent of the amount of the taxes required to be paid 119924
electronically or five thousand dollars. 119925

(3) Any additional charge imposed under division (C) (1) or 119926
(2) of this section is in addition to any other penalty or 119927
charge imposed under this chapter, and shall be considered as 119928
revenue arising from taxes imposed under this chapter. An 119929
additional charge may be collected by assessment in the manner 119930
prescribed by section 5739.13 of the Revised Code. ~~The tax-~~ 119931
~~commissioner may waive all or a portion of such a charge and may~~ 119932
~~adopt rules governing such waiver.~~ 119933

No additional charge shall be imposed under division (C) 119934
(2) of this section against a permit holder that has been 119935
notified of its obligation to remit taxes electronically under 119936
this section and that remits its first two tax payments after 119937
such notification by some other means. The additional charge may 119938
be imposed upon the remittance of any subsequent tax payment 119939
that the permit holder remits by some means other than 119940
electronically. 119941

Sec. 5739.07. (A) When, pursuant to this chapter, a vendor 119942
has paid taxes to the tax commissioner or the commissioner's 119943
agent, the commissioner shall refund to the vendor the amount of 119944
taxes paid, and any penalties assessed with respect to such 119945
taxes, if the vendor has refunded to the consumer the full 119946
amount of taxes the consumer paid illegally or erroneously or if 119947
the vendor has illegally or erroneously billed the consumer but 119948
has not collected the taxes from the consumer. 119949

(B) When, pursuant to this chapter, a consumer has paid 119950
taxes directly to the tax commissioner or the commissioner's 119951
agent, and the payment or assessment was illegal or erroneous, 119952
the commissioner shall refund to the consumer the full amount of 119953
illegal or erroneous taxes paid and any penalties assessed with 119954
respect to such taxes. 119955

(C) The commissioner shall refund to the consumer amounts 119956
paid illegally or erroneously to a vendor only if: 119957

(1) The commissioner has not refunded the tax to the 119958
vendor and the vendor has not refunded the tax to the consumer; 119959
or 119960

(2) The consumer has received a refund from a manufacturer 119961
or other person, other than the vendor, of the full purchase 119962

price, but not the tax, paid to the vendor in settlement of a 119963
complaint by the consumer about the property or service 119964
purchased. 119965

The commissioner may require the consumer to obtain or the 119966
vendor to provide a written statement confirming that the vendor 119967
has not refunded the tax to the consumer and has not filed an 119968
application for refund of the tax with the commissioner. 119969

(D) Subject to division (E) of this section, an 119970
application for refund shall be filed with the tax commissioner 119971
on the form prescribed by the commissioner within four years 119972
from the date of the illegal or erroneous payment, unless the 119973
vendor or consumer waives the time limitation under division (A) 119974
(3) of section 5739.16 of the Revised Code. If the time 119975
limitation is waived, the refund application period shall be 119976
extended for the same period as the waiver. 119977

(E) An application for refund shall be filed in accordance 119978
with division (D) of this section unless a person is subject to 119979
an assessment that is subject to the time limit of division (B) 119980
of section 5703.58 of the Revised Code for amounts not reported 119981
and paid between the four-year time limit described in division 119982
(D) of this section and the seven-year limit described in 119983
division (B) of section 5703.58 of the Revised Code, in which 119984
case the person may file an application within six months after 119985
the date the assessment is issued. Any refund allowed under this 119986
division shall not exceed the amount of the assessment due for 119987
the same period. 119988

(F) On the filing of an application for a refund, the 119989
commissioner shall determine the amount of refund to which the 119990
applicant is entitled. If the amount is not less than that 119991
claimed, the commissioner shall certify that amount to the 119992

director of budget and management and the treasurer of state for 119993
payment from the tax refund fund created by section 5703.052 of 119994
the Revised Code. If the amount is less than that claimed, the 119995
commissioner shall proceed in accordance with section 5703.70 of 119996
the Revised Code. 119997

(G) When a refund is granted under this section, it shall 119998
include interest thereon as provided by section 5739.132 of the 119999
Revised Code, except that no such interest shall be granted when 120000
a refund is granted for illegal or erroneous payments made 120001
pursuant to a direct payment permit issued under section 120002
5739.031 of the Revised Code or division (I) of section 122.175 120003
of the Revised Code. 120004

Sec. 5739.09. (A) (1) A board of county commissioners may, 120005
by resolution adopted by a majority of the members of the board, 120006
levy an excise tax not to exceed three per cent on transactions 120007
by which lodging by a hotel is or is to be furnished to 120008
transient guests. The board shall establish all regulations 120009
necessary to provide for the administration and allocation of 120010
the tax. The regulations may prescribe the time for payment of 120011
the tax, and may provide for the imposition of a penalty or 120012
interest, or both, for late payments, provided that the penalty 120013
does not exceed ten per cent of the amount of tax due, and the 120014
rate at which interest accrues does not exceed the rate per 120015
annum prescribed pursuant to section 5703.47 of the Revised 120016
Code. Except as otherwise provided in this section, the 120017
regulations shall provide, after deducting the real and actual 120018
costs of administering the tax, for the return to each municipal 120019
corporation or township that does not levy an excise tax on the 120020
transactions, a uniform percentage of the tax collected in the 120021
municipal corporation or in the unincorporated portion of the 120022
township from each transaction, not to exceed thirty-three and 120023

one-third per cent. Except as provided in this section, the 120024
remainder of the revenue arising from the tax shall be deposited 120025
in a separate fund and shall be spent either (a) to make 120026
contributions to the convention and visitors' bureau operating 120027
within the county, including a pledge and contribution of any 120028
portion of the remainder pursuant to an agreement authorized by 120029
section 307.678 or 307.695 of the Revised Code or (b) to pay, if 120030
authorized in the regulations, for public safety services in a 120031
resort area designated under section 5739.101 of the Revised 120032
Code. 120033

(2) If the board of county commissioners of an eligible 120034
county as defined in section 307.678 or 307.695 of the Revised 120035
Code adopts a resolution amending a resolution levying a tax 120036
under division (A) of this section to provide that revenue from 120037
the tax shall be used by the board as described in either 120038
division (D) of section 307.678 or division (H) of section 120039
307.695 of the Revised Code, the remainder of the revenue shall 120040
be used as described in the resolution making that amendment. 120041

(3) Except as provided in division (B), (C), (D), (E), 120042
(F), (G), (H), (I), (J), (K), or (Q) of this section, on and 120043
after May 10, 1994, a board of county commissioners may not levy 120044
an excise tax pursuant to division (A) of this section in any 120045
municipal corporation or township located wholly or partly 120046
within the county that has in effect an ordinance or resolution 120047
levying an excise tax pursuant to division (B) of section 120048
5739.08 of the Revised Code. 120049

(4) The board of a county that has levied a tax under 120050
division (M) of this section may, by resolution adopted within 120051
ninety days after July 15, 1985, by a majority of the members of 120052
the board, amend the resolution levying a tax under division (A) 120053

of this section to provide for a portion of that tax to be 120054
pledged and contributed in accordance with an agreement entered 120055
into under section 307.695 of the Revised Code. A tax, any 120056
revenue from which is pledged pursuant to such an agreement, 120057
shall remain in effect at the rate at which it is imposed for 120058
the duration of the period for which the revenue from the tax 120059
has been so pledged. 120060

(5) The board of county commissioners of an eligible 120061
county as defined in section 307.695 of the Revised Code may, by 120062
resolution adopted by a majority of the members of the board, 120063
amend a resolution levying a tax under division (A) of this 120064
section to provide that the revenue from the tax shall be used 120065
by the board as described in division (H) of section 307.695 of 120066
the Revised Code, in which case the tax shall remain in effect 120067
at the rate at which it was imposed for the duration of any 120068
agreement entered into by the board under section 307.695 of the 120069
Revised Code, the duration during which any securities issued by 120070
the board under that section are outstanding, or the duration of 120071
the period during which the board owns a project as defined in 120072
section 307.695 of the Revised Code, whichever duration is 120073
longest. 120074

(6) The board of county commissioners of an eligible 120075
county as defined in section 307.678 of the Revised Code may, by 120076
resolution, amend a resolution levying a tax under division (A) 120077
of this section to provide that revenue from the tax, not to 120078
exceed five hundred thousand dollars each year, may be used as 120079
described in division (E) of section 307.678 of the Revised 120080
Code. 120081

(7) Notwithstanding division (A) of this section, the 120082
board of county commissioners of a county described in division 120083

(H) (1) of this section may, by resolution, amend a resolution 120084
levying a tax under division (A) of this section to provide that 120085
all or a portion of the revenue from the tax, including any 120086
revenue otherwise required to be returned to townships or 120087
municipal corporations under that division, may be used or 120088
pledged for the payment of debt service on securities issued to 120089
pay the costs of constructing, operating, and maintaining sports 120090
facilities described in division (H) (2) of this section. 120091

(8) The board of county commissioners of a county 120092
described in division (I) of this section may, by resolution, 120093
amend a resolution levying a tax under division (A) of this 120094
section to provide that all or a portion of the revenue from the 120095
tax may be used for the purposes described in section 307.679 of 120096
the Revised Code. 120097

(B) A board of county commissioners that levies an excise 120098
tax under division (A) of this section on June 30, 1997, at a 120099
rate of three per cent, and that has pledged revenue from the 120100
tax to an agreement entered into under section 307.695 of the 120101
Revised Code or, in the case of the board of county 120102
commissioners of an eligible county as defined in section 120103
307.695 of the Revised Code, has amended a resolution levying a 120104
tax under division (M) of this section to provide that proceeds 120105
from the tax shall be used by the board as described in division 120106
(H) of section 307.695 of the Revised Code, may, at any time by 120107
a resolution adopted by a majority of the members of the board, 120108
amend the resolution levying a tax under division (A) of this 120109
section to provide for an increase in the rate of that tax up to 120110
seven per cent on each transaction; to provide that revenue from 120111
the increase in the rate shall be used as described in division 120112
(H) of section 307.695 of the Revised Code or be spent solely to 120113
make contributions to the convention and visitors' bureau 120114

operating within the county to be used specifically for 120115
promotion, advertising, and marketing of the region in which the 120116
county is located; and to provide that the rate in excess of the 120117
three per cent levied under division (A) of this section shall 120118
remain in effect at the rate at which it is imposed for the 120119
duration of the period during which any agreement is in effect 120120
that was entered into under section 307.695 of the Revised Code 120121
by the board of county commissioners levying a tax under 120122
division (A) of this section, the duration of the period during 120123
which any securities issued by the board under division (I) of 120124
section 307.695 of the Revised Code are outstanding, or the 120125
duration of the period during which the board owns a project as 120126
defined in section 307.695 of the Revised Code, whichever 120127
duration is longest. The amendment also shall provide that no 120128
portion of that revenue need be returned to townships or 120129
municipal corporations as would otherwise be required under 120130
division (A) of this section. 120131

(C) (1) As used in division (C) of this section, "cost" and 120132
"facility" have the same meanings as in section 351.01 of the 120133
Revised Code, and "convention center" has the same meaning as in 120134
section 307.695 of the Revised Code. 120135

(2) A board of county commissioners that levies a tax 120136
under division (A) of this section on March 18, 1999, at a rate 120137
of three per cent may, by resolution adopted not later than 120138
forty-five days after March 18, 1999, amend the resolution 120139
levying the tax to provide for all of the following: 120140

(a) That the rate of the tax shall be increased by not 120141
more than an additional four per cent on each transaction; 120142

(b) That all of the revenue from the increase in the rate 120143
shall be pledged and contributed to a convention facilities 120144

authority established by the board of county commissioners under 120145
Chapter 351. of the Revised Code on or before November 15, 1998, 120146
and used to pay costs of constructing, maintaining, operating, 120147
and promoting a facility in the county, including paying bonds, 120148
or notes issued in anticipation of bonds, as provided by that 120149
chapter; 120150

(c) That no portion of the revenue arising from the 120151
increase in rate need be returned to municipal corporations or 120152
townships as otherwise required under division (A) of this 120153
section; 120154

(d) That the increase in rate shall not be subject to 120155
diminution by initiative or referendum or by law while any 120156
bonds, or notes in anticipation of bonds, issued by the 120157
authority under Chapter 351. of the Revised Code to which the 120158
revenue is pledged, remain outstanding in accordance with their 120159
terms, unless provision is made by law or by the board of county 120160
commissioners for an adequate substitute therefor that is 120161
satisfactory to the trustee if a trust agreement secures the 120162
bonds. 120163

(3) Division (C) of this section does not apply to the 120164
board of county commissioners of any county in which a 120165
convention center or facility exists or is being constructed on 120166
November 15, 1998, or of any county in which a convention 120167
facilities authority levies a tax pursuant to section 351.021 of 120168
the Revised Code on that date. 120169

(D) (1) As used in division (D) of this section, "cost" has 120170
the same meaning as in section 351.01 of the Revised Code, and 120171
"convention center" has the same meaning as in section 307.695 120172
of the Revised Code. 120173

(2) A board of county commissioners that levies a tax 120174
under division (A) of this section on June 30, 2002, at a rate 120175
of three per cent may, by resolution adopted not later than 120176
September 30, 2002, amend the resolution levying the tax to 120177
provide for all of the following: 120178

(a) That the rate of the tax shall be increased by not 120179
more than an additional three and one-half per cent on each 120180
transaction; 120181

(b) That all of the revenue from the increase in rate 120182
shall be pledged and contributed to a convention facilities 120183
authority established by the board of county commissioners under 120184
Chapter 351. of the Revised Code on or before May 15, 2002, and 120185
be used to pay costs of constructing, expanding, maintaining, 120186
operating, or promoting a convention center in the county, 120187
including paying bonds, or notes issued in anticipation of 120188
bonds, as provided by that chapter; 120189

(c) That no portion of the revenue arising from the 120190
increase in rate need be returned to municipal corporations or 120191
townships as otherwise required under division (A) of this 120192
section; 120193

(d) That the increase in rate shall not be subject to 120194
diminution by initiative or referendum or by law while any 120195
bonds, or notes in anticipation of bonds, issued by the 120196
authority under Chapter 351. of the Revised Code to which the 120197
revenue is pledged, remain outstanding in accordance with their 120198
terms, unless provision is made by law or by the board of county 120199
commissioners for an adequate substitute therefor that is 120200
satisfactory to the trustee if a trust agreement secures the 120201
bonds. 120202

(3) Any board of county commissioners that, pursuant to 120203
division (D) (2) of this section, has amended a resolution 120204
levying the tax authorized by division (A) of this section may 120205
further amend the resolution to provide that the revenue 120206
referred to in division (D) (2) (b) of this section shall be 120207
pledged and contributed both to a convention facilities 120208
authority to pay the costs of constructing, expanding, 120209
maintaining, or operating one or more convention centers in the 120210
county, including paying bonds, or notes issued in anticipation 120211
of bonds, as provided in Chapter 351. of the Revised Code, and 120212
to a convention and visitors' bureau to pay the costs of 120213
promoting one or more convention centers in the county. 120214

(E) (1) As used in division (E) of this section: 120215

(a) "Port authority" means a port authority created under 120216
Chapter 4582. of the Revised Code. 120217

(b) "Port authority military-use facility" means port 120218
authority facilities on which or adjacent to which is located an 120219
installation of the armed forces of the United States, a reserve 120220
component thereof, or the national guard and at least part of 120221
which is made available for use, for consideration, by the armed 120222
forces of the United States, a reserve component thereof, or the 120223
national guard. 120224

(2) For the purpose of contributing revenue to pay 120225
operating expenses of a port authority that operates a port 120226
authority military-use facility, the board of county 120227
commissioners of a county that created, participated in the 120228
creation of, or has joined such a port authority may do one or 120229
both of the following: 120230

(a) Amend a resolution previously adopted under division 120231

(A) of this section to designate some or all of the revenue from 120232
the tax levied under the resolution to be used for that purpose, 120233
notwithstanding that division; 120234

(b) Amend a resolution previously adopted under division 120235
(A) of this section to increase the rate of the tax by not more 120236
than an additional two per cent and use the revenue from the 120237
increase exclusively for that purpose. 120238

(3) If a board of county commissioners amends a resolution 120239
to increase the rate of a tax as authorized in division (E) (2) 120240
(b) of this section, the board also may amend the resolution to 120241
specify that the increase in rate of the tax does not apply to 120242
"hotels," as otherwise defined in section 5739.01 of the Revised 120243
Code, having fewer rooms used for the accommodation of guests 120244
than a number of rooms specified by the board. 120245

(F) (1) A board of county commissioners of a county 120246
organized under a county charter adopted pursuant to Article X, 120247
Section 3, Ohio Constitution, and that levies an excise tax 120248
under division (A) of this section at a rate of three per cent 120249
and levies an additional excise tax under division (O) of this 120250
section at a rate of one and one-half per cent may, by 120251
resolution adopted not later than January 1, 2008, by a majority 120252
of the members of the board, amend the resolution levying a tax 120253
under division (A) of this section to provide for an increase in 120254
the rate of that tax by not more than an additional one per cent 120255
on transactions by which lodging by a hotel is or is to be 120256
furnished to transient guests. Notwithstanding divisions (A) and 120257
(O) of this section, the resolution shall provide that all of 120258
the revenue from the increase in rate, after deducting the real 120259
and actual costs of administering the tax, shall be used to pay 120260
the costs of improving, expanding, equipping, financing, or 120261

operating a convention center by a convention and visitors' 120262
bureau in the county. 120263

(2) The increase in rate shall remain in effect for the 120264
period specified in the resolution, not to exceed ten years, and 120265
may be extended for an additional period of time not to exceed 120266
ten years thereafter by a resolution adopted by a majority of 120267
the members of the board. 120268

(3) The increase in rate shall be subject to the 120269
regulations adopted under division (A) of this section, except 120270
that the resolution may provide that no portion of the revenue 120271
from the increase in the rate shall be returned to townships or 120272
municipal corporations as would otherwise be required under that 120273
division. 120274

(G) (1) Division (G) of this section applies only to a 120275
county with a population greater than sixty-five thousand and 120276
less than seventy thousand according to the most recent federal 120277
decennial census and in which, on December 31, 2006, an excise 120278
tax is levied under division (A) of this section at a rate not 120279
less than and not greater than three per cent, and in which the 120280
most recent increase in the rate of that tax was enacted or took 120281
effect in November 1984. 120282

(2) The board of county commissioners of a county to which 120283
division (G) of this section applies, by resolution adopted by a 120284
majority of the members of the board, may increase the rate of 120285
the tax by not more than one per cent on transactions by which 120286
lodging by a hotel is or is to be furnished to transient guests. 120287
The increase in rate shall be for the purpose of paying expenses 120288
deemed necessary by the convention and visitors' bureau 120289
operating in the county to promote travel and tourism. 120290

(3) The increase in rate shall remain in effect for the 120291
period specified in the resolution, not to exceed twenty years, 120292
provided that the increase in rate may not continue beyond the 120293
time when the purpose for which the increase is levied ceases to 120294
exist. If revenue from the increase in rate is pledged to the 120295
payment of debt charges on securities, the increase in rate is 120296
not subject to diminution by initiative or referendum or by law 120297
for so long as the securities are outstanding, unless provision 120298
is made by law or by the board of county commissioners for an 120299
adequate substitute for that revenue that is satisfactory to the 120300
trustee if a trust agreement secures payment of the debt 120301
charges. 120302

(4) The increase in rate shall be subject to the 120303
regulations adopted under division (A) of this section, except 120304
that the resolution may provide that no portion of the revenue 120305
from the increase in the rate shall be returned to townships or 120306
municipal corporations as would otherwise be required under 120307
division (A) of this section. 120308

(5) A resolution adopted under division (G) of this 120309
section is subject to referendum under sections 305.31 to 305.99 120310
of the Revised Code. 120311

(H) (1) Division (H) of this section applies only to a 120312
county satisfying all of the following: 120313

(a) The population of the county is greater than one 120314
hundred seventy-five thousand and less than two hundred twenty- 120315
five thousand according to the most recent federal decennial 120316
census. 120317

(b) An amusement park with an average yearly attendance in 120318
excess of two million guests is located in the county. 120319

(c) On December 31, 2014, an excise tax was levied in the 120320
county under division (A) of this section at a rate of three per 120321
cent. 120322

(2) The board of county commissioners of a county to which 120323
division (H) of this section applies, by resolution adopted by a 120324
majority of the members of the board, may increase the rate of 120325
the tax by not more than one per cent on transactions by which 120326
lodging by a hotel is or is to be furnished to transient guests. 120327
The increase in rate shall be used to pay the costs of 120328
constructing and maintaining facilities owned by the county or 120329
by a port authority created under Chapter 4582. of the Revised 120330
Code, and designed to host sporting events and expenses deemed 120331
necessary by the convention and visitors' bureau operating in 120332
the county to promote travel and tourism with reference to the 120333
sports facilities, and to pay or pledge to the payment of debt 120334
service on securities issued to pay the costs of constructing, 120335
operating, and maintaining the sports facilities. 120336

(3) The increase in rate shall remain in effect for the 120337
period specified in the resolution. If revenue from the increase 120338
in rate is pledged to the payment of debt charges on securities, 120339
the increase in rate is not subject to diminution by initiative 120340
or referendum or by law for so long as the securities are 120341
outstanding, unless provision is made by law or by the board of 120342
county commissioners for an adequate substitute for that revenue 120343
that is satisfactory to the trustee if a trust agreement secures 120344
payment of the debt charges. 120345

(4) The increase in rate shall be subject to the 120346
regulations adopted under division (A) of this section, except 120347
that the resolution may provide that no portion of the revenue 120348
from the increase in the rate shall be returned to townships or 120349

municipal corporations as would otherwise be required under 120350
division (A) of this section. 120351

(I) (1) The board of county commissioners of a county with 120352
a population greater than seventy-five thousand and less than 120353
seventy-eight thousand, by resolution adopted by a majority of 120354
the members of the board not later than October 15, 2015, may 120355
increase the rate of the tax by not more than one per cent on 120356
transactions by which lodging by a hotel is or is to be 120357
furnished to transient guests. The increase in rate shall be for 120358
the purposes described in section 307.679 of the Revised Code or 120359
for the promotion of travel and tourism in the county, including 120360
travel and tourism to sports facilities. 120361

(2) The increase in rate shall remain in effect for the 120362
period specified in the resolution and as necessary to fulfill 120363
the county's obligations under a cooperative agreement entered 120364
into under section 307.679 of the Revised Code. If the 120365
resolution is adopted by the board before September 29, 2015, 120366
but after that enactment becomes law, the increase in rate shall 120367
become effective beginning on September 29, 2015. If revenue 120368
from the increase in rate is pledged to the payment of debt 120369
charges on securities, or to substitute for other revenues 120370
pledged to the payment of such debt, the increase in rate is not 120371
subject to diminution by initiative or referendum or by law for 120372
so long as the securities are outstanding, unless provision is 120373
made by law or by the board of county commissioners for an 120374
adequate substitute for that revenue that is satisfactory to the 120375
trustee if a trust agreement secures payment of the debt 120376
charges. 120377

(3) The increase in rate shall be subject to the 120378
regulations adopted under division (A) of this section, except 120379

that no portion of the revenue from the increase in the rate 120380
shall be returned to townships or municipal corporations as 120381
would otherwise be required under division (A) of this section. 120382

(J) (1) Division (J) of this section applies only to 120383
counties satisfying either of the following: 120384

(a) A county that, on July 1, 2015, does not levy an 120385
excise tax under division (A) of this section and that has a 120386
population of at least thirty-nine thousand but not more than 120387
forty thousand according to the 2010 federal decennial census; 120388

(b) A county that, on July 1, 2015, levies an excise tax 120389
under division (A) of this section at a rate of three per cent 120390
and that has a population of at least seventy-one thousand but 120391
not more than seventy-five thousand according to 2010 federal 120392
decennial census. 120393

(2) The board of county commissioners of a county to which 120394
division (J) of this section applies, by resolution adopted by a 120395
majority of the members of the board, may levy an excise tax at 120396
a rate not to exceed three per cent on transactions by which 120397
lodging by a hotel is or is to be furnished to transient guests 120398
for the purpose of acquiring, constructing, equipping, or 120399
repairing permanent improvements, as defined in section 133.01 120400
of the Revised Code. 120401

(3) If the board does not levy a tax under division (A) of 120402
this section, the board shall establish regulations necessary to 120403
provide for the administration of the tax, which may prescribe 120404
the time for payment of the tax and the imposition of penalty or 120405
interest subject to the limitations on penalty and interest 120406
provided in division (A) of this section. No portion of the 120407
revenue shall be returned to townships or municipal corporations 120408

in the county unless otherwise provided by resolution of the 120409
board. 120410

(4) The tax shall apply throughout the territory of the 120411
county, including in any township or municipal corporation 120412
levying an excise tax under division (A) or (B) of section 120413
5739.08 of the Revised Code. The levy of the tax is subject to 120414
referendum as provided under section 305.31 of the Revised Code. 120415

(5) The tax shall remain in effect for the period 120416
specified in the resolution. If revenue from the increase in 120417
rate is pledged to the payment of debt charges on securities, 120418
the increase in rate is not subject to diminution by initiative 120419
or referendum or by law for so long as the securities are 120420
outstanding unless provision is made by law or by the board for 120421
an adequate substitute for that revenue that is satisfactory to 120422
the trustee if a trust agreement secures payment of the debt 120423
charges. 120424

(K) (1) The board of county commissioners of an eligible 120425
county, as defined in section 307.678 of the Revised Code, that 120426
levies an excise tax under division (A) of this section on July 120427
1, 2017, at a rate of three per cent may, by resolution adopted 120428
by a majority of the members of the board, amend the resolution 120429
levying the tax to increase the rate of the tax by not more than 120430
an additional three per cent on each transaction. 120431

(2) No portion of the revenue shall be returned to 120432
townships or municipal corporations in the county unless 120433
otherwise provided by resolution of the board. Otherwise, the 120434
revenue from the increase in the rate shall be distributed and 120435
used in the same manner described under division (A) of this 120436
section or distributed or used to provide credit enhancement 120437
facilities as authorized under section 307.678 of the Revised 120438

Code. 120439

(3) The increase in rate shall remain in effect for the 120440
period specified in the resolution. If revenue from the increase 120441
in rate is pledged to the payment of debt charges on securities, 120442
the increase in rate is not subject to diminution by initiative 120443
or referendum or by law for so long as the securities are 120444
outstanding unless provision is made by law or by the board for 120445
an adequate substitute for that revenue that is satisfactory to 120446
the trustee if a trust agreement secures payment of the debt 120447
charges. 120448

(L) (1) As used in division (L) of this section: 120449

(a) "Eligible county" means a county that has a population 120450
greater than one hundred ninety thousand and less than two 120451
hundred thousand according to the 2010 federal decennial census 120452
and that levies an excise tax under division (A) of this section 120453
at a rate of three per cent. 120454

(b) "Professional sports facility" means a sports facility 120455
that is intended to house major or minor league professional 120456
athletic teams, including a stadium, together with all parking 120457
facilities, walkways, and other auxiliary facilities, real and 120458
personal property, property rights, easements, and interests 120459
that may be appropriate for, or used in connection with, the 120460
operation of the facility. 120461

(2) Subject to division (L) (3) of this section, the board 120462
of county commissioners of an eligible county, by resolution 120463
adopted by a majority of the members of the board, may increase 120464
the rate of the tax by not more than one per cent on 120465
transactions by which lodging by a hotel is or is to be 120466
furnished to transient guests. Revenue from the increase in rate 120467

shall be used for the purposes of paying the costs of 120468
constructing, improving, and maintaining a professional sports 120469
facility in the county and paying expenses considered necessary 120470
by the convention and visitors' bureau operating in the county 120471
to promote travel and tourism with respect to that professional 120472
sports facility. The tax shall take effect only after the 120473
convention and visitors' bureau enters into a contract for the 120474
construction, improvement, or maintenance of a professional 120475
sports facility that is or will be located on property acquired, 120476
in whole or in part, with revenue from the increased rate, and 120477
thereafter shall remain in effect for the period specified in 120478
the resolution. If revenue from the increase in rate is pledged 120479
to the payment of debt charges on securities, the increase in 120480
rate is not subject to diminution by initiative or referendum or 120481
by law for so long as the securities are outstanding, unless a 120482
provision is made by law or by the board of county commissioners 120483
for an adequate substitute for that revenue that is satisfactory 120484
to the trustee if a trust agreement secures payment of the debt 120485
charges. The increase in rate shall be subject to the 120486
regulations adopted under division (A) of this section, except 120487
that the resolution may provide that no portion of the revenue 120488
from the increase in the rate shall be returned to townships or 120489
municipal corporations as would otherwise be required under 120490
division (A) of this section. 120491

(3) If, on December 31, 2019, the convention and visitors' 120492
bureau has not entered into a contract for the construction, 120493
improvement, or maintenance of a professional sports facility 120494
that is or will be located on property acquired, in whole or in 120495
part, with revenue from the increased rate, the authority to 120496
levy the tax under division (L)(2) of this section is hereby 120497
repealed on that date. 120498

(M) (1) For the purposes described in section 307.695 of 120499
the Revised Code and to cover the costs of administering the 120500
tax, a board of county commissioners of a county where a tax 120501
imposed under division (A) of this section is in effect may, by 120502
resolution adopted within ninety days after July 15, 1985, by a 120503
majority of the members of the board, levy an additional excise 120504
tax not to exceed three per cent on transactions by which 120505
lodging by a hotel is or is to be furnished to transient guests. 120506
The tax authorized by division (M) of this section shall be in 120507
addition to any tax that is levied pursuant to divisions (A) to 120508
(L) of this section, but it shall not apply to transactions 120509
subject to a tax levied by a municipal corporation or township 120510
pursuant to section 5739.08 of the Revised Code. 120511

(2) The board shall establish all regulations necessary to 120512
provide for the administration and allocation of the tax. The 120513
regulations may prescribe the time for payment of the tax, and 120514
may provide for the imposition of a penalty or interest, or 120515
both, for late payments, provided that the penalty does not 120516
exceed ten per cent of the amount of tax due, and the rate at 120517
which interest accrues does not exceed the rate per annum 120518
prescribed pursuant to section 5703.47 of the Revised Code. 120519

(3) All revenues arising from the tax shall be expended in 120520
accordance with section 307.695 of the Revised Code. The board 120521
of county commissioners of an eligible county as defined in 120522
section 307.695 of the Revised Code may, by resolution adopted 120523
by a majority of the members of the board, amend the resolution 120524
levying a tax under this division to provide that the revenue 120525
from the tax shall be used by the board as described in division 120526
(H) of section 307.695 of the Revised Code. 120527

(4) A tax imposed under this division shall remain in 120528

effect at the rate at which it is imposed for the duration of 120529
the period during which any agreement entered into by the board 120530
under section 307.695 of the Revised Code is in effect, the 120531
duration of the period during which any securities issued by the 120532
board under division (I) of section 307.695 of the Revised Code 120533
are outstanding, or the duration of the period during which the 120534
board owns a project as defined in section 307.695 of the 120535
Revised Code, whichever duration is longest. 120536

(N) (1) For the purpose of providing contributions under 120537
division (B) (1) of section 307.671 of the Revised Code to enable 120538
the acquisition, construction, and equipping of a port authority 120539
educational and cultural facility in the county and, to the 120540
extent provided for in the cooperative agreement authorized by 120541
that section, for the purpose of paying debt service charges on 120542
bonds, or notes in anticipation of bonds, described in division 120543
(B) (1) (b) of that section, a board of county commissioners, by 120544
resolution adopted within ninety days after December 22, 1992, 120545
by a majority of the members of the board, may levy an 120546
additional excise tax not to exceed one and one-half per cent on 120547
transactions by which lodging by a hotel is or is to be 120548
furnished to transient guests. The excise tax authorized by 120549
division (N) of this section shall be in addition to any tax 120550
that is levied pursuant to divisions (A) to (M) of this section, 120551
to any excise tax levied pursuant to section 5739.08 of the 120552
Revised Code, and to any excise tax levied pursuant to section 120553
351.021 of the Revised Code. 120554

(2) The board of county commissioners shall establish all 120555
regulations necessary to provide for the administration and 120556
allocation of the tax that are not inconsistent with this 120557
section or section 307.671 of the Revised Code. The regulations 120558
may prescribe the time for payment of the tax, and may provide 120559

for the imposition of a penalty or interest, or both, for late 120560
payments, provided that the penalty does not exceed ten per cent 120561
of the amount of tax due, and the rate at which interest accrues 120562
does not exceed the rate per annum prescribed pursuant to 120563
section 5703.47 of the Revised Code. 120564

(3) All revenues arising from the tax shall be expended in 120565
accordance with section 307.671 of the Revised Code and division 120566
(N) of this section. The levy of a tax imposed under division 120567
(N) of this section may not commence prior to the first day of 120568
the month next following the execution of the cooperative 120569
agreement authorized by section 307.671 of the Revised Code by 120570
all parties to that agreement. 120571

(4) The tax shall remain in effect at the rate at which it 120572
is imposed for the period of time described in division (C) of 120573
section 307.671 of the Revised Code for which the revenue from 120574
the tax has been pledged by the county to the corporation 120575
pursuant to that section, but, to any extent provided for in the 120576
cooperative agreement, for no lesser period than the period of 120577
time required for payment of the debt service charges on bonds, 120578
or notes in anticipation of bonds, described in division (B) (1) 120579
(b) of that section. 120580

(O) (1) For the purpose of paying the costs of acquiring, 120581
constructing, equipping, and improving a municipal educational 120582
and cultural facility, including debt service charges on bonds 120583
provided for in division (B) of section 307.672 of the Revised 120584
Code, and for any additional purposes determined by the county 120585
in the resolution levying the tax or amendments to the 120586
resolution, including subsequent amendments providing for paying 120587
costs of acquiring, constructing, renovating, rehabilitating, 120588
equipping, and improving a port authority educational and 120589

cultural performing arts facility, as defined in section 307.674 120590
of the Revised Code, and including debt service charges on bonds 120591
provided for in division (B) of section 307.674 of the Revised 120592
Code, the legislative authority of a county, by resolution 120593
adopted within ninety days after June 30, 1993, by a majority of 120594
the members of the legislative authority, may levy an additional 120595
excise tax not to exceed one and one-half per cent on 120596
transactions by which lodging by a hotel is or is to be 120597
furnished to transient guests. The excise tax authorized by 120598
division (O) of this section shall be in addition to any tax 120599
that is levied pursuant to divisions (A) to (N) of this section, 120600
to any excise tax levied pursuant to section 5739.08 of the 120601
Revised Code, and to any excise tax levied pursuant to section 120602
351.021 of the Revised Code. 120603

(2) The legislative authority of the county shall 120604
establish all regulations necessary to provide for the 120605
administration and allocation of the tax. The regulations may 120606
prescribe the time for payment of the tax, and may provide for 120607
the imposition of a penalty or interest, or both, for late 120608
payments, provided that the penalty does not exceed ten per cent 120609
of the amount of tax due, and the rate at which interest accrues 120610
does not exceed the rate per annum prescribed pursuant to 120611
section 5703.47 of the Revised Code. 120612

(3) All revenues arising from the tax shall be expended in 120613
accordance with section 307.672 of the Revised Code and this 120614
division. The levy of a tax imposed under this division shall 120615
not commence prior to the first day of the month next following 120616
the execution of the cooperative agreement authorized by section 120617
307.672 of the Revised Code by all parties to that agreement. 120618
The tax shall remain in effect at the rate at which it is 120619
imposed for the period of time determined by the legislative 120620

authority of the county. That period of time shall not exceed 120621
fifteen years, except that the legislative authority of a county 120622
with a population of less than two hundred fifty thousand 120623
according to the most recent federal decennial census, by 120624
resolution adopted by a majority of its members before the 120625
original tax or any extension thereof expires, may extend the 120626
duration of the tax for an additional period of time. The 120627
additional period of time by which a legislative authority 120628
extends a tax levied under division (O) of this section shall 120629
not exceed fifteen years. 120630

(P)(1) The legislative authority of a county that has 120631
levied a tax under division (O) of this section may, by 120632
resolution adopted within one hundred eighty days after January 120633
4, 2001, by a majority of the members of the legislative 120634
authority, amend the resolution levying a tax under that 120635
division to provide for the use of the proceeds of that tax, to 120636
the extent that it is no longer needed for its original purpose 120637
as determined by the parties to a cooperative agreement 120638
amendment pursuant to division (D) of section 307.672 of the 120639
Revised Code, to pay costs of acquiring, constructing, 120640
renovating, rehabilitating, equipping, and improving a port 120641
authority educational and cultural performing arts facility, 120642
including debt service charges on bonds provided for in division 120643
(B) of section 307.674 of the Revised Code, and to pay all 120644
obligations under any guaranty agreements, reimbursement 120645
agreements, or other credit enhancement agreements described in 120646
division (C) of section 307.674 of the Revised Code. 120647

(2) The resolution may also provide for the extension of 120648
the tax at the same rate for the longer of the period of time 120649
determined by the legislative authority of the county, but not 120650
to exceed an additional twenty-five years, or the period of time 120651

required to pay all debt service charges on bonds provided for 120652
in division (B) of section 307.672 of the Revised Code and on 120653
port authority revenue bonds provided for in division (B) of 120654
section 307.674 of the Revised Code. 120655

(3) All revenues arising from the amendment and extension 120656
of the tax shall be expended in accordance with section 307.674 120657
of the Revised Code and divisions (O) and (P) of this section. 120658

(Q) (1) As used in division (Q) of this section: 120659

(a) "Convention facilities authority" has the same meaning 120660
as in section 351.01 of the Revised Code. 120661

(b) "Convention center" has the same meaning as in section 120662
307.695 of the Revised Code. 120663

(2) Notwithstanding any contrary provision of division (N) 120664
of this section, the legislative authority of a county with a 120665
population of one million or more according to the most recent 120666
federal decennial census that has levied a tax under division 120667
(N) of this section may, by resolution adopted by a majority of 120668
the members of the legislative authority, provide for the 120669
extension of such levy and may provide that the proceeds of that 120670
tax, to the extent that they are no longer needed for their 120671
original purpose as defined by a cooperative agreement entered 120672
into under section 307.671 of the Revised Code, shall be 120673
deposited into the county general revenue fund. The resolution 120674
shall provide for the extension of the tax at a rate not to 120675
exceed the rate specified in division (N) of this section for a 120676
period of time determined by the legislative authority of the 120677
county, but not to exceed an additional forty years. 120678

(3) The legislative authority of a county with a 120679
population of one million or more that has levied a tax under 120680

division (A) of this section may, by resolution adopted by a 120681
majority of the members of the legislative authority, increase 120682
the rate of the tax levied by such county under division (A) of 120683
this section to a rate not to exceed five per cent on 120684
transactions by which lodging by a hotel is or is to be 120685
furnished to transient guests. Notwithstanding any contrary 120686
provision of division (A) of this section, the resolution may 120687
provide that all collections resulting from the rate levied in 120688
excess of three per cent, after deducting the real and actual 120689
costs of administering the tax, shall be deposited in the county 120690
general fund. 120691

(4) The legislative authority of a county with a 120692
population of one million or more that has levied a tax under 120693
division (A) of this section may, by resolution adopted on or 120694
before August 30, 2004, by a majority of the members of the 120695
legislative authority, provide that all or a portion of the 120696
proceeds of the tax levied under division (A) of this section, 120697
after deducting the real and actual costs of administering the 120698
tax and the amounts required to be returned to townships and 120699
municipal corporations with respect to the first three per cent 120700
levied under division (A) of this section, shall be deposited in 120701
the county general fund, provided that such proceeds shall be 120702
used to satisfy any pledges made in connection with an agreement 120703
entered into under section 307.695 of the Revised Code. 120704

(5) No amount collected from a tax levied, extended, or 120705
required to be deposited in the county general fund under 120706
division (Q) of this section shall be contributed to a 120707
convention facilities authority, corporation, or other entity 120708
created after July 1, 2003, for the principal purpose of 120709
constructing, improving, expanding, equipping, financing, or 120710
operating a convention center unless the mayor of the municipal 120711

corporation in which the convention center is to be operated by 120712
that convention facilities authority, corporation, or other 120713
entity has consented to the creation of that convention 120714
facilities authority, corporation, or entity. Notwithstanding 120715
any contrary provision of section 351.04 of the Revised Code, if 120716
a tax is levied by a county under division (Q) of this section, 120717
the board of county commissioners of that county may determine 120718
the manner of selection, the qualifications, the number, and 120719
terms of office of the members of the board of directors of any 120720
convention facilities authority, corporation, or other entity 120721
described in division (Q) (5) of this section. 120722

(6) (a) No amount collected from a tax levied, extended, or 120723
required to be deposited in the county general fund under 120724
division (Q) of this section may be used for any purpose other 120725
than paying the direct and indirect costs of constructing, 120726
improving, expanding, equipping, financing, or operating a 120727
convention center and for the real and actual costs of 120728
administering the tax, unless, prior to the adoption of the 120729
resolution of the legislative authority of the county 120730
authorizing the levy, extension, increase, or deposit, the 120731
county and the mayor of the most populous municipal corporation 120732
in that county have entered into an agreement as to the use of 120733
such amounts, provided that such agreement has been approved by 120734
a majority of the mayors of the other municipal corporations in 120735
that county. The agreement shall provide that the amounts to be 120736
used for purposes other than paying the convention center or 120737
administrative costs described in division (Q) (6) (a) of this 120738
section be used only for the direct and indirect costs of 120739
capital improvements, including the financing of capital 120740
improvements, except that the agreement may subsequently be 120741
amended by the parties that have entered into that agreement to 120742

authorize such amounts to instead be used for any costs related 120743
to the promotion or support of tourism or tourism-related 120744
programs. 120745

(b) If the county in which the tax is levied has an 120746
association of mayors and city managers, the approval of that 120747
association of an agreement described in division (Q) (6) (a) of 120748
this section shall be considered to be the approval of the 120749
majority of the mayors of the other municipal corporations for 120750
purposes of that division. 120751

(7) Each year, the auditor of state shall conduct an audit 120752
of the uses of any amounts collected from taxes levied, 120753
extended, or deposited under division (Q) of this section and 120754
shall prepare a report of the auditor of state's findings. The 120755
auditor of state shall submit the report to the legislative 120756
authority of the county that has levied, extended, or deposited 120757
the tax, the speaker of the house of representatives, the 120758
president of the senate, and the leaders of the minority parties 120759
of the house of representatives and the senate. 120760

(R) (1) As used in division (R) of this section: 120761

(a) "Convention facilities authority" has the same meaning 120762
as in section 351.01 of the Revised Code. 120763

(b) "Convention center" has the same meaning as in section 120764
307.695 of the Revised Code. 120765

(2) Notwithstanding any contrary provision of division (N) 120766
of this section, the legislative authority of a county with a 120767
population of one million two hundred thousand or more according 120768
to the most recent federal decennial census or the most recent 120769
annual population estimate published or released by the United 120770
States census bureau at the time the resolution is adopted 120771

placing the levy on the ballot, that has levied a tax under 120772
division (N) of this section may, by resolution adopted by a 120773
majority of the members of the legislative authority, provide 120774
for the extension of such levy and may provide that the proceeds 120775
of that tax, to the extent that the proceeds are no longer 120776
needed for their original purpose as defined by a cooperative 120777
agreement entered into under section 307.671 of the Revised Code 120778
and after deducting the real and actual costs of administering 120779
the tax, shall be used for paying the direct and indirect costs 120780
of constructing, improving, expanding, equipping, financing, or 120781
operating a convention center. The resolution shall provide for 120782
the extension of the tax at a rate not to exceed the rate 120783
specified in division (N) of this section for a period of time 120784
determined by the legislative authority of the county, but not 120785
to exceed an additional forty years. 120786

(3) The legislative authority of a county with a 120787
population of one million two hundred thousand or more that has 120788
levied a tax under division (A) of this section may, by 120789
resolution adopted by a majority of the members of the 120790
legislative authority, increase the rate of the tax levied by 120791
such county under division (A) of this section to a rate not to 120792
exceed five per cent on transactions by which lodging by a hotel 120793
is or is to be furnished to transient guests. Notwithstanding 120794
any contrary provision of division (A) of this section, the 120795
resolution shall provide that all collections resulting from the 120796
rate levied in excess of three per cent, after deducting the 120797
real and actual costs of administering the tax, shall be used 120798
for paying the direct and indirect costs of constructing, 120799
improving, expanding, equipping, financing, or operating a 120800
convention center. 120801

(4) The legislative authority of a county with a 120802

population of one million two hundred thousand or more that has 120803
levied a tax under division (A) of this section may, by 120804
resolution adopted on or before July 1, 2008, by a majority of 120805
the members of the legislative authority, provide that all or a 120806
portion of the proceeds of the tax levied under division (A) of 120807
this section, after deducting the real and actual costs of 120808
administering the tax and the amounts required to be returned to 120809
townships and municipal corporations with respect to the first 120810
three per cent levied under division (A) of this section, shall 120811
be used to satisfy any pledges made in connection with an 120812
agreement entered into under section 307.695 of the Revised Code 120813
or shall otherwise be used for paying the direct and indirect 120814
costs of constructing, improving, expanding, equipping, 120815
financing, or operating a convention center. 120816

(5) Any amount collected from a tax levied or extended 120817
under division (R) of this section may be contributed to a 120818
convention facilities authority created before July 1, 2005, but 120819
no amount collected from a tax levied or extended under division 120820
(R) of this section may be contributed to a convention 120821
facilities authority, corporation, or other entity created after 120822
July 1, 2005, unless the mayor of the municipal corporation in 120823
which the convention center is to be operated by that convention 120824
facilities authority, corporation, or other entity has consented 120825
to the creation of that convention facilities authority, 120826
corporation, or entity. 120827

(S) As used in division (S) of this section, "soldiers' 120828
memorial" means a memorial constructed and funded under Chapter 120829
345. of the Revised Code. 120830

The board of county commissioners of a county with a 120831
population between one hundred three thousand and one hundred 120832

seven thousand according to the most recent federal decennial 120833
census, by resolution adopted by a majority of the members of 120834
the board within six months after September 15, 2014, may levy a 120835
tax not to exceed three per cent on transactions by which a 120836
hotel is or is to be furnished to transient guests. The purpose 120837
of the tax shall be to pay the costs of expanding, maintaining, 120838
or operating a soldiers' memorial and the costs of administering 120839
the tax. All revenue arising from the tax shall be credited to 120840
one or more special funds in the county treasury and shall be 120841
spent solely for the purposes of paying those costs. 120842

The board of county commissioners shall adopt all rules 120843
necessary to provide for the administration of the tax subject 120844
to the same limitations on imposing penalty or interest under 120845
division (A) of this section. 120846

(T) As used in division (T) of this section: 120847

(1) "Eligible county" means a county in which a county 120848
agricultural society or independent agricultural society is 120849
organized under section 1711.01 or 1711.02 of the Revised Code, 120850
provided the agricultural society owns a facility or site in the 120851
county at which an annual harness horse race is conducted where 120852
one-day attendance equals at least forty thousand attendees. 120853

(2) "Permanent improvements," "debt charges," and 120854
"financing costs" have the same meanings as in section 133.01 of 120855
the Revised Code. 120856

(3) "Costs of permanent improvements" include all costs 120857
allowed in section 133.15 of the Revised Code. 120858

A board of county commissioners of an eligible county, by 120859
resolution adopted by a majority of the members of the board, 120860
may levy an excise tax at the rate of up to three per cent on 120861

transactions by which lodging by a hotel is or is to be 120862
furnished to transient guests for the purpose of paying the 120863
costs of permanent improvements at sites at which one or more 120864
agricultural societies conduct fairs or exhibits, including 120865
paying financing costs and debt charges on bonds, or notes in 120866
anticipation of bonds, paying the costs of maintaining or 120867
operating such permanent improvements, and paying the costs of 120868
administering the tax. 120869

A resolution adopted under division (T) of this section, 120870
other than a resolution that only extends the period of time for 120871
which the tax is levied, shall direct the board of elections to 120872
submit the question of the proposed lodging tax to the electors 120873
of the county at a special election held on the date specified 120874
by the board in the resolution, provided that the election 120875
occurs not less than ninety days after a certified copy of the 120876
resolution is transmitted to the board of elections. A 120877
resolution submitted to the electors under division (T) of this 120878
section shall not go into effect unless it is approved by a 120879
majority of those voting upon it. The resolution takes effect on 120880
the date the board of county commissioners receives notification 120881
from the board of elections of an affirmative vote. 120882

The tax shall remain in effect for the period specified in 120883
the resolution, not to exceed five years, and may be extended 120884
for an additional period of years that is at least the number of 120885
years required for payment of the debt charges on bonds or notes 120886
in anticipation of bonds authorized under this division but not 120887
in excess of fifteen years thereafter by a resolution adopted by 120888
a majority of the members of the board. A resolution extending 120889
the period of time for which the tax is in effect is not subject 120890
to approval of the electors of the county, but is subject to 120891
referendum under sections 305.31 to 305.99 of the Revised Code. 120892

All revenue arising from the tax shall be credited to one or 120893
more special funds in the county treasury and shall be spent 120894
solely for the purposes of paying the costs of such permanent 120895
improvements, including paying financing costs and debt charges 120896
on bonds, or notes in anticipation of bonds, and maintaining or 120897
operating the improvements. Revenue allocated for the use of a 120898
county agricultural society may be credited to the county 120899
agricultural society fund created in section 1711.16 of the 120900
Revised Code upon appropriation by the board. If revenue is 120901
credited to that fund, it shall be expended only as provided in 120902
that section. 120903

The board of county commissioners shall adopt all rules 120904
necessary to provide for the administration of the tax. The 120905
rules may prescribe the time for payment of the tax, and may 120906
provide for the imposition or penalty or interest, or both, for 120907
late payments, provided that the penalty does not exceed ten per 120908
cent of the amount of tax due, and the rate at which interest 120909
accrues does not exceed the rate per annum prescribed in section 120910
5703.47 of the Revised Code. 120911

The board of county commissioners may issue bonds, or 120912
notes in anticipation thereof, pursuant to Chapter 133. of the 120913
Revised Code, for the purpose of paying the costs of permanent 120914
improvements as authorized in this division and pledge the 120915
revenue arising from the tax for that purpose. The board of 120916
county commissioners may pledge or contribute the revenue 120917
arising from the tax levied under this division to a port 120918
authority created under Chapter 4582. of the Revised Code, and 120919
the port authority may issue bonds, or notes in anticipation 120920
thereof, pursuant to that chapter, for the purpose of paying the 120921
costs of permanent improvements as authorized in this division. 120922

(U) As used in division (U) of this section, "eligible county" means a county in which a tax is levied under division (A) of this section at a rate of three per cent and whose territory includes a part of Lake Erie the shoreline of which represents at least fifty per cent of the linear length of the county's border with other counties of this state.

The board of county commissioners of an eligible county that has entered into an agreement with a port authority in the county under section 4582.56 of the Revised Code may levy an additional lodging tax on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of financing lakeshore improvement projects constructed or financed by the port authority under that section. The resolution levying the tax shall specify the purpose of the tax, the rate of the tax, which shall not exceed two per cent, and the number of years the tax will be levied or that it will be levied for a continuing period of time. The tax shall be administered pursuant to the regulations adopted by the board under division (A) of this section, except that all the proceeds of the tax levied under this division shall be pledged to the payment of the costs, including debt charges, of lakeshore improvements undertaken by a port authority pursuant to the agreement under section 4582.56 of the Revised Code. No revenue from the tax may be used to pay the current expenses of the port authority.

A resolution levying a tax under division (U) of this section is subject to referendum under sections 305.31 to 305.41 and 305.99 of the Revised Code.

(V) (1) As used in division (V) of this section:

(a) "Tourism development district" means a district

designated by a municipal corporation under section 715.014 of 120953
the Revised Code or by a township under section 503.56 of the 120954
Revised Code. 120955

(b) "Lodging tax" means a tax levied pursuant to this 120956
section or section 5739.08 of the Revised Code. 120957

(c) "Tourism development district lodging tax proceeds" 120958
means all proceeds of a lodging tax derived from transactions by 120959
which lodging by a hotel located in a tourism development 120960
district is or is to be provided to transient guests. 120961

(d) "Eligible county" has the same meaning as in section 120962
307.678 of the Revised Code. 120963

(2) (a) Notwithstanding division (A) of this section, the 120964
board of county commissioners, board of township trustees, or 120965
legislative authority of any county, township, or municipal 120966
corporation that levies a lodging tax on September 29, 2017, and 120967
in which any part of a tourism development district is located 120968
on or after that date shall amend the ordinance or resolution 120969
levying the tax to require either of the following: 120970

(i) In the case of a tax levied by a county, that all 120971
tourism development district lodging tax proceeds from that tax 120972
be used exclusively to foster and develop tourism in the tourism 120973
development district; 120974

(ii) In the case of a tax levied by a township or 120975
municipal corporation, that all tourism development district 120976
lodging tax proceeds from that tax be used exclusively to foster 120977
and develop tourism in the tourism development district. 120978

(b) Notwithstanding division (A) of this section, any 120979
ordinance or resolution levying a lodging tax adopted on or 120980
after September 29, 2017, by a county, township, or municipal 120981

corporation in which any part of a tourism development district 120982
is located on or after that date shall require that all tourism 120983
development district lodging tax proceeds from that tax be used 120984
exclusively to foster and develop tourism in the tourism 120985
development district. 120986

(c) A county shall not use any of the proceeds described 120987
in division (V) (2) (a) (i) or (V) (2) (b) of this section unless the 120988
convention and visitors' bureau operating within the county 120989
approves the manner in which such proceeds are used to foster 120990
and develop tourism in the tourism development district. Upon 120991
obtaining such approval, the county may pay such proceeds to the 120992
bureau to use for the agreed-upon purpose. 120993

A municipal corporation or township shall not use any of 120994
the proceeds described in division (V) (2) (a) (ii) or (V) (2) (b) of 120995
this section unless the convention and visitors' bureau 120996
operating within the municipal corporation or township approves 120997
the manner in which such proceeds are used to foster and develop 120998
tourism in the tourism development district. Upon obtaining such 120999
approval, the municipal corporation or township may pay such 121000
proceeds to the bureau to use for the agreed-upon purpose. 121001

(3) (a) Notwithstanding division (A) of this section, the 121002
board of county commissioners of an eligible county that levies 121003
a lodging tax on March 23, 2018, may amend the resolution 121004
levying that tax to require that all or a portion of the 121005
proceeds of that tax otherwise required to be spent solely to 121006
make contributions to the convention and visitors' bureau 121007
operating within the county shall be used to foster and develop 121008
tourism in a tourism development district. 121009

(b) Notwithstanding division (A) of this section, the 121010
board of county commissioners of an eligible county that adopts 121011

a resolution levying a lodging tax on or after March 23, 2018, 121012
may require that all or a portion of the proceeds of that tax 121013
otherwise required to be spent solely to make contributions to 121014
the convention and visitors' bureau operating within the county 121015
pursuant to division (A) of this section shall be used to foster 121016
and develop tourism in a tourism development district. 121017

(c) A county shall not use any of the proceeds in the 121018
manner described in division (V) (3) (a) or (b) of this section 121019
unless the convention and visitors' bureau operating within the 121020
county approves the manner in which such proceeds are used to 121021
foster and develop tourism in the tourism development district. 121022
Upon obtaining such approval, the county may pay such proceeds 121023
to the bureau to use for the agreed upon purpose. 121024

(W) (1) As used in division (W) of this section: 121025

(a) "Eligible county" means a county with a population 121026
greater than three hundred thousand and less than three hundred 121027
fifty thousand that levies a tax under division (A) of this 121028
section at a rate of three per cent; 121029

(b) "Cost" and "facility" have the same meanings as in 121030
section 351.01 of the Revised Code. 121031

(2) A board of county commissioners of an eligible county, 121032
by resolution adopted by a majority of the members of the board, 121033
may levy an excise tax at the rate of up to three per cent on 121034
transactions by which lodging by a hotel is or is to be 121035
furnished to transient guests. All of the revenue from the tax 121036
shall be used to pay the costs of administering the tax or 121037
pledged and contributed to a convention facilities authority 121038
established by the board of county commissioners under Chapter 121039
351. of the Revised Code and used by the authority to pay the 121040

cost of constructing a facility in the county, including paying 121041
bonds, or notes issued in anticipation of bonds, as provided by 121042
that chapter, or paying the expenses of maintaining, operating, 121043
or promoting such a facility. No portion of the revenue arising 121044
from the tax need be returned to municipal corporations or 121045
townships as required for taxes levied under division (A) of 121046
this section. 121047

(3) A resolution adopted under division (W) of this 121048
section shall direct the board of elections to submit the 121049
question of the proposed lodging tax to the electors of the 121050
county at a special election held on the date specified by the 121051
board in the resolution, provided that the election occurs not 121052
less than ninety days after a certified copy of the resolution 121053
is transmitted to the board of elections. A resolution submitted 121054
to the electors under division (W) of this section shall not go 121055
into effect unless it is approved by a majority of those voting 121056
upon it. The resolution takes effect on the date the board of 121057
county commissioners receives notification from the board of 121058
elections of an affirmative vote. 121059

(4) Once the tax is approved by the electors of the county 121060
pursuant to division (W) (3) of this section, it shall not be 121061
subject to diminution by initiative or referendum or by law 121062
while any bonds, or notes in anticipation of bonds, issued by 121063
the authority under Chapter 351. of the Revised Code to which 121064
the revenue is pledged, remain outstanding in accordance with 121065
their terms, unless provision is made by law or by the board of 121066
county commissioners for an adequate substitute therefore that 121067
is satisfactory to the trustee if a trust agreement secures the 121068
bonds. 121069

(5) The tax authorized by division (W) of this section 121070

shall be in addition to any other tax that is levied pursuant to 121071
this section. 121072

(X) (1) As used in division (X) of this section: 121073

(a) "Convention facilities authority," "cost," and 121074
"facility" have the same meanings as in section 351.01 of the 121075
Revised Code, except that "facility" does not include a "sports 121076
facility," as that term is defined in that section, other than a 121077
facility intended to house a major league soccer team. 121078

(b) "Eligible county" means a county with a population 121079
greater than eight hundred thousand but less than one million 121080
that levies a tax under division (A) of this section. 121081

(c) "Port authority" means a port authority created under 121082
Chapter 4582. of the Revised Code. 121083

(2) A board of county commissioners or the legislative 121084
authority of an eligible county may, by resolution adopted by a 121085
majority of the members of the board or legislative authority, 121086
levy an excise tax at a rate not to exceed one per cent on 121087
transactions by which lodging by a hotel is or is to be 121088
furnished to transient guests. All revenue arising from the tax 121089
shall be used to pay the costs of administering the tax or 121090
pledged and contributed to the convention and visitors' bureau 121091
operating within the applicable eligible county, a convention 121092
facilities authority within the applicable eligible county, or a 121093
port authority and used by the convention and visitors' bureau, 121094
the convention facilities authority, or the port authority to 121095
pay the cost of acquiring, constructing, renovating, expanding, 121096
maintaining, or operating one or more facilities in the county, 121097
including paying bonds, or notes issued in anticipation of 121098
bonds, or paying the expenses of maintaining, operating, or 121099

promoting one or more facilities. No portion of the revenue 121100
arising from the tax need be returned to municipal corporations 121101
or townships as required for taxes levied under division (A) of 121102
this section. 121103

(3) The tax authorized by division (X) of this section 121104
shall be in addition to any other tax that is levied pursuant to 121105
this section. 121106

(4) Any board of county commissioners of an eligible 121107
county that, pursuant to division (D) (2) of this section, has 121108
amended a resolution levying the tax authorized by division (A) 121109
of this section may further amend the resolution to provide that 121110
all or a portion of the revenue referred to in division (D) (2) 121111
(b) of this section and division (A) of this section may be 121112
pledged and contributed to pay the costs of acquiring, 121113
constructing, renovating, expanding, maintaining, or operating 121114
one or more facilities in the county, including paying bonds, or 121115
notes issued in anticipation of bonds, or paying the expenses of 121116
maintaining, operating, or promoting one or more facilities. 121117

Sec. 5739.102. A person who is liable for a tax levied 121118
under section 5739.101 of the Revised Code shall file a return 121119
with the tax commissioner showing the person's taxable gross 121120
receipts from sales described under division (B) (1) or (2) or 121121
(C) of that section. The tax commissioner shall prescribe the 121122
form of the return, and the six- or twelve-month reporting 121123
period. The person shall file the return on or before the last 121124
day of the month following the end of the reporting period 121125
prescribed by the commissioner, and shall include with the 121126
return payment of the tax for the period. The remittance shall 121127
be made payable to the treasurer of state. 121128

Upon receipt of a return, the tax commissioner shall 121129

credit any money included with it to the resort area excise tax 121130
fund, which is hereby created. Within forty-five days after the 121131
end of each month, the commissioner shall provide for the 121132
distribution of all money paid during that month into the resort 121133
area excise tax fund to the appropriate municipal corporations 121134
and townships, after first subtracting and crediting to the 121135
general revenue fund one per cent to cover the costs of 121136
administering the excise tax. 121137

If a person liable for the tax fails to file a return or 121138
pay the tax as required under this section and the rules of the 121139
tax commissioner, the person shall pay an additional charge of 121140
the greater of fifty dollars or ten per cent of the tax due for 121141
the return period. The additional charge shall be considered 121142
revenue arising from the tax levied under section 5739.101 of 121143
the Revised Code, and may be collected by assessment in the 121144
manner provided in section 5739.13 of the Revised Code. ~~The tax-~~ 121145
~~commissioner may remit all or a portion of the charge.~~ 121146

Sec. 5739.12. (A) (1) Each person who has or is required to 121147
have a vendor's license, on or before the twenty-third day of 121148
each month, shall make and file a return for the preceding month 121149
in the form prescribed by the tax commissioner, and shall pay 121150
the tax shown on the return to be due. The return shall be filed 121151
electronically using the Ohio business gateway, as defined in 121152
section 718.01 of the Revised Code, the Ohio telefile system, or 121153
any other electronic means prescribed by the commissioner. 121154
Payment of the tax shown on the return to be due shall be made 121155
electronically in a manner approved by the commissioner. The 121156
commissioner may require a vendor that operates from multiple 121157
locations or has multiple vendor's licenses to report all tax 121158
liabilities on one consolidated return. The return shall show 121159
the amount of tax due from the vendor to the state for the 121160

period covered by the return and such other information as the 121161
commissioner deems necessary for the proper administration of 121162
this chapter. The commissioner may extend the time for making 121163
and filing returns and paying the tax, and may require that the 121164
return for the last month of any annual or semiannual period, as 121165
determined by the commissioner, be a reconciliation return 121166
detailing the vendor's sales activity for the preceding annual 121167
or semiannual period. The reconciliation return shall be filed 121168
by the last day of the month following the last month of the 121169
annual or semiannual period. ~~The commissioner may remit all or~~ 121170
~~any part of amounts or penalties that may become due under this~~ 121171
~~chapter and may adopt rules relating thereto.~~ Such return shall 121172
be filed electronically as directed by the tax commissioner, and 121173
payment of the amount of tax shown to be due thereon, after 121174
deduction of any discount provided for under this section, shall 121175
be made electronically in a manner approved by the tax 121176
commissioner. 121177

(2) Any person required to file returns and make payments 121178
electronically under division (A) (1) of this section may apply 121179
to the tax commissioner on a form prescribed by the commissioner 121180
to be excused from that requirement. For good cause shown, the 121181
commissioner may excuse the person from that requirement and may 121182
permit the person to file the returns and make the payments 121183
required by this section by nonelectronic means. 121184

(B) (1) If the return is filed and the amount of tax shown 121185
thereon to be due is paid on or before the date such return is 121186
required to be filed, the vendor shall be entitled to a discount 121187
of three-fourths of one per cent of the amount shown to be due 121188
on the return. 121189

(2) A vendor that has selected a certified service 121190

provider as its agent shall not be entitled to the discount if 121191
the certified service provider receives a monetary allowance 121192
pursuant to section 5739.06 of the Revised Code for performing 121193
the vendor's sales and use tax functions in this state. Amounts 121194
paid to the clerk of courts pursuant to section 4505.06 of the 121195
Revised Code shall be subject to the applicable discount. The 121196
discount shall be in consideration for prompt payment to the 121197
clerk of courts and for other services performed by the vendor 121198
in the collection of the tax. 121199

(C) (1) Upon application to the tax commissioner, a vendor 121200
who is required to file monthly returns may be relieved of the 121201
requirement to report and pay the actual tax due, provided that 121202
the vendor agrees to remit to the commissioner payment of not 121203
less than an amount determined by the commissioner to be the 121204
average monthly tax liability of the vendor, based upon a review 121205
of the returns or other information pertaining to such vendor 121206
for a period of not less than six months nor more than two years 121207
immediately preceding the filing of the application. Vendors who 121208
agree to the above conditions shall make and file an annual or 121209
semiannual reconciliation return, as prescribed by the 121210
commissioner. The reconciliation return shall be filed 121211
electronically as directed by the tax commissioner, and payment 121212
of the amount of tax shown to be due thereon, after deduction of 121213
any discount provided in this section, shall be made 121214
electronically in a manner approved by the commissioner. Failure 121215
of a vendor to comply with any of the above conditions may 121216
result in immediate reinstatement of the requirement of 121217
reporting and paying the actual tax liability on each monthly 121218
return, and the commissioner may at the commissioner's 121219
discretion deny the vendor the right to report and pay based 121220
upon the average monthly liability for a period not to exceed 121221

two years. The amount ascertained by the commissioner to be the
average monthly tax liability of a vendor may be adjusted, based
upon a review of the returns or other information pertaining to
the vendor for a period of not less than six months nor more
than two years preceding such adjustment.

(2) The commissioner may authorize vendors whose tax
liability is not such as to merit monthly returns, as
ascertained by the commissioner upon the basis of administrative
costs to the state, to make and file returns at less frequent
intervals. When returns are filed at less frequent intervals in
accordance with such authorization, the vendor shall be allowed
the discount provided in this section in consideration for
prompt payment with the return, provided the return is filed and
payment is made of the amount of tax shown to be due thereon, at
the time specified by the commissioner, but a vendor that has
selected a certified service provider as its agent shall not be
entitled to the discount.

(D) Any vendor who fails to file a return or to pay the
full amount of the tax shown on the return to be due in the
manner prescribed under this section and the rules of the
commissioner may, for each such return, be required to forfeit
and pay into the state treasury an additional charge not
exceeding fifty dollars or ten per cent of the tax required to
be paid for the reporting period, whichever is greater, as
revenue arising from the tax imposed by this chapter, and such
sum may be collected by assessment in the manner provided in
section 5739.13 of the Revised Code. ~~The commissioner may remit
all or a portion of the additional charge and may adopt rules
relating to the imposition and remission of the additional
charge.~~

(E) If the amount required to be collected by a vendor 121252
from consumers is in excess of the applicable percentage of the 121253
vendor's receipts from sales that are taxable under section 121254
5739.02 of the Revised Code, or in the case of sales subject to 121255
a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 121256
of the Revised Code, in excess of the percentage equal to the 121257
aggregate rate of such taxes and the tax levied by section 121258
5739.02 of the Revised Code, such excess shall be remitted along 121259
with the remittance of the amount of tax due under section 121260
5739.10 of the Revised Code. 121261

(F) The commissioner, if the commissioner deems it 121262
necessary in order to insure the payment of the tax imposed by 121263
this chapter, may require returns and payments to be made for 121264
other than monthly periods. 121265

(G) Any vendor required to file a return and pay the tax 121266
under this section whose total payment for a year equals or 121267
exceeds the amount shown in division (A) of section 5739.122 of 121268
the Revised Code is subject to the accelerated tax payment 121269
requirements in divisions (B) and (C) of that section. For a 121270
vendor that operates from multiple locations or has multiple 121271
vendor's licenses, in determining whether the vendor's total 121272
payment equals or exceeds the amount shown in division (A) of 121273
that section, the vendor's total payment amount shall be the 121274
amount of the vendor's total tax liability for the previous 121275
calendar year for all of the vendor's locations or licenses. 121276

Sec. 5739.122. (A) If the total amount of tax required to 121277
be paid by a vendor under section 5739.12 of the Revised Code 121278
for any calendar year equals or exceeds seventy-five thousand 121279
dollars, the vendor shall remit each monthly tax payment in the 121280
second ensuing and each succeeding tax year on an accelerated 121281

basis as prescribed by divisions (B) and (C) of this section. 121282

If a vendor's tax payment for each of two consecutive 121283
years is less than seventy-five thousand dollars, the vendor is 121284
relieved of the requirement to remit taxes in the manner 121285
prescribed by this section for the year that next follows the 121286
second of the consecutive years in which the tax payment is less 121287
than that amount, and is relieved of that requirement for each 121288
succeeding year, unless the tax payment in a subsequent year 121289
equals or exceeds seventy-five thousand dollars. 121290

The tax commissioner shall notify each vendor required to 121291
make accelerated tax payments of the vendor's obligation to do 121292
so and shall maintain an updated list of those vendors. Failure 121293
by the tax commissioner to notify a vendor subject to this 121294
section to remit taxes on an accelerated basis does not relieve 121295
the vendor of its obligation to remit taxes as provided under 121296
division (B) of this section. 121297

(B) Vendors required by division (A) of this section to 121298
make accelerated tax payments shall electronically remit such 121299
payments to the tax commissioner in a manner approved by the 121300
commissioner, as follows: 121301

(1) On or before the twenty-third day of each month, a 121302
vendor shall remit an amount equal to seventy-five per cent of 121303
the anticipated tax liability for that month. 121304

(2) On or before the twenty-third day of each month, a 121305
vendor shall report the taxes collected for the previous month 121306
and shall remit that amount, less any amounts paid for that 121307
month as required by division (B) (1) of this section. 121308

The payment of taxes on an accelerated basis under this 121309
section does not affect a vendor's obligation to file returns 121310

and pay the tax shown on the returns to be due as required under 121311
section 5739.12 of the Revised Code. 121312

(C) A vendor required by this section to remit taxes on an 121313
accelerated basis may apply to the tax commissioner, in the 121314
manner prescribed by the commissioner, to be excused from that 121315
requirement. The commissioner may excuse the vendor from 121316
remittance on an accelerated basis for good cause shown for the 121317
period of time requested by the vendor or for a portion of that 121318
period. 121319

(D) (1) (a) If a vendor that is required to remit payments 121320
under division (B) of this section fails to make a payment 121321
required under division (B) (1) of this section, or makes a 121322
payment under division (B) (1) of this section that is less than 121323
seventy-five per cent of the actual liability for that month, 121324
the commissioner may impose an additional charge not to exceed 121325
five per cent of that unpaid amount. 121326

(b) Division (D) (1) (a) of this section does not apply if 121327
the vendor's payment under division (B) (1) of this section is 121328
equal to or greater than seventy-five per cent of the vendor's 121329
reported liability for the same month in the immediately 121330
preceding calendar year. 121331

(2) Any additional charge imposed under division (D) (1) 121332
of this section is in addition to any other penalty or charge 121333
imposed under this chapter, and shall be considered as revenue 121334
arising from taxes imposed under this chapter. An additional 121335
charge may be collected by assessment in the manner prescribed 121336
by section 5739.13 of the Revised Code. ~~The tax commissioner may~~ 121337
~~waive all or a portion of such a charge and may adopt rules~~ 121338
~~governing such waiver.~~ 121339

Sec. 5739.124. (A) If required by the tax commissioner, a 121340
permit holder required to make payments under section 5739.032 121341
of the Revised Code shall file all returns and reports 121342
electronically. The commissioner may require the permit holder 121343
to use the Ohio business gateway, as defined in section 718.01 121344
of the Revised Code, or any other electronic means approved by 121345
the commissioner, to file the returns and reports, or to remit 121346
the tax, in lieu of the manner prescribed under section 5739.032 121347
of the Revised Code. 121348

(B) A person required under this section to file reports 121349
and returns electronically may apply to the tax commissioner to 121350
be excused from that requirement. Applications shall be made on 121351
a form prescribed by the commissioner. The commissioner may 121352
approve the application for good cause. 121353

(C) (1) If a person required to file a report or return 121354
electronically under this section fails to do so, the tax 121355
commissioner may impose an additional charge not to exceed the 121356
following: 121357

(a) For each of the first two failures, five per cent of 121358
the amount required to be reported on the report or return; 121359

(b) For the third and any subsequent failure, ten per cent 121360
of the amount required to be reported on the report or return. 121361

(2) The charges authorized under division (C) (1) of this 121362
section are in addition to any other charge or penalty 121363
authorized under this chapter, and shall be considered as 121364
revenue arising from taxes imposed under this chapter. An 121365
additional charge may be collected by assessment in the manner 121366
prescribed by section 5739.13 of the Revised Code. ~~The~~ 121367
~~commissioner may waive all or a portion of such a charge and may~~ 121368

~~adopt rules governing such waiver.~~

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Sec. 5739.13. (A) If any vendor collects the tax imposed
by or pursuant to section 5739.02, 5739.021, 5739.023, or
5739.026 of the Revised Code, and fails to remit the tax to the
state as prescribed, or on the sale of a motor vehicle,
watercraft, or outboard motor required to be titled, fails to
remit payment to a clerk of a court of common pleas as provided
in section 1548.06 or 4505.06 of the Revised Code, the vendor
shall be personally liable for any tax collected and not
remitted. The tax commissioner may make an assessment against
such vendor based upon any information in the commissioner's
possession.

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If any vendor fails to collect the tax or any consumer
fails to pay the tax imposed by or pursuant to section 5739.02,
5739.021, 5739.023, or 5739.026 of the Revised Code, on any
transaction subject to the tax, the vendor or consumer shall be
personally liable for the amount of the tax applicable to the
transaction. The commissioner may make an assessment against
either the vendor or consumer, as the facts may require, based
upon any information in the commissioner's possession.

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An assessment against a vendor when the tax imposed by or
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of
the Revised Code has not been collected or paid, shall not
discharge the purchaser's or consumer's liability to reimburse
the vendor for the tax applicable to such transaction.

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An assessment issued against either, pursuant to this
section, shall not be considered an election of remedies, nor a
bar to an assessment against the other for the tax applicable to
the same transaction, provided that no assessment shall be
issued against any person for the tax due on a particular

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transaction if the tax on that transaction actually has been 121399
paid by another. 121400

The commissioner may make an assessment against any vendor 121401
who fails to file a return or remit the proper amount of tax 121402
required by this chapter, or against any consumer who fails to 121403
pay the proper amount of tax required by this chapter. When 121404
information in the possession of the commissioner indicates that 121405
the amount required to be collected or paid under this chapter 121406
is greater than the amount remitted by the vendor or paid by the 121407
consumer, the commissioner may audit a sample of the vendor's 121408
sales or the consumer's purchases for a representative period, 121409
to ascertain the per cent of exempt or taxable transactions or 121410
the effective tax rate and may issue an assessment based on the 121411
audit. The commissioner shall make a good faith effort to reach 121412
agreement with the vendor or consumer in selecting a 121413
representative sample. 121414

The commissioner may make an assessment, based on any 121415
information in the commissioner's possession, against any person 121416
who fails to file a return or remit the proper amount of tax 121417
required by section 5739.102 of the Revised Code. 121418

The commissioner may issue an assessment on any 121419
transaction for which any tax imposed under this chapter or 121420
Chapter 5741. of the Revised Code was due and unpaid on the date 121421
the vendor or consumer was informed by an agent of the tax 121422
commissioner of an investigation or audit. If the vendor or 121423
consumer remits any payment of the tax for the period covered by 121424
the assessment after the vendor or consumer was informed of the 121425
investigation or audit, the payment shall be credited against 121426
the amount of the assessment. 121427

The commissioner shall give the party assessed written 121428

notice of the assessment in the manner provided in section 121429
5703.37 of the Revised Code. With the notice, the commissioner 121430
shall provide instructions on how to petition for reassessment 121431
and request a hearing on the petition. 121432

(B) Unless the party assessed files with the commissioner 121433
within sixty days after service of the notice of assessment, ~~—~~ 121434
~~either personally or by certified mail,~~ a written petition for 121435
reassessment, signed by the party assessed or that party's 121436
authorized agent having knowledge of the facts, the assessment 121437
becomes final and the amount of the assessment is due from the 121438
party assessed and payable to the treasurer of state and 121439
remitted to the tax commissioner. The petition shall indicate 121440
the objections of the party assessed, but additional objections 121441
may be raised in writing if received by the commissioner prior 121442
to the date shown on the final determination. If the petition 121443
has been properly filed, the commissioner shall proceed under 121444
section 5703.60 of the Revised Code. 121445

(C) After an assessment becomes final, if any portion of 121446
the assessment remains unpaid, including accrued interest, a 121447
certified copy of the commissioner's entry making the assessment 121448
final may be filed in the office of the clerk of the court of 121449
common pleas in the county in which the place of business of the 121450
party assessed is located or the county in which the party 121451
assessed resides. If the party assessed maintains no place of 121452
business in this state and is not a resident of this state, the 121453
certified copy of the entry may be filed in the office of the 121454
clerk of the court of common pleas of Franklin county. 121455

Immediately upon the filing of the entry, the clerk shall 121456
enter a judgment for the state against the party assessed in the 121457
amount shown on the entry. The judgment may be filed by the 121458

clerk in a loose-leaf book entitled "special judgments for 121459
state, county, and transit authority retail sales tax" or, if 121460
appropriate, "special judgments for resort area excise tax," and 121461
shall have the same effect as other judgments. Execution shall 121462
issue upon the judgment upon the request of the tax 121463
commissioner, and all laws applicable to sales on execution 121464
shall apply to sales made under the judgment except as otherwise 121465
provided in this chapter. 121466

If the assessment is not paid in its entirety within sixty 121467
days after the date the assessment was issued, the portion of 121468
the assessment consisting of tax due shall bear interest at the 121469
rate per annum prescribed by section 5703.47 of the Revised Code 121470
from the day the tax commissioner issues the assessment until 121471
the assessment is paid or until it is certified to the attorney 121472
general for collection under section 131.02 of the Revised Code, 121473
whichever comes first. If the unpaid portion of the assessment 121474
is certified to the attorney general for collection, the entire 121475
unpaid portion of the assessment shall bear interest at the rate 121476
per annum prescribed by section 5703.47 of the Revised Code from 121477
the date of certification until the date it is paid in its 121478
entirety. Interest shall be paid in the same manner as the tax 121479
and may be collected by issuing an assessment under this 121480
section. 121481

(D) All money collected by the tax commissioner under this 121482
section shall be paid to the treasurer of state, and when paid 121483
shall be considered as revenue arising from the taxes imposed by 121484
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 121485

Sec. 5739.132. (A) If a tax, fee, or charge due under this 121486
chapter or Chapter 128. or 5741. of the Revised Code is not paid 121487
on or before the day the payment is required to be paid, 121488

interest shall accrue on the unpaid tax, fee, or charge at the 121489
rate per annum prescribed by section 5703.47 of the Revised Code 121490
from the day the tax, fee, or charge was required to be paid 121491
until the tax, fee, or charge is paid or until the day an 121492
assessment is issued under section 5739.13 or 5739.15 of the 121493
Revised Code, whichever occurs first. Interest shall be paid in 121494
the same manner as the tax, fee, or charge, and may be collected 121495
by assessment. 121496

~~(B) Interest~~ (B) (1) Except as provided in division (B) (2) 121497
of this section, interest shall be allowed and paid on any 121498
refund granted pursuant to section 128.47, 5739.07, or 5741.10 121499
of the Revised Code from the date of the overpayment. The 121500
interest shall be computed at the rate per annum prescribed by 121501
section 5703.47 of the Revised Code. 121502

(2) No interest shall be allowed or paid on a refund of a 121503
tax levied pursuant to section 5739.021, 5739.026, 5741.021, or 121504
5741.023 of the Revised Code. 121505

Sec. 5739.133. (A) A penalty may be added to every amount 121506
assessed under section 5739.13 or 5739.15 of the Revised Code as 121507
follows: 121508

(1) In the case of an assessment against a person who 121509
fails to collect and remit the tax required by this chapter or 121510
Chapter 5741. of the Revised Code, up to fifty per cent of the 121511
amount assessed; 121512

(2) In the case of a person whom the tax commissioner 121513
believes has collected the tax but failed to remit it to the 121514
state as required by this chapter or Chapter 5741. of the 121515
Revised Code, up to fifty per cent of the amount assessed; 121516

(3) In the case of all other assessments, up to fifteen 121517

per cent of the amount assessed. 121518

No amount assessed under section 5739.13 or 5739.15 of the 121519
Revised Code shall be subject to a penalty under this section in 121520
excess of fifty per cent of the amount assessed. 121521

(B) All assessments issued under section 5739.13 and 121522
5739.15 of the Revised Code shall include preassessment interest 121523
computed at the rate per annum prescribed by section 5703.47 of 121524
the Revised Code. Beginning January 1, 1988, preassessment 121525
interest shall begin to accrue on the first day of January of 121526
the year following the date on which the person assessed was 121527
required to report and pay the tax under this chapter or Chapter 121528
5741. of the Revised Code, and shall run until the date of the 121529
notice of assessment. If an assessment is issued within the 121530
first twelve months after the interest begins to accrue, no 121531
preassessment interest shall be assessed. With respect to taxes 121532
required to be paid under this chapter or Chapter 5741. of the 121533
Revised Code on or after January 1, 1998, interest shall accrue 121534
as prescribed in division (A) of section 5739.132 of the Revised 121535
Code. 121536

~~(C) The commissioner may adopt rules providing for the 121537~~
~~imposition and remission of any penalty provided for under this 121538~~
~~section. 121539~~

Sec. 5739.31. (A) (1) No person shall engage in the 121540
business of selling at retail or sell at retail incidental to 121541
any other regularly conducted business without having a license 121542
therefor, as required by sections 5739.01 to 5739.31 of the 121543
Revised Code. 121544

(2) No person shall engage in the business of selling at 121545
retail as a transient vendor, as defined in section 5739.17 of 121546

the Revised Code, without first having obtained a license as 121547
required by that section. 121548

(B) No person shall continue to engage in the business of 121549
selling at retail or sell at retail incidental to any other 121550
regularly conducted business after the license issued to that 121551
person pursuant to section 5739.17 of the Revised Code has been 121552
suspended by the tax commissioner under division (B) (2) of 121553
section 5739.30 of the Revised Code, nor shall any person obtain 121554
a new license from ~~the~~ any county auditor or the tax 121555
commissioner while such suspension is in effect. If a 121556
corporation's license has been suspended, none of its officers, 121557
or employees having control or supervision of or charged with 121558
the responsibility of filing returns and making payments of tax 121559
due, shall obtain a license from ~~the~~ any county auditor or the 121560
tax commissioner during the period of such suspension. The tax 121561
commissioner may cancel any licenses granted while the 121562
suspension is in effect. 121563

Sec. 5741.121. (A) If the total amount of tax required to 121564
be paid by a seller or consumer under section 5741.12 of the 121565
Revised Code for any year equals or exceeds seventy-five 121566
thousand dollars, the seller or consumer shall remit each 121567
monthly tax payment in the second ensuing and each succeeding 121568
year on an accelerated basis as prescribed by division (B) of 121569
this section. 121570

If a seller's or consumer's tax payment for each of two 121571
consecutive years is less than seventy-five thousand dollars, 121572
the seller or consumer is relieved of the requirement to remit 121573
taxes on an accelerated basis for the year that next follows 121574
the second of the consecutive years in which the tax payment is 121575
less than that amount, and is relieved of that requirement for 121576

each succeeding year, unless the tax payment in a subsequent 121577
year equals or exceeds seventy-five thousand dollars. 121578

The tax commissioner shall notify each seller or consumer 121579
required to make accelerated tax payments of the seller's or 121580
consumer's obligation to do so and shall maintain an updated 121581
list of those sellers and consumers. Failure by the tax 121582
commissioner to notify a seller or consumer subject to this 121583
section to remit taxes on an accelerated basis does not relieve 121584
the seller or consumer of the obligation to remit taxes as 121585
provided under division (B) of this section. 121586

(B) Sellers and consumers required by division (A) of this 121587
section to make accelerated tax payments shall electronically 121588
remit such payments to the tax commissioner, in a manner 121589
approved by the commissioner, as follows: 121590

(1) On or before the twenty-third day of each month, a 121591
seller or consumer shall remit an amount equal to seventy-five 121592
per cent of the anticipated tax liability for that month. 121593

(2) On or before the twenty-third day of each month, a 121594
seller shall report the taxes collected and a consumer shall 121595
report the taxes due for the previous month and shall remit that 121596
amount, less any amounts paid for that month as required by 121597
division (B) (1) of this section. 121598

The payment of taxes on an accelerated basis under this 121599
section does not affect a seller's or consumer's obligation to 121600
file returns and pay the tax shown on the returns to be due as 121601
required under section 5741.12 of the Revised Code. 121602

(C) A seller or consumer required by this section to remit 121603
taxes on an accelerated basis may apply to the tax commissioner 121604
in the manner prescribed by the commissioner to be excused from 121605

that requirement. The commissioner may excuse the seller or 121606
consumer from remittance on an accelerated basis for good cause 121607
shown for the period of time requested by the seller or consumer 121608
or for a portion of that period. 121609

(D) (1) (a) If a seller or consumer that is required to 121610
remit payments under division (B) of this section fails to make 121611
a payment required under division (B) (1) of this section, or 121612
makes a payment under division (B) (1) of this section that is 121613
less than seventy-five per cent of the actual liability for that 121614
month, the commissioner may impose an additional charge not to 121615
exceed five per cent of that unpaid amount. 121616

(b) Division (D) (1) (a) of this section does not apply if 121617
the seller's or consumer's payment under division (B) (1) of this 121618
section is equal to or greater than seventy-five per cent of the 121619
seller's or consumer's reported liability for the same month in 121620
the immediately preceding calendar year. 121621

(2) Any additional charge imposed under division (D) (1) 121622
of this section is in addition to any other penalty or charge 121623
imposed under this chapter, and shall be considered as revenue 121624
arising from taxes imposed under this chapter. An additional 121625
charge may be collected by assessment in the manner prescribed 121626
by section 5741.13 of the Revised Code. ~~The tax commissioner may~~ 121627
~~waive all or a portion of such a charge and may adopt rules~~ 121628
~~governing such waiver.~~ 121629

Sec. 5741.122. (A) If required by the tax commissioner, a 121630
person required to make payments under section 5741.121 of the 121631
Revised Code shall file all returns and reports electronically. 121632
The commissioner may require the person to use the Ohio business 121633
gateway, as defined in section 718.01 of the Revised Code, or 121634
any other electronic means approved by the commissioner, to file 121635

the returns and reports, or to remit the tax, in lieu of the 121636
manner prescribed under section 5741.121 of the Revised Code. 121637

(B) A person required under this section to file reports 121638
and returns electronically may apply to the tax commissioner to 121639
be excused from that requirement. Applications shall be made on 121640
a form prescribed by the commissioner. The commissioner may 121641
approve the application for good cause. 121642

(C) (1) If a person required to file a report or return 121643
electronically under this section fails to do so, the tax 121644
commissioner may impose an additional charge not to exceed the 121645
following: 121646

(a) For each of the first two failures, five per cent of 121647
the amount required to be reported on the report or return; 121648

(b) For the third and any subsequent failure, ten per cent 121649
of the amount required to be reported on the report or return. 121650

(2) The charges authorized under division (C) (1) of this 121651
section are in addition to any other charge or penalty 121652
authorized under this chapter, and shall be considered as 121653
revenue arising from taxes imposed under this chapter. An 121654
additional charge may be collected by assessment in the manner 121655
prescribed by section 5741.13 of the Revised Code. ~~The-~~ 121656
~~commissioner may waive all or a portion of such a charge and may~~ 121657
~~adopt rules governing such waiver.~~ 121658

Sec. 5743.021. (A) As used in this section, "qualifying 121659
regional arts and cultural district" means a regional arts and 121660
cultural district created under section 3381.04 of the Revised 121661
Code in a county ~~having a population of one million two hundred-~~ 121662
~~thousand or more according to the 2000 federal decennial-~~ 121663
~~census~~ that has adopted a charter under Ohio Constitution, 121664

Article X, Section 3.

(B) For one or more of the purposes for which a tax may be levied under section 3381.16 of the Revised Code and for the purposes of paying the expenses of administering the tax and the expenses charged by a board of elections to hold an election on a question submitted under this section, the board of county commissioners of a county that has within its territorial boundaries a qualifying regional arts and cultural district may levy a tax on the sale of cigarettes sold for resale at retail in the county composing the district computed on each cigarette sold. The rate of the tax, when added to the rate of any other tax concurrently levied by the board under this section, shall equal one of the following:

(1) If the tax begins to apply before May 1, 2023, up to fifteen mills per cigarette;

(2) If the tax begins to apply on or after ~~the first day of the first month after the effective date of this amendment~~May 1, 2023, the rate, in mills per cigarette, specified in the resolution levying the tax.

Only one sale of the same article shall be used in computing the amount of tax due. The tax may be levied for any number of years not exceeding ten years.

The tax shall be levied pursuant to a resolution of the board of county commissioners approved by a majority of the electors in the county voting on the question of levying the tax. The resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. The election may be held on the date of a general, primary, or special election held not sooner than

ninety days after the date the board certifies its resolution to 121694
the board of elections. If approved by the electors, the tax 121695
shall take effect on the first day of the month specified in the 121696
resolution but not sooner than the first day of the month that 121697
is at least sixty days after the certification of the election 121698
results by the board of elections. A copy of the resolution 121699
levying the tax shall be certified to the tax commissioner at 121700
least sixty days prior to the date on which the tax is to become 121701
effective. 121702

A board of county commissioners may adopt a resolution 121703
under this division proposing to replace a tax levied under 121704
division (B) (1) of this section with a tax levied under division 121705
(B) (2) of this section. Such a resolution shall state, in 121706
addition to other information required under this division, that 121707
the existing levy or levies terminate upon the passage of the 121708
replacement levy. The failure of the electors to approve a 121709
replacement levy does not terminate the existing levy or levies. 121710

(C) (1) The form of the ballot in an election held to 121711
propose a tax under division (B) (1) of this section shall be as 121712
follows, or in any other form acceptable to the secretary of 121713
state: 121714

"For the purpose of _____ (insert the purpose or 121715
purposes of the tax), shall an excise tax be levied throughout 121716
_____ County for the benefit of the _____ (name of 121717
the qualifying regional arts and cultural district) on the sale 121718
of cigarettes at wholesale at the rate of ____ mills per 121719
cigarette for ____ years? 121720

121721

	For the tax
--	-------------

	Against the tax	"
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(2) The form of the ballot in an election held to propose
a tax under division (B) (2) of this section shall be as follows,
or in any other form acceptable to the secretary of state:

"For the purpose of _____ (insert the purpose or
purposes of the tax), shall an excise tax be levied throughout
_____ County for the benefit of the _____ (name of
the qualifying regional arts and cultural district) on the sale
of cigarettes at wholesale at the rate of ____ mills per
cigarette for ____ years?

	For the tax	"
	Against the tax	

" 121732

If the resolution of the board of county commissioners
provides that an existing levy or levies will be terminated upon
the passage of a replacement levy, the ballot must, for each
levy that will be terminated, include a statement that: "An
existing tax of ____ mills (stating the millage of the existing
tax) per cigarette, having ____ years remaining, will be
terminated and replaced upon the passage of this tax."

(D) All money arising from taxes levied on behalf of each
district under this section and section 5743.321 of the Revised
Code shall be credited as follows:

(1) To the tax refund fund created by section 5703.052 of
the Revised Code, amounts equal to the refunds from each tax
levied under this section and section 5743.321 of the Revised

Code and certified by the tax commissioner pursuant to section 121746
5743.05 of the Revised Code; 121747

(2) Following the crediting of amounts pursuant to 121748
division (D)(1) of this section: 121749

(a) To the permissive tax distribution fund created under 121750
section 4301.423 of the Revised Code, an amount equal to ninety- 121751
eight per cent of the remainder collected; 121752

(b) To the local excise tax administrative fund, which is 121753
hereby created in the state treasury, an amount equal to two per 121754
cent of such remainder, for use by the tax commissioner in 121755
defraying costs incurred in administering the tax. 121756

On or before the tenth day of each month, the tax 121757
commissioner shall distribute the amount credited to the 121758
permissive tax distribution fund during the preceding month by 121759
providing for payment of the appropriate amount to the county 121760
treasurer of the county in which the tax is levied. 121761

(E) No tax shall be levied under divisions (B)(1) and (2) 121762
of this section during the same month. 121763

Sec. 5743.051. This section applies to any wholesale or 121764
retail cigarette dealer required by section 5743.05 of the 121765
Revised Code to remit payment for tax stamps electronically. The 121766
tax commissioner shall notify each dealer of the dealer's 121767
obligation to do so and shall maintain an updated list of those 121768
dealers. Failure by the commissioner to notify a dealer subject 121769
to this section to remit taxes electronically does not relieve 121770
the dealer of its obligation to remit taxes in that manner. 121771

A dealer required to remit payments electronically shall 121772
remit such payments to the commissioner in the manner approved 121773
by the commissioner and within the time prescribed for such a 121774

dealer by section 5743.05 of the Revised Code. 121775

A dealer required to remit taxes electronically may apply 121776
to the commissioner in the manner prescribed by the commissioner 121777
to be excused from that requirement. The commissioner may excuse 121778
the dealer from electronic remittance for good cause shown for 121779
the period of time requested by the dealer or for a portion of 121780
that period. 121781

If a dealer required to remit taxes electronically remits 121782
those taxes by some other means, and the commissioner determines 121783
that such failure was not due to reasonable cause or was due to 121784
willful neglect, the commissioner may collect an additional 121785
charge by assessment in the manner prescribed by section 121786
5743.081 of the Revised Code. The additional charge shall equal 121787
five per cent of the amount of the taxes required to be paid 121788
electronically but shall not exceed five thousand dollars. Any 121789
additional charge assessed under this section is in addition to 121790
any other penalty or charge imposed under this chapter and shall 121791
be considered as revenue arising from taxes imposed under this 121792
chapter. ~~The commissioner may abate all or a portion of such a~~ 121793
~~charge and may adopt rules governing such remissions.~~ 121794

No additional charge shall be assessed under this section 121795
against a dealer that has been notified of its obligation to 121796
remit taxes electronically under this section and that remits 121797
its first two tax payments after such notification by some other 121798
means. The additional charge may be assessed upon the remittance 121799
of any subsequent tax payment that the dealer remits by some 121800
means other than electronically. 121801

Sec. 5743.081. (A) If any wholesale dealer or retail 121802
dealer fails to pay the tax levied under section 5743.02, 121803
5743.021, 5743.024, or 5743.026 of the Revised Code as required 121804

by sections 5743.01 to 5743.20 of the Revised Code, and by the 121805
rules of the tax commissioner, or fails to collect the tax from 121806
the purchaser or consumer, the commissioner may make an 121807
assessment against the wholesale or retail dealer based upon any 121808
information in the commissioner's possession. 121809

The commissioner may make an assessment against any 121810
wholesale or retail dealer who fails to file a return required 121811
by section 5743.03 or 5743.025 of the Revised Code. 121812

No assessment shall be made against any wholesale or 121813
retail dealer for any taxes imposed under section 5743.02, 121814
5743.021, 5743.024, or 5743.026 of the Revised Code more than 121815
three years after the last day of the calendar month that 121816
immediately follows the monthly period prescribed in section 121817
5743.03 of the Revised Code in which the sale was made, or more 121818
than three years after the return for the month in which the 121819
sale was made is filed, whichever is later. This section does 121820
not bar an assessment against any wholesale or retail dealer who 121821
fails to file a return as required by section 5743.025 or 121822
5743.03 of the Revised Code, or who files a fraudulent return. 121823

A penalty of up to thirty per cent may be added to the 121824
amount of every assessment made under this section. ~~The-~~ 121825
~~commissioner may adopt rules providing for the imposition and-~~ 121826
~~remission of penalties added to assessments made under this-~~ 121827
~~section.~~ 121828

The commissioner shall give the party assessed written 121829
notice of the assessment in the manner provided in section 121830
5703.37 of the Revised Code. The notice shall specify separately 121831
any portion of the assessment that represents a county tax. With 121832
the notice, the commissioner shall provide instructions on how 121833
to petition for reassessment and request a hearing on the 121834

petition. 121835

(B) Unless the party assessed files with the tax 121836
commissioner within sixty days after service of the notice of 121837
assessment, ~~either personally or by certified mail,~~ a written 121838
petition for reassessment signed by the party assessed or that 121839
party's authorized agent having knowledge of the facts, the 121840
assessment becomes final and the amount of the assessment is due 121841
and payable from the party assessed to the treasurer of state. 121842
The petition shall indicate the objections of the party 121843
assessed, but additional objections may be raised in writing if 121844
received by the commissioner prior to the date shown on the 121845
final determination. If the petition has been properly filed, 121846
the commissioner shall proceed under section 5703.60 of the 121847
Revised Code. 121848

(C) After an assessment becomes final, if any portion of 121849
the assessment remains unpaid, including accrued interest, a 121850
certified copy of the tax commissioner's entry making the 121851
assessment final may be filed in the office of the clerk of the 121852
court of common pleas in the county in which the wholesale or 121853
retail dealer's place of business is located or the county in 121854
which the party assessed resides. If the party assessed 121855
maintains no place of business in this state and is not a 121856
resident of this state, the certified copy of the entry may be 121857
filed in the office of the clerk of the court of common pleas of 121858
Franklin county. 121859

Immediately upon the filing of the commissioner's entry, 121860
the clerk shall enter a judgment for the state against the party 121861
assessed in the amount shown on the entry. The judgment may be 121862
filed by the clerk in a loose-leaf book entitled "special 121863
judgments for state cigarette sales tax," and shall have the 121864

same effect as other judgments. Execution shall issue upon the 121865
judgment upon the request of the tax commissioner, and all laws 121866
applicable to sales on execution shall apply to sales made under 121867
the judgment, except as otherwise provided in sections 5743.01 121868
to 5743.20 of the Revised Code. 121869

If the assessment is not paid in its entirety within sixty 121870
days after the assessment was issued, the portion of the 121871
assessment consisting of tax due shall bear interest at the rate 121872
per annum prescribed by section 5703.47 of the Revised Code from 121873
the day the commissioner issues the assessment until it is paid 121874
or until it is certified to the attorney general for collection 121875
under section 131.02 of the Revised Code, whichever comes first. 121876
If the unpaid portion of the assessment is certified to the 121877
attorney general for collection, the entire unpaid portion of 121878
the assessment shall bear interest at the rate per annum 121879
prescribed by section 5703.47 of the Revised Code from the date 121880
of certification until the date it is paid in its entirety. 121881
Interest shall be paid in the same manner as the tax and may be 121882
collected by the issuance of an assessment under this section. 121883

(D) All money collected by the tax commissioner under this 121884
section shall be paid to the treasurer of state, and when paid 121885
shall be considered as revenue arising from the taxes imposed by 121886
sections 5743.01 to 5743.20 of the Revised Code. 121887

Sec. 5743.082. (A) If the tax commissioner finds that a 121888
wholesale dealer or retail dealer, liable for tax under sections 121889
5743.01 to 5743.20 of the Revised Code, is about to depart from 121890
the state, remove the wholesale or retail dealer's property from 121891
the state, conceal the wholesale or retail dealer's person or 121892
property, or do any other act tending to prejudice, obstruct, or 121893
render wholly or partly ineffectual proceedings to collect the 121894

tax, unless the proceedings are commenced without delay, or if 121895
the commissioner believes that the collection of the amount due 121896
from any wholesale dealer or retail dealer will be jeopardized 121897
by delay, the commissioner may issue a jeopardy assessment 121898
against the wholesale or retail dealer for the amount of the 121899
tax, plus a penalty of up to thirty per cent. Upon issuance of a 121900
jeopardy assessment under this division, the total amount 121901
assessed shall immediately be due and payable unless security is 121902
provided pursuant to division (C) of this section. Any 121903
assessment issued under this section shall bear interest as 121904
prescribed by section 5743.081 of the Revised Code. 121905

(B) The commissioner immediately shall file an entry with 121906
the clerk of the court of common pleas in the same manner and 121907
with the same effect as provided in section 5743.081 of the 121908
Revised Code. Notice of the jeopardy assessment shall be served 121909
on the dealer assessed or the dealer's legal representative, as 121910
provided in section 5703.37 of the Revised Code, within five 121911
days of the filing of the entry. The dealer assessed may 121912
petition for reassessment within sixty days of receipt of the 121913
notice of jeopardy assessment in the same manner as provided in 121914
section 5743.081 of the Revised Code. Full or partial payment of 121915
the assessment shall not prejudice the commissioner's 121916
consideration of the merits of the assessment as contested by 121917
the petition for reassessment. Upon notification of the 121918
existence of the judgment filed pursuant to this division, any 121919
public official having control or custody of any funds or 121920
property of the person assessed immediately shall pay or deliver 121921
the funds or property to the commissioner as full or partial 121922
satisfaction of the jeopardy assessment. However, funds or 121923
property needed as evidence in criminal proceedings or that is 121924
expected to be forfeited pursuant to Chapter 2981. of the 121925

Revised Code, need not be relinquished by the public official. 121926
Upon disposition of criminal and forfeiture proceedings, funds 121927
and property not needed as evidence and not forfeited shall be 121928
delivered to the commissioner. 121929

(C) If the dealer subject to a jeopardy assessment files a 121930
petition for reassessment and posts security satisfactory to the 121931
commissioner in an amount sufficient to satisfy the unpaid 121932
balance of the assessment, execution on the judgment shall be 121933
stayed pending disposition of the petition for reassessment and 121934
all appeals resulting from the petition. If the security is 121935
sufficient to satisfy the full amount of the assessment, the 121936
commissioner shall return any funds or property of the dealer 121937
that previously were seized. Upon satisfaction of the assessment 121938
the commissioner shall order the security released and the 121939
judgment vacated. 121940

~~(D) The commissioner may adopt rules providing for the 121941~~
~~imposition and remission of penalties imposed under this 121942~~
~~section. 121943~~

Sec. 5743.51. (A) To provide revenue for the general 121944
revenue fund of the state, an excise tax on tobacco products and 121945
vapor products is hereby levied at one of the following rates: 121946

(1) For tobacco products other than little cigars or 121947
premium cigars, seventeen per cent of the wholesale price of the 121948
tobacco product received by a distributor or sold by a 121949
manufacturer to a retail dealer located in this state. 121950

(2) Thirty-seven per cent of the wholesale price of little 121951
cigars received by a distributor or sold by a manufacturer to a 121952
retail dealer located in this state. 121953

(3) For premium cigars received by a distributor or sold 121954

by a manufacturer to a retail dealer located in this state, the 121955
lesser of seventeen per cent of the wholesale price of such 121956
premium cigars or the maximum tax amount per each such premium 121957
cigar. 121958

(4) For vapor products, one cent multiplied by the vapor 121959
volume of vapor products the first time the products are 121960
received by a vapor distributor in this state. 121961

Each distributor or vapor distributor who brings tobacco 121962
products or vapor products, or causes tobacco products or vapor 121963
products to be brought, into this state for distribution within 121964
this state, or any out-of-state distributor or vapor distributor 121965
who sells tobacco products or vapor products to wholesale or 121966
retail dealers located in this state for resale by those 121967
wholesale or retail dealers is liable for the tax imposed by 121968
this section. Only one sale of the same article shall be used in 121969
computing the amount of the tax due. If a vapor product is 121970
repackaged, reconstituted, diluted, or reprocessed, the 121971
subsequent sale of that vapor product shall be considered 121972
another sale of the same article for purposes of computing the 121973
amount of tax due. 121974

(B) The treasurer of state shall place to the credit of 121975
the tax refund fund created by section 5703.052 of the Revised 121976
Code, out of the receipts from the tax levied by this section, 121977
amounts equal to the refunds certified by the tax commissioner 121978
pursuant to section 5743.53 of the Revised Code. The balance of 121979
the taxes collected under this section shall be paid into the 121980
general revenue fund. 121981

(C) The commissioner may adopt rules as are necessary to 121982
assist in the enforcement and administration of sections 5743.51 121983
to 5743.66 of the Revised Code, ~~including rules providing for~~ 121984

~~the remission of penalties imposed.~~ 121985

(D) A manufacturer is not liable for payment of the tax 121986
imposed by this section for sales of tobacco products or vapor 121987
products to a retail dealer that has filed a signed statement 121988
with the manufacturer in which the retail dealer agrees to pay 121989
and be liable for the tax, as long as the manufacturer has 121990
provided a copy of the statement to the tax commissioner. 121991

Sec. 5743.56. (A) Any person required to pay the tax 121992
imposed by section 5743.51, 5743.62, or 5743.63 of the Revised 121993
Code is personally liable for the tax. The tax commissioner may 121994
make an assessment, based upon any information in the 121995
commissioner's possession, against any person who fails to file 121996
a return or pay any tax, interest, or additional charge as 121997
required by this chapter. The commissioner shall give the person 121998
assessed written notice of such assessment in the manner 121999
provided in section 5703.37 of the Revised Code. With the 122000
notice, the commissioner shall provide instructions on how to 122001
petition for reassessment and request a hearing on the petition. 122002

(B) When the information in the possession of the tax 122003
commissioner indicates that a person liable for the tax imposed 122004
by section 5743.51, 5743.62, or 5743.63 of the Revised Code has 122005
not paid the full amount of tax due, the commissioner may audit 122006
a representative sample of the person's business and may issue 122007
an assessment based on such audit. 122008

(C) A penalty of up to fifteen per cent may be added to 122009
all amounts assessed under this section. ~~The tax commissioner~~ 122010
~~may adopt rules providing for the imposition and remission of~~ 122011
~~such penalties.~~ 122012

(D) Unless the person assessed files with the tax 122013

commissioner within sixty days after service of the notice of 122014
assessment, ~~either personally or by certified mail,~~ a written 122015
petition for reassessment signed by the person assessed or that 122016
person's authorized agent having knowledge of the facts, the 122017
assessment becomes final and the amount of the assessment is due 122018
and payable from the person assessed to the treasurer of state. 122019
A petition shall indicate the objections of the person assessed, 122020
but additional objections may be raised in writing if received 122021
by the commissioner prior to the date shown on the final 122022
determination. If the petition has been properly filed, the 122023
commissioner shall proceed under section 5703.60 of the Revised 122024
Code. 122025

(E) After an assessment becomes final, if any portion of 122026
the assessment, including accrued interest, remains unpaid, a 122027
certified copy of the tax commissioner's entry making the 122028
assessment final may be filed in the office of the clerk of the 122029
court of common pleas in the county in which the person assessed 122030
resides or in which the person assessed conducts business. If 122031
the person assessed maintains no place of business in this state 122032
and is not a resident of this state, the certified copy of the 122033
entry may be filed in the office of the clerk of the court of 122034
common pleas of Franklin county. 122035

Immediately upon the filing of the entry, the clerk shall 122036
enter a judgment for the state against the person assessed in 122037
the amount shown on the entry. The judgment may be filed by the 122038
clerk in a loose-leaf book entitled "special judgments for state 122039
tobacco products tax," and shall have the same effect as other 122040
judgments. Execution shall issue upon the judgment upon the 122041
request of the commissioner, and all laws applicable to sales on 122042
execution shall apply to sales made under the judgment. 122043

If the assessment is not paid in its entirety within sixty 122044
days after the day the assessment is issued, the portion of the 122045
assessment consisting of tax due shall bear interest at the rate 122046
per annum prescribed by section 5703.47 of the Revised Code from 122047
the day the commissioner issues the assessment until the 122048
assessment is paid or until it is certified to the attorney 122049
general for collection under section 131.02 of the Revised Code, 122050
whichever comes first. If the unpaid portion of the assessment 122051
is certified to the attorney general for collection, the entire 122052
unpaid portion of the assessment shall bear interest at the rate 122053
per annum prescribed by section 5703.47 of the Revised Code from 122054
the date of certification until the date it is paid in its 122055
entirety. Interest shall be paid in the same manner as the tax 122056
and may be collected by issuing an assessment under this 122057
section. 122058

(F) If the tax commissioner believes that collection of 122059
the tax will be jeopardized unless proceedings to collect or 122060
secure collection of the tax are instituted without delay, the 122061
commissioner may issue a jeopardy assessment against the person 122062
liable for the tax. Immediately upon the issuance of the 122063
jeopardy assessment, the commissioner shall file an entry with 122064
the clerk of the court of common pleas in the manner prescribed 122065
by division (E) of this section. Notice of the jeopardy 122066
assessment shall be served on the person assessed or the legal 122067
representative of the person assessed, as provided in section 122068
5703.37 of the Revised Code, within five days of the filing of 122069
the entry with the clerk. The total amount assessed is 122070
immediately due and payable, unless the person assessed files a 122071
petition for reassessment in accordance with division (D) of 122072
this section and provides security in a form satisfactory to the 122073
commissioner and in an amount sufficient to satisfy the unpaid 122074

balance of the assessment. Full or partial payment of the 122075
assessment does not prejudice the commissioner's consideration 122076
of the petition for reassessment. 122077

(G) All money collected by the tax commissioner under this 122078
section shall be paid to the treasurer of state as revenue 122079
arising from the tax imposed by sections 5743.51, 5743.62, and 122080
5743.63 of the Revised Code. 122081

Sec. 5745.03. (A) For each taxable year, each taxpayer 122082
shall file an annual report with the tax commissioner not later 122083
than the fifteenth day of the fourth month after the end of the 122084
taxpayer's taxable year, and shall remit with that report the 122085
amount of tax due as shown on the report less the amount paid 122086
for the year under section 5745.04 of the Revised Code. The 122087
~~remittance shall be made in the form prescribed by the~~ 122088
~~commissioner. If the amount payable with the report exceeds one~~ 122089
~~thousand dollars, the taxpayer shall remit the any amount due~~ 122090
~~with the report~~ electronically in a manner prescribed by the 122091
commissioner. The commissioner shall credit ninety-eight and 122092
one-half per cent of such remittances to the municipal income 122093
tax fund, which is hereby created in the state treasury, and 122094
credit the remainder to the municipal income tax administrative 122095
fund, which is hereby created in the state treasury. 122096

(B) Any taxpayer that has been granted an extension for 122097
filing a federal income tax return ~~may request shall~~ 122098
automatically receive an extension for filing the return 122099
required under this section ~~by filing with the tax commissioner~~ 122100
~~a copy of the taxpayer's request for the federal filing~~ 122101
~~extension. The request shall be filed not later than the last~~ 122102
~~day for filing the return as required under division (A) of this~~ 122103
~~section. If such a request is properly and timely filed, and the~~ 122104

commissioner shall extend the last day for filing the return 122105
required under this section ~~for the same period for which the~~ 122106
~~federal filing extension was granted. The commissioner may deny~~ 122107
~~the filing extension request only if the taxpayer fails to~~ 122108
~~timely file the request, fails to file a copy of the federal~~ 122109
~~extension request, owes past due taxes, interest, or penalty~~ 122110
~~under this chapter, or has failed to file a required report or~~ 122111
~~other document for a prior taxable year~~to the fifteenth day of 122112
the eleventh month after the last day of the taxable year to 122113
which the return relates. The granting of an extension under 122114
this section does not extend the last day for paying taxes 122115
without penalty pursuant to this chapter unless the commissioner 122116
extends the payment date. 122117

(C) A taxpayer that has not requested or received an 122118
extension for filing the taxpayer's federal income tax return 122119
may request that the commissioner grant the taxpayer a seven 122120
month extension of the date for filing the taxpayer's tax 122121
return. If the commissioner receives the request on or before 122122
the date the tax return is due, the commissioner shall grant the 122123
taxpayer's extension request. 122124

(D) The annual report shall include statements of the 122125
following facts as of the last day of the taxpayer's taxable 122126
year: 122127

(1) The name of the taxpayer; 122128

~~(2) The name of the state or country under the laws of~~ 122129
~~which it is incorporated;~~ 122130

~~(3) The location of its principal office in this state~~ 122131
~~and, in the case of a taxpayer organized under the laws of~~ 122132
~~another state, the principal place of business in this state and~~ 122133

~~the name and address of the officer or agent of the taxpayer in-~~ 122134
~~charge of the business conducted in this state;—~~ 122135

~~(4) The names of the president, secretary, treasurer, and~~ 122136
~~statutory agent in this state, with the post-office address of~~ 122137
~~each;—~~ 122138

~~(5)~~ (2) The date on which the taxpayer's taxable year 122139
begins and ends; 122140

~~(6)~~ (3) The taxpayer's federal taxable income during the 122141
taxpayer's taxable year; 122142

~~(7)~~ (4) Any other information the tax commissioner requires 122143
for the proper administration of this chapter. 122144

~~(D)~~ (E) The tax commissioner may require any reports 122145
required under this chapter to be filed in an electronic format. 122146

~~(E)~~ (F) A municipal corporation may not require a taxpayer 122147
required to file a report under this section to file a report of 122148
the taxpayer's income, but a municipal corporation may require a 122149
taxpayer to report to the municipal corporation the value of the 122150
taxpayer's real and tangible personal property situated in the 122151
municipal corporation, compensation paid by the taxpayer to its 122152
employees in the municipal corporation, and sales made in the 122153
municipal corporation by the taxpayer, to the extent necessary 122154
for the municipal corporation to compute the taxpayer's 122155
municipal property, payroll, and sales factors for the municipal 122156
corporation. 122157

~~(F)~~ (G) On or before the thirty-first day of January each 122158
year, each municipal corporation imposing a tax on income shall 122159
certify to the tax commissioner the rate of the tax in effect on 122160
the first day of January of that year. If any municipal 122161
corporation fails to certify its income tax rate as required by 122162

this division, the commissioner shall notify the director of 122163
budget and management, who, upon receiving such notification, 122164
shall withhold from each payment made to the municipal 122165
corporation under section 5745.05 of the Revised Code fifty per 122166
cent of the amount of the payment otherwise due the municipal 122167
corporation under that section as computed on the basis of the 122168
tax rate most recently certified until the municipal corporation 122169
certifies the tax rate in effect on the first day of January of 122170
that year. 122171

The tax rate used to determine the tax payable to a 122172
municipal corporation under this section for a taxpayer's 122173
taxable year shall be the tax rate in effect in a municipal 122174
corporation on the first day of January in that taxable year. If 122175
a taxpayer's taxable year is for a period less than twelve 122176
months that does not include the first day of January, the tax 122177
rate used to determine the tax payable to a municipal 122178
corporation under this section for the taxpayer's taxable year 122179
shall be the tax rate in effect in a municipal corporation on 122180
the first day of January in the preceding taxable year. 122181

Sec. 5745.04. (A) As used in this section, "combined tax 122182
liability" means the total of a taxpayer's income tax 122183
liabilities to all municipal corporations in this state for a 122184
taxable year. 122185

(B) Each taxpayer shall file a declaration of estimated 122186
tax report with, and remit estimated taxes to, the tax 122187
commissioner, payable to the treasurer of state, at the times 122188
and in the amounts prescribed in divisions (B)(1) to (4) of this 122189
section. The first taxable year a taxpayer is subject to this 122190
chapter, the estimated taxes the taxpayer is required to remit 122191
under this section shall be based solely on the current taxable 122192

year and not on the liability for the preceding taxable year. 122193

(1) Not less than twenty-five per cent of the combined tax 122194
liability for the preceding taxable year or twenty per cent of 122195
the combined tax liability for the current taxable year shall 122196
have been remitted not later than the fifteenth day of the 122197
fourth month after the end of the preceding taxable year. 122198

(2) Not less than fifty per cent of the combined tax 122199
liability for the preceding taxable year or forty per cent of 122200
the combined tax liability for the current taxable year shall 122201
have been remitted not later than the fifteenth day of the sixth 122202
month after the end of the preceding taxable year. 122203

(3) Not less than seventy-five per cent of the combined 122204
tax liability for the preceding taxable year or sixty per cent 122205
of the combined tax liability for the current taxable year shall 122206
have been remitted not later than the fifteenth day of the ninth 122207
month after the end of the preceding taxable year. 122208

(4) Not less than one hundred per cent of the combined tax 122209
liability for the preceding taxable year or eighty per cent of 122210
the combined tax liability for the current taxable year shall 122211
have been remitted not later than the fifteenth day of the 122212
twelfth month after the end of the preceding taxable year. 122213

(C) Each taxpayer shall report on the declaration of 122214
estimated tax report the portion of the remittance that the 122215
taxpayer estimates that it owes to each municipal corporation 122216
for the taxable year. 122217

(D) Upon receiving a declaration of estimated tax report 122218
and remittance of estimated taxes under this section, the tax 122219
commissioner shall credit ninety-eight and one-half per cent of 122220
the remittance to the municipal income tax fund and credit the 122221

remainder to the municipal income tax administrative fund. 122222

(E) ~~If any remittance of estimated taxes is for one~~ 122223
~~thousand dollars or more, the~~ The taxpayer shall make the 122224
remittance of estimated taxes electronically as prescribed by 122225
section 5745.041 of the Revised Code. 122226

(F) Notwithstanding section 5745.08 or 5745.09 of the 122227
Revised Code, no penalty or interest shall be imposed on a 122228
taxpayer if the declaration of estimated tax report is properly 122229
filed, and the estimated tax is paid, within the time prescribed 122230
by division (B) of this section. 122231

Sec. 5745.041. Any taxpayer required by section 5745.03 or 122232
5745.04 of the Revised Code to remit tax payments electronically 122233
shall remit such payments in the manner prescribed by the tax 122234
commissioner. Except as otherwise provided in this paragraph, 122235
the payment of taxes electronically does not affect a taxpayer's 122236
obligation to file reports under this chapter. 122237

A taxpayer required to remit taxes electronically may 122238
apply to the tax commissioner in the manner prescribed by the 122239
commissioner to be excused from that requirement. The 122240
commissioner may excuse the taxpayer from the requirement for 122241
good cause shown for the period of time requested by the 122242
taxpayer or for a portion of that period. 122243

If a taxpayer required by this section to remit taxes 122244
electronically remits those taxes by some means other than 122245
electronically as prescribed by this section, and the 122246
commissioner determines that such failure was not due to 122247
reasonable cause or was due to willful neglect, the commissioner 122248
may collect an additional charge by assessment in the manner 122249
prescribed by section 5745.12 of the Revised Code. The 122250

additional charge shall equal five per cent of the amount of the 122251
taxes or estimated tax payments required to be paid 122252
electronically, but shall not exceed five thousand dollars. Any 122253
additional charge assessed under this section is in addition to 122254
any other penalty or charge imposed under this chapter, and 122255
shall be considered as revenue arising from municipal income 122256
taxes collected under this chapter. ~~The commissioner may remit~~ 122257
~~all or a portion of such a charge and may adopt rules governing~~ 122258
~~such remission.~~ 122259

No additional charge shall be assessed under this section 122260
against a taxpayer that has been notified of its obligation to 122261
remit taxes electronically under this section and that remits 122262
its first two tax payments after such notification by some other 122263
means. The additional charge may be assessed upon the remittance 122264
of any subsequent tax payment that the taxpayer remits by some 122265
means other than electronically. 122266

Sec. 5745.08. (A) The following penalties shall apply 122267
under the circumstances indicated: 122268

(1) If a taxpayer required to file a report or remit tax 122269
as required by this chapter fails to make and file the report 122270
within the time prescribed, including any extensions of time 122271
granted by the tax commissioner, the tax commissioner may impose 122272
a penalty not exceeding the greater of fifty dollars per month 122273
or fraction of a month, not to exceed five hundred dollars, or 122274
five per cent per month or fraction of a month, not to exceed 122275
fifty per cent, of the tax required to be shown on the report, 122276
for each month or fraction of a month elapsing between the due 122277
date, including extensions of the due date, and the day on which 122278
the report is filed. 122279

(2) If a taxpayer fails to timely pay any amount of 122280

~~estimated tax required to be paid under division (B) of section~~ 122281
~~5745.04 of the Revised Code by the dates prescribed for~~ 122282
~~payment~~ this chapter, the tax commissioner may impose a penalty 122283
~~not to exceed twice the interest charged under section 5745.09~~ 122284
~~of the Revised Code for the delinquent payment~~ equal to fifteen 122285
per cent of the amount not timely paid. 122286

(3) If a taxpayer files what purports to be a report 122287
required by this chapter that does not contain information upon 122288
which the substantial correctness of the report may be judged or 122289
contains information that on its face indicates that the report 122290
is substantially incorrect, and the filing of the report in that 122291
manner is due to a position that is frivolous or a desire that 122292
is apparent from the report to delay or impede the 122293
administration of this chapter, a penalty of up to five hundred 122294
dollars may be imposed. 122295

(4) If a taxpayer makes a fraudulent attempt to evade the 122296
reporting or payment of the tax required to be shown on any 122297
report required under this chapter, a penalty may be imposed not 122298
exceeding the greater of one thousand dollars or one hundred per 122299
cent of the tax required to be shown on the report. 122300

(5) If any person makes a false or fraudulent claim for a 122301
refund under section 5745.11 of the Revised Code, a penalty may 122302
be imposed not exceeding the greater of one thousand dollars or 122303
one hundred per cent of the claim. Any penalty imposed under 122304
division (A) (5) of this section, any refund issued on the claim, 122305
and interest on any refund from the date of the refund, may be 122306
assessed under section 5745.12 of the Revised Code without 122307
regard to any time limitation for the assessment imposed by 122308
division (A) of that section. 122309

(B) For the purposes of this section, the tax required to 122310

be shown on the report shall be reduced by the amount of any 122311
part of the tax paid on or before the date, including extensions 122312
of the date, prescribed for filing the report. 122313

(C) Each penalty imposed under this section shall be in 122314
addition to any other penalty provided in this section. ~~All or~~ 122315
~~part of any penalty imposed under this section may be abated by~~ 122316
~~the commissioner. The tax commissioner may adopt rules governing~~ 122317
~~the imposition and abatement of such penalties.~~ 122318

(D) All amounts collected under this section from a 122319
taxpayer shall be considered as taxes collected under this 122320
chapter and shall be credited and distributed to municipal 122321
corporations in the same proportions as the taxpayer's taxes are 122322
distributed for the reporting period under section 5745.05 of 122323
the Revised Code or, if the taxpayer has filed the annual report 122324
for the year under section 5745.03 of the Revised Code, in the 122325
amounts found to be due such municipal corporations on the basis 122326
of the annual report. 122327

Sec. 5745.09. (A) In case of any underpayment of the 122328
estimated tax under section 5745.04 of the Revised Code, ~~there~~ 122329
~~shall be added~~ the tax commissioner may add to the tax an amount 122330
determined at the rate per annum prescribed by section 5703.47 122331
of the Revised Code upon the amount of underpayment for the 122332
period of underpayment. 122333

(B) The amount of the underpayment shall be the excess of 122334
division (B)(1) over division (B)(2) of this section: 122335

(1) The amount of the estimated tax payment that would be 122336
required to be paid for the taxable year if the total estimated 122337
tax were equal to the total tax shown to be due on the annual 122338
report, or if no report was filed, the tax for such year; 122339

(2) The amount, if any, of the estimated tax paid on or 122340
before the last day prescribed for such payment. 122341

(C) The period of the underpayment shall run from the date 122342
the estimated tax payment was required to be made to the date on 122343
which such payment is made. For purposes of this section, a 122344
payment of estimated tax on any payment date shall be considered 122345
a payment of any previous underpayment only to the extent such 122346
payment exceeds the amount of the payment presently due. 122347

(D) All amounts collected under this section shall be 122348
considered as taxes collected under this chapter and shall be 122349
credited and distributed to municipal corporations in the same 122350
proportions as the taxpayer's taxes are distributed for the 122351
reporting period under section 5745.05 of the Revised Code or, 122352
if the taxpayer has filed the annual report for the year under 122353
section 5745.03 of the Revised Code, in the amounts found to be 122354
due to such municipal corporations on the basis of the annual 122355
report. 122356

Sec. 5745.12. (A) If any taxpayer required to file a 122357
report under this chapter fails to file the report within the 122358
time prescribed, files an incorrect report, or fails to remit 122359
the full amount of the tax due for the period covered by the 122360
report, the tax commissioner may make an assessment against the 122361
taxpayer for any deficiency for the period for which the report 122362
or tax is due, based upon any information in the commissioner's 122363
possession. 122364

The tax commissioner shall not make or issue an assessment 122365
against a taxpayer more than three years after the later of the 122366
final date the report subject to assessment was required to be 122367
filed or the date the report was filed. Such time limit may be 122368
extended if both the taxpayer and the commissioner consent in 122369

writing to the extension. Any such extension shall extend the 122370
three-year time limit in section 5745.11 of the Revised Code for 122371
the same period of time. There shall be no bar or limit to an 122372
assessment against a taxpayer that fails to file a report 122373
subject to assessment as required by this chapter, or that files 122374
a fraudulent report. The commissioner shall give the taxpayer 122375
assessed written notice of the assessment as provided in section 122376
5703.37 of the Revised Code. With the notice, the commissioner 122377
shall provide instructions on how to petition for reassessment 122378
and request a hearing on the petition. 122379

(B) Unless the taxpayer assessed files with the tax 122380
commissioner within sixty days after service of the notice of 122381
assessment, ~~either personally or by certified mail,~~ a written 122382
petition for reassessment signed by the authorized agent of the 122383
taxpayer assessed having knowledge of the facts, the assessment 122384
becomes final, and the amount of the assessment is due and 122385
payable from the taxpayer to the treasurer of state. The 122386
petition shall indicate the taxpayer's objections, but 122387
additional objections may be raised in writing if received by 122388
the commissioner prior to the date shown on the final 122389
determination. If the petition has been properly filed, the 122390
commissioner shall proceed under section 5703.60 of the Revised 122391
Code. 122392

(C) After an assessment becomes final, if any portion of 122393
the assessment remains unpaid, including accrued interest, a 122394
certified copy of the tax commissioner's entry making the 122395
assessment final may be filed in the office of the clerk of the 122396
court of common pleas in the county in which the taxpayer has an 122397
office or place of business in this state, the county in which 122398
the taxpayer's statutory agent is located, or Franklin county. 122399

Immediately upon the filing of the entry, the clerk shall 122400
enter a judgment against the taxpayer assessed in the amount 122401
shown on the entry. The judgment may be filed by the clerk in a 122402
loose-leaf book entitled "special judgments for municipal income 122403
taxes," and shall have the same effect as other judgments. 122404
Execution shall issue upon the judgment upon the request of the 122405
tax commissioner, and all laws applicable to sales on execution 122406
shall apply to sales made under the judgment. 122407

If the assessment is not paid in its entirety within sixty 122408
days after the day the assessment was issued, the portion of the 122409
assessment consisting of tax due shall bear interest at the rate 122410
per annum prescribed by section 5703.47 of the Revised Code from 122411
the day the commissioner issues the assessment until the 122412
assessment is paid or until it is certified to the attorney 122413
general for collection under section 131.02 of the Revised Code, 122414
whichever comes first. If the unpaid portion of the assessment 122415
is certified to the attorney general for collection, the entire 122416
unpaid portion of the assessment shall bear interest at the rate 122417
per annum prescribed by section 5703.47 of the Revised Code from 122418
the date of certification until the date it is paid in its 122419
entirety. Interest shall be paid in the same manner as the tax 122420
and may be collected by issuing an assessment under this 122421
section. 122422

(D) All money collected under this section shall be 122423
credited and distributed to the municipal corporation to which 122424
the money is owed based on the assessment issued under this 122425
section. 122426

(E) If the tax commissioner believes that collection of 122427
the tax imposed by this chapter will be jeopardized unless 122428
proceedings to collect or secure collection of the tax are 122429

instituted without delay, the commissioner may issue a jeopardy 122430
assessment against the taxpayer liable for the tax. Immediately 122431
upon the issuance of the jeopardy assessment, the commissioner 122432
shall file an entry with the clerk of the court of common pleas 122433
in the manner prescribed by division (C) of this section. Notice 122434
of the jeopardy assessment shall be served on the taxpayer 122435
assessed or the taxpayer's legal representative in the manner 122436
provided in section 5703.37 of the Revised Code within five days 122437
of the filing of the entry with the clerk. The total amount 122438
assessed is immediately due and payable, unless the taxpayer 122439
assessed files a petition for reassessment in accordance with 122440
division (B) of this section and provides security in a form 122441
satisfactory to the commissioner and in an amount sufficient to 122442
satisfy the unpaid balance of the assessment. Full or partial 122443
payment of the assessment does not prejudice the commissioner's 122444
consideration of the petition for reassessment. 122445

(F) Notwithstanding the fact that a petition for 122446
reassessment is pending, the taxpayer may pay all or a portion 122447
of the assessment that is the subject of the petition. The 122448
acceptance of a payment by the treasurer of state does not 122449
prejudice any claim for refund upon final determination of the 122450
petition. 122451

If upon final determination of the petition an error in 122452
the assessment is corrected by the tax commissioner, upon 122453
petition so filed or pursuant to a decision of the board of tax 122454
appeals or any court to which the determination or decision has 122455
been appealed, so that the amount due from the taxpayer under 122456
the corrected assessment is less than the portion paid, there 122457
shall be issued to the taxpayer, its assigns, or legal 122458
representative a refund in the amount of the overpayment as 122459
provided by section 5745.11 of the Revised Code, with interest 122460

on that amount as provided by section 5745.11 of the Revised 122461
Code. 122462

Sec. 5747.01. Except as otherwise expressly provided or 122463
clearly appearing from the context, any term used in this 122464
chapter that is not otherwise defined in this section has the 122465
same meaning as when used in a comparable context in the laws of 122466
the United States relating to federal income taxes or if not 122467
used in a comparable context in those laws, has the same meaning 122468
as in section 5733.40 of the Revised Code. Any reference in this 122469
chapter to the Internal Revenue Code includes other laws of the 122470
United States relating to federal income taxes. 122471

As used in this chapter: 122472

(A) "Adjusted gross income" or "Ohio adjusted gross 122473
income" means federal adjusted gross income, as defined and used 122474
in the Internal Revenue Code, adjusted as provided in this 122475
section: 122476

(1) Add interest or dividends on obligations or securities 122477
of any state or of any political subdivision or authority of any 122478
state, other than this state and its subdivisions and 122479
authorities. 122480

(2) Add interest or dividends on obligations of any 122481
authority, commission, instrumentality, territory, or possession 122482
of the United States to the extent that the interest or 122483
dividends are exempt from federal income taxes but not from 122484
state income taxes. 122485

(3) Deduct interest or dividends on obligations of the 122486
United States and its territories and possessions or of any 122487
authority, commission, or instrumentality of the United States 122488
to the extent that the interest or dividends are included in 122489

federal adjusted gross income but exempt from state income taxes	122490
under the laws of the United States.	122491
(4) Deduct disability and survivor's benefits to the	122492
extent included in federal adjusted gross income.	122493
(5) Deduct the following, to the extent not otherwise	122494
deducted or excluded in computing federal or Ohio adjusted gross	122495
income:	122496
(a) Benefits under Title II of the Social Security Act and	122497
tier 1 railroad retirement;	122498
(b) Railroad retirement benefits, other than tier 1	122499
railroad retirement benefits, to the extent such amounts are	122500
exempt from state taxation under federal law.	122501
(6) Deduct the amount of wages and salaries, if any, not	122502
otherwise allowable as a deduction but that would have been	122503
allowable as a deduction in computing federal adjusted gross	122504
income for the taxable year, had the work opportunity tax credit	122505
allowed and determined under sections 38, 51, and 52 of the	122506
Internal Revenue Code not been in effect.	122507
(7) Deduct any interest or interest equivalent on public	122508
obligations and purchase obligations to the extent that the	122509
interest or interest equivalent is included in federal adjusted	122510
gross income.	122511
(8) Add any loss or deduct any gain resulting from the	122512
sale, exchange, or other disposition of public obligations to	122513
the extent that the loss has been deducted or the gain has been	122514
included in computing federal adjusted gross income.	122515
(9) Deduct or add amounts, as provided under section	122516
5747.70 of the Revised Code, related to contributions made to or	122517

tuition units purchased under a qualified tuition program 122518
established pursuant to section 529 of the Internal Revenue 122519
Code. 122520

(10) (a) Deduct, to the extent not otherwise allowable as a 122521
deduction or exclusion in computing federal or Ohio adjusted 122522
gross income for the taxable year, the amount the taxpayer paid 122523
during the taxable year for medical care insurance and qualified 122524
long-term care insurance for the taxpayer, the taxpayer's 122525
spouse, and dependents. No deduction for medical care insurance 122526
under division (A) (10) (a) of this section shall be allowed 122527
either to any taxpayer who is eligible to participate in any 122528
subsidized health plan maintained by any employer of the 122529
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 122530
entitled to, or on application would be entitled to, benefits 122531
under part A of Title XVIII of the "Social Security Act," 49 122532
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 122533
division (A) (10) (a) of this section, "subsidized health plan" 122534
means a health plan for which the employer pays any portion of 122535
the plan's cost. The deduction allowed under division (A) (10) (a) 122536
of this section shall be the net of any related premium refunds, 122537
related premium reimbursements, or related insurance premium 122538
dividends received during the taxable year. 122539

(b) Deduct, to the extent not otherwise deducted or 122540
excluded in computing federal or Ohio adjusted gross income 122541
during the taxable year, the amount the taxpayer paid during the 122542
taxable year, not compensated for by any insurance or otherwise, 122543
for medical care of the taxpayer, the taxpayer's spouse, and 122544
dependents, to the extent the expenses exceed seven and one-half 122545
per cent of the taxpayer's federal adjusted gross income. 122546

(c) For purposes of division (A) (10) of this section, 122547

"medical care" has the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations, and exclusions set forth therein, and "qualified long-term care" has the same meaning given in section 7702B(c) of the Internal Revenue Code. Solely for purposes of division (A)(10)(a) of this section, "dependent" includes a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(11)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(11)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(12) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was 122578
included in the taxpayer's adjusted gross income for a prior 122579
taxable year and did not qualify for a credit under division (A) 122580
or (B) of section 5747.05 of the Revised Code for that year; 122581

(b) It does not otherwise reduce the taxpayer's adjusted 122582
gross income for the current or any other taxable year. 122583

(13) Deduct an amount equal to the deposits made to, and 122584
net investment earnings of, a medical savings account during the 122585
taxable year, in accordance with section 3924.66 of the Revised 122586
Code. The deduction allowed by division (A) (13) of this section 122587
does not apply to medical savings account deposits and earnings 122588
otherwise deducted or excluded for the current or any other 122589
taxable year from the taxpayer's federal adjusted gross income. 122590

(14) (a) Add an amount equal to the funds withdrawn from a 122591
medical savings account during the taxable year, and the net 122592
investment earnings on those funds, when the funds withdrawn 122593
were used for any purpose other than to reimburse an account 122594
holder for, or to pay, eligible medical expenses, in accordance 122595
with section 3924.66 of the Revised Code; 122596

(b) Add the amounts distributed from a medical savings 122597
account under division (A) (2) of section 3924.68 of the Revised 122598
Code during the taxable year. 122599

(15) Add any amount claimed as a credit under section 122600
5747.059 of the Revised Code to the extent that such amount 122601
satisfies either of the following: 122602

(a) The amount was deducted or excluded from the 122603
computation of the taxpayer's federal adjusted gross income as 122604
required to be reported for the taxpayer's taxable year under 122605
the Internal Revenue Code; 122606

(b) The amount resulted in a reduction of the taxpayer's 122607
federal adjusted gross income as required to be reported for any 122608
of the taxpayer's taxable years under the Internal Revenue Code. 122609

(16) Deduct the amount contributed by the taxpayer to an 122610
individual development account program established by a county 122611
department of job and family services pursuant to sections 122612
329.11 to 329.14 of the Revised Code for the purpose of matching 122613
funds deposited by program participants. On request of the tax 122614
commissioner, the taxpayer shall provide any information that, 122615
in the tax commissioner's opinion, is necessary to establish the 122616
amount deducted under division (A) (16) of this section. 122617

(17) (a) (i) Subject to divisions (A) (17) (a) (iii), (iv), and 122618
(v) of this section, add five-sixths of the amount of 122619
depreciation expense allowed by subsection (k) of section 168 of 122620
the Internal Revenue Code, including the taxpayer's 122621
proportionate or distributive share of the amount of 122622
depreciation expense allowed by that subsection to a pass- 122623
through entity in which the taxpayer has a direct or indirect 122624
ownership interest. 122625

(ii) Subject to divisions (A) (17) (a) (iii), (iv), and (v) 122626
of this section, add five-sixths of the amount of qualifying 122627
section 179 depreciation expense, including the taxpayer's 122628
proportionate or distributive share of the amount of qualifying 122629
section 179 depreciation expense allowed to any pass-through 122630
entity in which the taxpayer has a direct or indirect ownership 122631
interest. 122632

(iii) Subject to division (A) (17) (a) (v) of this section, 122633
for taxable years beginning in 2012 or thereafter, if the 122634
increase in income taxes withheld by the taxpayer is equal to or 122635
greater than ten per cent of income taxes withheld by the 122636

taxpayer during the taxpayer's immediately preceding taxable 122637
year, "two-thirds" shall be substituted for "five-sixths" for 122638
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 122639

(iv) Subject to division (A) (17) (a) (v) of this section, 122640
for taxable years beginning in 2012 or thereafter, a taxpayer is 122641
not required to add an amount under division (A) (17) of this 122642
section if the increase in income taxes withheld by the taxpayer 122643
and by any pass-through entity in which the taxpayer has a 122644
direct or indirect ownership interest is equal to or greater 122645
than the sum of (I) the amount of qualifying section 179 122646
depreciation expense and (II) the amount of depreciation expense 122647
allowed to the taxpayer by subsection (k) of section 168 of the 122648
Internal Revenue Code, and including the taxpayer's 122649
proportionate or distributive shares of such amounts allowed to 122650
any such pass-through entities. 122651

(v) If a taxpayer directly or indirectly incurs a net 122652
operating loss for the taxable year for federal income tax 122653
purposes, to the extent such loss resulted from depreciation 122654
expense allowed by subsection (k) of section 168 of the Internal 122655
Revenue Code and by qualifying section 179 depreciation expense, 122656
"the entire" shall be substituted for "five-sixths of the" for 122657
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 122658

The tax commissioner, under procedures established by the 122659
commissioner, may waive the add-backs related to a pass-through 122660
entity if the taxpayer owns, directly or indirectly, less than 122661
five per cent of the pass-through entity. 122662

(b) Nothing in division (A) (17) of this section shall be 122663
construed to adjust or modify the adjusted basis of any asset. 122664

(c) To the extent the add-back required under division (A) 122665

(17) (a) of this section is attributable to property generating 122666
nonbusiness income or loss allocated under section 5747.20 of 122667
the Revised Code, the add-back shall be situated to the same 122668
location as the nonbusiness income or loss generated by the 122669
property for the purpose of determining the credit under 122670
division (A) of section 5747.05 of the Revised Code. Otherwise, 122671
the add-back shall be apportioned, subject to one or more of the 122672
four alternative methods of apportionment enumerated in section 122673
5747.21 of the Revised Code. 122674

(d) For the purposes of division (A) (17) (a) (v) of this 122675
section, net operating loss carryback and carryforward shall not 122676
include the allowance of any net operating loss deduction 122677
carryback or carryforward to the taxable year to the extent such 122678
loss resulted from depreciation allowed by section 168(k) of the 122679
Internal Revenue Code and by the qualifying section 179 122680
depreciation expense amount. 122681

(e) For the purposes of divisions (A) (17) and (18) of this 122682
section: 122683

(i) "Income taxes withheld" means the total amount 122684
withheld and remitted under sections 5747.06 and 5747.07 of the 122685
Revised Code by an employer during the employer's taxable year. 122686

(ii) "Increase in income taxes withheld" means the amount 122687
by which the amount of income taxes withheld by an employer 122688
during the employer's current taxable year exceeds the amount of 122689
income taxes withheld by that employer during the employer's 122690
immediately preceding taxable year. 122691

(iii) "Qualifying section 179 depreciation expense" means 122692
the difference between (I) the amount of depreciation expense 122693
directly or indirectly allowed to a taxpayer under section 179 122694

of the Internal Revised Code, and (II) the amount of 122695
depreciation expense directly or indirectly allowed to the 122696
taxpayer under section 179 of the Internal Revenue Code as that 122697
section existed on December 31, 2002. 122698

(18) (a) If the taxpayer was required to add an amount 122699
under division (A) (17) (a) of this section for a taxable year, 122700
deduct one of the following: 122701

(i) One-fifth of the amount so added for each of the five 122702
succeeding taxable years if the amount so added was five-sixths 122703
of qualifying section 179 depreciation expense or depreciation 122704
expense allowed by subsection (k) of section 168 of the Internal 122705
Revenue Code; 122706

(ii) One-half of the amount so added for each of the two 122707
succeeding taxable years if the amount so added was two-thirds 122708
of such depreciation expense; 122709

(iii) One-sixth of the amount so added for each of the six 122710
succeeding taxable years if the entire amount of such 122711
depreciation expense was so added. 122712

(b) If the amount deducted under division (A) (18) (a) of 122713
this section is attributable to an add-back allocated under 122714
division (A) (17) (c) of this section, the amount deducted shall 122715
be situated to the same location. Otherwise, the ~~add-back~~ 122716
deduction shall be apportioned using the apportionment factors 122717
for the taxable year in which the deduction is taken, subject to 122718
one or more of the four alternative methods of apportionment 122719
enumerated in section 5747.21 of the Revised Code. 122720

(c) No deduction is available under division (A) (18) (a) of 122721
this section with regard to any depreciation allowed by section 122722
168(k) of the Internal Revenue Code and by the qualifying 122723

section 179 depreciation expense amount to the extent that such 122724
depreciation results in or increases a federal net operating 122725
loss carryback or carryforward. If no such deduction is 122726
available for a taxable year, the taxpayer may carry forward the 122727
amount not deducted in such taxable year to the next taxable 122728
year and add that amount to any deduction otherwise available 122729
under division (A) (18) (a) of this section for that next taxable 122730
year. The carryforward of amounts not so deducted shall continue 122731
until the entire addition required by division (A) (17) (a) of 122732
this section has been deducted. 122733

(19) Deduct, to the extent not otherwise deducted or 122734
excluded in computing federal or Ohio adjusted gross income for 122735
the taxable year, the amount the taxpayer received during the 122736
taxable year as reimbursement for life insurance premiums under 122737
section 5919.31 of the Revised Code. 122738

(20) Deduct, to the extent not otherwise deducted or 122739
excluded in computing federal or Ohio adjusted gross income for 122740
the taxable year, the amount the taxpayer received during the 122741
taxable year as a death benefit paid by the adjutant general 122742
under section 5919.33 of the Revised Code. 122743

(21) Deduct, to the extent included in federal adjusted 122744
gross income and not otherwise allowable as a deduction or 122745
exclusion in computing federal or Ohio adjusted gross income for 122746
the taxable year, military pay and allowances received by the 122747
taxpayer during the taxable year for active duty service in the 122748
United States army, air force, navy, marine corps, or coast 122749
guard or reserve components thereof or the national guard. The 122750
deduction may not be claimed for military pay and allowances 122751
received by the taxpayer while the taxpayer is stationed in this 122752
state. 122753

(22) Deduct, to the extent not otherwise allowable as a 122754
deduction or exclusion in computing federal or Ohio adjusted 122755
gross income for the taxable year and not otherwise compensated 122756
for by any other source, the amount of qualified organ donation 122757
expenses incurred by the taxpayer during the taxable year, not 122758
to exceed ten thousand dollars. A taxpayer may deduct qualified 122759
organ donation expenses only once for all taxable years 122760
beginning with taxable years beginning in 2007. 122761

For the purposes of division (A) (22) of this section: 122762

(a) "Human organ" means all or any portion of a human 122763
liver, pancreas, kidney, intestine, or lung, and any portion of 122764
human bone marrow. 122765

(b) "Qualified organ donation expenses" means travel 122766
expenses, lodging expenses, and wages and salary forgone by a 122767
taxpayer in connection with the taxpayer's donation, while 122768
living, of one or more of the taxpayer's human organs to another 122769
human being. 122770

(23) Deduct, to the extent not otherwise deducted or 122771
excluded in computing federal or Ohio adjusted gross income for 122772
the taxable year, amounts received by the taxpayer as retired 122773
personnel pay for service in the uniformed services or reserve 122774
components thereof, or the national guard, or received by the 122775
surviving spouse or former spouse of such a taxpayer under the 122776
survivor benefit plan on account of such a taxpayer's death. If 122777
the taxpayer receives income on account of retirement paid under 122778
the federal civil service retirement system or federal employees 122779
retirement system, or under any successor retirement program 122780
enacted by the congress of the United States that is established 122781
and maintained for retired employees of the United States 122782
government, and such retirement income is based, in whole or in 122783

part, on credit for the taxpayer's uniformed service, the 122784
deduction allowed under this division shall include only that 122785
portion of such retirement income that is attributable to the 122786
taxpayer's uniformed service, to the extent that portion of such 122787
retirement income is otherwise included in federal adjusted 122788
gross income and is not otherwise deducted under this section. 122789
Any amount deducted under division (A) (23) of this section is 122790
not included in a taxpayer's adjusted gross income for the 122791
purposes of section 5747.055 of the Revised Code. No amount may 122792
be deducted under division (A) (23) of this section on the basis 122793
of which a credit was claimed under section 5747.055 of the 122794
Revised Code. 122795

(24) Deduct, to the extent not otherwise deducted or 122796
excluded in computing federal or Ohio adjusted gross income for 122797
the taxable year, the amount the taxpayer received during the 122798
taxable year from the military injury relief fund created in 122799
section 5902.05 of the Revised Code. 122800

(25) Deduct, to the extent not otherwise deducted or 122801
excluded in computing federal or Ohio adjusted gross income for 122802
the taxable year, the amount the taxpayer received as a veterans 122803
bonus during the taxable year from the Ohio department of 122804
veterans services as authorized by Section 2r of Article VIII, 122805
Ohio Constitution. 122806

(26) Deduct, to the extent not otherwise deducted or 122807
excluded in computing federal or Ohio adjusted gross income for 122808
the taxable year, any income derived from a transfer agreement 122809
or from the enterprise transferred under that agreement under 122810
section 4313.02 of the Revised Code. 122811

(27) Deduct, to the extent not otherwise deducted or 122812
excluded in computing federal or Ohio adjusted gross income for 122813

the taxable year, Ohio college opportunity or federal Pell grant 122814
amounts received by the taxpayer or the taxpayer's spouse or 122815
dependent pursuant to section 3333.122 of the Revised Code or 20 122816
U.S.C. 1070a, et seq., and used to pay room or board furnished 122817
by the educational institution for which the grant was awarded 122818
at the institution's facilities, including meal plans 122819
administered by the institution. For the purposes of this 122820
division, receipt of a grant includes the distribution of a 122821
grant directly to an educational institution and the crediting 122822
of the grant to the enrollee's account with the institution. 122823

(28) Deduct from the portion of an individual's federal 122824
adjusted gross income that is business income, to the extent not 122825
otherwise deducted or excluded in computing federal adjusted 122826
gross income for the taxable year, one hundred twenty-five 122827
thousand dollars for each spouse if spouses file separate 122828
returns under section 5747.08 of the Revised Code or two hundred 122829
fifty thousand dollars for all other individuals. 122830

(29) Deduct, as provided under section 5747.78 of the 122831
Revised Code, contributions to ABLE savings accounts made in 122832
accordance with sections 113.50 to 113.56 of the Revised Code. 122833

(30) (a) Deduct, to the extent not otherwise deducted or 122834
excluded in computing federal or Ohio adjusted gross income 122835
during the taxable year, all of the following: 122836

(i) Compensation paid to a qualifying employee described 122837
in division (A) (14) (a) of section 5703.94 of the Revised Code to 122838
the extent such compensation is for disaster work conducted in 122839
this state during a disaster response period pursuant to a 122840
qualifying solicitation received by the employee's employer; 122841

(ii) Compensation paid to a qualifying employee described 122842

in division (A) (14) (b) of section 5703.94 of the Revised Code to 122843
the extent such compensation is for disaster work conducted in 122844
this state by the employee during the disaster response period 122845
on critical infrastructure owned or used by the employee's 122846
employer; 122847

(iii) Income received by an out-of-state disaster business 122848
for disaster work conducted in this state during a disaster 122849
response period, or, if the out-of-state disaster business is a 122850
pass-through entity, a taxpayer's distributive share of the 122851
pass-through entity's income from the business conducting 122852
disaster work in this state during a disaster response period, 122853
if, in either case, the disaster work is conducted pursuant to a 122854
qualifying solicitation received by the business. 122855

(b) All terms used in division (A) (30) of this section 122856
have the same meanings as in section 5703.94 of the Revised 122857
Code. 122858

(31) For a taxpayer who is a qualifying Ohio educator, 122859
deduct, to the extent not otherwise deducted or excluded in 122860
computing federal or Ohio adjusted gross income for the taxable 122861
year, the lesser of ~~two~~three hundred ~~fifty~~ dollars or the 122862
amount of expenses described in subsections (a) (2) (D) (i) and 122863
(ii) of section 62 of the Internal Revenue Code paid or incurred 122864
by the taxpayer during the taxpayer's taxable year in excess of 122865
the amount the taxpayer is authorized to deduct for that taxable 122866
year under subsection (a) (2) (D) of that section. 122867

(32) Deduct, to the extent not otherwise deducted or 122868
excluded in computing federal or Ohio adjusted gross income for 122869
the taxable year, amounts received by the taxpayer as a 122870
disability severance payment, computed under 10 U.S.C. 1212, 122871
following discharge or release under honorable conditions from 122872

the armed forces of the United States, as defined in section 122873
5907.01 of the Revised Code. 122874

(33) Deduct, to the extent not otherwise deducted or 122875
excluded in computing federal adjusted gross income or Ohio 122876
adjusted gross income, amounts not subject to tax due to an 122877
agreement entered into under division (A) (2) of section 5747.05 122878
of the Revised Code. 122879

(34) Deduct amounts as provided under section 5747.79 of 122880
the Revised Code related to the taxpayer's qualifying capital 122881
gains and deductible payroll. 122882

To the extent a qualifying capital gain described under 122883
division (A) (34) of this section is business income, the 122884
taxpayer shall deduct those gains under this division before 122885
deducting any such gains under division (A) (28) of this section. 122886

(35) (a) For taxable years beginning in or after 2026, 122887
deduct, to the extent not otherwise deducted or excluded in 122888
computing federal or Ohio adjusted gross income for the taxable 122889
year: 122890

(i) One hundred per cent of the capital gain received by 122891
the taxpayer in the taxable year from a qualifying interest in 122892
an Ohio venture capital operating company attributable to the 122893
company's investments in Ohio businesses during the period for 122894
which the company was an Ohio venture operating company; and 122895

(ii) Fifty per cent of the capital gain received by the 122896
taxpayer in the taxable year from a qualifying interest in an 122897
Ohio venture capital operating company attributable to the 122898
company's investments in all other businesses during the period 122899
for which the company was an Ohio venture operating company. 122900

(b) Add amounts previously deducted by the taxpayer under 122901

division (A) (35) (a) of this section if the director of 122902
development certifies to the tax commissioner that the 122903
requirements for the deduction were not met. 122904

(c) All terms used in division (A) (35) of this section 122905
have the same meanings as in section 122.851 of the Revised 122906
Code. 122907

(d) To the extent a capital gain described in division (A) 122908
(35) (a) of this section is business income, the taxpayer shall 122909
apply that division before applying division (A) (28) of this 122910
section. 122911

(36) Add, to the extent not otherwise included in 122912
computing federal or Ohio adjusted gross income for any taxable 122913
year, the taxpayer's proportionate share of the amount of the 122914
tax levied under section 5747.38 of the Revised Code and paid by 122915
an electing pass-through entity for the taxable year. 122916

Notwithstanding any provision of the Revised Code to the 122917
contrary, the portion of the addition required by division (A) 122918
(36) of this section related to the apportioned business income 122919
of the pass-through entity shall be considered business income 122920
under division (B) of this section. Such addition is eligible 122921
for the deduction in division (A) (28) of this section, subject 122922
to the applicable dollar limitations, and the tax rate 122923
prescribed by division (A) (4) (a) of section 5747.02 of the 122924
Revised Code. The taxpayer shall provide, upon request of the 122925
tax commissioner, any documentation necessary to verify the 122926
portion of the addition that is business income under this 122927
division. 122928

(37) Deduct, to the extent not otherwise deducted or 122929
excluded in computing federal or Ohio adjusted gross income for 122930

the taxable year, amounts delivered to a qualifying institution 122931
pursuant to section 3333.128 of the Revised Code for the benefit 122932
of the taxpayer or the taxpayer's spouse or dependent. 122933

(38) Deduct, to the extent not otherwise deducted or 122934
excluded in computing federal or Ohio adjusted gross income for 122935
the taxable year, amounts received under the Ohio adoption grant 122936
program pursuant to section ~~5101.191~~ 5180.451 of the Revised 122937
Code. 122938

(39) Deduct, to the extent included in federal adjusted 122939
gross income, income attributable to amounts provided to a 122940
taxpayer for any of the purposes for which an exclusion would 122941
have been authorized under section 139 of the Internal Revenue 122942
Code if the train derailment near the city of East Palestine on 122943
February 3, 2023, had been a qualified disaster pursuant to that 122944
section, or to compensate for lost business resulting from that 122945
derailment, if such amounts are provided by any of the 122946
following: 122947

(a) A federal, state, or local government agency; 122948

(b) A railroad company, as that term is defined in section 122949
5727.01 of the Revised Code; 122950

(c) Any subsidiary, insurer, or agent of a railroad 122951
company or any related person. 122952

Notwithstanding any provision to the contrary, the 122953
derailment is not required to meet the definition of a 122954
"qualified disaster" pursuant to section 139 of the Internal 122955
Revenue Code to qualify for the deduction under this section. 122956

(40) Deduct, to the extent included in federal adjusted 122957
gross income, income attributable to loan repayments on behalf 122958
of the taxpayer under the rural practice incentive program under 122959

section 3333.135 of the Revised Code. 122960

(41) Add any income taxes deducted in computing federal or 122961
Ohio adjusted gross income to the extent the income taxes were 122962
derived from income subject to a tax levied in another state or 122963
the District of Columbia when such tax was enacted for purposes 122964
of complying with internal revenue service notice 2020-75. 122965

Notwithstanding any provision of the Revised Code to the 122966
contrary, the portion of the addition required by division (A) 122967
(41) of this section related to the apportioned business income 122968
of the pass-through entity shall be considered business income 122969
under division (B) of this section. Such addition is eligible 122970
for the deduction in division (A) (28) of this section, subject 122971
to the applicable dollar limitations, and the tax rate 122972
prescribed by division (A) (4) (a) of section 5747.02 of the 122973
Revised Code. The taxpayer shall provide, upon request of the 122974
tax commissioner, any documentation necessary to verify the 122975
portion of the addition that is business income under this 122976
division. 122977

(42) Deduct amounts contributed to a homeownership savings 122978
account and calculated pursuant to divisions (B) and (C) of 122979
section 5747.85 of the Revised Code. 122980

(43) If the taxpayer is the account owner, add the amount 122981
of funds withdrawn from a homeownership savings account not used 122982
for eligible expenses, regardless of who deposited those funds. 122983
As used in division (A) (43) of this section, "homeownership 122984
savings account," "account owner," and "eligible expenses" have 122985
the same meanings as in section 5747.85 of the Revised Code. 122986

(44) Deduct, to the extent not otherwise deducted or 122987
excluded in computing federal or Ohio adjusted gross income 122988

during the taxable year, up to seven hundred fifty dollars of 122989
contributions the taxpayer makes to a pregnancy resource center 122990
that meets the criteria in division (B) of section 5180.71 of 122991
the Revised Code. 122992

(B) "Business income" means income, including gain or 122993
loss, arising from transactions, activities, and sources in the 122994
regular course of a trade or business and includes income, gain, 122995
or loss from real property, tangible property, and intangible 122996
property if the acquisition, rental, management, and disposition 122997
of the property constitute integral parts of the regular course 122998
of a trade or business operation. "Business income" includes 122999
income, including gain or loss, from a partial or complete 123000
liquidation of a business, including, but not limited to, gain 123001
or loss from the sale or other disposition of goodwill or the 123002
sale of an equity or ownership interest in a business. 123003

As used in this division, the "sale of an equity or 123004
ownership interest in a business" means sales to which either or 123005
both of the following apply: 123006

(1) The sale is treated for federal income tax purposes as 123007
the sale of assets. 123008

(2) The seller materially participated, as described in 26 123009
C.F.R. 1.469-5T, in the activities of the business during the 123010
taxable year in which the sale occurs or during any of the five 123011
preceding taxable years. 123012

(C) "Nonbusiness income" means all income other than 123013
business income and may include, but is not limited to, 123014
compensation, rents and royalties from real or tangible personal 123015
property, capital gains, interest, dividends and distributions, 123016
patent or copyright royalties, or lottery winnings, prizes, and 123017

awards. 123018

(D) "Compensation" means any form of remuneration paid to 123019
an employee for personal services. 123020

(E) "Fiduciary" means a guardian, trustee, executor, 123021
administrator, receiver, conservator, or any other person acting 123022
in any fiduciary capacity for any individual, trust, or estate. 123023

(F) "Fiscal year" means an accounting period of twelve 123024
months ending on the last day of any month other than December. 123025

(G) "Individual" means any natural person. 123026

(H) "Internal Revenue Code" means the "Internal Revenue 123027
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 123028

(I) "Resident" means any of the following: 123029

(1) An individual who is domiciled in this state, subject 123030
to section 5747.24 of the Revised Code; 123031

(2) The estate of a decedent who at the time of death was 123032
domiciled in this state. The domicile tests of section 5747.24 123033
of the Revised Code are not controlling for purposes of division 123034
(I) (2) of this section. 123035

(3) A trust that, in whole or part, resides in this state. 123036
If only part of a trust resides in this state, the trust is a 123037
resident only with respect to that part. 123038

For the purposes of division (I) (3) of this section: 123039

(a) A trust resides in this state for the trust's current 123040
taxable year to the extent, as described in division (I) (3) (d) 123041
of this section, that the trust consists directly or indirectly, 123042
in whole or in part, of assets, net of any related liabilities, 123043
that were transferred, or caused to be transferred, directly or 123044

indirectly, to the trust by any of the following: 123045

(i) A person, a court, or a governmental entity or 123046
instrumentality on account of the death of a decedent, but only 123047
if the trust is described in division (I) (3) (e) (i) or (ii) of 123048
this section; 123049

(ii) A person who was domiciled in this state for the 123050
purposes of this chapter when the person directly or indirectly 123051
transferred assets to an irrevocable trust, but only if at least 123052
one of the trust's qualifying beneficiaries is domiciled in this 123053
state for the purposes of this chapter during all or some 123054
portion of the trust's current taxable year; 123055

(iii) A person who was domiciled in this state for the 123056
purposes of this chapter when the trust document or instrument 123057
or part of the trust document or instrument became irrevocable, 123058
but only if at least one of the trust's qualifying beneficiaries 123059
is a resident domiciled in this state for the purposes of this 123060
chapter during all or some portion of the trust's current 123061
taxable year. If a trust document or instrument became 123062
irrevocable upon the death of a person who at the time of death 123063
was domiciled in this state for purposes of this chapter, that 123064
person is a person described in division (I) (3) (a) (iii) of this 123065
section. 123066

(b) A trust is irrevocable to the extent that the 123067
transferor is not considered to be the owner of the net assets 123068
of the trust under sections 671 to 678 of the Internal Revenue 123069
Code. 123070

(c) With respect to a trust other than a charitable lead 123071
trust, "qualifying beneficiary" has the same meaning as 123072
"potential current beneficiary" as defined in section 1361(e) (2) 123073

of the Internal Revenue Code, and with respect to a charitable 123074
lead trust "qualifying beneficiary" is any current, future, or 123075
contingent beneficiary, but with respect to any trust 123076
"qualifying beneficiary" excludes a person or a governmental 123077
entity or instrumentality to any of which a contribution would 123078
qualify for the charitable deduction under section 170 of the 123079
Internal Revenue Code. 123080

(d) For the purposes of division (I) (3) (a) of this 123081
section, the extent to which a trust consists directly or 123082
indirectly, in whole or in part, of assets, net of any related 123083
liabilities, that were transferred directly or indirectly, in 123084
whole or part, to the trust by any of the sources enumerated in 123085
that division shall be ascertained by multiplying the fair 123086
market value of the trust's assets, net of related liabilities, 123087
by the qualifying ratio, which shall be computed as follows: 123088

(i) The first time the trust receives assets, the 123089
numerator of the qualifying ratio is the fair market value of 123090
those assets at that time, net of any related liabilities, from 123091
sources enumerated in division (I) (3) (a) of this section. The 123092
denominator of the qualifying ratio is the fair market value of 123093
all the trust's assets at that time, net of any related 123094
liabilities. 123095

(ii) Each subsequent time the trust receives assets, a 123096
revised qualifying ratio shall be computed. The numerator of the 123097
revised qualifying ratio is the sum of (1) the fair market value 123098
of the trust's assets immediately prior to the subsequent 123099
transfer, net of any related liabilities, multiplied by the 123100
qualifying ratio last computed without regard to the subsequent 123101
transfer, and (2) the fair market value of the subsequently 123102
transferred assets at the time transferred, net of any related 123103

liabilities, from sources enumerated in division (I) (3) (a) of 123104
this section. The denominator of the revised qualifying ratio is 123105
the fair market value of all the trust's assets immediately 123106
after the subsequent transfer, net of any related liabilities. 123107

(iii) Whether a transfer to the trust is by or from any of 123108
the sources enumerated in division (I) (3) (a) of this section 123109
shall be ascertained without regard to the domicile of the 123110
trust's beneficiaries. 123111

(e) For the purposes of division (I) (3) (a) (i) of this 123112
section: 123113

(i) A trust is described in division (I) (3) (e) (i) of this 123114
section if the trust is a testamentary trust and the testator of 123115
that testamentary trust was domiciled in this state at the time 123116
of the testator's death for purposes of the taxes levied under 123117
Chapter 5731. of the Revised Code. 123118

(ii) A trust is described in division (I) (3) (e) (ii) of 123119
this section if the transfer is a qualifying transfer described 123120
in any of divisions (I) (3) (f) (i) to (vi) of this section, the 123121
trust is an irrevocable inter vivos trust, and at least one of 123122
the trust's qualifying beneficiaries is domiciled in this state 123123
for purposes of this chapter during all or some portion of the 123124
trust's current taxable year. 123125

(f) For the purposes of division (I) (3) (e) (ii) of this 123126
section, a "qualifying transfer" is a transfer of assets, net of 123127
any related liabilities, directly or indirectly to a trust, if 123128
the transfer is described in any of the following: 123129

(i) The transfer is made to a trust, created by the 123130
decedent before the decedent's death and while the decedent was 123131
domiciled in this state for the purposes of this chapter, and, 123132

prior to the death of the decedent, the trust became irrevocable 123133
while the decedent was domiciled in this state for the purposes 123134
of this chapter. 123135

(ii) The transfer is made to a trust to which the 123136
decedent, prior to the decedent's death, had directly or 123137
indirectly transferred assets, net of any related liabilities, 123138
while the decedent was domiciled in this state for the purposes 123139
of this chapter, and prior to the death of the decedent the 123140
trust became irrevocable while the decedent was domiciled in 123141
this state for the purposes of this chapter. 123142

(iii) The transfer is made on account of a contractual 123143
relationship existing directly or indirectly between the 123144
transferor and either the decedent or the estate of the decedent 123145
at any time prior to the date of the decedent's death, and the 123146
decedent was domiciled in this state at the time of death for 123147
purposes of the taxes levied under Chapter 5731. of the Revised 123148
Code. 123149

(iv) The transfer is made to a trust on account of a 123150
contractual relationship existing directly or indirectly between 123151
the transferor and another person who at the time of the 123152
decedent's death was domiciled in this state for purposes of 123153
this chapter. 123154

(v) The transfer is made to a trust on account of the will 123155
of a testator who was domiciled in this state at the time of the 123156
testator's death for purposes of the taxes levied under Chapter 123157
5731. of the Revised Code. 123158

(vi) The transfer is made to a trust created by or caused 123159
to be created by a court, and the trust was directly or 123160
indirectly created in connection with or as a result of the 123161

death of an individual who, for purposes of the taxes levied 123162
under Chapter 5731. of the Revised Code, was domiciled in this 123163
state at the time of the individual's death. 123164

(g) The tax commissioner may adopt rules to ascertain the 123165
part of a trust residing in this state. 123166

(J) "Nonresident" means an individual or estate that is 123167
not a resident. An individual who is a resident for only part of 123168
a taxable year is a nonresident for the remainder of that 123169
taxable year. 123170

(K) "Pass-through entity" has the same meaning as in 123171
section 5733.04 of the Revised Code. 123172

(L) "Return" means the notifications and reports required 123173
to be filed pursuant to this chapter for the purpose of 123174
reporting the tax due and includes declarations of estimated tax 123175
when so required. 123176

(M) "Taxable year" means the calendar year or the 123177
taxpayer's fiscal year ending during the calendar year, or 123178
fractional part thereof, upon which the adjusted gross income is 123179
calculated pursuant to this chapter. 123180

(N) "Taxpayer" means any person subject to the tax imposed 123181
by section 5747.02 of the Revised Code or any pass-through 123182
entity that makes the election under division (D) of section 123183
5747.08 of the Revised Code. 123184

(O) "Dependents" means one of the following: 123185

(1) For taxable years beginning on or after January 1, 123186
2018, and before January 1, 2026, dependents as defined in the 123187
Internal Revenue Code; 123188

(2) For all other taxable years, dependents as defined in 123189

the Internal Revenue Code and as claimed in the taxpayer's 123190
federal income tax return for the taxable year or which the 123191
taxpayer would have been permitted to claim had the taxpayer 123192
filed a federal income tax return. 123193

(P) "Principal county of employment" means, in the case of 123194
a nonresident, the county within the state in which a taxpayer 123195
performs services for an employer or, if those services are 123196
performed in more than one county, the county in which the major 123197
portion of the services are performed. 123198

(Q) As used in sections 5747.50 to 5747.55 of the Revised 123199
Code: 123200

(1) "Subdivision" means any county, municipal corporation, 123201
park district, or township. 123202

(2) "Essential local government purposes" includes all 123203
functions that any subdivision is required by general law to 123204
exercise, including like functions that are exercised under a 123205
charter adopted pursuant to the Ohio Constitution. 123206

(R) "Overpayment" means any amount already paid that 123207
exceeds the figure determined to be the correct amount of the 123208
tax. 123209

(S) "Taxable income" or "Ohio taxable income" applies only 123210
to estates and trusts, and means federal taxable income, as 123211
defined and used in the Internal Revenue Code, adjusted as 123212
follows: 123213

(1) Add interest or dividends, net of ordinary, necessary, 123214
and reasonable expenses not deducted in computing federal 123215
taxable income, on obligations or securities of any state or of 123216
any political subdivision or authority of any state, other than 123217
this state and its subdivisions and authorities, but only to the 123218

extent that such net amount is not otherwise includible in Ohio 123219
taxable income and is described in either division (S) (1) (a) or 123220
(b) of this section: 123221

(a) The net amount is not attributable to the S portion of 123222
an electing small business trust and has not been distributed to 123223
beneficiaries for the taxable year; 123224

(b) The net amount is attributable to the S portion of an 123225
electing small business trust for the taxable year. 123226

(2) Add interest or dividends, net of ordinary, necessary, 123227
and reasonable expenses not deducted in computing federal 123228
taxable income, on obligations of any authority, commission, 123229
instrumentality, territory, or possession of the United States 123230
to the extent that the interest or dividends are exempt from 123231
federal income taxes but not from state income taxes, but only 123232
to the extent that such net amount is not otherwise includible 123233
in Ohio taxable income and is described in either division (S) 123234
(1) (a) or (b) of this section; 123235

(3) Add the amount of personal exemption allowed to the 123236
estate pursuant to section 642(b) of the Internal Revenue Code; 123237

(4) Deduct interest or dividends, net of related expenses 123238
deducted in computing federal taxable income, on obligations of 123239
the United States and its territories and possessions or of any 123240
authority, commission, or instrumentality of the United States 123241
to the extent that the interest or dividends are exempt from 123242
state taxes under the laws of the United States, but only to the 123243
extent that such amount is included in federal taxable income 123244
and is described in either division (S) (1) (a) or (b) of this 123245
section; 123246

(5) Deduct the amount of wages and salaries, if any, not 123247

otherwise allowable as a deduction but that would have been 123248
allowable as a deduction in computing federal taxable income for 123249
the taxable year, had the work opportunity tax credit allowed 123250
under sections 38, 51, and 52 of the Internal Revenue Code not 123251
been in effect, but only to the extent such amount relates 123252
either to income included in federal taxable income for the 123253
taxable year or to income of the S portion of an electing small 123254
business trust for the taxable year; 123255

(6) Deduct any interest or interest equivalent, net of 123256
related expenses deducted in computing federal taxable income, 123257
on public obligations and purchase obligations, but only to the 123258
extent that such net amount relates either to income included in 123259
federal taxable income for the taxable year or to income of the 123260
S portion of an electing small business trust for the taxable 123261
year; 123262

(7) Add any loss or deduct any gain resulting from sale, 123263
exchange, or other disposition of public obligations to the 123264
extent that such loss has been deducted or such gain has been 123265
included in computing either federal taxable income or income of 123266
the S portion of an electing small business trust for the 123267
taxable year; 123268

(8) Except in the case of the final return of an estate, 123269
add any amount deducted by the taxpayer on both its Ohio estate 123270
tax return pursuant to section 5731.14 of the Revised Code, and 123271
on its federal income tax return in determining federal taxable 123272
income; 123273

(9) (a) Deduct any amount included in federal taxable 123274
income solely because the amount represents a reimbursement or 123275
refund of expenses that in a previous year the decedent had 123276
deducted as an itemized deduction pursuant to section 63 of the 123277

Internal Revenue Code and applicable treasury regulations. The 123278
deduction otherwise allowed under division (S) (9) (a) of this 123279
section shall be reduced to the extent the reimbursement is 123280
attributable to an amount the taxpayer or decedent deducted 123281
under this section in any taxable year. 123282

(b) Add any amount not otherwise included in Ohio taxable 123283
income for any taxable year to the extent that the amount is 123284
attributable to the recovery during the taxable year of any 123285
amount deducted or excluded in computing federal or Ohio taxable 123286
income in any taxable year, but only to the extent such amount 123287
has not been distributed to beneficiaries for the taxable year. 123288

(10) Deduct any portion of the deduction described in 123289
section 1341(a) (2) of the Internal Revenue Code, for repaying 123290
previously reported income received under a claim of right, that 123291
meets both of the following requirements: 123292

(a) It is allowable for repayment of an item that was 123293
included in the taxpayer's taxable income or the decedent's 123294
adjusted gross income for a prior taxable year and did not 123295
qualify for a credit under division (A) or (B) of section 123296
5747.05 of the Revised Code for that year. 123297

(b) It does not otherwise reduce the taxpayer's taxable 123298
income or the decedent's adjusted gross income for the current 123299
or any other taxable year. 123300

(11) Add any amount claimed as a credit under section 123301
5747.059 of the Revised Code to the extent that the amount 123302
satisfies either of the following: 123303

(a) The amount was deducted or excluded from the 123304
computation of the taxpayer's federal taxable income as required 123305
to be reported for the taxpayer's taxable year under the 123306

Internal Revenue Code; 123307

(b) The amount resulted in a reduction in the taxpayer's 123308
federal taxable income as required to be reported for any of the 123309
taxpayer's taxable years under the Internal Revenue Code. 123310

(12) Deduct any amount, net of related expenses deducted 123311
in computing federal taxable income, that a trust is required to 123312
report as farm income on its federal income tax return, but only 123313
if the assets of the trust include at least ten acres of land 123314
satisfying the definition of "land devoted exclusively to 123315
agricultural use" under section 5713.30 of the Revised Code, 123316
regardless of whether the land is valued for tax purposes as 123317
such land under sections 5713.30 to 5713.38 of the Revised Code. 123318
If the trust is a pass-through entity investor, section 5747.231 123319
of the Revised Code applies in ascertaining if the trust is 123320
eligible to claim the deduction provided by division (S) (12) of 123321
this section in connection with the pass-through entity's farm 123322
income. 123323

Except for farm income attributable to the S portion of an 123324
electing small business trust, the deduction provided by 123325
division (S) (12) of this section is allowed only to the extent 123326
that the trust has not distributed such farm income. 123327

(13) Add the net amount of income described in section 123328
641(c) of the Internal Revenue Code to the extent that amount is 123329
not included in federal taxable income. 123330

(14) ~~Deduct~~ Add or deduct the amount the taxpayer would be 123331
required to add or deduct under division ~~(A) (18)~~ (A) (17) or (18) 123332
of this section if the taxpayer's Ohio taxable income ~~were~~ was 123333
computed in the same manner as an individual's Ohio adjusted 123334
gross income is computed under this section. 123335

(15) Add, to the extent not otherwise included in 123336
computing taxable income or Ohio taxable income for any taxable 123337
year, the taxpayer's proportionate share of the amount of the 123338
tax levied under section 5747.38 of the Revised Code and paid by 123339
an electing pass-through entity for the taxable year. 123340

(16) Add any income taxes deducted in computing federal 123341
taxable income or Ohio taxable income to the extent the income 123342
taxes were derived from income subject to a tax levied in 123343
another state or the District of Columbia when such tax was 123344
enacted for purposes of complying with internal revenue service 123345
notice 2020-75. 123346

(T) "School district income" and "school district income 123347
tax" have the same meanings as in section 5748.01 of the Revised 123348
Code. 123349

(U) As used in divisions (A) (7), (A) (8), (S) (6), and (S) 123350
(7) of this section, "public obligations," "purchase 123351
obligations," and "interest or interest equivalent" have the 123352
same meanings as in section 5709.76 of the Revised Code. 123353

(V) "Limited liability company" means any limited 123354
liability company formed under former Chapter 1705. of the 123355
Revised Code as that chapter existed prior to February 11, 2022, 123356
Chapter 1706. of the Revised Code, or the laws of any other 123357
state. 123358

(W) "Pass-through entity investor" means any person who, 123359
during any portion of a taxable year of a pass-through entity, 123360
is a partner, member, shareholder, or equity investor in that 123361
pass-through entity. 123362

(X) "Banking day" has the same meaning as in section 123363
1304.01 of the Revised Code. 123364

(Y) "Month" means a calendar month. 123365

(Z) "Quarter" means the first three months, the second 123366
three months, the third three months, or the last three months 123367
of the taxpayer's taxable year. 123368

(AA) (1) "Modified business income" means the business 123369
income included in a trust's Ohio taxable income after such 123370
taxable income is first reduced by the qualifying trust amount, 123371
if any. 123372

(2) "Qualifying trust amount" of a trust means capital 123373
gains and losses from the sale, exchange, or other disposition 123374
of equity or ownership interests in, or debt obligations of, a 123375
qualifying investee to the extent included in the trust's Ohio 123376
taxable income, but only if the following requirements are 123377
satisfied: 123378

(a) The book value of the qualifying investee's physical 123379
assets in this state and everywhere, as of the last day of the 123380
qualifying investee's fiscal or calendar year ending immediately 123381
prior to the date on which the trust recognizes the gain or 123382
loss, is available to the trust. 123383

(b) The requirements of section 5747.011 of the Revised 123384
Code are satisfied for the trust's taxable year in which the 123385
trust recognizes the gain or loss. 123386

Any gain or loss that is not a qualifying trust amount is 123387
modified business income, qualifying investment income, or 123388
modified nonbusiness income, as the case may be. 123389

(3) "Modified nonbusiness income" means a trust's Ohio 123390
taxable income other than modified business income, other than 123391
the qualifying trust amount, and other than qualifying 123392
investment income, as defined in section 5747.012 of the Revised 123393

Code, to the extent such qualifying investment income is not 123394
otherwise part of modified business income. 123395

(4) "Modified Ohio taxable income" applies only to trusts, 123396
and means the sum of the amounts described in divisions (AA) (4) 123397
(a) to (c) of this section: 123398

(a) The fraction, calculated under section 5747.013, and 123399
applying section 5747.231 of the Revised Code, multiplied by the 123400
sum of the following amounts: 123401

(i) The trust's modified business income; 123402

(ii) The trust's qualifying investment income, as defined 123403
in section 5747.012 of the Revised Code, but only to the extent 123404
the qualifying investment income does not otherwise constitute 123405
modified business income and does not otherwise constitute a 123406
qualifying trust amount. 123407

(b) The qualifying trust amount multiplied by a fraction, 123408
the numerator of which is the sum of the book value of the 123409
qualifying investee's physical assets in this state on the last 123410
day of the qualifying investee's fiscal or calendar year ending 123411
immediately prior to the day on which the trust recognizes the 123412
qualifying trust amount, and the denominator of which is the sum 123413
of the book value of the qualifying investee's total physical 123414
assets everywhere on the last day of the qualifying investee's 123415
fiscal or calendar year ending immediately prior to the day on 123416
which the trust recognizes the qualifying trust amount. If, for 123417
a taxable year, the trust recognizes a qualifying trust amount 123418
with respect to more than one qualifying investee, the amount 123419
described in division (AA) (4) (b) of this section shall equal the 123420
sum of the products so computed for each such qualifying 123421
investee. 123422

(c) (i) With respect to a trust or portion of a trust that 123423
is a resident as ascertained in accordance with division (I) (3) 123424
(d) of this section, its modified nonbusiness income. 123425

(ii) With respect to a trust or portion of a trust that is 123426
not a resident as ascertained in accordance with division (I) (3) 123427
(d) of this section, the amount of its modified nonbusiness 123428
income satisfying the descriptions in divisions (B) (2) to (5) of 123429
section 5747.20 of the Revised Code, except as otherwise 123430
provided in division (AA) (4) (c) (ii) of this section. With 123431
respect to a trust or portion of a trust that is not a resident 123432
as ascertained in accordance with division (I) (3) (d) of this 123433
section, the trust's portion of modified nonbusiness income 123434
recognized from the sale, exchange, or other disposition of a 123435
debt interest in or equity interest in a section 5747.212 123436
entity, as defined in section 5747.212 of the Revised Code, 123437
without regard to division (A) of that section, shall not be 123438
allocated to this state in accordance with section 5747.20 of 123439
the Revised Code but shall be apportioned to this state in 123440
accordance with division (B) of section 5747.212 of the Revised 123441
Code without regard to division (A) of that section. 123442

If the allocation and apportionment of a trust's income 123443
under divisions (AA) (4) (a) and (c) of this section do not fairly 123444
represent the modified Ohio taxable income of the trust in this 123445
state, the alternative methods described in division (C) of 123446
section 5747.21 of the Revised Code may be applied in the manner 123447
and to the same extent provided in that section. 123448

(5) (a) Except as set forth in division (AA) (5) (b) of this 123449
section, "qualifying investee" means a person in which a trust 123450
has an equity or ownership interest, or a person or unit of 123451
government the debt obligations of either of which are owned by 123452

a trust. For the purposes of division (AA) (2) (a) of this section 123453
and for the purpose of computing the fraction described in 123454
division (AA) (4) (b) of this section, all of the following apply: 123455

(i) If the qualifying investee is a member of a qualifying 123456
controlled group on the last day of the qualifying investee's 123457
fiscal or calendar year ending immediately prior to the date on 123458
which the trust recognizes the gain or loss, then "qualifying 123459
investee" includes all persons in the qualifying controlled 123460
group on such last day. 123461

(ii) If the qualifying investee, or if the qualifying 123462
investee and any members of the qualifying controlled group of 123463
which the qualifying investee is a member on the last day of the 123464
qualifying investee's fiscal or calendar year ending immediately 123465
prior to the date on which the trust recognizes the gain or 123466
loss, separately or cumulatively own, directly or indirectly, on 123467
the last day of the qualifying investee's fiscal or calendar 123468
year ending immediately prior to the date on which the trust 123469
recognizes the qualifying trust amount, more than fifty per cent 123470
of the equity of a pass-through entity, then the qualifying 123471
investee and the other members are deemed to own the 123472
proportionate share of the pass-through entity's physical assets 123473
which the pass-through entity directly or indirectly owns on the 123474
last day of the pass-through entity's calendar or fiscal year 123475
ending within or with the last day of the qualifying investee's 123476
fiscal or calendar year ending immediately prior to the date on 123477
which the trust recognizes the qualifying trust amount. 123478

(iii) For the purposes of division (AA) (5) (a) (iii) of this 123479
section, "upper level pass-through entity" means a pass-through 123480
entity directly or indirectly owning any equity of another pass- 123481
through entity, and "lower level pass-through entity" means that 123482

other pass-through entity. 123483

An upper level pass-through entity, whether or not it is 123484
also a qualifying investee, is deemed to own, on the last day of 123485
the upper level pass-through entity's calendar or fiscal year, 123486
the proportionate share of the lower level pass-through entity's 123487
physical assets that the lower level pass-through entity 123488
directly or indirectly owns on the last day of the lower level 123489
pass-through entity's calendar or fiscal year ending within or 123490
with the last day of the upper level pass-through entity's 123491
fiscal or calendar year. If the upper level pass-through entity 123492
directly and indirectly owns less than fifty per cent of the 123493
equity of the lower level pass-through entity on each day of the 123494
upper level pass-through entity's calendar or fiscal year in 123495
which or with which ends the calendar or fiscal year of the 123496
lower level pass-through entity and if, based upon clear and 123497
convincing evidence, complete information about the location and 123498
cost of the physical assets of the lower pass-through entity is 123499
not available to the upper level pass-through entity, then 123500
solely for purposes of ascertaining if a gain or loss 123501
constitutes a qualifying trust amount, the upper level pass- 123502
through entity shall be deemed as owning no equity of the lower 123503
level pass-through entity for each day during the upper level 123504
pass-through entity's calendar or fiscal year in which or with 123505
which ends the lower level pass-through entity's calendar or 123506
fiscal year. Nothing in division (AA) (5) (a) (iii) of this section 123507
shall be construed to provide for any deduction or exclusion in 123508
computing any trust's Ohio taxable income. 123509

(b) With respect to a trust that is not a resident for the 123510
taxable year and with respect to a part of a trust that is not a 123511
resident for the taxable year, "qualifying investee" for that 123512
taxable year does not include a C corporation if both of the 123513

following apply: 123514

(i) During the taxable year the trust or part of the trust 123515
recognizes a gain or loss from the sale, exchange, or other 123516
disposition of equity or ownership interests in, or debt 123517
obligations of, the C corporation. 123518

(ii) Such gain or loss constitutes nonbusiness income. 123519

(6) "Available" means information is such that a person is 123520
able to learn of the information by the due date plus 123521
extensions, if any, for filing the return for the taxable year 123522
in which the trust recognizes the gain or loss. 123523

(BB) "Qualifying controlled group" has the same meaning as 123524
in section 5733.04 of the Revised Code. 123525

(CC) "Related member" has the same meaning as in section 123526
5733.042 of the Revised Code. 123527

(DD) (1) For the purposes of division (DD) of this section: 123528

(a) "Qualifying person" means any person other than a 123529
qualifying corporation. 123530

(b) "Qualifying corporation" means any person classified 123531
for federal income tax purposes as an association taxable as a 123532
corporation, except either of the following: 123533

(i) A corporation that has made an election under 123534
subchapter S, chapter one, subtitle A, of the Internal Revenue 123535
Code for its taxable year ending within, or on the last day of, 123536
the investor's taxable year; 123537

(ii) A subsidiary that is wholly owned by any corporation 123538
that has made an election under subchapter S, chapter one, 123539
subtitle A of the Internal Revenue Code for its taxable year 123540

ending within, or on the last day of, the investor's taxable 123541
year. 123542

(2) For the purposes of this chapter, unless expressly 123543
stated otherwise, no qualifying person indirectly owns any asset 123544
directly or indirectly owned by any qualifying corporation. 123545

(EE) For purposes of this chapter and Chapter 5751. of the 123546
Revised Code: 123547

(1) "Trust" does not include a qualified pre-income tax 123548
trust. 123549

(2) A "qualified pre-income tax trust" is any pre-income 123550
tax trust that makes a qualifying pre-income tax trust election 123551
as described in division (EE) (3) of this section. 123552

(3) A "qualifying pre-income tax trust election" is an 123553
election by a pre-income tax trust to subject to the tax imposed 123554
by section 5751.02 of the Revised Code the pre-income tax trust 123555
and all pass-through entities of which the trust owns or 123556
controls, directly, indirectly, or constructively through 123557
related interests, five per cent or more of the ownership or 123558
equity interests. The trustee shall notify the tax commissioner 123559
in writing of the election on or before April 15, 2006. The 123560
election, if timely made, shall be effective on and after 123561
January 1, 2006, and shall apply for all tax periods and tax 123562
years until revoked by the trustee of the trust. 123563

(4) A "pre-income tax trust" is a trust that satisfies all 123564
of the following requirements: 123565

(a) The document or instrument creating the trust was 123566
executed by the grantor before January 1, 1972; 123567

(b) The trust became irrevocable upon the creation of the 123568

trust; and 123569

(c) The grantor was domiciled in this state at the time 123570
the trust was created. 123571

(FF) "Uniformed services" means all of the following: 123572

(1) "Armed forces of the United States" as defined in 123573
section 5907.01 of the Revised Code; 123574

(2) The commissioned corps of the national oceanic and 123575
atmospheric administration; 123576

(3) The commissioned corps of the public health service. 123577

(GG) "Taxable business income" means the amount by which 123578
an individual's business income that is included in federal 123579
adjusted gross income exceeds the amount of business income the 123580
individual is authorized to deduct under division (A) (28) of 123581
this section for the taxable year. 123582

(HH) "Employer" does not include a franchisor with respect 123583
to the franchisor's relationship with a franchisee or an 123584
employee of a franchisee, unless the franchisor agrees to assume 123585
that role in writing or a court of competent jurisdiction 123586
determines that the franchisor exercises a type or degree of 123587
control over the franchisee or the franchisee's employees that 123588
is not customarily exercised by a franchisor for the purpose of 123589
protecting the franchisor's trademark, brand, or both. For 123590
purposes of this division, "franchisor" and "franchisee" have 123591
the same meanings as in 16 C.F.R. 436.1. 123592

(II) "Modified adjusted gross income" means Ohio adjusted 123593
gross income plus any amount deducted under divisions (A) (28) 123594
and (34) of this section for the taxable year. 123595

(JJ) "Qualifying Ohio educator" means an individual who, 123596

for a taxable year, qualifies as an eligible educator, as that 123597
term is defined in section 62 of the Internal Revenue Code, and 123598
who holds a certificate, license, or permit described in Chapter 123599
3319. or section 3301.071 of the Revised Code. 123600

(KK) "Professional employer organization," "professional 123601
employer organization agreement," and "professional employer 123602
organization reporting entity" have the same meanings as in 123603
section 4125.01 of the Revised Code. 123604

(LL) "Alternate employer organization" and "alternate 123605
employer organization agreement" have the same meanings as in 123606
section 4133.01 of the Revised Code. 123607

(MM) "Casino gaming" has the same meaning as in section 123608
3772.01 of the Revised Code, "lottery sports gaming" has the 123609
same meaning as in section 3770.23 of the Revised Code, "sports 123610
gaming" has the same meaning as in section 3775.01 of the 123611
Revised Code, and "video lottery terminal" has the same meaning 123612
as in section 3770.21 of the Revised Code. 123613

Sec. 5747.02. (A) For the purpose of providing revenue for 123614
the support of schools and local government functions, to 123615
provide relief to property taxpayers, to provide revenue for the 123616
general revenue fund, and to meet the expenses of administering 123617
the tax levied by this chapter, there is hereby levied on every 123618
individual, trust, and estate residing in or earning or 123619
receiving income in this state, on every individual, trust, and 123620
estate earning or receiving lottery winnings, prizes, or awards 123621
pursuant to Chapter 3770. of the Revised Code, on every 123622
individual, trust, and estate earning or receiving winnings on 123623
casino or sports gaming, and on every individual, trust, and 123624
estate otherwise having nexus with or in this state under the 123625
Constitution of the United States, an annual tax measured as 123626

prescribed in divisions (A) (1) to (4) of this section. 123627

(1) In the case of trusts, the tax imposed by this section 123628
shall be measured by modified Ohio taxable income under division 123629
~~(D)~~(C) of this section and levied in the same amount as the tax 123630
is imposed on estates as prescribed in division (A) (2) of this 123631
section. 123632

(2) In the case of estates, the tax imposed by this 123633
section shall be measured by Ohio taxable income. The tax shall 123634
be levied at the rate of 1.38462% for the first twenty-six 123635
thousand fifty dollars of such income and, for income in excess 123636
of that amount, the tax shall be levied at the same rates 123637
prescribed in division (A) (3) of this section for individuals. 123638

(3) In the case of individuals, the tax imposed by this 123639
section on income other than taxable business income shall be 123640
measured by Ohio adjusted gross income, less taxable business 123641
income and less an exemption for the taxpayer, the taxpayer's 123642
spouse, and each dependent as provided in section 5747.025 of 123643
the Revised Code. If the balance thus obtained is equal to or 123644
less than twenty-six thousand fifty dollars, no tax shall be 123645
imposed on that balance. If the balance thus obtained is greater 123646
than twenty-six thousand fifty dollars, the tax is hereby levied 123647
as follows: 123648

(a) For taxable years beginning in 2023: 123649
123650

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A OHIO ADJUSTED GROSS INCOME LESS TAX
TAXABLE BUSINESS INCOME AND EXEMPTIONS
(INDIVIDUALS) OR MODIFIED OHIO TAXABLE
INCOME (TRUSTS) OR OHIO TAXABLE INCOME

(ESTATES)

B	More than \$26,050 but not more than \$100,000	\$360.69 plus 2.75% of the amount in excess of \$26,050
C	More than \$100,000 but not more than \$115,300	\$2,394.32 plus 3.688% of the amount in excess of \$100,000
D	More than \$115,300	\$2,958.58 plus 3.75% of the amount in excess of \$115,300

(b) For taxable years beginning in 2024 and thereafter: 123651
123652

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A	OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS) OR OHIO TAXABLE INCOME (ESTATES)	TAX
B	More than \$26,050 but not more than \$100,000	\$360.69 plus 2.75% of the amount in excess of \$26,050
C	More than \$100,000	\$2,394.32 plus 3.5% of the amount in excess of \$100,000

(4) (a) In the case of individuals, the tax imposed by this 123653
section on taxable business income shall equal three per cent of 123654
the result obtained by subtracting any amount allowed under 123655
division (A) (4) (b) of this section from the individual's taxable 123656

business income. 123657

(b) If the exemptions allowed to an individual under 123658
division (A) (3) of this section exceed the taxpayer's Ohio 123659
adjusted gross income less taxable business income, the excess 123660
shall be deducted from taxable business income before computing 123661
the tax under division (A) (4) (a) of this section. 123662

(5) Except as otherwise provided in this division, in 123663
August of each year, the tax commissioner shall make a new 123664
adjustment to the income amounts prescribed in divisions (A) (2) 123665
and (3) of this section by multiplying the percentage increase 123666
in the gross domestic product deflator computed that year under 123667
section 5747.025 of the Revised Code by each of the income 123668
amounts resulting from the adjustment under this division in the 123669
preceding year, adding the resulting product to the 123670
corresponding income amount resulting from the adjustment in the 123671
preceding year, and rounding the resulting sum to the nearest 123672
multiple of fifty dollars. The tax commissioner also shall 123673
recompute each of the tax dollar amounts to the extent necessary 123674
to reflect the new adjustment of the income amounts. To 123675
recompute the tax dollar amount corresponding to the lowest tax 123676
rate in division (A) (3) of this section, the commissioner shall 123677
multiply the tax rate prescribed in division (A) (2) of this 123678
section by the income amount specified in that division and as 123679
adjusted according to this paragraph. The rates of taxation 123680
shall not be adjusted. 123681

The adjusted amounts apply to taxable years beginning in 123682
the calendar year in which the adjustments are made and to 123683
taxable years beginning in each ensuing calendar year until a 123684
calendar year in which a new adjustment is made pursuant to this 123685
division. The tax commissioner shall not make a new adjustment 123686

in any year in which the amount resulting from the adjustment 123687
would be less than the amount resulting from the adjustment in 123688
the preceding year. 123689

~~(B) If the director of budget and management makes a 123690~~
~~certification to the tax commissioner under division (B) of 123691~~
~~section 131.44 of the Revised Code, the amount of tax as 123692~~
~~determined under divisions (A) (1) to (3) of this section shall 123693~~
~~be reduced by the percentage prescribed in that certification 123694~~
~~for taxable years beginning in the calendar year in which that 123695~~
~~certification is made. 123696~~

~~(C) (1)~~ (B) (1) The tax imposed by this section on a trust 123697
shall be computed by multiplying the Ohio modified taxable 123698
income of the trust by the rates prescribed by division (A) of 123699
this section. 123700

(2) A resident trust may claim a credit against the tax 123701
computed under division ~~(C)~~ (B) of this section equal to the 123702
lesser of (a) the tax paid to another state or the District of 123703
Columbia on the resident trust's modified nonbusiness income, 123704
other than the portion of the resident trust's nonbusiness 123705
income that is qualifying investment income as defined in 123706
section 5747.012 of the Revised Code, or (b) the effective tax 123707
rate, based on modified Ohio taxable income, multiplied by the 123708
resident trust's modified nonbusiness income other than the 123709
portion of the resident trust's nonbusiness income that is 123710
qualifying investment income. The credit applies before any 123711
other applicable credits. 123712

(3) Any credit authorized against the tax imposed by this 123713
section applies to a trust subject to division ~~(C)~~ (B) of this 123714
section only if the trust otherwise qualifies for the credit. To 123715
the extent that the trust distributes income for the taxable 123716

year for which a credit is available to the trust, the credit 123717
shall be shared by the trust and its beneficiaries. The tax 123718
commissioner and the trust shall be guided by applicable 123719
regulations of the United States treasury regarding the sharing 123720
of credits. 123721

~~(D)~~ (C) For the purposes of this section, "trust" means any 123722
trust described in Subchapter J of Chapter 1 of the Internal 123723
Revenue Code, excluding trusts that are not irrevocable as 123724
defined in division (I) (3) (b) of section 5747.01 of the Revised 123725
Code and that have no modified Ohio taxable income for the 123726
taxable year, charitable remainder trusts, qualified funeral 123727
trusts and preneed funeral contract trusts established pursuant 123728
to sections 4717.31 to 4717.38 of the Revised Code that are not 123729
qualified funeral trusts, endowment and perpetual care trusts, 123730
qualified settlement trusts and funds, designated settlement 123731
trusts and funds, and trusts exempted from taxation under 123732
section 501(a) of the Internal Revenue Code. 123733

~~(E)~~ (D) Nothing in division (A) (3) of this section shall 123734
prohibit an individual with an Ohio adjusted gross income, less 123735
taxable business income and exemptions, of twenty-six thousand 123736
fifty dollars or less from filing a return under this chapter to 123737
receive a refund of taxes withheld or to claim any refundable 123738
credit allowed under this chapter. 123739

Sec. 5747.021. In addition to the tax levied under section 123740
5747.02 of the Revised Code, the tax commissioner shall charge 123741
the tax imposed on the school district income of an individual 123742
~~or estate~~ by a school district under Chapter 5748. of the 123743
Revised Code by multiplying the rate certified to be charged 123744
under such chapter by the taxpayer's school district income with 123745
respect to that district. 123746

Sec. 5747.05. As used in this section, "income tax" 123747
includes both a tax on net income and a tax measured by net 123748
income. 123749

The following credits shall be allowed against the 123750
aggregate income tax liability imposed by section 5747.02 of the 123751
Revised Code on individuals and estates: 123752

(A) (1) The amount of tax otherwise due under section 123753
5747.02 of the Revised Code on such portion of the combined 123754
adjusted gross income and taxable business income of any 123755
nonresident taxpayer that is not allocable or apportionable to 123756
this state pursuant to sections 5747.20 to 5747.23 of the 123757
Revised Code. The credit provided under this division shall not 123758
exceed the total tax due under section 5747.02 of the Revised 123759
Code. 123760

(2) The tax commissioner may enter into an agreement with 123761
the taxing authorities of any state or of the District of 123762
Columbia that imposes an income tax to provide that compensation 123763
paid in this state to a nonresident taxpayer shall not be 123764
subject to the tax levied in section 5747.02 of the Revised Code 123765
so long as compensation paid in such other state or in the 123766
District of Columbia to a resident taxpayer shall likewise not 123767
be subject to the income tax of such other state or of the 123768
District of Columbia. 123769

(B) The lesser of division (B) (1) or (2) of this section: 123770

(1) The aggregate amount of tax otherwise due under 123771
section 5747.02 of the Revised Code on such portion of the 123772
combined adjusted gross income and taxable business income of a 123773
resident taxpayer that in another state or in the District of 123774
Columbia is subjected to an income tax. The credit provided 123775

under division (B) (1) of this section shall not exceed the total 123776
tax due under section 5747.02 of the Revised Code. 123777

(2) The amount of income tax liability to another state or 123778
the District of Columbia on the portion of the combined adjusted 123779
gross income and taxable business income of a resident taxpayer 123780
that in another state or in the District of Columbia is 123781
subjected to an income tax. The credit provided under division 123782
(B) (2) of this section shall not exceed the total amount of tax 123783
otherwise due under section 5747.02 of the Revised Code. 123784

(3) For the purpose of divisions (B) (1) and (2) of this 123785
section, a resident taxpayer's combined adjusted gross income 123786
and taxable business income that is subject to an income tax 123787
levied in another state or in the District of Columbia includes 123788
income that is subject to either (a) a tax similar to the tax 123789
imposed by division (D) (1) (a) of section 5747.08 of the Revised 123790
Code or (b) a tax enacted for purposes of complying with 123791
internal revenue service notice 2020-75. In computing a resident 123792
taxpayer's income tax paid or accrued to another state or the 123793
District of Columbia, the deduction authorized by division (A) 123794
(28) of section 5747.01 of the Revised Code shall first be 123795
deducted against business income apportioned to this state. 123796

(4) If the credit provided under division (B) of this 123797
section is affected by a change in either the portion of the 123798
combined adjusted gross income and taxable business income of a 123799
resident taxpayer subjected to an income tax in another state or 123800
the District of Columbia or the amount of income tax liability 123801
that has been paid to another state or the District of Columbia, 123802
the taxpayer shall report the change to the tax commissioner 123803
within ninety days of the change in such form as the 123804
commissioner requires. 123805

(a) In the case of an underpayment, the report shall be 123806
accompanied by payment of any additional tax due as a result of 123807
the reduction in credit together with interest on the additional 123808
tax and is a return subject to assessment under section 5747.13 123809
of the Revised Code solely for the purpose of assessing any 123810
additional tax due under this division, together with any 123811
applicable penalty and interest. It shall not reopen the 123812
computation of the taxpayer's tax liability under this chapter 123813
from a previously filed return no longer subject to assessment 123814
except to the extent that such liability is affected by an 123815
adjustment to the credit allowed by division (B) of this 123816
section. 123817

(b) In the case of an overpayment, an application for 123818
refund may be filed under this division within the ninety-day 123819
period prescribed for filing the report even if it is beyond the 123820
period prescribed in section 5747.11 of the Revised Code if it 123821
otherwise conforms to the requirements of such section. An 123822
application filed under this division shall only claim refund of 123823
overpayments resulting from an adjustment to the credit allowed 123824
by division (B) of this section unless it is also filed within 123825
the time prescribed in section 5747.11 of the Revised Code. It 123826
shall not reopen the computation of the taxpayer's tax liability 123827
except to the extent that such liability is affected by an 123828
adjustment to the credit allowed by division (B) of this 123829
section. 123830

(5) No credit shall be allowed under division (B) of this 123831
section: 123832

(a) For income tax paid or accrued to another state or to 123833
the District of Columbia if the taxpayer, when computing federal 123834
adjusted gross income, has directly or indirectly deducted, or 123835

was required to directly or indirectly deduct, the amount of 123836
that income tax; 123837

Division (B) (5) (a) of this section does not apply to 123838
income taxes included in the computation of Ohio adjusted gross 123839
income under division (A) (41) of section 5747.01 of the Revised 123840
Code and not deducted from Ohio adjusted gross income under 123841
division (A) (28) of that section or to income taxes included in 123842
Ohio taxable income under division (S) (16) of section 5747.01 of 123843
the Revised Code. 123844

(b) For compensation that is not subject to the income tax 123845
of another state or the District of Columbia as the result of an 123846
agreement entered into by the tax commissioner under division 123847
(A) (3) of this section; or 123848

(c) For income tax paid or accrued to another state or the 123849
District of Columbia if the taxpayer fails to furnish such proof 123850
as the tax commissioner shall require that such income tax 123851
liability has been paid. 123852

(C) An individual who is a resident for part of a taxable 123853
year and a nonresident for the remainder of the taxable year is 123854
allowed the credits under divisions (A) and (B) of this section 123855
in accordance with rules prescribed by the tax commissioner. In 123856
no event shall the same income be subject to both credits. 123857

(D) The credit allowed under division (A) of this section 123858
shall be calculated based upon the amount of tax due under 123859
section 5747.02 of the Revised Code after subtracting any other 123860
credits that precede the credit under that division in the order 123861
required under section 5747.98 of the Revised Code. The credit 123862
allowed under division (B) of this section shall be calculated 123863
based upon the amount of tax due under section 5747.02 of the 123864

Revised Code after subtracting any other credits that precede 123865
the credit under that division in the order required under 123866
section 5747.98 of the Revised Code. 123867

(E) (1) On a joint return filed by a husband and wife, each 123868
of whom had adjusted gross income of at least five hundred 123869
dollars, exclusive of interest, dividends and distributions, 123870
royalties, rent, and capital gains, a credit equal to the lesser 123871
of six hundred fifty dollars or the percentage shown in column B 123872
that corresponds with the taxpayer's modified adjusted gross 123873
income, less exemptions for the taxable year, of the total 123874
amount of tax due after allowing for any other credit that 123875
precedes this credit as required under section 5747.98 of the 123876
Revised Code: 123877
123878

	1	2
A	A.	B.
B	IF THE MODIFIED ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:
C	\$25,000 or less	20%
D	More than \$25,000 but not more than \$50,000	15%
E	More than \$50,000 but not more than \$75,000	10%
F	More than \$75,000	5%

(2) The credit shall be claimed in the order required 123879

under section 5747.98 of the Revised Code. 123880

(F) No claim for credit under this section shall be 123881
allowed unless the claimant furnishes such supporting 123882
information as the tax commissioner prescribes by rules. 123883

Sec. 5747.062. As used in this section, ~~"transferee"~~: 123884

"Transferee" has the same meaning as in section 3770.10 of 123885
the Revised Code, ~~and "recipient"~~. 123886

"Recipient" includes a transferee. 123887

"Lottery prize award" does not include a prize award from 123888
a video lottery terminal and does not include winnings from 123889
lottery sports gaming, except that "lottery prize award" 123890
includes winnings from lottery sports gaming wagers placed 123891
through a terminal described in division (B) (3) of section 123892
3770.24 of the Revised Code. 123893

(A) (1) Before making any other deduction required by 123894
Chapter 3770. of the Revised Code, the state lottery commission 123895
shall deduct and withhold an amount equal to ~~four-three and one-~~ 123896
~~half~~ per cent of the payment from each lottery prize award 123897
payment that is of an amount for which reporting to the internal 123898
revenue service of the amount is required by section 6041 of the 123899
Internal Revenue Code, as amended. 123900

(2) On or before the tenth day of each month, the state 123901
lottery commission, and each transferee required to deduct and 123902
withhold amounts pursuant to section 3770.072 of the Revised 123903
Code, shall file a return and remit to the tax commissioner all 123904
amounts deducted and withheld pursuant to this section during 123905
the preceding month. 123906

(3) On or before the thirty-first day of January of each 123907

year, the state lottery commission, and each transferee required 123908
to deduct and withhold amounts pursuant to section 3770.072 of 123909
the Revised Code, shall file with the commissioner an annual 123910
return, in the form prescribed by the tax commissioner, 123911
indicating the total amount deducted and withheld pursuant to 123912
this section or section 3770.072 of the Revised Code during the 123913
preceding calendar year. At the time of filing that return, the 123914
state lottery commission or transferee shall remit any amount 123915
deducted and withheld during the preceding calendar year that 123916
was not previously remitted. 123917

(4) The state lottery commission, and each transferee 123918
required to deduct and withhold amounts pursuant to section 123919
3770.072 of the Revised Code, shall issue to each person with 123920
respect to whom tax has been deducted and withheld by the 123921
commission or transferee pursuant to this section or section 123922
3770.072 of the Revised Code during the preceding calendar year, 123923
an information return in the form prescribed by the 123924
commissioner. 123925

(B)(1) Division (B)(1) of this section does not apply to 123926
persons classified for federal income tax purposes as 123927
associations taxable as corporations. 123928

Amounts withheld pursuant to this section or section 123929
3770.072 of the Revised Code shall be allowed as a credit 123930
against payment of the tax imposed pursuant to section 5747.02 123931
of the Revised Code upon the lottery prize award recipient, upon 123932
a beneficiary of such a recipient, or upon any investor in such 123933
a recipient if the recipient is a pass-through entity or 123934
disregarded entity, and shall be treated as taxes paid by the 123935
recipient, beneficiary, or investor for purposes of section 123936
5747.09 of the Revised Code. The credit is available to the 123937

recipient, beneficiary, or investor even if the commission or 123938
transferee does not remit to the tax commissioner the amount 123939
withheld. 123940

(2) Division (B)(2) of this section applies only to 123941
persons classified for federal income tax purposes as 123942
associations taxable as corporations. 123943

Amounts withheld pursuant to this section or section 123944
3770.072 of the Revised Code shall be treated as a credit 123945
against the tax imposed pursuant to section 5733.06 of the 123946
Revised Code for the tax year immediately following the date on 123947
which those amounts are deducted and withheld, upon the lottery 123948
prize award recipient, upon a beneficiary of such a recipient, 123949
or upon an investor in such a recipient if the recipient is a 123950
pass-through entity or disregarded entity, and shall be treated 123951
as paid by the recipient, beneficiary, or investor on the date 123952
on which those amounts are deducted and withheld. The credit is 123953
a refundable credit and shall be claimed in the order required 123954
under section 5733.98 of the Revised Code. The credit is 123955
available to the recipient, beneficiary, or investor even if the 123956
commission or transferee does not remit to the tax commissioner 123957
the amount withheld. 123958

(3) Nothing in division (B)(1) or (2) of this section 123959
shall be construed to allow more than one person to claim the 123960
credit for any portion of each amount deducted and withheld. 123961

(C) Failure of the commission or any transferee to deduct 123962
and withhold the required amounts from lottery prize awards or 123963
to remit amounts withheld as required by this section and 123964
section 3770.072 of the Revised Code shall not relieve a 123965
taxpayer described in division (B) of this section from 123966
liability for the tax imposed by section 5733.06 or 5747.02 of 123967

the Revised Code. 123968

Sec. 5747.063. The requirements imposed under this section 123969
are in addition to the municipal income tax withholding 123970
requirements under section 718.031 of the Revised Code. As used 123971
in this section, "sports gaming proprietor" and "sports gaming 123972
facility" have the same meanings as in section 3775.01 of the 123973
Revised Code. 123974

(A) (1) ~~If~~ Subject to division (F) of this section, if a 123975
person's winnings from casino gaming or from sports gaming are 123976
an amount for which reporting to the internal revenue service of 123977
the amount is required by section 6041 of the Internal Revenue 123978
Code, as amended, a casino operator or sports gaming proprietor 123979
shall deduct and withhold Ohio income tax from the person's 123980
winnings at a rate of ~~four~~ three and one-half per cent of the 123981
amount won. A person's amount of winnings from casino gaming 123982
shall be determined each time the person exchanges amounts won 123983
in tokens, chips, casino credit, or other prepaid 123984
representations of value for cash or a cash equivalent. The 123985
casino operator or sports gaming proprietor shall issue, to a 123986
person from whose winnings an amount has been deducted and 123987
withheld, a receipt for the amount deducted and withheld, and 123988
also shall obtain from the person additional information that 123989
will be necessary for the casino operator or sports gaming 123990
proprietor to prepare the returns required by this section. 123991

(2) If a person's winnings from casino gaming or sports 123992
gaming require reporting to the internal revenue service under 123993
division (A) (1) of this section, the casino operator or sports 123994
gaming proprietor also shall require the person to state in 123995
writing, under penalty of falsification, whether the person is 123996
in default under a support order. 123997

(B) Amounts deducted and withheld by a casino operator or 123998
sports gaming proprietor are held in trust for the benefit of 123999
the state. 124000

(1) On or before the tenth day of each month, the casino 124001
operator or sports gaming proprietor shall file a return 124002
electronically with the tax commissioner identifying the persons 124003
from whose winnings amounts were deducted and withheld, the 124004
amount of each such deduction and withholding during the 124005
preceding calendar month, the amount of the winnings from which 124006
each such amount was withheld, the type of casino gaming or 124007
sports gaming that resulted in such winnings, and any other 124008
information required by the tax commissioner. With the return, 124009
the casino operator or sports gaming proprietor shall remit 124010
electronically to the commissioner all the amounts deducted and 124011
withheld during the preceding month. 124012

(2) (a) A casino operator or sports gaming proprietor shall 124013
maintain a record of each written statement provided under 124014
division (A) (2) of this section in which a person admits to 124015
being in default under a support order. The casino operator or 124016
sports gaming proprietor shall make these records available to 124017
the director of job and family services upon request. 124018

(b) A casino operator or sports gaming proprietor shall 124019
maintain copies of receipts issued under division (A) (1) of this 124020
section and of written statements provided under division (A) (2) 124021
of this section and shall make these copies available to the tax 124022
commissioner upon request. 124023

(c) A casino operator or sports gaming proprietor shall 124024
maintain the information described in divisions (B) (2) (a) and 124025
(b) of this section in accordance with section 5747.17 of the 124026
Revised Code and any rules adopted pursuant thereto. 124027

(3) Annually, on or before the thirty-first day of 124028
January, a casino operator or sports gaming proprietor shall 124029
file an annual return electronically with the tax commissioner 124030
indicating the total amount deducted and withheld during the 124031
preceding calendar year. The casino operator or sports gaming 124032
proprietor shall remit electronically with the annual return any 124033
amount that was deducted and withheld and that was not 124034
previously remitted. If the identity of a person and the amount 124035
deducted and withheld with respect to that person were omitted 124036
on a monthly return, that information shall be indicated on the 124037
annual return. 124038

(4) (a) A casino operator or sports gaming proprietor who 124039
fails to file a return and remit the amounts deducted and 124040
withheld is personally liable for the amount deducted and 124041
withheld and not remitted. The commissioner may impose a penalty 124042
up to one thousand dollars if a return is filed late, if amounts 124043
deducted and withheld are remitted late, if a return is not 124044
filed, or if amounts deducted and withheld are not remitted. 124045
Interest accrues on past due amounts deducted and withheld at 124046
the rate prescribed in section 5703.47 of the Revised Code. The 124047
commissioner may collect past due amounts deducted and withheld 124048
and penalties and interest thereon by assessment under section 124049
5747.13 of the Revised Code as if they were income taxes 124050
collected by an employer. 124051

(b) If a casino operator or sports gaming proprietor sells 124052
the casino facility or sports gaming facility, or otherwise 124053
quits the casino or sports gaming business, the amounts deducted 124054
and withheld and any penalties and interest thereon are 124055
immediately due and payable. The successor shall withhold an 124056
amount of the purchase money that is sufficient to cover the 124057
amounts deducted and withheld and penalties and interest thereon 124058

until the predecessor casino operator or sports gaming 124059
proprietor produces either a receipt from the commissioner 124060
showing that the amounts deducted and withheld and penalties and 124061
interest thereon have been paid or a certificate from the 124062
commissioner indicating that no amounts deducted and withheld or 124063
penalties and interest thereon are due. If the successor fails 124064
to withhold purchase money, the successor is personally liable 124065
for payment of the amounts deducted and withheld and penalties 124066
and interest thereon, up to the amount of the purchase money. 124067

(C) (1) Annually, on or before the thirty-first day of 124068
January, a casino operator or sports gaming proprietor shall 124069
issue an information return to each person with respect to whom 124070
an amount has been deducted and withheld during the preceding 124071
calendar year. The information return shall show the total 124072
amount deducted from the person's winnings by the casino 124073
operator or sports gaming proprietor during the preceding 124074
calendar year. 124075

(2) Annually, on or before the thirty-first day of 124076
January, a casino operator or sports gaming proprietor shall 124077
provide to the commissioner a copy of each information return 124078
issued under division (C) (1) of this section for the preceding 124079
calendar year. The commissioner may require that the copies be 124080
transmitted electronically. 124081

(D) Amounts deducted and withheld shall be allowed as a 124082
credit against payment of the tax imposed by section 5747.02 of 124083
the Revised Code and shall be treated as taxes paid for purposes 124084
of section 5747.09 of the Revised Code. This division applies 124085
only to the person for whom the amount is deducted and withheld. 124086

(E) The failure of a casino operator or sports gaming 124087
proprietor to deduct and withhold the required amount from a 124088

person's winnings does not relieve the person from liability for 124089
the tax imposed by section 5747.02 of the Revised Code with 124090
respect to those winnings. And compliance with this section does 124091
not relieve a casino operator or sports gaming proprietor or a 124092
person who has winnings from casino gaming or sports gaming from 124093
compliance with relevant provisions of federal tax laws. 124094

(F) A sports gaming proprietor that offers lottery sports 124095
gaming through a terminal described in division (B) (3) of 124096
section 3770.24 of the Revised Code shall not withhold amounts 124097
under this section from winnings from wagers placed through that 124098
terminal. The state lottery commission shall withhold amounts 124099
from those winnings under section 5747.062 of the Revised Code. 124100

(G) The commissioner shall prescribe the form of the 124101
receipt and returns required by this section. The director of 124102
job and family services shall prescribe the form of the 124103
statement required by this section. 124104

~~(G)~~ (H) The commissioner may adopt rules that are necessary 124105
to administer this section. 124106

Sec. 5747.064. The requirements imposed under this section 124107
are in addition to the municipal income tax withholding 124108
requirements under section 718.031 of the Revised Code. 124109

(A) As used in this section: 124110

~~(1) "Video lottery terminal", "video lottery sales agent"~~ 124111
has the same meaning as in section ~~3770.21~~ 3770.10 of the 124112
Revised Code. 124113

~~(2) "Lottery sports gaming" has the same meaning as in~~ 124114
~~section 3770.23 of the Revised Code.~~ 124115

(B) If a person's prize award from a video lottery 124116

~~terminal or from lottery sports gaming offered in a video~~ 124117
~~lottery terminal facility~~ is an amount for which reporting to 124118
the internal revenue service of the amount is required by 124119
section 6041 of the Internal Revenue Code, as amended, the video 124120
lottery sales agent shall deduct and withhold Ohio income tax 124121
from the person's prize award at a rate of ~~four~~ three and one- 124122
half per cent of the amount won. The video lottery sales agent 124123
shall issue, to a person from whose prize award an amount has 124124
been deducted or withheld, a receipt for the amount deducted and 124125
withheld, and also shall obtain from the person additional 124126
information that will be necessary for the video lottery sales 124127
agent to prepare the returns required by this section. 124128

(C) Amounts deducted and withheld by a video lottery sales 124129
agent are held in trust for the benefit of the state. 124130

(1) On or before the tenth day of each month, the video 124131
lottery sales agent shall file a return electronically with the 124132
tax commissioner identifying the persons from whose prize awards 124133
amounts were deducted and withheld, the amount of each such 124134
deduction and withholding during the preceding month, the amount 124135
of the prize award from which each such amount was withheld, and 124136
any other information required by the commissioner. With the 124137
return, the video lottery sales agent shall remit electronically 124138
to the commissioner all the amounts deducted and withheld during 124139
the preceding month. 124140

(2) A video lottery sales agent shall maintain a record of 124141
all receipts issued under division (B) of this section and shall 124142
make those records available to the commissioner upon request. 124143
Such records shall be maintained in accordance with section 124144
5747.17 of the Revised Code and any rules adopted pursuant 124145
thereto. 124146

(3) Annually, on or before the thirty-first day of 124147
January, a video lottery sales agent shall file an annual return 124148
electronically with the tax commissioner indicating the total 124149
amount deducted and withheld during the preceding calendar year. 124150
The video lottery sales agent shall remit electronically with 124151
the annual return any amount that was deducted and withheld and 124152
that was not previously remitted. If the identity of a person 124153
and the amount deducted and withheld with respect to that person 124154
were omitted on a monthly return, that information shall be 124155
indicated on the annual return. 124156

(4) (a) A video lottery sales agent who fails to file a 124157
return and remit the amounts deducted and withheld is personally 124158
liable for the amount deducted and withheld and not remitted. 124159
The commissioner may impose a penalty of up to one thousand 124160
dollars if a return is filed late, if amounts deducted and 124161
withheld are remitted late, if a return is not filed, or if 124162
amounts deducted and withheld are not remitted. Interest accrues 124163
on past due amounts deducted and withheld at the rate prescribed 124164
in section 5703.47 of the Revised Code. The commissioner may 124165
collect past due amounts deducted and withheld and penalties and 124166
interest thereon by assessment under section 5747.13 of the 124167
Revised Code as if they were income taxes collected by an 124168
employer. 124169

(b) If a video lottery sales agent ceases to operate video 124170
lottery terminals, the amounts deducted and withheld and any 124171
penalties and interest thereon are immediately due and payable. 124172
A successor of the video lottery sales agent that purchases the 124173
video lottery terminals from the agent shall withhold an amount 124174
of the purchase money that is sufficient to cover the amounts 124175
deducted and withheld and penalties and interest thereon until 124176
the predecessor video lottery sales agent produces either a 124177

receipt from the tax commissioner showing that the amounts 124178
deducted and withheld and penalties and interest thereon have 124179
been paid or a certificate from the commissioner indicating that 124180
no amounts deducted and withheld or penalties and interest 124181
thereon are due. If the successor fails to withhold purchase 124182
money, the successor is personally liable for payment of the 124183
amounts deducted and withheld and penalties and interest 124184
thereon, up to the amount of the purchase money. 124185

~~(D) (1)~~ (D) Annually, on or before the thirty-first day of 124186
January, a video lottery sales agent shall issue an information 124187
return to each person with respect to whom an amount has been 124188
deducted and withheld during the preceding calendar year. The 124189
information return shall show the total amount deducted from the 124190
person's prize award by the video lottery sales agent during the 124191
preceding year. 124192

~~(2) Annually, on or before the thirty-first day of~~ 124193
~~January, a lottery sales agent shall provide to the tax~~ 124194
~~commissioner a copy of each information return issued under~~ 124195
~~division (D) (1) of this section for the preceding calendar year.~~ 124196
~~The commissioner may require that such copies be transmitted~~ 124197
~~electronically.~~ 124198

(E) Amounts deducted and withheld shall be allowed as a 124199
credit against payment of the tax imposed by section 5747.02 of 124200
the Revised Code and shall be treated as taxes paid for purposes 124201
of section 5747.09 of the Revised Code. This division applies 124202
only to the person for whom the amount is deducted and withheld. 124203

(F) The failure of a video lottery sales agent to deduct 124204
and withhold the required amount from a person's prize award 124205
does not relieve the person from liability for the tax imposed 124206
by section 5747.02 of the Revised Code with respect to that 124207

income. Compliance with this section does not relieve a video 124208
lottery sales agent or a person who has a prize award from 124209
compliance with relevant provisions of federal tax laws. 124210

(G) The commissioner shall prescribe the form of the 124211
receipt and returns required by this section and may promulgate 124212
any rules necessary to administer the section. 124213

Sec. 5747.07. (A) As used in this section: 124214

(1) "Partial weekly withholding period" means a period 124215
during which an employer directly, indirectly, or constructively 124216
pays compensation to, or credits compensation to the benefit of, 124217
an employee, and that consists of a consecutive Saturday, 124218
Sunday, Monday, and Tuesday or a consecutive Wednesday, 124219
Thursday, and Friday. There are two partial weekly withholding 124220
periods each week, except that a partial weekly withholding 124221
period cannot extend from one calendar year into the next 124222
calendar year; if the first day of January falls on a day other 124223
than Saturday or Wednesday, the partial weekly withholding 124224
period ends on the thirty-first day of December and there are 124225
three partial weekly withholding periods during that week. 124226

(2) "Undeposited taxes" means the taxes an employer is 124227
required to deduct and withhold from an employee's compensation 124228
pursuant to section 5747.06 of the Revised Code that have not 124229
been remitted to the tax commissioner pursuant to this section 124230
or section 5747.072 of the Revised Code. 124231

(3) A "week" begins on Saturday and concludes at the end 124232
of the following Friday. 124233

(4) ~~"Professional employer organization," "professional~~ 124234
~~employer organization agreement," and "professional employer~~ 124235
~~organization reporting entity" have the same meanings as in~~ 124236

~~section 4125.01 of the Revised Code.~~ 124237

~~(5) "Alternate employer organization" and "alternate
employer organization agreement" have the same meanings as in
section 4133.01 of the Revised Code.~~ 124238
124239
124240

~~(6)~~ "Client employer" has the same meaning as in section 124241
4125.01 of the Revised Code in the context of a professional 124242
employer organization or a professional employer organization 124243
reporting entity, or the same meaning as in section 4133.01 of 124244
the Revised Code in the context of an alternate employer 124245
organization. 124246

(B) Except as provided in divisions (C) and (D) of this 124247
section and in division (A) of section 5747.072 of the Revised 124248
Code, every employer required to deduct and withhold any amount 124249
under section 5747.06 of the Revised Code shall file a return 124250
and shall pay the amount required by law as follows: 124251

(1) An employer who accumulates or is required to 124252
accumulate undeposited taxes of one hundred thousand dollars or 124253
more during a partial weekly withholding period shall make the 124254
payment of the undeposited taxes by the close of the first 124255
banking day after the day on which the accumulation reaches one 124256
hundred thousand dollars. If required under division (I) of this 124257
section, the payment shall be made electronically under section 124258
5747.072 of the Revised Code. 124259

(2) Except as required by division (B) (1) of this section, 124260
an employer whose actual or required payments under this section 124261
were at least eighty-four thousand dollars during the twelve- 124262
month period ending on the thirtieth day of June of the 124263
preceding calendar year shall make the payment of undeposited 124264
taxes within three banking days after the close of a partial 124265

weekly withholding period during which the employer was required 124266
to deduct and withhold any amount under this chapter. If 124267
required under division (I) of this section, the payment shall 124268
be made electronically under section 5747.072 of the Revised 124269
Code. 124270

(3) Except as required by divisions (B)(1) and (2) of this 124271
section, if an employer's actual or required payments were more 124272
than two thousand dollars during the twelve-month period ending 124273
on the thirtieth day of June of the preceding calendar year, the 124274
employer shall make the payment of undeposited taxes for each 124275
month during which they were required to be withheld no later 124276
than fifteen days following the last day of that month. The 124277
employer shall file the return prescribed by the tax 124278
commissioner with the payment. 124279

(4) Except as required by divisions (B)(1), (2), and (3) 124280
of this section, an employer shall make the payment of 124281
undeposited taxes for each calendar quarter during which they 124282
were required to be withheld no later than the last day of the 124283
month following the last day of March, June, September, and 124284
December each year. The employer shall file the return 124285
prescribed by the tax commissioner with the payment. 124286

(C) The return and payment schedules prescribed by 124287
divisions (B)(1) and (2) of this section do not apply to the 124288
return and payment of undeposited school district income taxes 124289
arising from taxes levied pursuant to Chapter 5748. of the 124290
Revised Code. Undeposited school district income taxes shall be 124291
returned and paid pursuant to divisions (B)(3) and (4) of this 124292
section, as applicable. 124293

(D)(1) The requirements of division (B) of this section 124294
are met if the amount paid is not less than ninety-five per cent 124295

of the actual tax withheld or required to be withheld for the 124296
prior quarterly, monthly, or partial weekly withholding period, 124297
and the underpayment is not due to willful neglect. Any 124298
underpayment of withheld tax shall be paid within thirty days of 124299
the date on which the withheld tax was due without regard to 124300
division (D) (1) of this section. An employer described in 124301
division (B) (1) or (2) of this section shall make the payment 124302
electronically under section 5747.072 of the Revised Code. 124303

(2) If the tax commissioner believes that quarterly or 124304
monthly payments would result in a delay that might jeopardize 124305
the remittance of withholding payments, the commissioner may 124306
order that the payments be made weekly, or more frequently if 124307
necessary, and the payments shall be made no later than three 124308
banking days following the close of the period for which the 124309
jeopardy order is made. An order requiring weekly or more 124310
frequent payments shall be delivered to the employer in the 124311
manner provided in section 5703.37 of the Revised Code and 124312
remains in effect until the commissioner notifies the employer 124313
to the contrary. 124314

(3) If compelling circumstances exist concerning the 124315
remittance of undeposited taxes, the commissioner may order the 124316
employer to make payments under any of the payment schedules 124317
under division (B) of this section. The order shall be delivered 124318
to the employer in the manner provided in section 5703.37 of the 124319
Revised Code and shall remain in effect until the commissioner 124320
notifies the employer to the contrary. For purposes of division 124321
(D) (3) of this section, "compelling circumstances" exist if 124322
either or both of the following are true: 124323

(a) Based upon annualization of payments made or required 124324
to be made during the preceding calendar year and during the 124325

current calendar year, the employer would be required for the 124326
next calendar year to make payments under division (B)(2) of 124327
this section. 124328

(b) Based upon annualization of payments made or required 124329
to be made during the current calendar year, the employer would 124330
be required for the next calendar year to make payments under 124331
division (B)(2) of this section. 124332

(E)(1) In addition to other returns required to be filed 124333
and payments required to be made under this section, every 124334
employer required to deduct and withhold taxes shall file, not 124335
later than the thirty-first day of January of each year, an 124336
annual return covering, but not limited to, both the aggregate 124337
amount deducted and withheld and the aggregate amount required 124338
to be deducted and withheld during the entire preceding year for 124339
the tax imposed under section 5747.02 of the Revised Code and 124340
for each tax imposed under Chapter 5748. of the Revised Code. At 124341
the time of filing that return, the employer shall pay over any 124342
amounts of undeposited taxes for the preceding year, whether 124343
actually deducted and withheld or required to be deducted and 124344
withheld, that have not been previously paid. The employer shall 124345
make the annual report, to each employee and to the tax 124346
commissioner, of the compensation paid and each tax withheld, as 124347
the commissioner by rule may prescribe. 124348

(2) Each employer required to deduct and withhold any tax 124349
is liable for the payment of that amount required to be deducted 124350
and withheld, whether or not the tax has in fact been withheld, 124351
unless the failure to withhold was based upon the employer's 124352
good faith in reliance upon the statement of the employee as to 124353
liability, and the amount shall be deemed to be a special fund 124354
in trust for the general revenue fund. 124355

(F) Each employer shall file with the employer's annual 124356
return the following items of information on employees for whom 124357
withholding is required under section 5747.06 of the Revised 124358
Code: 124359

(1) The full name of each employee, the employee's 124360
address, the employee's school district of residence, and in the 124361
case of a nonresident employee, the employee's principal county 124362
of employment; 124363

(2) The social security number of each employee; 124364

(3) The total amount of compensation paid before any 124365
deductions to each employee for the period for which the annual 124366
return is made; 124367

(4) The amount of the tax imposed by section 5747.02 of 124368
the Revised Code and the amount of each tax imposed under 124369
Chapter 5748. of the Revised Code withheld from the compensation 124370
of the employee for the period for which the annual return is 124371
made. The commissioner may extend upon good cause the period for 124372
filing any notice or return required to be filed under this 124373
section and may adopt rules relating to extensions of time. If 124374
the extension results in an extension of time for the payment of 124375
the amounts withheld with respect to which the return is filed, 124376
the employer shall pay, at the time the amount withheld is paid, 124377
an amount of interest computed at the rate per annum prescribed 124378
by section 5703.47 of the Revised Code on that amount withheld, 124379
from the day that amount was originally required to be paid to 124380
the day of actual payment or to the day an assessment is issued 124381
under section 5747.13 of the Revised Code, whichever occurs 124382
first. 124383

(5) In addition to all other interest charges and 124384

penalties imposed, all amounts of taxes withheld or required to 124385
be withheld and remaining unpaid after the day the amounts are 124386
required to be paid shall bear interest from the date prescribed 124387
for payment at the rate per annum prescribed by section 5703.47 124388
of the Revised Code on the amount unpaid, in addition to the 124389
amount withheld, until paid or until the day an assessment is 124390
issued under section 5747.13 of the Revised Code, whichever 124391
occurs first. 124392

(G) An employee of a corporation, limited liability 124393
company, or business trust having control or supervision of or 124394
charged with the responsibility of filing the report and making 124395
payment, or an officer, member, manager, or trustee of a 124396
corporation, limited liability company, or business trust who is 124397
responsible for the execution of the corporation's, limited 124398
liability company's, or business trust's fiscal 124399
responsibilities, shall be personally liable for failure to file 124400
the report or pay the tax due as required by this section. The 124401
dissolution, termination, or bankruptcy of a corporation, 124402
limited liability company, or business trust does not discharge 124403
a responsible officer's, member's, manager's, employee's, or 124404
trustee's liability for a failure of the corporation, limited 124405
liability company, or business trust to file returns or pay tax 124406
due. 124407

(H) If an employer required to deduct and withhold income 124408
tax from compensation and to pay that tax to the state under 124409
sections 5747.06 and 5747.07 of the Revised Code sells the 124410
employer's business or stock of merchandise or quits the 124411
employer's business, the taxes required to be deducted and 124412
withheld and paid to the state pursuant to those sections prior 124413
to that time, together with any interest and penalties imposed 124414
on those taxes, become due and payable immediately, and that 124415

person shall make a final return within fifteen days after the 124416
date of selling or quitting business. The employer's successor 124417
shall withhold a sufficient amount of the purchase money to 124418
cover the amount of the taxes, interest, and penalties due and 124419
unpaid, until the former owner produces a receipt from the tax 124420
commissioner showing that the taxes, interest, and penalties 124421
have been paid or a certificate indicating that no such taxes 124422
are due. If the purchaser of the business or stock of 124423
merchandise fails to withhold purchase money, the purchaser 124424
shall be personally liable for the payment of the taxes, 124425
interest, and penalties accrued and unpaid during the operation 124426
of the business by the former owner. If the amount of taxes, 124427
interest, and penalties outstanding at the time of the purchase 124428
exceeds the total purchase money, the tax commissioner in the 124429
commissioner's discretion may adjust the liability of the seller 124430
or the responsibility of the purchaser to pay that liability to 124431
maximize the collection of withholding tax revenue. 124432

(I) An employer whose actual or required payments under 124433
this section exceeded eighty-four thousand dollars during the 124434
twelve-month period ending on the thirtieth day of June of the 124435
preceding calendar year shall make all payments required by this 124436
section for the year electronically under section 5747.072 of 124437
the Revised Code. 124438

(J) (1) Every professional employer organization, 124439
professional employer organization reporting entity, and 124440
alternate employer organization shall file a report with the tax 124441
commissioner within thirty days after commencing business in 124442
this state that includes all of the following information: 124443

(a) The name, address, number the employer receives from 124444
the secretary of state to do business in this state, if 124445

applicable, and federal employer identification number of each 124446
client employer of the organization or entity; 124447

(b) The date that each client employer became a client of 124448
the organization or entity; 124449

(c) The names and mailing addresses of the chief executive 124450
officer and the chief financial officer of each client employer 124451
for taxation of the client employer. 124452

(2) Beginning with the calendar quarter ending after a 124453
professional employer organization, professional employer 124454
organization reporting entity, or alternate employer 124455
organization files the report required under division (J)(1) of 124456
this section, and every calendar quarter thereafter, the 124457
organization or entity shall file an updated report with the tax 124458
commissioner. The organization or entity shall file the updated 124459
report not later than the last day of the month following the 124460
end of the calendar quarter and shall include all of the 124461
following information in the report: 124462

(a) If an entity became a client employer of the 124463
professional employer organization, professional employer 124464
organization reporting entity, or alternate employer 124465
organization at any time during the calendar quarter, all of the 124466
information required under division (J)(1) of this section for 124467
each new client employer; 124468

(b) If an entity terminated the professional employer 124469
organization agreement or the alternate employer organization 124470
agreement between the entity and the professional employer 124471
organization, professional employer organization reporting 124472
entity, or alternate employer organization, as applicable, at 124473
any time during the calendar quarter, the information described 124474

in division (J) (1) (a) of this section for that entity, the date 124475
during the calendar quarter that the entity ceased being a 124476
client of the organization or reporting entity, if applicable, 124477
or the date the entity ceased business operations in this state, 124478
if applicable; 124479

(c) If the name or mailing address of the chief executive 124480
officer or the chief financial officer of a client employer has 124481
changed since the professional employer organization, 124482
professional employer organization reporting entity, or 124483
alternate employer organization previously submitted a report 124484
under division (J) (1) or (2) of this section, the updated name 124485
or mailing address, or both, of the chief executive officer or 124486
the chief financial officer, as applicable; 124487

(d) If none of the events described in divisions (J) (2) (a) 124488
to (c) of this section occurred during the calendar quarter, a 124489
statement of that fact. 124490

Sec. 5747.071. (A) As used in this section: 124491

(1) "Retirement system" means the public employees 124492
retirement system, state teachers retirement system, school 124493
employees retirement system, Ohio police and fire pension fund, 124494
state highway patrol retirement system, and any municipal 124495
retirement system. 124496

(2) "Retirement plan" means a person, other than a 124497
retirement system, that manages a group or individual retirement 124498
account, fund, or plan. 124499

(3) "Benefits" means all annuities, allowances, pensions, 124500
and other benefits paid by a retirement system or retirement 124501
plan. 124502

~~(3)~~ (4) "Recipient" means any person receiving benefits 124503

from a retirement system or retirement plan. 124504

(B) Any recipient may request the recipient's retirement 124505
system or retirement plan to deduct and withhold from the 124506
recipient's benefits an amount during the calendar year 124507
reasonably estimated to be equal to the tax due from the 124508
recipient under this chapter and Chapter 5748. of the Revised 124509
Code for the year with respect to the recipient's benefits from 124510
the retirement system or retirement plan that are included in 124511
the recipient's adjusted gross income. The request shall be made 124512
pursuant to an application filed with the retirement system or 124513
retirement plan, on a form the system or plan shall supply, and 124514
shall include ~~the~~ an estimate ~~of~~ from the recipient of the 124515
amount of state income taxes that will be due in the ensuing 124516
calendar year with respect to the benefits from the retirement 124517
system or retirement plan. 124518

(C) A retirement system or retirement plan with which an 124519
application is filed under this section, commencing with the 124520
calendar year following the year in which the application is 124521
filed, shall withhold from the benefits of the recipient an 124522
amount that equals for the calendar year, the amount of taxes 124523
that the recipient estimated would be due for the year. The 124524
amount to be withheld for a calendar year shall be apportioned 124525
throughout the calendar year. 124526

(D) A recipient may submit an amended application to 124527
increase or decrease the amount that will be withheld by the 124528
retirement system or retirement plan in an ensuing year. 124529

(E) A retirement system or retirement plan that withholds 124530
a portion of the benefits of a recipient under this section 124531
shall file returns and pay the amounts withheld in accordance 124532
with the requirements of section 5747.07 of the Revised Code. 124533

The tax commissioner may collect from a retirement plan past due 124534
amounts deducted and withheld and penalties and interest thereon 124535
by assessment under section 5747.13 of the Revised Code as if 124536
those amounts were income taxes collected by an employer. 124537

(F) Every retirement system or retirement plan required to 124538
deduct and withhold tax from benefits pursuant to this section 124539
shall furnish to the recipient, with respect to the benefits 124540
paid to the recipient during the calendar year, on or before the 124541
thirty-first day of January of the succeeding year, a written 124542
statement showing the amount of benefits deducted and withheld 124543
as state income tax, any amount deducted and withheld as school 124544
district income tax for each applicable school district, and 124545
such other information as the tax commissioner requires. 124546

(G) A retirement system or the tax commissioner may adopt 124547
rules governing withholding under this section. 124548

Sec. 5747.072. (A) Any employer required by section 124549
5747.07 of the Revised Code to remit undeposited taxes 124550
electronically shall do so by using the Ohio business gateway, 124551
as defined in section 718.01 of the Revised Code, or another 124552
means of electronic payment on or before the dates specified 124553
under that section. The tax commissioner shall notify each such 124554
employer of the employer's obligation to remit undeposited taxes 124555
electronically. Failure by the commissioner to notify an 124556
employer subject to this section to remit taxes electronically 124557
does not relieve the employer of its obligation to remit taxes 124558
in that manner. 124559

The payment of taxes electronically does not affect an 124560
employer's obligation to file the annual return as required 124561
under divisions (E) and (F) of section 5747.07 of the Revised 124562
Code. 124563

An employer required by this section to remit taxes 124564
electronically may apply to the commissioner to be excused from 124565
that requirement. The commissioner may excuse the employer from 124566
electronic remittance for good cause shown for the period of 124567
time requested by the employer or a portion of that period. The 124568
commissioner shall notify the employer of the commissioner's 124569
decision as soon as is practicable. 124570

(B) If an employer required by this section to remit 124571
undeposited taxes electronically remits those taxes by some 124572
other means, and the tax commissioner determines that such 124573
failure was not due to reasonable cause or was due to willful 124574
neglect, the commissioner may collect an additional charge by 124575
assessment in the manner prescribed by section 5747.13 of the 124576
Revised Code. The additional charge shall equal five per cent of 124577
the amount of the undeposited taxes, but shall not exceed five 124578
thousand dollars. Any additional charge assessed under this 124579
section is in addition to any other penalty or charge imposed by 124580
this chapter, and shall be considered as revenue arising from 124581
the taxes imposed by this chapter. ~~The commissioner may remit~~ 124582
~~all or a portion of such a charge and may adopt rules governing~~ 124583
~~such remission.~~ 124584

No additional charge shall be assessed under this division 124585
against an employer that has been notified of its obligation to 124586
remit taxes electronically under this section and that remits 124587
its first two tax payments after such notification by some other 124588
means. The additional charge may be assessed upon the remittance 124589
of any subsequent tax payment that the employer remits by some 124590
means other than electronically. 124591

Sec. 5747.073. (A) As used in this section: 124592

(1) "Bulk filer" means a payroll service provider or 124593

similar entity that is registered with the tax commissioner to 124594
submit employer withholding tax returns in accordance with this 124595
section. 124596

(2) "Payroll service provider" means a third party that 124597
assists an employer with payroll administration and state 124598
employer withholding tax obligations. A payroll service provider 124599
may include a professional employer organization or alternate 124600
employer organization. 124601

(3) "Client company" means an employer on whose behalf a 124602
bulk filer agrees to submit employer withholding returns in 124603
accordance with this section. 124604

(B) (1) An employer may elect to use a bulk filer to comply 124605
with its state and school district income tax withholding 124606
obligations under this chapter. 124607

(2) (a) Within five days after becoming a client company, 124608
the employer shall notify the tax commissioner, in a format 124609
prescribed by the commissioner, of the name of the approved bulk 124610
filer it is electing to use and the taxes the bulk filer will be 124611
remitting on its behalf. 124612

(b) When using a bulk filer, the client company shall 124613
maintain all registrations required by the tax commissioner 124614
related to electronic filing and payment of the amounts 124615
described in divisions (A) and (E) of section 5747.06 of the 124616
Revised Code. 124617

(C) (1) The tax commissioner shall approve each bulk filer 124618
before the bulk filer can file withholding tax returns on behalf 124619
of client companies. The commissioner shall prescribe guidelines 124620
and conditions of participation in the bulk file program that 124621
include standards of conduct, software tests, and file formats. 124622

(2) The commissioner shall maintain a list of approved 124623
bulk filers on the department of taxation's official web site. 124624
Such information is not prohibited from disclosure under section 124625
5703.21 of the Revised Code. 124626

(3) Each bulk filer shall comply with all requirements of 124627
law pertaining to employers maintaining an office or transacting 124628
business in this state and paying compensation to an employee 124629
who is a taxpayer. 124630

(4) A bulk filer that is not a professional employer 124631
organization, professional employer organization reporting 124632
entity, or alternate employer organization shall file a report 124633
in the same manner and frequency as required of a professional 124634
employer organization, professional employer organization 124635
reporting entity, or alternate employer organization under 124636
division (J) of section 5747.07 of the Revised Code. For 124637
purposes of this division, "client company" shall be substituted 124638
for "client employer" wherever "client employer" appears in that 124639
division. 124640

(D) All returns, reports, and payments filed or remitted 124641
by a bulk filer shall be made through an electronic means as 124642
prescribed by the tax commissioner, regardless of the bulk 124643
filer's number of client companies, or the number of returns, 124644
reports, or payments being filed or remitted. The bulk filer 124645
shall register for and maintain all accounts needed to 124646
electronically make such filings and payments. 124647

(E) (1) A bulk filer's authorization under this section is 124648
valid until either of the following events occurs: 124649

(a) The bulk filer dissolves, loses its existence as the 124650
result of a merger, or otherwise ceases business; 124651

(b) The authorization is rescinded or suspended by the tax commissioner for failure to meet the guidelines and conditions of participation in the bulk file program, including any guidelines or conditions established or modified after the bulk filer receives its authorization. 124652
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(2) A bulk filer shall notify its client companies within five days after the bulk filer's authorization is rescinded, suspended, or is otherwise no longer valid or active. If an entity no longer meets the requirements to be a bulk filer, the client companies of the former bulk filer shall immediately resume their state and school district withholding filing and payment obligations under this chapter. 124657
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(F) (1) The tax commissioner may collect past due amounts from a bulk filer, including penalties and interest thereon, by assessment under section 5747.13 of the Revised Code as if the amounts were taxes collected by an employer. 124664
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(2) A bulk filer is subject to all applicable penalties under Title LVII of the Revised Code as if the bulk filer were the client company. 124668
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(3) Notwithstanding the commissioner's authority under division (F) (1) of this section, a client company remains subject to assessment if its bulk filer fails to timely file all returns or reports, or to timely remit any payment, on the client company's behalf. The use of a bulk filer does not abrogate the ability of the commissioner to hold employees, officers, members, managers, or trustees of the client company personally liable under division (G) of section 5747.07 of the Revised Code. 124671
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(4) Any liability assessed against both a bulk filer and a 124680

client company shall be joint and several. 124681

(5) A client company is not responsible for filings or 124682
amounts that a bulk filer fails to make or remit on behalf of 124683
another client company. 124684

(6) A bulk filer is subject to division (H) of section 124685
5747.07 of the Revised Code as if it were an employer subject to 124686
that section. 124687

(G) A bulk filer may file a refund application pursuant to 124688
section 5747.11 of the Revised Code on behalf of one or more of 124689
its client companies. 124690

Sec. 5747.08. An annual return with respect to the tax 124691
imposed by section 5747.02 of the Revised Code and each tax 124692
imposed under Chapter 5748. of the Revised Code shall be made by 124693
every taxpayer for any taxable year for which the taxpayer is 124694
liable for the tax imposed by that section or under that 124695
chapter, unless the total credits allowed under division (E) of 124696
section 5747.05 and divisions (F) and (G) of section 5747.055 of 124697
the Revised Code for the year are equal to or exceed the tax 124698
imposed by section 5747.02 of the Revised Code, in which case no 124699
return shall be required unless the taxpayer is liable for a tax 124700
imposed pursuant to Chapter 5748. of the Revised Code. 124701

(A) If an individual is deceased, any return or notice 124702
required of that individual under this chapter shall be made and 124703
filed by that decedent's executor, administrator, or other 124704
person charged with the property of that decedent. 124705

(B) If an individual is unable to make a return or notice 124706
required by this chapter, the return or notice required of that 124707
individual shall be made and filed by the individual's duly 124708
authorized agent, guardian, conservator, fiduciary, or other 124709

person charged with the care of the person or property of that 124710
individual. 124711

(C) Returns or notices required of an estate or a trust 124712
shall be made and filed by the fiduciary of the estate or trust. 124713

(D) (1) (a) Except as otherwise provided in division (D) (1) 124714
(b) of this section, any pass-through entity may file a single 124715
return on behalf of one or more of the entity's investors other 124716
than an investor that is a person subject to the tax imposed 124717
under section 5733.06 of the Revised Code. The single return 124718
shall set forth the name, address, and social security number or 124719
other identifying number of each of those pass-through entity 124720
investors and shall indicate the distributive share of each of 124721
those pass-through entity investor's income taxable in this 124722
state in accordance with sections 5747.20 to 5747.231 of the 124723
Revised Code. Such pass-through entity investors for whom the 124724
pass-through entity elects to file a single return are not 124725
entitled to the exemption or credit provided for by sections 124726
5747.02 and 5747.022 of the Revised Code; shall calculate the 124727
tax before business credits at the highest rate of tax set forth 124728
in section 5747.02 of the Revised Code for the taxable year for 124729
which the return is filed; and are entitled to only their 124730
distributive share of the business credits as defined in 124731
division (D) (2) of this section. A single check drawn by the 124732
pass-through entity shall accompany the return in full payment 124733
of the tax due, as shown on the single return, for such 124734
investors, other than investors who are persons subject to the 124735
tax imposed under section 5733.06 of the Revised Code. 124736

(b) (i) A pass-through entity shall not include in such a 124737
single return any investor that is a trust to the extent that 124738
any direct or indirect current, future, or contingent 124739

beneficiary of the trust is a person subject to the tax imposed 124740
under section 5733.06 of the Revised Code. 124741

(ii) A pass-through entity shall not include in such a 124742
single return any investor that is itself a pass-through entity 124743
to the extent that any direct or indirect investor in the second 124744
pass-through entity is a person subject to the tax imposed under 124745
section 5733.06 of the Revised Code. 124746

(c) Except as provided by division (L) of this section, 124747
nothing in division (D) of this section precludes the tax 124748
commissioner from requiring such investors to file the return 124749
and make the payment of taxes and related interest, penalty, and 124750
interest penalty required by this section or section 5747.02, 124751
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 124752
of this section precludes such an investor from filing the 124753
annual return under this section, utilizing the refundable 124754
credit equal to the investor's proportionate share of the tax 124755
paid by the pass-through entity on behalf of the investor under 124756
division (I) of this section, and making the payment of taxes 124757
imposed under section 5747.02 of the Revised Code. Nothing in 124758
division (D) of this section shall be construed to provide to 124759
such an investor or pass-through entity any additional deduction 124760
or credit, other than the credit provided by division (I) of 124761
this section, solely on account of the entity's filing a return 124762
in accordance with this section. Such a pass-through entity also 124763
shall make the filing and payment of estimated taxes on behalf 124764
of the pass-through entity investors other than an investor that 124765
is a person subject to the tax imposed under section 5733.06 of 124766
the Revised Code. 124767

(2) For the purposes of this section, "business credits" 124768
means the credits listed in section 5747.98 of the Revised Code 124769

excluding the following credits:	124770
(a) The retirement income credit under division (B) of	124771
section 5747.055 of the Revised Code;	124772
(b) The senior citizen credit under division (F) of	124773
section 5747.055 of the Revised Code;	124774
(c) The lump sum distribution credit under division (G) of	124775
section 5747.055 of the Revised Code;	124776
(d) The dependent care credit under section 5747.054 of	124777
the Revised Code;	124778
(e) The lump sum retirement income credit under division	124779
(C) of section 5747.055 of the Revised Code;	124780
(f) The lump sum retirement income credit under division	124781
(D) of section 5747.055 of the Revised Code;	124782
(g) The lump sum retirement income credit under division	124783
(E) of section 5747.055 of the Revised Code;	124784
(h) The credit for displaced workers who pay for job	124785
training under section 5747.27 of the Revised Code;	124786
(i) The twenty-dollar personal exemption credit under	124787
section 5747.022 of the Revised Code;	124788
(j) The joint filing credit under division (E) of section	124789
5747.05 of the Revised Code;	124790
(k) The nonresident credit under division (A) of section	124791
5747.05 of the Revised Code;	124792
(l) The credit for a resident's out-of-state income under	124793
division (B) of section 5747.05 of the Revised Code;	124794
(m) The earned income tax credit under section 5747.71 of	124795

the Revised Code; 124796

(n) The lead abatement credit under section 5747.26 of the 124797
Revised Code; 124798

(o) The credit for education expenses under section 124799
5747.72 of the Revised Code; ~~(p) The credit for tuition paid to~~ 124800
~~a nonchartered nonpublic school under section 5747.75 of the~~ 124801
~~Revised Code.~~ 124802

(3) The election provided for under division (D) of this 124803
section applies only to the taxable year for which the election 124804
is made by the pass-through entity. Unless the tax commissioner 124805
provides otherwise, this election, once made, is binding and 124806
irrevocable for the taxable year for which the election is made. 124807
Nothing in this division shall be construed to provide for any 124808
deduction or credit that would not be allowable if a nonresident 124809
pass-through entity investor were to file an annual return. 124810

(4) If a pass-through entity makes the election provided 124811
for under division (D) of this section, the pass-through entity 124812
shall be liable for any additional taxes, interest, interest 124813
penalty, or penalties imposed by this chapter if the tax 124814
commissioner finds that the single return does not reflect the 124815
correct tax due by the pass-through entity investors covered by 124816
that return. Nothing in this division shall be construed to 124817
limit or alter the liability, if any, imposed on pass-through 124818
entity investors for unpaid or underpaid taxes, interest, 124819
interest penalty, or penalties as a result of the pass-through 124820
entity's making the election provided for under division (D) of 124821
this section. For the purposes of division (D) of this section, 124822
"correct tax due" means the tax that would have been paid by the 124823
pass-through entity had the single return been filed in a manner 124824
reflecting the commissioner's findings. Nothing in division (D) 124825

of this section shall be construed to make or hold a pass- 124826
through entity liable for tax attributable to a pass-through 124827
entity investor's income from a source other than the pass- 124828
through entity electing to file the single return. 124829

(E) If a husband and wife file a joint federal income tax 124830
return for a taxable year, they shall file a joint return under 124831
this section for that taxable year, and their liabilities are 124832
joint and several, but, if the federal income tax liability of 124833
either spouse is determined on a separate federal income tax 124834
return, they shall file separate returns under this section. 124835

If either spouse is not required to file a federal income 124836
tax return and either or both are required to file a return 124837
pursuant to this chapter, they may elect to file separate or 124838
joint returns, and, pursuant to that election, their liabilities 124839
are separate or joint and several. If a husband and wife file 124840
separate returns pursuant to this chapter, each must claim the 124841
taxpayer's own exemption, but not both, as authorized under 124842
section 5747.02 of the Revised Code on the taxpayer's own 124843
return. 124844

(F) Each return or notice required to be filed under this 124845
section shall contain the signature of the taxpayer or the 124846
taxpayer's duly authorized agent and of the person who prepared 124847
the return for the taxpayer, and shall include the taxpayer's 124848
social security number. Each return shall be verified by a 124849
declaration under the penalties of perjury. The tax commissioner 124850
shall prescribe the form that the signature and declaration 124851
shall take. 124852

(G) Each return or notice required to be filed under this 124853
section shall be made and filed as required by section 5747.04 124854
of the Revised Code, on or before the fifteenth day of April of 124855

each year, on forms that the tax commissioner shall prescribe, 124856
together with remittance made payable to the treasurer of state 124857
in the combined amount of the state and all school district 124858
income taxes shown to be due on the form. 124859

Upon good cause shown, the commissioner may extend the 124860
period for filing any notice or return required to be filed 124861
under this section and may adopt rules relating to extensions. 124862
If the extension results in an extension of time for the payment 124863
of any state or school district income tax liability with 124864
respect to which the return is filed, the taxpayer shall pay at 124865
the time the tax liability is paid an amount of interest 124866
computed at the rate per annum prescribed by section 5703.47 of 124867
the Revised Code on that liability from the time that payment is 124868
due without extension to the time of actual payment. Except as 124869
provided in section 5747.132 of the Revised Code, in addition to 124870
all other interest charges and penalties, all taxes imposed 124871
under this chapter or Chapter 5748. of the Revised Code and 124872
remaining unpaid after they become due, except combined amounts 124873
due of one dollar or less, bear interest at the rate per annum 124874
prescribed by section 5703.47 of the Revised Code until paid or 124875
until the day an assessment is issued under section 5747.13 of 124876
the Revised Code, whichever occurs first. 124877

If the commissioner considers it necessary in order to 124878
ensure the payment of the tax imposed by section 5747.02 of the 124879
Revised Code or any tax imposed under Chapter 5748. of the 124880
Revised Code, the commissioner may require returns and payments 124881
to be made otherwise than as provided in this section. 124882

To the extent that any provision in this division 124883
conflicts with any provision in section 5747.026 of the Revised 124884
Code, the provision in that section prevails. 124885

(H) The amounts withheld pursuant to section 5747.06, 124886
5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the 124887
Revised Code shall be allowed to the ultimate recipient of the 124888
income as credits against payment of the appropriate taxes 124889
imposed on the ultimate recipient by section 5747.02 and under 124890
Chapter 5748. of the Revised Code. As used in this division, 124891
"ultimate recipient" means the person who is required to report 124892
income from which amounts are withheld pursuant to section 124893
5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of 124894
the Revised Code on the annual return required to be filed under 124895
this section. 124896

(I) If a pass-through entity elects to file a single 124897
return under division (D) of this section and if any investor is 124898
required to file the annual return and make the payment of taxes 124899
required by this chapter on account of the investor's other 124900
income that is not included in a single return filed by a pass- 124901
through entity or any other investor elects to file the annual 124902
return, the investor is entitled to a refundable credit equal to 124903
the investor's proportionate share of the lesser of the tax due 124904
or the tax paid by the pass-through entity on behalf of the 124905
investor. The investor shall claim the credit for the investor's 124906
taxable year in which or with which ends the taxable year of the 124907
pass-through entity. Nothing in this chapter shall be construed 124908
to allow any credit provided in this chapter to be claimed more 124909
than once. For the purpose of computing any interest, penalty, 124910
or interest penalty, the investor shall be deemed to have paid 124911
the refundable credit provided by this division on the day that 124912
the pass-through entity paid the estimated tax or the tax giving 124913
rise to the credit. 124914

(J) The tax commissioner shall ensure that each return 124915
required to be filed under this section includes a box that the 124916

taxpayer may check to authorize a paid tax preparer who prepared 124917
the return to communicate with the department of taxation about 124918
matters pertaining to the return. The return or instructions 124919
accompanying the return shall indicate that by checking the box 124920
the taxpayer authorizes the department of taxation to contact 124921
the preparer concerning questions that arise during the 124922
processing of the return and authorizes the preparer only to 124923
provide the department with information that is missing from the 124924
return, to contact the department for information about the 124925
processing of the return or the status of the taxpayer's refund 124926
or payments, and to respond to notices about mathematical 124927
errors, offsets, or return preparation that the taxpayer has 124928
received from the department and has shown to the preparer. 124929

(K) The tax commissioner shall permit individual taxpayers 124930
to instruct the department of taxation to cause any refund of 124931
overpaid taxes to be deposited directly into a checking account, 124932
savings account, or an individual retirement account or 124933
individual retirement annuity, or preexisting college savings 124934
plan or program account offered by the Ohio tuition trust 124935
authority under Chapter 3334. of the Revised Code, as designated 124936
by the taxpayer, when the taxpayer files the annual return 124937
required by this section electronically. 124938

(L) If, for the taxable year, a nonresident or trust that 124939
is the owner of an electing pass-through entity, as defined in 124940
section 5747.38 of the Revised Code, does not have Ohio adjusted 124941
gross income or, in the case of a trust, modified Ohio taxable 124942
income other than from one or more electing pass-through 124943
entities, the nonresident or trust shall not be required to file 124944
an annual return under this section. Nothing in this division 124945
precludes such an owner from filing the annual return under this 124946
section, utilizing the refundable credit under section 5747.39 124947

of the Revised Code equal to the owner's proportionate share of 124948
the tax levied under section 5747.38 of the Revised Code and 124949
paid by the electing pass-through entity, and making the payment 124950
of taxes imposed under section 5747.02 of the Revised Code. 124951

(M) The tax commissioner may adopt rules to administer 124952
this section. 124953

Sec. 5747.082. (A) As used in this section: 124954

(1) "Electronic technology" means electronic technology 124955
acceptable to the tax commissioner under division (B) of this 124956
section. 124957

(2) "Original tax return" means any report, return, or 124958
other tax document required to be filed under this chapter for 124959
the purpose of reporting the taxes due under, and withholdings 124960
required by, this chapter. "Original tax return" does not 124961
include an amended return or any declaration or form required by 124962
or filed in connection with section 5747.09 of the Revised Code. 124963

(3) "Related member" has the same meaning as in section 124964
5733.042 of the Revised Code. 124965

(4) "Tax return preparer" means any person that operates a 124966
business that prepares, or directly or indirectly employs 124967
another person to prepare, for a taxpayer an original tax return 124968
in exchange for compensation or remuneration from the taxpayer 124969
or the taxpayer's related member. With respect to the 124970
preparation of a return or application for refund under this 124971
chapter, "tax return preparer" does not include an individual 124972
who performs only one or more of the following activities: 124973

(a) Furnishes typing, reproducing, or other mechanical 124974
assistance; 124975

(b) Prepares an application for refund or a return on 124976
behalf of an employer by whom the individual is regularly and 124977
continuously employed, or on behalf of an officer or employee of 124978
that employer; 124979

(c) Prepares as a fiduciary an application for refund or a 124980
return; 124981

(d) Prepares an application for refund or a return for a 124982
taxpayer in response to a notice of deficiency issued to the 124983
taxpayer or the taxpayer's related member, or in response to a 124984
waiver of restriction after the commencement of an audit of the 124985
taxpayer or the taxpayer's related member. 124986

(B) Divisions (C) and (D) of this section apply to the 124987
filing of original tax returns that are due in a calendar year 124988
only if the tax commissioner, by the last day of the calendar 124989
year immediately preceding the calendar year in which such 124990
returns are due, has published on the department of taxation's 124991
official internet web site at least one method of electronic 124992
technology acceptable to the commissioner for filing such 124993
returns. 124994

(C) A tax return preparer that prepares more than eleven 124995
original tax returns during any calendar year shall use 124996
electronic technology to file with the tax commissioner all 124997
original tax returns prepared by the tax return preparer. This 124998
division does not apply to a tax return preparer in any calendar 124999
year if, during the previous calendar year, the tax return 125000
preparer prepared not more than ten original tax returns. 125001

(D) If a tax return preparer required by this section to 125002
submit original tax returns by electronic technology files an 125003
original tax return by some means other than by electronic 125004

technology, the tax commissioner shall impose a penalty of fifty 125005
dollars for each return in excess of eleven in any calendar year 125006
that is not filed by electronic technology. ~~Upon good cause~~ 125007
~~shown by the tax return preparer, the tax commissioner may waive~~ 125008
~~all or any portion of the penalty or may refund all or any~~ 125009
~~portion of the penalty the tax return preparer has paid.~~ 125010

Sec. 5747.09. (A) As used in this section: 125011

(1) "Estimated taxes" means the amount that the taxpayer 125012
estimates to be the taxpayer's combined tax liability under this 125013
chapter and Chapter 5748. of the Revised Code for the current 125014
taxable year. 125015

(2) "Tax liability" means the total taxes due for the 125016
taxable year, after allowing any credit to which the taxpayer is 125017
entitled, but prior to applying any estimated tax payment, 125018
withholding payment, or refund from another tax year. 125019

(3) "Taxes paid" include payments of estimated taxes made 125020
under division (C) of this section, taxes withheld from the 125021
taxpayer's compensation, and tax refunds applied by the taxpayer 125022
in payment of estimated taxes. 125023

(4) "Required installment" means a payment equal to 125024
twenty-five per cent of the lesser of the following: 125025

(a) Ninety per cent of the tax liability for the taxable 125026
year; 125027

(b) One hundred per cent of the tax liability shown on the 125028
return of a taxpayer for the preceding taxable year. 125029

Division (A) (4) (b) of this section applies only if the 125030
taxpayer filed a return under section 5747.08 of the Revised 125031
Code for the preceding taxable year and if the preceding taxable 125032

year was a twelve-month taxable year. 125033

(B) Every taxpayer shall make declaration of estimated 125034
taxes for the current taxable year, in the form that the tax 125035
commissioner shall prescribe, if the amount payable as estimated 125036
taxes, less the amount to be withheld from the taxpayer's 125037
compensation, is more than five hundred dollars. For purposes of 125038
this section, taxes withheld from compensation shall be 125039
considered as paid in equal amounts on each payment date unless 125040
the taxpayer establishes the dates on which all amounts were 125041
actually withheld, in which case the amounts withheld shall be 125042
considered as paid on the dates on which the amounts were 125043
actually withheld. Taxpayers filing joint returns pursuant to 125044
section 5747.08 of the Revised Code shall file joint 125045
declarations of estimated taxes. A taxpayer may amend a 125046
declaration under rules prescribed by the commissioner. A 125047
taxpayer having a taxable year of less than twelve months shall 125048
make a declaration under rules prescribed by the commissioner. 125049
The declaration of estimated taxes for an individual under a 125050
disability shall be made and filed by the person who is required 125051
to file the income tax return. 125052

The declaration of estimated taxes shall be filed on or 125053
before the fifteenth day of April of each year or on or before 125054
the fifteenth day of the fourth month after the taxpayer becomes 125055
subject to tax for the first time. 125056

Taxpayers reporting on a fiscal year basis shall file a 125057
declaration on or before the fifteenth day of the fourth month 125058
after the beginning of each fiscal year or period. 125059

The declaration shall be filed upon a form prescribed by 125060
the commissioner and furnished by or obtainable from the 125061
commissioner. 125062

The original declaration or any subsequent amendment may 125063
be increased or decreased on or before any subsequent quarterly 125064
payment day as provided in this section. 125065

(C) The required portion of the tax liability for the 125066
taxable year that shall be paid through estimated taxes made 125067
payable to the treasurer of state, including the application of 125068
tax refunds to estimated taxes, and withholding on or before the 125069
applicable payment date shall be as follows: 125070

(1) On or before the fifteenth day of the fourth month 125071
after the beginning of the taxable year, twenty-two and one-half 125072
per cent of the tax liability for the taxable year; 125073

(2) On or before the fifteenth day of the sixth month 125074
after the beginning of the taxable year, forty-five per cent of 125075
the tax liability for the taxable year; 125076

(3) On or before the fifteenth day of the ninth month 125077
after the beginning of the taxable year, sixty-seven and one- 125078
half per cent of the tax liability for the taxable year; 125079

(4) On or before the fifteenth day of the first month of 125080
the following taxable year, ninety per cent of the tax liability 125081
for the taxable year. 125082

When an amended return has been filed, the unpaid balance 125083
shown due on the amended return shall be paid in equal 125084
installments on or before the remaining payment dates. 125085

On or before the fifteenth day of the fourth month of the 125086
year following that for which the declaration or amended 125087
declaration was filed, an annual return shall be filed and any 125088
balance which may be due shall be paid with the return in 125089
accordance with section 5747.08 of the Revised Code. 125090

(D) In the case of any underpayment of estimated taxes, an 125091
interest penalty ~~shall~~ may be added to the taxes for the tax 125092
year at the rate per annum prescribed by section 5703.47 of the 125093
Revised Code upon the amount of underpayment for the period of 125094
underpayment, unless the underpayment is due to reasonable cause 125095
as described in division (E) of this section. The amount of the 125096
underpayment shall be determined as follows: 125097

(1) For the first payment of estimated taxes each year, 125098
the required installment less the amount of taxes paid by the 125099
date prescribed for that payment; 125100

(2) For the second payment of estimated taxes each year, 125101
the required installment less the amount of taxes paid by the 125102
date prescribed for that payment; 125103

(3) For the third payment of estimated taxes each year, 125104
the required installment less the amount of taxes paid by the 125105
date prescribed for that payment; 125106

(4) For the fourth payment of estimated taxes each year, 125107
the required installment less the amount of taxes paid by the 125108
date prescribed for that payment. 125109

The period of the underpayment shall run from the day the 125110
estimated payment was required to be made to the date on which 125111
the payment is made. For purposes of this section, a payment of 125112
estimated taxes on or before any payment date shall be 125113
considered a payment of any previous underpayment only to the 125114
extent the payment of estimated taxes exceeds the amount of the 125115
payment presently required to be paid to avoid any penalty. 125116

The tax commissioner may abate, in whole or in part, the 125117
interest penalty imposed under division (D) of this section. Any 125118
such penalty imposed shall be in lieu of any other interest 125119

charge or penalty imposed for failure to file an estimated 125120
return and make estimated payments as required by this section. 125121

(E) An underpayment of estimated taxes determined under 125122
division (D) of this section shall be due to reasonable cause 125123
and the interest penalty imposed by this section shall not be 125124
added to the taxes for the tax year if either of the following 125125
apply: 125126

(1) The amount of tax that was paid equals at least ninety 125127
per cent of the tax liability for the current taxable year, 125128
determined by annualizing the income received during the year up 125129
to the end of the month immediately preceding the month in which 125130
the payment is due; 125131

(2) The amount of tax that was paid equals at least one 125132
hundred per cent of the tax liability shown on the return of the 125133
taxpayer for the preceding taxable year, provided that the 125134
immediately preceding taxable year reflected a period of twelve 125135
months and the taxpayer filed a return under section 5747.08 of 125136
the Revised Code for that year. 125137

The tax commissioner may waive the requirement for filing 125138
a declaration of estimated taxes for any class of taxpayers 125139
after finding that the waiver is reasonable and proper in view 125140
of administrative costs and other factors. 125141

Sec. 5747.10. (A) As used in this section: 125142

(1) "Audited partnership" means a partnership subject to 125143
an examination by the internal revenue service pursuant to 125144
subchapter C, chapter 63, subtitle F of the Internal Revenue 125145
Code resulting in a federal adjustment. 125146

(2) (a) "Direct investor" means a partner or other investor 125147
that holds a direct interest in a pass-through entity. 125148

(b) "Indirect investor" means a partner or other investor 125149
that holds an interest in a pass-through entity that itself 125150
holds an interest, directly or through another indirect partner 125151
or other investor, in a pass-through entity. 125152

(3) "Exempt partner" means a partner that is neither a 125153
pass-through entity nor a person subject to the tax imposed by 125154
section 5747.02 of the Revised Code. 125155

(4) "Federal adjustment" means a change to an item or 125156
amount required to be determined under the Internal Revenue Code 125157
that directly or indirectly affects a taxpayer's aggregate tax 125158
liability under section 5747.02 or Chapter 5748. of the Revised 125159
Code and that results from an action or examination by the 125160
internal revenue service, or from the filing of an amended 125161
federal tax return, a claim for a federal tax refund, or an 125162
administrative adjustment request filed by a partnership under 125163
section 6227 of the Internal Revenue Code. 125164

(5) "Federal adjustments return" means the form or other 125165
document prescribed by the tax commissioner for use by a 125166
taxpayer in reporting final federal adjustments. 125167

(6) "State partnership representative" means either of the 125168
following: 125169

(a) The person who served as the partnership's 125170
representative for federal income tax purposes, pursuant to 125171
section 6223(a) of the Internal Revenue Code, during the 125172
corresponding federal partnership audit; 125173

(b) The person designated, on a form prescribed by the tax 125174
commissioner, to serve as the partnership's representative 125175
during the state partnership audit. The commissioner may 125176
establish reasonable qualifications and procedures for a person 125177

to be designated as a state partnership representative under 125178
this division. 125179

(7) A federal adjustment is "final" or "agreed to or 125180
finally determined for federal income tax purposes" on any of 125181
the following: 125182

(a) The day after which the period for appeal of a federal 125183
assessment has expired; 125184

(b) The date on a refund check issued by the internal 125185
revenue service; or 125186

(c) For agreements required to be signed by the internal 125187
revenue service and the taxpayer or audited partnership, the 125188
date on which the last party signed the agreement. 125189

(B) (1) If any of the facts, figures, computations, or 125190
attachments required in a taxpayer's annual return to determine 125191
the tax charged by this chapter or Chapter 5748. of the Revised 125192
Code must be altered as the result of a final federal 125193
adjustment, and the federal adjustment is not required to be 125194
reported under division (C) of this section, the taxpayer shall 125195
file an amended return with the tax commissioner in such form as 125196
the commissioner requires. The amended return shall be filed not 125197
later than ninety days after the federal adjustment has been 125198
agreed to or finally determined for federal income tax purposes. 125199

(2) "One hundred eighty" shall be substituted for "ninety" 125200
in divisions (B) (1) and (E) (1) of this section if, for any 125201
taxable year, the final federal adjustment results from taxes 125202
paid by the taxpayer on an amount described in division (A) (32) 125203
of section 5747.01 of the Revised Code. 125204

(C) Except for adjustments required to be reported for 125205
federal purposes pursuant to section 6225(a) (2) of the Internal 125206

Revenue Code and adjustments that are taken into account on a 125207
federal amended return or similar report filed pursuant to 125208
section 6225(c)(2) of the Internal Revenue Code, partnerships 125209
and partners shall report final federal adjustments and make 125210
payments as required under division (C) of this section. 125211

(1) With respect to an action required or permitted to be 125212
taken by a partnership under this section, and any petition for 125213
reassessment or appeal to the board of tax appeals or any court 125214
with respect to such an action, the state partnership 125215
representative shall have the sole authority to act on behalf of 125216
the audited partnership, and the partnership's direct and 125217
indirect investors shall be bound by those actions. 125218

(2) Unless an audited partnership makes the election under 125219
division (C)(3) of this section: 125220

(a) The audited partnership, through its state partnership 125221
representative, shall do all of the following within ninety days 125222
after the federal adjustment is final: 125223

(i) File a federal adjustments return with the tax 125224
commissioner, including a copy of the notifications provided 125225
under division (C)(2)(a)(ii) of this section; 125226

(ii) Notify each of its direct investors, on a form 125227
prescribed by the commissioner, of the investor's distributive 125228
share of the final federal adjustments; 125229

(iii) File an amended tax return on behalf of its 125230
nonresident direct investors and pay any additional tax that 125231
would have been due under sections 5733.41 and 5747.41, or 125232
division (D) of section 5747.08, of the Revised Code with 125233
respect to those direct investors had the final federal 125234
adjustments been reported properly on the original filing. 125235

(b) Each direct investor that is subject to the tax 125236
imposed by section 5747.02 of the Revised Code shall file an 125237
original or amended tax return to include the investor's 125238
distributive share of the adjustments reported to the direct 125239
investor under division (C)(2)(a) of this section, and pay any 125240
additional tax due, within ninety days after the audited 125241
partnership files its federal adjustments return with the 125242
commissioner. 125243

(c)(i) Each direct and indirect investor of an audited 125244
partnership that is a pass-through entity and all investors in 125245
such a pass-through entity that are subject to the filing and 125246
payment requirements of Chapters 5733. and 5747. of the Revised 125247
Code are subject to the reporting and payment requirements of 125248
division (C)(2) or, upon a timely election, division (C)(3) of 125249
this section. 125250

(ii) Such direct and indirect investors shall make the 125251
required returns and payments within ninety days after the 125252
deadline for filing and furnishing statements under section 125253
6226(b)(4) of the Internal Revenue Code and applicable treasury 125254
regulations. 125255

(3) If an audited partnership makes the election under 125256
this division, the audited partnership, through its state 125257
partnership representative, shall do all of the following within 125258
ninety days after all federal adjustments are final: 125259

(a) File a federal adjustments return with the tax 125260
commissioner indicating the partnership has made the election 125261
under division (C)(3) of this section; 125262

(b) Pay the amount of combined additional tax due under 125263
division (D)(2) of this section, calculated by multiplying the 125264

highest rate of tax set forth in section 5747.02 of the Revised 125265
Code by the sum of the following: 125266

(i) The distributive shares of the final federal 125267
adjustments that are allocable or apportionable to this state of 125268
each investor who is a nonresident taxpayer or pass-through 125269
entity; 125270

(ii) The distributive share of the final federal 125271
adjustments for each investor who is a resident taxpayer. 125272

(c) Notify each of its direct investors, on a form 125273
prescribed by the commissioner, of the investor's distributive 125274
share of the final federal adjustments and the amount paid on 125275
their behalf pursuant to division (C) (3) (b) of this section. 125276

(4) (a) A direct investor of an audited partnership is not 125277
required to file an amended return or pay tax otherwise due 125278
under section 5747.02 of the Revised Code if the audited 125279
partnership properly reports and pays the tax under division (C) 125280
(3) of this section. 125281

(b) (i) Nothing in division (C) of this section precludes a 125282
direct or indirect investor in the audited partnership from 125283
filing a return to report the investor's share of the final 125284
federal adjustments. Such an investor who files a return and 125285
reports the income related to the final federal adjustments is 125286
entitled to a refundable credit for taxes paid by the audited 125287
partnership under division (C) (3) (b) of this section. The credit 125288
shall be computed and claimed in the same manner as the credit 125289
allowed under division (I) of section 5747.08 of the Revised 125290
Code. 125291

(ii) Notwithstanding division (C) (4) (b) (i) of this 125292
section, an exempt partner, whether a direct or indirect 125293

investor, may file an application for refund of its 125294
proportionate share of the amounts erroneously paid by the 125295
audited partnership pursuant to division (C) (3) (b) of this 125296
section on the exempt partner's behalf. 125297

(5) Upon request by an audited partnership, the tax 125298
commissioner may agree, in writing, to allow an alternative 125299
method of reporting and payment than required by division (C) (2) 125300
or (3) of this section. The request must be submitted to the 125301
commissioner in writing before the applicable deadline for 125302
filing a return under division (C) (2) (a) or (3) of this section. 125303
The commissioner's decision on whether to enter into an 125304
agreement under this division is not subject to further 125305
administrative review or appeal. 125306

(6) Nothing in division (C) of this section precludes 125307
either of the following: 125308

(a) A resident taxpayer from filing a return to claim the 125309
credit under division (B) of section 5747.05 or division ~~(D) (2)~~ 125310
(B) (2) of section 5747.02 of the Revised Code based upon any 125311
amounts paid by the audited partnership on such investor's 125312
behalf to another state. 125313

(b) The tax commissioner from issuing an assessment under 125314
this chapter against any direct or indirect investor for taxes 125315
due from the investor if an audited partnership, or direct and 125316
indirect investor of an audited partnership that is a pass- 125317
through entity, fails to timely file any return or remit any 125318
payment required by this section or underreports income or 125319
underpays tax on behalf of an indirect investor who is a 125320
resident taxpayer. 125321

(D) In the case of an underpayment, and unless otherwise 125322

agreed to in writing by the tax commissioner: 125323

(1) The taxpayer's amended return shall be accompanied by 125324
payment of any combined additional tax due together with 125325
interest thereon. An amended return required by this section is 125326
a return subject to assessment under section 5747.13 of the 125327
Revised Code for the purpose of assessing any additional tax due 125328
under this section, together with any applicable penalty and 125329
interest. It shall not reopen those facts, figures, 125330
computations, or attachments from a previously filed return no 125331
longer subject to assessment that are not affected, either 125332
directly or indirectly, by the final federal adjustment to the 125333
taxpayer's federal income tax return. 125334

(2) The audited partnership's federal adjustments return 125335
shall be accompanied by payment of any combined additional tax 125336
due together with interest thereon. The federal adjustments 125337
return required by this section is a return subject to 125338
assessment under section 5747.13 of the Revised Code for the 125339
purpose of assessing any additional tax due under this section, 125340
together with any applicable penalty and interest. It shall not 125341
reopen those facts, figures, computations, or attachments from a 125342
previously filed return no longer subject to assessment that are 125343
not affected, either directly or indirectly, by the final 125344
federal adjustment. 125345

(3) The tax commissioner may accept estimated payments of 125346
the tax arising from pending federal adjustments before the date 125347
for filing a federal adjustments return. The commissioner may 125348
adopt rules for the payment of such estimated taxes. 125349

(E) In the case of an overpayment, and unless otherwise 125350
agreed to in writing by the tax commissioner: 125351

(1) A taxpayer may file an application for refund under 125352
this division within the ninety-day period prescribed for filing 125353
the amended return even if it is filed beyond the period 125354
prescribed in section 5747.11 of the Revised Code if it 125355
otherwise conforms to the requirements of such section. An 125356
application filed under this division shall claim refund of 125357
overpayments resulting from alterations to only those facts, 125358
figures, computations, or attachments required in the taxpayer's 125359
annual return that are affected, either directly or indirectly, 125360
by the final federal adjustment to the taxpayer's federal income 125361
tax return unless it is also filed within the time prescribed in 125362
section 5747.11 of the Revised Code. It shall not reopen those 125363
facts, figures, computations, or attachments that are not 125364
affected, either directly or indirectly, by the adjustment to 125365
the taxpayer's federal income tax return. 125366

(2) (a) Except as otherwise provided in division (E) (2) (b) 125367
of this section, an audited partnership may file an application 125368
for a refund under this division within the ninety-day period 125369
prescribed for filing the federal adjustments return, even if it 125370
is filed beyond the period prescribed by section 5747.11 of the 125371
Revised Code, if it otherwise conforms to the requirements of 125372
that section. An application filed under this division may claim 125373
a refund of overpayments resulting only from final federal 125374
adjustments unless it is also filed within the time prescribed 125375
by section 5747.11 of the Revised Code. It shall not reopen 125376
those facts, figures, computations, or attachments that are not 125377
affected, either directly or indirectly, by the federal 125378
adjustment. 125379

(b) An audited partnership may not file an application for 125380
refund under division (E) of this section based on final federal 125381
adjustments described in section 6225(a) (2) of the Internal 125382

Revenue Code. 125383

(3) Any refund granted to a pass-through entity filing an 125384
application for refund under division (E) of this section shall 125385
be reduced by amounts previously claimed as a credit under 125386
section 5747.059 or division (I) of section 5747.08 of the 125387
Revised Code by the pass-through entity's direct or indirect 125388
investors. 125389

(F) Excluding the deadline in division (C) (2) (c) (ii) of 125390
this section, an audited partnership, or a direct or indirect 125391
investor of an audited partnership that is a pass-through 125392
entity, may automatically extend the deadline for reporting, 125393
payments, and refunds under this section by sixty days if the 125394
entity has ten thousand or more direct investors and notifies 125395
the commissioner of such extension, in writing, before the 125396
unextended deadline. 125397

Sec. 5747.13. (A) If any employer collects the tax imposed 125398
by section 5747.02 or under Chapter 5748. of the Revised Code 125399
and fails to remit the tax as required by law, or fails to 125400
collect the tax, the employer is personally liable for any 125401
amount collected that the employer fails to remit, or any amount 125402
that the employer fails to collect. If any taxpayer fails to 125403
file a return or fails to pay the tax imposed by section 5747.02 125404
or under Chapter 5748. of the Revised Code, the taxpayer is 125405
personally liable for the amount of the tax. 125406

If any employer, taxpayer, qualifying entity, or electing 125407
pass-through entity required to file a return under this chapter 125408
fails to file the return within the time prescribed, files an 125409
incorrect return, fails to remit the full amount of the taxes 125410
due for the period covered by the return, or fails to remit any 125411
additional tax due as a result of a reduction in the amount of 125412

the credit allowed under division (B) of section 5747.05 of the Revised Code together with interest on the additional tax within the time prescribed by that division, the tax commissioner may make an assessment against any person liable for any deficiency for the period for which the return is or taxes are due, based upon any information in the commissioner's possession.

An assessment issued against either the employer or the taxpayer pursuant to this section shall not be considered an election of remedies or a bar to an assessment against the other for failure to report or pay the same tax. No assessment shall be issued against any person if the tax actually has been paid by another.

No assessment shall be made or issued against an employer, a taxpayer, a qualifying entity, or an electing pass-through entity more than four years after the final date the return subject to assessment was required to be filed or the date the return was filed, whichever is later. However, the commissioner may assess any balance due as the result of a reduction in the credit allowed under division (B) of section 5747.05 of the Revised Code, including applicable penalty and interest, within four years of the date on which the taxpayer reports a change in either the portion of the taxpayer's adjusted gross income subjected to an income tax or tax measured by income in another state or the District of Columbia, or the amount of liability for an income tax or tax measured by income to another state or the District of Columbia, as required by division (B)(4) of section 5747.05 of the Revised Code. Such time limits may be extended if both the employer, taxpayer, qualifying entity, or electing pass-through entity and the commissioner consent in writing to the extension or if an agreement waiving or extending the time limits has been entered into pursuant to section

122.171 of the Revised Code. Any such extension shall extend the 125444
four-year time limit in division (B) of section 5747.11 of the 125445
Revised Code for the same period of time. There shall be no bar 125446
or limit to an assessment against an employer for taxes withheld 125447
from employees and not remitted to the state, against an 125448
employer, a taxpayer, a qualifying entity, or an electing pass- 125449
through entity that fails to file a return subject to assessment 125450
as required by this chapter, or against an employer, a taxpayer, 125451
a qualifying entity, or an electing pass-through entity that 125452
files a fraudulent return. 125453

The commissioner shall give the party assessed written 125454
notice of the assessment in the manner provided in section 125455
5703.37 of the Revised Code. With the notice, the commissioner 125456
shall provide instructions on how to petition for reassessment 125457
and request a hearing on the petition. 125458

(B) Unless the party assessed files with the tax 125459
commissioner within sixty days after service of the notice of 125460
assessment, ~~either personally or by certified mail,~~ a written 125461
petition for reassessment, signed by the party assessed or that 125462
party's authorized agent having knowledge of the facts, the 125463
assessment becomes final, and the amount of the assessment is 125464
due and payable from the party assessed to the commissioner with 125465
remittance made payable to the treasurer of state. The petition 125466
shall indicate the objections of the party assessed, but 125467
additional objections may be raised in writing if received by 125468
the commissioner prior to the date shown on the final 125469
determination. If the petition has been properly filed, the 125470
commissioner shall proceed under section 5703.60 of the Revised 125471
Code. 125472

(C) After an assessment becomes final, if any portion of 125473

the assessment remains unpaid, including accrued interest, a 125474
certified copy of the tax commissioner's entry making the 125475
assessment final may be filed in the office of the clerk of the 125476
court of common pleas in the county in which the employer's, 125477
taxpayer's, qualifying entity's, or electing pass-through 125478
entity's place of business is located or the county in which the 125479
party assessed resides. If the party assessed is not a resident 125480
of this state, the certified copy of the entry may be filed in 125481
the office of the clerk of the court of common pleas of Franklin 125482
county. 125483

Immediately upon the filing of the entry, the clerk shall 125484
enter a judgment against the party assessed in the amount shown 125485
on the entry. The judgment shall be filed by the clerk in one of 125486
two loose-leaf books, one entitled "special judgments for state 125487
and school district income taxes," and the other entitled 125488
"special judgments for qualifying entity and electing pass- 125489
through entity taxes." The judgment shall have the same effect 125490
as other judgments. Execution shall issue upon the judgment upon 125491
the request of the tax commissioner, and all laws applicable to 125492
sales on execution shall apply to sales made under the judgment. 125493

If the assessment is not paid in its entirety within sixty 125494
days after the assessment was issued, the portion of the 125495
assessment consisting of tax due shall bear interest at the rate 125496
per annum prescribed by section 5703.47 of the Revised Code from 125497
the day the tax commissioner issues the assessment until it is 125498
paid or until it is certified to the attorney general for 125499
collection under section 131.02 of the Revised Code, whichever 125500
comes first. If the unpaid portion of the assessment is 125501
certified to the attorney general for collection, the entire 125502
unpaid portion of the assessment shall bear interest at the rate 125503
per annum prescribed by section 5703.47 of the Revised Code from 125504

the date of certification until the date it is paid in its 125505
entirety. Interest shall be paid in the same manner as the tax 125506
and may be collected by the issuance of an assessment under this 125507
section. 125508

(D) All money collected under this section shall be 125509
considered as revenue arising from the taxes imposed by this 125510
chapter or Chapter 5733. or 5748. of the Revised Code, as 125511
appropriate. 125512

(E) If the party assessed files a petition for 125513
reassessment under division (B) of this section, the person, on 125514
or before the last day the petition may be filed, shall pay the 125515
assessed amount, including assessed interest and assessed 125516
penalties, if any of the following conditions exists: 125517

(1) The person files a tax return reporting Ohio adjusted 125518
gross income, less the exemptions allowed by section 5747.025 of 125519
the Revised Code, in an amount less than one cent, and the 125520
reported amount is not based on the computations required under 125521
division (A) of section 5747.01 or section 5747.025 of the 125522
Revised Code. 125523

(2) The person files a tax return that the tax 125524
commissioner determines to be incomplete, false, fraudulent, or 125525
frivolous. 125526

(3) The person fails to file a tax return, and the basis 125527
for this failure is not either of the following: 125528

(a) An assertion that the person has no nexus with this 125529
state; 125530

(b) The computations required under division (A) of 125531
section 5747.01 of the Revised Code or the application of 125532
credits allowed under this chapter has the result that the 125533

person's tax liability is less than one dollar and one cent. 125534

(F) Notwithstanding the fact that a petition for 125535
reassessment is pending, the petitioner may pay all or a portion 125536
of the assessment that is the subject of the petition. The 125537
acceptance of a payment by the treasurer of state does not 125538
prejudice any claim for refund upon final determination of the 125539
petition. 125540

If upon final determination of the petition an error in 125541
the assessment is corrected by the tax commissioner, upon 125542
petition so filed or pursuant to a decision of the board of tax 125543
appeals or any court to which the determination or decision has 125544
been appealed, so that the amount due from the party assessed 125545
under the corrected assessment is less than the portion paid, 125546
there shall be issued to the petitioner or to the petitioner's 125547
assigns or legal representative a refund in the amount of the 125548
overpayment as provided by section 5747.11 of the Revised Code, 125549
with interest on that amount as provided by such section, 125550
subject to section 5747.12 of the Revised Code. 125551

Sec. 5747.15. (A) In addition to any other penalty imposed 125552
by this chapter or Chapter 5703. of the Revised Code, the 125553
following penalties shall apply: 125554

(1) If a taxpayer, a qualifying entity, an electing pass- 125555
through entity, or an employer required to file any report or 125556
return, including an informational notice, report, or return, 125557
under this chapter fails to make and file the report or return 125558
within the time prescribed, including any extensions of time 125559
granted by the tax commissioner, a penalty may be imposed not 125560
exceeding the greater of fifty dollars per month or fraction of 125561
a month, not to exceed five hundred dollars, or five per cent 125562
per month or fraction of a month, not to exceed fifty per cent, 125563

of the sum of the taxes required to be shown on the report or 125564
return, for each month or fraction of a month elapsing between 125565
the due date, including extensions of the due date, and the date 125566
on which filed. 125567

(2) If a taxpayer fails to pay any amount of tax required 125568
to be paid under section 5733.41 or Chapters 5747. or 5748. of 125569
the Revised Code, except estimated tax under section 5747.09 or 125570
5747.43 of the Revised Code, by the dates prescribed for 125571
payment, a penalty may be imposed not exceeding twice the 125572
applicable interest charged under division (G) of section 125573
5747.08 of the Revised Code for the delinquent payment. 125574

(3) (a) If an employer fails to pay any amount of tax 125575
imposed by section 5747.02 of the Revised Code and required to 125576
be paid under this chapter by the dates prescribed for payment, 125577
a penalty may be imposed not exceeding the sum of ten per cent 125578
of the delinquent payment plus twice the interest charged under 125579
division (F) (5) of section 5747.07 of the Revised Code for the 125580
delinquent payment. 125581

(b) If a qualifying entity or an electing pass-through 125582
entity fails to pay any amount of tax imposed by section 125583
5733.41, 5747.38, or 5747.41 of the Revised Code and required to 125584
be paid under this chapter by the dates prescribed for payment, 125585
a penalty may be imposed not exceeding the sum of ten per cent 125586
of the delinquent payment plus twice the applicable interest 125587
charged under division (G) of section 5747.08 of the Revised 125588
Code for the delinquent payment. 125589

(4) (a) If an employer withholds from employees the tax 125590
imposed by section 5747.02 of the Revised Code and fails to 125591
remit the tax withheld to the state as required by this chapter 125592
on or before the dates prescribed for payment, a penalty may be 125593

imposed not exceeding fifty per cent of the delinquent payment. 125594

(b) If a qualifying entity withholds any amount of tax 125595
imposed under section 5747.41 of the Revised Code from an 125596
individual's qualifying amount and fails to remit that amount to 125597
the state as required by sections 5747.42 to 5747.453 of the 125598
Revised Code on or before the dates prescribed for payment, a 125599
penalty may be imposed not exceeding fifty per cent of the 125600
delinquent payment. 125601

(5) If a taxpayer, a qualifying entity, an electing pass- 125602
through entity, or an employer files what purports to be a 125603
return required by this chapter that does not contain 125604
information upon which the substantial correctness of the return 125605
may be judged or contains information that on its face indicates 125606
that the return is substantially incorrect, and the filing of 125607
the return in that manner is due to a position that is frivolous 125608
or a desire that is apparent from the return to delay or impede 125609
the administration of the tax levied by section 5733.41, 125610
5747.02, 5747.38, or 5747.41, or Chapter 5748. of the Revised 125611
Code, a penalty of up to five hundred dollars may be imposed. 125612

(6) If a taxpayer, a qualifying entity, or an electing 125613
pass-through entity makes a fraudulent attempt to evade the 125614
reporting or payment of the tax required to be shown on any 125615
return required under this chapter, a penalty may be imposed not 125616
exceeding the greater of one thousand dollars or one hundred per 125617
cent of the tax required to be shown on the return. 125618

(7) If any person makes a false or fraudulent claim for a 125619
refund under this chapter, a penalty may be imposed not 125620
exceeding the greater of one thousand dollars or one hundred per 125621
cent of the claim. The penalty imposed under division (A) (7) of 125622
this section, any refund issued on the claim, and interest on 125623

any refund from the date of the refund, may be assessed under 125624
section 5747.13 of the Revised Code as tax, penalty, or interest 125625
imposed under section 5733.41, 5747.02, 5747.38, or 5747.41 of 125626
the Revised Code, without regard to whether the person making 125627
the claim is otherwise subject to the provisions of this chapter 125628
or Chapter 5733. of the Revised Code, and without regard to any 125629
time limitation for the assessment imposed by division (A) of 125630
section 5747.13 of the Revised Code. 125631

(B) For purposes of this section, the taxes required to be 125632
shown on the return shall be reduced by the amount of any part 125633
of the taxes paid on or before the date, including any 125634
extensions of the date, prescribed for filing the return. 125635

(C) Any penalty imposed under this section shall be in 125636
addition to all other penalties imposed under this section. ~~All~~ 125637
~~or part of any penalty imposed under this section may be abated~~ 125638
~~by the commissioner. All or part of any penalty imposed under~~ 125639
~~this section may be abated by the commissioner if the taxpayer,~~ 125640
~~qualifying entity, electing pass-through entity, or employer~~ 125641
~~shows that the failure to comply with the provisions of this~~ 125642
~~chapter is due to reasonable cause and not willful neglect.~~ 125643

Sec. 5747.29. (A) As used in this section: 125644

(1) "Candidate" has the same meaning as in section 3517.01 125645
of the Revised Code, but is limited to candidates for the public 125646
offices specified in this section. 125647

(2) "Contribution" has the same meaning as in section 125648
3517.01 of the Revised Code, but is limited to contributions of 125649
money only. 125650

(B) A nonrefundable credit is allowed against a taxpayer's 125651
aggregate tax liability under section 5747.02 of the Revised 125652

Code for contributions of money made to the campaign committee 125653
of candidates for any of the following public offices: governor, 125654
lieutenant governor, secretary of state, auditor of state, 125655
treasurer of state, attorney general, ~~member of the state board~~ 125656
~~of education~~, chief justice of the supreme court, justice of the 125657
supreme court, or member of the general assembly. The amount of 125658
the credit for a taxable year equals the lesser of the combined 125659
total contributions made during the taxable year by each 125660
taxpayer filing a return required to be filed under section 125661
5747.08 of the Revised Code or the amount of fifty dollars, in 125662
the case of an individual return, or one hundred dollars, in the 125663
case of a joint return. 125664

The taxpayer shall claim the credit in the order required 125665
under section 5747.98 of the Revised Code. The credit for a 125666
taxable year shall not exceed the aggregate amount of tax 125667
otherwise due for that year after allowing for any other credits 125668
that precede the credit under this section in that order. 125669

Sec. 5747.38. (A) As used in this section and section 125670
5747.39 of the Revised Code and in other sections of Chapter 125671
5747. of the Revised Code in the context of the tax imposed 125672
under this section: 125673

(1) "Electing pass-through entity" means a qualifying 125674
pass-through entity that elects to be subject to the tax levied 125675
under this section for a taxable year pursuant to division (C) 125676
of this section. 125677

(2) "Owner" means a person that is a partner, member, 125678
shareholder, or investor in an electing pass-through entity for 125679
any portion of the taxable year. 125680

(3) "Income" means the sum of owners' distributive shares 125681

of the income, gain, expense, or loss of an electing pass-through entity for the taxable year, as reported for federal income tax purposes. 125682
125683
125684

(4) "Qualifying taxable income" means the sum of the following: 125685
125686

(a) The portion of an electing pass-through entity's income that is business income, subject to the applicable adjustments in divisions (A) (2) to (7) of section 5733.40 of the Revised Code, multiplied by the fraction described in division (B) (1) of that section; 125687
125688
125689
125690
125691

(b) The portion of the electing pass-through entity's income that is nonbusiness income allocated to this state under section 5747.20 of the Revised Code. 125692
125693
125694

(B) For the same purposes for which the tax is levied under section 5747.02 of the Revised Code, a tax is hereby levied on each electing pass-through entity on the entity's qualifying taxable income for the taxable year, at the following rates: 125695
125696
125697
125698
125699

(1) For an electing pass-through entity's taxable year that begins in 2022, five per cent; 125700
125701

(2) For an electing pass-through entity's taxable year that begins in 2023 and in any year thereafter, the rate equal to the tax rate imposed on taxable business income under division (A) (4) (a) of section 5747.02 of the Revised Code applicable to that taxable year. 125702
125703
125704
125705
125706

(C) A pass-through entity that is not a disregarded entity, as defined in section 5733.01 of the Revised Code, may elect to be subject to the tax levied under this section by filing with the tax commissioner a form prescribed by the 125707
125708
125709
125710

commissioner making such election on or before the deadline to 125711
file the return under section 5747.42 of the Revised Code for 125712
the taxable year. Such election applies only to the taxable year 125713
for which the election is made and is, once made, irrevocable 125714
for that year. 125715

(D) The Except as otherwise provided in this division, the 125716
tax levied under this section shall be calculated without regard 125717
to any deductions or credits otherwise permitted to be claimed 125718
by an owner of the electing pass-through entity in computing the 125719
owner's aggregate tax liability under section 5747.02 of the 125720
Revised Code. In calculating its tax due under this section, an 125721
electing pass-through entity may claim the refundable credits 125722
authorized under section 5747.059 or 5747.39 of the Revised Code 125723
or division (I) of section 5747.08 of the Revised Code if that 125724
credit is available to one or more of the entity's owners as if 125725
the entity were the owner or owners. 125726

(E) The tax levied under this section is intended to 125727
comply with the provisions of internal revenue service notice 125728
2020-75 in which such tax paid by an electing pass-through 125729
entity is deductible to the entity for federal income tax 125730
purposes. 125731

(F) The tax commissioner shall adopt rules to administer 125732
the tax levied under this section. Such rules shall include a 125733
description of how the adjustments to income under divisions (A) 125734
(36) and (S) (15) of section 5747.01 of the Revised Code and the 125735
credit under section 5747.39 of the Revised Code apply to direct 125736
or indirect owners of an electing pass-through entity based on 125737
various ownership structures. Any rule adopted under this 125738
section is not a regulatory restriction for the purpose of 125739
section 121.95 of the Revised Code. 125740

Sec. 5747.39. There is hereby allowed a refundable credit 125741
against a taxpayer's aggregate tax liability under section 125742
5747.02 of the Revised Code for a taxpayer who is an owner of an 125743
electing pass-through entity. The credit shall equal the owner's 125744
proportionate share of the lesser of the tax levied due or paid 125745
under section 5747.38 of the Revised Code ~~remitted by the~~ 125746
~~owner's~~ for the taxable year of the electing pass-through entity 125747
~~for that ends in the~~ the taxable year of the taxpayer. 125748

The credit shall be claimed for the taxpayer's taxable 125749
year that includes the last day of the electing pass-through 125750
entity's taxable year for which the tax levied under that 125751
section was paid and in the order required under section 5747.98 125752
of the Revised Code. If the credit exceeds the aggregate amount 125753
of tax otherwise due, the excess shall be refunded to the 125754
taxpayer. 125755

The tax commissioner may request that a taxpayer claiming 125756
a credit under this section furnish information as is necessary 125757
to support the claim for the credit under this section, and no 125758
credit shall be allowed unless the requested information is 125759
provided. 125760

Sec. 5747.40. Any term used in sections 5747.40 to 5747.43 125761
of the Revised Code has the same meaning as defined in section 125762
5733.40 of the Revised Code. 125763

The purpose of sections 5747.40 to 5747.43 of the Revised 125764
Code is to complement and to reinforce the tax levied under 125765
section 5747.02 of the Revised Code. Those sections do not apply 125766
to a pass-through entity if all of the investors of the pass- 125767
through entity are resident taxpayers for the purposes of this 125768
chapter for the entire qualifying taxable year of the pass- 125769
through entity, or to a trust if all of the beneficiaries of the 125770

trust are resident taxpayers for the purposes of this chapter 125771
for the entire qualifying taxable year of the trust, except that 125772
sections 5747.42 and 5747.43 of the Revised Code apply to all 125773
pass-through entities that elect to be subject to the tax levied 125774
under section 5747.38 of the Revised Code. 125775

Sec. 5747.42. (A) In addition to the other returns 125776
required to be filed and other remittances required to be made 125777
pursuant to this chapter, every qualifying entity or electing 125778
pass-through entity that is subject to the tax imposed by 125779
section 5733.41, 5747.38, or 5747.41 of the Revised Code shall 125780
file an annual return as follows: 125781

(1) For a qualifying entity, on or before the fifteenth 125782
day of the fourth month following the end of the entity's 125783
qualifying taxable year; 125784

(2) For an electing pass-through entity, on or before the 125785
fifteenth day of April following the end of the entity's taxable 125786
year that ends in the preceding calendar year. 125787

Each entity shall also remit to the tax commissioner, with 125788
the remittance made payable to the treasurer of state, the 125789
amount of the taxes shown to be due on the return, less the 125790
amount paid for the taxable year on a declaration of estimated 125791
tax report filed by the taxpayer as provided by section 5747.43 125792
of the Revised Code. Remittance shall be made in the form 125793
prescribed by the tax commissioner, including electronically if 125794
required by section 5747.44 of the Revised Code. 125795

A domestic qualifying entity shall not dissolve, and a 125796
foreign qualifying entity shall not withdraw or retire from 125797
business in this state, without filing the tax returns and 125798
paying the taxes charged for the year in which such dissolution 125799

or withdrawal occurs. 125800

(B) The tax commissioner shall furnish qualifying entities 125801
or electing pass-through entities, upon request, copies of the 125802
forms prescribed by the commissioner for the purpose of making 125803
the returns required by sections 5747.42 to 5747.453 of the 125804
Revised Code. 125805

(C) The annual return required by this section shall be 125806
signed by the applicable entity's trustee or other fiduciary, or 125807
president, vice-president, secretary, treasurer, general 125808
manager, general partner, superintendent, or managing agent in 125809
this state. The annual return shall contain the facts, figures, 125810
computations, and attachments that result in the tax charged by 125811
section 5733.41, 5747.38, or 5747.41 of the Revised Code. Each 125812
entity also shall file with its annual return all of the 125813
following: 125814

(1) In the case of the tax charged by section 5733.41 or 125815
5747.41 of the Revised Code, the full name and address of each 125816
qualifying investor or qualifying beneficiary unless the 125817
qualifying entity submits such information in accordance with 125818
division (D) of this section; 125819

(2) In the case of the tax charged by section 5733.41 or 125820
5747.41 of the Revised Code, the social security number, federal 125821
employer identification number, or other identifying number of 125822
each qualifying investor or qualifying beneficiary, unless the 125823
taxpayer submits that information in accordance with division 125824
(D) of this section; 125825

(3) In the case of the tax charged by section 5747.38 of 125826
the Revised Code, the full name and address and the social 125827
security number, federal employer identification number, or 125828

other identifying number of each owner of the electing pass- 125829
through entity, unless the entity submits such information in 125830
accordance with division (D) of this section; 125831

(4) The amount of tax imposed by sections 5733.41 and 125832
5747.41 or by section 5747.38 of the Revised Code, and the 125833
amount of the tax paid by the entity, for the applicable taxable 125834
year covered by the annual return; 125835

(5) The amount of tax imposed by sections 5733.41 and 125836
5747.41 or by section 5747.38 of the Revised Code that is 125837
attributable to each qualifying investor, qualifying 125838
beneficiary, or owner, as applicable, unless the entity submits 125839
this information in accordance with division (D) of this 125840
section. 125841

(D) On the date the annual return is due, including 125842
extensions of time, if any, the applicable entity may be 125843
required ~~by rule~~ to transmit electronically or by magnetic media 125844
the information set forth in division (C) of this section. The 125845
tax commissioner may adopt rules governing the format for the 125846
transmission of such information. The tax commissioner may 125847
exempt an entity or a class of entities from the requirements 125848
imposed by this division. 125849

(E) Upon good cause shown, the tax commissioner may extend 125850
the period for filing any return required to be filed under this 125851
section or section 5747.43 or 5747.44 of the Revised Code and 125852
for transmitting any information required to be transmitted 125853
under those sections. The tax commissioner may adopt rules 125854
relating to extensions of time to file and to transmit. At the 125855
time an entity pays any tax imposed under section 5733.41, 125856
5747.38, or 5747.41 of the Revised Code or estimated tax as 125857
required under section 5747.43 of the Revised Code, the entity 125858

also shall pay interest computed at the rate per annum 125859
prescribed by section 5703.47 of the Revised Code on that tax or 125860
estimated tax, from the time the tax or estimated tax originally 125861
was required to be paid, without consideration of any filing 125862
extensions, to the time of actual payment. Nothing in this 125863
division shall be construed to abate, modify, or limit the 125864
imposition of any penalties imposed for the failure to timely 125865
pay taxes under this chapter or Chapter 5733. of the Revised 125866
Code without consideration of any filing extensions. 125867

Sec. 5747.43. (A) As used in this section: 125868

(1) "Estimated taxes" means the amount that a qualifying 125869
entity or electing pass-through entity estimates to be the sum 125870
of its liability under sections 5733.41 and 5747.41 or section 125871
5747.38 of the Revised Code for its current qualifying taxable 125872
year or taxable year, as applicable. 125873

(2) "Tax liability" means the total of the taxes and 125874
withholding taxes due under sections 5733.41 and 5747.41 of the 125875
Revised Code or the tax due under section 5747.38 of the Revised 125876
Code for the applicable taxable year prior to applying any 125877
estimated tax payment or refund from another year. 125878

(3) "Taxes paid" includes payments of estimated taxes made 125879
under division (C) of this section and tax refunds applied by 125880
the qualifying entity or electing pass-through entity in payment 125881
of estimated taxes. 125882

(4) "Required installment" means a payment equal to 125883
twenty-five per cent of the lesser of the following: 125884

(a) Ninety per cent of the tax liability for the 125885
qualifying taxable year; 125886

(b) One hundred per cent of the tax liability shown on the 125887

return of a qualifying entity or an electing pass-through entity 125888
for the preceding taxable year. 125889

Division (A) (4) (b) of this section applies only if the 125890
entity filed a return under section 5747.42 of the Revised Code 125891
for the preceding taxable year and if the preceding taxable year 125892
was a twelve-month taxable year. 125893

(B) In addition to the return required to be filed 125894
pursuant to section 5747.42 of the Revised Code, each qualifying 125895
entity or electing pass-through entity that is subject to the 125896
tax imposed under section 5733.41 and to the withholding tax 125897
imposed by section 5747.41 of the Revised Code or that is 125898
subject to the tax imposed under section 5747.38 of the Revised 125899
Code shall file an estimated tax return and pay a portion of the 125900
entity's tax liability for its taxable year. The portion of 125901
those taxes required to be paid, and the last day prescribed for 125902
payment thereof, shall be as prescribed by divisions (B) (1), 125903
(2), (3), and (4) of this section: 125904

(1) On or before the fifteenth day of the fourth month 125905
~~following after the last day of the first quarter of beginning~~ 125906
of the entity's taxable year, twenty-two and one-half per cent 125907
of the entity's estimated tax liability for that taxable year; 125908

(2) On or before the fifteenth day of the sixth month 125909
~~following after the last day of the second quarter of beginning~~ 125910
of the entity's taxable year, forty-five per cent of the 125911
entity's estimated tax liability for that taxable year; 125912

(3) On or before the fifteenth day of the ninth month 125913
~~following after the last day of the third quarter of beginning~~ 125914
of the entity's taxable year, sixty-seven and one-half per cent 125915
of the entity's estimated tax liability for that taxable year; 125916

(4) On or before the fifteenth day of the first month 125917
~~following of the last day of the fourth quarter of the~~ 125918
entity's 125919
estimated tax liability for that taxable year. 125920

Payments of estimated taxes shall be made payable to the 125921
treasurer of state. 125922

(C) If a payment of estimated taxes is not paid in the 125923
full amount required under division (B) of this section, a 125924
penalty ~~shall~~ may be added to the taxes charged for the 125925
qualifying taxable year or taxable year, as applicable, unless 125926
the underpayment is due to reasonable cause as described in 125927
division (D) of this section. The penalty shall accrue at the 125928
rate per annum prescribed by section 5703.47 of the Revised Code 125929
upon the amount of underpayment from the day the estimated 125930
payment was required to be made to the day the payment is made. 125931

The amount of the underpayment upon which the penalty 125932
shall accrue shall be determined as follows: 125933

(1) For the first payment of estimated taxes each year, 125934
the required installment less the amount of taxes paid by the 125935
date prescribed for that payment; 125936

(2) For the second payment of estimated taxes each year, 125937
the required installment less the amount of taxes paid by the 125938
date prescribed for that payment; 125939

(3) For the third payment of estimated taxes each year, 125940
the required installment less the amount of taxes paid by the 125941
date prescribed for that payment; 125942

(4) For the fourth payment of estimated taxes each year, 125943
the required installment less the amount of taxes paid by the 125944
date prescribed for that payment. 125945

For the purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of a previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

The tax commissioner may abate, in whole or in part, the penalty imposed under division (C) of this section. Any such penalty is in lieu of any other interest charge or penalty imposed for failure to file a declaration of estimated tax report and make estimated payments as required by this section.

(D) An underpayment of estimated taxes determined under division (C) of this section is due to reasonable cause if any of the following apply:

(1) The amount of tax that was paid equals at least ninety per cent of the tax liability for the current taxable year, determined by annualizing the income received during that year up to the end of the month immediately preceding the month in which the payment is due;

(2) The amount of tax liability that was paid equals at least ninety per cent of the tax liability for the current taxable year;

(3) The amount of tax liability that was paid equals at least one hundred per cent of the tax liability shown on the return of the entity for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the entity filed a return under section 5747.42 of the Revised Code for that year.

(E) (1) Divisions (B) and (C) of this section do not apply for a taxable year if either of the following applies to the

entity: 125975

(a) For the immediately preceding taxable year, the entity 125976
computes in good faith and in a reasonable manner that the sum 125977
of its adjusted qualifying amounts or its qualifying taxable 125978
income, as applicable, is ten thousand dollars or less. 125979

(b) For the taxable year the entity computes in good faith 125980
and in a reasonable manner that the sum of its adjusted 125981
qualifying amounts or its qualifying taxable income, as 125982
applicable, is ten thousand dollars or less. 125983

(2) Notwithstanding any other provision of Title LVII of 125984
the Revised Code to the contrary, the entity shall establish by 125985
a preponderance of the evidence that its computation of the 125986
adjusted qualifying amounts or qualifying taxable income, as 125987
applicable, for the immediately preceding taxable year and the 125988
taxable year was, in fact, made in good faith and in a 125989
reasonable manner. 125990

(F) The tax commissioner may waive the requirement for 125991
filing a declaration of estimated taxes for any class of 125992
qualifying entities if the commissioner finds the waiver is 125993
reasonable and proper in view of administrative costs and other 125994
factors. 125995

(G) Estimated taxes paid by a qualifying entity or an 125996
electing pass-through entity may be applied to satisfy the 125997
entity's tax liability under section 5733.41, 5747.38, or 125998
5747.41 of the Revised Code. Nothing in this section authorizes 125999
such an entity to apply estimated taxes paid against more than 126000
one tax. 126001

Sec. 5747.44. (A) If a qualifying entity's or an electing 126002
pass-through entity's total liability for taxes imposed under 126003

sections 5733.41 and 5747.41 or under section 5747.38 of the 126004
Revised Code exceeds one hundred eighty thousand dollars for the 126005
second preceding taxable year or qualifying taxable year, as 126006
applicable, the entity shall make all payments required under 126007
sections 5747.42 and 5747.43 or under section 5747.38 of the 126008
Revised Code electronically in the manner prescribed by the tax 126009
commissioner. 126010

The tax commissioner shall notify each qualifying entity 126011
and electing pass-through entity required to remit taxes 126012
electronically of the entity's obligation to do so. Failure by 126013
the commissioner to notify an entity subject to this section to 126014
remit taxes electronically does not relieve the entity of its 126015
obligation to remit taxes in that manner. 126016

(B) Except as otherwise provided in this division, the 126017
payment of taxes electronically does not affect a qualifying 126018
entity's or an electing pass-through entity's obligation to file 126019
the returns required under sections 5747.42 and 5747.43 of the 126020
Revised Code. 126021

(C) A qualifying entity or an electing pass-through entity 126022
required by this section to remit taxes electronically may apply 126023
to the tax commissioner in the manner prescribed by the 126024
commissioner to be excused from that requirement. The 126025
commissioner may excuse the entity from electronic remittance 126026
for good cause shown for the period of time requested by the 126027
entity or for a portion of that period. The commissioner shall 126028
notify the entity of the commissioner's decision as soon as is 126029
practicable. 126030

(D) If a qualifying entity or an electing pass-through 126031
entity required by this section to remit taxes electronically 126032
remits those taxes by some means other than electronically as 126033

prescribed by this section, and the tax commissioner determines 126034
that such failure was not due to reasonable cause or was due to 126035
willful neglect, the commissioner may collect an additional 126036
charge by assessment in the manner prescribed by section 5747.13 126037
of the Revised Code. The additional charge shall equal five per 126038
cent of the amount of the taxes required to be paid 126039
electronically, but shall not exceed five thousand dollars. Any 126040
additional charge assessed under this section is in addition to 126041
any other penalty or charge imposed under this chapter or 126042
Chapter 5733. of the Revised Code, and shall be considered as 126043
revenue arising from the taxes imposed under sections 5733.41 126044
and 5747.41 or under section 5747.38 of the Revised Code. ~~The~~ 126045
~~commissioner may remit all or a portion of such a charge and may~~ 126046
~~adopt rules governing such remission.~~ 126047

No additional charge shall be assessed under this division 126048
against a qualifying entity or an electing pass-through entity 126049
that has been notified of its obligation to remit taxes 126050
electronically under this section and that remits its first two 126051
tax payments after such notification by some other means. The 126052
additional charge may be assessed upon the remittance of any 126053
subsequent tax payment that the entity remits by some means 126054
other than electronically. 126055

Sec. 5747.502. (A) As used in this section: 126056

(1) "Local authority" and "traffic law photo-monitoring 126057
device" have the same meanings as in section 4511.092 of the 126058
Revised Code. 126059

(2) "School zone" has the same meaning as in section 126060
4511.21 of the Revised Code. 126061

(3) "Transportation district" means a territorial district 126062

established by the director of transportation under section 126063
5501.14 of the Revised Code. 126064

(4) "District deputy director" means the person appointed 126065
and assigned by the director of transportation under section 126066
5501.14 of the Revised Code to administer the activities of a 126067
transportation district. 126068

(5) "Gross amount" means the entire amount of traffic 126069
camera fines and fees paid by a driver. 126070

(6) "Local government fund adjustment" or "LGF adjustment" 126071
means the sum of: 126072

(a) The gross amount of all traffic camera fines collected 126073
by a local authority during the preceding fiscal year, as 126074
reported under division (B)(1) of this section, if such a report 126075
is required; plus 126076

(b) The residual adjustment computed for the local 126077
authority under division (B)(4) of this section, if such an 126078
adjustment applies. 126079

(7) "Local government fund payments" or "LGF payments" 126080
means the payments a local authority would receive under 126081
sections 5747.502, 5747.51, and 5747.53, and division (C) of 126082
section 5747.50 of the Revised Code, as applicable, if not for 126083
the reductions required by divisions (C) and (D) of this 126084
section. 126085

(8) "Residual adjustment" means the most recent LGF 126086
adjustment computed for a local authority under division (B)(2) 126087
or (3) of this section minus the sum of the reductions applied 126088
after that computation under division (C) of this section to the 126089
local authority's LGF payments. 126090

(9) "Traffic camera fines" means civil fines for any 126091
violation of any local ordinance or resolution that are based 126092
upon evidence recorded by a traffic law photo-monitoring device. 126093

(10) "Qualifying village" has the same meaning as in 126094
section 5747.503 of the Revised Code. 126095

(B) (1) Annually, on or before the thirty-first day of 126096
July, any local authority that directly or indirectly collected 126097
traffic camera fines during the preceding fiscal year shall file 126098
a report with the tax commissioner that includes a detailed 126099
statement of the gross amount of all traffic camera fines the 126100
local authority collected during that period and the gross 126101
amount of such fines that the local authority collected for 126102
violations that occurred within a school zone. 126103

(2) Annually, on or before the tenth day of August, and 126104
except as otherwise provide in this division, the commissioner 126105
shall compute a local government fund adjustment for each local 126106
authority that files a report under division (B) (1) of this 126107
section or with respect to which a residual adjustment applies. 126108
Subject to division (B) (3) of this section, the LGF adjustment 126109
shall be used by the commissioner to determine the amount of the 126110
reductions required under division (C) of this section for each 126111
of the next twelve months, starting with the month in which the 126112
LGF adjustment is computed. After those twelve months, the LGF 126113
adjustment ceases to apply and, if an LGF adjustment continues 126114
to be required, the amount of the reductions required under 126115
division (C) of this section shall be determined based on an 126116
updated LGF adjustment computed under this division. 126117

After the effective date of this amendment, no LGF 126118
adjustment shall be calculated for a county or township 126119
prohibited from operating a traffic law photo-monitoring device 126120

by section 4511.093 of the Revised Code. An LGF adjustment that 126121
applies to a county or township on the effective date of this 126122
amendment ceases to apply as of that date. 126123

(3) Upon receipt of a report described by division (B)(1) 126124
of this section that is not timely filed, the commissioner shall 126125
do both of the following: 126126

(a) If one or more payments to the local authority has 126127
been withheld under division (D) of this section because of the 126128
local authority's failure to file the report, notify the county 126129
auditor and county treasurer of the appropriate county that the 126130
report has been received and that, subject to division (C) of 126131
this section, payments to the local authority from the undivided 126132
local government fund are to resume. 126133

(b) Compute the local authority's LGF adjustment using the 126134
information in the report. An LGF adjustment computed under this 126135
division shall be used by the commissioner to determine the 126136
amount of the reductions required under division (C) of this 126137
section starting with the next required reduction. The LGF 126138
adjustment ceases to apply on the thirty-first day of the 126139
ensuing July, following which, if an LGF adjustment continues to 126140
be required, the amount of the reductions required under 126141
division (C) of this section shall be determined based on an 126142
updated LGF adjustment computed under division (B)(2) of this 126143
section. 126144

(4) Annually, on or before the tenth day of August, the 126145
commissioner shall compute a residual adjustment for each local 126146
authority whose LGF adjustment for the preceding year exceeds 126147
the amount by which the local authority's LGF payments were 126148
reduced during that year under division (C) of this section. The 126149
residual adjustment shall be used to compute the LGF adjustment 126150

for the ensuing year under division (B) (2) of this section. 126151

(C) The commissioner shall do the following, as 126152
applicable, respecting any local authority to which an LGF 126153
adjustment computed under division (B) of this section applies: 126154

(1) If the local authority is a municipal corporation with 126155
a population of one thousand or more, reduce payments to the 126156
municipal corporation under division (C) of section 5747.50 of 126157
the Revised Code by one-twelfth of the LGF adjustment. If one- 126158
twelfth of the LGF adjustment exceeds the amount of money the 126159
municipal corporation would otherwise receive under division (C) 126160
of section 5747.50 of the Revised Code, the commissioner also 126161
shall reduce payments to the appropriate county undivided local 126162
government fund under division (B) of section 5747.50 of the 126163
Revised Code by an amount equal to the lesser of (a) one-twelfth 126164
of the excess, or (b) the amount of the payment the municipal 126165
corporation would otherwise receive from the fund under section 126166
5747.51 or 5747.53 of the Revised Code. 126167

(2) If the local authority is a township or qualifying 126168
village, reduce the supplemental payments to the appropriate 126169
county undivided local government fund under section 5747.503 of 126170
the Revised Code by the lesser of one-twelfth of the LGF 126171
adjustment, or the amount of money the township or qualifying 126172
village would otherwise receive under that section. If one- 126173
twelfth of the LGF adjustment exceeds the amount of money the 126174
township or qualifying village would otherwise receive under 126175
section 5747.503 of the Revised Code, the commissioner also 126176
shall reduce payments to the appropriate county undivided local 126177
government fund under division (B) of section 5747.50 of the 126178
Revised Code by an amount equal to the lesser of (a) one-twelfth 126179
of the excess, or (b) the amount of the payment the township or 126180

qualifying village would otherwise receive from the fund under 126181
section 5747.51 or 5747.53 of the Revised Code. 126182

(3) If the local authority is a county, reduce payments to 126183
the appropriate county undivided local government fund under 126184
division (B) of section 5747.50 of the Revised Code by an amount 126185
equal to the lesser of (a) one-twelfth of the LGF adjustment, or 126186
(b) the amount of the payment the county would otherwise receive 126187
from the fund under section 5747.51 or 5747.53 of the Revised 126188
Code. 126189

(4) For any local authority, on or before the tenth day of 126190
each month a reduction is made under division (C) (1), (2), or 126191
(3) of this section, make a payment to the local authority in an 126192
amount equal to the lesser of (a) one-twelfth of the gross 126193
amount of traffic camera fines the local authority collected in 126194
the preceding fiscal year for violations that occurred within a 126195
school zone, as indicated on the report filed by the local 126196
authority pursuant to division (B) (1) of this section, or (b) 126197
the amount by which the local authority's LGF payments were 126198
reduced that month pursuant to division (C) (1), (2), or (3) of 126199
this section. Payments received by a local authority under this 126200
division shall be used by the local authority for school safety 126201
purposes. 126202

(D) Upon discovery, based on information in the 126203
commissioner's possession, that a local authority required to 126204
file a report under division (B) (1) of this section has failed 126205
to do so, the commissioner shall do the following, as 126206
applicable: 126207

(1) If the local authority is a municipal corporation with 126208
a population of one thousand or more, cease providing for 126209
payments to the municipal corporation under section 5747.50 of 126210

the Revised Code beginning with the next required payment and 126211
until such time as the report is received by the commissioner; 126212

(2) If the local authority is a township or qualifying 126213
village, reduce the supplemental payments to the appropriate 126214
county undivided local government fund under section 5747.503 of 126215
the Revised Code by an amount equal to the amount of such 126216
payments the local authority would otherwise receive under that 126217
section, beginning with the next required payment and until such 126218
time as the report is received by the commissioner; 126219

(3) For any local authority, reduce payments to the 126220
appropriate county undivided local government fund under 126221
division (B) of section 5747.50 of the Revised Code by an amount 126222
equal to the amount of such payments the local authority would 126223
otherwise receive under section 5747.51 or 5747.53 of the 126224
Revised Code, beginning with the next required payment and until 126225
such time as the report is received by the commissioner; 126226

(4) For any local authority, notify the county auditor and 126227
county treasurer that such payments are to cease until the 126228
commissioner notifies the auditor and treasurer under division 126229
(E) of this section that the payments are to resume. 126230

(E) The commissioner shall notify the county auditor and 126231
county treasurer on or before the day the commissioner first 126232
reduces a county undivided local government fund payment to that 126233
county under division (C) of this section. The notice shall 126234
include the full amount of the reduction, a list of the local 126235
authorities to which the reduction applies, and the amount of 126236
reduction attributed to each such local authority. The 126237
commissioner shall send an updated notice to the county auditor 126238
and county treasurer any time the amount the reduction 126239
attributed to any local authority changes. 126240

A county treasurer that receives a notice from the 126241
commissioner under this division or division (B) (3) (a) or (D) (4) 126242
of this section shall reduce, cease, or resume payments from the 126243
undivided local government fund to the local authority that is 126244
the subject of the notice as specified by the commissioner in 126245
the notice. Unless otherwise specified in the notice, the 126246
payments shall be reduced, ceased, or resumed beginning with the 126247
next required payment. 126248

(F) There is hereby created in the state treasury the Ohio 126249
highway and transportation safety fund. On or before the tenth 126250
day of each month, the commissioner shall deposit in the fund an 126251
amount equal to the total amount by which payments to local 126252
authorities were reduced or ceased under division (C) or (D) of 126253
this section minus the total amount of payments made under 126254
division (C) (4) of this section. The amount deposited with 126255
respect to a local authority shall be credited to an account to 126256
be created in the fund for the transportation district in which 126257
that local authority is located. If the local authority is 126258
located within more than one transportation district, the amount 126259
credited to the account of each such transportation district 126260
shall be prorated on the basis of the number of centerline miles 126261
of public roads and highways in both the local authority and the 126262
respective districts. Amounts credited to a transportation 126263
district's account shall be used by the department of 126264
transportation and the district deputy director exclusively to 126265
enhance public safety on public roads and highways within that 126266
transportation district. 126267

Sec. 5747.72. (A) As used in this section: 126268

(1) "Qualifying taxpayer" means a taxpayer that is an 126269
individual with a dependent who is a qualifying student. 126270

(2) "Qualifying student" means a student who is exempt
from the compulsory attendance law for the purpose of home
education under section 3321.042 of the Revised Code for the
school year.

(3) "Education expenses" means expenses or fees for any of
the following items used directly for home education of a
qualifying student: books, supplementary materials, supplies,
computer software, applications, or subscriptions. "Education
expenses" does not include expenses or fees for computers or
similar electronic devices or accessories thereto. "Education
expenses" do not include any expenses paid from a scholarship
account authorized by section 3310.24 of the Revised Code.

(B) There is hereby allowed a nonrefundable credit against
a qualifying taxpayer's aggregate tax liability under section
5747.02 of the Revised Code equal to the lesser of two hundred
fifty dollars multiplied by the number of the taxpayer's
qualifying students or the amount of education expenses incurred
by the taxpayer in the taxable year for the benefit of one or
more of the taxpayer's qualifying students. The credit shall be
claimed in the order required under section 5747.98 of the
Revised Code.

The tax commissioner may request that a qualifying
taxpayer claiming a credit under this section furnish
information as is necessary to support the claim for the credit
under this section, and no credit shall be allowed unless the
requested information is provided.

Sec. 5747.98. (A) To provide a uniform procedure for
calculating a taxpayer's aggregate tax liability under section
5747.02 of the Revised Code, a taxpayer shall claim any credits
to which the taxpayer is entitled in the following order:

Either the retirement income credit under division (B) of 126301
section 5747.055 of the Revised Code or the lump sum retirement 126302
income credits under divisions (C), (D), and (E) of that 126303
section; 126304

Either the senior citizen credit under division (F) of 126305
section 5747.055 of the Revised Code or the lump sum 126306
distribution credit under division (G) of that section; 126307

The dependent care credit under section 5747.054 of the 126308
Revised Code; 126309

The credit for displaced workers who pay for job training 126310
under section 5747.27 of the Revised Code; 126311

The campaign contribution credit under section 5747.29 of 126312
the Revised Code; 126313

The twenty-dollar personal exemption credit under section 126314
5747.022 of the Revised Code; 126315

The joint filing credit under division ~~(G)~~(E) of section 126316
5747.05 of the Revised Code; 126317

The earned income credit under section 5747.71 of the 126318
Revised Code; 126319

The nonrefundable credit for education expenses under 126320
section 5747.72 of the Revised Code; 126321

The nonrefundable credit for donations to scholarship 126322
granting organizations under section 5747.73 of the Revised 126323
Code; 126324

~~The nonrefundable credit for tuition paid to a~~ 126325
~~nonchartered nonpublic school under section 5747.75 of the~~ 126326
~~Revised Code;~~ 126327

The nonrefundable vocational job credit under section	126328
5747.057 of the Revised Code;	126329
The nonrefundable job retention credit under division (B)	126330
of section 5747.058 of the Revised Code;	126331
The enterprise zone credit under section 5709.66 of the	126332
Revised Code;	126333
The credit for beginning farmers who participate in a	126334
financial management program under division (B) of section	126335
5747.77 of the Revised Code;	126336
The credit for commercial vehicle operator training	126337
expenses under section 5747.82 of the Revised Code;	126338
The nonrefundable welcome home Ohio (WHO) program credit	126339
under section 122.633 of the Revised Code;	126340
The credit for selling or renting agricultural assets to	126341
beginning farmers under division (A) of section 5747.77 of the	126342
Revised Code;	126343
The credit for purchases of qualifying grape production	126344
property under section 5747.28 of the Revised Code;	126345
The small business investment credit under section 5747.81	126346
of the Revised Code;	126347
The nonrefundable lead abatement credit under section	126348
5747.26 of the Revised Code;	126349
The opportunity zone investment credit under section	126350
5747.86 of the Revised Code;	126351
The enterprise zone credits under section 5709.65 of the	126352
Revised Code;	126353
The research and development credit under section 5747.331	126354

of the Revised Code;	126355
The credit for rehabilitating a historic building under	126356
section 5747.76 of the Revised Code;	126357
The nonrefundable Ohio low-income housing tax credit under	126358
section 5747.83 of the Revised Code;	126359
The nonrefundable affordable single-family home credit	126360
under section 5747.84 of the Revised Code;	126361
The nonresident credit under division (A) of section	126362
5747.05 of the Revised Code;	126363
The credit for a resident's out-of-state income under	126364
division (B) of section 5747.05 of the Revised Code;	126365
The refundable motion picture and Broadway theatrical	126366
production credit under section 5747.66 of the Revised Code;	126367
 The refundable credit for film and theater capital-	126368
improvement projects under section 5747.67 of the Revised Code;	126369
The refundable jobs creation credit or job retention	126370
credit under division (A) of section 5747.058 of the Revised	126371
Code;	126372
The refundable credit for taxes paid by a qualifying	126373
entity granted under section 5747.059 of the Revised Code;	126374
The refundable credits for taxes paid by a qualifying	126375
pass-through entity granted under division (I) of section	126376
5747.08 of the Revised Code;	126377
The refundable credit under section 5747.80 of the Revised	126378
Code for losses on loans made to the Ohio venture capital	126379
program under sections 150.01 to 150.10 of the Revised Code;	126380
The refundable credit for rehabilitating a historic	126381

building under section 5747.76 of the Revised Code; 126382

The refundable credit under section 5747.39 of the Revised 126383
Code for taxes levied under section 5747.38 of the Revised Code 126384
paid by an electing pass-through entity. 126385

(B) For any credit, except the refundable credits 126386
enumerated in this section and the credit granted under division 126387
(H) of section 5747.08 of the Revised Code, the amount of the 126388
credit for a taxable year shall not exceed the taxpayer's 126389
aggregate amount of tax due under section 5747.02 of the Revised 126390
Code, after allowing for any other credit that precedes it in 126391
the order required under this section. Any excess amount of a 126392
particular credit may be carried forward if authorized under the 126393
section creating that credit. Nothing in this chapter shall be 126394
construed to allow a taxpayer to claim, directly or indirectly, 126395
a credit more than once for a taxable year. 126396

Sec. 5748.01. As used in this chapter: 126397

(A) "School district income tax" means an income tax 126398
adopted under one of the following: 126399

(1) Former section 5748.03 of the Revised Code as it 126400
existed prior to its repeal by Amended Substitute House Bill No. 126401
291 of the 115th general assembly; 126402

(2) Section 5748.03 of the Revised Code as enacted in 126403
Substitute Senate Bill No. 28 of the 118th general assembly; 126404

(3) Section 5748.08 of the Revised Code as enacted in 126405
Amended Substitute Senate Bill No. 17 of the 122nd general 126406
assembly; 126407

(4) Section 5748.021 of the Revised Code; 126408

(5) Section 5748.081 of the Revised Code; 126409

(6) Section 5748.09 of the Revised Code. 126410

(B) "Individual" means an individual subject to the tax 126411
levied by section 5747.02 of the Revised Code. 126412

(C) ~~"Estate" means an estate subject to the tax levied by~~ 126413
~~section 5747.02 of the Revised Code~~ "The county auditor's 126414
appraised value" and "estimated effective rate" have the same 126415
meanings as in section 5705.01 of the Revised Code. 126416

(D) "Taxable year" means a taxable year as defined in 126417
division (M) of section 5747.01 of the Revised Code. 126418

(E) "Taxable income" means: 126419

~~(1) In the case of an individual,~~ one of the following, as 126420
specified in the resolution imposing the tax: 126421

~~(a)~~ (1) Modified adjusted gross income for the taxable 126422
year, as defined in section 5747.01 of the Revised Code, less 126423
the exemptions provided by section 5747.025 of the Revised Code; 126424

~~(b)~~ (2) Wages, salaries, tips, and other employee 126425
compensation to the extent included in modified adjusted gross 126426
income as defined in section 5747.01 of the Revised Code, and 126427
net earnings from self-employment, as defined in section 1402(a) 126428
of the Internal Revenue Code, to the extent included in modified 126429
adjusted gross income. 126430

~~(2) In the case of an estate, taxable income for the~~ 126431
~~taxable year as defined in division (S) of section 5747.01 of~~ 126432
~~the Revised Code.~~ 126433

(F) "Resident" of the school district means: 126434

~~(1) An~~ an individual who is a resident of this state as 126435
defined in division (I) of section 5747.01 of the Revised Code 126436

during all or a portion of the taxable year and who, during all 126437
or a portion of such period of state residency, is domiciled in 126438
the school district or lives in and maintains a permanent place 126439
of abode in the school district; 126440

~~(2) An estate of a decedent who, at the time of death, was 126441
domiciled in the school district. 126442~~

(G) "School district income" means: 126443

~~(1) With respect to an individual, the portion of the 126444
taxable income of an individual that is received by the 126445
individual during the portion of the taxable year that the 126446
individual is a resident of the school district and the school 126447
district income tax is in effect in that school district. An 126448
individual may have school district income with respect to more 126449
than one school district. 126450~~

~~(2) With respect to an estate, the taxable income of the 126451
estate for the portion of the taxable year that the school- 126452
district income tax is in effect in that school district. 126453~~

(H) "Taxpayer" means an individual ~~or estate~~ having school 126454
district income upon which a school district income tax is 126455
imposed. 126456

(I) "School district purposes" means any of the purposes 126457
for which a tax may be levied pursuant to division (A) of 126458
section 5705.21 of the Revised Code, including the combined 126459
purposes authorized by section 5705.217 of the Revised Code. 126460

~~(J) "The county auditor's appraised value" and "effective- 126461
rate" have the same meanings as in section 5705.01 of the 126462
Revised Code. 126463~~

Sec. 5748.02. (A) The board of education of any school 126464

district, except a joint vocational school district, may 126465
declare, by resolution, the necessity of raising annually a 126466
specified amount of money for school district purposes. The 126467
resolution shall specify whether the income that is to be 126468
subject to the tax is taxable income ~~of individuals and estates~~ 126469
as defined in ~~divisions (E)(1)(a) and~~ division (E)(1) or (2) of 126470
section 5748.01 of the Revised Code ~~or taxable income of~~ 126471
~~individuals as defined in division (E)(1)(b) of that section.~~ A 126472
copy of the resolution shall be certified to the tax 126473
commissioner no later than one hundred days prior to the date of 126474
the election at which the board intends to propose a levy under 126475
this section. Upon receipt of the copy of the resolution, the 126476
tax commissioner shall estimate both of the following: 126477

(1) The property tax rate that would have to be imposed in 126478
the current year by the district to produce an equivalent amount 126479
of money; 126480

(2) The income tax rate that would have had to have been 126481
in effect for the current year to produce an equivalent amount 126482
of money from a school district income tax. 126483

Within ten days of receiving the copy of the board's 126484
resolution, the commissioner shall prepare these estimates and 126485
certify them to the board. Upon receipt of the certification, 126486
the board may adopt a resolution proposing an income tax under 126487
division (B) of this section at the estimated rate contained in 126488
the certification rounded to the nearest one-fourth of one per 126489
cent. The commissioner's certification applies only to the 126490
board's proposal to levy an income tax at the election for which 126491
the board requested the certification. If the board intends to 126492
submit a proposal to levy an income tax at any other election, 126493
it shall request another certification for that election in the 126494

manner prescribed in this division. 126495

(B) (1) Upon the receipt of a certification from the tax 126496
commissioner under division (A) of this section, a majority of 126497
the members of a board of education may adopt a resolution 126498
proposing the levy of an annual tax for school district purposes 126499
on school district income. The proposed levy may be for a 126500
continuing period of time or for a specified number of years. 126501
The resolution shall set forth the purpose for which the tax is 126502
to be imposed, the rate of the tax, which shall be the rate set 126503
forth in the commissioner's certification rounded to the nearest 126504
one-fourth of one per cent, the number of years the tax will be 126505
levied or that it will be levied for a continuing period of 126506
time, the date on which the tax shall take effect, which shall 126507
be the first day of January of any year following the year in 126508
which the question is submitted, and the date of the election at 126509
which the proposal shall be submitted to the electors of the 126510
district, which shall be on the date of a primary, general, or 126511
special election the date of which is consistent with section 126512
3501.01 of the Revised Code. The resolution shall specify 126513
whether the income that is to be subject to the tax is taxable 126514
~~income of individuals and estates as defined in divisions (E) (1)~~ 126515
~~(a) and division (E) (1) or (2) of section 5748.01 of the Revised~~ 126516
~~Code or taxable income of individuals as defined in division (E)~~ 126517
~~(1) (b) of that section.~~ The specification shall be the same as 126518
the specification in the resolution adopted and certified under 126519
division (A) of this section. 126520

If the tax is to be levied for current expenses and 126521
permanent improvements, the resolution shall apportion the 126522
annual rate of the tax. The apportionment may be the same or 126523
different for each year the tax is levied, but the respective 126524
portions of the rate actually levied each year for current 126525

expenses and for permanent improvements shall be limited by the 126526
apportionment. 126527

If the board of education currently imposes an income tax 126528
pursuant to this chapter that is due to expire and a question is 126529
submitted under this section for a proposed income tax to take 126530
effect upon the expiration of the existing tax, the board may 126531
specify in the resolution that the proposed tax renews the 126532
expiring tax. Two or more expiring income taxes may be renewed 126533
under this paragraph if the taxes are due to expire on the same 126534
date. If the tax rate being proposed is no higher than the total 126535
tax rate imposed by the expiring tax or taxes, the resolution 126536
may state that the proposed tax is not an additional income tax. 126537

(2) A board of education adopting a resolution under 126538
division (B) (1) of this section proposing a school district 126539
income tax for a continuing period of time and limited to the 126540
purpose of current expenses may propose in that resolution to 126541
reduce the rate or rates of one or more of the school district's 126542
property taxes levied for a continuing period of time in excess 126543
of the ten-mill limitation for the purpose of current expenses. 126544
The reduction in the rate of a property tax may be any amount, 126545
not exceeding the rate at which the tax is authorized to be 126546
levied. The reduction in the rate of a tax shall first take 126547
effect for the tax year that includes the day on which the 126548
school district income tax first takes effect, and shall 126549
continue for each tax year that both the school district income 126550
tax and the property tax levy are in effect. 126551

In addition to the matters required to be set forth in the 126552
resolution under division (B) (1) of this section, a resolution 126553
containing a proposal to reduce the rate of one or more property 126554
taxes shall state for each such tax the maximum rate at which it 126555

currently may be levied and the maximum rate at which the tax 126556
could be levied after the proposed reduction, expressed in mills 126557
for each one dollar of taxable value, and that the tax is levied 126558
for a continuing period of time. 126559

A board proposing to reduce the rate of one or more 126560
property taxes under division (B) (2) of this section shall 126561
comply with division (B) of section 5705.03 of the Revised Code. 126562
In addition to the amounts required in division (B) (2) of that 126563
section, the county auditor shall certify to the board the 126564
levy's effective rate for both the last year before the levy's 126565
proposed reduction and the first year that the reduction 126566
applies, both expressed in dollars for each one hundred thousand 126567
dollars of the county auditor's appraised value. 126568

If a board of education proposes to reduce the rate of one 126569
or more property taxes under division (B) (2) of this section, 126570
the board, when it makes the certification required under 126571
division (A) of this section, shall designate the specific levy 126572
or levies to be reduced, the maximum rate at which each levy 126573
currently is authorized to be levied, and the rate by which each 126574
levy is proposed to be reduced. The tax commissioner, when 126575
making the certification to the board under division (A) of this 126576
section, also shall certify the reduction in the total effective 126577
tax rate for current expenses for each class of property that 126578
would have resulted if the proposed reduction in the rate or 126579
rates had been in effect the previous tax year. As used in this 126580
paragraph, "effective tax rate" has the same meaning as in 126581
section 323.08 of the Revised Code. 126582

(C) A resolution adopted under division (B) of this 126583
section shall go into immediate effect upon its passage, and no 126584
publication of the resolution shall be necessary other than that 126585

provided for in the notice of election. Immediately after its 126586
adoption and at least ninety days prior to the election at which 126587
the question will appear on the ballot, a copy of the resolution 126588
and, if applicable, the county auditor's certifications under 126589
section 5705.03 of the Revised Code shall be certified to the 126590
board of elections of the proper county, which shall submit the 126591
proposal to the electors on the date specified in the 126592
resolution. The board of education shall send to the tax 126593
commissioner a copy of the resolution certified to the board of 126594
elections. The form of the ballot shall be as provided in 126595
section 5748.03 of the Revised Code. Publication of notice of 126596
the election shall be made in a newspaper of general circulation 126597
in the county once a week for two consecutive weeks, or as 126598
provided in section 7.16 of the Revised Code, prior to the 126599
election. If the board of elections operates and maintains a web 126600
site, the board of elections shall post notice of the election 126601
on its web site for thirty days prior to the election. The 126602
notice shall contain the time and place of the election and the 126603
question to be submitted to the electors. The question covered 126604
by the resolution shall be submitted as a separate proposition, 126605
but may be printed on the same ballot with any other proposition 126606
submitted at the same election, other than the election of 126607
officers. 126608

(D) No board of education shall submit the question of a 126609
tax on school district income to the electors of the district 126610
more than twice in any calendar year. If a board submits the 126611
question twice in any calendar year, one of the elections on the 126612
question shall be held on the date of the general election. 126613

(E) (1) No board of education may submit to the electors of 126614
the district the question of a tax on school district income on 126615
~~the taxable income of individuals as defined in division (E) (1)~~ 126616

~~(b)~~ (E) (2) of section 5748.01 of the Revised Code if that tax 126617
would be in addition to an existing tax on ~~the taxable income of~~ 126618
~~individuals and estates as defined in divisions (E) (1) (a) and~~ 126619
~~(2)~~ division (E) (1) of that section. 126620

(2) No board of education may submit to the electors of 126621
the district the question of a tax on school district income on 126622
~~the taxable income of individuals and estates as defined in~~ 126623
~~divisions (E) (1) (a) and (2)~~ division (E) (1) of section 5748.01 126624
of the Revised Code if that tax would be in addition to an 126625
existing tax on ~~the taxable income of individuals as defined in~~ 126626
division ~~(E) (1) (b)~~ (E) (2) of that section. 126627

Sec. 5748.021. A board of education that levies a tax 126628
under section 5748.02 of the Revised Code on the school district 126629
income of individuals ~~and estates as defined in divisions (G)~~ 126630
and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised 126631
Code may declare, at any time, by a resolution adopted by a 126632
majority of its members, the necessity of raising annually a 126633
specified amount of money for school district purposes by 126634
replacing the existing tax with a tax on ~~the school district~~ 126635
income ~~of individuals as defined in divisions (G) (1) (G) and (E)~~ 126636
~~(1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. The 126637
specified amount of money to be raised annually may be the same 126638
as, or more or less than, the amount of money raised annually by 126639
the existing tax. 126640

The board shall certify a copy of the resolution to the 126641
tax commissioner not later than the eighty-fifth day before the 126642
date of the election at which the board intends to propose the 126643
replacement to the electors of the school district. Not later 126644
than the tenth day after receiving the resolution, the tax 126645
commissioner shall estimate the tax rate that would be required 126646

in the school district annually to raise the amount of money 126647
specified in the resolution. The tax commissioner shall certify 126648
the estimate to the board. 126649

Upon receipt of the tax commissioner's estimate, the board 126650
may propose, by a resolution adopted by a majority of its 126651
members, to replace the existing tax on ~~the~~ school district 126652
income ~~of individuals and estates~~ as defined in divisions (G) 126653
and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised 126654
Code with the levy of an annual tax on ~~the~~ school district 126655
income ~~of individuals~~ as defined in divisions ~~(G) (1)~~ (G) and ~~(E)~~ 126656
~~(1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. In the 126657
resolution, the board shall specify the rate of the replacement 126658
tax, whether the replacement tax is to be levied for a specified 126659
number of years or for a continuing time, the specific school 126660
district purposes for which the replacement tax is to be levied, 126661
the date on which the replacement tax will begin to be levied, 126662
the date of the election at which the question of the 126663
replacement is to be submitted to the electors of the school 126664
district, that the existing tax will cease to be levied and the 126665
replacement tax will begin to be levied if the replacement is 126666
approved by a majority of the electors voting on the 126667
replacement, and that if the replacement is not approved by a 126668
majority of the electors voting on the replacement the existing 126669
tax will remain in effect under its original authority for the 126670
remainder of its previously approved term. The resolution goes 126671
into immediate effect upon its adoption. Publication of the 126672
resolution is not necessary, and the information that will be 126673
provided in the notice of election is sufficient notice. At 126674
least seventy-five days before the date of the election at which 126675
the question of the replacement will be submitted to the 126676
electors of the school district, the board shall certify a copy 126677

of the resolution to the board of elections. The board of 126678
education shall send to the tax commissioner a copy of the 126679
resolution certified to the board of elections. 126680

The replacement tax shall have the same specific school 126681
district purposes as the existing tax, and its rate shall be the 126682
same as the tax commissioner's estimate rounded to the nearest 126683
one-fourth of one per cent. The replacement tax shall begin to 126684
be levied on the first day of January of the year following the 126685
year in which the question of the replacement is submitted to 126686
and approved by the electors of the school district or on the 126687
first day of January of a later year, as specified in the 126688
resolution. The date of the election shall be the date of an 126689
otherwise scheduled primary, general, or special election. 126690

The board of elections shall make arrangements to submit 126691
the question of the replacement to the electors of the school 126692
district on the date specified in the resolution. The board of 126693
elections shall publish notice of the election on the question 126694
of the replacement in one newspaper of general circulation in 126695
the school district once a week for four consecutive weeks or as 126696
provided in section 7.16 of the Revised Code. The notice shall 126697
set forth the question to be submitted to the electors and the 126698
time and place of the election thereon. 126699

The question shall be submitted to the electors of the 126700
school district as a separate proposition, but may be printed on 126701
the same ballot with other propositions that are submitted at 126702
the same election, other than the election of officers. The form 126703
of the ballot shall be substantially as follows: 126704

"Shall the existing tax of _____ (state the rate) on the 126705
school district income of individuals ~~and estates~~ imposed by 126706
_____ (state the name of the school district) be replaced by a 126707

tax of _____ (state the rate) on the earned income of 126708
individuals residing in the school district for _____ (state the 126709
number of years the tax is to be in effect or that it will be in 126710
effect for a continuing time), beginning _____ (state the date 126711
the new tax will take effect), for the purpose of _____ (state 126712
the specific school district purposes of the tax)? If the new 126713
tax is not approved, the existing tax will remain in effect 126714
under its original authority, for the remainder of its 126715
previously approved term. 126716

	For replacing the existing tax with the new tax	"
	Against replacing the existing tax with the new tax	

The board of elections shall conduct and canvass the 126718
election in the same manner as regular elections in the school 126719
district for the election of county officers. The board shall 126720
certify the results of the election to the board of education 126721
and to the tax commissioner. If a majority of the electors 126722
voting on the question vote in favor of the replacement, the 126723
existing tax shall cease to be levied, and the replacement tax 126724
shall begin to be levied, on the date specified in the ballot 126725
question. If a majority of the electors voting on the question 126726
vote against the replacement, the existing tax shall continue to 126727
be levied under its original authority, for the remainder of its 126728
previously approved term. 126729

A board of education may not submit the question of 126730
replacing a tax more than twice in a calendar year. If a board 126731
submits the question more than once, one of the elections at 126732
which the question is submitted shall be on the date of a 126733
general election. 126734

If a board of education later intends to renew a 126735
replacement tax levied under this section, it shall repeat the 126736
procedure outlined in this section to do so, the replacement tax 126737
then being levied being the "existing tax" and the renewed 126738
replacement tax being the "replacement tax." 126739

Sec. 5748.03. (A) The form of the ballot on a question 126740
submitted to the electors under section 5748.02 of the Revised 126741
Code shall be as follows: 126742

"Shall an annual income tax of _____ (state the proposed 126743
rate of tax) on the school district income of individuals ~~and of~~ 126744
~~estates~~ be imposed by _____ (state the name of the school 126745
district), for _____ (state the number of years the tax would 126746
be levied, or that it would be levied for a continuing period of 126747
time), beginning _____ (state the date the tax would first 126748
take effect), for the purpose of _____ (state the purpose of 126749
the tax)? 126750
126751

	FOR THE TAX
	AGAINST THE TAX

"

(B) (1) If the question submitted to electors proposes a 126752
school district income tax only on ~~the taxable income of~~ 126753
~~individuals~~ as defined in division ~~(E) (1) (b)~~ (E) (2) of section 126754
5748.01 of the Revised Code, the form of the ballot shall be 126755
modified by stating that the tax is to be levied on the "earned 126756
income of individuals residing in the school district" in lieu 126757
of the "school district income of individuals ~~and of estates~~." 126758

(2) If the question submitted to electors proposes to 126759
renew one or more expiring income tax levies, the ballot shall 126760

be modified by adding the following language immediately after 126761
the name of the school district that would impose the tax: "to 126762
renew an income tax (or income taxes) expiring at the end of 126763
_____ (state the last year the existing income tax or taxes 126764
may be levied)." 126765

(3) If the question includes a proposal under division (B) 126766
(2) of section 5748.02 of the Revised Code to reduce the rate of 126767
one or more school district property taxes, the ballot shall 126768
state that the purpose of the school district income tax is for 126769
current expenses, and the form of the ballot shall be modified 126770
by adding the following language immediately after the statement 126771
of the purpose of the proposed income tax: ", and shall the rate 126772
of an existing tax on property, currently levied for the purpose 126773
of current expenses at the rate of _____ mills, be REDUCED to 126774
_____ mills for each \$1 of taxable value, which amounts to a 126775
reduction from \$_____ (effective rate) to \$_____ (effective 126776
rate) for each \$100,000 of the county auditor's appraised value, 126777
that the county auditor estimates will collect \$_____ annually, 126778
the reduction continuing until any such time as the income tax 126779
is repealed." In lieu of "for the tax" and "against the tax," 126780
the phrases "for the issue" and "against the issue," 126781
respectively, shall be used. If a board of education proposes a 126782
reduction in the rates of more than one tax, the ballot language 126783
shall be modified accordingly to express the rates at which 126784
those taxes currently are levied and the rates to which the 126785
taxes will be reduced. 126786

(C) The board of elections shall certify the results of 126787
the election to the board of education and to the tax 126788
commissioner. If a majority of the electors voting on the 126789
question vote in favor of it, the income tax, the applicable 126790
provisions of Chapter 5747. of the Revised Code, and the 126791

reduction in the rate or rates of existing property taxes if the 126792
question included such a reduction shall take effect on the date 126793
specified in the resolution. If the question approved by the 126794
voters includes a reduction in the rate of a school district 126795
property tax, the board of education shall not levy the tax at a 126796
rate greater than the rate to which the tax is reduced, unless 126797
the school district income tax is repealed in an election under 126798
section 5748.04 of the Revised Code. 126799

(D) If the rate at which a property tax is levied and 126800
collected is reduced pursuant to a question approved under this 126801
section, the tax commissioner shall compute the percentage 126802
required to be computed for that tax under division (D) of 126803
section 319.301 of the Revised Code each year the rate is 126804
reduced as if the tax had been levied in the preceding year at 126805
the rate at which it has been reduced. If the rate of a property 126806
tax increases due to the repeal of the school district income 126807
tax pursuant to section 5748.04 of the Revised Code, the tax 126808
commissioner, for the first year for which the rate increases, 126809
shall compute the percentage as if the tax in the preceding year 126810
had been levied at the rate at which the tax was authorized to 126811
be levied prior to any rate reduction. 126812

Sec. 5748.04. (A) The question of the repeal of a school 126813
district income tax levied for more than five years may be 126814
initiated not more than once in any five-year period by filing 126815
with the board of elections of the appropriate counties not 126816
later than ninety days before the general election in any year 126817
after the year in which it is approved by the electors a 126818
petition requesting that an election be held on the question. 126819
The petition shall be signed by qualified electors residing in 126820
the school district levying the income tax equal in number to 126821
ten per cent of those voting for governor at the most recent 126822

gubernatorial election. 126823

The board of elections shall determine whether the 126824
petition is valid, and if it so determines, it shall do ~~both~~ all 126825
of the following: 126826

(1) Submit the question to the electors of the district at 126827
the next general election; 126828

(2) Send a copy of the petition to the tax commissioner; 126829

(3) If the rate of one or more property tax levies was 126830
reduced for the duration of the income tax levy pursuant to 126831
division (B) (2) of section 5748.02 of the Revised Code, request 126832
that the county auditor certify to the board, in the same manner 126833
as required for a tax levy under section 5705.03 of the Revised 126834
Code, an estimate of the levies' annual collections for the 126835
first year in which the levies are increased, rounded to the 126836
nearest dollar, and the levies' effective rates for the year 126837
before the proposed increase and the levies' effective rates for 126838
the first year that the increase applies, both of which shall be 126839
expressed in dollars, rounded to the nearest dollar, for each 126840
one hundred thousand dollars of the county auditor's appraised 126841
value. 126842

The county auditor shall certify such information to the 126843
board of elections within ten days after receiving the board's 126844
request. If a school district is located in more than one 126845
county, the county auditor shall obtain from the county auditor 126846
of each other county in which the district is located the tax 126847
valuation applicable to the portion of the district in that 126848
county. 126849

The election shall be conducted, canvassed, and certified 126850
in the same manner as regular elections for county offices in 126851

the county. Notice of the election shall be published in a 126852
newspaper of general circulation in the district once a week for 126853
two consecutive weeks, or as provided in section 7.16 of the 126854
Revised Code, prior to the election. If the board of elections 126855
operates and maintains a web site, the board of elections shall 126856
post notice of the election on its web site for thirty days 126857
prior to the election. The notice shall state the time and place 126858
of the election and the question to be submitted to the 126859
electors. The form of the ballot cast at the election shall be 126860
as follows: 126861

"Shall the annual income tax of _____ per cent, currently 126862
levied on the school district income of individuals ~~and estates~~ 126863
by _____ (state the name of the school district) for the 126864
purpose of _____ (state purpose of the tax), be repealed? 126865
126866

	For repeal of the income tax
	Against repeal of the income tax

"

(B) (1) If the tax is imposed on taxable income as defined 126867
in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised 126868
Code, the form of the ballot shall be modified by stating that 126869
the tax currently is levied on the "earned income of individuals 126870
residing in the school district" in lieu of the "school district 126871
income of individuals ~~and estates~~." 126872

(2) If the rate of one or more property tax levies was 126873
reduced for the duration of the income tax levy pursuant to 126874
division (B) (2) of section 5748.02 of the Revised Code, the form 126875
of the ballot shall be modified by adding the following language 126876
immediately after "repealed": ", and shall the rate of an 126877
existing tax on property for the purpose of current expenses, 126878

which rate was reduced for the duration of the income tax, be 126879
INCREASED from _____ mills to _____ mills for each \$1 of taxable 126880
value which amounts to an increase from \$_____ (effective rate) 126881
to \$_____ (effective rate) for each \$100,000 of the county 126882
auditor's appraised value, that the county auditor estimates 126883
will collect \$_____ annually, beginning in _____ (state the 126884
first year for which the rate of the property tax will 126885
increase)." In lieu of "for repeal of the income tax" and 126886
"against repeal of the income tax," the phrases "for the issue" 126887
and "against the issue," respectively, shall be substituted. 126888

(3) If the rate of more than one property tax was reduced 126889
for the duration of the income tax, the ballot language shall be 126890
modified accordingly to express the rates at which those taxes 126891
currently are levied and the rates to which the taxes would be 126892
increased. 126893

(C) The question covered by the petition shall be 126894
submitted as a separate proposition, but it may be printed on 126895
the same ballot with any other proposition submitted at the same 126896
election other than the election of officers. If a majority of 126897
the qualified electors voting on the question vote in favor of 126898
it, the result shall be certified immediately after the canvass 126899
by the board of elections to the board of education of the 126900
school district and the tax commissioner, who shall thereupon, 126901
after the current year, cease to levy the tax, except that if 126902
notes have been issued pursuant to section 5748.05 of the 126903
Revised Code the tax commissioner shall continue to levy and 126904
collect under authority of the election authorizing the levy an 126905
annual amount, rounded upward to the nearest one-fourth of one 126906
per cent, as will be sufficient to pay the debt charges on the 126907
notes as they fall due. 126908

(D) If a school district income tax repealed pursuant to 126909
this section was approved in conjunction with a reduction in the 126910
rate of one or more school district property taxes as provided 126911
in division (B) (2) of section 5748.02 of the Revised Code, then 126912
each such property tax may be levied after the current year at 126913
the rate at which it could be levied prior to the reduction, 126914
subject to any adjustments required by the county budget 126915
commission pursuant to Chapter 5705. of the Revised Code. Upon 126916
the repeal of a school district income tax under this section, 126917
the board of education may resume levying a property tax, the 126918
rate of which has been reduced pursuant to a question approved 126919
under section 5748.02 of the Revised Code, at the rate the board 126920
originally was authorized to levy the tax. A reduction in the 126921
rate of a property tax under section 5748.02 of the Revised Code 126922
is a reduction in the rate at which a board of education may 126923
levy that tax only for the period during which a school district 126924
income tax is levied prior to any repeal pursuant to this 126925
section. The resumption of the authority to levy the tax upon 126926
such a repeal does not constitute a tax levied in excess of the 126927
one per cent limitation prescribed by Section 2 of Article XII, 126928
Ohio Constitution, or in excess of the ten-mill limitation. 126929

(E) This section does not apply to school district income 126930
tax levies that are levied for five or fewer years. 126931

Sec. 5748.08. (A) The board of education of a city, local, 126932
or exempted village school district, at any time by a vote of 126933
two-thirds of all its members, may declare by resolution that it 126934
may be necessary for the school district to do all of the 126935
following: 126936

(1) Raise a specified amount of money for school district 126937
purposes by levying an annual tax on school district income; 126938

(2) Issue general obligation bonds for permanent 126939
improvements, stating in the resolution the necessity and 126940
purpose of the bond issue and the amount, approximate date, 126941
estimated rate of interest, and maximum number of years over 126942
which the principal of the bonds may be paid; 126943

(3) Levy a tax outside the ten-mill limitation to pay debt 126944
charges on the bonds and any anticipatory securities; 126945

(4) Submit the question of the school district income tax 126946
and bond issue to the electors of the district at a special 126947
election. 126948

The resolution shall specify whether the income that is to 126949
be subject to the tax is taxable income ~~of individuals and~~ 126950
~~estates as defined in divisions (E) (1) (a) and division (E) (1) or~~ 126951
~~(2) of section 5748.01 of the Revised Code or taxable income of~~ 126952
~~individuals as defined in division (E) (1) (b) of that section.~~ 126953

On adoption of the resolution, the board shall certify a 126954
copy of it to the tax commissioner and the county auditor no 126955
later than one hundred five days prior to the date of the 126956
special election at which the board intends to propose the 126957
income tax and bond issue. Not later than ten days of receipt of 126958
the resolution, the tax commissioner, in the same manner as 126959
required by division (A) of section 5748.02 of the Revised Code, 126960
shall estimate the rates designated in divisions (A) (1) and (2) 126961
of that section and certify them to the board. Not later than 126962
ten days of receipt of the resolution, the county auditor shall 126963
estimate and certify to the board the average annual property 126964
tax rate required throughout the stated maturity of the bonds to 126965
pay debt charges on the bonds, in the same manner as under 126966
division (C) of section 133.18 of the Revised Code. 126967

(B) On receipt of the tax commissioner's and county auditor's certifications prepared under division (A) of this section, the board of education of the city, local, or exempted village school district, by a vote of two-thirds of all its members, may adopt a resolution proposing for a specified number of years or for a continuing period of time the levy of an annual tax for school district purposes on school district income and declaring that the amount of taxes that can be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district; that it is necessary to issue general obligation bonds of the school district for specified permanent improvements and to levy an additional tax in excess of the ten-mill limitation to pay the debt charges on the bonds and any anticipatory securities; and that the question of the bonds and taxes shall be submitted to the electors of the school district at a special election, which shall not be earlier than ninety days after certification of the resolution to the board of elections, and the date of which shall be consistent with section 3501.01 of the Revised Code. The resolution shall specify all of the following:

(1) The purpose for which the school district income tax is to be imposed and the rate of the tax, which shall be the rate set forth in the tax commissioner's certification rounded to the nearest one-fourth of one per cent;

(2) Whether the income that is to be subject to the tax is taxable income ~~of individuals and estates as defined in divisions (E)(1)(a) and division (E)(1) or (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section.~~ The specification shall be the same as the specification in the resolution adopted

and certified under division (A) of this section. 126999

(3) The number of years the tax will be levied, or that it 127000
will be levied for a continuing period of time; 127001

(4) The date on which the tax shall take effect, which 127002
shall be the first day of January of any year following the year 127003
in which the question is submitted; 127004

(5) The amount of the estimated average annual property 127005
tax levy, expressed in mills for each one dollar of taxable 127006
value and dollars for each one hundred thousand dollars of the 127007
county auditor's appraised value, as certified by the county 127008
auditor under division (A) of this section. 127009

(C) A resolution adopted under division (B) of this 127010
section shall go into immediate effect upon its passage, and no 127011
publication of the resolution shall be necessary other than that 127012
provided for in the notice of election. Immediately after its 127013
adoption and at least ninety days prior to the election at which 127014
the question will appear on the ballot, the board of education 127015
shall certify a copy of the resolution, along with copies of the 127016
auditor's estimate and its resolution under division (A) of this 127017
section, to the board of elections of the proper county. The 127018
board of education shall send to the tax commissioner a copy of 127019
the resolution adopted under division (B) of this section and 127020
certified to the board of elections. The board of elections 127021
shall make the arrangements for the submission of the question 127022
to the electors of the school district, and the election shall 127023
be conducted, canvassed, and certified in the same manner as 127024
regular elections in the district for the election of county 127025
officers. 127026

The resolution shall be put before the electors as one 127027

ballot question, with a majority vote indicating approval of the
school district income tax, the bond issue, and the levy to pay
debt charges on the bonds and any anticipatory securities. The
board of elections shall publish the notice of the election in a
newspaper of general circulation in the school district once a
week for two consecutive weeks, or as provided in section 7.16
of the Revised Code, prior to the election. If the board of
elections operates and maintains a web site, it also shall post
notice of the election on its web site for thirty days prior to
the election. The notice of election shall state all of the
following:

- (1) The questions to be submitted to the electors;
- (2) The rate of the school district income tax;
- (3) The principal amount of the proposed bond issue;
- (4) The permanent improvements for which the bonds are to
be issued;

- (5) The maximum number of years over which the principal
of the bonds may be paid;

- (6) The estimated additional average annual property tax
rate to pay the debt charges on the bonds, as certified by the
county auditor, and expressed in mills for each one dollar of
taxable value and in dollars for each one hundred thousand
dollars of the county auditor's appraised value;

- (7) The time and place of the special election.

(D) The form of the ballot on a question submitted to the
electors under this section shall be as follows:

"Shall the _____ school district be authorized to do
both of the following:

(1) Impose an annual income tax of _____ (state the
proposed rate of tax) on the school district income of
individuals ~~and of estates~~, for _____ (state the number of
years the tax would be levied, or that it would be levied for a
continuing period of time), beginning _____ (state the date
the tax would first take effect), for the purpose of _____
(state the purpose of the tax)?

(2) Issue bonds for the purpose of _____ in the
principal amount of \$_____, to be repaid annually over a
maximum period of _____ years, and levy a property tax outside
the ten-mill limitation estimated by the county auditor to
average over the bond repayment period _____ mills for each \$1
of taxable value, which amounts to \$_____ for each \$100,000 of
the county auditor's appraised value, to pay the annual debt
charges on the bonds, and to pay debt charges on any notes
issued in anticipation of those bonds?

	FOR THE INCOME TAX AND BOND ISSUE	
	AGAINST THE INCOME TAX AND BOND ISSUE	"

(E) If the question submitted to electors proposes a
school district income tax only on the taxable income of
individuals as defined in division ~~(E) (1) (b)~~ (E) (2) of section
5748.01 of the Revised Code, the form of the ballot shall be
modified by stating that the tax is to be levied on the "earned
income of individuals residing in the school district" in lieu
of the "school district income of individuals ~~and of estates~~."

(F) The board of elections promptly shall certify the
results of the election to the tax commissioner and the county
auditor of the county in which the school district is located.

If a majority of the electors voting on the question vote in favor of it, the income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution, and the board of education may proceed with issuance of the bonds and with the levy and collection of the property taxes to pay debt charges on the bonds, at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

(G) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(H) The question of repeal of a school district income tax levied for more than five years may be initiated and submitted in accordance with section 5748.04 of the Revised Code.

(I) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election.

Sec. 5748.081. A board of education of a school district that, under divisions (A) (1), (D) (1), and (E) of section 5748.08 or under section 5748.09 of the Revised Code, levies a tax on

the school district income of individuals ~~and estates~~ as defined 127113
in divisions (G) and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 127114
of the Revised Code may replace that tax with a tax on ~~the~~ 127115
school district income ~~of individuals~~ as defined in divisions 127116
~~(G) (1)~~ (G) and ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised 127117
Code by following the procedure outlined in, and subject to the 127118
conditions specified in, section 5748.021 of the Revised Code, 127119
as if the existing tax levied under section 5748.08 or 5748.09 127120
were levied under section 5748.02 of the Revised Code. The tax 127121
commissioner and the board of elections shall perform duties in 127122
response to the actions of the board of education under this 127123
section as directed in section 5748.021 of the Revised Code. 127124

Sec. 5748.09. (A) The board of education of a city, local, 127125
or exempted village school district, at any time by a vote of 127126
two-thirds of all its members, may declare by resolution that it 127127
may be necessary for the school district to do all of the 127128
following: 127129

(1) Raise a specified amount of money for school district 127130
purposes by levying an annual tax on school district income; 127131

(2) Levy an additional property tax in excess of the ten- 127132
mill limitation for the purpose of providing for the necessary 127133
requirements of the district, stating in the resolution the 127134
amount of money to be raised each year for such purpose; 127135

(3) Submit the question of the school district income tax 127136
and property tax to the electors of the district at a special 127137
election. 127138

The resolution shall specify whether the income that is to 127139
be subject to the tax is taxable income ~~of individuals and~~ 127140
~~estates~~ as defined in ~~divisions (E) (1) (a) and~~ division (E) (1) or 127141

(2) of section 5748.01 of the Revised Code ~~or taxable income of~~ 127142
~~individuals as defined in division (E) (1) (b) of that section.~~ 127143

On adoption of the resolution, the board shall certify a 127144
copy of it to the tax commissioner and the county auditor not 127145
later than one hundred days prior to the date of the special 127146
election at which the board intends to propose the income tax 127147
and property tax. Not later than ten days after receipt of the 127148
resolution, the tax commissioner, in the same manner as required 127149
by division (A) of section 5748.02 of the Revised Code, shall 127150
estimate the rates designated in divisions (A) (1) and (2) of 127151
that section and certify them to the board. Not later than ten 127152
days after receipt of the resolution, the county auditor, in the 127153
same manner as required by section 5705.195 of the Revised Code, 127154
shall make the calculation specified in that section and certify 127155
it to the board. 127156

(B) On receipt of the tax commissioner's and county 127157
auditor's certifications prepared under division (A) of this 127158
section, the board of education of the city, local, or exempted 127159
village school district, by a vote of two-thirds of all its 127160
members, may adopt a resolution declaring that the amount of 127161
taxes that can be raised by all tax levies the district is 127162
authorized to impose, when combined with state and federal 127163
revenues, will be insufficient to provide an adequate amount for 127164
the present and future requirements of the school district, and 127165
that it is therefore necessary to levy, for a specified number 127166
of years or for a continuing period of time, an annual tax for 127167
school district purposes on school district income, and to levy, 127168
for a specified number of years not exceeding ten or for a 127169
continuing period of time, an additional property tax in excess 127170
of the ten-mill limitation for the purpose of providing for the 127171
necessary requirements of the district, and declaring that the 127172

question of the school district income tax and property tax 127173
shall be submitted to the electors of the school district at a 127174
special election, which shall not be earlier than ninety days 127175
after certification of the resolution to the board of elections, 127176
and the date of which shall be consistent with section 3501.01 127177
of the Revised Code. The resolution shall specify all of the 127178
following: 127179

(1) The purpose for which the school district income tax 127180
is to be imposed and the rate of the tax, which shall be the 127181
rate set forth in the tax commissioner's certification rounded 127182
to the nearest one-fourth of one per cent; 127183

(2) Whether the income that is to be subject to the tax is 127184
taxable income ~~of individuals and estates as defined in~~ 127185
~~divisions (E) (1) (a) and division (E) (1) or (2) of section~~ 127186
5748.01 of the Revised Code ~~or taxable income of individuals as~~ 127187
~~defined in division (E) (1) (b) of that section.~~ The specification 127188
shall be the same as the specification in the resolution adopted 127189
and certified under division (A) of this section. 127190

(3) The number of years the school district income tax 127191
will be levied, or that it will be levied for a continuing 127192
period of time; 127193

(4) The date on which the school district income tax shall 127194
take effect, which shall be the first day of January of any year 127195
following the year in which the question is submitted; 127196

(5) The amount of money it is necessary to raise for the 127197
purpose of providing for the necessary requirements of the 127198
district for each year the property tax is to be imposed; 127199

(6) The number of years the property tax will be levied, 127200
or that it will be levied for a continuing period of time; 127201

(7) The tax list upon which the property tax shall be 127202
first levied, which may be the current year's tax list; 127203

(8) The amount of the average tax levy, expressed in 127204
dollars for each one hundred thousand dollars of the county 127205
auditor's appraised value as well as in mills for each one 127206
dollar of taxable value, estimated by the county auditor under 127207
division (A) of this section. 127208

(C) A resolution adopted under division (B) of this 127209
section shall go into immediate effect upon its passage, and no 127210
publication of the resolution shall be necessary other than that 127211
provided for in the notice of election. Immediately after its 127212
adoption and at least ninety days prior to the election at which 127213
the question will appear on the ballot, the board of education 127214
shall certify a copy of the resolution, along with copies of the 127215
county auditor's certification and the resolution under division 127216
(A) of this section, to the board of elections of the proper 127217
county. The board of education shall send to the tax 127218
commissioner a copy of the resolution adopted under division (B) 127219
of this section and certified to the board of elections. The 127220
board of education shall make the arrangements for the 127221
submission of the question to the electors of the school 127222
district, and the election shall be conducted, canvassed, and 127223
certified in the same manner as regular elections in the 127224
district for the election of county officers. 127225

The resolution shall be put before the electors as one 127226
ballot question, with a majority vote indicating approval of the 127227
school district income tax and the property tax. The board of 127228
elections shall publish the notice of the election in a 127229
newspaper of general circulation in the school district once a 127230
week for two consecutive weeks, or as provided in section 7.16 127231

of the Revised Code, prior to the election. If the board of 127232
elections operates and maintains a web site, ~~also the board~~ 127233
shall also post the notice of the election on its web site for 127234
thirty days prior to the election. The notice of the election 127235
shall state all of the following: 127236

(1) The questions to be submitted to the electors as a 127237
single ballot question; 127238

(2) The rate of the school district income tax; 127239

(3) The number of years the school district income tax 127240
will be levied or that it will be levied for a continuing period 127241
of time; 127242

(4) The annual proceeds of the proposed property tax levy 127243
for the purpose of providing for the necessary requirements of 127244
the district; 127245

(5) The number of years during which the property tax levy 127246
shall be levied, or that it shall be levied for a continuing 127247
period of time; 127248

(6) The estimated average additional tax rate of the 127249
property tax, expressed in dollars for each one hundred thousand 127250
dollars of the county auditor's appraised value as well as in 127251
mills for each one dollar of taxable value, outside the 127252
limitation imposed by Section 2 of Article XII, Ohio 127253
Constitution, as certified by the county auditor; 127254

(7) The time and place of the special election. 127255

(D) The form of the ballot on a question submitted to the 127256
electors under this section shall be as follows: 127257

"Shall the _____ school district be authorized to do both 127258
of the following: 127259

(1) Impose an annual income tax of _____ (state the
proposed rate of tax) on the school district income of
individuals ~~and of estates~~, for _____ (state the number of
years the tax would be levied, or that it would be levied for a
continuing period of time), beginning _____ (state the date
the tax would first take effect), for the purpose of _____
(state the purpose of the tax)?

(2) Impose a property tax levy outside of the ten-mill
limitation for the purpose of providing for the necessary
requirements of the district in the sum of \$ _____
(here insert annual amount the levy is to produce), estimated by
the county auditor to average _____ mills for each \$1
of taxable value, which amounts to \$ _____ for each
\$100,000 of the county auditor's appraised value, for
_____ (state the number of years the tax is to be
imposed or that it will be imposed for a continuing period of
time), commencing in _____ (first year the tax is to be
levied), first due in calendar year _____ (first calendar
year in which the tax shall be due)?

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

If the question submitted to electors proposes a school
district income tax only on the taxable income of individuals as
defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the
Revised Code, the form of the ballot shall be modified by
stating that the tax is to be levied on the "earned income of
individuals residing in the school district" in lieu of the
"school district income of individuals ~~and of estates~~."

(E) The board of elections promptly shall certify the 127287
results of the election to the tax commissioner and the county 127288
auditor of the county in which the school district is located. 127289
If a majority of the electors voting on the question vote in 127290
favor of it: 127291

(1) The income tax and the applicable provisions of 127292
Chapter 5747. of the Revised Code shall take effect on the date 127293
specified in the resolution. 127294

(2) The board of education of the school district may make 127295
the additional property tax levy necessary to raise the amount 127296
specified on the ballot for the purpose of providing for the 127297
necessary requirements of the district. The property tax levy 127298
shall be included in the next tax budget that is certified to 127299
the county budget commission. 127300

(F) (1) After approval of a question under this section, 127301
the board of education may anticipate a fraction of the proceeds 127302
of the school district income tax in accordance with section 127303
5748.05 of the Revised Code. Any anticipation notes under this 127304
division shall be issued as provided in section 133.24 of the 127305
Revised Code, shall have principal payments during each year 127306
after the year of their issuance over a period not to exceed 127307
five years, and may have a principal payment in the year of 127308
their issuance. 127309

(2) After the approval of a question under this section 127310
and prior to the time when the first tax collection from the 127311
property tax levy can be made, the board of education may 127312
anticipate a fraction of the proceeds of the levy and issue 127313
anticipation notes in an amount not exceeding the total 127314
estimated proceeds of the levy to be collected during the first 127315
year of the levy. Any anticipation notes under this division 127316

shall be issued as provided in section 133.24 of the Revised 127317
Code, shall have principal payments during each year after the 127318
year of their issuance over a period not to exceed five years, 127319
and may have a principal payment in the year of their issuance. 127320

(G) (1) The question of repeal of a school district income 127321
tax levied for more than five years may be initiated and 127322
submitted in accordance with section 5748.04 of the Revised 127323
Code. 127324

(2) A property tax levy for a continuing period of time 127325
may be reduced in the manner provided under section 5705.261 of 127326
the Revised Code. 127327

(H) No board of education shall submit a question under 127328
this section to the electors of the school district more than 127329
twice in any calendar year. If a board submits the question 127330
twice in any calendar year, one of the elections on the question 127331
shall be held on the date of the general election. 127332

(I) If the electors of the school district approve a 127333
question under this section, and if the last calendar year the 127334
school district income tax is in effect and the last calendar 127335
year of collection of the property tax are the same, the board 127336
of education of the school district may propose to submit under 127337
this section the combined question of a school district income 127338
tax to take effect upon the expiration of the existing income 127339
tax and a property tax to be first collected in the calendar 127340
year after the calendar year of last collection of the existing 127341
property tax, and specify in the resolutions adopted under this 127342
section that the proposed taxes would renew the existing taxes. 127343
The form of the ballot on a question submitted to the electors 127344
under division (I) of this section shall be as follows: 127345

"Shall the _____ school district be authorized to do 127346
both of the following: 127347

(1) Impose an annual income tax of _____ (state the 127348
proposed rate of tax) on the school district income of 127349
individuals ~~and of estates~~ to renew an income tax expiring at 127350
the end of _____ (state the last year the existing income tax 127351
may be levied) for _____ (state the number of years the tax 127352
would be levied, or that it would be levied for a continuing 127353
period of time), beginning _____ (state the date the tax would 127354
first take effect), for the purpose of _____ (state the 127355
purpose of the tax)? 127356

(2) Impose a property tax levy renewing an existing levy 127357
outside of the ten-mill limitation for the purpose of providing 127358
for the necessary requirements of the district in the sum of 127359
\$_____ (here insert annual amount the levy is to 127360
produce), estimated by the county auditor to average 127361
_____ mills for each \$1 of taxable value, which 127362
amounts to \$_____ for each \$100,000 of the county 127363
auditor's appraised value, for _____ (state the number 127364
of years the tax is to be imposed or that it will be imposed for 127365
a continuing period of time), commencing in _____ (first 127366
year the tax is to be levied), first due in calendar year 127367
_____ (first calendar year in which the tax shall be 127368
due)? 127369
127370

	FOR THE INCOME TAX AND PROPERTY TAX	"
	AGAINST THE INCOME TAX AND PROPERTY TAX	

If the question submitted to electors proposes a school 127371
district income tax only on the taxable income of individuals as 127372

defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the 127373
Revised Code, the form of the ballot shall be modified by 127374
stating that the tax is to be levied on the "earned income of 127375
individuals residing in the school district" in lieu of the 127376
"school district income of individuals ~~and of estates.~~" 127377

(J) (1) If the electors of the school district approve a 127378
question under this section, and if the last calendar year the 127379
school district income tax is in effect and the last calendar 127380
year in which the property tax is collected are the same, the 127381
board of education of the school district may propose to submit 127382
under this section the combined question of all of the 127383
following: 127384

(a) The renewal of the school district income tax levied 127385
under this section, to take effect upon the expiration of the 127386
existing income tax; 127387

(b) The renewal of the property tax levied under this 127388
section, to be levied beginning in the tax year after the tax 127389
year in which the existing property tax expires; 127390

(c) The renewal of a property tax levied under section 127391
5705.194 of the Revised Code, regardless of the year it expires, 127392
to be levied beginning in the same tax year that the tax 127393
described in division (J) (1) (b) of this section is first levied. 127394

If the combined question is approved, the existing tax 127395
levied under section 5705.194 of the Revised Code may not be 127396
levied for the first tax year the renewal tax is levied or any 127397
following tax year. 127398

(2) In its resolution to be submitted to the tax 127399
commissioner and county auditor, the board of education shall 127400
include, in addition to the applicable requirements of division 127401

(A) of this section, a declaration of the necessity for the 127402
renewal of the property tax levied under section 5705.194 of the 127403
Revised Code, the purpose of the tax as specified under that 127404
section, and the necessity of the submission of the question of 127405
the renewal of the school district income tax and both property 127406
taxes to the electors of the district at a special election. Not 127407
later than ten days after receipt of the resolution, the county 127408
auditor shall make a separate calculation and certification with 127409
respect to the renewal tax described in division (J) (1) (c) of 127410
this section in the same manner as required by section 5705.195 127411
of the Revised Code. 127412

In its resolution adopted upon receipt of the 127413
commissioner's and county auditor's certifications, the board of 127414
education shall include, in addition to the applicable 127415
requirements of division (B) of this section, a declaration that 127416
the amount of taxes that can be raised by all tax levies the 127417
district is authorized to impose, when combined with state and 127418
federal revenues, will be insufficient to provide an adequate 127419
amount for the present and future requirements of the school 127420
district, and that it is therefore necessary to renew the 127421
existing property tax being levied in excess of the ten-mill 127422
limitation under section 5705.194 of the Revised Code for the 127423
purpose as specified in that section, for a specified number of 127424
years not exceeding ten or for a continuing period of time, and 127425
that the question of the renewal of the school district income 127426
tax and of both property taxes shall be submitted to the 127427
electors of the school district at a special election as 127428
described in division (B) of this section. With respect to the 127429
renewal tax described in division (J) (1) (c) of this section, the 127430
resolution shall specify the amount of money it is necessary to 127431
raise for the specified purpose for each calendar year the 127432

millage is to be imposed, the tax year that tax is to be first 127433
levied, and the estimated rate of that tax, expressed in dollars 127434
for each one hundred thousand dollars of the county auditor's 127435
appraised value as well as in mills for each one dollar of 127436
taxable value, as certified by the county auditor. 127437

(3) In addition to the requirements of division (C) of 127438
this section, the notice of election shall separately state, 127439
with respect to the renewal tax described in division (J) (1) (c) 127440
of this section, the annual proceeds of the proposed levy for 127441
the specified purpose; the number of years the proposed tax will 127442
be levied, or that it shall be levied for a continuing period of 127443
time; and the estimated rate of the proposed levy, expressed in 127444
dollars for each one hundred thousand dollars of the county 127445
auditor's appraised value as well as in mills for each one 127446
dollar of taxable value, as certified by the county auditor. 127447

(4) The form of the ballot on a question submitted to the 127448
electors under division (J) of this section shall be identical 127449
to the form of the ballot prescribed in division (I) of this 127450
section, except that the following shall be added after the 127451
third paragraph and in place of the voting box: "(3) Impose a 127452
property tax levy renewing an existing levy outside of the ten- 127453
mill limitation for the purpose of _____ (here insert 127454
purpose of levy as specified in section 5705.194 of the Revised 127455
Code and determined by the board of education) in the sum of \$ 127456
_____ (here insert annual amount the levy is to produce), 127457
estimated by the county auditor to average _____ mills for 127458
each \$1 of taxable value, which amounts to \$_____ for each 127459
\$100,000 of the county auditor's appraised value, for _____ 127460
(state the number of years the tax is to be imposed or that it 127461
will be imposed for a continuing period of time), commencing in 127462
_____ (first year the tax is to be levied), first due in 127463

calendar year _____ (first calendar year in which the tax
shall be due)?

	FOR THE INCOME TAX AND PROPERTY TAXES	
	AGAINST THE INCOME TAX AND PROPERTY TAXES	"

If the existing property tax being levied under section
5705.194 of the Revised Code is scheduled to expire in a tax
year different from that of the existing property tax being
levied under this section, the form of the ballot shall be
modified by adding the following statement at the end of the
paragraph prescribed in this division: "If approved, any
remaining tax years on the existing levy will not be levied
after tax year _____ (last tax year the tax will be levied),
last due in _____ (last calendar year in which the tax shall
be due)."

(5) If a majority of the electors voting on the question
submitted under division (J) of this section vote in favor of
it, the board of education of the school district may, in
addition to any other authorization in the Revised Code and
prior to the time when the first tax collection from the renewal
tax levy can be made, anticipate a fraction of the proceeds of
the renewal levy described in division (J)(1)(c) of this section
and issue anticipation notes in an amount not exceeding the
total estimated proceeds of the levy to be collected during the
first year of the levy. Any such anticipation notes shall be
issued as provided in section 133.24 of the Revised Code, shall
have principal payments during each year after the year of their
issuance over a period not to exceed five years, and may have a
principal payment in the year of their issuance.

(K) The question of a renewal levy under division (I) or 127491
(J) of this section shall not be placed on the ballot unless the 127492
question is submitted on a date on which a special election may 127493
be held under section 3501.01 of the Revised Code, except for 127494
the first Tuesday after the first Monday in August, during the 127495
last year the existing property tax levy described in division 127496
(J) (1) (b) of this section may be extended on the real and public 127497
utility property tax list and duplicate, or at any election held 127498
in the ensuing year. 127499

The failure by the electors to approve the question of a 127500
renewal levy under division (I) or (J) of this section does not 127501
terminate the authority previously granted by the electors to 127502
levy the taxes proposed to be renewed for their previously 127503
approved duration. 127504

(L) If the electors of the school district approve a 127505
question under this section, the board of education of the 127506
school district may propose to renew any of the existing taxes 127507
as individual ballot questions in accordance with section 127508
5748.02 of the Revised Code, for the school district income tax, 127509
or section 5705.194 of the Revised Code, for the property tax or 127510
taxes. 127511

Sec. 5749.02. (A) For the purpose of providing revenue to 127512
administer the state's coal mining and reclamation regulatory 127513
program, to meet the environmental and resource management needs 127514
of this state, and to reclaim land affected by mining, an excise 127515
tax is hereby levied on the privilege of engaging in the 127516
severance of natural resources from the soil or water of this 127517
state. The tax shall be imposed upon the severer at the rates 127518
prescribed by this section: 127519

(1) ~~Ten~~Eight cents per ton of coal; 127520

(2) Four cents per ton of salt;	127521
(3) Two cents per ton of limestone or dolomite;	127522
(4) Two cents per ton of sand and gravel;	127523
(5) Ten cents per barrel of oil;	127524
(6) Two and one-half cents per thousand cubic feet of natural gas;	127525 127526
(7) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite;	127527 127528
(8) Except as otherwise provided in this division or in rules adopted by the reclamation forfeiture fund advisory board under section 1513.182 of the Revised Code, an additional fourteen cents per ton of coal produced from an area under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code for which the performance security is provided under division (C) (2) of section 1513.08 of the Revised Code. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the reclamation forfeiture fund created in section 1513.18 of the Revised Code is equal to or greater than ten million dollars, the rate levied shall be twelve cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is at least five million dollars, but less than ten million dollars, the rate levied shall be fourteen cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is less than five million dollars, the rate levied shall be sixteen cents per ton. Beginning July 1, 2009, not later than thirty days after the close of a fiscal biennium, the chief of the division of mineral resources management shall certify to the tax commissioner the amount of the balance of the reclamation forfeiture fund as of	127529 127530 127531 127532 127533 127534 127535 127536 127537 127538 127539 127540 127541 127542 127543 127544 127545 127546 127547 127548 127549

the close of the fiscal biennium. Any necessary adjustment of 127550
the rate levied shall take effect on the first day of the 127551
following January and shall remain in effect during the calendar 127552
biennium that begins on that date. 127553

(9) An additional one and two-tenths cents per ton of coal 127554
mined by surface mining methods. 127555

(B) After the director of budget and management transfers 127556
money from the severance tax receipts fund as required in 127557
division (H) of section 5749.06 of the Revised Code, money 127558
remaining in the severance tax receipts fund, except for money 127559
in the fund from the amounts due under section 1509.50 of the 127560
Revised Code, shall be credited as follows: 127561

(1) All of the moneys in the fund from the tax levied in 127562
division (A) (1) of this section shall be credited to the mining 127563
regulation and safety fund created in section 1513.30 of the 127564
Revised Code. 127565

(2) The money in the fund from the tax levied in division 127566
(A) (2) of this section shall be credited to the mining 127567
regulation and safety fund. 127568

(3) Of the moneys in the fund from the tax levied in 127569
divisions (A) (3) and (4) of this section, seven and five-tenths 127570
per cent shall be credited to the geological mapping fund and 127571
the remainder shall be credited to the mining regulation and 127572
safety fund created in section 1513.30 of the Revised Code. 127573

(4) Of the moneys in the fund from the tax levied in 127574
divisions (A) (5) and (6) of this section, ~~ninety-eighty-six~~ per 127575
cent shall be credited to the oil and gas well fund and ~~ten-~~ 127576
fourteen per cent shall be credited to the geological mapping 127577
fund. 127578

(5) All of the moneys in the fund from the tax levied in 127579
division (A) (7) of this section shall be credited to the mining 127580
regulation and safety fund. 127581

(6) All of the moneys in the fund from the tax levied in 127582
division (A) (8) of this section shall be credited to the 127583
reclamation forfeiture fund. 127584

(7) All of the moneys in the fund from the tax levied in 127585
division (A) (9) of this section shall be credited to the mining 127586
regulation and safety fund. 127587

(C) When, at the close of any fiscal year, the chief finds 127588
that the balance of the reclamation forfeiture fund, plus the 127589
estimated revenues from the tax levied by division (A) (8) of 127590
this section for the remainder of the calendar year that 127591
includes the close of the fiscal year, are sufficient to 127592
complete the reclamation of all lands for which the performance 127593
security has been provided under division (C) (2) of section 127594
1513.08 of the Revised Code, the purposes for which the tax 127595
under division (A) (8) of this section is levied shall be deemed 127596
accomplished at the end of that calendar year. The chief, within 127597
thirty days after the close of the fiscal year, shall certify 127598
those findings to the tax commissioner, and the tax levied under 127599
division (A) (8) of this section shall cease to be imposed for 127600
the subsequent calendar year after the last day of that calendar 127601
year on coal produced under a coal mining and reclamation permit 127602
issued under Chapter 1513. of the Revised Code if the permittee 127603
has made tax payments under division (A) (8) of this section 127604
during each of the preceding five full calendar years. Not later 127605
than thirty days after the close of a fiscal year, the chief 127606
shall certify to the tax commissioner the identity of any 127607
permittees who accordingly no longer are required to pay the tax 127608

levied under division (A) (8) of this section for the subsequent 127609
calendar year. 127610

Sec. 5749.06. (A) (1) Each severer liable for the tax 127611
imposed by section 5749.02 of the Revised Code and each severer 127612
or owner liable for the amounts due under section 1509.50 of the 127613
Revised Code, except for any amount due under division (B) (2) of 127614
that section, shall make and file returns with the tax 127615
commissioner in the prescribed form and at the prescribed times, 127616
computing and reflecting therein the tax as required by this 127617
chapter and amounts due under section 1509.50 of the Revised 127618
Code. 127619

(2) The returns shall be filed for every calendar quarter, 127620
as required by this section, unless a different return period is 127621
prescribed for a taxpayer by the commissioner. 127622

(B) (1) A separate return shall be filed for each calendar 127623
quarter, or other period, or any part thereof, during which the 127624
severer holds a permit or has registered as provided by section 127625
5749.04 of the Revised Code, or is required to hold the permit 127626
or registration, or during which an owner is required to file a 127627
return. The return shall be filed on or before the fifteenth day 127628
of the second month following the end of each return period. The 127629
tax due is payable along with the return. All such returns shall 127630
contain such information as the commissioner may require to 127631
fairly administer the tax. 127632

(2) All returns shall be signed by the severer or owner, 127633
as applicable, shall contain the full and complete information 127634
requested, and shall be made under penalty of perjury. 127635

(C) If the commissioner believes that quarterly payments 127636
of tax would result in a delay that might jeopardize the 127637

collection of such tax payments, the commissioner may order that 127638
such payments be made weekly, or more frequently if necessary, 127639
such payments to be made not later than seven days following the 127640
close of the period for which the jeopardy payment is required. 127641
Such an order shall be delivered to the taxpayer in the manner 127642
provided in section 5703.37 of the Revised Code and shall remain 127643
in effect until the commissioner notifies the taxpayer to the 127644
contrary. 127645

(D) Upon good cause the commissioner may extend for thirty 127646
days the period for filing any notice or return required to be 127647
filed under this section, ~~and may remit all or a part of~~ 127648
~~penalties that may become due under this chapter.~~ 127649

(E) Any tax and any amount due under section 1509.50 of 127650
the Revised Code not paid by the day the tax or amount is due 127651
shall bear interest computed at the rate per annum prescribed by 127652
section 5703.47 of the Revised Code on that amount due from the 127653
day that the amount was originally required to be paid to the 127654
day of actual payment or to the day an assessment was issued 127655
under section 5749.07 or 5749.10 of the Revised Code, whichever 127656
occurs first. 127657

(F) A severer or owner, as applicable, that fails to file 127658
a complete return or pay the full amount due under this chapter 127659
within the time prescribed, including any extensions of time 127660
granted by the commissioner, shall be subject to a penalty not 127661
to exceed the greater of fifty dollars or ten per cent of the 127662
amount due for the period. 127663

(G) (1) A severer or owner, as applicable, shall remit 127664
payments electronically and, if required by the commissioner, 127665
file each return electronically. The commissioner may require 127666
that the severer or owner use the Ohio business gateway, as 127667

defined in section 718.01 of the Revised Code, or another 127668
electronic means to file returns and remit payments 127669
electronically. 127670

(2) A severer or owner that is required to remit payments 127671
electronically under this section may apply to the commissioner, 127672
in the manner prescribed by the commissioner, to be excused from 127673
that requirement. The commissioner may excuse a severer or owner 127674
from the requirements of division (G) of this section for good 127675
cause. 127676

(3) If a severer or owner that is required to remit 127677
payments or file returns electronically under this section fails 127678
to do so, the commissioner may impose a penalty on the severer 127679
or owner not to exceed the following: 127680

(a) For the first or second payment or return the severer 127681
or owner fails to remit or file electronically, the greater of 127682
five per cent of the amount of the payment that was required to 127683
be remitted or twenty-five dollars; 127684

(b) For every payment or return after the second that the 127685
severer or owner fails to remit or file electronically, the 127686
greater of ten per cent of the amount of the payment that was 127687
required to be remitted or fifty dollars. 127688

(H) (1) All amounts that the commissioner receives under 127689
this section shall be deemed to be revenue from taxes imposed 127690
under this chapter or from the amount due under section 1509.50 127691
of the Revised Code, as applicable, and shall be deposited in 127692
the severance tax receipts fund, which is hereby created in the 127693
state treasury. 127694

(2) The director of budget and management shall transfer 127695
from the severance tax receipts fund, as necessary, to the tax 127696

refund fund amounts equal to the refunds certified by the 127697
commissioner under section 5749.08 of the Revised Code. Any 127698
amount transferred under division (H) (2) of this section shall 127699
be derived from receipts of the same tax or other amount from 127700
which the refund arose. 127701

(3) After the director of budget and management makes any 127702
transfer required by division (H) (2) of this section, but not 127703
later than the twenty-fifth day of each month, the commissioner 127704
shall certify to the director the total amount remaining in the 127705
severance tax receipts fund organized according to the amount 127706
attributable to each natural resource and according to the 127707
amount attributable to a tax imposed by this chapter and the 127708
amounts due under section 1509.50 of the Revised Code, and shall 127709
provide for payment to the funds specified in division (B) of 127710
section 5749.02 of the Revised Code. 127711

(I) Penalties imposed under this section are in addition 127712
to any other penalty imposed under this chapter and shall be 127713
considered as revenue arising from the tax levied under this 127714
chapter or the amount due under section 1509.50 of the Revised 127715
Code, as applicable. The commissioner may collect any penalty or 127716
interest imposed under this section in the same manner as 127717
provided for the making of an assessment in section 5749.07 of 127718
the Revised Code. ~~The commissioner may abate all or a portion of~~ 127719
~~such interest or penalties and may adopt rules governing such~~ 127720
~~abatements.~~ 127721

Sec. 5749.07. (A) If any severer required by this chapter 127722
to make and file returns and pay the tax levied by section 127723
5749.02 of the Revised Code, or any severer or owner liable for 127724
the amounts due under section 1509.50 of the Revised Code, fails 127725
to make such return or pay such tax or amounts, the tax 127726

commissioner may make an assessment against the severer or owner 127727
based upon any information in the commissioner's possession. 127728

No assessment shall be made or issued against any severer 127729
for any tax imposed by section 5749.02 of the Revised Code or 127730
against any severer or owner for any amount due under section 127731
1509.50 of the Revised Code more than four years after the 127732
return was due or was filed, whichever is later. This section 127733
does not bar an assessment against a severer or owner who fails 127734
to file a return as required by this chapter, or who files a 127735
fraudulent return. 127736

The commissioner shall give the party assessed written 127737
notice of such assessment in the manner provided in section 127738
5703.37 of the Revised Code. With the notice, the commissioner 127739
shall provide instructions on how to petition for reassessment 127740
and request a hearing on the petition. 127741

(B) Unless the party assessed files with the commissioner 127742
within sixty days after service of the notice of assessment, ~~7-~~ 127743
~~either personally or by certified mail,~~ a written petition for 127744
reassessment signed by the party assessed or that party's 127745
authorized agent having knowledge of the facts, the assessment 127746
becomes final and the amount of the assessment is due and 127747
payable from the party assessed to the treasurer of state. The 127748
petition shall indicate the objections of the party assessed, 127749
but additional objections may be raised in writing if received 127750
by the commissioner prior to the date shown on the final 127751
determination. If the petition has been properly filed, the 127752
commissioner shall proceed under section 5703.60 of the Revised 127753
Code. 127754

(C) After an assessment becomes final, if any portion of 127755
the assessment remains unpaid, including accrued interest, a 127756

certified copy of the commissioner's entry making the assessment 127757
final may be filed in the office of the clerk of the court of 127758
common pleas in the county in which the party assessed resides 127759
or in which the party's business is conducted. If the party 127760
assessed maintains no place of business in this state and is not 127761
a resident of this state, the certified copy of the entry may be 127762
filed in the office of the clerk of the court of common pleas of 127763
Franklin county. 127764

Immediately upon the filing of such entry, the clerk shall 127765
enter a judgment for the state against the party assessed in the 127766
amount shown on the entry. The judgment may be filed by the 127767
clerk in a loose-leaf book entitled "special judgments for state 127768
severance tax," and shall have the same effect as other 127769
judgments. Execution shall issue upon the judgment upon the 127770
request of the commissioner, and all laws applicable to sales on 127771
execution shall apply to sales made under the judgment. 127772

If the assessment is not paid in its entirety within sixty 127773
days after the day the assessment is issued, the portion of the 127774
assessment consisting of tax due or amounts due under section 127775
1509.50 of the Revised Code shall bear interest at the rate per 127776
annum prescribed by section 5703.47 of the Revised Code from the 127777
day the commissioner issues the assessment until it is paid or 127778
until it is certified to the attorney general for collection 127779
under section 131.02 of the Revised Code, whichever comes first. 127780
If the unpaid portion of the assessment is certified to the 127781
attorney general for collection, the entire unpaid portion of 127782
the assessment shall bear interest at the rate per annum 127783
prescribed by section 5703.47 of the Revised Code from the date 127784
of certification until the date it is paid in its entirety. 127785
Interest shall be paid in the same manner as the tax and may be 127786
collected by the issuance of an assessment under this section. 127787

(D) All money collected by the commissioner under this 127788
section shall be paid to the treasurer of state, and when paid 127789
shall be considered as revenue arising from the tax imposed by 127790
section 5749.02 of the Revised Code and the amount due under 127791
section 1509.50 of the Revised Code, as applicable. 127792

Sec. 5749.15. Any person who fails to file a return or pay 127793
the tax as required under this chapter or other amount due under 127794
section 1509.50 of the Revised Code who is assessed such taxes 127795
or other amount due pursuant to section 5749.07 or 5749.10 of 127796
the Revised Code may be liable for a penalty of up to twenty- 127797
five per cent of the amount assessed. ~~The tax commissioner may~~ 127798
~~adopt rules relating to the imposition and remission of~~ 127799
~~penalties imposed under this section.~~ 127800

Sec. 5751.02. (A) For the purpose of funding the needs of 127801
this state and its local governments, there is hereby levied a 127802
commercial activity tax on each person with taxable gross 127803
receipts for the privilege of doing business in this state. For 127804
the purposes of this chapter, "doing business" means engaging in 127805
any activity, whether legal or illegal, that is conducted for, 127806
or results in, gain, profit, or income, at any time during a 127807
calendar year. Persons on which the commercial activity tax is 127808
levied include, but are not limited to, persons with substantial 127809
nexus with this state. The tax imposed under this section is not 127810
a transactional tax and is not subject to Public Law No. 86-272, 127811
73 Stat. 555. The tax imposed under this section is in addition 127812
to any other taxes or fees imposed under the Revised Code. The 127813
tax levied under this section is imposed on the person receiving 127814
the gross receipts and is not a tax imposed directly on a 127815
purchaser. The tax imposed by this section is an annual 127816
privilege tax for the calendar year that contains all tax 127817
periods in the calendar year. A taxpayer is subject to the 127818

annual privilege tax for doing business during any portion of 127819
such calendar year. 127820

(B) The tax imposed by this section is a tax on the 127821
taxpayer and shall not be billed or invoiced to another person. 127822
Even if the tax or any portion thereof is billed or invoiced and 127823
separately stated, such amounts remain part of the price for 127824
purposes of the sales and use taxes levied under Chapters 5739. 127825
and 5741. of the Revised Code. Nothing in division (B) of this 127826
section prohibits: 127827

(1) A person from including in the price charged for a 127828
good or service an amount sufficient to recover the tax imposed 127829
by this section; or 127830

(2) A lessor from including an amount sufficient to 127831
recover the tax imposed by this section in a lease payment 127832
charged, or from including such an amount on a billing or 127833
invoice pursuant to the terms of a written lease agreement 127834
providing for the recovery of the lessor's tax costs. The 127835
recovery of such costs shall be based on an estimate of the 127836
total tax cost of the lessor during the tax period, as the tax 127837
liability of the lessor cannot be calculated until the end of 127838
that period. 127839

(C) (1) The commercial activities tax receipts fund is 127840
hereby created in the state treasury and shall consist of money 127841
arising from the tax imposed under this chapter. Sixty-five one- 127842
hundredths of one per cent of the money credited to that fund 127843
shall be credited to the revenue enhancement fund and shall be 127844
used to defray the costs incurred by the department of taxation 127845
in administering the tax imposed by this chapter and in 127846
implementing tax reform measures. The remainder of the money in 127847
the commercial activities tax receipts fund shall first be 127848

credited to the ~~funds-fund~~ described in division (C) (2) of this 127849
section, as provided in that division, and the remainder shall 127850
be credited to the general revenue fund. 127851

(2) Not later than the twentieth day of February, May, 127852
August, and November of each year, the commissioner shall 127853
provide for payment ~~of the following amounts from the commercial~~ 127854
~~activities tax receipts fund:-~~ 127855

~~(a) To~~ to the commercial activity tax motor fuel receipts 127856
fund, of an amount that bears the same ratio to the balance in 127857
the commercial activities tax receipts fund that (a) the taxable 127858
gross receipts attributed to motor fuel used for propelling 127859
vehicles on public highways as indicated by returns filed by the 127860
tenth day of that month for a liability that is due and payable 127861
on or after July 1, 2013, for a tax period ending before July 1, 127862
2014, bears to (b) all taxable gross receipts as indicated by 127863
those returns for such liabilities, 127864

~~(b) To the school district tangible property tax~~ 127865
~~replacement fund, which is hereby created in the state treasury~~ 127866
~~for the purpose of making the payments described in section~~ 127867
~~5709.92 of the Revised Code, an amount necessary to make those~~ 127868
~~payments;-~~ 127869

~~(c) To the local government tangible property tax~~ 127870
~~replacement fund, which is hereby created in the state treasury~~ 127871
~~for the purpose of making the payments described in section~~ 127872
~~5709.93 of the Revised Code, an amount necessary to make those~~ 127873
~~payments.-~~ 127874

~~(D) (1) On or after the first day of June of each year, the~~ 127875
~~director of budget and management may transfer any balance in~~ 127876
~~the school district tangible property tax replacement fund to~~ 127877

~~the general revenue fund.~~ 127878

~~(2) On or after the first day of June of each year, the~~ 127879
~~director of budget and management may transfer any balance in~~ 127880
~~the local government tangible property tax replacement fund to~~ 127881
~~the general revenue fund.~~ 127882

~~(E) (1)~~ (D) (1) There is hereby created in the state treasury 127883
the commercial activity tax motor fuel receipts fund. 127884

(2) On or before the fifteenth day of June of each fiscal 127885
year beginning with fiscal year 2015, the director of the Ohio 127886
public works commission shall certify to the director of budget 127887
and management the amount of debt service paid from the general 127888
revenue fund in the current fiscal year on bonds issued to 127889
finance or assist in the financing of the cost of local 127890
subdivision public infrastructure capital improvement projects, 127891
as provided for in Sections 2k, 2m, 2p, and 2s of Article VIII, 127892
Ohio Constitution, that are attributable to costs for 127893
construction, reconstruction, maintenance, or repair of public 127894
highways and bridges and other statutory highway purposes. That 127895
certification shall allocate the total amount of debt service 127896
paid from the general revenue fund and attributable to those 127897
costs in the current fiscal year according to the applicable 127898
section of the Ohio Constitution under which the bonds were 127899
originally issued. 127900

(3) On or before the thirtieth day of June of each fiscal 127901
year beginning with fiscal year 2015, the director of budget and 127902
management shall determine an amount up to but not exceeding the 127903
amount certified under division ~~(E) (2)~~ (D) (2) of this section and 127904
shall reserve that amount from the cash balance in the petroleum 127905
activity tax public highways fund or the commercial activity tax 127906
motor fuel receipts fund for transfer to the general revenue 127907

fund at times and in amounts to be determined by the director. 127908
The director shall transfer the cash balance in the petroleum 127909
activity tax public highways fund or the commercial activity tax 127910
motor fuel receipts fund in excess of the amount so reserved to 127911
the highway operating fund on or before the thirtieth day of 127912
June of the current fiscal year. 127913

Sec. 5751.06. (A) Any taxpayer that fails to file a return 127914
or pay the full amount of the tax due within the period 127915
prescribed therefor under this chapter shall pay a penalty in an 127916
amount not exceeding the greater of fifty dollars or ten per 127917
cent of the tax required to be paid for the tax period. 127918

(B) (1) If any additional tax is found to be due, the tax 127919
commissioner may impose an additional penalty of up to fifteen 127920
per cent on the additional tax found to be due. 127921

(2) Any delinquent payments of the tax made after a 127922
taxpayer is notified of an audit or a tax discrepancy by the 127923
commissioner is subject to the penalty imposed by division (B) 127924
of this section. If an assessment is issued under section 127925
5751.09 of the Revised Code in connection with such delinquent 127926
payments, the payments shall be credited to the assessment. 127927

(C) If the tax commissioner notifies a person required to 127928
register under section 5751.05 of the Revised Code of such 127929
requirement and of the requirement to remit the tax due under 127930
this chapter, and the person fails to so register and remit the 127931
tax within sixty days after such notice, the tax commissioner 127932
may impose an additional penalty of up to thirty-five per cent 127933
of the tax due. The penalty imposed under this division is in 127934
addition to any other penalties imposed under this section. 127935

(D) The tax commissioner may collect any penalty or 127936

interest imposed by this section in the same manner as the tax 127937
imposed under this chapter. Penalties and interest so collected 127938
shall be considered as revenue arising from the tax imposed 127939
under this chapter. 127940

~~(E) The tax commissioner may abate all or a portion of any 127941
penalties imposed under this section and may adopt rules 127942
governing such abatements. 127943~~

~~(F)~~ If any tax due is not timely paid in accordance with 127944
this chapter, the taxpayer shall pay interest, calculated at the 127945
rate per annum prescribed by section 5703.47 of the Revised 127946
Code, from the date the tax payment was due to the date of 127947
payment or to the date an assessment was issued, whichever 127948
occurs first. 127949

~~(G)~~ (F) The tax commissioner may impose a penalty of up to 127950
ten per cent for any additional tax that is due under division 127951
(B) (2) of section 5751.051 of the Revised Code from a taxpayer 127952
incorrectly reporting its taxable gross receipts. 127953

~~(H)~~ (G) If the tax commissioner discovers that a taxpayer 127954
has billed or invoiced another person for the tax imposed under 127955
this chapter in violation of division (B) of section 5751.02 of 127956
the Revised Code, the tax commissioner shall notify the taxpayer 127957
of the violation in the manner provided in section 5703.37 of 127958
the Revised Code and may impose a penalty of up to five hundred 127959
dollars. If the taxpayer subsequently bills or invoices a person 127960
for the tax imposed under this chapter, the tax commissioner 127961
shall impose a penalty of five hundred dollars. 127962

Sec. 5751.07. (A) Any person required to file returns 127963
under this chapter shall remit each tax payment, and, if 127964
required by the tax commissioner, file the tax return or the 127965

annual report, electronically. The commissioner may require 127966
taxpayers to use the Ohio business gateway as defined in section 127967
718.01 of the Revised Code to file returns and remit the tax, or 127968
may provide another means for taxpayers to file and remit the 127969
tax electronically. 127970

(B) A person required by this section to remit taxes or 127971
file returns electronically may apply to the tax commissioner, 127972
on the form prescribed by the commissioner, to be excused from 127973
that requirement. The commissioner may excuse a person from the 127974
requirements of this division for good cause. 127975

(C) (1) If a person required to remit taxes or file a 127976
return electronically under this section fails to do so, the 127977
commissioner may impose a penalty not to exceed the following: 127978

(a) For either of the first two tax periods the person so 127979
fails, the greater of twenty-five dollars or five per cent of 127980
the amount of the payment that was required to be remitted; 127981

(b) For the third and any subsequent tax periods the 127982
person so fails, the greater of fifty dollars or ten per cent of 127983
the amount of the payment that was required to be remitted. 127984

(2) The penalty imposed under division (C) (1) of this 127985
section is in addition to any other penalty imposed under this 127986
chapter and shall be considered as revenue arising from the tax 127987
imposed under this chapter. A penalty may be collected by 127988
assessment in the manner prescribed by section 5751.09 of the 127989
Revised Code. ~~The tax commissioner may abate all or a portion of~~ 127990
~~such a penalty.~~ 127991

(D) The tax commissioner may adopt rules necessary to 127992
administer this section. 127993

Sec. 5751.09. (A) The tax commissioner may make an 127994

assessment, based on any information in the commissioner's 127995
possession, against any person that fails to file a return or 127996
pay any tax as required by this chapter. The commissioner shall 127997
give the person assessed written notice of the assessment as 127998
provided in section 5703.37 of the Revised Code. With the 127999
notice, the commissioner shall provide instructions on the 128000
manner in which to petition for reassessment and request a 128001
hearing with respect to the petition. The commissioner shall 128002
send any assessments against consolidated elected taxpayer and 128003
combined taxpayer groups under section 5751.011 or 5751.012 of 128004
the Revised Code to the taxpayer's reporting person. The 128005
reporting person shall notify all members of the group of the 128006
assessment and all outstanding taxes, interest, and penalties 128007
for which the assessment is issued. 128008

(B) Unless the person assessed, within sixty days after 128009
service of the notice of assessment, files with the tax 128010
commissioner, ~~either personally or by certified mail,~~ a written 128011
petition signed by the person or the person's authorized agent 128012
having knowledge of the facts, the assessment becomes final, and 128013
the amount of the assessment is due and payable from the person 128014
assessed to the treasurer of state. The petition shall indicate 128015
the objections of the person assessed, but additional objections 128016
may be raised in writing if received by the commissioner prior 128017
to the date shown on the final determination. 128018

If a petition for reassessment has been properly filed, 128019
the commissioner shall proceed under section 5703.60 of the 128020
Revised Code. 128021

(C) (1) After an assessment becomes final, if any portion 128022
of the assessment, including accrued interest, remains unpaid, a 128023
certified copy of the tax commissioner's entry making the 128024

assessment final may be filed in the office of the clerk of the 128025
court of common pleas in the county in which the person resides 128026
or has its principal place of business in this state, or in the 128027
office of the clerk of court of common pleas of Franklin county. 128028

(2) Immediately upon the filing of the entry, the clerk 128029
shall enter judgment for the state against the person assessed 128030
in the amount shown on the entry. The judgment may be filed by 128031
the clerk in a loose-leaf book entitled, "special judgments for 128032
the commercial activity tax" and shall have the same effect as 128033
other judgments. Execution shall issue upon the judgment at the 128034
request of the tax commissioner, and all laws applicable to 128035
sales on execution shall apply to sales made under the judgment. 128036

(3) If the assessment is not paid in its entirety within 128037
sixty days after the day the assessment was issued, the portion 128038
of the assessment consisting of tax due shall bear interest at 128039
the rate per annum prescribed by section 5703.47 of the Revised 128040
Code from the day the tax commissioner issues the assessment 128041
until it is paid or until it is certified to the attorney 128042
general for collection under section 131.02 of the Revised Code, 128043
whichever comes first. If the unpaid portion of the assessment 128044
is certified to the attorney general for collection, the entire 128045
unpaid portion of the assessment shall bear interest at the rate 128046
per annum prescribed by section 5703.47 of the Revised Code from 128047
the date of certification until the date it is paid in its 128048
entirety. Interest shall be paid in the same manner as the tax 128049
and may be collected by the issuance of an assessment under this 128050
section. 128051

(D) If the tax commissioner believes that collection of 128052
the tax will be jeopardized unless proceedings to collect or 128053
secure collection of the tax are instituted without delay, the 128054

commissioner may issue a jeopardy assessment against the person 128055
liable for the tax. Immediately upon the issuance of the 128056
jeopardy assessment, the commissioner shall file an entry with 128057
the clerk of the court of common pleas in the manner prescribed 128058
by division (C) of this section. Notice of the jeopardy 128059
assessment shall be served on the person assessed or the 128060
person's authorized agent in the manner provided in section 128061
5703.37 of the Revised Code within five days of the filing of 128062
the entry with the clerk. The total amount assessed is 128063
immediately due and payable, unless the person assessed files a 128064
petition for reassessment in accordance with division (B) of 128065
this section and provides security in a form satisfactory to the 128066
commissioner and in an amount sufficient to satisfy the unpaid 128067
balance of the assessment. Full or partial payment of the 128068
assessment does not prejudice the commissioner's consideration 128069
of the petition for reassessment. 128070

(E) The tax commissioner shall immediately forward to the 128071
treasurer of state all amounts the commissioner receives under 128072
this section, and such amounts shall be considered as revenue 128073
arising from the tax imposed under this chapter. 128074

(F) Except as otherwise provided in this division, no 128075
assessment shall be made or issued against a taxpayer for the 128076
tax imposed under this chapter more than four years after the 128077
due date for the filing of the return for the tax period for 128078
which the tax was reported, or more than four years after the 128079
return for the tax period was filed, whichever is later. The 128080
time limit may be extended if both the taxpayer and the 128081
commissioner consent in writing to the extension or enter into 128082
an agreement waiving or extending the time limit. Any such 128083
extension shall extend the four-year time limit in division (A) 128084
of section 5751.08 of the Revised Code for the same period of 128085

time. Nothing in this division bars an assessment against a 128086
taxpayer that fails to file a return required by this chapter or 128087
that files a fraudulent return. 128088

(G) If the tax commissioner possesses information that 128089
indicates that the amount of tax a taxpayer is required to pay 128090
under this chapter exceeds the amount the taxpayer paid, the tax 128091
commissioner may audit a sample of the taxpayer's gross receipts 128092
over a representative period of time to ascertain the amount of 128093
tax due, and may issue an assessment based on the audit. The tax 128094
commissioner shall make a good faith effort to reach agreement 128095
with the taxpayer in selecting a representative sample. The tax 128096
commissioner may apply a sampling method only if the 128097
commissioner has prescribed the method by rule. 128098

(H) If the whereabouts of a person subject to this chapter 128099
is not known to the tax commissioner, the commissioner shall 128100
follow the procedures under section 5703.37 of the Revised Code. 128101

Sec. 5751.98. (A) To provide a uniform procedure for 128102
calculating the amount of tax due under this chapter, a taxpayer 128103
shall claim any credits to which it is entitled in the following 128104
order: 128105

The nonrefundable jobs retention credit under division (B) 128106
of section 5751.50 of the Revised Code; 128107

The nonrefundable credit for qualified research expenses 128108
under division (B) of section 5751.51 of the Revised Code; 128109

The nonrefundable credit for a borrower's qualified 128110
research and development loan payments under division (B) of 128111
section 5751.52 of the Revised Code; 128112

The nonrefundable credit for calendar years 2010 to 2029 128113
for unused net operating losses under division (B) of section 128114

5751.53 of the Revised Code; 128115

The refundable motion picture and Broadway theatrical 128116
production credit under section 5751.54 of the Revised Code; 128117

~~The refundable credit for film and theater capital 128118
improvement projects under section 5751.55 of the Revised Code; 128119~~

The refundable jobs creation credit or job retention 128120
credit under division (A) of section 5751.50 of the Revised 128121
Code; 128122

The refundable credit for calendar year 2030 for unused 128123
net operating losses under division (C) of section 5751.53 of 128124
the Revised Code. 128125

(B) For any credit except the refundable credits 128126
enumerated in this section, the amount of the credit for a tax 128127
period shall not exceed the tax due after allowing for any other 128128
credit that precedes it in the order required under this 128129
section. Any excess amount of a particular credit may be carried 128130
forward if authorized under the section creating the credit. 128131

Sec. 5753.05. (A) (1) A taxpayer who fails to file a return 128132
or to remit the tax due as required by section 5753.04 of the 128133
Revised Code shall pay a penalty not to exceed the greater of 128134
five hundred dollars or ten per cent of the tax due. 128135

(2) If the tax commissioner finds additional tax to be 128136
due, the tax commissioner may impose an additional penalty of up 128137
to fifteen per cent of the additional tax found to be due. A 128138
delinquent payment of tax made as the result of a notice or an 128139
audit is subject to the additional penalty imposed by this 128140
division. 128141

(3) If a taxpayer fails to file a return electronically or 128142

to remit the tax electronically, the tax commissioner may impose 128143
an additional penalty of fifty dollars or ten per cent of the 128144
tax due as shown on the return, whichever is greater. 128145

(B) If the tax due under section 5753.02 or 5753.021 of 128146
the Revised Code is not timely paid, the taxpayer shall pay 128147
interest at the rate per annum prescribed in section 5703.47 of 128148
the Revised Code beginning on the day the tax was due through 128149
the day the tax is paid or an assessment is issued, whichever 128150
occurs first. 128151

(C) The tax commissioner shall collect any penalty or 128152
interest as if it were the tax levied by section 5753.02 or 128153
5753.021 of the Revised Code, as applicable. Penalties and 128154
interest shall be treated as if they were revenue arising from 128155
the applicable tax. 128156

~~(D) The tax commissioner may abate all or a portion of any 128157
penalty imposed under this section and may adopt rules governing 128158
abatements. 128159~~

~~(E) If a casino operator or sports gaming proprietor fails 128160
to file a return or remit the tax due as required by section 128161
5753.04 of the Revised Code within a period of one year after 128162
the due date for filing the return or remitting the tax, the 128163
Ohio casino control commission may suspend the operator's or 128164
proprietor's license. 128165~~

Sec. 5753.07. (A) (1) The tax commissioner may issue an 128166
assessment, based on any information in the tax commissioner's 128167
possession, against a taxpayer who fails to pay the tax levied 128168
under section 5753.02 or 5753.021 of the Revised Code or to file 128169
a return under section 5753.04 of the Revised Code. The tax 128170
commissioner shall give the taxpayer written notice of the 128171

assessment under section 5703.37 of the Revised Code. With the 128172
notice, the tax commissioner shall include instructions on how 128173
to petition for reassessment and on how to request a hearing 128174
with respect to the petition. 128175

(2) Unless the taxpayer, within sixty days after service 128176
of the notice of assessment, files with the tax commissioner, ~~either personally or by certified mail,~~ 128177
~~a written petition~~ 128178
signed by the taxpayer, or by the taxpayer's authorized agent 128179
who has knowledge of the facts, the assessment becomes final, 128180
and the amount of the assessment is due and payable from the 128181
taxpayer to the treasurer of state. The petition shall indicate 128182
the taxpayer's objections to the assessment. Additional 128183
objections may be raised in writing if they are received by the 128184
tax commissioner before the date shown on the final 128185
determination. 128186

(3) If a petition for reassessment has been properly 128187
filed, the tax commissioner shall proceed under section 5703.60 128188
of the Revised Code. 128189

(4) After an assessment becomes final, if any portion of 128190
the assessment, including penalties and accrued interest, 128191
remains unpaid, the tax commissioner may file a certified copy 128192
of the entry making the assessment final in the office of the 128193
clerk of the court of common pleas of Franklin county or in the 128194
office of the clerk of the court of common pleas of the county 128195
in which the taxpayer resides, the taxpayer's casino facility or 128196
sports gaming facility is located, or the taxpayer's principal 128197
place of business in this state is located. Immediately upon the 128198
filing of the entry, the clerk shall enter a judgment for the 128199
state against the taxpayer assessed in the amount shown on the 128200
entry. The judgment may be filed by the clerk in a loose-leaf 128201

book entitled, "special judgments for the gross casino revenue 128202
tax and sports gaming receipts tax." The judgment has the same 128203
effect as other judgments. Execution shall issue upon the 128204
judgment at the request of the tax commissioner, and all laws 128205
applicable to sales on execution apply to sales made under the 128206
judgment. 128207

(5) If the assessment is not paid in its entirety within 128208
sixty days after the day the assessment was issued, the portion 128209
of the assessment consisting of tax due shall bear interest at 128210
the rate per annum prescribed by section 5703.47 of the Revised 128211
Code from the day the tax commissioner issued the assessment 128212
until the assessment is paid or until it is certified to the 128213
attorney general for collection under section 131.02 of the 128214
Revised Code, whichever comes first. If the unpaid portion of 128215
the assessment is certified to the attorney general for 128216
collection, the entire unpaid portion of the assessment shall 128217
bear interest at the rate per annum prescribed by section 128218
5703.47 of the Revised Code from the date of certification until 128219
the date it is paid in its entirety. Interest shall be paid in 128220
the same manner as the tax levied under section 5753.02 or 128221
5753.021 of the Revised Code, as applicable, and may be 128222
collected by the issuance of an assessment under this section. 128223

(B) If the tax commissioner believes that collection of 128224
the tax levied under section 5753.02 or 5753.021 of the Revised 128225
Code will be jeopardized unless proceedings to collect or secure 128226
collection of the tax are instituted without delay, the 128227
commissioner may issue a jeopardy assessment against the 128228
taxpayer that is liable for the tax. Immediately upon the 128229
issuance of a jeopardy assessment, the tax commissioner shall 128230
file an entry with the clerk of the court of common pleas in the 128231
manner prescribed by division (A) (4) of this section, and the 128232

clerk shall proceed as directed in that division. Notice of the 128233
jeopardy assessment shall be served on the taxpayer or the 128234
taxpayer's authorized agent under section 5703.37 of the Revised 128235
Code within five days after the filing of the entry with the 128236
clerk. The total amount assessed is immediately due and payable, 128237
unless the taxpayer assessed files a petition for reassessment 128238
under division (A) (2) of this section and provides security in a 128239
form satisfactory to the tax commissioner that is in an amount 128240
sufficient to satisfy the unpaid balance of the assessment. If a 128241
petition for reassessment has been filed, and if satisfactory 128242
security has been provided, the tax commissioner shall proceed 128243
under division (A) (3) of this section. Full or partial payment 128244
of the assessment does not prejudice the tax commissioner's 128245
consideration of the petition for reassessment. 128246

(C) The tax commissioner shall immediately forward to the 128247
treasurer of state all amounts the tax commissioner receives 128248
under this section, and the amounts forwarded shall be treated 128249
as if they were revenue arising from the tax levied under 128250
section 5753.02 or 5753.021 of the Revised Code, as applicable. 128251

(D) Except as otherwise provided in this division, no 128252
assessment shall be issued against a taxpayer for the tax levied 128253
under section 5753.02 or 5753.021 of the Revised Code more than 128254
four years after the due date for filing the return for the tax 128255
period for which the tax was reported, or more than four years 128256
after the return for the tax period was filed, whichever is 128257
later. This division does not bar an assessment against a 128258
taxpayer who fails to file a return as required by section 128259
5753.04 of the Revised Code or who files a fraudulent return, or 128260
when the taxpayer and the tax commissioner waive in writing the 128261
time limitation. 128262

(E) If the tax commissioner possesses information that 128263
indicates that the amount of tax a taxpayer is liable to pay 128264
under section 5753.02 or 5753.021 of the Revised Code exceeds 128265
the amount the taxpayer paid, the tax commissioner may audit a 128266
sample of the taxpayer's gross casino revenue or sports gaming 128267
receipts, as applicable, over a representative period of time to 128268
ascertain the amount of tax due, and may issue an assessment 128269
based on the audit. The tax commissioner shall make a good faith 128270
effort to reach agreement with the taxpayer in selecting a 128271
representative sample. The tax commissioner may apply a sampling 128272
method only if the tax commissioner has prescribed the method by 128273
rule. 128274

(F) If the whereabouts of a taxpayer who is liable for the 128275
tax levied under section 5753.02 or 5753.021 of the Revised Code 128276
are unknown to the tax commissioner, the tax commissioner shall 128277
proceed under section 5703.37 of the Revised Code. 128278

Sec. 5907.11. ~~(A)~~ The superintendent of the Ohio veterans' 128279
homes, with the approval of the director of veterans services, 128280
may establish a local fund for each veterans' home to be used 128281
for the entertainment and welfare of the residents of the home. 128282
Each fund shall be designated as the residents' benefit fund and 128283
shall be operated for the exclusive benefit of the residents of 128284
the associated home. Each fund shall receive all revenue from 128285
the sale of commissary items at the associated home and shall 128286
receive all moneys received as donations by the associated home 128287
from any source. 128288

~~(B) The superintendent, subject to the approval of the~~ 128289
~~director, shall establish rules for the operation of the~~ 128290
~~residents' benefit funds.~~ 128291

Sec. 5907.17. (A) As used in this section, 128292

~~"physician"~~"clinician" means ~~an individual authorized under~~ 128293
~~Chapter 4731. of the Revised Code to practice medicine and~~ 128294
~~surgery or osteopathic medicine and surgery~~any of the following: 128295

(1) An advanced practice registered nurse, licensed 128296
practical nurse, physician, physician's assistant, or registered 128297
nurse as defined in section 4723.01 of the Revised Code; 128298

(2) An individual registered in the state nurse aide 128299
registry pursuant to section 3721.32 of the Revised Code; 128300

(3) Any Ohio veterans' home employee who is a licensed 128301
medical professional in this state and is not exempt from a 128302
student loan repayment program under a union contract or other 128303
law. 128304

(B) The department of veterans services may establish a 128305
~~physician-clinician~~ recruitment program under which the 128306
department agrees to repay all or part of the principal and 128307
interest of a governmental or other educational loan incurred by 128308
a ~~physician-clinician~~ who agrees to provide services to 128309
institutions under the department's administration. 128310

(C) A ~~physician-clinician~~ is eligible to participate in 128311
the recruitment program if the ~~physician attended a medical or-~~ 128312
~~osteopathic medical school that was, at the time of attendance,~~ 128313
~~either located in the United States and accredited by the~~ 128314
~~liaison committee on medical education or the American-~~ 128315
~~osteopathic association or located outside the United States and~~ 128316
~~acknowledged by the world health organization and verified by a~~ 128317
~~member state of that organization as operating within that~~ 128318
~~state's jurisdiction~~clinician meets all of the following 128319
requirements: 128320

(1) The clinician is licensed in this state by the 128321

appropriate licensing authority and works in that discipline at 128322
an Ohio veterans' home; 128323

(2) The clinician has worked at an Ohio veterans' home for 128324
at least one year; 128325

(3) The clinician has not been subject to formal 128326
discipline while employed by an Ohio veterans' home; 128327

(4) The clinician provides evidence sufficient for the 128328
director of veterans services, or the director's designee, to 128329
determine that the clinician attended a school or medical 128330
program accredited by a national or regional accrediting 128331
organization; 128332

(5) The clinician agrees to the contract terms subject to 128333
division (D) of this section and any rules adopted under 128334
division (E) of this section. 128335

(D) The department and each ~~physician-clinician~~ it 128336
recruits shall enter into a contract that includes all of the 128337
following terms: 128338

(1) The ~~physician-clinician~~ agrees to maintain appropriate 128339
licensure and provide a specified scope of ~~medical or~~ 128340
~~osteopathic medical health care~~ services for a specified number 128341
of hours per week and for a specified number of years of one or 128342
more years to ~~patients residents of one or more specified~~ 128343
~~institutions administered by the department~~the Ohio veterans' 128344
homes. 128345

(2) The department agrees to repay all or a specified 128346
portion of the principal and interest of a governmental or other 128347
educational loan taken by the ~~physician-clinician~~ for the 128348
following expenses if the ~~physician-clinician~~ meets the service 128349
obligation agreed to and the expenses were incurred while the 128350

~~physician-clinician~~ was enrolled in, for up to a maximum of four 128351
years, a school or medical program accredited by a national or 128352
regional accrediting organization~~that qualifies the physician to~~ 128353
~~participate in the program:~~ 128354

(a) Tuition; 128355

(b) Other educational expenses for specific purposes, 128356
including fees, books, and laboratory expenses, in amounts 128357
determined to be reasonable in accordance with rules adopted 128358
under division (E) of this section; 128359

(c) Room and board, in an amount determined to be 128360
reasonable in accordance with rules adopted under division (E) 128361
of this section. 128362

(3) The ~~physician-clinician~~ agrees to pay the department a 128363
specified amount, which shall be not less than the amount 128364
already paid by the department pursuant to its agreement, as 128365
damages if the ~~physician-clinician~~ fails to complete the service 128366
obligation agreed to or fails to comply with other specified 128367
terms of the contract. The contract may vary the amount of 128368
damages based on the portion of the ~~physician's-clinician's~~ 128369
service obligation that remains uncompleted as determined by the 128370
department. 128371

(4) Other terms agreed upon by the parties. 128372

(E) The department shall adopt rules under Chapter 119. of 128373
the Revised Code that establish all of the following: 128374

(1) Criteria for designating institutions for which 128375
~~physicians-clinicians~~ will be recruited; 128376

(2) Criteria for selecting ~~physicians-clinicians~~ for 128377
participation in the program; 128378

(3) Criteria for determining the portion of a ~~physician's~~
clinician's loan that the department will agree to repay; 128379
128380

(4) Criteria for determining reasonable amounts of the 128381
expenses described in divisions (D) (2) (b) and (c) of this 128382
section; 128383

(5) Procedures for monitoring compliance by ~~physicians~~
clinicians with the terms of their contracts; and 128384
128385

(6) Any other criteria or procedures necessary to 128386
implement the program. 128387

(F) The director or the director's designee may allocate 128388
funds among clinicians recruited under the program for any 128389
purpose the director or director's designee considers necessary 128390
to best serve clinician staffing needs, including department 128391
eligibility for benefits from incentive programs from federal or 128392
other entities, in consideration of maximizing the overall 128393
benefit to the Ohio veterans' homes. 128394

Sec. 6111.01. As used in this chapter: 128395

(A) "Pollution" means the placing of any sewage, sludge, 128396
sludge materials, industrial waste, or other wastes in any 128397
waters of the state. 128398

(B) "Sewage" means any liquid waste containing sludge, 128399
sludge materials, or animal or vegetable matter in suspension or 128400
solution, and may include household wastes as commonly 128401
discharged from residences and from commercial, institutional, 128402
or similar facilities. 128403

(C) "Industrial waste" means any liquid, gaseous, or solid 128404
waste substance resulting from any process of industry, 128405
manufacture, trade, or business, or from the development, 128406

processing, or recovery of any natural resource, together with 128407
such sewage as is present. 128408

(D) "Other wastes" means garbage, refuse, decayed wood, 128409
sawdust, shavings, bark, and other wood debris, lime, sand, 128410
ashes, offal, night soil, oil, tar, coal dust, dredged or fill 128411
material, or silt, other substances that are not sewage, sludge, 128412
sludge materials, or industrial waste, and any other 128413
"pollutants" or "toxic pollutants" as defined in the Federal 128414
Water Pollution Control Act that are not sewage, sludge, sludge 128415
materials, or industrial waste. 128416

(E) "Sewerage system" means pipelines or conduits, pumping 128417
stations, and force mains, and all other constructions, devices, 128418
appurtenances, and facilities used for collecting or conducting 128419
water-borne sewage, industrial waste, or other wastes to a point 128420
of disposal or treatment, but does not include plumbing 128421
fixtures, building drains and subdrains, building sewers, and 128422
building storm sewers. 128423

(F) "Treatment works" means any plant, disposal field, 128424
lagoon, dam, pumping station, building sewer connected directly 128425
to treatment works, incinerator, or other works used for the 128426
purpose of treating, stabilizing, blending, composting, or 128427
holding sewage, sludge, sludge materials, industrial waste, or 128428
other wastes, except as otherwise defined. 128429

(G) "Disposal system" means a system for disposing of 128430
sewage, sludge, sludge materials, industrial waste, or other 128431
wastes and includes sewerage systems and treatment works. 128432

(H) "Waters of the state" means all streams, lakes, ponds, 128433
marshes, watercourses, waterways, wells, springs, irrigation 128434
systems, drainage systems, and other bodies or accumulations of 128435

water, surface and underground, natural or artificial, 128436
regardless of the depth of the strata in which underground water 128437
is located, that are situated wholly or partly within, or border 128438
upon, this state, or are within its jurisdiction, except those 128439
private waters that do not combine or effect a junction with 128440
natural surface or underground waters. "Waters of the state" 128441
does not include an ephemeral feature for which the United 128442
States army corps of engineers lacks the authority to issue a 128443
permit under 33 U.S.C. 1344. 128444

(I) "Person" means the state, any municipal corporation, 128445
any other political subdivision of the state, any person as 128446
defined in section 1.59 of the Revised Code, any interstate body 128447
created by compact, or the federal government or any department, 128448
agency, or instrumentality thereof. 128449

(J) "Industrial water pollution control facility" means 128450
any disposal system or any treatment works, pretreatment works, 128451
appliance, equipment, machinery, pipeline or conduit, pumping 128452
station, force main, or installation constructed, used, or 128453
placed in operation primarily for the purpose of collecting or 128454
conducting industrial waste to a point of disposal or treatment; 128455
reducing, controlling, or eliminating water pollution caused by 128456
industrial waste; or reducing, controlling, or eliminating the 128457
discharge into a disposal system of industrial waste or what 128458
would be industrial waste if discharged into the waters of the 128459
state. 128460

(K) "Schedule of compliance" means a schedule of remedial 128461
measures including an enforceable sequence of actions or 128462
operations leading to compliance with standards and rules 128463
adopted under sections 6111.041 and 6111.042 of the Revised Code 128464
or compliance with terms and conditions of permits set under 128465

division (J) of section 6111.03 of the Revised Code. 128466

(L) "Federal Water Pollution Control Act" means the 128467
"Federal Water Pollution Control Act Amendments of 1972," 86 128468
Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean Water Act 128469
of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, and all other 128470
amendments to that act. 128471

(M) "Historically channelized watercourse" means the 128472
portion of a watercourse on which an improvement, as defined in 128473
divisions (C) (2) to (4) of section 6131.01 of the Revised Code, 128474
was constructed pursuant to Chapter 940., 6131., or 6133. of the 128475
Revised Code or a similar state law that preceded any of those 128476
chapters and authorized such an improvement. 128477

(N) "Sludge" means sewage sludge and a solid, semi-solid, 128478
or liquid residue that is generated from an industrial 128479
wastewater treatment process and that is applied to land for 128480
agronomic benefit. "Sludge" does not include ash generated 128481
during the firing of sludge in a sludge incinerator, grit and 128482
screening generated during preliminary treatment of sewage in a 128483
treatment works, animal manure, residue generated during 128484
treatment of animal manure, or domestic septage. 128485

(O) "Sludge materials" means solid, semi-solid, or liquid 128486
materials derived from sludge and includes products from a 128487
treatment works that result from the treatment, blending, or 128488
composting of sludge. 128489

(P) "Storage of sludge" means the placement of sludge on 128490
land on which the sludge remains for not longer than two years, 128491
but does not include the placement of sludge on land for 128492
treatment. 128493

(Q) "Sludge disposal program" means any program used by an 128494

entity that begins with the generation of sludge and includes 128495
treatment or disposal of the sludge, as "treatment" and 128496
"disposal" are defined in division ~~(Y)~~(X) of section 3745.11 of 128497
the Revised Code. 128498

(R) "Agronomic benefit" means any process that promotes or 128499
enhances plant growth and includes, but is not limited to, a 128500
process that increases soil fertility and moisture retention. 128501

(S) "Sludge management" means the use, storage, treatment, 128502
or disposal of, and management practices related to, sludge and 128503
sludge materials. 128504

(T) "Sludge management permit" means a permit for sludge 128505
management that is issued under division (J) of section 6111.03 128506
of the Revised Code. 128507

(U) "Sewage sludge" has the same meaning as in division 128508
~~(Y)~~(X) of section 3745.11 of the Revised Code. 128509

(V) "Ephemeral feature" means surface water flowing or 128510
pooling only in direct response to precipitation, such as rain 128511
or snow. "Ephemeral feature" does not include a wetland, as 128512
defined in section 6111.02 of the Revised Code. 128513

Sec. 6111.04. (A) Both of the following apply except as 128514
otherwise provided in division (A) or (F) of this section: 128515

(1) No person shall cause pollution or place or cause to 128516
be placed any sewage, sludge, sludge materials, industrial 128517
waste, or other wastes in a location where they cause pollution 128518
of any waters of the state. 128519

(2) Such an action prohibited under division (A) (1) of 128520
this section is hereby declared to be a public nuisance. 128521

Divisions (A) (1) and (2) of this section do not apply if 128522

the person causing pollution or placing or causing to be placed 128523
wastes in a location in which they cause pollution of any waters 128524
of the state holds a valid, unexpired permit, or renewal of a 128525
permit, governing the causing or placement as provided in 128526
sections 6111.01 to 6111.08 of the Revised Code or if the 128527
person's application for renewal of such a permit is pending. 128528

(B) If the director of environmental protection 128529
administers a sludge management program pursuant to division (R) 128530
of section 6111.03 of the Revised Code, both of the following 128531
apply except as otherwise provided in division (B) or (F) of 128532
this section: 128533

(1) No person, in the course of sludge management, shall 128534
place on land located in the state or release into the air of 128535
the state any sludge or sludge materials. 128536

(2) An action prohibited under division (B)(1) of this 128537
section is hereby declared to be a public nuisance. 128538

Divisions (B)(1) and (2) of this section do not apply if 128539
the person placing or releasing the sludge or sludge materials 128540
holds a valid, unexpired permit, or renewal of a permit, 128541
governing the placement or release as provided in sections 128542
6111.01 to 6111.08 of the Revised Code or if the person's 128543
application for renewal of such a permit is pending. 128544

(C) No person to whom a permit has been issued shall place 128545
or discharge, or cause to be placed or discharged, in any waters 128546
of the state any sewage, sludge, sludge materials, industrial 128547
waste, or other wastes in excess of the permissive discharges 128548
specified under an existing permit without first receiving a 128549
permit from the director to do so. 128550

(D) No person to whom a sludge management permit has been 128551

issued shall place on the land or release into the air of the 128552
state any sludge or sludge materials in excess of the permissive 128553
amounts specified under the existing sludge management permit 128554
without first receiving a modification of the existing sludge 128555
management permit or a new sludge management permit to do so 128556
from the director. 128557

(E) The director may require the submission of plans, 128558
specifications, and other information that the director 128559
considers relevant in connection with the issuance of permits. 128560

(F) This section does not apply to any of the following: 128561

(1) Waters used in washing sand, gravel, other aggregates, 128562
or mineral products when the washing and the ultimate disposal 128563
of the water used in the washing, including any sewage, 128564
industrial waste, or other wastes contained in the waters, are 128565
entirely confined to the land under the control of the person 128566
engaged in the recovery and processing of the sand, gravel, 128567
other aggregates, or mineral products and do not result in the 128568
pollution of waters of the state; 128569

(2) Water, gas, or other material injected into a well to 128570
facilitate, or that is incidental to, the production of oil, 128571
gas, artificial brine, or water derived in association with oil 128572
or gas production and disposed of in a well, in compliance with 128573
a permit issued under Chapter 1509. of the Revised Code, or 128574
sewage, industrial waste, or other wastes injected into a well 128575
in compliance with an injection well operating permit. Division 128576
(F) (2) of this section does not authorize, without a permit, any 128577
discharge that is prohibited by, or for which a permit is 128578
required by, regulation of the United States environmental 128579
protection agency. 128580

(3) Application of any materials to land for agricultural 128581
purposes or runoff of the materials from that application or 128582
pollution by residual farm products, manure, or soil sediment, 128583
including attached substances, resulting from farming, 128584
silvicultural, or earthmoving activities regulated by Chapter 128585
307. or 939. of the Revised Code. Division (F)(3) of this 128586
section does not authorize, without a permit, any discharge that 128587
is prohibited by, or for which a permit is required by, the 128588
Federal Water Pollution Control Act or regulations adopted under 128589
it. As used in division (F)(3) of this section, "residual farm 128590
products" and "manure" have the same meanings as in section 128591
939.01 of the Revised Code. 128592

(4) The excrement of domestic and farm animals defecated 128593
on land or runoff therefrom into any waters of the state. 128594
Division (F)(4) of this section does not authorize, without a 128595
permit, any discharge that is prohibited by, or for which a 128596
permit is required by, the Federal Water Pollution Control Act 128597
or regulations adopted under it. 128598

(5) On and after the date on which the United States 128599
environmental protection agency approves the NPDES program 128600
submitted by the director of agriculture under section 903.08 of 128601
the Revised Code, any discharge that is within the scope of the 128602
approved NPDES program submitted by the director of agriculture; 128603

(6) The discharge of sewage, industrial waste, or other 128604
wastes into a sewerage system tributary to a treatment works. 128605
Division (F)(6) of this section does not authorize any discharge 128606
into a publicly owned treatment works in violation of a 128607
pretreatment program applicable to the publicly owned treatment 128608
works or any discharge to a privately owned treatment works in 128609
violation of any permit conditions established in accordance 128610

with 40 C.F.R. 122.44(m) . 128611

(7) A household sewage treatment system or a small flow 128612
on-site sewage treatment system, as applicable, as defined in 128613
section 3718.01 of the Revised Code that is installed in 128614
compliance with Chapter 3718. of the Revised Code and rules 128615
adopted under it. Division (F) (7) of this section does not 128616
authorize, without a permit, any discharge that is prohibited 128617
by, or for which a permit is required by, regulation of the 128618
United States environmental protection agency. 128619

(8) Exceptional quality sludge generated outside of this 128620
state and contained in bags or other containers not greater than 128621
one hundred pounds in capacity. As used in division (F) (8) of 128622
this section, "exceptional quality sludge" has the same meaning 128623
as in division ~~(Y)~~ (X) of section 3745.11 of the Revised Code. 128624

(G) The holder of a permit issued under section 402 (a) of 128625
the Federal Water Pollution Control Act need not obtain a permit 128626
for a discharge authorized by the permit until its expiration 128627
date. Except as otherwise provided in this division, the 128628
director of environmental protection shall administer and 128629
enforce those permits within this state and may modify their 128630
terms and conditions in accordance with division (J) of section 128631
6111.03 of the Revised Code. On and after the date on which the 128632
United States environmental protection agency approves the NPDES 128633
program submitted by the director of agriculture under section 128634
903.08 of the Revised Code, the director of agriculture shall 128635
administer and enforce those permits within this state that are 128636
issued for any discharge that is within the scope of the 128637
approved NPDES program submitted by the director of agriculture. 128638

Section 101.02. That existing sections 3.15, 9.03, 9.07, 128639
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and 6111.04 of the Revised Code are hereby repealed. 128830

Section 105.01. That sections 9.47, 101.38, 103.72, 128831

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3701.0212, 3701.051, 3780.18, 3780.19, 3780.22, 3780.23, 128842
4729.551, 4758.18, 4758.241, 4758.50, 4758.52, 4928.57, 128843
4928.581, 4928.582, 4928.583, 5104.08, 5104.52, 5123.352, 128844
5123.603, 5163.05, 5165.261, 5166.45, 5180.23, 5180.24, 5180.34, 128845
5310.05, 5310.06, 5310.07, 5310.08, 5310.09, 5310.10, 5310.11, 128846
5310.12, 5310.13, 5310.14, 5537.24, 5726.59, 5745.13, 5747.67, 128847
5747.75, 5751.55, 5902.06, and 5902.20 of the Revised Code are 128848
hereby repealed. 128849

Section 105.10. That section 3354.24 of the Revised Code 128850
is hereby repealed, effective June 30, 2027. 128851

Section 107.10. That Section 733.61 of H.B. 166 of the 128852
133rd General Assembly (as amended by H.B. 33 of the 135th 128853
General Assembly) be amended to codify it as section 3313.6033 128854
of the Revised Code to read as follows: 128855

Sec. ~~733.61~~ 3313.6033. (A) Notwithstanding section 128856
3319.236 of the Revised Code, ~~for the 2019-2020 school year~~ 128857
~~through the 2024-2025 school year only,~~ a school district, 128858
community school established under Chapter 3314. of the Revised 128859
Code, or science, technology, engineering, and mathematics 128860
school established under Chapter 3326. of the Revised Code may 128861

permit an individual who holds a valid educator license in any 128862
of grades kindergarten through twelve to teach a computer 128863
science course if, ~~prior to teaching the course~~ in the last five 128864
years, the individual ~~completes~~ has completed a professional 128865
development program approved by the district superintendent or 128866
school principal that provides content knowledge specific to the 128867
course the individual will teach. To continue teaching computer 128868
science under this section, an individual shall complete the 128869
professional development program every five years in accordance 128870
with the educator licensure recertification process. The 128871
superintendent or principal shall approve any professional 128872
development program endorsed by the organization that creates 128873
and administers the national ~~Advanced Placement~~ advanced 128874
placement examinations as appropriate for the course the 128875
individual will teach. 128876

(B) Nothing in this section shall permit an individual 128877
described in division (A) of this section to teach a computer 128878
science course in a school district or school other than the 128879
school district or school that employed the individual at the 128880
time the individual completed the professional development 128881
program required by that division. 128882

(C) ~~Beginning July 1, 2025, a school district or public~~ 128883
~~school shall permit an individual to teach a computer science~~ 128884
~~course only in accordance with section 3319.236 of the Revised~~ 128885
~~Code.~~ 128886

~~(D)~~ Notwithstanding section 3301.012 of the Revised Code, 128887
as used in this section, "computer science course" means any 128888
course that is reported in the education management information 128889
system established under section 3301.0714 of the Revised Code 128890
as a computer science course. 128891

Section 107.11. That existing Section 733.61 of H.B. 166 128892
of the 133rd General Assembly (as amended by H.B. 33 of the 128893
135th General Assembly) is hereby repealed. 128894

Section 125.10. The amendment by this act of section 128895
4785.041 of the Revised Code does not supersede the repeal of 128896
that section on April 3, 2033, as prescribed by Sections 4 and 5 128897
of H.B. 107 of the 134th General Assembly. 128898

Section 201.10. APPROPRIATIONS 128899

Except as otherwise provided in this act, all 128900
appropriation items in this act are appropriated out of any 128901
moneys in the state treasury to the credit of the designated 128902
fund that are not otherwise appropriated. For all appropriations 128903
made in this act, the amounts in the first column are for fiscal 128904
year 2026 and the amounts in the second column are for fiscal 128905
year 2027. 128906

Section 203.10. 128907

128908

	1	2	3	4	5
A	ACC ACCOUNTANCY BOARD OF OHIO				
B	Dedicated Purpose Fund Group				
C	4J80	889601	CPA Education Assistance	\$260,000	\$275,000
D	4K90	889609	Operating Expenses	\$1,359,075	\$1,400,531
E	Dedicated Purpose Fund Group Total			\$1,619,075	\$1,675,531
F	TOTAL ALL BUDGET FUND GROUPS			\$1,619,075	\$1,675,531

Section 205.10. 128909

128910

	1	2	3	4	5
A			ADJ ADJUTANT GENERAL		
B			General Revenue Fund		
C	GRF	745401	Ohio Military Reserve	\$56,162	\$56,162
D	GRF	745404	Air National Guard	\$2,782,794	\$2,821,658
E	GRF	745407	National Guard Benefits	\$174,000	\$174,000
F	GRF	745409	Central Administration	\$3,585,342	\$3,684,085
G	GRF	745499	Army National Guard	\$6,319,611	\$6,385,948
H	GRF	745503	Ohio Cyber Reserve	\$1,151,000	\$1,151,000
I	GRF	745504	Ohio Cyber Range	\$2,650,000	\$2,650,000
J	GRF	745505	State Active Duty	\$70,000	\$70,000
K			General Revenue Fund Total	\$16,788,909	\$16,992,853
L			Dedicated Purpose Fund Group		
M	5340	745612	Property Operations Management	\$682,195	\$682,292
N	5360	745620	Camp Perry and Buckeye Inn Operations	\$1,064,057	\$1,074,431
O	5370	745604	Ohio National Guard Facilities Maintenance	\$60,131	\$60,131

P	5U80 745613 Community Match Armories	\$349,965	\$349,965
Q	Dedicated Purpose Fund Group Total	\$2,156,348	\$2,166,819
R	Federal Fund Group		
S	3420 745616 Army National Guard Service Agreement	\$24,076,820	\$24,316,615
T	3E80 745628 Air National Guard Operations and Maintenance	\$18,934,892	\$19,380,313
U	3R80 745603 Counter Drug Operations	\$26,606	\$26,606
V	Federal Fund Group Total	\$43,038,318	\$43,723,534
W	TOTAL ALL BUDGET FUND GROUPS	\$61,983,575	\$62,883,206

Section 205.20. NATIONAL GUARD BENEFITS 128911

The foregoing appropriation item 745407, National Guard 128912
Benefits, shall be used for purposes of sections 5919.31 and 128913
5919.33 of the Revised Code, and for administrative costs of the 128914
associated programs. 128915

If necessary, in order to pay benefits in a timely manner 128916
pursuant to sections 5919.31 and 5919.33 of the Revised Code, 128917
the Adjutant General may request that the Director of Budget and 128918
Management transfer appropriation from any appropriation item 128919
used by the Adjutant General to appropriation item 745407, 128920
National Guard Benefits. Such amounts are hereby appropriated. 128921
The Adjutant General may subsequently seek Controlling Board 128922
approval to restore the appropriation in the appropriation item 128923
from which such a transfer was made. 128924

For active duty members of the Ohio National Guard who 128925
died after October 7, 2001, while performing active duty, the 128926
death benefit, pursuant to section 5919.33 of the Revised Code, 128927
shall be paid to the beneficiary or beneficiaries designated on 128928
the member's Service members' Group Life Insurance Policy. 128929

OHIO CYBER RESERVE 128930

The foregoing appropriation item 745503, Ohio Cyber 128931
Reserve, shall be used for purposes of providing support for the 128932
administration of the Ohio Cyber Reserve, a civilian cyber 128933
reserve force that is part of the Ohio organized militia, 128934
capable of being expanded and trained to educate and protect all 128935
levels of state government, critical infrastructure, and the 128936
citizens of this state from cyber attacks and incidences under 128937
sections 5922.01, 5922.02, and 5922.08 of the Revised Code, as 128938
well as for the purpose of paying expenses related to cyber 128939
state active duty of members of the Ohio Cyber Reserve, in 128940
accordance with a proclamation or order of the Governor. 128941
Expenses include, but are not limited to, the cost of equipment, 128942
supplies, and services, as determined by the Adjutant General. 128943

OHIO CYBER RANGE 128944

The foregoing appropriation item 745504, Ohio Cyber Range, 128945
shall be used by the Adjutant General's Department to establish 128946
and maintain the cyber range for purposes of providing cyber 128947
training and education to K-12 students, higher education 128948
students, members of the Ohio National Guard, federal employees, 128949
and state and local government employees, and provide for 128950
emergency preparedness exercises and trainings. 128951

The Adjutant General's Department, in conjunction and 128952
collaboration with the Department of Administrative Services, 128953

the Department of Public Safety, the Department of Higher 128954
Education, and the Department of Education and Workforce shall 128955
establish and maintain a cyber range. The Adjutant General's 128956
Department may work with federal agencies to assist in 128957
accomplishing this objective. The state agencies identified in 128958
this paragraph may procure any necessary goods and services 128959
including, but not limited to, contracted services, hardware, 128960
networking services, maintenance costs, and the training and 128961
management costs of a cyber range. These state agencies shall 128962
determine the amount of funds each agency will contribute from 128963
available funds and appropriations enacted herein in order to 128964
establish and maintain a cyber range. 128965

STATE ACTIVE DUTY 128966

The foregoing appropriation item 745505, State Active 128967
Duty, shall be used for the purpose of paying expenses related 128968
to state active duty of members of the Ohio organized militia, 128969
not including the civilian cyber security reserve forces, in 128970
accordance with a proclamation or order of the Governor. 128971
Expenses include, but are not limited to, cost of equipment, 128972
supplies, and services, as determined by the Adjutant General. 128973

Section 207.10. 128974

128975

1 2 3 4 5

A DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

B General Revenue Fund

C	GRF	100412	Unemployment Insurance	\$1,560,000	\$1,560,000
			System Lease Rental		
			Payments		

D	GRF	100413	EDCS Lease Rental Payments	\$9,300,000	\$9,300,000
E	GRF	100414	MARCS Lease Rental Payments	\$6,450,000	\$6,450,000
F	GRF	100415	OAKS Lease Rental Payments	\$2,450,000	\$2,450,000
G	GRF	100416	STARS Lease Rental Payments	\$1,100,000	\$1,100,000
H	GRF	100447	Administrative Buildings Lease Rental Bond Payments	\$45,500,000	\$60,500,000
I	GRF	100456	State IT Services	\$978,412	\$4,512,297
J	GRF	100459	Ohio Business Gateway	\$14,825,421	\$14,868,107
K	GRF	100469	Aronoff Center Building Maintenance	\$222,000	\$222,000
L	GRF	130321	State Agency Support Services	\$29,811,000	\$29,811,000
M			General Revenue Fund Total	\$112,196,833	\$130,773,404
N			Dedicated Purpose Fund Group		
O	4K90	100673	Ohio Professionals Licensing System	\$7,175,727	\$7,439,069
P	5AB1	100674	Next Generation 9-1-1	\$3,500,000	\$0

Q	5L70	100610	Professional Development	\$2,013,841	\$2,014,854
R	5NM0	100663	9-1-1 Program	\$956,663	\$980,078
S	5V60	100619	Employee Educational Development	\$1,234,461	\$1,268,484
T	7093	100675	Next Generation 9-1-1	\$13,469,622	\$14,804,264
U			Dedicated Purpose Fund Group Total	\$28,350,314	\$26,506,749
V			Internal Service Activity Fund Group		
W	1120	100616	DAS Administration	\$14,683,912	\$15,113,177
X	1170	100644	General Services Division - Operating	\$23,091,398	\$22,574,348
Y	1220	100637	Fleet Management	\$25,449,633	\$22,866,905
Z	1250	100622	Human Resources Division - Operating	\$26,081,909	\$26,319,177
AA	1250	100657	Benefits Communication	\$620,036	\$628,275
AB	1300	100606	Risk Management Reserve	\$24,015,458	\$24,051,115
AC	1320	100631	DAS Building Management	\$53,101,399	\$54,715,341
AD	1330	100607	IT Services Delivery	\$194,935,390	\$197,374,206
AE	2100	100612	State Printing	\$31,450,162	\$32,512,922
AF	2290	100630	IT Governance	\$40,176,321	\$40,741,507

AG 2290 100640 Consolidated IT Purchases	\$28,265,838	\$28,265,838
AH 4270 100602 Investment Recovery	\$1,835,187	\$1,891,267
AI 4N60 100617 Major IT Purchases	\$3,984,131	\$3,984,131
AJ 5C20 100605 MARCS Administration	\$35,336,608	\$35,689,974
AK 5EB0 100635 OAKS Support Organization	\$101,832,561	\$104,303,226
AL 5EB0 100656 OAKS Updates and Developments	\$11,427,405	\$11,403,567
AM 5KZ0 100659 Building Improvement	\$2,276,705	\$2,777,458
AN 5LJ0 100661 IT Development	\$12,839,922	\$12,839,922
AO 5PC0 100665 Enterprise Applications	\$14,160,852	\$14,244,654
AP 5WU0 100672 Ohio Benefits	\$151,980,462	\$0
AQ Internal Service Activity Fund Group Total	\$797,545,289	\$652,297,010
AR Fiduciary Fund Group		
AS 5UH0 100670 Enterprise Transactions	\$1,590,000	\$1,640,000
AT Fiduciary Fund Group Total	\$1,590,000	\$1,640,000
AU TOTAL ALL BUDGET FUND GROUPS	\$939,682,436	\$811,217,163

Section 207.20. EDCS LEASE RENTAL PAYMENTS 128976

The foregoing appropriation item 100413, EDCS Lease Rental 128977
Payments, shall be used to make payments during the period from 128978

July 1, 2025, through June 30, 2027, pursuant to leases and 128979
agreements entered into under Chapter 125. of the Revised Code, 128980
as supplemented by Section 701.10 of H.B. 529 of the 132nd 128981
General Assembly, as amended by Section 601.10 of H.B. 166 of 128982
the 133rd General Assembly, and other prior acts of the General 128983
Assembly, with respect to financing the costs associated with 128984
the acquisition, development, implementation, and integration of 128985
the Enterprise Data Center Solutions (EDCS) information 128986
technology initiative. 128987

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL 128988
PAYMENTS 128989

The foregoing appropriation item 100414, MARCS Lease 128990
Rental Payments, shall be used to make payments during the 128991
period from July 1, 2025, through June 30, 2027, pursuant to 128992
leases and agreements entered into under Chapter 125. of the 128993
Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 128994
of the 130th General Assembly and other prior acts of the 128995
General Assembly, with respect to financing the costs associated 128996
with the acquisition, development, implementation, and 128997
integration of the Multi-Agency Radio Communications System 128998
(MARCS) upgrade. 128999

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 129000

The foregoing appropriation item 100415, OAKS Lease Rental 129001
Payments, shall be used to make payments during the period from 129002
July 1, 2025, through June 30, 2027, pursuant to leases and 129003
agreements entered into under Chapter 125. of the Revised Code, 129004
as supplemented by Section 701.10 of H.B. 529 of the 132nd 129005
General Assembly and other prior acts of the General Assembly, 129006
with respect to financing the costs associated with the 129007
acquisition, development, implementation, and integration of the 129008

Ohio Administrative Knowledge System (OAKS).	129009
STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL	129010
PAYMENTS	129011
The foregoing appropriation item 100416, STARS Lease	129012
Rental Payments, shall be used to make payments during the	129013
period from July 1, 2025, through June 30, 2027, pursuant to	129014
leases and agreements entered into under Chapter 125. of the	129015
Revised Code, as supplemented by Section 701.30 of H.B. 529 of	129016
the 132nd General Assembly and other prior acts of the General	129017
Assembly, with respect to financing the costs associated with	129018
the acquisition, development, implementation, and integration of	129019
the State Taxation Accounting and Revenue System (STARS).	129020
ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS	129021
The foregoing appropriation item 100447, Administrative	129022
Buildings Lease Rental Bond Payments, shall be used to meet all	129023
payments during the period from July 1, 2025, through June 30,	129024
2027, by the Department of Administrative Services pursuant to	129025
leases and agreements under Chapters 152. and 154. of the	129026
Revised Code. These appropriations are the source of funds	129027
pledged for bond service charges on related obligations issued	129028
under Chapters 152. and 154. of the Revised Code.	129029
DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT	129030
FUND	129031
The foregoing appropriation item 130321, State Agency	129032
Support Services, may be used to provide funding for the cost of	129033
property appraisals or building studies that the Department of	129034
Administrative Services may be required to obtain for property	129035
that is being sold by the state or property under consideration	129036
to be renovated or purchased by the state.	129037

Notwithstanding section 125.28 of the Revised Code, the 129038
foregoing appropriation item 130321, State Agency Support 129039
Services, also may be used to pay the operating expenses of 129040
state facilities maintained by the Department of Administrative 129041
Services that are not billed to building tenants, other costs 129042
associated with the Voinovich Center in Youngstown, Ohio, or 129043
costs of repairing vehicles donated pursuant to section 125.13 129044
of the Revised Code. These expenses may include, but are not 129045
limited to, the costs for vacant space and space undergoing 129046
renovation, and the rent expenses of tenants that are relocated 129047
because of building renovations. These payments may be processed 129048
by the Department of Administrative Services through intrastate 129049
transfer vouchers and placed into the Building Management Fund 129050
(Fund 1320). 129051

At least once per year, the portion of appropriation item 129052
130321, State Agency Support Services, that is not used for the 129053
regular expenses of the appropriation item may be processed by 129054
the Department of Administrative Services through intrastate 129055
transfer voucher and placed in the Building Improvement Fund 129056
(Fund 5KZ0). 129057

On July 1, 2026, or as soon as possible thereafter, the 129058
Director of Administrative Services may certify to the Director 129059
of Budget and Management an amount up to the unexpended, 129060
unencumbered balance of the foregoing appropriation item 130321, 129061
State Agency Support Services, at the end of fiscal year 2026 to 129062
be reappropriated to fiscal year 2027. The amount certified is 129063
hereby reappropriated to the same appropriation item for fiscal 129064
year 2027. 129065

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 129066

Of the foregoing appropriation item 100610, Professional 129067

Development, up to \$1,400,000 in each fiscal year shall be used 129068
to make payments from the Professional Development Fund (Fund 129069
5L70) under section 124.182 of the Revised Code. 129070

Of the foregoing appropriation item 100610, Professional 129071
Development, up to \$1,200,000 during the FY 2026-FY 2027 129072
biennium may be used by the Director of Administrative Services 129073
for the creation, staffing, and administration of the Ohio 129074
Digital Academy. The Ohio Digital Academy shall exist to 129075
generate high-tech workforce capacity and serve the state of 129076
Ohio in advanced technology and cybersecurity needs. The goals 129077
of the Ohio Digital Academy shall be to educate, train, and 129078
subsequently employ analysts in completing boot camps, 129079
certifications, or degree programs in cybersecurity, coding, 129080
software engineering, user experience designers, and related 129081
fields. 129082

In consultation with CyberOhio, the Department of 129083
Administrative Services shall have full authority to select 129084
qualified candidates for the Ohio Digital Academy. Candidates 129085
shall be subject to all applicable background checks and if 129086
selected, shall be required to commit to three years of service 129087
with the state of Ohio. Ohio Digital Academy candidates may be 129088
placed in an unclassified, administrative staff position 129089
pursuant to division (A) (30) of section 124.11 of the Revised 129090
Code for which the Director of Administrative Services is hereby 129091
given specific authority to set compensation, or with other 129092
public or private employers identified by the Department with 129093
which a partnership agreement has been established. 129094
Notwithstanding any provision of law to the contrary, the 129095
Department may use the foregoing appropriation to reimburse 129096
selected students' tuition expenses for coursework, 129097
certification achieved, or other necessary expenses, prior to 129098

acceptance in the program, which is directly attributable to the 129099
targeted skills of the program if completed within one year 129100
prior to the effective date of this section. Upon hiring, 129101
candidates shall also be eligible for reimbursement of costs for 129102
continuing education or certification at the discretion of the 129103
Director to support the development of specialized skills in the 129104
areas of information technology and cybersecurity. Each 129105
candidate shall be responsible for any tax implications 129106
associated with the tuition. The Department reserves the right 129107
to recover all or a portion of funds provided to an Ohio Digital 129108
Academy participant who fails to complete the agreed upon three 129109
years of service commitment to the state. 129110

On July 1, 2025, or as soon as possible thereafter, the 129111
Department of Administrative Services may select and enter into 129112
a subgrant agreement with a regionally accredited Ohio 129113
institution of higher education with demonstrated significant 129114
coursework and programming in cybersecurity to serve as a 129115
Digital Analyst Training Academy (D.A.T.A.) Center. The Center 129116
shall be responsible for paying for costs associated with the 129117
work of the Ohio Digital Academy as designated by the Department 129118
of Administrative Services. On behalf of the Center, the 129119
selected institution shall do all the following: 129120

(A) Provide necessary educational coursework or training 129121
for the selected students' successful completion of a 129122
certificate or degree program as prescribed by the Department of 129123
Administrative Services at no cost to the selected students; 129124

(B) Administer weekly professional development programs 129125
for students in an academic setting; 129126

(C) Prepare analysts for summer mandatory recruit training 129127
as prescribed by the Department of Administrative Services; 129128

(D) Coordinate and manage summer scenarios; 129129

(E) Submit a quarterly report to the Department of 129130
Administrative Services that contains detailed information on 129131
the amount of grant funds expended for the aforementioned 129132
purposes; 129133

(F) Submit an annual report to the Department of 129134
Administrative Services of all achievements, including a status 129135
report of all expenditures, number of students enrolled by 129136
program area, number of students graduated or certifications 129137
achieved by program area, program expansion opportunities, and 129138
projected costs to continue operating the Center. 129139

Additional Centers may be added over the biennium subject 129140
to the approval of the Director of Administrative Services. 129141

On July 1, 2026, or as soon as possible thereafter, the 129142
Director of Administrative Services may certify to the Director 129143
of Budget and Management, the unencumbered, unexpended portion 129144
remaining in appropriation item 100610, Professional Development 129145
Fund, at the end of fiscal year 2026. The certified amount is 129146
hereby reappropriated for the same purposes in fiscal year 2027. 129147

9-1-1 PROGRAM 129148

The foregoing appropriation item 100663, 9-1-1 Program, 129149
shall be used by the Department of Administrative Services to 129150
pay the administrative, marketing, and educational costs of the 129151
Statewide Emergency Services Internet Protocol Network program. 129152

EMPLOYEE EDUCATIONAL DEVELOPMENT 129153

The foregoing appropriation item 100619, Employee 129154
Educational Development, shall be used to make payments from the 129155
Employee Educational Development Fund (Fund 5V60) under section 129156

124.86 of the Revised Code. The fund shall be used to pay the 129157
costs of administering educational programs under existing 129158
collective bargaining agreements with District 1199, the Health 129159
Care and Social Service Union, Service Employees International 129160
Union; State Council of Professional Educators; Ohio Education 129161
Association and National Education Association; the Fraternal 129162
Order of Police State of Ohio, Unit 2 Association; and the Ohio 129163
State Troopers Association, Units 1 and 15. 129164

If it is determined by the Director of Budget and 129165
Management that additional amounts are necessary, the amounts 129166
are hereby appropriated. 129167

Section 207.40. GENERAL SERVICE CHARGES 129168

The Department of Administrative Services, with the 129169
approval of the Director of Budget and Management, shall 129170
establish charges for recovering the costs of administering the 129171
programs funded by the General Services Fund (Fund 1170) and the 129172
State Printing Fund (Fund 2100). 129173

COLLECTIVE BARGAINING ARBITRATION EXPENSES 129174

The Department of Administrative Services may seek 129175
reimbursement from state agencies for the actual costs and 129176
expenses the Department incurs in the collective bargaining 129177
arbitration process. The reimbursements shall be processed 129178
through intrastate transfer vouchers and credited to the Human 129179
Resources Services Fund (Fund 1250). 129180

RISK MANAGEMENT RESERVE 129181

The foregoing appropriation item 100606, Risk Management 129182
Reserve, shall be used to make payments from the Risk Management 129183
Reserve Fund (Fund 1300) pursuant to section 9.823 of the 129184
Revised Code. If the Director of Budget and Management 129185

determines that additional amounts are necessary, the amounts 129186
are hereby appropriated. 129187

CONSOLIDATED IT PURCHASES 129188

The foregoing appropriation item 100640, Consolidated IT 129189
Purchases, shall be used by the Department of Administrative 129190
Services acting as the purchasing agent for one or more 129191
government entities under the authority of division (G) of 129192
section 125.18 of the Revised Code to make information 129193
technology purchases at a lower aggregate cost than each 129194
individual government entity could have obtained independently 129195
for that information technology purchase. 129196

On July 1, 2026, or as soon as possible thereafter, the 129197
Director of Administrative Services may certify to the Director 129198
of Budget and Management an amount up to the unexpended, 129199
unencumbered balance of the foregoing appropriation item 100640, 129200
Consolidated IT Purchases, at the end of fiscal year 2026 to be 129201
reappropriated to fiscal year 2027. The amount certified is 129202
hereby reappropriated to the same appropriation item for fiscal 129203
year 2027. 129204

INVESTMENT RECOVERY FUND 129205

Notwithstanding division (B) of section 125.14 of the 129206
Revised Code, cash balances in the Investment Recovery Fund 129207
(Fund 4270) may be used to support the operating expenses of the 129208
Federal Surplus Operating Program created in sections 125.84 to 129209
125.90 of the Revised Code. 129210

MAJOR IT PURCHASES CHARGES 129211

Upon the request of the Director of Administrative 129212
Services, the Director of Budget and Management may transfer up 129213
to the amount collected for statewide indirect costs 129214

attributable to debt service paid for the enterprise data center 129215
solutions project from the General Revenue Fund to the Major 129216
Information Technology Purchases Fund (Fund 4N60). 129217

MARCS ADMINISTRATION 129218

Of the foregoing appropriation item 100605, MARCS 129219
Administration, \$10,500,000 in each fiscal year shall be used to 129220
reduce MARCS subscriber fees paid by villages, municipal 129221
corporations, townships, counties, and regional public safety 129222
and first response agencies. 129223

PROFESSIONS LICENSING SYSTEM 129224

The foregoing appropriation item, 100673, Ohio 129225
Professionals Licensing System, shall be used to purchase the 129226
equipment, products, and services necessary to update and 129227
maintain an automated licensing system for the professional 129228
licensing boards. 129229

The Department of Administrative Services shall establish 129230
charges for recovering the costs of ongoing maintenance of the 129231
system that are not otherwise recovered under section 125.18 of 129232
the Revised Code. The charges shall be proportionate to each 129233
benefiting state agency, board, or commission's use of the 129234
system. For agencies, boards, or commissions whose operations 129235
are not funded by appropriations from the Occupational Licensing 129236
and Regulatory Fund (Fund 4K90), the Director of Administrative 129237
Services shall certify to the Director of Budget and Management 129238
these entities' proportionate charges for use of the state's 129239
enterprise electronic licensing system. The Director of Budget 129240
and Management shall transfer cash equaling the certified 129241
amounts from these entities' respective operating funds into the 129242
Occupational Licensing and Regulatory Fund (Fund 4K90). 129243

On July 1, 2025, or as soon as possible thereafter, the 129244
State Board of Education shall consult with the Department of 129245
Administrative Services on the utilization of the Ohio 129246
Professional Licensing System. As part of this consultation, the 129247
State Board of Education shall consider opportunities to reduce 129248
the number of license and certification types. 129249

Section 207.45. BUILDING IMPROVEMENT FUND 129250

The foregoing appropriation item 100659, Building 129251
Improvement, shall be used to make payments from the Building 129252
Improvement Fund (Fund 5KZ0) for major maintenance or 129253
improvements required in facilities maintained by the Department 129254
of Administrative Services. The Department of Administrative 129255
Services shall conduct or contract for regular assessments of 129256
these buildings and may maintain a cash balance in Fund 5KZ0 129257
equal to the cost of the repairs and improvements that are 129258
recommended to occur within the next five years, with the 129259
following exception described below. 129260

Upon request of the Director of Administrative Services, 129261
the Director of Budget and Management may transfer cash from 129262
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay 129263
costs of operating and maintaining facilities managed by the 129264
Department of Administrative Services that are not charged to 129265
tenants during the same fiscal year. 129266

Should the cash balance in Fund 1320 be determined to be 129267
sufficient, the Director of Administrative Services may request 129268
that the Director of Budget and Management transfer cash from 129269
Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash 129270
transfer made under this section. 129271

INFORMATION TECHNOLOGY DEVELOPMENT 129272

The foregoing appropriation item 100661, IT Development, 129273
shall be used by the Department of Administrative Services to 129274
pay the costs of modernizing the state's information technology 129275
management and investment practices away from a limited, agency- 129276
specific focus in favor of a statewide methodology supporting 129277
development of enterprise solutions. This appropriation item may 129278
be used to pay the costs of enterprise information technology 129279
initiatives affecting state agencies or their customers. 129280

Notwithstanding any provision of law to the contrary, the 129281
Department of Administrative Services, with the approval of the 129282
Director of Budget and Management, may charge state agencies an 129283
information technology development assessment based on state 129284
agencies' information technology expenditures or other 129285
methodology and may assess fees or charges to entities that are 129286
not state agencies to offset the cost of specific technology 129287
events or services. The revenue from these assessments, fees, or 129288
charges shall be deposited into the Information Technology 129289
Development Fund (Fund 5LJ0), which is hereby created. 129290

ENTERPRISE APPLICATIONS 129291

The foregoing appropriation item 100665, Enterprise 129292
Applications, shall be used for the operation and management of 129293
information technology applications that support state agencies' 129294
objectives. Charges billed to benefiting agencies shall be 129295
deposited to the credit of the Enterprise Applications Fund 129296
(Fund 5PC0). 129297

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 129298

The Director of Administrative Services shall determine 129299
and implement strategies that benefit the enterprise by 129300
improving efficiency, reducing costs, or enhancing capacity of 129301

information technology (IT) services. Such improvements and 129302
efficiencies may result in the consolidation and transfer of 129303
such services. As determined to be necessary for successful 129304
implementation of this section and notwithstanding any provision 129305
of law to the contrary, the Director of Administrative Services 129306
may request the Director of Budget and Management to consolidate 129307
or transfer IT-specific budget authority between agencies or 129308
within an agency as necessary to implement enterprise IT cost 129309
containment strategies and related efficiencies. Once the 129310
Director of Budget and Management is satisfied that the proposed 129311
initiative is cost advantageous to the enterprise, the Director 129312
of Budget and Management may request Controlling Board approval 129313
to transfer appropriations, funds, and cash to implement the 129314
proposed initiative. The establishment of any new fund or 129315
additional appropriation as a result of this section shall also 129316
be subject to Controlling Board approval. 129317

The Director of Budget and Management and the Director of 129318
Administrative Services may transfer any employees, assets, and 129319
liabilities, including, but not limited to, records, contracts, 129320
and agreements in order to facilitate the improvements 129321
determined in accordance with this section. 129322

Section 207.60. It is the intent of the General Assembly 129323
that the State of Ohio purchase St. Rita School for the Deaf for 129324
an amount to be determined. The Department of Administrative 129325
Services shall determine the amount of funding needed for the 129326
state to purchase the building in which St. Rita School for the 129327
Deaf is housed and the accompanying twenty acres of land on 129328
which the building is located so that the school may become a 129329
public school under the supervision of the Ohio Deaf and Blind 129330
Education Services in accordance with Chapter 3325. of the 129331
Revised Code, as amended by this act. 129332

Section 209.10.

129333

129334

1	2	3	4	5
A	AGE DEPARTMENT OF AGING			
B	General Revenue Fund			
C	GRF	490321 Operating Expenses	\$2,044,405	\$2,083,308
D	GRF	490410 Long-Term Care Ombudsman	\$3,117,148	\$3,122,195
E	GRF	490411 Senior Community Services	\$11,257,903	\$11,295,146
F	GRF	490414 Alzheimer's and Other Dementia Respite	\$4,300,000	\$4,300,000
G	GRF	490506 National Senior Service Corps	\$222,000	\$222,000
H	GRF	490510 Community Projects	\$285,000	\$0
I	GRF	656423 Long-Term Care Budget - State	\$5,322,431	\$5,439,477
J	General Revenue Fund Total		\$26,548,887	\$26,462,126
K	Dedicated Purpose Fund Group			
L	4800	490606 Senior Community Outreach and Education	\$150,000	\$150,000
M	4C40	490609 Regional Long-Term Care Ombudsman Program	\$1,000,000	\$1,000,000

N	5BA0	490620	Long-Term Care Quality Initiatives	\$12,417,919	\$12,417,919
O	5K90	490613	Long-Term Care Consumers Guide	\$1,770,000	\$1,780,000
P	5MT0	490627	Board of Executives of Long-Term Services and Supports	\$850,000	\$875,000
Q	5T40	656625	Health Care Grants - State	\$695,940	\$695,939
R	5W10	490616	Resident Services Coordinator Program	\$262,500	\$262,500
S			Dedicated Purpose Fund Group Total	\$17,146,359	\$17,181,358
T			Federal Fund Group		
U	3220	490618	Federal Aging Grants	\$10,500,000	\$10,500,000
V	3C40	656623	Long-Term Care Budget - Federal	\$7,462,626	\$7,979,625
W	3M40	490612	Federal Independence Services	\$66,495,000	\$69,820,000
X			Federal Fund Group Total	\$84,457,626	\$88,299,625
Y			TOTAL ALL BUDGET FUND GROUPS	\$128,152,872	\$131,943,109

Section 209.20. LONG-TERM CARE 129335

Pursuant to an interagency agreement, the Department of 129336

Medicaid may designate the Department of Aging to perform 129337
assessments under section 5165.04 of the Revised Code. The 129338
Department of Aging shall provide long-term care consultations 129339
under section 173.42 of the Revised Code to assist individuals 129340
in planning for their long-term health care needs. 129341

The Department of Aging shall administer the Medicaid 129342
waiver-funded PASSPORT Home Care Program, the Assisted Living 129343
Program, and PACE as delegated by the Department of Medicaid in 129344
an interagency agreement. 129345

PERFORMANCE-BASED REIMBURSEMENT 129346

In order to improve health outcomes among populations 129347
served by PASSPORT administrative agencies, the Department of 129348
Aging, through rules adopted in accordance with Chapter 119. of 129349
the Revised Code, may design and utilize a payment method for 129350
PASSPORT administrative agency operations that includes a pay- 129351
for-performance incentive component that is earned by a PASSPORT 129352
administrative agency when defined consumer and policy outcomes 129353
are achieved. Prior to filing with the Joint Committee on Agency 129354
Rule Review, as provided in section 119.03 of the Revised Code, 129355
a proposed rule related to a payment method that includes a pay- 129356
for-performance incentive component, the Department shall submit 129357
a report to the Joint Medicaid Oversight Committee outlining the 129358
payment method. 129359

Section 209.30. MYCARE OHIO 129360

The authority of the Office of the State Long-Term Care 129361
Ombudsman as described in sections 173.14 to 173.28 of the 129362
Revised Code extends to MyCare Ohio during the period of the 129363
federal financial alignment demonstration program. 129364

SENIOR COMMUNITY SERVICES 129365

Of the foregoing appropriation item 490411, Senior 129366
Community Services, \$150,000 in each fiscal year shall be used 129367
to support the IConnect Program, administered by the 129368
Neighborhood Centers Association in Richland, Medina, Lorain, 129369
and Cuyahoga Counties. 129370

The remainder of appropriation item 490411, Senior 129371
Community Services, may be used for programs, services, and 129372
activities designated by the Department of Aging, including, but 129373
not limited to, home-delivered meals, congregate dining, 129374
transportation, personal care, respite, adult day services, home 129375
maintenance and chores, minor home modification, case 129376
management, evidence-based disease prevention and health 129377
promotion, and information assistance. Funds may also be used to 129378
provide grants to community organizations to support and expand 129379
older adult programming. Services priority shall be given to 129380
low-income, high-need persons, and/or persons with a cognitive 129381
impairment who are sixty years of age or over. The Department 129382
shall not use any of these funds for administrative expenses. 129383

NATIONAL SENIOR SERVICE CORPS 129384

The foregoing appropriation item 490506, National Senior 129385
Service Corps, may be used by the Department of Aging to fund 129386
grants to organizations that receive federal funds from the 129387
Corporation for National and Community Service to support the 129388
following Senior Corps programs: the Foster Grandparents 129389
Program, the Senior Companion Program, and the Retired Senior 129390
Volunteer Program. A recipient of these grant funds shall use 129391
the funds to support priorities established by the Department 129392
and the Ohio State Office of the Corporation for National and 129393
Community Service. Neither the Department nor any area agencies 129394
on aging that are involved in the distribution of these funds to 129395

lower-tiered grant recipients may use any portion of these funds 129396
to cover administrative costs. 129397

COMMUNITY PROJECTS 129398

The foregoing appropriation item 490510, Community 129399
Projects, shall be distributed to Jewish Family Services to 129400
support Ohio's Holocaust survivors. 129401

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 129402

The foregoing appropriation item 490627, Board of 129403
Executives of Long-Term Services and Supports, may be used by 129404
the Board of Executives of Long-Term Services and Supports to 129405
administer and enforce Chapter 4751. of the Revised Code and 129406
rules adopted under it. 129407

Section 211.10. 129408

129409

1	2	3	4	5
A	AGR DEPARTMENT OF AGRICULTURE			
B	General Revenue Fund			
C	GRF	700401 Animal Health Programs	\$8,055,500	\$8,265,900
D	GRF	700403 Dairy Division	\$1,569,000	\$1,613,000
E	GRF	700404 Ohio Proud	\$189,000	\$208,000
F	GRF	700406 Consumer Protection Lab	\$1,880,000	\$1,906,000
G	GRF	700407 Food Safety	\$1,705,000	\$1,752,000
H	GRF	700409 Farmland Preservation	\$572,000	\$588,000

I	GRF	700410	Plant Industry	\$542,000	\$594,000
J	GRF	700412	Weights and Measures	\$825,000	\$849,000
K	GRF	700415	Poultry Inspection	\$970,000	\$992,000
L	GRF	700418	Livestock Regulation Program	\$1,600,000	\$1,649,000
M	GRF	700424	Livestock Testing and Inspections	\$135,000	\$138,000
N	GRF	700426	Dangerous Animals and Emergency Management	\$708,000	\$716,000
O	GRF	700427	High Volume Breeder Kennel Control	\$1,545,000	\$1,553,000
P	GRF	700428	Soil and Water Division	\$4,679,000	\$4,857,000
Q	GRF	700429	E15 Motor Fuel Rebate Program	\$10,000,000	\$0
R	GRF	700499	Meat Inspection Program - State Share	\$8,080,000	\$8,304,000
S	GRF	700501	County Agricultural Societies	\$1,930,000	\$1,430,000
T	GRF	700509	Soil and Water District Support	\$12,527,000	\$12,533,000
U	GRF	700511	Ride Inspection	\$779,000	\$801,000
V	GRF	700674	Plant Testing	\$247,000	\$218,000

W	General Revenue Fund Total	\$58,537,500	\$48,966,900
X	Dedicated Purpose Fund Group		
Y	4900 700651 License Plates - Sustainable Agriculture	\$16,800	\$16,800
Z	4940 700612 Agricultural Commodity Marketing Program	\$125,000	\$125,000
AA	4960 700626 Ohio Grape Industries	\$1,200,000	\$1,200,000
AB	4970 700627 Grain Warehouse Program	\$500,000	\$500,000
AC	4C90 700605 Commercial Feed and Seed	\$2,273,000	\$2,329,000
AD	4D20 700609 Auction Education	\$53,000	\$54,000
AE	4E40 700606 Utility Radiological Safety	\$136,000	\$142,000
AF	4P70 700610 Food Safety Inspection	\$1,353,000	\$1,396,000
AG	4R00 700636 Ohio Proud Marketing	\$25,000	\$25,000
AH	4R20 700637 Dairy Industry Inspection	\$1,751,000	\$1,787,000
AI	4T60 700611 Poultry and Meat Inspection	\$113,500	\$117,000
AJ	5780 700620 Ride Inspection	\$1,245,000	\$1,273,000
AK	5B80 700629 Auctioneers	\$230,000	\$236,000
AL	5BV0 700660 Heidelberg Water Quality	\$275,000	\$275,000

		Lab		
AM	5BV0	700661	Soil and Water Districts	\$10,507,000 \$10,509,000
AN	5FC0	700648	Plant Pest Program	\$1,200,000 \$1,200,000
AO	5H20	700608	Metrology Lab and Scale Certification	\$1,194,000 \$1,240,000
AP	5L80	700604	Livestock Management Program	\$186,800 \$189,800
AQ	5MR0	700658	Commercial Dog Breeding	\$450,000 \$465,000
AR	5MS0	700659	Animal and Consumer Protection	\$8,400 \$8,400
AS	5QW0	700653	Watershed Assistance	\$857,000 \$832,000
AT	5WJ0	700671	Hemp Program	\$367,000 \$375,000
AU	6520	700634	Animal, Consumer, and ATL Labs	\$8,483,900 \$8,328,800
AV	6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$4,533,000 \$4,649,000
AW	6H20	700670	H2Ohio	\$33,700,000 \$33,700,000
AX			Dedicated Purpose Fund Group Total	\$70,783,400 \$70,972,800
AY			Internal Service Activity Fund Group	
AZ	5DA0	700644	Laboratory Administration	\$1,300,000 \$1,339,000

Support		
BA 5GH0 700655 Administrative Support	\$7,614,000	\$7,990,000
BB Internal Service Activity Fund Group	\$8,914,000	\$9,329,000
Total		
BC Capital Projects Fund Group		
BD 7057 700632 Clean Ohio Agricultural	\$512,000	\$515,000
Easement Operating		
BE Capital Projects Fund Group Total	\$512,000	\$515,000
BF Federal Fund Group		
BG 3260 700618 Meat Inspection Program -	\$5,891,000	\$6,133,000
Federal Share		
BH 3360 700617 Ohio Farm Loan -	\$317,000	\$200,000
Revolving		
BI 3820 700601 Federal Cooperative	\$11,612,000	\$9,669,000
Contracts		
BJ 3J40 700607 Federal Administrative	\$2,000,000	\$2,055,000
Programs		
BK 3R20 700614 Federal Plant Industry	\$6,843,000	\$7,189,000
BL Federal Fund Group Total	\$26,663,000	\$25,246,000
BM TOTAL ALL BUDGET FUND GROUPS	\$165,409,900	\$155,029,700

Of the foregoing appropriation item 700428, Soil and Water 129411
Division, \$500,000 in each fiscal year shall be used to provide 129412
grants to local governments for the purpose of developing or 129413
updating local land use plans. 129414

COUNTY AGRICULTURAL SOCIETIES 129415

Of the foregoing appropriation item 700501, County 129416
Agricultural Societies, up to \$380,000 in each fiscal year shall 129417
be used to reimburse county and independent agricultural 129418
societies for expenses related to Junior Fair activities. 129419

Of the foregoing appropriation item 700501, County 129420
Agricultural Societies, \$800,000 in each fiscal year shall be 129421
used to offset up to fifty per cent of the rental and equipment 129422
costs for state and national livestock events held at the Ohio 129423
Expo Center. 129424

Of the foregoing appropriation item 700501, County 129425
Agricultural Societies, up to \$250,000 in each fiscal year shall 129426
be used to support the Future Farmers of America, urban 129427
agriculture, and agriculture literacy programs around the state. 129428

Of the foregoing appropriation item 700501, County 129429
Agricultural Societies, \$500,000 in fiscal year 2026 shall be 129430
used to support the construction of the Mercer County 129431
Fairgrounds Grand Events Center. 129432

E15 MOTOR FUEL REBATE PROGRAM 129433

The foregoing appropriation item 700429, E15 Motor Fuel 129434
Rebate Program, shall be used to administer the E15 Motor Fuel 129435
Rebate Program established in Section 757.100 of this act. 129436

The unexpended, unencumbered portion of appropriation item 129437
700429, E15 Motor Fuel Rebate Program, at the end of fiscal year 129438

2026 is hereby reappropriated to the same appropriation item for 129439
the same purpose in fiscal year 2027. 129440

SUPPORT FOR SOIL AND WATER DISTRICTS 129441

Of the foregoing appropriation item 700509, Soil and Water 129442
District Support, \$4,200,000 in each fiscal year shall be used 129443
to support county soil and water conservation districts in 129444
priority regions as defined by the director of Agriculture, for 129445
staffing costs and to assist in soil testing and nutrient 129446
management plan development, including manure transformation and 129447
manure conversion technologies, enhanced filter strips, water 129448
management, and H2Ohio Program support. 129449

SOIL AND WATER DISTRICTS 129450

In addition to state payments to soil and water 129451
conservation districts authorized by section 940.15 of the 129452
Revised Code, the Department of Agriculture may use 129453
appropriation item 700661, Soil and Water Districts, to pay any 129454
soil and water conservation district an annual amount not to 129455
exceed \$40,000 upon receipt of a request and justification from 129456
the district and approval by the Ohio Soil and Water 129457
Conservation Commission. The county auditor shall credit the 129458
payments to the special fund established under section 940.12 of 129459
the Revised Code for use by the local soil and water 129460
conservation district. The amounts received by each district 129461
shall be expended for the purposes of the district. 129462

H2OHIO FUND 129463

The Department of Agriculture shall establish programs to 129464
assist in reducing total phosphorus, dissolved reactive 129465
phosphorus, sediment, and other nutrients in the Western Lake 129466
Erie Basin and other critical regions in the state as defined by 129467

the Director of Agriculture. 129468

The foregoing appropriation item 700670, H2Ohio, shall be 129469
used to support the programs described above, which may include, 129470
but not be limited to, the following: (1) equipment for 129471
subsurface placement of nutrients into the soil; (2) equipment 129472
for nutrient placement based on geographic information system 129473
data; (3) soil testing; (4) implementation of variable rate 129474
technology; (5) equipment implementing manure transformation and 129475
manure conversion technologies; (6) tributary monitoring; (7) 129476
best management practices recognized to reduce nutrients; (8) a 129477
revolving loan program; and (9) matching funds for the 129478
Conservation Reserve Enhancement Program. 129479

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 129480

The foregoing appropriation item 700632, Clean Ohio 129481
Agricultural Easement Operating, shall be used by the Department 129482
of Agriculture in administering Clean Ohio Agricultural Easement 129483
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, 129484
and 5301.67 to 5301.70 of the Revised Code. 129485

Section 213.10. 129486

129487

	1	2	3	4	5
A	AIR AIR QUALITY DEVELOPMENT AUTHORITY				
B	Dedicated Purpose Fund Group				
C	4Z90	898602	Small Business Ombudsman	\$246,000	\$248,000
D	5700	898601	Operating Expenses	\$3,600,000	\$4,300,000
E	5A00	898603	Small Business Assistance	\$150,000	\$225,000

F	Dedicated Purpose Fund Group Total	\$3,996,000	\$4,773,000
G	TOTAL ALL BUDGET FUND GROUPS	\$3,996,000	\$4,773,000

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 129488
AUTHORITY TRUST ACCOUNT 129489

Notwithstanding any other provision of law to the 129490
contrary, the Air Quality Development Authority may reimburse 129491
the Air Quality Development Authority trust account established 129492
under section 3706.10 of the Revised Code from all operating 129493
funds of the agency for expenses pertaining to the 129494
administration and shared costs incurred by the Air Quality 129495
Development Authority in the execution of responsibilities as 129496
prescribed in Chapter 3706. of the Revised Code. The 129497
reimbursement shall occur in accordance with an administrative 129498
cost recovery plan approved by the Air Quality Development 129499
Authority Board. 129500

Section 215.10. 129501
129502

	1	2	3	4	5
A	ARC ARCHITECTS BOARDS				
B	Dedicated Purpose Fund Group				
C	4K90	891609	Operating	\$674,000	\$690,001
D	Dedicated Purpose Fund Group Total			\$674,000	\$690,001
E	TOTAL ALL BUDGET FUND GROUPS			\$674,000	\$690,001

Section 217.10. 129503

129504

	1	2	3	4	5
A			ART OHIO ARTS COUNCIL		
B			General Revenue Fund		
C	GRF	370321	Operating Expenses	\$3,172,595	\$3,243,201
D	GRF	370502	State Program Subsidies	\$23,038,000	\$23,038,000
E			General Revenue Fund Total	\$26,210,595	\$26,281,201
F			Dedicated Purpose Fund Group		
G	4600	370602	Arts Council Program Support	\$345,000	\$345,000
H	4B70	370603	Percent For Art Acquisitions	\$165,000	\$165,000
I			Dedicated Purpose Fund Group Total	\$510,000	\$510,000
J			Federal Fund Group		
K	3140	370601	Federal Support	\$1,350,000	\$1,350,000
L			Federal Fund Group Total	\$1,350,000	\$1,350,000
M			TOTAL ALL BUDGET FUND GROUPS	\$28,070,595	\$28,141,201

Section 217.20. FEDERAL SUPPORT

129505

Notwithstanding any provision of law to the contrary, the
foregoing appropriation item 370601, Federal Support, shall be
used by the Ohio Arts Council for subsidies only, and not for

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129508

its administrative costs, unless the Council is required to use 129509
a portion of the funds for administrative costs under conditions 129510
of the federal grant. 129511

Section 219.10.

129512

129513

	1	2	3	4	5
A			ATH ATHLETIC COMMISSION		
B			Dedicated Purpose Fund Group		
C	4K90	175609	Operating Expenses	\$367,022	\$371,995
D			Dedicated Purpose Fund Group Total	\$367,022	\$371,995
E			TOTAL ALL BUDGET FUND GROUPS	\$367,022	\$371,995

Section 221.10.

129514

129515

	1	2	3	4	5
A			AGO ATTORNEY GENERAL		
B			General Revenue Fund		
C	GRF	055321	Operating Expenses	\$93,285,225	\$93,285,225
D	GRF	055405	Law-Related Education	\$68,000	\$68,000
E	GRF	055406	BCIRS Lease Rental Payments	\$2,450,000	\$2,450,000
F	GRF	055411	County Sheriffs' Pay Supplement	\$1,111,257	\$1,130,685

G	GRF	055415	County Prosecutors' Pay Supplement	\$1,476,937	\$1,502,753
H	GRF	055431	Drug Abuse Response Team Grants	\$1,500,000	\$1,500,000
I	GRF	055432	Drug Testing Equipment	\$964,000	\$964,000
J	GRF	055434	Internet Crimes Against Children Task Force	\$500,000	\$500,000
K	GRF	055441	Victims of Crime	\$6,700,000	\$5,700,000
L	GRF	055446	Cyber Crime Division	\$1,000,000	\$1,000,000
M	GRF	055501	Rape Crisis Centers	\$15,300,000	\$15,300,000
N	GRF	055502	School Safety Training Grants	\$12,000,000	\$12,000,000
O	GRF	055504	Domestic Violence Programs	\$10,000,000	\$10,000,000
P	GRF	055505	Pike County Capital Case	\$600,000	\$0
Q	GRF	055509	Law Enforcement Training	\$30,000,000	\$35,000,000
R			General Revenue Fund Total	\$176,955,419	\$180,400,663
S			Dedicated Purpose Fund Group		
T	1060	055612	Attorney General Operating	\$63,216,225	\$64,034,683
U	4020	055616	Victims of Crime	\$11,500,000	\$12,000,000

V	4170	055621	Domestic Violence Shelter	\$25,000	\$25,000
W	4180	055615	Charitable Foundations	\$11,500,000	\$11,000,000
X	4190	055623	Claims Section	\$77,520,063	\$86,393,854
Y	4190	055668	Collections System Lease Rental Payments	\$4,165,000	\$4,165,000
Z	4200	055603	Attorney General Antitrust	\$1,500,000	\$0
AA	4210	055617	Police Officers' Training Academy Fee	\$3,555,387	\$3,528,018
AB	4L60	055606	DARE Programs	\$2,308,099	\$2,310,841
AC	4Y70	055608	Title Defect Recision	\$1,032,267	\$1,038,534
AD	4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$2,000,000	\$2,000,000
AE	5900	055633	Peace Officer Private Security Training	\$101,306	\$103,330
AF	5A90	055618	Telemarketing Fraud Enforcement	\$10,000	\$10,000
AG	5LR0	055655	Peace Officer Training - Casino	\$7,726,217	\$8,183,287
AH	5TL0	055659	Organized Crime Law Enforcement Trust	\$100,000	\$100,000
AI	5VL0	055435	Stop Bullying License	\$2,500	\$2,500

	Plate		
AJ 6310 055637	Consumer Protection Enforcement	\$10,500,000	\$11,000,000
AK 6590 055641	Solid and Hazardous Waste Background Investigations	\$359,895	\$367,319
AL U087 055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$2,500,000	\$2,500,000
AM	Dedicated Purpose Fund Group Total	\$199,621,959	\$208,762,366
AN	Internal Service Activity Fund Group		
AO 1950 055660	Workers' Compensation Section	\$9,570,750	\$9,905,726
AP	Internal Service Activity Fund Group Total	\$9,570,750	\$9,905,726
AQ	Holding Account Fund Group		
AR 5BY1 055674	Charitable Law Distributions	\$750,000	\$750,000
AS R004 055631	General Holding Account	\$1,000,000	\$1,000,000
AT R005 055632	Antitrust Settlements	\$1,000,000	\$1,000,000
AU R018 055630	Consumer Frauds	\$1,000,000	\$1,000,000
AV R042 055601	Organized Crime	\$750,000	\$750,000

Commission Distributions				
AW R054	055650	Collection Payment	\$4,500,000	\$4,500,000
		Redistribution		
AX	Holding Account Fund Group Total		\$9,000,000	\$9,000,000
AY	Federal Fund Group			
AZ	3060	055620 Medicaid Fraud Control	\$17,059,070	\$17,887,905
BA	3830	055634 Crime Victims Assistance	\$40,000,000	\$40,000,000
BB	3E50	055638 Attorney General Pass- Through Funds	\$8,020,999	\$8,020,999
BC	3FV0	055656 Crime Victim Compensation	\$7,200,000	\$7,400,000
BD	3R60	055613 Attorney General Federal Funds	\$5,500,000	\$5,500,000
BE	Federal Fund Group Total		\$77,780,069	\$78,808,904
BF	TOTAL ALL BUDGET FUND GROUPS		\$472,928,197	\$486,877,659

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 129516
129517

Of the foregoing appropriation item 055321, Operating 129518
Expenses, \$650,000 in each fiscal year shall be used for the 129519
Ohio Center for the Future of Forensic Science at Bowling Green 129520
State University. The purpose of the Center shall be to foster 129521
forensic science research techniques (BCI Eminent Scholar) and 129522
to create professional training opportunities to students (BCI 129523
Scholars) in the forensic science fields. 129524

NARCOTICS TASK FORCES	129525
Of the foregoing appropriation item 055321, Operating	129526
Expenses, up to \$500,000 in each fiscal year shall be used to	129527
support narcotics task forces funded by the Attorney General.	129528
DOMESTIC VIOLENCE PROGRAM	129529
Of the foregoing appropriation item 055321, Operating	129530
Expenses, \$100,000 in each fiscal year may be used by the	129531
Attorney General for the purpose of providing funding to	129532
domestic violence programs as defined in section 109.46 of the	129533
Revised Code.	129534
BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS)	129535
LEASE RENTAL PAYMENTS	129536
The foregoing appropriation item 055406, BCIRS Lease	129537
Rental Payments, shall be used for payments during the period	129538
from July 1, 2025, through June 30, 2027, pursuant to leases and	129539
agreements entered into pursuant to Section 701.40 of S.B. 310	129540
of the 131st General Assembly and other prior acts of the	129541
General Assembly, with respect to financing the costs associated	129542
with the acquisition, development, implementation, and	129543
integration of the BCIRS.	129544
COUNTY SHERIFFS' PAY SUPPLEMENT	129545
The foregoing appropriation item 055411, County Sheriffs'	129546
Pay Supplement, shall be used for the purpose of supplementing	129547
the annual compensation of county sheriffs as required by	129548
section 325.06 of the Revised Code.	129549
At the request of the Attorney General, the Director of	129550
Budget and Management may transfer appropriation from	129551
appropriation item 055321, Operating Expenses, to appropriation	129552

item 055411, County Sheriffs' Pay Supplement. Any appropriation 129553
so transferred shall be used to supplement the annual 129554
compensation of county sheriffs as required by section 325.06 of 129555
the Revised Code. 129556

COUNTY PROSECUTORS' PAY SUPPLEMENT 129557

The foregoing appropriation item 055415, County 129558
Prosecutors' Pay Supplement, shall be used for the purpose of 129559
supplementing the annual compensation of certain county 129560
prosecutors as required by section 325.111 of the Revised Code. 129561

At the request of the Attorney General, the Director of 129562
Budget and Management may transfer appropriation from 129563
appropriation item 055321, Operating Expenses, to appropriation 129564
item 055415, County Prosecutors' Pay Supplement. Any 129565
appropriation so transferred shall be used to supplement the 129566
annual compensation of county prosecutors as required by section 129567
325.111 of the Revised Code. 129568

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 129569

The Attorney General shall maintain the Drug Abuse 129570
Response Team Grant Program for the purpose of replicating or 129571
expanding successful law enforcement programs that address the 129572
opioid epidemic similar to the Drug Abuse Response Team 129573
established by the Lucas County Sheriff's Department, and the 129574
Quick Response Teams established in Colerain Township's 129575
Department of Public Safety in Hamilton County and Summit 129576
County. Any grants awarded by this grant program may include 129577
requirements for private or nonprofit matching support. 129578

The foregoing appropriation item 055431, Drug Abuse 129579
Response Team Grants, shall be used by the Attorney General to 129580
fund grants to law enforcement or other government agencies; the 129581

primary purpose of the grants shall be to replicate or expand 129582
successful law enforcement programs that address the opioid 129583
epidemic similar to the Drug Abuse Response Team established by 129584
the Lucas County Sheriff's Department and the Quick Response 129585
Teams established in Colerain Township's Department of Public 129586
Safety in Hamilton County and Summit County. 129587

Each recipient of a grant under this program shall, within 129588
six months of the end date of the grant, submit a written report 129589
describing the outcomes that resulted from the grant to the 129590
Governor, the President of the Senate, the Speaker of the House 129591
of Representatives, the Minority Leader of the Senate, and the 129592
Minority Leader of the House of Representatives. 129593

DRUG TESTING EQUIPMENT 129594

The foregoing appropriation item 055432, Drug Testing 129595
Equipment, shall be used to purchase, operate, and maintain drug 129596
testing equipment for the Bureau of Criminal Identification and 129597
Investigation. 129598

INTERNET CRIMES AGAINST CHILDREN TASK FORCE 129599

The foregoing appropriation item 055434, Internet Crimes 129600
Against Children Task Force, shall be used by the Attorney 129601
General in support of the Ohio Internet Crimes Against Children 129602
Task Force for the purposes described in section 195.02 of the 129603
Revised Code. 129604

VICTIMS OF CRIME 129605

The foregoing appropriation item 055441, Victims of Crime, 129606
shall be allocated to the Crime Victim Compensation Program. 129607
Prior to using the funds from this appropriation item, the 129608
Attorney General shall, to the extent possible, first use funds 129609
related to the federal Victims of Crime Act. 129610

CLEVELAND RAPE CRISIS CENTER 129611

Of the foregoing appropriation item 055501, Rape Crisis 129612
Centers, \$300,000 in each fiscal year shall be distributed to 129613
the Cleveland Rape Crisis Center to provide services for at-risk 129614
youth through the Cleveland Rape Crisis Center Human Trafficking 129615
Drop-in Center. 129616

SCHOOL SAFETY TRAINING GRANTS 129617

(A) The foregoing appropriation item 055502, School Safety 129618
Training Grants, shall be used by the Attorney General, in 129619
consultation with the Director of Education and Workforce and 129620
the Director of Behavioral Health, solely to make grants to 129621
public and chartered nonpublic schools, educational service 129622
centers, local law enforcement agencies, and schools operated by 129623
county boards of developmental disabilities administering 129624
special education services programs pursuant to section 5126.05 129625
of the Revised Code for school safety and school climate 129626
programs and training. 129627

(B) The use of the grants includes, but is not limited to, 129628
all of the following: 129629

(1) The support of school resource officer certification 129630
training; 129631

(2) Any type of active shooter and school safety training 129632
or equipment; 129633

(3) All grade level type educational resources; 129634

(4) Training to identify and assist students with mental 129635
health issues; 129636

(5) School supplies or equipment related to school safety 129637
or for implementing the school's safety plan; 129638

(6) Any other training, supplies, services, or equipment 129639
related to school safety. 129640

(C) The schools, educational service centers, and county 129641
boards shall work or contract with the county sheriff's office 129642
or a local police department in whose jurisdiction they are 129643
located to develop the programs and training described in 129644
divisions (B) (1), (2), (3), (5), and (6) of this section. Any 129645
grant awarded directly to a local law enforcement agency, or to 129646
a nonprofit or charitable law enforcement training organization 129647
on the law enforcement agency's behalf, shall not be used to 129648
fund a similar request made by a school located within the 129649
jurisdiction of the local law enforcement agency. 129650

(D) The Attorney General is authorized to make payments 129651
directly to school or law enforcement nonprofit or charitable 129652
training organizations on behalf of any public and chartered 129653
nonpublic schools, educational service centers, local law 129654
enforcement agencies, and schools operated by county boards of 129655
developmental disabilities administering special education 129656
services. 129657

(E) As used in this section, "public school" means any 129658
school operated by a school district board of education, any 129659
community school established under Chapter 3314. of the Revised 129660
Code, and any STEM school established under Chapter 3326. of the 129661
Revised Code. 129662

DOMESTIC VIOLENCE PROGRAMS 129663

The foregoing appropriation item 055504, Domestic Violence 129664
Programs, shall be used by the Attorney General for the purpose 129665
of funding domestic violence programs as defined in section 129666
109.46 of the Revised Code. 129667

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM 129668

Of the foregoing appropriation item 055504, Domestic 129669
Violence Programs, \$300,000 in each fiscal year shall be 129670
distributed to the Battered Women's Shelter of Summit and Medina 129671
counties for expenses related to the creation and implementation 129672
of a pilot program called "Finding my Childhood Again." 129673

BATTERED WOMEN'S SHELTER 129674

Of the foregoing appropriation item 055504, Domestic 129675
Violence Programs, \$50,000 in each fiscal year shall be 129676
distributed to the Battered Women's Shelter of Summit and Medina 129677
counties for the cost of operating the commercial kitchen 129678
located at its Market Street Facility, and \$50,000 in each 129679
fiscal year shall be distributed to the Battered Women's Shelter 129680
of Portage County. 129681

TRANSPORTATION GRANTS 129682

Of the foregoing appropriation item 055504, Domestic 129683
Violence Programs, \$25,000 in fiscal year 2026 shall be provided 129684
as grants to Ohio domestic violence shelters to buy 129685
transportation vouchers, ridesharing credits, or gas cards for 129686
eligible clients. The Attorney General shall adopt any rules 129687
necessary for the administration of the grant program. 129688

PIKE COUNTY CAPITAL CASE 129689

An amount equal to the unexpended, unencumbered balance of 129690
appropriation item 055505, Pike County Capital Case, at the end 129691
of fiscal year 2025 is hereby reappropriated to the same 129692
appropriation item for the same purpose in fiscal year 2026. 129693

An amount equal to the unexpended, unencumbered balance of 129694
appropriation item 055505, Pike County Capital Case, at the end 129695

of fiscal year 2026 is hereby reappropriated to the same 129696
appropriation item for the same purpose in fiscal year 2027. 129697

ATTORNEY GENERAL COLLECTIONS SYSTEM LEASE RENTAL PAYMENTS 129698

The foregoing appropriation item 055668, Collections 129699
System Lease Rental Payments, shall be used to make payments 129700
during the period from July 1, 2025, through June 30, 2027, 129701
pursuant to leases and agreements entered into under Section 129702
701.10 of S.B. 310 of the 133rd General Assembly or Section 129703
709.01 of H.B. 687 of the 134th General Assembly, with respect 129704
to financing the costs associated with the acquisition, 129705
development, implementation, and integration of the Attorney 129706
General New Collection System. 129707

WORKERS' COMPENSATION SECTION 129708

The Workers' Compensation Fund (Fund 1950) is entitled to 129709
receive quarterly payments from the Bureau of Workers' 129710
Compensation and the Ohio Industrial Commission to fund legal 129711
services provided to the Bureau of Workers' Compensation and the 129712
Ohio Industrial Commission during the fiscal year. 129713

In addition, the Bureau of Workers' Compensation shall 129714
transfer payments for the support of the Workers' Compensation 129715
Fraud Unit. 129716

All amounts shall be mutually agreed upon by the Attorney 129717
General, the Bureau of Workers' Compensation, and the Ohio 129718
Industrial Commission. 129719

GENERAL HOLDING ACCOUNT 129720

The foregoing appropriation item 055631, General Holding 129721
Account, shall be used to distribute moneys under the terms of 129722
relevant court orders or other settlements received in a variety 129723

of cases involving the Office of the Attorney General. If it is 129724
determined that additional amounts are necessary for this 129725
purpose, the amounts are hereby appropriated. 129726

ANTITRUST SETTLEMENTS 129727

The foregoing appropriation item 055632, Antitrust 129728
Settlements, shall be used to distribute moneys under the terms 129729
of relevant court orders or other out-of-court settlements in 129730
antitrust cases or antitrust matters involving the Office of the 129731
Attorney General. If it is determined that additional amounts 129732
are necessary for this purpose, the amounts are hereby 129733
appropriated. 129734

CHARITABLE SETTLEMENT HOLDING ACCOUNT 129735

The foregoing appropriation item 055674, Charitable 129736
Settlement Holding Account, shall be used to distribute money in 129737
the Charitable Settlements Holding Account Fund (Fund 5BY1), 129738
which is created in the state treasury, under the terms of 129739
relevant court orders or other settlements received in the 129740
charitable law cases involving the Office of the Attorney 129741
General. If it is determined that additional amounts are 129742
necessary for this purpose, the amounts are hereby appropriated. 129743

On July 1, 2025, or as soon as possible thereafter, the 129744
Attorney General shall certify to the Director of Budget and 129745
Management the amount of cash receipts related to settlements 129746
received in charitable law cases and credited to the General 129747
Holding Account (Fund R004). The Director of Budget and 129748
Management shall transfer the amounts certified to the 129749
Charitable Settlements Holding Account Fund (Fund 5BY1). 129750

CONSUMER FRAUDS 129751

The foregoing appropriation item 055630, Consumer Frauds, 129752

shall be used for distribution of moneys from court-ordered 129753
judgments against sellers in actions brought by the Office of 129754
the Attorney General under sections 1334.08 and 4549.48 and 129755
division (B) of section 1345.07 of the Revised Code. These 129756
moneys shall be used to provide restitution to consumers 129757
victimized by the fraud that generated the court-ordered 129758
judgments. If it is determined that additional amounts are 129759
necessary for this purpose, the amounts are hereby appropriated. 129760

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 129761

The foregoing appropriation item 055601, Organized Crime 129762
Commission Distributions, shall be used by the Organized Crime 129763
Investigations Commission, as provided by section 177.011 of the 129764
Revised Code, to reimburse political subdivisions for the 129765
expenses the political subdivisions incur when their law 129766
enforcement officers participate in an organized crime task 129767
force. If it is determined that additional amounts are necessary 129768
for this purpose, the amounts are hereby appropriated. 129769

COLLECTION PAYMENT REDISTRIBUTION 129770

The foregoing appropriation item 055650, Collection 129771
Payment Redistribution, shall be used for the purpose of 129772
allocating the revenue where debtors mistakenly paid the client 129773
agencies instead of the Attorney General's Collections 129774
Enforcement Section. If it is determined that additional amounts 129775
are necessary for this purpose, the amounts are hereby 129776
appropriated. 129777

Section 221.30. On January 15, 2027, or as soon as 129778
possible thereafter, the Attorney General shall certify and 129779
remit to the Director of Budget and Management the balance of 129780
all proceeds received by the state under the settlement 129781

agreement in State of Ohio v. McKesson Corp., Case No. 129782
CVH20180055 (C.P. Madison Co., settlement agreement of October 129783
7, 2021). Upon certification, the Director of Budget and 129784
Management shall remit the amounts certified to the Targeted 129785
Addiction Assistance Fund (Fund 5TZ0), created in section 126.67 129786
of the Revised Code. 129787

Section 223.10.

129788

129789

	1	2	3	4	5
A			AUD AUDITOR OF STATE		
B			General Revenue Fund		
C	GRF	070401	Audit Management and Services	\$15,067,887	\$16,035,566
D	GRF	070402	Performance Audits	\$3,505,464	\$3,257,092
E	GRF	070403	Fiscal Distress Technical Assistance	\$650,000	\$650,000
F	GRF	070404	Fraud/Corruption Audits and Investigations	\$4,915,927	\$5,534,546
G	GRF	070412	Local Government Audit Support	\$21,000,000	\$23,250,000
H			General Revenue Fund Total	\$45,139,278	\$48,727,204
I			Dedicated Purpose Fund Group		
J	1090	070601	Public Audit Expense - Intrastate	\$13,737,026	\$13,914,164

K	4220	070602	Public Audit Expense - Local Government	\$33,000,000	\$33,000,000
L	5840	070603	Training Program	\$250,000	\$250,000
M	5JZ0	070606	Auditor's Innovation Fund	\$300,000	\$300,000
N	5VP0	070611	Local Government Audit Support Fund	\$21,000,000	\$23,250,000
O	6750	070605	Uniform Accounting Network	\$7,306,872	\$6,804,086
P			Dedicated Purpose Fund Group Total	\$75,593,898	\$77,518,250
Q			TOTAL ALL BUDGET FUND GROUPS	\$120,733,176	\$126,245,454

Section 223.20. AUDIT MANAGEMENT AND SERVICES 129790

The foregoing appropriation item 070401, Audit Management 129791
and Services, shall be used pursuant to section 117.13 of the 129792
Revised Code to support costs of the Auditor of State that are 129793
not recovered through charges to local governments and state 129794
entities, including costs that cannot be recovered from audit 129795
clients under federal indirect cost allocation guidelines. This 129796
appropriation item also shall be used to cover costs of the 129797
Local Government Services Section that are not charged to 129798
clients. 129799

PERFORMANCE AUDITS 129800

The foregoing appropriation item 070402, Performance 129801
Audits, shall be used pursuant to section 117.13 of the Revised 129802
Code to support costs of the Auditor of State related to the 129803
provision of performance audits for local governments, school 129804

districts, state agencies, and colleges and universities that 129805
are not recovered through charges to those entities, including 129806
costs that cannot be recovered from audit clients under federal 129807
indirect cost allocation guidelines. 129808

Of the foregoing appropriation item 070402, Performance 129809
Audits, up to \$500,000 in fiscal year 2026 shall be used to 129810
conduct a performance audit of indigent defense services within 129811
Ohio. The performance audit shall review the challenges of the 129812
delivery of indigent defense services, including, but not 129813
limited to, the costs, accounting, and payment processes of the 129814
Office of the Public Defender and at least five counties that 129815
represent each of the various indigent defense delivery methods 129816
in the state. The audit shall be completed and a report 129817
submitted to the President and Minority Leader of the Senate and 129818
to the Speaker and Minority Leader of the House of 129819
Representatives not later than August 1, 2026. 129820

FISCAL DISTRESS TECHNICAL ASSISTANCE 129821

The foregoing appropriation item 070403, Fiscal Distress 129822
Technical Assistance, shall be used to support costs of the 129823
Auditor of State responsibilities under Chapters 118., 3316., 129824
and 3345. of the Revised Code to provide services to local 129825
governments, schools, or colleges and universities in, or at 129826
risk of entering, a state of fiscal caution, watch, or 129827
emergency. 129828

LOCAL GOVERNMENT AUDIT SUPPORT 129829

The foregoing appropriation item 070412, Local Government 129830
Audit Support, shall be used pursuant to section 117.13 of the 129831
Revised Code to support costs of the Auditor of State that are 129832
not recovered through charges to local governments, including 129833

costs that cannot be recovered from audit clients under federal 129834
indirect cost allocation guidelines. 129835

LOCAL GOVERNMENT AUDIT SUPPORT FUND 129836

The foregoing appropriation item 070611, Local Government 129837
Audit Support Fund, shall be used pursuant to section 117.131 of 129838
the Revised Code to offset costs of audits that would otherwise 129839
be charged to local public offices in the absence of the fund. 129840

Section 229.10. 129841
129842

1	2	3	4	5
A	OBM OFFICE OF BUDGET AND MANAGEMENT			
B	General Revenue Fund			
C	GRF	042321 Operating Expenses	\$4,400,000	\$4,592,000
D	GRF	042435 Gubernatorial Transition	\$0	\$250,000
E	General Revenue Fund Total		\$4,400,000	\$4,842,000
F	Dedicated Purpose Fund Group			
G	5AY1	042509 One Time Strategic Community Investments	\$1,000,000	\$0
H	Dedicated Purpose Fund Group Total		\$1,000,000	\$0
I	Internal Service Activity Fund Group			
J	1050	042603 Financial Management	\$27,744,976	\$28,843,309
K	Internal Service Activity Fund Group		\$27,744,976	\$28,843,309

Total		
L	Fiduciary Fund Group	
M	5EH0 042604 Forgery Recovery	\$30,000 \$30,000
N	Fiduciary Fund Group Total	\$30,000 \$30,000
O	TOTAL ALL BUDGET FUND GROUPS	\$33,174,976 \$33,715,309

Section 229.20. ONE TIME STRATEGIC COMMUNITY INVESTMENTS 129843

The foregoing appropriation item 042509, One Time 129844
Strategic Community Investments, shall be used by the Office of 129845
Budget and Management to provide grants for the projects listed 129846
in this section in the amounts listed. Prior to disbursing a 129847
grant to a recipient, the Office of Budget and Management shall 129848
enter into a grant agreement with the recipient. As part of the 129849
grant agreement, the recipient shall agree to complete a final 129850
report, in a form and manner to be prescribed by the Office of 129851
Budget and Management, detailing how the recipient used the 129852
grant and submit the report to the Office of Budget and 129853
Management. 129854

An amount equal to the unexpended, unencumbered balance of 129855
the foregoing appropriation item 042509, One Time Strategic 129856
Community Investments, at the end of fiscal year 2026 is hereby 129857
reappropriated for the same purpose in fiscal year 2027. 129858
129859

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A	Project	Amount
B	Say Yes Cleveland	\$750,000

C	University Circle	\$250,000	
	AUDIT COSTS		129860
	All centralized audit costs associated with either Single		129861
	Audit Schedules or financial statements prepared in conformance		129862
	with generally accepted accounting principles for the state		129863
	shall be paid from the foregoing appropriation item 042603,		129864
	Financial Management.		129865
	Costs associated with the audit of the Auditor of State		129866
	shall be paid from the foregoing appropriation item 042321,		129867
	Operating Expenses.		129868
	SHARED SERVICES CENTER		129869
	The foregoing appropriation item 042603, Financial		129870
	Management, shall be used by the Director of Budget and		129871
	Management to support the Shared Services program pursuant to		129872
	division (D) of section 126.21 of the Revised Code.		129873
	The Director of Budget and Management shall include the		129874
	recovery of costs to operate the Shared Services program in the		129875
	accounting and budgeting services payroll rate and through		129876
	direct charges using intrastate transfer vouchers billed to		129877
	agencies for services rendered using a methodology determined by		129878
	the Director of Budget and Management. Such cost recovery		129879
	revenues shall be deposited to the credit of the Accounting and		129880
	Budgeting Fund (Fund 1050).		129881
	INTERNAL AUDIT		129882
	The Director of Budget and Management shall include the		129883
	recovery of costs to operate the Internal Audit Program pursuant		129884
	to section 126.45 of the Revised Code in the accounting and		129885

budgeting services payroll rate using a methodology determined 129886
by the Director of Budget and Management. Such cost recovery 129887
revenues shall be deposited to the credit of Fund 1050. 129888

FORGERY RECOVERY 129889

The foregoing appropriation item 042604, Forgery Recovery, 129890
shall be used to reissue warrants that have been certified as 129891
forgeries by the rightful recipient as determined by the Bureau 129892
of Criminal Identification and Investigation and the Treasurer 129893
of State. Upon receipt of funds to cover the reissuance of the 129894
warrant, the Director of Budget and Management shall reissue a 129895
state warrant of the same amount. Any additional amounts needed 129896
to reissue warrants backed by the receipt of funds are hereby 129897
appropriated. 129898

Section 231.10. 129899
129900

1	2	3	4	5
A	CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			
B	General Revenue Fund			
C	GRF 874321	Operating Expenses	\$6,953,530	\$7,162,135
D	GRF 874400	Statehouse Facility Improvements	\$6,000,000	\$0
E	General Revenue Fund Total		\$12,953,530	\$7,162,135
F	Dedicated Purpose Fund Group			
G	2080 874601	Underground Parking Garage Operations	\$4,245,906	\$4,245,906

H	4G50	874603	Capitol Square Education Center and Arts	\$6,000	\$6,000
I	5AN1	874608	Capitol Square Improvements	\$1,927,921	\$0
J	Dedicated Purpose Fund Group Total			\$6,179,827	\$4,251,906
K	Internal Service Activity Fund Group				
L	4S70	874602	Statehouse Gift Shop/Events	\$1,000,000	\$1,000,000
M	Internal Service Activity Fund Group Total			\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS			\$20,133,357	\$12,414,041

Section 231.20. OPERATING EXPENSES

129901

On July 1, 2025, or as soon as possible thereafter, the
Executive Director of the Capitol Square Review and Advisory
Board may certify to the Director of Budget and Management an
amount up to the unexpended, unencumbered balance of the
foregoing appropriation item 874321, Operating Expenses, at the
end of fiscal year 2025 to be reappropriated for fiscal year
2026. The amount certified is hereby reappropriated to the same
appropriation item 874321, Operating Expenses, for fiscal year
2026.

129902
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On July 1, 2026, or as soon as possible thereafter, the
Executive Director of the Capitol Square Review and Advisory
Board may certify to the Director of Budget and Management an
amount up to the unexpended, unencumbered balance of the

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foregoing appropriation item 874321, Operating Expenses, at the 129915
end of fiscal year 2026 to be reappropriated for fiscal year 129916
2027. The amount certified is hereby reappropriated to the same 129917
appropriation item 874321, Operating Expenses, for fiscal year 129918
2027. 129919

STATEHOUSE FACILITY IMPROVEMENTS 129920

On July 1, 2026, or as soon as possible thereafter, the 129921
Executive Director of the Capitol Square Review and Advisory 129922
Board may certify to the Director of Budget and Management an 129923
amount up to the unexpended, unencumbered balance of the 129924
foregoing appropriation item 874400, Statehouse Facility 129925
Improvements, at the end of fiscal year 2026 to be 129926
reappropriated for fiscal year 2027. The amount certified is 129927
hereby reappropriated to the same appropriation item 874400, 129928
Statehouse Facility Improvements, for fiscal year 2027. 129929

CAPITOL SQUARE IMPROVEMENTS 129930

On July 1, 2025, or as soon as possible thereafter, the 129931
Executive Director of the Capitol Square Review and Advisory 129932
Board may certify to the Director of Budget and Management an 129933
amount up to the unexpended, unencumbered balance of the 129934
foregoing appropriation item 874608, Capitol Square 129935
Improvements, at the end of fiscal year 2025 to be 129936
reappropriated for fiscal year 2026. The amount certified is 129937
hereby appropriated to the same appropriation item 874608, 129938
Capitol Square Improvements, for fiscal year 2026. 129939

On July 1, 2026, or as soon as possible thereafter, the 129940
Executive Director of the Capitol Square Review and Advisory 129941
Board may certify to the Director of Budget and Management an 129942
amount up to the unexpended, unencumbered balance of the 129943

foregoing appropriation item 874608, Capitol Square 129944
Improvements, at the end of fiscal year 2026 to be 129945
reappropriated for fiscal year 2027. The amount certified is 129946
hereby appropriated to the same appropriation item 874608, 129947
Capitol Square Improvements, for fiscal year 2027. 129948

UNDERGROUND PARKING GARAGE FUND 129949

Notwithstanding division (G) of section 105.41 of the 129950
Revised Code and any other provision to the contrary, moneys in 129951
the Underground Parking Garage Fund (Fund 2080) may be used for 129952
personnel and operating costs related to the operations of the 129953
Statehouse and the Statehouse Underground Parking Garage. 129954

HOUSE AND SENATE PARKING REIMBURSEMENT 129955

On July 1 of each fiscal year, or as soon as possible 129956
thereafter, the Director of Budget and Management shall transfer 129957
\$500,000 cash from the General Revenue Fund to the Underground 129958
Parking Garage Fund (Fund 2080). The amounts transferred under 129959
this section shall be used to reimburse the Capitol Square 129960
Review and Advisory Board for legislative parking costs. 129961

UNDERGROUND PARKING GARAGE FUND TRANSFER 129962

On July 1, 2025, or as soon as possible thereafter, the 129963
Director of Budget and Management shall transfer \$1,000,000 cash 129964
from the Underground Parking Garage Fund (Fund 2080) to the 129965
Statehouse Gift Shop/Events Fund (Fund 4S70). The amount 129966
transferred under this section shall be used for personnel and 129967
operating costs related to the operations of the Statehouse Gift 129968
Shop and events. 129969

Section 233.10. 129970

129971

	1	2	3	4	5
A			SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS		
B			Dedicated Purpose Fund Group		
C	4K90	233601	Operating Expenses	\$581,189	\$593,979
D			Dedicated Purpose Fund Group Total	\$581,189	\$593,979
E			TOTAL ALL BUDGET FUND GROUPS	\$581,189	\$593,979

Section 235.10.

129972

129973

	1	2	3	4	5
A			CAC CASINO CONTROL COMMISSION		
B			Dedicated Purpose Fund Group		
C	5HS0	955321	Operating Expenses	\$17,855,928	\$18,849,195
D	5NU0	955601	Casino Commission Enforcement	\$156,680	\$200,547
E	5YR0	955602	Problem Sports Gaming	\$3,500,000	\$3,500,000
F			Dedicated Purpose Fund Group Total	\$21,512,608	\$22,549,742
G			TOTAL ALL BUDGET FUND GROUPS	\$21,512,608	\$22,549,742

Section 237.10.

129974

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	1	2	3	4	5
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A	CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 930609 Operating Expenses	\$1,337,144	\$1,487,262
D	5CF1 930600 Peer Support Program	\$292,500	\$30,000
E	Dedicated Purpose Fund Group Total	\$1,629,644	\$1,517,262
F	TOTAL ALL BUDGET FUND GROUPS	\$1,629,644	\$1,517,262

Section 239.10.

129976

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A	CHR STATE CHIROPRACTIC BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 878609 Operating Expenses	\$625,713	\$639,017
D	Dedicated Purpose Fund Group Total	\$625,713	\$639,017
E	TOTAL ALL BUDGET FUND GROUPS	\$625,713	\$639,017

Section 241.10.

129978

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A	CIV OHIO CIVIL RIGHTS COMMISSION		
B	General Revenue Fund		
C	GRF 876321 Operating Expenses	\$7,464,880	\$7,763,235

D	General Revenue Fund Total	\$7,464,880	\$7,763,235
E	Dedicated Purpose Fund Group		
F	2170 876604 Operations Support	\$5,000	\$5,000
G	Dedicated Purpose Fund Group Total	\$5,000	\$5,000
H	Federal Fund Group		
I	3340 876601 Federal Programs	\$3,614,239	\$3,676,006
J	Federal Fund Group Total	\$3,614,239	\$3,676,006
K	TOTAL ALL BUDGET FUND GROUPS	\$11,084,119	\$11,444,241

Section 243.10.

129980

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	1	2	3	4	5
A	COM DEPARTMENT OF COMMERCE				
B	Dedicated Purpose Fund Group				
C	4B20	800631	Real Estate Appraisal Recovery	\$35,000	\$35,000
D	4H90	800608	Cemeteries	\$326,349	\$332,990
E	4X20	800619	Financial Institutions	\$2,129,695	\$2,138,176
F	5430	800602	Unclaimed Funds - Operating	\$16,777,906	\$16,249,752
G	5430	800625	Unclaimed Funds - Claims	\$90,000,000	\$90,000,000

H	5440	800612	Banks	\$11,467,455	\$11,775,392
I	5460	800610	Fire Marshal	\$30,366,505	\$31,171,353
J	5460	800639	Fire Department Grants	\$7,515,000	\$7,515,000
K	5480	800611	Real Estate Recovery	\$50,000	\$50,000
L	5490	800614	Real Estate	\$7,808,917	\$8,014,934
M	5500	800617	Securities	\$9,782,453	\$10,204,710
N	5520	800604	Credit Union	\$5,194,284	\$4,831,282
O	5530	800607	Consumer Finance	\$6,440,712	\$7,215,971
P	5560	800615	Industrial Compliance	\$33,508,390	\$33,692,610
Q	5BG1	800659	Fireworks Fee Firefighter Training	\$3,000,000	\$3,000,000
R	5F10	800635	Small Government Fire Departments	\$600,000	\$600,000
S	5FW0	800616	Financial Literacy Education	\$150,000	\$150,000
T	5GK0	800609	Securities Investor Education/Enforcement	\$742,863	\$542,863
U	5HV0	800641	Cigarette Enforcement	\$27,324	\$27,324
V	5LC0	800644	Liquor JobsOhio Extraordinary Allowance	\$200,000	\$200,000

W	5LNO	800645	Liquor Operating Services	\$18,105,130	\$18,371,853
X	5LP0	800646	Liquor Regulatory Operating Expenses	\$17,782,397	\$17,681,629
Y	5SJ0	800648	Volunteer Peace Officers' Dependent Fund	\$50,000	\$50,000
Z	5SY0	800650	Medical Marijuana Control Program	\$16,339,688	\$16,180,201
AA	5TZ0	800661	Drug Addiction Partnership	\$10,000,000	\$10,000,000
AB	5VD0	800653	Real Estate Home Inspector Recovery	\$10,000	\$10,000
AC	5X60	800623	Video Service	\$429,981	\$441,076
AD	5XK0	800657	Ohio Investor Recovery	\$2,500,000	\$2,500,000
AE	6530	800629	UST Registration/Permit Fee	\$2,813,369	\$2,824,398
AF	Dedicated Purpose Fund Group Total			\$294,153,418	\$295,806,514
AG	Internal Service Activity Fund Group				
AH	1630	800620	Division of Administration	\$11,532,983	\$11,239,902
AI	1630	800637	Information Technology	\$12,728,427	\$13,134,526
AJ	Internal Service Activity Fund Group Total			\$24,261,410	\$24,374,428

AK Federal Fund Group

AL 3480 800622 Underground Storage Tanks	\$779,620	\$779,620
AM 3480 800624 Leaking Underground Storage Tanks	\$1,899,016	\$1,899,016
AN Federal Fund Group Total	\$2,678,636	\$2,678,636
AO TOTAL ALL BUDGET FUND GROUPS	\$321,093,464	\$322,859,578

Section 243.20. UNCLAIMED FUNDS PAYMENTS 129982

The foregoing appropriation item 800625, Unclaimed Funds- 129983
Claims, shall be used to pay claims under section 169.08 of the 129984
Revised Code. If it is determined by the Director of Commerce 129985
that additional appropriation amounts are necessary to make such 129986
payments, the Director of Commerce may request that the Director 129987
of Budget and Management approve such increases. Any approved 129988
increases are hereby appropriated. 129989

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 129990

The foregoing appropriation item 800631, Real Estate 129991
Appraisal Recovery, shall be used to pay settlements, judgments, 129992
and court orders under section 4763.16 of the Revised Code. If 129993
it is determined by the Director of Commerce that additional 129994
appropriation amounts are necessary to make such payments, the 129995
Director of Commerce may request that the Director of Budget and 129996
Management approve such increases. Any approved increases are 129997
hereby appropriated. 129998

The foregoing appropriation item 800611, Real Estate 129999
Recovery, shall be used to pay settlements, judgments, and court 130000
orders under section 4735.12 of the Revised Code. If it is 130001

determined by the Director of Commerce that additional 130002
appropriation amounts are necessary to make such payments, the 130003
Director of Commerce may request that the Director of Budget and 130004
Management approve such increases. Any approved increases are 130005
hereby appropriated. 130006

The foregoing appropriation item 800653, Real Estate Home 130007
Inspector Recovery, shall be used to pay settlements, judgments, 130008
and court orders under section 4764.21 of the Revised Code. If 130009
it is determined by the Director of Commerce that additional 130010
appropriation amounts are necessary to make such payments, the 130011
Director of Commerce may request that the Director of Budget and 130012
Management approve such increases. Any approved increases are 130013
hereby appropriated. 130014

FIRE DEPARTMENT GRANTS 130015

(A) The foregoing appropriation item 800639, Fire 130016
Department Grants, shall be used to make annual grants to the 130017
following eligible recipients: volunteer fire departments, fire 130018
departments that serve one or more small municipalities or small 130019
townships, joint fire districts comprised of fire departments 130020
that primarily serve small municipalities or small townships, 130021
local units of government responsible for such fire departments, 130022
and local units of government responsible for the provision of 130023
fire protection services for small municipalities or small 130024
townships. For the purposes of these grants, a private fire 130025
company, as that phrase is defined in section 9.60 of the 130026
Revised Code, that is providing fire protection services under a 130027
contract to a political subdivision of the state, is an 130028
additional eligible recipient for a training grant. 130029

Eligible recipients that consist of small municipalities 130030
or small townships that all intend to contract with the same 130031

fire department or private fire company for fire protection 130032
services may jointly apply and be considered for a grant. If a 130033
joint applicant is awarded a grant, the State Fire Marshal 130034
shall, if feasible, proportionately award the grant and any 130035
equipment purchased with grant funds to each of the joint 130036
applicants based upon each applicant's contribution to and 130037
demonstrated need for fire protection services. For the purpose 130038
of this grant program, an eligible recipient or any firefighting 130039
entity that is contracted to serve an eligible recipient may 130040
only file, be listed as joint applicant, or be designated as a 130041
service provider on one grant application per fiscal year. 130042

If the grant awarded to joint applicants is an equipment 130043
grant and the equipment to be purchased cannot be readily 130044
distributed or possessed by multiple recipients, each of the 130045
joint applicants shall be awarded by the State Fire Marshal an 130046
ownership interest in the equipment so purchased in proportion 130047
to each applicant's contribution to and demonstrated need for 130048
fire protection services. The joint applicants shall then 130049
mutually agree on how the equipment is to be maintained, 130050
operated, stored, or disposed of. If, for any reason, the joint 130051
applicants cannot agree as to how jointly owned equipment is to 130052
be maintained, operated, stored, or disposed of or any of the 130053
joint applicants no longer maintain a contract with the same 130054
fire protection service provider as the other applicants, then 130055
the joint applicants shall, with the assistance of the State 130056
Fire Marshal, mutually agree as to how the jointly owned 130057
equipment is to be maintained, operated, stored, disposed of, or 130058
owned. If the joint applicants cannot agree how the grant 130059
equipment is to be maintained, operated, stored, disposed of, or 130060
owned, the State Fire Marshal may, in its discretion, require 130061
all of the equipment acquired by the joint applicants with grant 130062

funds to be returned to the State Fire Marshal. The State Fire 130063
Marshal may then award the returned equipment to any eligible 130064
recipients. For this paragraph only, an "equipment grant" also 130065
includes a MARCS Grant. 130066

(B) Except as otherwise provided in this section, the 130067
grants shall be used by recipients to purchase firefighting or 130068
rescue equipment or gear or similar items, to provide full or 130069
partial reimbursement for the documented costs of firefighter 130070
training, or, at the discretion of the State Fire Marshal, to 130071
cover fire department costs for providing fire protection 130072
services in that grant recipient's jurisdiction. 130073

(1) Of the foregoing appropriation item 800639, Fire 130074
Department Grants, up to \$1,300,000 per fiscal year may be used 130075
to pay for the State Fire Marshal's costs of providing 130076
firefighter I certification classes or other firefighter classes 130077
approved by the State Fire Marshal at no cost to selected 130078
students attending the Ohio Fire Academy or other class 130079
providers approved by the State Fire Marshal. The State Fire 130080
Marshal may establish the qualifications and selection processes 130081
for students to attend such classes by written policy, and such 130082
students shall be considered eligible recipients of fire 130083
department grants for the purposes of this portion of the grant 130084
program. 130085

(2) Of the foregoing appropriation item 800639, Fire 130086
Department Grants, up to \$4,000,000 in each fiscal year may be 130087
used for MARCS Grants. MARCS Grants may be used for the payment 130088
of user access fees by the eligible recipient to cover costs for 130089
accessing MARCS. 130090

For purposes of this section, a MARCS Grant is a grant for 130091
systems, equipment, or services that are a part of, integrated 130092

into, or otherwise interoperable with the Multi-Agency Radio 130093
Communication System (MARCS) operated by the state. 130094

MARCS Grant awards may be up to \$50,000 in each fiscal 130095
year per eligible recipient. Each eligible recipient may apply, 130096
as a separate entity or as a part of a joint application, for 130097
only one MARCS Grant per fiscal year. The State Fire Marshal may 130098
give a preference to MARCS Grants that will enhance the overall 130099
interoperability and effectiveness of emergency communication 130100
networks in the geographic region that includes and that is 130101
adjacent to the applicant. 130102

Eligible recipients that are or were awarded fire 130103
department grants that are not MARCS Grants may also apply for 130104
and receive MARCS Grants in accordance with criteria for the 130105
awarding of grant funds established by the State Fire Marshal. 130106

(3) Of the foregoing appropriation item 800639, Fire 130107
Department Grants, \$30,000 in fiscal year 2026 shall be used to 130108
support volunteer firefighter training programs at the 130109
Northwestern Ohio Volunteer Firemen's Association Fire School. 130110

(4) Grant awards for firefighting or rescue equipment or 130111
gear or for fire department costs of providing fire protection 130112
services shall be up to \$15,000 per fiscal year, or up to 130113
\$25,000 per fiscal year if an eligible entity serves a 130114
jurisdiction in which the Governor declared a natural disaster 130115
during the preceding or current fiscal year in which the grant 130116
was awarded. In addition to any grant funds awarded for rescue 130117
equipment or gear, or for fire department costs associated with 130118
the provision of fire protection services, an eligible entity 130119
may receive a grant for up to \$15,000 per fiscal year for full 130120
or partial reimbursement of the documented costs of firefighter 130121
training. For each fiscal year, the State Fire Marshal shall 130122

determine the total amounts to be allocated for each eligible 130123
purpose. 130124

(C) The grants shall be administered by the State Fire 130125
Marshal in accordance with rules the State Fire Marshal adopts 130126
as part of the state fire code adopted pursuant to section 130127
3737.82 of the Revised Code that are necessary for the 130128
administration and operation of the grant program. The rules may 130129
further define the entities eligible to receive grants and 130130
establish criteria for the awarding and expenditure of grant 130131
funds, including methods the State Fire Marshal may use to 130132
verify the proper use of grant funds or to obtain reimbursement 130133
for or the return of equipment for improperly used grant funds. 130134
To the extent consistent with this section and until the rules 130135
are updated, the existing rules in the state fire code adopted 130136
pursuant to section 3737.82 of the Revised Code for fire 130137
department grants under this section apply to MARCS Grants. Any 130138
amounts in appropriation item 800639, Fire Department Grants, in 130139
excess of the amount allocated for these grants may be used for 130140
the administration of the grant program. 130141

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 130142
OPERATING FUND 130143

If the Real Estate Recovery Fund (Fund 5480) cash balance 130144
exceeds \$250,000 during the biennium ending June 30, 2027, the 130145
Director of Budget and Management, upon the written request of 130146
the Director of Commerce, and subject to Controlling Board 130147
approval, may transfer cash from Fund 5480 to the Division of 130148
Real Estate Operating Fund (Fund 5490), such that the amount 130149
available in Fund 5480 is not less than \$250,000. 130150

If the Real Estate Appraiser Recovery Fund (Fund 4B20) 130151
cash balance exceeds \$200,000 during the biennium ending June 130152

30, 2027, the Director of Budget and Management, upon the 130153
written request of the Director of Commerce, and subject to 130154
Controlling Board approval, may transfer cash from Fund 4B20 to 130155
the Division of Real Estate Operating Fund (Fund 5490), such 130156
that the amount available in Fund 4B20 is not less than 130157
\$200,000. 130158

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT 130159
SERVICES REVOLVING LOAN FUND 130160

Upon the written request of the Director of Commerce, the 130161
Director of Budget and Management, subject to Controlling Board 130162
approval, may transfer up to \$600,000 in cash from the State 130163
Fire Marshal Fund (Fund 5460) to the Small Government Fire 130164
Department Services Revolving Loan Fund (Fund 5F10) during the 130165
biennium ending June 30, 2027. 130166

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 130167

Upon the written request of the Director of Commerce, the 130168
Director of Budget and Management may transfer up to \$2,500,000 130169
in each fiscal year from the Division of Securities Fund (Fund 130170
5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the 130171
biennium ending June 30, 2027. The Director of Commerce may 130172
request the transfer of cash in addition to the \$2,500,000, and 130173
the Director of Budget and Management may transfer additional 130174
cash in an amount agreed upon with the Director of Commerce, if 130175
sufficient cash is available in Fund 5500. An amount equal to 130176
the additional cash transferred under this section is hereby 130177
appropriated to appropriation item 800657, Ohio Investor 130178
Recovery. 130179

The foregoing appropriation item 800657, Ohio Investor 130180
Recovery, shall be used by the Department of Commerce pursuant 130181

to section 1707.47 of the Revised Code to provide restitution 130182
assistance to victims who: (1) are identified in a final 130183
administrative order issued by the Division of Securities or a 130184
final court order in a civil or criminal proceeding initiated by 130185
the Division as a purchaser damaged by a sale or contract for 130186
sale made in violation of Chapter 1707. of the Revised Code; and 130187
(2) have not received the full amount of any restitution ordered 130188
in a final order before the application for restitution 130189
assistance is due. 130190

CASH TRANSFERS TO THE OHIO INVESTOR EDUCATION AND 130191
ENFORCEMENT EXPENSE FUND 130192

On July 1, 2025, or as soon as possible thereafter, the 130193
Director of Budget and Management shall transfer \$5,000,000 cash 130194
from the Division of Securities Fund (Fund 5500) to the Investor 130195
Education and Enforcement Expense Fund (5GK0). 130196

Upon the written request of the Director of Commerce, the 130197
Director of Budget and Management, at least once every three 130198
months, may transfer cash equal to five per cent of the fees and 130199
charges received in the Division of Securities Fund (Fund 5500) 130200
to the Investor Education and Enforcement Expense Fund (Fund 130201
5GK0). 130202

CASH TRANSFERS TO THE OHIO FINANCIAL LITERACY EDUCATION 130203
FUND 130204

Upon the written request of the Director of Commerce, the 130205
Director of Budget and Management may transfer up to \$150,000 130206
cash in each fiscal year from the Consumer Finance Fund (Fund 130207
5530) to the Financial Literacy Education Fund (Fund 5FW0). 130208

Upon the written request of the Director of Commerce, the 130209
Director of Budget and Management, at least once every three 130210

months, may transfer cash equal to fifteen per cent of all 130211
charges, penalties, and forfeitures received into the Consumer 130212
Finance Fund (Fund 5530) to the Financial Literacy Education 130213
Fund (Fund 5FW0) created under section 121.085 of the Revised 130214
Code. 130215

CLAIMING UNCLAIMED FUNDS FOR THE STATE OF OHIO AND 130216
POLITICAL SUBDIVISIONS OF THE STATE 130217

(A) Notwithstanding Chapter 169. of the Revised Code, or 130218
any law to the contrary, the Treasurer of State, in consultation 130219
with the Director of Commerce and Director of Budget and 130220
Management, may claim unclaimed funds in the name of the state 130221
and not otherwise attributable to an administrative department 130222
as defined in section 121.02 of the Revised Code. All unclaimed 130223
funds claimed pursuant to this division shall be credited to the 130224
General Revenue Fund. 130225

(B) Notwithstanding Chapter 169. of the Revised Code or 130226
any law to the contrary, the treasurer of any political 130227
subdivision within this state, in consultation with the Director 130228
of Commerce and Director of Budget and Management, may claim 130229
unclaimed funds in the name of the political subdivision or 130230
otherwise attributable to the political subdivision. All 130231
unclaimed funds claimed pursuant to this division shall be 130232
credited to the appropriate fund of the political subdivision. 130233

(C) Notwithstanding divisions (A) and (B) of this section, 130234
any person claiming a property interest in the unclaimed funds 130235
may file a claim with the Director of Commerce. Upon providing 130236
sufficient proof of the validity of the person's claim, the 130237
Director may, in the Director's discretion, pay the claim less 130238
any expenses and costs incurred by the state or political 130239
subdivision in securing full title and ownership of the 130240

unclaimed funds. If payment has been made to a claim, no action 130241
thereafter may be maintained by any other claimant against the 130242
state or the political subdivision for or on account of the 130243
payment of the claim. 130244

DRUG ADDICTION PARTNERSHIP 130245

The foregoing appropriation item 800661, Drug Addiction 130246
Partnership, shall be used to establish a public-private 130247
partnership with a statewide nonprofit corporation to develop 130248
and implement cannabis and related drug misuse prevention, 130249
education, and public awareness initiatives in accordance with 130250
section 3780.37 of the Revised Code. The Division of Cannabis 130251
Control shall submit an annual report to the General Assembly 130252
detailing program activities, use of funds, and measurable 130253
outcomes resulting from the public-private partnership. 130254

Section 245.10. 130255
130256

1	2	3	4	5
A	OCC OFFICE OF CONSUMERS' COUNSEL			
B	Dedicated Purpose Fund Group			
C	5F50 053601 Consumers' Counsel		\$6,899,220	\$7,158,030
	Operating			
D	Dedicated Purpose Fund Group Total		\$6,899,220	\$7,158,030
E	TOTAL ALL BUDGET FUND GROUPS		\$6,899,220	\$7,158,030

Section 247.10. 130257
130258

	1	2	3	4	5
A			CEB CONTROLLING BOARD		
B			Internal Service Activity Fund Group		
C	5KM0	911614	Controlling Board	\$25,000,000	\$25,000,000
			Emergency		
			Purposes/Contingencies		
D			Internal Service Activity Fund Group	\$25,000,000	\$25,000,000
			Total		
E			TOTAL ALL BUDGET FUND GROUPS	\$25,000,000	\$25,000,000

Section 247.20. FEDERAL SHARE 130259

In transferring appropriations to or from appropriation 130260
items that have federal shares identified in this act, the 130261
Controlling Board shall add or subtract corresponding amounts of 130262
federal matching funds at the percentages indicated by the state 130263
and federal division of the appropriations in this act. Such 130264
changes are hereby appropriated. 130265

Section 249.10. 130266

130267

	1	2	3	4	5
A			COS COSMETOLOGY AND BARBER BOARD		
B			Dedicated Purpose Fund Group		
C	4K90	879609	Operating Expenses	\$5,523,412	\$5,841,066
D			Dedicated Purpose Fund Group Total	\$5,523,412	\$5,841,066

E	TOTAL ALL BUDGET FUND GROUPS	\$5,523,412	\$5,841,066
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Section 251.10.

130268

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1	2	3	4	5
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A CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD

B Dedicated Purpose Fund Group

C	4K90 899609 Operating Expenses	\$2,161,054	\$2,291,375
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D	Dedicated Purpose Fund Group Total	\$2,161,054	\$2,291,375
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E	TOTAL ALL BUDGET FUND GROUPS	\$2,161,054	\$2,291,375
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Section 253.10.

130270

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1	2	3	4	5
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A CLA COURT OF CLAIMS

B General Revenue Fund

C	GRF 015321 Operating Expenses	\$3,318,213	\$3,468,684
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D	GRF 015403 Public Records Adjudication	\$1,145,161	\$1,199,582
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E	General Revenue Fund Total	\$4,463,374	\$4,668,266
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F Dedicated Purpose Fund Group

G	5K20 015603 CLA Victims of Crime	\$622,100	\$649,822
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H	5TE0 015604 Public Records	\$2,800	\$2,800
I	Dedicated Purpose Fund Group Total	\$624,900	\$652,622
J	TOTAL ALL BUDGET FUND GROUPS	\$5,088,274	\$5,320,888

Section 255.10.

130272

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1	2	3	4	5
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A DEN STATE DENTAL BOARD

B Dedicated Purpose Fund Group

C	4K90 880609 Operating Expenses	\$2,281,030	\$2,372,258
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D	Dedicated Purpose Fund Group Total	\$2,281,030	\$2,372,258
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E	TOTAL ALL BUDGET FUND GROUPS	\$2,281,030	\$2,372,258
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Section 257.10.

130274

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1	2	3	4	5
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A BDP BOARD OF DEPOSIT

B Dedicated Purpose Fund Group

C	4M20 974601 Board of Deposit	\$1,688,400	\$1,688,400
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D	Dedicated Purpose Fund Group Total	\$1,688,400	\$1,688,400
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E	TOTAL ALL BUDGET FUND GROUPS	\$1,688,400	\$1,688,400
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Section 257.20. BOARD OF DEPOSIT EXPENSE FUND

130276

Upon receiving certification of expenses from the 130277
Treasurer of State, the Director of Budget and Management shall 130278
transfer cash from the Investment Earnings Redistribution Fund 130279
(Fund 6080) to the Board of Deposit Expense Fund (Fund 4M20). 130280
The latter fund shall be used pursuant to section 135.02 of the 130281
Revised Code to pay for any and all necessary expenses of the 130282
Board of Deposit or for banking charges and fees required for 130283
the operation of the State of Ohio Regular Account. 130284

Section 259.10.

130285
130286

	1	2	3	4	5
A			DEV DEPARTMENT OF DEVELOPMENT		
B			General Revenue Fund		
C	GRF 195402	Coal Research and Development Program		\$175,000	\$175,000
D	GRF 195405	Minority Business Development		\$9,412,302	\$9,508,983
E	GRF 195406	Helping Ohioans Stay in their Homes		\$4,000,000	\$4,000,000
F	GRF 195415	Business Development Services		\$4,114,894	\$4,157,217
G	GRF 195426	Redevelopment Assistance		\$1,125,000	\$1,141,982
H	GRF 195453	Technology Programs and Grants		\$859,360	\$868,648

I	GRF	195454	Small Business and Export Assistance	\$4,037,643	\$4,057,014
J	GRF	195455	Appalachia Assistance	\$12,680,362	\$12,682,630
K	GRF	195497	CDBG Operating Match	\$1,445,867	\$1,473,181
L	GRF	195499	BSD Federal Programs Match	\$13,441,064	\$13,499,251
M	GRF	1954A5	Local Government Cybersecurity Grants	\$7,000,000	\$0
N	GRF	1954A6	Housing Accelerator	\$2,500,000	\$2,500,000
O	GRF	195503	Local Development Projects	\$2,780,000	\$1,375,000
P	GRF	195537	Ohio-Israel Agricultural Initiative	\$500,000	\$500,000
Q	GRF	195553	Industry Sector Partnerships	\$5,000,000	\$5,000,000
R	GRF	195556	TechCred Program	\$25,205,470	\$25,207,322
S	GRF	195595	Workforce Development Grants	\$1,200,000	\$1,200,000
T	GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$4,050,000	\$2,525,000
U	GRF	195905	Third Frontier Research and Development General	\$45,000,000	\$45,000,000

		Obligation Bond Debt Service		
V		General Revenue Fund Total	\$144,526,962	\$134,871,228
W		Dedicated Purpose Fund Group		
X	450 195624	Minority Business Bonding 0 Program Administration	\$9,875	\$9,875
Y	451 195649	Business Assistance 0 Programs	\$3,000,000	\$3,000,000
Z	4F2 195639	State Special Projects 0	\$500,000	\$500,000
AA	4F2 195655	Workforce Development 0 Programs	\$188,100	\$188,100
AB	4F2 195699	Utility Community 0 Assistance	\$686,947	\$0
AC	4W1 195646	Minority Business 0 Enterprise Loan	\$2,000,000	\$2,000,000
AD	5AI 1956G9	Broadband Pole Replacement 1 and Undergrounding Program	\$46,361,299	\$0
AE	5AP 1956H3	Welcome Home Ohio Program 1	\$45,625,000	\$45,625,000
AF	5GT 195550	Broadband Development 0 Grants	\$2,800,000	\$2,800,000

AG	5JR	195635	Tax Incentives Operating 0	\$1,200,000	\$1,200,000
AH	5KP	195645	Historic Rehabilitation 0 Operating	\$1,800,000	\$1,800,000
AI	5M4	195659	Low Income Energy 0 Assistance (USF)	\$336,627,830	\$0
AJ	5M5	195660	Advanced Energy Loan 0 Programs	\$8,932,168	\$8,940,462
AK	5MH	195644	SiteOhio Administration 0	\$5,000	\$5,000
AL	5MJ	195683	TourismOhio Administration 0	\$10,000,000	\$12,000,000
AM	5UL	195627	Brownfields Revolving Loan 0 Program	\$1,750,000	\$1,750,000
AN	5UY	195496	Sports Events Grants 0	\$1,074,459	\$1,074,459
AO	5W6	195691	International Trade 0 Cooperative Projects	\$50,000	\$50,000
AP	5XH	195632	Women Owned Business Loans 0	\$5,000,000	\$5,000,000
AQ	5XH	195694	Micro-Loan 0	\$2,500,000	\$2,500,000
AR	5XH	1956I1	Minority Business	\$2,000,000	\$2,000,000

0	Development Loan Administration		
AS 5YE 1956A2	Brownfield Remediation	\$125,000,000	\$125,000,000
0			
AT 5YF 1956A3	Demolition and Site Revitalization	\$21,500,000	\$21,500,000
0			
AU 617 195654	Volume Cap Administration	\$40,000	\$40,000
0			
AV 646 195638	Low- and Moderate-Income Housing Programs	\$64,402,825	\$64,435,386
0			
AW	Dedicated Purpose Fund Group Total	\$683,053,503	\$301,418,282
AX	Internal Service Activity Fund Group		
AY 135 195684	Development Operations	\$15,263,246	\$15,609,260
0			
AZ 685 195636	Development Services Reimbursable Expenditures	\$250,000	\$250,000
0			
BA	Internal Service Activity Fund Group Total	\$15,513,246	\$15,859,260
BB	Facilities Establishment Fund Group		
BC 4Z6 195647	Rural Industrial Park Loan	\$7,521,860	\$7,521,860
0			
BD 5S9 195628	Capital Access Loan	\$1,500,000	\$1,500,000

0	Program		
BE 700 195664	Innovation Ohio	\$17,426,036	\$0
9			
BF 701 195665	Research and Development	\$36,032,990	\$0
0			
BG 703 195615	Facilities Establishment	\$10,000,000	\$10,000,000
7			
BH	Facilities Establishment Fund Group	\$72,480,886	\$19,021,860
	Total		
BI	Bond Research and Development Fund Group		
BJ 701 195686	Third Frontier Tax Exempt	\$1,000,000	\$1,000,000
1	- Operating		
BK 701 195687	Third Frontier Research	\$1,000,000	\$1,000,000
1	and Development Projects		
BL 701 195620	Third Frontier Taxable -	\$2,710,000	\$2,710,000
4	Operating		
BM 701 195692	Research and Development	\$100,000,000	\$20,000,000
4	Taxable Bond Projects		
BN	Bond Research and Development Fund	\$104,710,000	\$24,710,000
	Group Total		
BO	Federal Fund Group		
BP 308 195581	Energy Efficiency	\$2,500,000	\$2,500,000

	0		Revolving Loan Fund Capitalization Grant		
BQ	308	195602	Appalachian Regional Commission	\$7,500,000	\$7,500,000
BR	308	195603	Housing Assistance Programs	\$12,571,729	\$12,576,756
BS	308	195609	Small Business Administration Grants	\$5,550,000	\$5,550,000
BT	308	195618	Energy Grants	\$11,650,326	\$11,661,160
BU	308	195670	Home Weatherization Program	\$86,079,636	\$0
BV	308	195672	Manufacturing Extension Partnership	\$6,600,000	\$6,600,000
BW	308	195675	Procurement Technical Assistance	\$1,500,000	\$1,500,000
BX	308	195696	State Trade and Export Promotion	\$500,000	\$500,000
BY	335	195610	Energy Programs	\$350,000	\$350,000
BZ	3AE	195643	Workforce Development Initiatives	\$2,000,000	\$2,000,000
CA	3FJ	195626	Small Business Capital	\$2,600,000	\$2,600,000

0		Access and Collateral Enhancement Program			
CB	3IC	1956D9	Growth Capital Fund	\$3,250,000	\$3,250,000
0					
CC	3IC	1956E1	Early-Stage Focus Fund	\$1,500,000	\$1,500,000
0					
CD	3IC	1956E2	Community Development Financial Institution Loan Participation	\$10,000,000	\$10,000,000
0					
CE	3IC	1956E3	Collateral Enhancement Program	\$6,000,000	\$6,000,000
0					
CF	3IC	1956H5	State Small Business Credit Initiative Technical Assistance	\$1,500,000	\$1,500,000
0					
CG	3IF	1956E4	Broadband Equity, Access, and Deployment (BEAD) Program	\$793,000,000	\$0
0					
CH	3IF	1956E5	Broadband Digital Equity Acts Program	\$23,800,000	\$476,000
0					
CI	3IM	195582	Home-Owner Managing Energy Savings Rebate Program	\$15,000,000	\$15,000,000
0					
CJ	3IM	195583	High-Efficiency Electric Home Rebate Program	\$15,000,000	\$15,000,000
0					
CK	3K8	195613	Community Development	\$57,500,000	\$57,500,000

0	Block Grant		
CL 3K9 195611	Home Energy Assistance	\$180,000,000	\$0
0	Block Grant		
CM 3K9 195614	HEAP Weatherization	\$44,000,000	\$0
0			
CN 3L0 195612	Community Services Block	\$32,000,000	\$0
0	Grant		
CO 3V1 195601	HOME Program	\$53,750,000	\$53,750,000
0			
CP	Federal Fund Group Total	\$1,375,701,691	\$217,313,916
CQ	TOTAL ALL BUDGET FUND GROUPS	\$2,395,986,288	\$713,194,546

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 130287

The foregoing appropriation item 195402, Coal Research and 130288
Development Program, shall be used for the operating expenses of 130289
the Community Services Division in support of the Ohio Coal 130290
Development Office. 130291

MINORITY BUSINESS DEVELOPMENT 130292

The foregoing appropriation item 195405, Minority Business 130293
Development, shall be used to support the activities of the 130294
Minority Business Development Division, including providing 130295
grants to local nonprofit organizations to support economic 130296
development activities that promote minority business 130297
development, in conjunction with local organizations funded 130298
through appropriation item 195454, Small Business and Export 130299
Assistance. 130300

HELPING OHIOANS STAY IN THEIR HOMES 130301

The foregoing appropriation item 195406, Helping Ohioans 130302
Stay in their Homes, shall be granted to People Working 130303
Cooperatively for the Safe and Healthy at Home Initiative. 130304

BUSINESS DEVELOPMENT SERVICES 130305

The foregoing appropriation item 195415, Business 130306
Development Services, shall be used for the operating expenses 130307
of the Office of Strategic Business Investments and the regional 130308
economic development offices. 130309

Of the foregoing appropriation item 195415, Business 130310
Development Services, \$1,800,000 in each fiscal year shall be 130311
allocated to Development Projects, Inc., for economic 130312
development programs and the creation of new jobs to leverage 130313
and support mission gains at Department of Defense and related 130314
facilities in Ohio by working with future base realignment and 130315
closure activities and ongoing Department of Defense efficiency 130316
and partnership initiatives, assisting efforts to secure 130317
Department of Defense support contracts for Ohio companies, 130318
assessing and supporting regional job and workforce development 130319
needs generated by the Department of Defense and the Ohio 130320
aerospace industry, promoting technology transfer to Ohio 130321
businesses, and for expanding job training and economic 130322
development programs in human performance and cyber security- 130323
related initiatives. 130324

REDEVELOPMENT ASSISTANCE 130325

The foregoing appropriation item 195426, Redevelopment 130326
Assistance, shall be used to fund the costs of administering the 130327
energy, redevelopment, and other revitalization programs that 130328
may be implemented, and may be used to match federal grant 130329

funding. 130330

TECHNOLOGY PROGRAMS AND GRANTS 130331

The foregoing appropriation item 195453, Technology 130332
Programs and Grants, shall be used for operating expenses 130333
incurred in administering the Ohio Third Frontier Programs and 130334
other technology focused programs that may be implemented. 130335

SMALL BUSINESS AND EXPORT ASSISTANCE 130336

The foregoing appropriation item 195454, Small Business 130337
and Export Assistance, may be used to provide a range of 130338
business assistance, including grants to local organizations to 130339
support economic development activities that promote small 130340
business development, entrepreneurship, and exports of Ohio's 130341
goods and services, in conjunction with local organizations 130342
funded through appropriation item 195405, Minority Business 130343
Development. The foregoing appropriation item shall also be used 130344
as matching funds for grants from the United States Small 130345
Business Administration and other federal agencies, pursuant to 130346
Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and 130347
regulations and policy guidelines for the programs pursuant 130348
thereto. 130349

APPALACHIA ASSISTANCE 130350

The foregoing appropriation item 195455, Appalachia 130351
Assistance, may be used for the administrative costs of planning 130352
and liaison activities for the Governor's Office of Appalachia, 130353
to provide financial assistance to projects in Ohio's 130354
Appalachian counties, to support four local development 130355
districts, and to pay dues for the Appalachian Regional 130356
Commission. These funds may be used to match federal funds from 130357
the Appalachian Regional Commission. Programs funded through the 130358

appropriation item shall be identified and recommended by the 130359
local development districts and approved by the Governor's 130360
Office of Appalachia. The Department of Development shall 130361
conduct compliance and regulatory review of the programs 130362
recommended by the local development districts. Moneys allocated 130363
under the appropriation item may be used to fund projects 130364
including, but not limited to, those designated by the local 130365
development districts as community investment and rapid response 130366
projects. 130367

Of the foregoing appropriation item 195455, Appalachia 130368
Assistance, in each fiscal year, \$210,000 shall be allocated to 130369
the Ohio Valley Regional Development Commission, \$210,000 shall 130370
be allocated to the Ohio Mid-Eastern Government Association, 130371
\$210,000 shall be allocated to the Buckeye Hills Regional 130372
Council, and \$210,000 shall be allocated to the Eastgate 130373
Regional Council of Governments to support the study and 130374
construction of oil and natural gas pipelines within Ashtabula, 130375
Columbiana, Mahoning, and Trumbull counties. Local development 130376
districts receiving funding under this section shall use the 130377
funds for the implementation and administration of programs and 130378
duties under section 107.21 of the Revised Code. 130379

Of the foregoing appropriation item 195455, Appalachia 130380
Assistance, in each fiscal year, \$2,750,000 shall be allocated 130381
to the Foundation for Appalachian Ohio and \$1,000,000 shall be 130382
allocated to Ohio University's Voinovich School of Leadership 130383
and Public Service to work on behalf of the Mayor's partnership 130384
for Progress. 130385

Of the foregoing appropriation item 195455, Appalachia 130386
Assistance, \$1,000,000 in each fiscal year shall be allocated to 130387
the Appalachian Ohio Manufacturers Coalition, to create a pilot 130388

program in Meigs, Athens, Morgan, Noble, Monroe, and Washington 130389
counties to reduce barriers of workforce reentry for individuals 130390
who have graduated from behavioral health recovery programs. The 130391
program shall be jointly developed and administered with the 130392
Appalachian Children Coalition, in consultation with the 130393
Director of the Ohio Department of Mental Health and Addiction 130394
Services. 130395

Of the foregoing appropriation item 195455, Appalachia 130396
Assistance, \$500,000 in each fiscal year shall be allocated to 130397
the Outdoor Recreation Council of Appalachia. 130398

Of the foregoing appropriation item 195455, Appalachia 130399
Assistance, \$250,000 in each fiscal year shall be allocated to 130400
FosterHub in Hocking County. 130401

CDBG OPERATING MATCH 130402

The foregoing appropriation item 195497, CDBG Operating 130403
Match, shall be used as matching funds for grants from the 130404
United States Department of Housing and Urban Development 130405
pursuant to the Housing and Community Development Act of 1974 130406
and regulations and policy guidelines for the programs pursuant 130407
thereto. 130408

BSD FEDERAL PROGRAMS MATCH 130409

The foregoing appropriation item 195499, BSD Federal 130410
Programs Match, shall be used as matching funds for grants from 130411
the U.S. Department of Commerce, National Institute of Standards 130412
and Technology Manufacturing Extension Partnership Program and 130413
Department of Defense APEX Accelerator Program, and other 130414
federal agencies, pursuant to Pub. L. No. 96-302 as amended by 130415
Pub. L. No. 98-395, and regulations and policy guidelines for 130416
the programs pursuant thereto. The appropriation item shall also 130417

be used for operating expenses of the Business Services	130418
Division.	130419
LOCAL DEVELOPMENT PROJECTS	130420
Of the foregoing appropriation item 195503, Local	130421
Development Projects, \$500,000 in each fiscal year shall be	130422
granted to Baldwin Wallace University to expand the Northeast	130423
Ohio Flight Information Exchange (NEOFIX) and support	130424
development of flight information exchanges in other communities	130425
in Ohio.	130426
Of the foregoing appropriation item 195503, Local	130427
Development Projects, \$250,000 in each fiscal year shall be	130428
granted to Neighborhood Alliance to support the homeless shelter	130429
in Lorain County.	130430
Of the foregoing appropriation item 195503, Local	130431
Development Projects, \$250,000 in each fiscal year shall be	130432
granted to Freedom a la Cart to support workforce initiatives	130433
and programs for human trafficking survivors.	130434
Of the foregoing appropriation item 195503, Local	130435
Development Projects, \$250,000 in each fiscal year shall be	130436
granted to the city of Coshocton to design and construct a water	130437
line extension to serve the village of Warsaw and the River View	130438
School.	130439
Of the foregoing appropriation item 195503, Local	130440
Development Projects, \$125,000 in each fiscal year shall be	130441
granted to the Buckeye Lake Regional Corporation to support	130442
community development.	130443
Of the foregoing appropriation item 195503, Local	130444
Development Projects, \$85,000 in fiscal year 2026 shall be	130445
granted to the Stark County Minority Business Association to	130446

support the development and operation of the Kirk Schuring 130447
Business Development Center and Innovation Hub. 130448

Of the foregoing appropriation item 195503, Local 130449
Development Projects, \$15,000 in fiscal year 2026 shall be 130450
granted to one local fire department in each of Geauga, Lake, 130451
and Portage counties, selected by the Director of Development, 130452
for the installation of baby boxes. 130453

Of the foregoing appropriation item 195503, Local 130454
Development Projects, \$10,000 in fiscal year 2026 shall be 130455
granted to the Salem Worlds War Memorial Building Association to 130456
support the development of a job training center. 130457

Of the foregoing appropriation item 195503, Local 130458
Development Projects, \$500,000 in fiscal year 2026 shall be 130459
granted to NewBridge Cleveland Center for Arts and Technology to 130460
support at-risk adult learner healthcare professional 130461
certification and job placement. 130462

Of the foregoing appropriation item 195503, Local 130463
Development Projects, \$500,000 in FY 2026 shall be granted to 130464
the Mahoning Valley Scrappers for stadium maintenance and 130465
improvements. 130466

Of the foregoing appropriation item 195503, Local 130467
Development Projects, \$15,000 in fiscal year 2026 shall be 130468
granted to the Village of Grand River for sidewalk improvements 130469
and repairs. 130470

Of the foregoing appropriation item 195503, Local 130471
Development Projects, \$250,000 in fiscal year 2026 shall be 130472
granted to Boardman Township to provide matching funds for the 130473
flood mitigation assistance grant awarded to the township by the 130474
Federal Emergency Management Agency. 130475

OHIO-ISRAEL AGRICULTURAL INITIATIVE	130476
The foregoing appropriation item 195537, Ohio-Israel	130477
Agricultural Initiative, shall be used for the Ohio-Israel	130478
Agricultural Initiative. The appropriation shall not be used for	130479
travel and entertainment expenses incurred under the initiative.	130480
SECTOR PARTNERSHIP NETWORKS	130481
The foregoing appropriation item 195553, Industry Sector	130482
Partnerships, shall be used for the grant program described in	130483
section 122.179 of the Revised Code.	130484
TECHCRED PROGRAM	130485
The foregoing appropriation item 195556, TechCred Program,	130486
shall be used for the programs described under sections 122.178,	130487
122.1710, 122.1712, and 122.1713 of the Revised Code.	130488
WORKFORCE DEVELOPMENT GRANTS	130489
Of the foregoing appropriation item 195595, Workforce	130490
Development Grants, \$400,000 in each fiscal year shall be	130491
granted to Apollo Career and Technical Center to support the	130492
Ohio Oil and Gas Career Jumpstart Program.	130493
Of the foregoing appropriation item 195595, Workforce	130494
Development Grants, \$400,000 in each fiscal year shall be	130495
granted to Mahoning Career and Technical Center to support the	130496
Ohio Oil and Gas Career Jumpstart Program.	130497
Of the foregoing appropriation item 195595, Workforce	130498
Development Grants, \$400,000 in each fiscal year shall be	130499
granted to Washington County Career Center to support the Ohio	130500
Oil and Gas Career Jumpstart Program.	130501
HOUSING ACCELERATOR	130502

The foregoing appropriation item 1954A6, Housing Accelerator, shall be used to support the housing development incentive programs under section 122.634 of the Revised Code.

An amount equal to the unexpended, unencumbered, balance of appropriation item 1954A6, Housing Accelerator, at the end of fiscal year 2026 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2027.

Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2025, through June 30, 2027, on obligations issued under sections 151.01 and 151.07 of the Revised Code.

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195905, Third Frontier Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2025, through June 30, 2027, on obligations issued under sections 151.01 and 151.10 of the Revised Code.

Section 259.30. MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the biennium ending June 30, 2027, of unclaimed funds administered by the Director of

Commerce and allocated to the Minority Business Bonding Program 130532
under section 169.05 of the Revised Code. 130533

If needed for the payment of losses arising from the 130534
Minority Business Bonding Program, the Director of Budget and 130535
Management may, at the request of the Director of Development, 130536
request that the Director of Commerce transfer unclaimed funds 130537
that have been reported by holders of unclaimed funds under 130538
section 169.05 of the Revised Code to the Minority Bonding Fund 130539
(Fund 4490). The transfer of unclaimed funds shall only occur 130540
after proceeds of the initial transfer of \$2,700,000 by the 130541
Controlling Board to the Minority Business Bonding Program have 130542
been used for that purpose. If expenditures are required for 130543
payment of losses arising from the Minority Business Bonding 130544
Program, such expenditures shall be made from appropriation item 130545
195658, Minority Business Bonding Contingency in the Minority 130546
Business Bonding Fund, and such amounts are hereby appropriated. 130547

BUSINESS ASSISTANCE PROGRAMS 130548

The foregoing appropriation item 195649, Business 130549
Assistance Programs, shall be used for administrative expenses 130550
associated with the operation of loan incentives. 130551

STATE SPECIAL PROJECTS 130552

The State Special Projects Fund (Fund 4F20), may be used 130553
for the deposit of private-sector funds from utility companies 130554
and for the deposit of other miscellaneous state funds. State 130555
moneys so deposited may also be used to match federal funding 130556
and to support programs of the Community Service Division and 130557
Business Services Division. 130558

MINORITY BUSINESS ENTERPRISE LOAN 130559

The foregoing appropriation item 195646, Minority Business 130560

Enterprise Loan, shall be used for awards under the Minority 130561
Business Enterprise Loan Program and to cover operating expenses 130562
of the Minority Business Development Division. All repayments 130563
from the Minority Development Financing Advisory Board Loan 130564
Program shall be deposited in the state treasury to the credit 130565
of the Minority Business Enterprise Loan Fund (Fund 4W10). 130566

BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM 130567

The foregoing appropriation item 1956G9, Broadband Pole 130568
Replacement and Undergrounding Program, shall be used by the 130569
Department of Development to support the Broadband Pole 130570
Replacement and Undergrounding Program under section 191.27 of 130571
the Revised Code. 130572

TRANSFER FROM THE BROADBAND POLE REPLACEMENT FUND TO THE 130573
OHIO RESIDENTIAL BROADBAND EXPANSION GRANT PROGRAM FUND 130574

On July 1, 2025, or as soon as possible thereafter, the 130575
Director of Budget and Management shall transfer \$3,600,000 cash 130576
from the Broadband Pole Replacement and Undergrounding Program 130577
Fund (Fund 5AI1) to the Ohio Residential Broadband Expansion 130578
Grant Program Fund (Fund 5GT0). 130579

WELCOME HOME OHIO PROGRAM 130580

The foregoing appropriation item 1956H3, Welcome Home Ohio 130581
Program, shall be used for grants under the Welcome Home Ohio 130582
Program established in sections 122.631 through 122.633 of the 130583
Revised Code. Of the foregoing appropriation item 1956H3, 130584
Welcome Home Ohio Program, \$22,812,500 in each fiscal year shall 130585
be used to distribute grants to purchase residential property at 130586
foreclosure sales under section 122.631 of the Revised Code. Of 130587
the foregoing appropriation item 1956H3, Welcome Home Ohio 130588
Program, \$22,812,500 in each fiscal year shall be used to 130589

distribute grants to rehabilitate or construct residential 130590
property for income-restricted owners under section 122.632 of 130591
the Revised Code. 130592

On July 1, 2025, or as soon as possible thereafter, the 130593
Director of Budget and Management shall transfer \$50,000,000 130594
cash from the Local Government Tangible Property Tax Replacement 130595
Fund (Fund 7081) to the Welcome Home Ohio Fund (Fund 5AP1). 130596

ADVANCED ENERGY LOAN PROGRAMS 130597

The foregoing appropriation item 195660, Advanced Energy 130598
Loan Programs, shall be used to provide financial assistance to 130599
customers for eligible advanced energy projects for residential, 130600
commercial, and industrial business, local government, 130601
educational institution, nonprofit, and agriculture customers. 130602
The appropriation item may be used to match federal grant 130603
funding and to pay for the program's administrative costs as 130604
provided in sections 4928.61 to 4928.63 of the Revised Code and 130605
rules adopted by the Director of Development. 130606

SPORTS EVENTS GRANTS 130607

The foregoing appropriation item 195496, Sports Events 130608
Grants, shall be used for grants as described in sections 122.12 130609
and 122.121 of the Revised Code. 130610

WOMEN OWNED BUSINESS LOAN 130611

The foregoing appropriation item 195632, Women Owned 130612
Business Loan, shall be used to operate the Women Owned Business 130613
Loan Program. 130614

MINORITY BUSINESS MICRO-LOAN 130615

The foregoing appropriation item 195694, Micro-Loan, shall 130616
be used to operate the Minority Business Micro-Loan Program. 130617

MBD LOAN ADMINISTRATION	130618
The foregoing appropriation item 1956I1, MBD Loan	130619
Administration, shall be used to operate the Women Owned Loan	130620
and Minority Business Micro-Loan Programs.	130621
TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE	130622
FUND TO THE MBD FINANCIAL ASSISTANCE FUND	130623
On July 1, 2025, or as soon as possible thereafter, the	130624
Director of Budget and Management may transfer \$5,000,000 cash	130625
from the State Small Business Credit Initiative Fund (Fund 3FJ0)	130626
to the MBD Financial Assistance Fund (Fund 5XH0). All repayments	130627
of loans issued under Fund 5XH0 shall be credited to the fund.	130628
Upon the completion of the original Collateral Enhancement	130629
Program, the Director of Development shall certify to the	130630
Director of Budget and Management the remaining cash balance in	130631
the State Small Business Credit Initiative Fund (Fund 3FJ0). The	130632
Director of Budget and Management may transfer the certified	130633
amount from Fund 3FJ0 to the MBD Financial Assistance Fund (Fund	130634
5XH0).	130635
BROWNFIELD REMEDIATION	130636
The foregoing appropriation item 1956A2, Brownfield	130637
Remediation, shall be used to award grants under the Brownfield	130638
Remediation Program as described in section 122.6511 of the	130639
Revised Code. Of the foregoing appropriation item 1956A2,	130640
Brownfield Remediation, up to two and one-half percent in each	130641
fiscal year may be used to pay the administrative costs of the	130642
program.	130643
On July 1, 2025, or as soon as possible thereafter, the	130644
Director of Budget and Management shall transfer \$250,000,000	130645
cash from the All Ohio Future Fund (Fund 5XM0) to the Brownfield	130646

Remediation Fund (Fund 5YE0). 130647

DEMOLITION AND SITE REVITALIZATION 130648

The appropriation item 1956A3, Demolition and Site 130649
Revitalization, shall be used to award grants and to pay 130650
associated administrative costs under the Building Demolition 130651
and Site Revitalization Program as described in section 122.6512 130652
of the Revised Code. 130653

An amount equal to the unexpended, unencumbered balance of 130654
appropriation item 1956A3, Demolition and Site Revitalization, 130655
at the end of fiscal year 2026 is hereby reappropriated to the 130656
same appropriation item for the same purpose in fiscal year 130657
2027. 130658

On July 1 of each fiscal year, or as soon as possible 130659
thereafter, the Director of Budget and Management shall transfer 130660
\$20,000,000 cash from the Local Government Tangible Property Tax 130661
Replacement Fund (Fund 7081) to the Building Demolition and Site 130662
Revitalization Fund (Fund 5YF0). 130663

VOLUME CAP ADMINISTRATION 130664

The foregoing appropriation item 195654, Volume Cap 130665
Administration, shall be used for expenses related to the 130666
administration of the Volume Cap Program. Revenues received by 130667
the Volume Cap Administration Fund (Fund 6170) shall consist of 130668
application fees, forfeited deposits, and interest earned from 130669
the custodial account held by the Treasurer of State. 130670

Section 259.40. DEVELOPMENT OPERATIONS 130671

The Director of Development may assess offices of the 130672
department for the cost of central service operations. An 130673
assessment shall contain the characteristics of administrative 130674

ease and uniform application. A division's payments shall be 130675
credited to the Supportive Services Fund (Fund 1350) using an 130676
intrastate transfer voucher. 130677

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 130678

The foregoing appropriation item 195636, Development 130679
Services Reimbursable Expenditures, shall be used for 130680
reimbursable costs incurred by the department. Revenues to the 130681
General Reimbursement Fund (Fund 6850) shall consist of moneys 130682
charged for administrative costs that are not central service 130683
costs and repayments of loans, including the interest thereon, 130684
made from the Water and Sewer Fund (Fund 4440). 130685

Section 259.50. RURAL INDUSTRIAL PARK LOAN 130686

The foregoing appropriation item 195647, Rural Industrial 130687
Park Loan, shall be used to award loans under the Rural 130688
Industrial Park Loan Program established in section 122.24 of 130689
the Revised Code. Rural Industrial Park Loans awarded under the 130690
appropriation item shall not exceed \$4,000,000. 130691

TRANSFER FROM THE RESEARCH AND DEVELOPMENT LOAN FUND TO 130692
THE BUSINESS ASSISTANCE FUND 130693

Notwithstanding Chapter 166. of the Revised Code, the 130694
Director of Budget and Management may transfer up to \$3,000,000 130695
cash in each fiscal year from the Research and Development Loan 130696
Fund (Fund 7010) to the Business Assistance Fund (Fund 4510), 130697
subject to Controlling Board approval. 130698

CAPITAL ACCESS LOAN PROGRAM 130699

The foregoing appropriation item 195628, Capital Access 130700
Loan Program, shall be used for operating, program, and 130701
administrative expenses of the program. Capital Access Loan 130702

Program funds shall be used in accordance with section 122.603 130703
of the Revised Code to assist participating financial 130704
institutions in making program loans to eligible businesses that 130705
face barriers in accessing working capital and obtaining fixed- 130706
asset financing. 130707

The Director of Budget and Management may transfer an 130708
amount not to exceed \$1,000,000 cash in each fiscal year between 130709
the Minority Business Enterprise Loan Fund (Fund 4W10) and the 130710
Capital Access Loan Fund (Fund 5S90), subject to Controlling 130711
Board approval. 130712

FACILITIES ESTABLISHMENT 130713

The foregoing appropriation item 195615, Facilities 130714
Establishment, shall be used for the purposes of the Facilities 130715
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 130716
Code. 130717

In the biennium ending June 30, 2027, notwithstanding 130718
section 127.14 and division (B) of section 131.35 of the Revised 130719
Code, the Controlling Board may authorize expenditures, in 130720
excess of the amount appropriated, but not to exceed the 130721
limitation set in division (E) of section 131.35 of the Revised 130722
Code, using the Facilities Establishment Fund (Fund 7037) for 130723
purposes consistent with Chapter 166. of the Revised Code. The 130724
amounts authorized by the Controlling Board are hereby 130725
appropriated. 130726

Section 259.60. THIRD FRONTIER OPERATING COSTS 130727

The foregoing appropriation items 195686, Third Frontier 130728
Tax Exempt Operating, and 195620, Third Frontier Taxable - 130729
Operating, shall be used for operating expenses incurred in 130730
administering projects pursuant to sections 184.10 to 184.20 of 130731

the Revised Code. Operating expenses paid from appropriation 130732
item 195686 shall be limited to the administration of projects 130733
funded from the Third Frontier Research and Development Fund 130734
(Fund 7011), and operating expenses paid from appropriation item 130735
195620 shall be limited to the administration of projects funded 130736
from the Third Frontier Research and Development Taxable Bond 130737
Project Fund (Fund 7014). 130738

THIRD FRONTIER RESEARCH AND DEVELOPMENT TAXABLE AND TAX 130739
EXEMPT PROJECTS 130740

The foregoing appropriation items 195687, Third Frontier 130741
Research and Development Projects, and 195692, Research and 130742
Development Taxable Bond Projects, shall be used to fund 130743
selected projects, which may include internship programs. 130744
Eligible costs are those costs of research and development 130745
projects to which the proceeds of Fund 7011 and Fund 7014 are to 130746
be applied. 130747

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 130748

The Director of Budget and Management may approve written 130749
requests from the Director of Development for the transfer of 130750
appropriations between appropriation items 195687, Third 130751
Frontier Research and Development Projects, and 195692, Research 130752
and Development Taxable Bond Projects, based upon awards 130753
recommended by the Third Frontier Commission. 130754

In fiscal year 2026, the Director of Development may 130755
request that the Director of Budget and Management reappropriate 130756
any unexpended, unencumbered balances of the prior fiscal year's 130757
appropriation to the foregoing appropriation items 195687, Third 130758
Frontier Research and Development Projects, and 195692, Research 130759
and Development Taxable Bond Projects, for fiscal year 2026. The 130760

Director of Budget and Management may request additional 130761
information necessary for evaluating these requests, and the 130762
Director of Development shall provide the requested information 130763
to the Director of Budget and Management. Based on the 130764
information provided by the Director of Development, the 130765
Director of Budget and Management shall determine the amounts to 130766
be reappropriated, and those amounts are hereby reappropriated 130767
for fiscal year 2026. 130768

Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT 130769
PROGRAM (BEAD) 130770

The foregoing appropriation item 1956E4, Broadband Equity, 130771
Access, and Deployment Program (BEAD), shall be used to build 130772
infrastructure that supports the adoption of high-speed 130773
internet. 130774

Of the foregoing appropriation item 1956E4, Broadband 130775
Equity, Access, and Deployment Program (BEAD), \$20,000,000 in FY 130776
2026 shall be used for the U.S. Route 30 OARnet Broadband 130777
Extension project. This project shall include construction of a 130778
wholesale middle-mile network along Route 30 consisting of two 130779
sections from the preexisting OARnet backbone network and 130780
points-of-presence, one from the Canton area and the other from 130781
the Lima area, which will connect in Mansfield. 130782

HEAP WEATHERIZATION 130783

Up to twenty-five per cent of the federal funds deposited 130784
to the credit of the Home Energy Assistance Block Grant Fund 130785
(Fund 3K90) may be expended from appropriation item 195614, HEAP 130786
Weatherization, to provide home weatherization services in the 130787
state as determined by the Director of Development. 130788

Section 261.10. 130789

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	1	2	3	4	5
A			DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES		
B			General Revenue Fund		
C	GRF	320411	Special Olympics	\$250,000	\$250,000
D	GRF	320412	Protective Services	\$3,200,000	\$3,200,000
E	GRF	320415	Developmental Disabilities Facilities Lease Rental Bond Payments	\$27,500,000	\$24,200,000
F	GRF	322422	Multi System Youth	\$5,000,000	\$5,000,000
G	GRF	322423	Technology First	\$3,200,000	\$3,200,000
H	GRF	322508	Employment First Initiative	\$2,700,000	\$2,700,000
I	GRF	322509	Community Supports and Rental Assistance	\$890,000	\$890,000
J	GRF	322510	Best Buddies Ohio	\$100,000	\$100,000
K	GRF	653321	Medicaid Program Support - State	\$8,163,217	\$8,421,356
L	GRF	653407	Medicaid Services	\$1,127,127,000	\$1,140,627,000
M			General Revenue Fund Total	\$1,178,130,217	\$1,188,588,356

N	Dedicated Purpose Fund Group				
O	2210	322620	Supplement Service Trust	\$500,000	\$500,000
P	4890	653632	Developmental Centers Direct Care Services	\$7,000,000	\$7,000,000
Q	5DK0	322629	Capital Replacement Facilities	\$750,000	\$750,000
R	5EV0	653627	Medicaid Program Support	\$2,540,000	\$2,540,000
S	5GE0	320606	Central Office Operating Expenses	\$20,914,384	\$21,180,026
T	5GE0	653606	ICF/IID and Waiver Match	\$60,000,000	\$60,000,000
U	5H00	322619	Medicaid Repayment	\$900,000	\$900,000
V	5S20	653622	Medicaid Administration and Oversight	\$36,000,000	\$36,000,000
W	5Z10	653624	County Board Waiver Match	\$688,000,000	\$752,000,000
X	Dedicated Purpose Fund Group Total			\$816,604,384	\$880,870,026
Y	Internal Service Activity Fund Group				
Z	1520	653609	DC and Residential Facilities Operating Services	\$20,000,000	\$20,000,000
AA	Internal Service Activity Fund Group Total			\$20,000,000	\$20,000,000

AB Federal Fund Group

AC 3250 322612 Community Social Service Programs	\$15,075,000	\$15,075,000
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AD 3A40 653654 Medicaid Services	\$3,385,530,510	\$3,545,767,920
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AE 3A40 653655 Medicaid Support	\$92,000,000	\$97,000,000
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AF 3A50 320613 Developmental Disabilities Council	\$3,369,230	\$3,408,234
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AG Federal Fund Group Total	\$3,495,974,740	\$3,661,251,154
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AH TOTAL ALL BUDGET FUND GROUPS	\$5,510,709,341	\$5,750,709,536
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Section 261.20. SPECIAL OLYMPICS	130791
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The foregoing appropriation item 320411, Special Olympics,	130792
shall be distributed by the Ohio Department of Developmental	130793
Disabilities to the Special Olympics of Ohio in support of the	130794
Ohio Special Olympics Summer Games.	130795

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES	130796
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LEASE-RENTAL BOND PAYMENTS	130797
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The foregoing appropriation item 320415, Developmental	130798
Disabilities Facilities Lease Rental Bond Payments, shall be	130799
used to meet all payments during the period from July 1, 2025,	130800
through June 30, 2027, by the Department of Developmental	130801
Disabilities pursuant to leases and agreements made under	130802
section 154.20 of the Revised Code. These appropriations are the	130803
source of funds pledged for bond service charges on related	130804
obligations issued under Chapter 154. of the Revised Code.	130805

Section 261.40. MULTI-SYSTEM YOUTH 130806

Of the foregoing appropriation item 322422, Multi-System Youth, a portion may be used to provide a subsidy to eligible county boards of developmental disabilities for the provision of respite services and other services and supports for youth with complex or multi-system needs to enable them to remain in their homes with their families or in their communities. The Director of Developmental Disabilities shall establish the total amount available for the subsidy, a formula for distributing the subsidy to eligible county boards, and the eligibility requirements county boards must satisfy to receive the subsidy. 130807
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Section 261.50. TECHNOLOGY FIRST 130817

Of the foregoing appropriation item 322423, Technology First, a portion may be used to increase access and utilization of innovative technology for people with developmental disabilities in accordance with the Technology First Policy established in section 5123.025 of the Revised Code. 130818
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Section 261.60. EMPLOYMENT FIRST INITIATIVE 130823

The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code. 130824
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Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities 130829
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Agency. The transfer shall be made via an intrastate transfer 130835
voucher. The transferred funds shall be used to support the 130836
Employment First Initiative. The Opportunities for Ohioans with 130837
Disabilities Agency shall use the funds transferred as state 130838
matching funds to obtain available federal grant dollars for 130839
vocational rehabilitation services. Any federal match dollars 130840
received by the Opportunities for Ohioans with Disabilities 130841
Agency shall be used for the initiative. The Director of 130842
Developmental Disabilities and the Executive Director of the 130843
Opportunities for Ohioans with Disabilities Agency shall enter 130844
into an interagency agreement in accordance with section 130845
3304.181 of the Revised Code that will specify the 130846
responsibilities of each agency under the initiative. Under the 130847
interagency agreement, the Opportunities for Ohioans with 130848
Disabilities Agency shall retain responsibility for eligibility 130849
determination, order of selection, plan approval, plan 130850
amendment, and release of vendor payments. 130851

The remainder of appropriation item 322508, Employment 130852
First Initiative, shall be used to develop a long-term, 130853
sustainable system that places individuals with developmental 130854
disabilities in community employment, as defined in section 130855
5123.022 of the Revised Code. 130856

Section 261.61. ACHIEVEMENT CENTERS FOR CHILDREN 130857

Of the foregoing appropriation item 322509, Community 130858
Supports and Rental Assistance, \$190,000 in each fiscal year 130859
shall be distributed to the Achievement Centers for Children to 130860
provide family support services and respite care for children 130861
with disabilities and their families. 130862

Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 130863

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and individuals with developmental disabilities who enroll in a Medicaid waiver component providing home and community-based services after receiving preadmission counseling pursuant to section 5124.68 of the Revised Code. The Director shall establish the methodology for determining the amount and distribution of such funding.

Section 261.73. BEST BUDDIES OHIO

The foregoing appropriation item 322510, Best Buddies Ohio, shall be provided to the Best Buddies Ohio program to support the delivery and expansion of skills-building services throughout Ohio schools and communities.

Section 261.80. MEDICAID SERVICES

(A) As used in this section:

(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.

(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:

(1) Home and community-based services;

(2) ICF/IID services; and	130892
(3) Other programs as identified by the Director of	130893
Developmental Disabilities.	130894
Section 261.90. CENTRAL OFFICE OPERATING EXPENSES	130895
Of the foregoing appropriation item 320606, Central Office	130896
Operating Expenses, \$100,000 in each fiscal year shall be	130897
provided to the Ohio Center for Autism and Low Incidence to	130898
establish a lifespan autism hub to support families and	130899
professionals.	130900
Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES	130901
As used in this section, "home and community-based	130902
services" has the same meaning as in section 5123.01 of the	130903
Revised Code.	130904
The Director of Developmental Disabilities shall establish	130905
a methodology to be used in fiscal year 2026 and fiscal year	130906
2027 to estimate the quarterly amount each county board of	130907
developmental disabilities is to pay of the nonfederal share of	130908
home and community-based services that section 5126.0510 of the	130909
Revised Code requires county boards to pay. Each quarter, the	130910
Director shall submit to a county board written notice of the	130911
amount the county board is to pay for that quarter. The notice	130912
shall specify when the payment is due.	130913
Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT	130914
If a county board of developmental disabilities does not	130915
fully pay any amount owed to the Department of Developmental	130916
Disabilities by the due date established by the Department, the	130917
Director of Developmental Disabilities may withhold the amount	130918
the county board did not pay from any amounts due to the county	130919

board. The Director may use any appropriation item or fund used 130920
by the Department to transfer cash to any other fund used by the 130921
Department in an amount equal to the amount owed the Department 130922
that the county board did not pay. Transfers under this section 130923
shall be made using an intrastate transfer voucher. 130924

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS 130925

(A) In fiscal year 2026 and fiscal year 2027, the Director 130926
of Developmental Disabilities may authorize the continuation or 130927
implementation of one or more innovative pilot projects that, in 130928
the judgment of the Director, are likely to assist in promoting 130929
the objectives of Chapter 5123. or 5126. of the Revised Code. 130930
Subject to division (B) of this section and notwithstanding any 130931
provision of Chapters 5123. and 5126. of the Revised Code and 130932
any rule adopted under either chapter, a pilot project 130933
authorized by the Director may be continued or implemented in a 130934
manner inconsistent with one or more provisions of either 130935
chapter or one or more rules adopted under either chapter. 130936
Before authorizing a pilot program, the Director shall consult 130937
with entities interested in the issue of developmental 130938
disabilities, including the Ohio Provider Resource Association, 130939
Ohio Association of County Boards of Developmental Disabilities, 130940
Ohio Health Care Association/Ohio Centers for Intellectual 130941
Disabilities, the Values and Faith Alliance, and ARC of Ohio. 130942

(B) The Director may not authorize a pilot project to be 130943
implemented in a manner that would cause the state to be out of 130944
compliance with any requirements for a program funded in whole 130945
or in part with federal funds. 130946

Section 261.130. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 130947
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 130948

- (A) As used in this section: 130949
- (1) "Converted facility" means an ICF/IID, or former 130950
ICF/IID, that converted some or all of its beds to providing 130951
home and community-based services under the IO Waiver pursuant 130952
to section 5124.60 of the Revised Code. 130953
- (2) "Developmental center" and "ICF/IID" have the same 130954
meanings as in section 5124.01 of the Revised Code. 130955
- (3) "IO Waiver" means the Medicaid waiver component, as 130956
defined in section 5166.01 of the Revised Code, known as 130957
Individual Options. 130958
- (4) "Medicaid provider" has the same meaning as in section 130959
5164.01 of the Revised Code. 130960
- (5) "Public hospital" has the same meaning as in section 130961
5122.01 of the Revised Code. 130962
- (6) "Qualifying IO enrollee" means an IO Waiver enrollee 130963
to whom all of the following apply: 130964
- (a) The enrollee resided in a developmental center, 130965
converted facility, or public hospital immediately before 130966
enrolling in the IO Wavier. 130967
- (b) The enrollee did not receive before July 1, 2011, 130968
routine homemaker/personal care services from the Medicaid 130969
provider that is to be paid the Medicaid rate authorized by this 130970
section for providing such services to the enrollee during the 130971
period specified in division (C) of this section. 130972
- (c) The Director of Developmental Disabilities has 130973
determined that the enrollee's special circumstances (including 130974
the enrollee's diagnosis, service needs, or length of stay at 130975
the developmental center, converted facility, or public 130976

hospital) warrants paying the Medicaid rate authorized by this 130977
section. 130978

(B) The total Medicaid payment rate for each fifteen 130979
minutes of routine homemaker/personal care services that a 130980
Medicaid provider provides to a qualifying IO enrollee during 130981
the period specified in division (C) of this section shall be 130982
fifty-two cents higher than the Medicaid payment rate in effect 130983
on the day the services are provided for each fifteen minutes of 130984
routine homemaker/personal care services that a Medicaid 130985
provider provides to an IO enrollee who is not a qualifying IO 130986
enrollee. 130987

(C) Division (B) of this section applies to the first 130988
twelve months, consecutive or otherwise, that a Medicaid 130989
provider, during the period beginning July 1, 2025, and ending 130990
July 1, 2027, provides routine homemaker/personal care services 130991
to a qualifying IO enrollee. 130992

(D) Of the foregoing appropriation items 653407, Medicaid 130993
Services, and 653654, Medicaid Services, portions shall be used 130994
to pay the Medicaid payment rate determined in accordance with 130995
this section for routine homemaker/personal care services 130996
provided to qualifying IO enrollees. 130997

Section 261.140. ICF WORKFORCE DEVELOPMENT PAYMENTS 130998

Of the foregoing appropriation items 653407, Medicaid 130999
Services, and 653654, Medicaid Services, a portion of each 131000
appropriation item shall be used in fiscal year 2026 in 131001
accordance with this section and section 5124.15 of the Revised 131002
Code. The funds shall be used to maintain rates supporting the 131003
professional workforce development payment, as provided in 131004
division (A) (5) (c) of section 5124.15 of the Revised Code. 131005

Section 263.10.

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1	2	3	4	5
A	SBE STATE BOARD OF EDUCATION			
B	Dedicated Purpose Fund Group			
C	4K90 210602 Operating Expenses		\$15,010,991	\$15,519,872
D	Dedicated Purpose Fund Group Total		\$15,010,991	\$15,519,872
E	Federal Fund Group			
F	3IS0 210601 Title II A/Supporting Effective Instruction		\$1,355,000	\$1,355,000
G	Federal Fund Group Total		\$1,355,000	\$1,355,000
H	TOTAL ALL BUDGET FUND GROUPS		\$16,365,991	\$16,874,872

Section 263.20. CASH TRANSFER FROM THE STATE BOARD OF
EDUCATION LICENSURE FUND TO THE OCCUPATIONAL LICENSING AND
REGULATORY FUND

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On July 1, 2025, or as soon as possible thereafter, the
Director of Budget and Management shall transfer the cash
balance in the State Board of Education Licensure Fund (Fund
4L20) to the Occupational Licensing and Regulatory Fund (Fund
4K90). Upon completion of the transfer, Fund 4L20 is hereby
abolished. The Director shall cancel any existing encumbrances
against appropriation item 210600, Operating Expenses, and
reestablish them against appropriation item 210602, Operating
Expenses. The reestablished encumbrance amounts are hereby
appropriated.

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Section 265.10.

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A	EDU DEPARTMENT OF EDUCATION AND WORKFORCE			
B	General Revenue Fund			
C	GRF	200321 Operating Expenses	\$14,474,898	\$15,054,312
D	GRF	200416 Career Technical Education	\$2,758,006	\$2,893,106
E	GRF	200420 Information Technology Development and Support	\$4,231,479	\$4,316,527
F	GRF	200422 School Management Assistance	\$3,000,000	\$3,100,000
G	GRF	200424 Policy Analysis	\$500,000	\$516,419
H	GRF	200426 Ohio Educational Computer Network	\$19,994,000	\$19,994,000
I	GRF	200427 Academic Standards	\$5,535,410	\$5,429,033
J	GRF	200437 Student Assessment	\$53,409,125	\$53,682,346
K	GRF	200439 Accountability/Report Cards	\$7,619,440	\$7,687,742
L	GRF	200446 Education Management Information System	\$10,058,226	\$10,525,278
M	GRF	200448 Educator and Principal	\$4,413,493	\$4,426,754

Preparation						
N	GRF	200455	Community Schools and Choice Programs	\$4,370,165		\$4,446,705
O	GRF	200457	STEM Initiatives	\$500,000		\$500,000
P	GRF	200465	Education Technology Resources	\$4,672,828		\$4,685,225
Q	GRF	200478	Industry-Recognized Credentials High School Students	\$16,000,000		\$16,000,000
R	GRF	200502	Pupil Transportation	\$874,035,414		\$941,429,701
S	GRF	200505	School Meal Programs	\$13,163,000		\$13,163,000
T	GRF	200511	Auxiliary Services	\$170,292,963		\$172,262,613
U	GRF	200532	Nonpublic Administrative Cost Reimbursement	\$76,935,110		\$77,824,960
V	GRF	200540	Special Education Enhancements	\$200,272,426		\$202,272,426
W	GRF	200545	Career-Technical Education Enhancements	\$14,163,000		\$14,163,000
X	GRF	200550	Foundation Funding - All Students	\$8,518,736,974		\$8,716,947,875
Y	GRF	200566	Literacy Improvement	\$4,472,674		\$4,617,596
Z	GRF	200572	Adult Education Programs	\$9,348,399		\$16,449,137

AA GRF	200574	Half-Mill Maintenance Equalization	\$8,559,640	\$8,203,450
AB GRF	200576	Adaptive Sports Program	\$350,000	\$350,000
AC GRF	200597	Program and Project Support	\$2,800,000	\$2,400,000
AD	General Revenue Fund Total		\$10,044,666,670	\$10,323,341,205
AE	Dedicated Purpose Fund Group			
AF 4520	200638	Charges and Reimbursements	\$1,500,000	\$1,500,000
AG 5980	200659	Auxiliary Services Reimbursement	\$650,000	\$650,000
AH 5H30	200687	School District Solvency Assistance	\$2,000,000	\$2,000,000
AI 5KX0	200691	Ohio School Sponsorship Program	\$1,900,000	\$1,900,000
AJ 5MM0	200677	Child Nutrition Refunds	\$550,000	\$550,000
AK 5U20	200685	National Education Statistics	\$185,000	\$185,000
AL 5VS0	200604	Foundation Funding - All Students	\$600,000,000	\$600,000,000
AM 5Y00	200491	Public and Nonpublic Education Support	\$171,200,000	\$171,200,000

AN 6200 200615 Educational Improvement Grants	\$600,000	\$600,000
AO Dedicated Purpose Fund Group Total	\$778,585,000	\$778,585,000
AP Internal Service Activity Fund Group		
AQ 1380 200606 Information Technology Development and Support	\$18,394,387	\$18,597,721
AR 4R70 200695 Indirect Operational Support	\$9,944,311	\$10,166,435
AS 4V70 200633 Interagency Program Support	\$3,000,000	\$3,000,000
AT Internal Service Activity Fund Group Total	\$31,338,698	\$31,764,156
AU State Lottery Fund Group		
AV 7017 200413 School Bus Safety	\$10,000,000	\$0
AW 7017 200612 Foundation Funding - All Students	\$1,338,945,000	\$1,338,945,000
AX 7017 200614 Accelerate Great Schools	\$1,500,000	\$1,500,000
AY 7017 200631 Quality Community and Independent STEM Schools Support	\$136,500,000	\$136,500,000
AZ 7017 200684 Community School Facilities	\$133,155,000	\$133,155,000

BA 7017 2006A7	Literacy Coaches	\$12,000,000	\$12,000,000
BB	State Lottery Fund Group Total	\$1,632,100,000	\$1,622,100,000
BC	Federal Fund Group		
BD 3120 2006A9	Aspire - Federal	\$0	\$18,996,799
BE 3670 200607	School Food Services	\$13,379,350	\$13,379,350
BF 3700 200624	Education of Exceptional Children	\$1,750,000	\$1,750,000
BG 3AF0 657601	Schools Medicaid Administrative Claims	\$150,000	\$150,000
BH 3EH0 200620	Migrant Education	\$1,700,000	\$1,700,000
BI 3EJ0 200622	Homeless Children Education	\$4,823,000	\$5,112,380
BJ 3GE0 200674	Summer Food Service Program	\$23,000,000	\$23,000,000
BK 3GG0 200676	Fresh Fruit and Vegetable Program	\$5,500,000	\$6,000,000
BL 3HF0 200649	Federal Education Grants	\$5,000,000	\$5,000,000
BM 3HI0 200634	Student Support and Academic Enrichment	\$54,131,000	\$50,604,930
BN 3HL0 200678	Comprehensive Literacy State Development Program	\$14,630,000	\$14,630,000

BO 3L60 200617	Federal School Lunch	\$565,999,000	\$595,000,000
BP 3L70 200618	Federal School Breakfast	\$195,000,000	\$205,000,000
BQ 3L80 200619	Child/Adult Food Programs	\$116,000,000	\$118,000,000
BR 3L90 200621	Career-Technical Education Basic Grant	\$56,680,000	\$58,947,200
BS 3M00 200623	ESEA Title 1A	\$677,740,000	\$698,072,200
BT 3M20 200680	Individuals with Disabilities Education Act	\$530,400,000	\$541,008,000
BU 3Y20 200688	21st Century Community Learning Centers	\$47,940,000	\$48,898,800
BV 3Y60 200635	Improving Teacher Quality	\$77,157,900	\$78,701,058
BW 3Y70 200689	English Language Acquisition	\$13,728,000	\$14,277,120
BX 3Y80 200639	Rural and Low Income Technical Assistance	\$3,300,000	\$3,300,000
BY 3Z20 200690	State Assessments	\$11,500,000	\$11,500,000
BZ 3Z30 200645	Consolidated Federal Grant Administration	\$15,000,000	\$15,000,000
CA	Federal Fund Group Total	\$2,434,508,250	\$2,528,027,837
CB	TOTAL ALL BUDGET FUND GROUPS	\$14,921,198,618	\$15,283,818,198

Section 265.20. CAREER-TECHNICAL EDUCATION 131023

A portion of the foregoing appropriation item 200416, 131024
Career-Technical Education, shall be used by the Department of 131025
Education and Workforce to provide matching funds related to 131026
career-technical education under 20 U.S.C. 2321. 131027

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 131028
SUPPORT 131029

The foregoing appropriation item 200420, Information 131030
Technology Development and Support, shall be used to support the 131031
development and implementation of information technology 131032
solutions designed to improve the performance and services of 131033
the Department of Education and Workforce. Funds may be used for 131034
personnel, maintenance, and equipment costs related to the 131035
development and implementation of these technical system 131036
projects. Implementation of these systems shall allow the 131037
Department to provide greater levels of assistance to school 131038
districts and to provide more timely information to the public, 131039
including school districts, administrators, and legislators. 131040
Funds may also be used to support data-driven decision-making 131041
and differentiated instruction, as well as to communicate 131042
academic content standards and curriculum models to schools 131043
through web-based applications. 131044

Section 265.40. SCHOOL MANAGEMENT ASSISTANCE 131045

The foregoing appropriation item 200422, School Management 131046
Assistance, shall be used by the Department of Education and 131047
Workforce to provide fiscal technical assistance and inservice 131048
education for school district management personnel and to 131049
administer, monitor, and implement the fiscal caution, fiscal 131050
watch, and fiscal emergency provisions under Chapter 3316. of 131051

the Revised Code. 131052

Section 265.50. POLICY ANALYSIS 131053

The foregoing appropriation item 200424, Policy Analysis, 131054
shall be used by the Department of Education and Workforce to 131055
support a system of administrative and statistical education 131056
information to be used for policy analysis. Staff supported by 131057
this appropriation shall administer the development of reports, 131058
analyses, and briefings regarding current trends in education 131059
practice, efficient and effective use of resources, and 131060
evaluation of programs to improve education results. A portion 131061
of these funds shall be used to maintain a longitudinal database 131062
to support the assessment of the impact of policies and programs 131063
on Ohio's education and workforce development systems. The 131064
research efforts supported by this appropriation item shall be 131065
used to supply information and analysis of data to and in 131066
consultation with the General Assembly and other state 131067
policymakers, including the Office of Budget and Management and 131068
the Legislative Service Commission. 131069

Section 265.60. OHIO EDUCATIONAL COMPUTER NETWORK 131070

The foregoing appropriation item 200426, Ohio Educational 131071
Computer Network, shall be used by the Department of Education 131072
and Workforce to maintain a system of information technology 131073
throughout Ohio and to provide technical assistance for such a 131074
system. 131075

Of the foregoing appropriation item 200426, Ohio 131076
Educational Computer Network, up to \$8,425,500 in each fiscal 131077
year shall be used by the Department to support connection of 131078
all public school buildings and participating chartered 131079
nonpublic schools to the state's education network, to each 131080

other, and to the Internet. In each fiscal year, the Department 131081
shall use these funds to assist information technology centers 131082
or school districts with the operational costs associated with 131083
this connectivity. The Department shall develop a formula and 131084
guidelines for the distribution of these funds to information 131085
technology centers or individual school districts. As used in 131086
this section, "public school building" means a school building 131087
of any city, local, exempted village, or joint vocational school 131088
district, any community school established under Chapter 3314. 131089
of the Revised Code, any college preparatory boarding school 131090
established under Chapter 3328. of the Revised Code, any STEM 131091
school established under Chapter 3326. of the Revised Code, any 131092
educational service center building used for instructional 131093
purposes, the Ohio School for the Deaf and the Ohio State School 131094
for the Blind, high schools chartered by the Ohio Department of 131095
Youth Services, or high schools operated by Ohio Department of 131096
Rehabilitation and Corrections' Ohio Central School System. 131097

Of the foregoing appropriation item 200426, Ohio 131098
Educational Computer Network, up to \$6,305,000 in each fiscal 131099
year shall be used, through a formula and guidelines devised by 131100
the Department, to support the activities of designated 131101
information technology centers, as defined by Department of 131102
Education and Workforce rules, to provide school districts and 131103
chartered nonpublic schools with computer-based student and 131104
teacher instructional and administrative information services, 131105
including approved computerized financial accounting, to ensure 131106
the effective operation of local automated administrative and 131107
instructional systems, and to monitor and support the quality of 131108
data submitted to the Department. 131109

Of the foregoing appropriation item 200426, Ohio 131110
Educational Computer Network, up to \$1,650,000 in each fiscal 131111

year shall be used by the Department to support cybersecurity 131112
initiatives led by the Management Council of the Ohio Computer 131113
Education Network in public and nonpublic schools. Efforts may 131114
include, but shall not be limited to, vulnerability management, 131115
security awareness training, multifactor authentication, and 131116
endpoint detection and response capabilities. In determining the 131117
specific cybersecurity programs and initiatives the foregoing 131118
appropriation item will support, the Department shall consult 131119
with the Governor's Cybersecurity Strategic Advisor. 131120

The remainder of appropriation item 200426, Ohio 131121
Educational Computer Network, shall be used to support the work 131122
of the development, maintenance, and operation of a network of 131123
uniform and compatible computer-based information systems as 131124
well as the teacher student linkage/roster verification process 131125
and systems to support electronic sharing of student records and 131126
transcripts between entities. This technical assistance shall 131127
include, but not be restricted to, development and maintenance 131128
of adequate computer software systems to support network 131129
activities. In order to improve the efficiency of network 131130
activities, the Department and information technology centers 131131
may jointly purchase equipment, materials, and services from 131132
funds provided under this appropriation for use by the network 131133
and, when considered practical by the Department, may utilize 131134
the services of appropriate state purchasing agencies. 131135

Section 265.70. ACADEMIC STANDARDS 131136

Of the foregoing appropriation item 200427, Academic 131137
Standards, up to \$500,000 in fiscal year 2026 shall be used to 131138
contract with experts in civics education and social studies to 131139
develop an integrated model curriculum that includes English 131140
language arts, social studies, and civics education. The model 131141

curriculum shall include support for content, instruction, and 131142
assessment. 131143

The remainder of the foregoing appropriation item 200427, 131144
Academic Standards, shall be used by the Department of Education 131145
and Workforce to develop and communicate to school districts 131146
academic content standards and curriculum models and to develop 131147
professional development programs and other tools on the new 131148
content standards and model curricula. 131149

Section 265.80. STUDENT ASSESSMENT 131150

Of the foregoing appropriation item 200437, Student 131151
Assessment, up to \$622,713 in each fiscal year shall be used to 131152
reimburse a portion of the costs associated with Advanced 131153
Placement and College-Level Examination Program tests for low- 131154
income students, as determined by the Department. If the funds 131155
provided by the Department through this set-aside and federal 131156
funds are not sufficient to cover the costs of Advanced 131157
Placement, College-Level Examination, and International 131158
Baccalaureate tests for low-income students, school districts 131159
and other public schools shall pay the remainder of the costs 131160
using other funds. 131161

The remainder of appropriation item 200437, Student 131162
Assessment, shall be used to develop, field test, print, 131163
distribute, score, report results, and support other associated 131164
costs for the tests required under sections 3301.0710, 131165
3301.0711, and 3301.0712 of the Revised Code and for similar 131166
purposes as required by section 3301.27 of the Revised Code. The 131167
funds may also be used to update and develop diagnostic 131168
assessments administered under sections 3301.079, 3301.0715, and 131169
3313.608 of the Revised Code and to support readiness 131170
assessments for students in grades three and higher that assist 131171

districts and schools with identifying and benchmarking student progress. 131172
131173

DEPARTMENT OF EDUCATION AND WORKFORCE APPROPRIATION 131174
TRANSFERS FOR STUDENT ASSESSMENT 131175

In fiscal year 2026 and fiscal year 2027, if the Director 131176
of Education and Workforce determines that additional funds are 131177
needed to fully fund the requirements of sections 3301.0710, 131178
3301.0711, 3301.0712, and 3301.27 of the Revised Code and this 131179
act for assessments of student performance, the Director may 131180
recommend to the Director of Budget and Management the 131181
reallocation of unexpended and unencumbered General Revenue Fund 131182
appropriations within the Department of Education and Workforce 131183
to appropriation item 200437, Student Assessment. If the 131184
Director of Budget and Management determines that such a 131185
reallocation is required, the Director may transfer unexpended 131186
and unencumbered appropriations within the Department of 131187
Education and Workforce as necessary to appropriation item 131188
200437, Student Assessment. 131189

Section 265.90. ACCOUNTABILITY/REPORT CARDS 131190

Of the foregoing appropriation item 200439, 131191
Accountability/Report Cards, a portion in each fiscal year shall 131192
be used to train district and regional specialists and district 131193
educators in the use of the value-added progress dimension and 131194
in the use of data as it relates to improving student 131195
achievement. This training may include teacher and administrator 131196
professional development in the use of data to improve 131197
instruction and student learning, and teacher and administrator 131198
training in understanding teacher value-added reports and how 131199
they can be used as a component in measuring teacher and 131200
administrator effectiveness. 131201

The remainder of appropriation item 200439, 131202
Accountability/Report Cards, shall be used by the Department of 131203
Education and Workforce to incorporate a statewide value-added 131204
progress dimension into performance ratings for school districts 131205
and for the development of an accountability system that 131206
includes the preparation and distribution of school report 131207
cards, funding and expenditure accountability reports under 131208
sections 3302.03 and 3302.031 of the Revised Code, the 131209
development and maintenance of teacher value-added reports, the 131210
teacher student linkage/roster verification process, and the 131211
performance management section of the Department's web site 131212
required by section 3302.26 of the Revised Code. 131213

Section 265.100. EDUCATION MANAGEMENT INFORMATION SYSTEM 131214

The foregoing appropriation item 200446, Education 131215
Management Information System, shall be used by the Department 131216
of Education and Workforce to maintain and improve the Education 131217
Management Information System (EMIS). 131218

Of the foregoing appropriation item 200446, Education 131219
Management Information System, up to \$405,000 in each fiscal 131220
year shall be used to support grants to information technology 131221
centers to provide professional development opportunities to 131222
district and school personnel related to the EMIS, with a focus 131223
placed on data submission and data quality. 131224

Of the foregoing appropriation item 200446, Education 131225
Management Information System, up to \$950,000 in each fiscal 131226
year shall be distributed to designated information technology 131227
centers for costs relating to processing, storing, and 131228
transferring data for the effective operation of the EMIS. These 131229
costs may include, but are not limited to, personnel, hardware, 131230
software development, communications connectivity, professional 131231

development, and support services. 131232

The remainder of appropriation item 200446, Education 131233
Management Information System, shall be used to develop and 131234
support the data definitions and standards outlined in the EMIS 131235
guidelines adopted under section 3301.0714 of the Revised Code, 131236
to implement recommendations of the EMIS Advisory Council and 131237
the Director of Education and Workforce, to enhance data quality 131238
assurance practices, and to support responsibilities related to 131239
the school report cards prescribed by section 3302.03 of the 131240
Revised Code and value-added progress dimension calculations. 131241

Section 265.110. EDUCATOR AND PRINCIPAL PREPARATION 131242

(A) Of the foregoing appropriation item 200448, Educator 131243
and Principal Preparation, up to \$1,612,500 in each fiscal year 131244
shall be used, in consultation with the Department of Veterans 131245
Services, to support the Ohio Military Veteran Educators 131246
Program, which may do all of the following: 131247

(1) Administer a grant program for institutions of higher 131248
education to provide financial incentives and assistance for 131249
eligible military individuals, as defined in section 3319.285 of 131250
the Revised Code, to enroll in and complete an educator 131251
preparation program approved under section 3333.048 of the 131252
Revised Code; 131253

(2) Subsidize the costs for eligible military individuals 131254
associated with completing college coursework or professional 131255
development in pedagogy for the purpose of obtaining an 131256
alternative military educator license pursuant to section 131257
3319.285 of the Revised Code or advancing to the professional 131258
license pursuant to section 3319.22 of the Revised Code; 131259

(3) Provide funds to public schools, educational service 131260

centers, and county boards of developmental disabilities to 131261
support activities to recruit eligible military individuals to 131262
work in public schools and support bonuses to public schools 131263
that hire eligible military individuals; 131264

(4) Reimburse public schools, educational service centers, 131265
and county boards of developmental disabilities that pay 131266
financial bonuses to eligible military individuals who complete 131267
at least one year of employment with the school; 131268

(5) In consultation with the Department of Veterans 131269
Services, establish and support the Governor's Ohio Military 131270
Veteran Educators Fellowship Pilot Program to recruit and train 131271
eligible military individuals to become licensed to teach in 131272
low-performing public schools. 131273

(B) Of the foregoing appropriation item 200448, Educator 131274
and Principal Preparation, up to \$350,993 in fiscal year 2026 131275
and up to \$364,254 in fiscal year 2027 may be used by the 131276
Department of Education and Workforce to monitor and support 131277
Ohio's State System of Support, as defined by the Every Student 131278
Succeeds Act. 131279

(C) Of the foregoing appropriation item 200448, Educator 131280
and Principal Preparation, \$2,000,000 in each fiscal year shall 131281
be distributed to Teach For America to increase recruitment of 131282
potential corps members, to train and develop first-year and 131283
second-year teachers in the Teach for America program in Ohio, 131284
and to support the ongoing development and impact of Teach for 131285
America alumni working in Ohio. 131286

(D) Of the foregoing appropriation item 200448, Educator 131287
and Principal Preparation, up to \$250,000 in each fiscal year 131288
shall be used to support the SmartOhio Financial Literacy 131289

Program at the University of Cincinnati. 131290

(E) Of the foregoing appropriation item 200448, Educator 131291
and Principal Preparation, \$200,000 in each fiscal year shall be 131292
used to support selected school staff through the FASTER Saves 131293
Lives Program for the purpose of stopping active shooters and 131294
treating casualties. 131295

(F) Notwithstanding any provision of law to the contrary, 131296
awards under this section may be used by recipients for award- 131297
related expenses incurred for a period not to exceed two years 131298
from the date of the award. 131299

Section 265.120. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 131300

The foregoing appropriation item 200455, Community Schools 131301
and Choice Programs, may be used by the Department of Education 131302
and Workforce for the oversight and support of community schools 131303
established under Chapter 3314. of the Revised Code, community 131304
school sponsors, and nonpublic schools; and the administration 131305
of school choice programs. The funds may be used to support the 131306
sponsor evaluation system in accordance with section 3314.016 of 131307
the Revised Code. 131308

Section 265.125. STEM INITIATIVES 131309

The foregoing appropriation item 200457, STEM Initiatives, 131310
shall be distributed to the Alliance for Working Together 131311
Foundation to support the expansion of STEAM to Career 131312
programming for youth and adult students. 131313

Section 265.130. EDUCATION TECHNOLOGY RESOURCES 131314

(A) Of the foregoing appropriation item 200465, Education 131315
Technology Resources, up to \$2,500,000 in each fiscal year shall 131316
be used for the Union Catalog and InfOhio Network and to support 131317

the provision of electronic resources with priority given to 131318
resources that support the teaching of state academic content 131319
standards in all public schools and resources in support of 131320
Ohio's Plan to Raise Literacy Achievement. The Department of 131321
Education and Workforce shall consider coordinating the 131322
allocation of these moneys with the efforts of Libraries Connect 131323
Ohio, whose members include OhioLINK, the Ohio Public 131324
Information Network, and the State Library of Ohio. 131325

(B) Of the foregoing appropriation item 200465, Education 131326
Technology Resources, up to \$1,778,879 in each fiscal year shall 131327
be used by the Department to provide grants to educational 131328
television stations working with partner education technology 131329
centers to provide Ohio public schools with instructional 131330
resources and services, with priority given to resources and 131331
services aligned with state academic content standards. Such 131332
resources and services shall be based upon the advice and 131333
approval of the Department, with an emphasis in both literacy 131334
and mathematics, based on a formula developed in consultation 131335
with Ohio's educational television stations and educational 131336
technology centers. 131337

(C) The remainder of the foregoing appropriation item 131338
200465, Education Technology Resources, may be used to support 131339
training, technical support, guidance, and assistance with 131340
compliance reporting to school districts and public libraries 131341
applying for federal E-Rate funds; for oversight and guidance of 131342
school district technology plans; for support to district 131343
technology personnel; and for support of the development, 131344
maintenance, and operation of a network of uniform and 131345
compatible computer-based information and instructional systems. 131346

Section 265.140. INDUSTRY-RECOGNIZED CREDENTIALS HIGH 131347

SCHOOL STUDENTS 131348

City, local, and exempted village school districts, 131349
community schools, STEM schools, and joint vocational school 131350
districts shall inform students enrolled in career-technical 131351
education courses that lead to an industry-recognized credential 131352
about the opportunity to earn these credentials. The educating 131353
entity shall pay for the cost of the credential. 131354

The foregoing appropriation item 200478, Industry- 131355
Recognized Credentials High School Students, shall be used by 131356
the Department of Education and Workforce and the Governor's 131357
Office of Workforce Transformation to operate the Innovative 131358
Workforce Incentive Program. The Office of Workforce 131359
Transformation shall maintain a list of credentials that qualify 131360
for the program. The Department of Education and Workforce shall 131361
pay each city, local, and exempted village school district, 131362
community school, STEM school, and joint vocational school 131363
district an amount equal to \$725 for each qualifying credential 131364
a student attending the district or school earned in the school 131365
year preceding the fiscal year in which the funds are 131366
appropriated. If the amount appropriated is not sufficient, the 131367
Department shall prorate the amounts so that the aggregate 131368
amount appropriated is not exceeded. 131369

Section 265.150. PUPIL TRANSPORTATION 131370

Of the foregoing appropriation item 200502, Pupil 131371
Transportation, up to \$1,088,930 in each fiscal year may be used 131372
by the Department of Education and Workforce for training 131373
prospective and experienced school bus drivers in accordance 131374
with training programs prescribed by the Department. A portion 131375
of these funds may also be used to pay for costs associated with 131376
the enrollment of bus drivers in the retained applicant 131377

fingerprint database. 131378

Of the foregoing appropriation item 200502, Pupil 131379
Transportation, up to \$172,897,678 in fiscal year 2026 and up to 131380
\$183,820,866 in fiscal year 2027 may be used by the Department 131381
for special education transportation reimbursements to school 131382
districts, educational service centers, and county boards of 131383
developmental disabilities for transportation operating costs as 131384
provided in divisions (C) and (F) of section 3317.024 of the 131385
Revised Code in accordance with the section of this act entitled 131386
"OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027." 131387

Of the foregoing appropriation item 200502, Pupil 131388
Transportation, up to \$450,000 in each fiscal year shall be used 131389
to provide rural transportation grants pursuant to the section 131390
of this act entitled "RURAL TRANSPORTATION GRANT PROGRAM." 131391

Of the foregoing appropriation item 200502, Pupil 131392
Transportation, up to \$250,000 in each fiscal year shall be used 131393
to support the Montgomery County Pupil Transportation Pilot 131394
Program established in Section 265.550 of H.B. 33 of the 135th 131395
General Assembly, as amended by this act. 131396

The remainder of the foregoing appropriation item 200502, 131397
Pupil Transportation, shall be used to distribute the amounts 131398
calculated for formula aid under the section of this act 131399
entitled "OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027." 131400

PAYMENTS IN LIEU OF TRANSPORTATION 131401

For purposes of division (D) of section 3327.02 of the 131402
Revised Code, if a parent, guardian, or other person in charge 131403
of a pupil accepts an offer from a school district of payment in 131404
lieu of providing transportation for the pupil, the school 131405
district shall pay that parent, guardian, or other person an 131406

amount not less than fifty per cent and not more than the amount 131407
determined by the Department under division (C) of section 131408
3317.0212 of the Revised Code for the most recent school year 131409
for which data is available. Payment may be prorated if the time 131410
period involved is only a part of the school year. 131411

Section 265.160. SCHOOL MEAL PROGRAMS 131412

(A) The foregoing appropriation item 200505, School Meal 131413
Programs, shall be used to support the reimbursements required 131414
by section 3301.91 of the Revised Code and provide matching 131415
funds to obtain federal funds for the school lunch program. 131416

(B) Any remaining appropriation after providing matching 131417
funds for the school lunch program may be used to do the 131418
following: 131419

(1) Partially reimburse school buildings within school 131420
districts that are required to have a school breakfast program 131421
under section 3313.813 of the Revised Code, at a rate decided by 131422
the Department; 131423

(2) Support the Summer EBT Program in coordination with 131424
the Department of Job and Family Services. 131425

Section 265.170. AUXILIARY SERVICES 131426

Of the foregoing appropriation item 200511, Auxiliary 131427
Services, up to \$2,600,000 in each fiscal year may be used for 131428
payment of the College Credit Plus Program for nonpublic 131429
secondary school participants. The Department of Education and 131430
Workforce shall distribute these funds according to rule 3333-1- 131431
65.8 of the Administrative Code, adopted by the Department of 131432
Higher Education pursuant to division (A) of section 3365.071 of 131433
the Revised Code. 131434

The remainder of the foregoing appropriation item 200511, 131435
Auxiliary Services, shall be used by the Department to make 131436
payments under division (E) of section 3317.024 of the Revised 131437
Code to implement sections 3317.06 and 3317.062 of the Revised 131438
Code. Notwithstanding any provision of law to the contrary, for 131439
fiscal year 2026, school districts or chartered nonpublic 131440
schools may use the auxiliary services funding provided under 131441
division (E) of section 3317.024 of the Revised Code to provide 131442
diagnostic or therapeutic mental health services to students 131443
enrolled in chartered nonpublic schools at any time during the 131444
fiscal year. 131445

Section 265.180. NONPUBLIC ADMINISTRATIVE COST 131446
REIMBURSEMENT 131447

The foregoing appropriation item 200532, Nonpublic 131448
Administrative Cost Reimbursement, shall be used by the 131449
Department of Education and Workforce for the purpose of 131450
implementing section 3317.063 of the Revised Code. Payments made 131451
by the Department for this purpose shall not exceed four hundred 131452
seventy-five dollars per student for each school year. 131453

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 131454

Of the foregoing appropriation item 200540, Special 131455
Education Enhancements, up to \$33,945,594 in each fiscal year 131456
shall be used to fund special education and related services at 131457
county boards of developmental disabilities for eligible 131458
students under section 3317.20 of the Revised Code, in 131459
accordance with the section of this act entitled "OPERATING 131460
FUNDING FOR FISCAL YEARS 2026 AND 2027," and at institutions for 131461
eligible students under section 3317.201 of the Revised Code in 131462
accordance with the section of this act entitled "OPERATING 131463
FUNDING FOR FISCAL YEARS 2026 AND 2027." If necessary, the 131464

Department of Education and Workforce shall proportionately 131465
reduce the amount calculated for each county board of 131466
developmental disabilities and institution so as not to exceed 131467
the amount appropriated in each fiscal year. 131468

Of the foregoing appropriation item 200540, Special 131469
Education Enhancements, up to \$1,350,000 in each fiscal year 131470
shall be used for parent mentoring programs. 131471

Of the foregoing appropriation item 200540, Special 131472
Education Enhancements, up to \$3,000,000 in each fiscal year may 131473
be used for school psychology interns. 131474

Of the foregoing appropriation item 200540, Special 131475
Education Enhancements, up to \$1,000,000 in each fiscal year 131476
shall be used by the Department of Education and Workforce to 131477
build capacity to deliver a regional system of training, 131478
support, coordination, and direct service for secondary 131479
transition services for students with disabilities beginning at 131480
fourteen years of age. These special education enhancements 131481
shall support all students with disabilities, regardless of 131482
partner agency eligibility requirements, to provide stand-alone 131483
direct secondary transition services by school districts. 131484
Secondary transition services shall include, but not be limited 131485
to, job exploration counseling, work-based learning experiences, 131486
counseling on opportunities for enrollment in comprehensive 131487
transition or post-secondary educational programs at 131488
institutions of higher education, workplace readiness training 131489
to develop occupational skills, social skills and independent 131490
living skills, and instruction in self-advocacy. Regional 131491
training shall support the expansion of transition to work 131492
endorsement opportunities for middle school and secondary level 131493
special education intervention specialists in order to develop 131494

the necessary skills and competencies to meet the secondary 131495
transition needs of students with disabilities beginning at 131496
fourteen years of age. 131497

The remainder of appropriation item 200540, Special 131498
Education Enhancements, shall be distributed by the Department 131499
of Education and Workforce to school districts and institutions, 131500
as defined in section 3323.091 of the Revised Code, for 131501
preschool special education funding under section 3317.0213 of 131502
the Revised Code in accordance with the section of this act 131503
entitled "OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027," 131504
except that no school district shall receive less under those 131505
sections in each of fiscal years 2026 and 2027 than it received 131506
under section 3317.0213 of the Revised Code in fiscal year 2025. 131507

The Department may reimburse school districts and 131508
institutions for services provided by instructional assistants, 131509
related services, as defined in rule 3301-51-11 of the 131510
Administrative Code, physical therapy services provided by a 131511
licensed physical therapist or physical therapist assistant 131512
under the supervision of a licensed physical therapist, as 131513
required under Chapter 4755. of the Revised Code and Chapter 131514
4755-27 of the Administrative Code, and occupational therapy 131515
services provided by a licensed occupational therapist or 131516
occupational therapy assistant under the supervision of a 131517
licensed occupational therapist, as required under Chapter 4755. 131518
of the Revised Code and Chapter 4755-7 of the Administrative 131519
Code. Nothing in this section authorizes occupational therapy 131520
assistants or physical therapist assistants to generate or 131521
manage their own caseloads. 131522

The Department shall require school districts, educational 131523
service centers, county boards of developmental disabilities, 131524

and institutions serving preschool children with disabilities to 131525
adhere to Ohio's early learning program standards, participate 131526
in the Step Up to Quality Program established pursuant to 131527
section 5104.29 of the Revised Code, and document child progress 131528
using research-based indicators prescribed by the Department and 131529
report results annually. The reporting dates and method shall be 131530
determined by the Department. All programs shall be rated 131531
through the Step Up to Quality Program. 131532

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 131533

Of the foregoing appropriation item 200545, Career- 131534
Technical Education Enhancements, up to \$2,563,000 in each 131535
fiscal year shall be used to fund secondary career-technical 131536
education at institutions and Ohio Deaf and Blind Education 131537
Services using a grant-based methodology, notwithstanding 131538
section 3317.05 of the Revised Code. 131539

Of the foregoing appropriation item 200545, Career- 131540
Technical Education Enhancements, up to \$9,600,000 in each 131541
fiscal year shall be used by the Department to fund competitive 131542
grants to tech prep regional centers that expand the number of 131543
students with access to career-technical education. These grant 131544
funds shall be used to directly support career services provided 131545
to students enrolled in community schools, STEM schools, school 131546
districts, including joint vocational school districts, and 131547
affiliated higher education institutions. This support may 131548
include the purchase of equipment. 131549

Of the foregoing appropriation item 200545, Career- 131550
Technical Education Enhancements, up to \$600,000 in each fiscal 131551
year shall be used by the Department to enable students in 131552
agricultural programs to enroll in a fifth quarter of 131553
instruction based on the agricultural education model of 131554

delivering work-based learning through supervised agricultural 131555
experience. The Department shall determine eligibility criteria 131556
and the reporting process for the Agriculture 5th Quarter 131557
Project and shall fund as many programs as possible given the 131558
set-aside. The eligibility criteria developed by the Department 131559
shall allow these funds to support supervised agricultural 131560
experience that occurs anytime outside of the regular school 131561
day. 131562

Of the foregoing appropriation item 200545, Career- 131563
Technical Education Enhancements, up to \$650,000 in each fiscal 131564
year may be used to support career planning and reporting 131565
through the OhioMeansJobs web site. 131566

Of the foregoing appropriation item 200545, Career- 131567
Technical Education Enhancements, \$250,000 in each fiscal year 131568
shall be used to prepare students for careers in culinary arts 131569
and restaurant management under the Ohio ProStart school 131570
restaurant program. 131571

Of the foregoing appropriation item 200545, Career- 131572
Technical Education Enhancements, \$150,000 in each fiscal year 131573
shall be distributed to the Fairfield County Workforce Center to 131574
support pre-apprenticeship program costs, including those for 131575
instructors, certification exams, books, software licenses, and 131576
tools needed for students. 131577

Of the foregoing appropriation item 200545, Career- 131578
Technical Education Enhancements, \$100,000 in each fiscal year 131579
shall be distributed to Tech Corps to support career-connected 131580
rural computer science programming. 131581

Of the foregoing appropriation item 200545, Career- 131582
Technical Education Enhancements, \$250,000 in each fiscal year 131583

shall be used by the Department of Education and Workforce in 131584
partnership with the Department of Higher Education to fund 131585
early childhood to post-secondary regional partnerships. The 131586
Department of Education and Workforce shall distribute grants to 131587
qualifying partnerships to support regional collaboration 131588
programs among early learning, primary and secondary school, 131589
post-secondary institution, and workforce partners that align 131590
educational resources with regional in-demand jobs and workforce 131591
skills. Grants shall be awarded using a formula to be determined 131592
by the Department of Education and Workforce. 131593

Section 265.210. FOUNDATION FUNDING - ALL STUDENTS 131594

Of the portion of the formula aid distributed to city, 131595
local, and exempted village school districts, joint vocational 131596
school districts, community schools, and STEM schools under this 131597
section, an amount in each fiscal year, as calculated by the 131598
Department of Education and Workforce, shall be used for the 131599
purposes of division (B) of section 3317.0215 of the Revised 131600
Code in accordance with the section of this act entitled 131601
"OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027." 131602

Of the foregoing appropriation item 200550, Foundation 131603
Funding - All Students, up to \$5,733,404 in each fiscal year 131604
shall be used to fund gifted education at educational service 131605
centers. The Department shall distribute the funding through the 131606
unit-based funding methodology in place under division (L) of 131607
section 3317.024, division (E) of section 3317.05, and divisions 131608
(A), (B), and (C) of section 3317.053 of the Revised Code as 131609
they existed prior to fiscal year 2010. 131610

Of the foregoing appropriation item 200550, Foundation 131611
Funding - All Students, up to \$49,152,105 in fiscal year 2026 131612
and up to \$51,023,465 in fiscal year 2027 shall be reserved to 131613

fund the state reimbursement of educational service centers 131614
under section 3317.11 of the Revised Code. 131615

Of the foregoing appropriation item 200550, Foundation 131616
Funding - All Students, up to \$3,500,000 in each fiscal year 131617
shall be distributed to educational service centers for school 131618
improvement initiatives and for the provision of technical 131619
assistance to schools and districts consistent with requirements 131620
of section 3312.01 of the Revised Code. The Department may 131621
distribute these funds through a competitive grant process. 131622

Of the foregoing appropriation item 200550, Foundation 131623
Funding - All Students, up to \$7,000,000 in each fiscal year 131624
shall be reserved for payments under the section of this act 131625
entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is 131626
not sufficient, the Director of Education and Workforce may 131627
reallocate excess funds for other purposes supported by this 131628
appropriation item in order to fully pay the amounts required by 131629
that section, provided that the aggregate amount appropriated in 131630
appropriation item 200550, Foundation Funding - All Students, is 131631
not exceeded. 131632

Of the foregoing appropriation item 200550, Foundation 131633
Funding - All Students, up to \$12,400,000 in fiscal year 2026 131634
and up to \$12,800,000 in fiscal year 2027 shall be used to 131635
support the administration of state scholarship programs. 131636

Of the foregoing appropriation item 200550, Foundation 131637
Funding - All Students, up to \$1,000,000 in each fiscal year 131638
shall be distributed to the Cleveland Municipal School District 131639
to provide tutorial assistance as provided in division (B) of 131640
section 3313.979 of the Revised Code. The Cleveland Municipal 131641
School District shall report the use of these funds in the 131642
district's three-year continuous improvement plan as described 131643

in section 3302.04 of the Revised Code in a manner approved by 131644
the Department. 131645

Of the foregoing appropriation item 200550, Foundation 131646
Funding - All Students, up to \$3,000,000 in each fiscal year may 131647
be used for payment of the College Credit Plus Program for 131648
students instructed at home pursuant to section 3321.04 of the 131649
Revised Code. 131650

Of the foregoing appropriation item 200550, Foundation 131651
Funding - All Students, up to \$700,000 in each fiscal year shall 131652
be used by the Department for a program to pay for educational 131653
services for youth who have been assigned by a juvenile court or 131654
other authorized agency to any of the facilities described in 131655
division (A) of the section of this act entitled "PRIVATE 131656
TREATMENT FACILITY PROJECT." 131657

Of the foregoing appropriation item 200550, Foundation 131658
Funding - All Students, a portion may be used to pay college- 131659
preparatory boarding schools the per pupil boarding amount 131660
pursuant to section 3328.34 of the Revised Code. 131661

Of the foregoing appropriation item 200550, Foundation 131662
Funding - All Students, up to \$1,000,000 in each fiscal year may 131663
be used by the Department for duties and activities related to 131664
the establishment of academic distress commissions under section 131665
3302.10 of the Revised Code, to provide support and assistance 131666
to academic distress commissions to further their duties under 131667
Chapter 3302. of the Revised Code, and to provide technical 131668
assistance and tools to support districts subject to academic 131669
distress commissions. 131670

Of the foregoing appropriation item 200550, Foundation 131671
Funding - All Students, up to \$1,500,000 in each fiscal year 131672

shall be distributed to the Ohio STEM Learning Network to 131673
support the expansion of free STEM programming aligned to Ohio's 131674
STEM priorities, to create regional STEM supports targeting 131675
underserved student populations, and to support the Ohio STEM 131676
Committee's STEM school designation process. 131677

Of the foregoing appropriation item 200550, Foundation 131678
Funding - All Students, up to \$1,500,000 in each fiscal year 131679
shall be used by the Department to support the Stay in the Game! 131680
Network and efforts to reduce chronic absenteeism. 131681

Of the foregoing appropriation item 200550, Foundation 131682
Funding - All Students, up to \$750,000 in fiscal year 2026 shall 131683
be used to make payments pursuant to the section of this act 131684
entitled "AIM HIGHER PILOT PROGRAM." 131685

The remainder of the foregoing appropriation item 200550, 131686
Foundation Funding - All Students, shall be used to distribute 131687
the amounts calculated for formula aid under the section of this 131688
act entitled "OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027" 131689
and scholarship payments under section 3317.022 of the Revised 131690
Code. 131691

Appropriation items 200502, Pupil Transportation, and 131692
200550, Foundation Funding - All Students, other than specific 131693
set-asides, are collectively used in each fiscal year to pay 131694
state formula aid obligations for school districts, community 131695
schools, STEM schools, college preparatory boarding schools, 131696
joint vocational school districts, and state scholarship 131697
programs under this act. The first priority of these 131698
appropriation items, with the exception of specific set-asides, 131699
is to fund state formula aid obligations. It may be necessary to 131700
reallocate funds among these appropriation items or use excess 131701
funds from other General Revenue Fund appropriation items in the 131702

Department of Education and Workforce's budget, including 131703
appropriation item 200903, Property Tax Reimbursement - 131704
Education, in each fiscal year in order to meet state formula 131705
aid obligations. If it is determined that it is necessary to 131706
transfer funds among these appropriation items or to transfer 131707
funds from other General Revenue Fund appropriations in the 131708
Department's budget to meet state formula aid obligations, the 131709
Director of Education and Workforce shall seek approval from the 131710
Director of Budget and Management to transfer funds as needed. 131711

The Director of Education and Workforce shall make 131712
payments, transfers, and deductions, as authorized by Title 131713
XXXIII of the Revised Code in amounts substantially equal to 131714
those made in the prior year, or otherwise, at the discretion of 131715
the Director, until at least the effective date of the 131716
amendments and enactments made to Title XXXIII of the Revised 131717
Code by this act. Any funds paid to districts or schools under 131718
this section shall be credited toward the annual funds 131719
calculated for the district or school after the changes made to 131720
Title XXXIII of the Revised Code in this act are effective. Upon 131721
the effective date of changes made to Title XXXIII of the 131722
Revised Code in this act, funds shall be calculated as an annual 131723
amount. 131724

Section 265.211. During fiscal year 2027, if the Treasurer 131725
of State certifies to the Director of Budget and Management 131726
amounts transferred to the General Revenue Fund pursuant to 131727
division (I) of section 3310.24 of the Revised Code, such 131728
amounts are hereby appropriated for fiscal year 2027 in 131729
appropriation item 200550, Foundation Funding - All Students. 131730

Section 265.220. PHASE-IN PERCENTAGES 131731

For purposes of division (X) (1) of section 3317.02 of the 131732

Revised Code, the General Assembly has determined that the 131733
general phase-in percentage for fiscal year 2026 shall be 83.33 131734
per cent and the general phase-in percentage for fiscal year 131735
2027 shall be 100 per cent. 131736

For purposes of division (X)(2) of section 3317.02 of the 131737
Revised Code, the General Assembly has determined that the 131738
phase-in percentage for disadvantaged pupil impact aid for 131739
fiscal year 2026 shall be 83.33 per cent and the phase-in 131740
percentage for disadvantaged pupil impact aid for fiscal year 131741
2027 shall be 100 per cent. 131742

Section 265.230. FORMULA TRANSITION SUPPLEMENT 131743

(A)(1) For fiscal years 2026 and 2027, the Department of 131744
Education and Workforce shall pay a formula transition 131745
supplement to each city, local, and exempted village school 131746
district according to the following formula: 131747

(The district's funding base for fiscal year 2021 X 0.95 for 131748
fiscal year 2026 or 0.90 for fiscal year 2027) - (the district's 131749
payments for the fiscal year for which the supplement is 131750
calculated under sections 3317.019, 3317.022, and 3317.0212 of 131751
the Revised Code) 131752

If the computation made under division (A)(1) of this 131753
section for a fiscal year results in a negative number, the 131754
district's formula transition supplement for that fiscal year 131755
shall be zero. 131756

(2) For purposes of division (A)(1) of this section, a 131757
city, local, or exempted village school district's "funding base 131758
for fiscal year 2021" means the amount calculated as follows: 131759

(a) Compute the sum of the following: 131760

(i) The amount calculated for the district for fiscal year 131761
2021 under division (A) (1) of Section 265.220 of H.B. 166 of the 131762
133rd General Assembly after any adjustments required under 131763
Section 265.227 of H.B. 166 of the 133rd General Assembly and 131764
before any funding reductions authorized by Executive Order 131765
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 131766
issued on January 22, 2021; 131767

(ii) The amount calculated for the district for fiscal 131768
year 2021 under division (A) (2) of Section 265.220 of H.B. 166 131769
of the 133rd General Assembly before any funding reductions 131770
authorized by Executive Order 2020-19D, issued on May 7, 2020, 131771
and Executive Order 2021-01D, issued on January 22, 2021; 131772

(iii) The amount calculated for the district for fiscal 131773
year 2021 under division (B) of Section 265.220 of H.B. 166 of 131774
the 133rd General Assembly; 131775

(iv) The district's payments for fiscal year 2021 under 131776
divisions (C) (1), (2), (3), and (4) of section 3313.981 of the 131777
Revised Code as those divisions existed for payments for fiscal 131778
year 2021; 131779

(v) The district's payments for fiscal year 2021 under 131780
section 3317.0219 of the Revised Code as that section existed 131781
for payments for fiscal year 2021 and under Section 20 of S.B. 131782
310 of the 133rd General Assembly. 131783

(b) Subtract from the amount calculated in division (A) (2) 131784
(a) of this section the sum of the following: 131785

(i) The payments deducted from the district and paid to a 131786
community school established under Chapter 3314. of the Revised 131787
Code for fiscal year 2021 under divisions (C) (1) (a), (b), (c), 131788
(d), (e), (f), and (g) of section 3314.08 of the Revised Code 131789

and division (D) of section 3314.091 of the Revised Code, as 131790
those divisions existed for deductions and payments for fiscal 131791
year 2021, in accordance with division (A) of Section 265.230 of 131792
H.B. 166 of the 133rd General Assembly, before any funding 131793
reductions authorized by Executive Order 2020-19D, issued on May 131794
7, 2020, and Executive Order 2021-01D, issued on January 22, 131795
2021; 131796

(ii) The payments deducted from the district and paid to a 131797
science, technology, engineering, and mathematics school 131798
established under Chapter 3326. of the Revised Code for fiscal 131799
year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) 131800
of section 3326.33 of the Revised Code as those divisions 131801
existed for deductions and payments for fiscal year 2021, in 131802
accordance with division (A) of Section 265.235 of H.B. 166 of 131803
the 133rd General Assembly, before any funding reductions 131804
authorized by Executive Order 2020-19D, issued on May 7, 2020, 131805
and Executive Order 2021-01D, issued on January 22, 2021; 131806

(iii) The payments deducted from the district for fiscal 131807
year 2021 under division (C) of section 3310.08 of the Revised 131808
Code as that division existed for deductions for fiscal year 131809
2021, division (C)(2) of section 3310.41 of the Revised Code, as 131810
that division existed for deductions for fiscal year 2021, and 131811
section 3310.55 of the Revised Code as that section existed for 131812
deductions for fiscal year 2021 and, in the case of a pilot 131813
project school district as defined in section 3313.975 of the 131814
Revised Code, the funds deducted from the district for fiscal 131815
year 2021 under Section 265.210 of H.B. 166 of the 133rd General 131816
Assembly to operate the pilot project scholarship program for 131817
fiscal year 2021 under sections 3313.974 to 3313.979 of the 131818
Revised Code; 131819

(iv) The payments subtracted from the district for fiscal year 2021 under divisions (B) (1), (2), and (3) of section 3313.981 of the Revised Code, as those divisions existed for subtractions from the district for fiscal year 2021.

(B) (1) For fiscal years 2026 and 2027, the Department of Education and Workforce shall pay a formula transition supplement to each joint vocational school district according to the following formula:

(The district's funding base for fiscal year 2021 X 0.95 for fiscal year 2026 or 0.90 for fiscal year 2027) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.16 and 3317.162 of the Revised Code)

If the computation made under division (B) (1) of this section for a fiscal year results in a negative number, the district's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (B) (1) of this section, a joint vocational district's "funding base for fiscal year 2021" means the sum of the following:

(a) The district's payments for fiscal year 2021 under Section 265.225 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly;

(b) The district's payments for fiscal year 2021 under divisions (D) (1) and (2) of section 3313.981 of the Revised Code, as those divisions existed for payments for fiscal year 2021;

(c) The district's payments for fiscal year 2021 under

section 3317.163 of the Revised Code as that section existed for 131849
payments for fiscal year 2021 and under Section 20 of S.B. 310 131850
of the 133rd General Assembly. 131851

(C) (1) For fiscal years 2026 and 2027, the Department of 131852
Education and Workforce shall pay a formula transition 131853
supplement to each community school established under Chapter 131854
3314. of the Revised Code according to the following formula: 131855

[[(The school's funding base for fiscal year 2021 / the number 131856
of students enrolled in the school for fiscal year 2021) X 0.95 131857
for fiscal year 2026 or 0.90 for fiscal year 2027} - (the sum of 131858
the school's payments under sections 3317.022 and 3317.0212 of 131859
the Revised Code for the fiscal year for which the supplement is 131860
calculated / the number of students enrolled in the school for 131861
the fiscal year for which the supplement is calculated)] X the 131862
number of students enrolled in the school for the fiscal year 131863
for which the supplement is calculated. 131864

If the computation made under division (C) (1) of this 131865
section for a fiscal year results in a negative number, the 131866
school's formula transition supplement for that fiscal year 131867
shall be zero. 131868

(2) For purposes of division (C) (1) of this section, a 131869
community school's "funding base for fiscal year 2021" means the 131870
sum of the following: 131871

(a) The amount calculated for the school for fiscal year 131872
2021 under division (C) (1) of section 3314.08 of the Revised 131873
Code as that section existed for payments for fiscal year 2021, 131874
before any funding reductions authorized by Executive Order 131875
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 131876
issued on January 22, 2021; 131877

(b) The amount calculated for the school for fiscal year 131878
2021 under section 3314.085 of the Revised Code as that section 131879
existed for payments for fiscal year 2021; 131880

(c) The amount calculated for the school for fiscal year 131881
2021 under division (D) (1) of section 3314.091 of the Revised 131882
Code as that division existed for payments for fiscal year 2021; 131883

(d) The amount calculated for the school for fiscal year 131884
2021 under section 3314.088 of the Revised Code as that section 131885
existed for payments for fiscal year 2021 and under Section 20 131886
of S.B. 310 of the 133rd General Assembly. 131887

(D) (1) For fiscal years 2026 and 2027, the Department of 131888
Education and Workforce shall pay a formula transition 131889
supplement to each science, technology, engineering, and 131890
mathematics school established under Chapter 3326. of the 131891
Revised Code according to the following formula: 131892

[{(The school's funding base for fiscal year 2021 / the number 131893
of students enrolled in the school for fiscal year 2021) X 0.95 131894
for fiscal year 2026 or 0.90 for fiscal year 2027} - (the 131895
school's payments for the fiscal year for which the supplement 131896
is calculated under section 3317.022 of the Revised Code / the 131897
number of students enrolled in the school for the fiscal year 131898
for which the supplement is calculated)] X the number of 131899
students enrolled in the school for the fiscal year for which 131900
the supplement is calculated. 131901

If the computation made under division (D) (1) of this 131902
section for a fiscal year results in a negative number, the 131903
school's formula transition supplement for that fiscal year 131904
shall be zero. 131905

(2) For purposes of division (D) (1) of this section, a 131906

science, technology, engineering, and mathematics school's 131907
"funding base for fiscal year 2021" means the sum of the 131908
following: 131909

(a) The amount calculated for the school for fiscal year 131910
2021 under section 3326.33 of the Revised Code as that section 131911
existed for payments for fiscal year 2021, before any funding 131912
reductions authorized by Executive Order 2020-19D, issued on May 131913
7, 2020, and Executive Order 2021-01D, issued on January 22, 131914
2021; 131915

(b) The amount calculated for the school for fiscal year 131916
2021 under section 3326.41 of the Revised Code as that section 131917
existed for payments for fiscal year 2021; 131918

(c) The amount calculated for the school for fiscal year 131919
2021 under section 3326.42 of the Revised Code as that section 131920
existed for payments for fiscal year 2021 and under Section 20 131921
of S.B. 310 of the 133rd General Assembly. 131922

Section 265.235. OPERATING FUNDING FOR FISCAL YEARS 2026 131923
AND 2027 131924

(A) As used in this section: 131925

(1) "Community or STEM school" means both of the 131926
following: 131927

(a) A community school established under Chapter 3314. of 131928
the Revised Code that is not a newly opened community school; 131929

(b) A STEM school established under Chapter 3326. of the 131930
Revised Code. 131931

(2) "Formula transition supplement" means the following: 131932

(a) For fiscal year 2025, the formula transition 131933

supplement established in Section 265.290 of H.B. 33 of the 131934
135th General Assembly; 131935

(b) For fiscal year 2026 or 2027, the formula transition 131936
supplement established in Section 265.230 of this act. 131937

(3) "Newly opened community school" means a community 131938
school that opens for the first time in fiscal year 2026 or 131939
2027. 131940

(4) "State foundation aid" means the following: 131941

(a) For a traditional school district, either of the 131942
following: 131943

(i) For fiscal year 2025, the sum of the district's 131944
payments under sections 3317.019, 3317.022, and 3317.0212 of the 131945
Revised Code, as those sections existed prior to the effective 131946
date of this section, and the formula transition supplement for 131947
that fiscal year minus the district's amount of supplemental 131948
targeted assistance calculated under section 3317.0218 of the 131949
Revised Code, as that section existed prior to the effective 131950
date of this section, for that fiscal year; 131951

(ii) For fiscal year 2026 or 2027, the sum of the 131952
district's payments calculated under sections 3317.019, 131953
3317.022, and 3317.0212 of the Revised Code and the formula 131954
transition supplement for the fiscal year; 131955

(b) For a joint vocational school district, either of the 131956
following: 131957

(i) For fiscal year 2025, the sum of the district's 131958
payments for that fiscal year under sections 3317.16 and 131959
3317.162 of the Revised Code, as those sections existed prior to 131960
the effective date of this section, and the formula transition 131961

supplement; 131962

(ii) For fiscal year 2026 or 2027, the sum of the 131963
district's payments calculated for the fiscal year under 131964
sections 3317.16 and 3317.162 of the Revised Code and the 131965
formula transition supplement; 131966

(c) For a community or STEM school, either of the 131967
following: 131968

(i) For fiscal year 2025, the sum of the school's payments 131969
for that fiscal year under all of the following: 131970

(I) Section 3317.026 of the Revised Code, as that section 131971
existed prior to the effective date of this section; 131972

(II) If the school is a community school, section 131973
3317.0212 of the Revised Code, as that section existed prior to 131974
the effective date of this section; 131975

(III) The formula transition supplement; 131976

(IV) If the school is a community school, the equity 131977
supplement established in Section 265.285 of H.B. 33 of the 131978
135th General Assembly; 131979

(ii) For fiscal year 2026 or 2027, the sum of the school's 131980
payments calculated for the fiscal year under all of the 131981
following: 131982

(I) Section 3317.026 of the Revised Code; 131983

(II) If the school is a community school, section 131984
3317.0212 of the Revised Code; 131985

(III) The formula transition supplement. 131986

(5) "Traditional school district" means a city, local, or 131987
exempted village school district. 131988

(B) Notwithstanding any provision of law to the contrary, 131989
for fiscal years 2026 and 2027, the Department of Education and 131990
Workforce shall not make payments to the following: 131991

(1) Traditional school districts under sections 3317.019, 131992
3317.022, and 3317.0212 of the Revised Code and the formula 131993
transition supplement; 131994

(2) Joint vocational school districts under sections 131995
3317.16 and 3317.162 of the Revised Code and the formula 131996
transition supplement, except that the Department shall make 131997
payments to such districts under division (B) of section 3317.16 131998
of the Revised Code; 131999

(3) Community or STEM schools under sections 3317.026 and 132000
3317.0212 of the Revised Code and the formula transition 132001
supplement. 132002

Division (B) of this section does not apply to the 132003
Department's payments to a newly opened community school. The 132004
Department shall calculate and make payments for each such 132005
school in fiscal years 2026 and 2027 under sections 3317.026 and 132006
3317.0212 of the Revised Code and the formula transition 132007
supplement. 132008

(C) For each of fiscal years 2026 and 2027, the Department 132009
shall pay each traditional school district, joint vocational 132010
school district, and community or STEM school an amount of 132011
temporary foundation funding equal to the sum of both of the 132012
following: 132013

(1) An amount equal to the district's or school's state 132014
foundation funding for fiscal year 2025; 132015

(2) An amount calculated as follows: 132016

(The district's or school's state foundation aid calculated for 132017
the fiscal year - the district's or school's state foundation 132018
aid for fiscal year 2025) X 0.50 132019

If the amount calculated under division (C) (2) of this 132020
section for a district or school is a negative number, the 132021
Department shall not include that amount in the payment under 132022
division (C) of this section. 132023

The Department shall not make a payment under division (C) 132024
of this section to a newly opened community school. 132025

(D) For fiscal years 2026 and 2027, the Department shall 132026
pay each traditional school district an additional payment 132027
calculated as follows: 132028

(The district's state foundation aid for fiscal year 2025) + 132029
(the amount of supplemental targeted assistance calculated for 132030
the district for fiscal year 2025 under section 3317.0218 of the 132031
Revised Code, as that section existed prior to the effective 132032
date of this section) - (the payment made to the district under 132033
division (C) of this section for the fiscal year) 132034

If the amount calculated under this division for a 132035
district is a negative number, the Department shall not make a 132036
payment to that district. 132037

(E) For fiscal years 2026 and 2027, the Department shall 132038
pay each traditional school district an enrollment growth 132039
supplement, as follows: 132040

(1) The Department shall calculate an enrollment change 132041
percentage for the district for the fiscal year, as follows: 132042

(a) For fiscal year 2026, the percentage is calculated 132043
according to the following formula: 132044

(The district's enrolled ADM for fiscal year 2025 - the 132045
district's enrolled ADM for fiscal year 2022) / the district's 132046
enrolled ADM for fiscal year 2022 X 100% 132047

(b) For fiscal year 2027, the percentage is calculated 132048
according to the following formula: 132049

(The district's enrolled ADM for fiscal year 2026 - the 132050
district's enrolled ADM for fiscal year 2023) / the district's 132051
enrolled ADM for fiscal year 2023 X 100% 132052

(2) The Department shall not make a payment for a fiscal 132053
year to a district that has an enrollment change percentage for 132054
the fiscal year that is less than three per cent. 132055

(3) For a district that has an enrollment change 132056
percentage that is three per cent or higher, but less than or 132057
equal to five per cent for the fiscal year, the Department shall 132058
pay the district an amount equal to the product of the 132059
district's enrolled ADM for the fiscal year multiplied by either 132060
of the following: 132061

(a) For fiscal year 2026, \$150; 132062

(b) For fiscal year 2027, \$200. 132063

(4) For a district that has an enrollment change 132064
percentage that is greater than five per cent, but less than or 132065
equal to ten per cent for the fiscal year, the Department shall 132066
pay the district an amount equal to the product of the 132067
district's enrolled ADM for the fiscal year multiplied by either 132068
of the following: 132069

(a) For fiscal year 2026, \$100; 132070

(b) For fiscal year 2027, \$150. 132071

(5) For a district or school that has an enrollment change 132072
percentage that is greater than ten per cent for the fiscal 132073
year, the Department shall pay the district an amount equal to 132074
the product of the district's enrolled ADM for the fiscal year 132075
multiplied by either of the following: 132076

(a) For fiscal year 2026, \$50; 132077

(b) For fiscal year 2027, \$100. 132078

(F) For fiscal years 2026 and 2027, the Department shall 132079
pay each traditional and joint vocational school district, each 132080
community or STEM school, and each newly opened community school 132081
a base funding supplement that is equal to the product of the 132082
district's or school's enrolled ADM for the fiscal year 132083
multiplied by either of the following: 132084

(1) For fiscal year 2026, \$20; 132085

(2) For fiscal year 2027, \$30. 132086

(G) Notwithstanding any provision of the Revised Code to 132087
the contrary, but subject to division (B) of this section, all 132088
of the following apply for each of fiscal years 2026 and 2027: 132089

(1) The Department shall calculate each traditional school 132090
district's state share percentage under section 3317.017 of the 132091
Revised Code for the purposes of sections 3317.024, 3317.0213, 132092
3317.0214, and 3317.20 of the Revised Code. 132093

(2) The Department shall use the statewide average base 132094
cost per pupil calculated for fiscal year 2024 under section 132095
3317.018 of the Revised Code, as that section existed prior to 132096
the effective date of this section, for the purposes of sections 132097
3313.901, 3315.18, 3317.023, 3317.026, 3317.0213, 3317.20, 132098
3317.201, and 3317.22 of the Revised Code. 132099

(3) The Department shall make payments under section 132100
3317.22 of the Revised Code for fiscal years 2026 and 2027 using 132101
the statewide average base cost per pupil as established in 132102
division (G) (2) of this section. 132103

(4) The Department shall withhold from each traditional 132104
school district's, joint vocational school district's, and 132105
community or STEM school's payment under division (C) of this 132106
section an amount equal to the amount the Department withheld 132107
from that district or school under section 3317.0215 of the 132108
Revised Code, as that section existed prior to the effective 132109
date of this section, for fiscal year 2025. 132110

The Department also shall withhold funds from each newly 132111
opened community school in accordance with section 3317.0215 of 132112
the Revised Code. 132113

The Department shall use the funds withheld under this 132114
division for the purposes described in section 3317.0215 of the 132115
Revised Code. 132116

(H) The Department shall determine and notify each 132117
traditional school district, joint vocational school district, 132118
and community or STEM school the amount of funding the 132119
Department paid in fiscal year 2025 to the district or school 132120
under section 3317.022, 3317.026, or 3317.16 of the Revised 132121
Code, as those sections existed prior to the effective date of 132122
this section, for each of the following: 132123

(1) Special education funding, excluding funds withheld 132124
under section 3317.0215 of the Revised Code, as that section 132125
existed prior to the effective date of this section; 132126

(2) Disadvantaged pupil impact aid funding; 132127

(3) English learner funding; 132128

(4) Gifted funding, excluding gifted professional development funds;	132129 132130
(5) Career-technical education funding;	132131
(6) Career-technical associated services funding;	132132
(7) Student wellness and success funding.	132133
(I) For each of fiscal years 2026 and 2027, each traditional school district, joint vocational school district, and community or STEM school shall, using funds it receives under division (C) of this section, spend an amount for each type of funding described in division (H) of this section. The amount the district or school spends on each type of funding shall not be less than the amount determined for that funding under division (H) of this section. Such spending is subject to any restrictions established in the Revised Code regarding how that funding must be spent.	132134 132135 132136 132137 132138 132139 132140 132141 132142 132143
(J) Notwithstanding anything in the Revised Code to the contrary, for fiscal years 2026 and 2027, the Department, when required by law to deduct or withhold funds from state payments made to a traditional school district, joint vocational school district, or community or STEM school, shall deduct those funds from payments made to the district or school under this section.	132144 132145 132146 132147 132148 132149
This division does not apply to a newly opened community school.	132150 132151
Section 265.240. POWER PLANT VALUATION ADJUSTMENT	132152
(A) (1) On or before May 15, 2026, the Tax Commissioner shall determine all of the following for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:	132153 132154 132155 132156

(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2025 was less than the taxable value of such property during tax year 2017;

(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2025 was less than the taxable value of such property during tax year 2024.

(2) If the decrease determined under division (A) (1) (a) or (b) of this section exceeds ten per cent and the overall change in utility tangible personal property subject to taxation is negative, the Tax Commissioner shall certify all of the following to the Department of Education and Workforce and the Office of Budget and Management:

(a) The district's total taxable value for tax year 2025;

(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2025;

(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;

(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A) (3) of section 3317.021 of the Revised Code.

(3) Upon receipt of a certification under division (A) (2) of this section, the Department of Education and Workforce shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (A) (2) (a)

of this section and shall recompute the district's state 132186
education aid for fiscal year 2019 without applying any funding 132187
limitations enacted by the General Assembly to the computation. 132188
The Department shall pay to the district an amount equal to the 132189
greater of the following: 132190

(a) The lesser of the following: 132191

(i) The positive difference between the district's state 132192
education aid for fiscal year 2019 prior to the recomputation 132193
under division (A) (3) of this section and the district's 132194
recomputed state education aid for fiscal year 2019; 132195

(ii) The absolute value of the amount certified under 132196
division (A) (2) (b) of this section. 132197

(b) The absolute value of the amount certified under 132198
division (A) (2) (b) of this section X 0.50. 132199

(B) (1) On or before May 15, 2027, the Tax Commissioner 132200
shall determine for each city, local, exempted village, and 132201
joint vocational school district that has at least one power 132202
plant located within its territory: 132203

(a) Whether the taxable value of all utility tangible 132204
personal property subject to taxation by the district in tax 132205
year 2026 was less than the taxable value of such property 132206
during tax year 2017; 132207

(b) Whether the taxable value of all utility tangible 132208
personal property subject to taxation by the district in tax 132209
year 2026 was less than the taxable value of such property 132210
during tax year 2025. 132211

(2) If the decrease determined under division (B) (1) (a) or 132212
(b) of this section exceeds ten per cent and the overall change 132213

in utility tangible personal property subject to taxation is 132214
negative, the Tax Commissioner shall certify all of the 132215
following to the Department of Education and Workforce and the 132216
Office of Budget and Management: 132217

(a) The district's total taxable value for tax year 2026; 132218

(b) The change in taxes charged and payable on the 132219
district's total taxable value for tax year 2017 and tax year 132220
2026; 132221

(c) The taxable value of the utility tangible personal 132222
property decrease, which shall be considered a change in 132223
valuation; 132224

(d) The change in taxes charged and payable on such change 132225
in taxable value calculated in the same manner as in division 132226
(A) (3) of section 3317.021 of the Revised Code. 132227

(3) Upon receipt of a certification under division (B) (2) 132228
of this section, the Department of Education and Workforce shall 132229
replace the three-year average valuations that were used in 132230
computing the district's state education aid for fiscal year 132231
2019 with the taxable value certified under division (B) (2) (a) 132232
of this section and shall recompute the district's state 132233
education aid for fiscal year 2019 without applying any funding 132234
limitations enacted by the General Assembly to the computation. 132235
The Department shall pay to the district an amount equal to the 132236
greater of the following: 132237

(a) The lesser of the following: 132238

(i) The positive difference between the district's state 132239
education aid for fiscal year 2019 prior to the recomputation 132240
under division (B) (3) of this section and the district's 132241
recomputed state education aid for fiscal year 2019; 132242

(ii) The absolute value of the amount certified under 132243
division (B) (2) (b) of this section. 132244

(b) The absolute value of the amount certified under 132245
division (B) (2) (b) of this section X 0.50. 132246

(C) The Department of Education and Workforce shall make 132247
payments under division (A) (3) of this section between June 1, 132248
2026, and June 30, 2026, and the Department shall make payments 132249
under division (B) (3) of this section between June 1, 2027, and 132250
June 30, 2027. The Department shall not calculate or make 132251
payments under section 3317.028 of the Revised Code for fiscal 132252
years 2026 and 2027. 132253

Section 265.250. LITERACY IMPROVEMENT 132254

The foregoing appropriation item 200566, Literacy 132255
Improvement, shall be used by the Department of Education and 132256
Workforce to support literacy activities to align state, local, 132257
and federal efforts in order to bolster all students' reading 132258
success. Funds may be distributed to educational service centers 132259
to establish and support regional literacy professional 132260
development teams consistent with section 3312.01 of the Revised 132261
Code. A portion of the funds may be used by the Department for 132262
program administration, monitoring, technical assistance, 132263
support, research, and evaluation. 132264

LITERACY COACHES 132265

The foregoing appropriation item 2006A7, Literacy Coaches, 132266
shall be used for coaches to provide literacy supports to school 132267
districts, community schools, and STEM schools with the lowest 132268
rates of proficiency in literacy based on their performance on 132269
the English language arts assessments prescribed under section 132270
3301.0710 of the Revised Code. The coaches shall have training 132271

in the science of reading and evidence-based strategies for 132272
effective literacy instruction and intervention and shall 132273
implement Ohio's Coaching Model, as described in Ohio's Plan to 132274
Raise Literacy Achievement. The coaches shall be under the 132275
direction of the Department but shall not be employed by the 132276
Department. 132277

Section 265.260. ADULT EDUCATION PROGRAMS 132278

A portion of the foregoing appropriation item 200572, 132279
Adult Education Programs, shall be used to make payments under 132280
sections 3313.902, 3314.38, and 3345.86 of the Revised Code, as 132281
reenacted by this act. 132282

Each career-technical planning district shall reimburse 132283
individuals taking a nationally recognized high school 132284
equivalency examination approved by the Department of Education 132285
and Workforce for the first time for application fees, 132286
examination fees, or both, in excess of \$40, up to a maximum 132287
reimbursement per individual of \$80. Each career-technical 132288
planning district shall designate a site or sites where 132289
individuals may register and take an approved examination. For 132290
each individual who registers for an approved examination, the 132291
career-technical planning district shall make available and 132292
offer career counseling services, including information on adult 132293
education programs that are available. A portion of the 132294
foregoing appropriation item 200572, Adult Education Programs, 132295
may be used to reimburse the Department of Youth Services and 132296
the Department of Rehabilitation and Correction for individuals 132297
in these facilities who have taken an approved examination for 132298
the first time. The amounts reimbursed shall not exceed the per- 132299
individual amounts reimbursed to other individuals under this 132300
section for an approved examination. 132301

Notwithstanding any provision of law to the contrary, the
unexpended balance of the foregoing appropriation item 200572,
Adult Education Programs, at the end of each fiscal year may be
encumbered by the Department of Education and Workforce and
remain available for payment for a period not to exceed two
years from the end of each fiscal year in which the funds were
originally appropriated, in accordance with guidelines
established by the Director of Education and Workforce.

Of the foregoing appropriation item 200572, Adult
Education Programs, \$7,083,000 shall be used to support the
Aspire program in fiscal year 2027. The supported programs shall
satisfy the state match and maintenance of effort requirements
for the state-administered grant program. The funds may be used
to support students that speak English as their second language.

A portion of the foregoing appropriation item 200572,
Adult Education Programs, may be used for program
administration, technical assistance, support, research, and
evaluation of adult education programs, including high school
equivalency examinations approved by the Department of Education
and Workforce.

Section 265.270. HALF-MILL MAINTENANCE EQUALIZATION

The foregoing appropriation item 200574, Half-Mill
Maintenance Equalization, shall be used to make payments
pursuant to section 3318.18 of the Revised Code.

ADAPTIVE SPORTS PROGRAM

The foregoing appropriation item 200576, Adaptive Sports
Program, shall be used by the Department of Education and
Workforce, in collaboration with the Adaptive Sports Program of
Ohio, to fund adaptive sports programs in school districts

across the state for students with disabilities. 132331

Section 265.275. PROGRAM AND PROJECT SUPPORT 132332

Of the foregoing appropriation item 200597, Program and 132333
Project Support, \$1,250,000 in each fiscal year shall be used 132334
for purposes of the section of this act entitled "FINANCIAL 132335
LITERACY AND WORKFORCE READINESS PROGRAMMING INITIATIVE." 132336

Of the foregoing appropriation item 200597, Program and 132337
Project Support, \$400,000 in each fiscal year shall be 132338
distributed to the Girl Scout Councils of Ohio to support the 132339
Trailblazers in Training: Preparing Girls for Tomorrow's 132340
Workforce program. 132341

Of the foregoing appropriation item 200597, Program and 132342
Project Support, \$250,000 in each fiscal year shall be 132343
distributed to the National Inventors Hall of Fame to expand 132344
STEM summer learning opportunities for students in grades 132345
kindergarten through six. Funds shall be used to support the 132346
enrollment of economically disadvantaged students at Camp 132347
Invention sites. 132348

Of the foregoing appropriation item 200597, Program and 132349
Project Support, \$250,000 in each fiscal year shall be 132350
distributed to the Stark Education Partnership to support the 132351
Stark County Career Connected Learning program. These funds 132352
shall be used to assist participating Stark County schools in 132353
providing career counselors or career champions for all students 132354
and for the purchase and implementation of YouScience career 132355
assessments. 132356

Of the foregoing appropriation item 200597, Program and 132357
Project Support, \$150,000 in each fiscal year shall be 132358
distributed to the Ohio Valley Youth Network to support its 132359

Sycamore Youth Center Education Enrichment and Life Skills After 132360
Schools Program. 132361

Of the foregoing appropriation item 200597, Program and 132362
Project Support, \$50,000 in each fiscal year shall be 132363
distributed to Shoes 4 the Shoeless to provide shoes and socks 132364
to children in need. 132365

Of the foregoing appropriation item 200597, Program and 132366
Project Support, \$50,000 in each fiscal year shall be 132367
distributed to The Legacy Project of Stark to support personnel, 132368
materials, and program expansion costs associated with its 132369
school-based mentoring program. 132370

Of the foregoing appropriation item 200597, Program and 132371
Project Support, \$400,000 in fiscal year 2026 shall be 132372
distributed to the Showers Family Foundation to support the high 132373
school education of students with multiple disabilities, 132374
including Autism and Down Syndrome, provided that the Foundation 132375
provides a local match in the same amount. 132376

Section 265.290. SCHOOL DISTRICT SOLVENCY ASSISTANCE 132377

(A) The foregoing appropriation item 200687, School 132378
District Solvency Assistance, shall be allocated to the School 132379
District Shared Resource Account and the Catastrophic 132380
Expenditures Account in amounts determined by the Director of 132381
Education and Workforce. These funds shall be used to provide 132382
assistance and grants to school districts to enable them to 132383
remain solvent under section 3316.20 of the Revised Code. 132384
Assistance and grants shall be subject to approval by the 132385
Controlling Board. Except as provided under division (C) of this 132386
section, any required reimbursements from school districts for 132387
solvency assistance shall be made to the appropriate account in 132388

the School District Solvency Assistance Fund (Fund 5H30). 132389

(B) Notwithstanding any provision of law to the contrary, 132390
upon the request of the Director of Education and Workforce, the 132391
Director of Budget and Management may make transfers to the 132392
School District Solvency Assistance Fund (Fund 5H30) from any 132393
fund used by the Department of Education and Workforce, the 132394
Lottery Profits Education Reserve Fund (Fund 7018), or the 132395
General Revenue Fund to maintain sufficient cash balances in 132396
Fund 5H30 in fiscal years 2026 and 2027. Any cash transferred is 132397
hereby appropriated. The transferred cash may be used by the 132398
Department to provide assistance and grants to school districts 132399
to enable them to remain solvent and to pay unforeseeable 132400
expenses of a temporary or emergency nature that the school 132401
district is unable to pay from existing resources. The Director 132402
of Budget and Management shall notify the members of the 132403
Controlling Board of any such transfers. 132404

Section 265.300. FOUNDATION FUNDING - ALL STUDENTS 132405

The foregoing appropriation item 200604, Foundation 132406
Funding - All Students, shall be used in conjunction with 132407
appropriation items 200550, Foundation Funding - All Students, 132408
and 200612, Foundation Funding - All Students, to distribute the 132409
amounts calculated for formula aid under the section of this act 132410
entitled "OPERATING FUNDING FOR FISCAL YEARS 2026 and 2027." 132411

Section 265.310. PUBLIC AND NONPUBLIC EDUCATION SUPPORT 132412

The foregoing appropriation item 200491, Public and 132413
Nonpublic Education Support, shall be used in conjunction with 132414
appropriation item 200550, Foundation Funding - All Students, to 132415
distribute the amounts calculated for formula aid under the 132416
section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 132417

2026 and 2027." 132418

Section 265.320. SCHOOL BUS SAFETY 132419

(A) The foregoing appropriation item 200413, School Bus 132420
Safety, shall be used to support a school bus safety grant 132421
program, as recommended by the Governor's School Bus Safety 132422
Working Group, and in accordance with guidelines established by 132423
the Department of Education and Workforce. The specific safety 132424
features shall be informed by the Governor's School Bus Safety 132425
Working Group report and in consultation with the Department of 132426
Public Safety. 132427

(B) The Department shall create an application for 132428
eligible applicants. Eligible applicants may apply for funds in 132429
a manner prescribed by the Department. The Department shall 132430
collect information with respect to the total amount of funding 132431
requested, the number of school buses impacted, and the specific 132432
safety enhancements for which each eligible applicant seeks 132433
funds. In determining grant allocations, the Department shall 132434
apply a measure of local capacity. The Department may also apply 132435
minimum or maximum funding amounts. 132436

(C) Eligible applicants shall use school bus safety grant 132437
funds only for repair, replacement, or addition of school bus 132438
safety features to school buses in active service or for safety 132439
enhancements to the purchase of a new school bus. Eligible 132440
applicants shall not use funds to enhance buses not owned by the 132441
eligible applicant. 132442

(D) As used in this section, "eligible applicant" means 132443
any of the following that provides transportation services: 132444

(1) A city, local, exempted village, or joint vocational 132445
school district; 132446

(2) A community school established under Chapter 3314. of 132447
the Revised Code; 132448

(3) A STEM school established under Chapter 3326. of the 132449
Revised Code; 132450

(4) A county board of developmental disabilities; 132451

(5) A chartered nonpublic school; 132452

(6) An educational service center. 132453

Section 265.330. LOTTERY PROFITS EDUCATION FUND 132454

The foregoing appropriation item 200612, Foundation 132455
Funding - All Students, shall be used in conjunction with 132456
appropriation item 200550, Foundation Funding - All Students, to 132457
distribute the amounts calculated for formula aid under the 132458
section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 132459
2026 and 2027." 132460

The Department of Education and Workforce, with the 132461
approval of the Director of Budget and Management, shall 132462
determine the monthly distribution schedules of appropriation 132463
item 200550, Foundation Funding - All Students, and 132464
appropriation item 200612, Foundation Funding - All Students. If 132465
adjustments to the monthly distribution schedule are necessary, 132466
the Department shall make such adjustments with the approval of 132467
the Director. 132468

Section 265.340. ACCELERATE GREAT SCHOOLS 132469

The foregoing appropriation item 200614, Accelerate Great 132470
Schools, shall be used by the Department of Education and 132471
Workforce to support the Accelerate Great Schools public-private 132472
partnership. 132473

Section 265.350. QUALITY COMMUNITY AND INDEPENDENT STEM 132474
SCHOOLS SUPPORT 132475

The foregoing appropriation item 200631, Quality Community 132476
and Independent STEM Schools Support, shall be used to 132477
distribute the amounts calculated under sections 3317.27 and 132478
3317.29 of the Revised Code for the Quality Community School 132479
Support and the Quality Independent STEM School Support 132480
programs. If the amount appropriated is not sufficient to pay 132481
the amounts calculated pursuant to this section, the Director of 132482
Education and Workforce may request the Controlling Board to 132483
authorize expenditures in excess of the amounts appropriated. 132484
Upon approval by the Controlling Board, the additional amounts 132485
are hereby appropriated to appropriation item 200631, Quality 132486
Community and Independent STEM Schools Support. 132487

Section 265.360. COMMUNITY SCHOOL FACILITIES 132488

The foregoing appropriation item 200684, Community School 132489
Facilities, shall be used to distribute the amounts calculated 132490
under section 3317.31 of the Revised Code for assistance with 132491
the cost associated with facilities. If the amount appropriated 132492
is not sufficient, the Department shall prorate the amounts so 132493
that the aggregate amount appropriated is not exceeded. 132494

Section 265.370. LOTTERY PROFITS EDUCATION RESERVE FUND 132495

(A) There is hereby created the Lottery Profits Education 132496
Reserve Fund (Fund 7018) in the State Treasury. Investment 132497
earnings of the Lottery Profits Education Reserve Fund shall be 132498
credited to the fund. 132499

(B) Notwithstanding any other provision of law to the 132500
contrary, the Director of Budget and Management may transfer 132501
cash from Fund 7018 to the Lottery Profits Education Fund (Fund 132502

7017) in fiscal year 2026 and fiscal year 2027. 132503

(C) On July 15, 2025, or as soon as possible thereafter, 132504
the Director of the Ohio Lottery Commission shall certify to the 132505
Director of Budget and Management the amount by which lottery 132506
profit transfers received by Fund 7017 exceeded \$1,440,000,000 132507
in fiscal year 2025. 132508

(D) On July 15, 2026, or as soon as possible thereafter, 132509
the Director of the Ohio Lottery Commission shall certify to the 132510
Director of Budget and Management the amount by which lottery 132511
profit transfers received by Fund 7017 exceeded \$1,462,000,000 132512
in fiscal year 2026. 132513

(E) Notwithstanding any provision of law to the contrary, 132514
in fiscal year 2026 and fiscal year 2027, the Director of Budget 132515
and Management may transfer cash in excess of the amounts 132516
necessary to support appropriations in Fund 7017 from that fund 132517
to Fund 7018. 132518

Section 265.375. STUDENT SUPPORT AND ACADEMIC ENRICHMENT 132519

The foregoing appropriation item 200634, Student Support 132520
and Academic Enrichment, may be used by school districts, in 132521
accordance with state objectives and applicable federal grant 132522
requirements, to do the following: 132523

(A) Provide a well-rounded education, including emphasis 132524
on numeracy and the science of reading; 132525

(B) Provide a safe and drug-free learning environment and 132526
healthy students through use of the "Success Sequence" as 132527
provided by Ohio Adolescent Health Centers; 132528

(C) Promote the effective use of technology through use of 132529
the "Success Sequence" as provided by Ohio Adolescent Health 132530

Centers. 132531

Section 265.380. Notwithstanding division (C) of Section 132532
265.355 of H.B. 110 of the 134th General Assembly and any other 132533
provision of law to the contrary, the Department of Education 132534
and Workforce shall use the funds authorized under Title II, 132535
Sec. 2001(f)(1) and (4) of the federal "American Rescue Plan Act 132536
of 2021," Pub. L. No. 117-2, as necessary to support the After 132537
school Child Enrichment (ACE) Educational Savings Account 132538
Program pursuant to section 3310.70 of the Revised Code in 132539
fiscal year 2026. Notwithstanding division (C)(1) of section 132540
3310.70 of the Revised Code, the Department may extend the 132541
contract with the vendor administering the program as of the 132542
effective date of this amendment through fiscal year 2026 and 132543
may pay the vendor more than three per cent of the amount 132544
appropriated for the program for fiscal year 2026. 132545

Section 265.390. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 132546
ASSESSMENT OF EDUCATIONAL PROGRESS 132547

The General Assembly intends for the Director of Education 132548
and Workforce to provide for school district participation in 132549
the administration of the National Assessment of Educational 132550
Progress in accordance with section 3301.27 of the Revised Code. 132551
Each school and school district selected for participation by 132552
the Director shall participate. 132553

Section 265.400. EARMARK ACCOUNTABILITY 132554

At the request of the Director of Education and Workforce, 132555
any entity that receives a budget earmark under the Department 132556
of Education and Workforce shall submit annually to the 132557
Department a report that includes a description of the services 132558
supported by the funds, a description of the results achieved by 132559

those services, an analysis of the effectiveness of the program, 132560
and an opinion as to the program's applicability to other school 132561
districts. For an earmarked entity that received state funds 132562
from an earmark in the prior fiscal year, no funds shall be 132563
provided by the Department to an earmarked entity for a fiscal 132564
year until its report for the prior fiscal year has been 132565
submitted. 132566

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 132567

A community school established under Chapter 3314. of the 132568
Revised Code that was open for operation as a community school 132569
as of May 1, 2005, may operate from or in any home, as defined 132570
in section 3313.64 of the Revised Code, located in the state, 132571
regardless of when the community school's operations from or in 132572
a particular home began. 132573

Section 265.420. USE OF VOLUNTEERS 132574

The Department of Education and Workforce may utilize the 132575
services of volunteers to accomplish any of the purposes of the 132576
Department. The Director of Education and Workforce shall 132577
approve for what purposes volunteers may be used and for these 132578
purposes may recruit, train, and oversee the services of 132579
volunteers. The Director may reimburse volunteers for necessary 132580
and appropriate expenses in accordance with state guidelines and 132581
may designate volunteers as state employees for the purpose of 132582
motor vehicle accident liability insurance under section 9.83 of 132583
the Revised Code, for immunity under section 9.86 of the Revised 132584
Code, and for indemnification from liability incurred in the 132585
performance of their duties under section 9.87 of the Revised 132586
Code. 132587

Section 265.430. FLEXIBLE FUNDING FOR FAMILIES AND 132588

CHILDREN 132589

In collaboration with the County Family and Children First 132590
Council, a city, local, or exempted village school district, 132591
community school, STEM school, joint vocational school district, 132592
educational service center, or county board of developmental 132593
disabilities that receives allocations from the Department of 132594
Education and Workforce from appropriation item 200550, 132595
Foundation Funding - All Students, or appropriation item 200540, 132596
Special Education Enhancements, may transfer portions of those 132597
allocations to a flexible funding pool authorized by the section 132598
of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 132599
POOL." Allocations used for maintenance of effort or for federal 132600
or state funding matching requirements shall not be transferred 132601
unless the allocation may still be used to meet such 132602
requirements. 132603

Section 265.440. PRIVATE TREATMENT FACILITY PROJECT 132604

(A) As used in this section: 132605

(1) The following are "participating residential treatment 132606
centers": 132607

(a) Private residential treatment facilities that have 132608
entered into a contract with the Department of Youth Services to 132609
provide services to children placed at the facility by the 132610
Department and which, in fiscal year 2026 or fiscal year 2027 or 132611
both, the Department pays through appropriation item 470401, 132612
RECLAIM Ohio; 132613

(b) Abraxas, in Shelby; 132614

(c) Paint Creek, in Bainbridge; 132615

(d) F.I.R.S.T., in Mansfield. 132616

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education and Workforce. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2026 and fiscal year 2027 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school district, notwithstanding any conflicting provision of the Revised Code, shall pay tuition for the child for fiscal year 2026 and fiscal year 2027 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related

services to the student pursuant to the student's individualized 132677
education program, minus the tuition paid for the child under 132678
division (C) (1) of this section. 132679

A school district paying tuition under this division shall 132680
not include the child for whom tuition is paid in the district's 132681
average daily membership certified under division (A) of section 132682
3317.03 of the Revised Code. 132683

(D) In each of fiscal years 2026 and 2027, the Department 132684
of Education and Workforce shall reimburse, from appropriations 132685
made for the purpose, a school district, educational service 132686
center, or residential treatment facility, whichever is 132687
providing the service, that has demonstrated that it is in 132688
compliance with the funding criteria for each served child for 132689
whom a school district must pay tuition under division (C) of 132690
this section. The amount of the reimbursement shall be the 132691
amount appropriated for this purpose divided by the full-time 132692
equivalent number of children for whom reimbursement is to be 132693
made. 132694

(E) Funds provided to a school district, educational 132695
service center, or residential treatment facility under this 132696
section shall be used to supplement, not supplant, funds from 132697
other public sources for which the school district, service 132698
center, or residential treatment facility is entitled or 132699
eligible. 132700

(F) The Department of Education and Workforce shall track 132701
the utilization of funds provided to school districts, 132702
educational service centers, and residential treatment 132703
facilities under this section and monitor the effect of the 132704
funding on the educational programs they provide in 132705
participating residential treatment facilities. The Department 132706

shall monitor the programs for educational accountability. 132707

Section 265.450. Notwithstanding anything to the contrary 132708
in section 3317.011 of the Revised Code, for fiscal years 2026 132709
and 2027, the Department of Education and Workforce shall do all 132710
of the following: 132711

(A) Calculate a school district's academic co-curricular 132712
activities cost under division (E) (4) of that section using the 132713
sum of the enrolled ADM of every school district that reported 132714
the data specified in division (E) (4) (a) of that section; 132715

(B) Calculate a district's supplies and academic content 132716
cost under division (E) (6) of that section using the sum of the 132717
enrolled ADM of every school district that reported the data 132718
specified in division (E) (6) (a) of that section; 132719

(C) Calculate a district's athletic co-curricular 132720
activities base cost under division (H) of that section using 132721
the sum of the enrolled ADM of every school district that 132722
reported the data specified in division (H) (2) of that section; 132723

(D) Calculate a district's building operations cost under 132724
division (G) (3) of that section using the sum of the enrolled 132725
ADM of every city, local, and exempted village school district 132726
that reported the data specified in divisions (G) (3) (a) (i) and 132727
(ii) of that section. 132728

Section 265.560. AIM HIGHER PILOT PROGRAM 132729

(A) The Department of Education and Workforce shall 132730
establish a pilot program to provide additional funding to each 132731
joint vocational school district that operates a dropout 132732
prevention and recovery program in fiscal year 2026. Such a 132733
district may choose to participate in the program by notifying 132734
the Department of its intent to participate in a form and manner 132735

and by a date determined by the Department. 132736

(B) The Department shall pay a participating district a 132737
sum equal to the following for each student enrolled in the 132738
district's dropout prevention and recovery program in fiscal 132739
year 2026: 132740

(1) \$500 X the number of credits earned by the student in 132741
fiscal year 2026; 132742

(2) \$2,500 if the student obtains an industry-recognized 132743
credential, or group of credentials, approved under section 132744
3313.6113 of the Revised Code in fiscal year 2026 that meet the 132745
criteria established under that section to help the student 132746
qualify for a high school diploma, as determined by the 132747
Department. 132748

(C) The Department shall make a one-time grant payment of 132749
\$250,000 in fiscal year 2026 to any participating district that 132750
has a dropout prevention and recovery program in its first three 132751
years of operation and requests a payment under this division. 132752
The participating district shall designate \$175,000 of the grant 132753
for career-technical education equipment and \$75,000 of the 132754
grant for building renovation. 132755

(D) The Department shall adopt guidelines and procedures 132756
to operate the pilot program. 132757

Section 265.600. RURAL TRANSPORTATION GRANT PROGRAM 132758

(A) (1) The Rural Transportation Grant Program is created 132759
for fiscal years 2026 and 2027. The Department of Education and 132760
Workforce shall award rural transportation grants each fiscal 132761
year to dropout prevention and recovery community schools that 132762
meet both of the following requirements: 132763

(a) More than seventy-five per cent of the school's 132764
students are economically disadvantaged, as determined by the 132765
department; 132766

(b) The school's territory is located in three counties 132767
and contains more than twelve school districts. 132768

(2) The Department shall determine the amount of each 132769
grant awarded, but no grant shall exceed four hundred fifty 132770
thousand dollars for any fiscal year. 132771

(B) Schools shall use grants awarded under this section to 132772
transport students. 132773

Section 265.650. FINANCIAL LITERACY AND WORKFORCE 132774
READINESS PROGRAMMING INITIATIVE 132775

(A) The Financial Literacy and Workforce Readiness 132776
Programming Initiative is established within the Department of 132777
Education and Workforce. The Programming Initiative shall 132778
operate in fiscal years 2026 and 2027. The purpose of the 132779
Programming Initiative is to ensure the next generation's 132780
preparedness in financial literacy, workforce or career 132781
readiness, entrepreneurship, and other relevant skills to enter 132782
and be competitive in Ohio's future workforce economy. 132783

(B) (1) The Department shall distribute appropriated funds 132784
to the following organizations as part of the Programming 132785
Initiative: 132786

(a) Junior Achievement of North Central Ohio; 132787

(b) Junior Achievement of Greater Cleveland; 132788

(c) Junior Achievement of Eastern Ohio; 132789

(d) Junior Achievement of Northwestern Ohio; 132790

(e) Junior Achievement of OKI Partners;	132791
(f) Junior Achievement of Central Ohio.	132792
(2) The participating organizations listed under division	132793
(B) (1) of this section shall collaborate with local schools,	132794
institutions of higher education, local, regional, and statewide	132795
employers and businesses, subject matter experts, community-	132796
based organizations, and other public-private entities or	132797
agencies to implement the Programming Initiative.	132798
(C) The Programming Initiative shall do all of the	132799
following:	132800
(1) Place specific emphasis on engagement with students,	132801
teachers, and schools primarily located in underserved	132802
communities, under-resourced rural areas, or those with	132803
populations considered economically disadvantaged;	132804
(2) Increase capacity and resources that expand each of	132805
the participating organizations' collective ability to offer	132806
more financial literacy, workforce readiness and	132807
entrepreneurship, or related programming such as work-based	132808
learning experiences designed to engage more students in the	132809
geographic areas to which the participating organizations	132810
provide services;	132811
(3) Increase the number of students measurably impacted by	132812
the participating organizations' services and increase the	132813
number of counties where services are offered;	132814
(4) Assist students enrolled in any of grades nine through	132815
twelve with direct entry into the workforce, access to higher	132816
education, or in-demand job training;	132817
(5) Assist participating students in creating and	132818

implementing career pathways; 132819

(6) Strengthen each participating organization's capacity 132820
and resources to collectively provide up to ten student-focused 132821
engagement events involving students and teachers from multiple 132822
schools and communities in northeast and central portions of the 132823
state. The engagement events shall do both of the following: 132824

(a) Enhance and deepen participating students' ability to 132825
demonstrate mastery of financial literacy, workforce or career 132826
readiness, entrepreneurship, or related skills and knowledge 132827
vital to equipping and preparing students with the requisite 132828
skills, competencies, and knowledge to be competitive for in- 132829
demand jobs within the state and global workforce economy, 132830
particularly those that are considered high-growth jobs in the 132831
state of Ohio; 132832

(b) Be offered to all partnering schools and respective 132833
students; however, the emphasis shall remain on the engagement 132834
of students and schools that meet the conditions prescribed 132835
under division (C)(1) of this section." 132836

Section 269.10. 132837

132838

1	2	3	4	5
A	FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS			
B	General Revenue Fund			
C	GRF 881500 Indigent Burial and		\$250,000	\$250,000
	Cremation Support			
D	General Revenue Fund Total		\$250,000	\$250,000

E	Dedicated Purpose Fund Group		
F	4K90 881609 Operating Expenses	\$1,156,000	\$1,213,000
G	Dedicated Purpose Fund Group Total	\$1,156,000	\$1,213,000
H	TOTAL ALL BUDGET FUND GROUPS	\$1,406,000	\$1,463,000

Section 271.10.

132839

132840

	1	2	3	4	5
A	PAY EMPLOYEE BENEFITS FUNDS				
B	Fiduciary Fund Group				
C	1240	995673	Payroll Deductions	\$1,017,970,800	\$1,048,509,924
D	8050	995675	Commuter Benefits	\$1,845,860	\$1,967,540
E	8060	995666	Accrued Leave Fund	\$128,408,784	\$132,260,611
F	8070	995667	Disability Fund	\$27,805,294	\$28,337,915
G	8080	995668	State Employee Health Benefit Fund	\$1,068,647,159	\$1,132,765,988
H	8090	995669	Dependent Care Spending Account	\$2,996,802	\$3,196,895
I	8100	995670	Life Insurance Investment Fund	\$2,644,330	\$2,723,060
J	8110	995671	Parental Leave Benefit Fund	\$18,601,000	\$19,159,030

K	8130 995672 Health Care Spending	\$19,690,922	\$20,694,694
	Account		
L	Fiduciary Fund Group Total	\$2,288,610,951	\$2,389,615,657
M	TOTAL ALL BUDGET FUND GROUPS	\$2,288,610,951	\$2,389,615,657

Section 271.20. PAYROLL DEDUCTION FUND 132841

The foregoing appropriation item 995673, Payroll 132842
Deductions, shall be used to make payments from the Payroll 132843
Deduction Fund (Fund 1240) pursuant to section 125.21 of the 132844
Revised Code. If it is determined by the Director of Budget and 132845
Management that additional amounts are necessary, the amounts 132846
are hereby appropriated. 132847

ACCRUED LEAVE LIABILITY FUND 132848

The foregoing appropriation item 995666, Accrued Leave 132849
Fund, shall be used to make payments from the Accrued Leave 132850
Liability Fund (Fund 8060) pursuant to section 125.211 of the 132851
Revised Code. If it is determined by the Director of Budget and 132852
Management that additional amounts are necessary, the amounts 132853
are hereby appropriated. 132854

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 132855

The foregoing appropriation item 995667, Disability Fund, 132856
shall be used to make payments from the State Employee 132857
Disability Leave Benefit Fund (Fund 8070) pursuant to section 132858
124.83 of the Revised Code. If it is determined by the Director 132859
of Budget and Management that additional amounts are necessary, 132860
the amounts are hereby appropriated. 132861

STATE EMPLOYEE HEALTH BENEFIT FUND 132862

The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND 132869

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND 132877

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND 132885

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to sections 124.136 and 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the

amounts are hereby appropriated. 132892

HEALTH CARE SPENDING ACCOUNT FUND 132893

The foregoing appropriation item 995672, Health Care 132894
Spending Account, shall be used to make payments from the Health 132895
Care Spending Account Fund (Fund 8130) for payments pursuant to 132896
state employees' participation in a flexible spending account 132897
for nonreimbursed health care expenses and section 124.821 of 132898
the Revised Code. If it is determined by the Director of Budget 132899
and Management that additional amounts are necessary, the 132900
amounts are hereby appropriated. 132901

COMMUTER BENEFITS 132902

The foregoing appropriation item 995675, Commuter 132903
Benefits, shall be used to make payments from the Commuter 132904
Benefits Fund (Fund 8050) for employees who elect to participate 132905
in the Commuter Benefits Program. If the Director of Budget and 132906
Management determines that additional amounts are necessary, the 132907
amounts are hereby appropriated. 132908

Section 273.10. 132909
132910

1	2	3	4	5
A	ERB STATE EMPLOYMENT RELATIONS BOARD			
B	General Revenue Fund			
C	GRF 125321 Operating Expenses		\$4,533,029	\$4,655,023
D	General Revenue Fund Total		\$4,533,029	\$4,655,023
E	Dedicated Purpose Fund Group			

F	5720 125603 Training and Publications	\$138,000	\$138,972
G	Dedicated Purpose Fund Group Total	\$138,000	\$138,972
H	TOTAL ALL BUDGET FUND GROUPS	\$4,671,029	\$4,793,995

Section 275.10.

132911

132912

1	2	3	4	5
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A ENG STATE BOARD OF ENGINEERS AND SURVEYORS

B Dedicated Purpose Fund Group

C	4K90 892609 Operating Expenses	\$1,378,866	\$1,465,930
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D	Dedicated Purpose Fund Group Total	\$1,378,866	\$1,465,930
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E	TOTAL ALL BUDGET FUND GROUPS	\$1,378,866	\$1,465,930
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Section 277.10.

132913

132914

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A EPA ENVIRONMENTAL PROTECTION AGENCY

B General Revenue Fund

C	GRF 715407 Water Systems	\$2,000,000	\$6,000,000
	Cybersecurity Grants		

D	GRF 715502 Auto Emissions E-Check	\$13,232,534	\$13,265,775
	Program		

E	General Revenue Fund Total	\$15,232,534	\$19,265,775
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F	Dedicated Purpose Fund Group		
G	4D50 715618 Recycled State Materials	\$11,500	\$11,500
H	4J00 715638 Underground Injection Control	\$514,242	\$530,276
I	4K20 715648 Clean Air - Non Title V	\$4,516,349	\$4,593,901
J	4K30 715649 Solid Waste	\$14,791,311	\$15,098,763
K	4K40 715650 Surface Water Protection	\$11,864,197	\$12,101,940
L	4K50 715651 Drinking Water Protection	\$8,774,797	\$9,027,993
M	4P50 715654 Cozart Landfill	\$7,500	\$7,500
N	4R50 715656 Scrap Tire Management	\$3,558,044	\$3,581,336
O	4R90 715658 Voluntary Action Program	\$1,188,026	\$1,217,345
P	4T30 715659 Clean Air - Title V Permit Program	\$10,942,818	\$11,148,464
Q	5000 715608 Immediate Removal Special Account	\$747,051	\$769,463
R	5030 715621 Hazardous Waste Facility Management	\$2,788,523	\$2,842,749
S	5050 715623 Hazardous Waste Cleanup	\$9,334,680	\$9,559,074
T	5050 715698 Response and Investigations	\$3,822,060	\$4,211,500

U	5320	715646	Recycling and Litter Control	\$4,888,354	\$5,146,276
V	5410	715670	Site Specific Cleanup	\$17,744,091	\$17,746,631
W	5420	715671	Risk Management Reporting	\$144,047	\$147,307
X	5860	715637	Scrap Tire Market Development	\$1,000,000	\$1,000,000
Y	5BC0	715622	Local Air Pollution Control	\$2,100,000	\$2,100,000
Z	5BC0	715624	Surface Water	\$6,936,269	\$6,936,269
AA	5BC0	715672	Air Pollution Control	\$9,354,059	\$9,354,059
AB	5BC0	715673	Drinking and Ground Water	\$4,024,215	\$4,133,956
AC	5BC0	715676	Assistance and Prevention	\$4,204,000	\$4,359,000
AD	5BC0	715677	Laboratory	\$4,235,216	\$4,360,265
AE	5BC0	715678	Corrective Actions	\$1,271,429	\$1,271,429
AF	5BC0	715687	Areawide Planning Agencies	\$450,000	\$450,000
AG	5BC0	715692	Administration	\$19,684,900	\$20,654,900
AH	5BC0	715694	Environmental Resource Coordination	\$814,339	\$832,027
AI	5BT0	715679	C&DD Groundwater Monitoring	\$50,000	\$50,000

AJ 5PZ0	715696	Drinking Water Loan Fee	\$4,109,640	\$4,388,600
AK 5Y30	715685	Surface Water Improvement	\$520,000	\$520,000
AL 5YY0	715405	National Priorities List Remedial Support Fund	\$1,500,000	\$1,000,000
AM 6440	715631	Emergency Response Radiological Safety	\$274,997	\$280,510
AN 6760	715642	Water Pollution Control Loan Administration	\$5,120,000	\$5,282,500
AO 6760	715699	Water Quality Administration	\$5,123,741	\$5,250,489
AP 6790	715636	Emergency Planning	\$2,917,000	\$2,917,000
AQ 6960	715643	Air Pollution Control Administration	\$150,000	\$150,000
AR 6990	715644	Water Pollution Control Administration	\$307,859	\$307,858
AS 6A10	715645	Environmental Education	\$550,316	\$550,427
AT 6H20	715695	H2Ohio	\$14,900,000	\$14,900,000
AU	Dedicated Purpose Fund Group Total		\$185,235,570	\$188,791,307
AV	Internal Service Activity Fund Group			
AW 1990	715602	Laboratory Services	\$500,000	\$500,000
AX 2190	715604	Central Support Indirect	\$10,657,300	\$10,657,300

AY 4A10 715640 Operating Expenses	\$1,092,000	\$1,117,000
AZ Internal Service Activity Fund Group	\$12,249,300	\$12,274,300
Total		
BA Federal Fund Group		
BB 3530 715612 Public Water Supply	\$2,564,882	\$2,626,504
BC 3570 715619 Air Pollution Control - Federal	\$6,806,147	\$6,929,318
BD 3620 715605 Underground Injection Control - Federal	\$165,382	\$169,516
BE 3BU0 715684 Water Quality Protection	\$16,230,503	\$16,230,503
BF 3CS0 715688 Federal NRD Settlements	\$1,500,000	\$1,500,000
BG 3F30 715632 Federally Supported Cleanup and Response	\$13,779,323	\$14,061,350
BH 3HE0 715697 Volkswagen Clean Air Act Settlement	\$6,827,000	\$6,841,000
BI 3T30 715669 Drinking Water State Revolving Fund	\$3,054,165	\$3,145,894
BJ 3V70 715606 Agencywide Grants	\$746,900	\$746,900
BK Federal Fund Group Total	\$51,674,302	\$52,250,985
BL TOTAL ALL BUDGET FUND GROUPS	\$264,391,706	\$272,582,367

The Director of Environmental Protection may award grants 132916
from appropriation item 715687, Areawide Planning Agencies, to 132917
areawide planning agencies engaged in areawide water quality 132918
management and planning activities in accordance with Section 132919
208 of the "Federal Clean Water Act," 33 U.S.C. 1288. 132920

AUTOMOBILE EMISSION TESTING PROGRAM 132921

The foregoing appropriation item GRF 715502, Auto 132922
Emissions E-Check Program, shall be used by the Environmental 132923
Protection Agency to support the automobile emission testing 132924
program. On July 1, 2025, or as soon as possible thereafter, the 132925
Director of Environmental Protection may request that the 132926
Director of Administrative Services extend the contract with the 132927
vendor operating in accordance with division (A) (1) of section 132928
3704.14 of the Revised Code for not longer than twelve months. 132929
The Director of Administrative Services may enter into a 132930
contract extension provided that the contract contains the same 132931
terms and no funds are paid for incomplete work, utilizing 132932
appropriation item GRF 715502, Auto Emissions E-Check Program, 132933
in the event that the contractor selected in accordance with 132934
division (A) (2) of section 3704.14 of the Revised Code cannot 132935
complete the required work prior to July 1, 2025. 132936

Section 279.10. 132937
132938

1	2	3	4	5
A	EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION			
B	General Revenue Fund			
C	GRF 172321 Operating Expenses	\$745,000	\$795,000	

D	General Revenue Fund Total	\$745,000	\$795,000
E	TOTAL ALL BUDGET FUND GROUPS	\$745,000	\$795,000

Section 281.10.

132939

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	1	2	3	4	5
A	ETC BROADCAST EDUCATIONAL MEDIA COMMISSION				
B	General Revenue Fund				
C	GRF	935401	Statehouse News Bureau	\$402,000	\$402,000
D	GRF	935402	Ohio Government Telecommunications Services	\$2,344,400	\$2,344,400
E	GRF	935410	Content Development, Acquisition, and Distribution	\$3,909,000	\$3,909,000
F	GRF	935430	Broadcast Education Operating	\$4,324,706	\$4,398,569
G	General Revenue Fund Total			\$10,980,106	\$11,053,969
H	Dedicated Purpose Fund Group				
I	5FK0	935608	Media Services	\$50,000	\$50,000
J	5VB0	935650	Facility Rental	\$10,000	\$10,000
K	Dedicated Purpose Fund Group Total			\$60,000	\$60,000

L	Internal Service Activity Fund Group		
M	4F30 935603 Affiliate Services	\$4,200	\$4,200
N	4T20 935605 Government Television/ Telecommunications Operating	\$55,459	\$0
O	Internal Service Activity Fund Group Total	\$59,659	\$4,200
P	TOTAL ALL BUDGET FUND GROUPS	\$11,099,765	\$11,118,169

Section 281.20. STATEHOUSE NEWS BUREAU 132941

The foregoing appropriation item 935401, Statehouse News 132942
Bureau, shall be used solely to support the operations of the 132943
Ohio Statehouse News Bureau. 132944

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 132945

The foregoing appropriation item 935402, Ohio Government 132946
Telecommunications Services, shall be used solely to support the 132947
operations of Ohio Government Telecommunications Services which 132948
include providing multimedia support to the state government and 132949
its affiliated organizations and broadcasting the activities of 132950
the legislative, judicial, and executive branches of state 132951
government, among its other functions. 132952

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 132953

The foregoing appropriation item 935410, Content 132954
Development, Acquisition, and Distribution, shall be used for 132955
the development, acquisition, and distribution of information 132956
resources by public media and radio reading services and for 132957

educational use in the classroom and online. 132958

Of the foregoing appropriation item 935410, Content 132959
Development, Acquisition, and Distribution, up to \$965,000 in 132960
each fiscal year shall be allocated equally among the Ohio 132961
educational television stations. Funds shall be used for the 132962
production of interactive instructional programming series with 132963
priority given to resources aligned with state academic content 132964
standards. 132965

Of the foregoing appropriation item 935410, Content 132966
Development, Acquisition, and Distribution, up to \$2,650,000 in 132967
each fiscal year shall be distributed by the Broadcast 132968
Educational Media Commission to Ohio's qualified public 132969
educational television stations and educational radio stations 132970
to support their operations. The funds shall be distributed 132971
pursuant to an allocation formula used by the Broadcast 132972
Educational Media Commission in consultation with Ohio's 132973
qualified public educational television stations and educational 132974
radio stations. 132975

Of the foregoing appropriation item 935410, Content 132976
Development, Acquisition, and Distribution, up to \$294,000 in 132977
each fiscal year shall be distributed by the Broadcast 132978
Educational Media Commission to Ohio's qualified radio reading 132979
services to support their operations. The funds shall be 132980
distributed pursuant to an allocation formula used by the 132981
Broadcast Educational Media Commission in consultation with 132982
Ohio's qualified radio reading services. 132983

Section 283.10. 132984
132985

A	ETH OHIO ETHICS COMMISSION		
B	General Revenue Fund		
C	GRF 146321 Operating Expenses	\$2,480,744	\$2,603,142
D	General Revenue Fund Total	\$2,480,744	\$2,603,142
E	Dedicated Purpose Fund Group		
F	4M60 146601 Operating Support	\$649,781	\$670,793
G	Dedicated Purpose Fund Group Total	\$649,781	\$670,793
H	TOTAL ALL BUDGET FUND GROUPS	\$3,130,525	\$3,273,935

Section 285.10.

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1	2	3	4	5
A	EXP OHIO EXPOSITIONS COMMISSION			
B	General Revenue Fund			
C	GRF 723403 Junior Fair Subsidy	\$380,000	\$380,000	
D	General Revenue Fund Total	\$380,000	\$380,000	
E	Dedicated Purpose Fund Group			
F	4N20 723602 Ohio State Fair Harness Racing	\$350,000	\$350,000	
G	5060 723601 Operating Expenses	\$20,000,000	\$20,000,000	

H	5060 723604 Grounds Maintenance and Repairs	\$300,000	\$300,000
I	Dedicated Purpose Fund Group Total	\$20,650,000	\$20,650,000
J	TOTAL ALL BUDGET FUND GROUPS	\$21,030,000	\$21,030,000

Section 285.20. STATE FAIR RESERVE 132988

The General Manager of the Expositions Commission, in 132989
consultation with the Director of Budget and Management, may 132990
submit a request to the Controlling Board to use available 132991
amounts in the State Fair Reserve Fund (Fund 6400) if revenues 132992
from either the 2025 or the 2026 Ohio State Fair are 132993
unexpectedly low. 132994

On July 1 of each fiscal year, or as soon as possible 132995
thereafter, the Director of Budget and Management, in 132996
consultation with the General Manager of the Expositions 132997
Commission, may determine that the Ohio Expositions Fund (Fund 132998
5060) has a cash balance in excess of the anticipated operating 132999
costs of the Exposition Commission in that fiscal year. 133000
Notwithstanding section 991.04 of the Revised Code, the Director 133001
of Budget and Management may transfer an amount up to the excess 133002
cash from Fund 5060 to Fund 6400 in each fiscal year. 133003

Section 287.10. 133004

133005

1 2 3 4 5

A FCC OHIO FACILITIES CONSTRUCTION COMMISSION

B General Revenue Fund

C	GRF	230321	Operating Expenses	\$11,171,298	\$11,442,393
D	GRF	230401	Cultural Facilities Lease Rental Bond Payments	\$37,500,000	\$37,500,000
E	GRF	230908	Common Schools General Obligation Bond Debt Service	\$255,000,000	\$230,000,000
F			General Revenue Fund Total	\$303,671,298	\$278,942,393
G			Internal Service Activity Fund Group		
H	1310	230639	State Construction Management Operations	\$9,590,355	\$10,233,822
I			Internal Service Activity Fund Group Total	\$9,590,355	\$10,233,822
J			Revenue Distribution Fund Group		
K	7047	230647	Project Support	\$20,000,000	\$0
L			Revenue Distribution Fund Group Total	\$20,000,000	\$0
M			TOTAL ALL BUDGET FUND GROUPS	\$333,261,653	\$289,176,215

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 133006
PAYMENTS 133007

The foregoing appropriation item 230401, Cultural 133008
Facilities Lease Rental Bond Payments, shall be used to meet all 133009
payments during the period from July 1, 2025, through June 30, 133010
2027, by the Ohio Facilities Construction Commission pursuant to 133011
leases and agreements for cultural and sports facilities made 133012

under section 154.23 of the Revised Code. These appropriations 133013
are the source of funds pledged for bond service charges on 133014
related obligations issued under Chapter 154. of the Revised 133015
Code. 133016

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 133017

The foregoing appropriation item 230908, Common Schools 133018
General Obligation Bond Debt Service, shall be used to pay all 133019
debt service and related financing costs during the period from 133020
July 1, 2025, through June 30, 2027, on obligations issued under 133021
sections 151.01 and 151.03 of the Revised Code. 133022

PROJECT SUPPORT 133023

(A) Notwithstanding section 5751.02 of the Revised Code, 133024
the forgoing appropriation item 230647, Project Support, shall 133025
be used by the Ohio Facilities Construction Commission to 133026
support the construction or renovation of a school building 133027
pursuant to division (B) of this section. 133028

An amount equal to the unexpended, unencumbered balance of 133029
the foregoing appropriation item 230647, Project Support, at the 133030
end of fiscal year 2026 is hereby reappropriated for the same 133031
purpose in fiscal year 2027. 133032

(B) Upon application from a qualifying district, the Ohio 133033
Facilities Construction Commission shall provide funding to the 133034
district for a special facilities project to renovate or 133035
construct a school building. In calculating the amount of the 133036
funding, the Commission shall use the district's most recent 133037
percentile ranking under section 3318.011 of the Revised Code to 133038
determine the state's share of the project cost, provided that 133039
the state's share shall not be less than ninety per cent of the 133040
cost of the project or exceed the amount of the appropriation. 133041

If necessary, the Commission shall proportionately reduce 133042
the amount of funding for each qualifying district who applies 133043
so as not to exceed the amount appropriated for the purposes of 133044
this section. 133045

A qualifying district shall apply to participate in the 133046
program not later than December 31, 2025, and in a form and 133047
manner prescribed by the Commission. 133048

For the purposes of this section, "qualifying district" 133049
means a school district to which all of the following apply: 133050

(1) The district operates at least one school building in 133051
a county with a population of more than one hundred thousand 133052
people and at least one school building in another county with a 133053
population of less than fifty thousand people. 133054

(2) The district's classroom facilities project was 133055
deferred or lapsed. 133056

(3) The existing building included in the special 133057
facilities project for which the district applies for funding 133058
was originally constructed prior to June 30, 1925. 133059

Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND 133060
REAPPROPRIATION 133061

At the request of the Executive Director of the Ohio 133062
Facilities Construction Commission, the Director of Budget and 133063
Management may cancel encumbrances for school district projects 133064
from a previous biennium if the district has not raised its 133065
local share of project costs within sixteen months of receiving 133066
Controlling Board approval under section 3318.05 or 3318.41 of 133067
the Revised Code. The Executive Director of the Ohio Facilities 133068
Construction Commission shall certify the amounts of the 133069
canceled encumbrances to the Director of Budget and Management 133070

on a quarterly basis. The amounts of the canceled encumbrances 133071
are hereby appropriated. 133072

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 133073
APPROPRIATIONS 133074

On July 1, 2025, or as soon as possible thereafter, the 133075
Executive Director of the Ohio Facilities Construction 133076
Commission shall certify to the Director of Budget and 133077
Management the amount of cash receipts and related investment 133078
income, irrevocable letters of credit from a bank, or 133079
certification of the availability of funds that have been 133080
received from a county or a municipal corporation for deposit 133081
into the Capital Donations Fund (Fund 5A10) and that are related 133082
to an anticipated project. These amounts are hereby appropriated 133083
to appropriation item C230E2, Capital Donations. Prior to 133084
certifying these amounts to the Director, the Executive Director 133085
shall make a written agreement with the participating entity on 133086
the necessary cash flows required for the anticipated 133087
construction or equipment acquisition project. 133088

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 133089
MAINTENANCE LEVY 133090

The Ohio Facilities Construction Commission shall amend 133091
the project agreement between the Commission and a school 133092
district that is participating in the Accelerated Urban School 133093
Building Assistance Program as of September 29, 2018, if the 133094
Commission determines that it is necessary to do so in order to 133095
comply with division (B) (3) (c) of section 3318.38 of the Revised 133096
Code. 133097

Section 287.60. Notwithstanding any other provision of law 133098
to the contrary, the Ohio Facilities Construction Commission may 133099

determine the amount of funding available for disbursement in a 133100
given fiscal year for any project approved under sections 133101
3318.01 to 3318.20 of the Revised Code in order to keep 133102
aggregate state capital spending within approved limits and may 133103
take actions including, but not limited to, determining the 133104
schedule for design or bidding of approved projects, to ensure 133105
appropriate and supportable cash flow. 133106

Section 287.70. RETURNED OR RECOVERED FUNDS 133107

Notwithstanding any provision of law to the contrary, any 133108
moneys a school district transfers to the Ohio Facilities 133109
Construction Commission under division (C) (2) or (3) of section 133110
3318.12 of the Revised Code as well as any moneys recovered from 133111
settlements with or judgments against parties relating to their 133112
involvement in a classroom facilities project shall be deposited 133113
into the fund from which the capital appropriation for the 133114
project was made. In any fiscal year in which the Commission has 133115
made a deposit under this section, the Executive Director of the 133116
Ohio Facilities Construction Commission may seek Controlling 133117
Board approval to increase appropriations from those funds and 133118
specified appropriation items in an amount equal to the amount 133119
of the funds deposited under this section. The additional 133120
amounts, if approved, shall be used in accordance with the 133121
purposes of Chapter 3318. of the Revised Code for projects 133122
pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 133123
3318.45 of the Revised Code. Upon approval of the Controlling 133124
Board, the additional amounts are hereby appropriated. 133125

Section 287.80. The Treasurer of State is hereby 133126
authorized to issue and sell, in accordance with Section 2i of 133127
Article VIII, Ohio Constitution, Chapter 154. of the Revised 133128
Code, and particularly section 154.23 and other applicable 133129

sections of the Revised Code, original obligations in an 133130
aggregate principal amount not to exceed \$600,000,000 in 133131
addition to the original issuance of obligations heretofore 133132
authorized by prior acts of the General Assembly. These 133133
authorized obligations shall be issued, subject to applicable 133134
constitutional and statutory limitations, as needed to provide 133135
sufficient moneys to the credit of the Cultural and Sports 133136
Facilities Building Fund (Fund 7030) to pay costs of the 133137
Cleveland Browns major sports facility stadium project in the 133138
City of Brook Park in the county of Cuyahoga. 133139

Section 289.10.

133140
133141

	1	2	3	4	5
A			GOV OFFICE OF THE GOVERNOR		
B			General Revenue Fund		
C	GRF	040321	Operating Expenses	\$3,481,221	\$3,580,624
D			General Revenue Fund Total	\$3,481,221	\$3,580,624
E			Internal Service Activity Fund Group		
F	5AK0	040607	Government Relations	\$715,600	\$734,442
G			Internal Service Activity Fund Group	\$715,600	\$734,442
			Total		
H			TOTAL ALL BUDGET FUND GROUPS	\$4,196,821	\$4,315,066

Section 289.20. OPERATING EXPENSES

133142

On July 1, 2025, or as soon as possible thereafter, the

133143

Governor or the Governor's designee may certify to the Director 133144
of Budget and Management an amount up to the unexpended, 133145
unencumbered balance of the foregoing appropriation item 040321, 133146
Operating Expenses, at the end of fiscal year 2025 to be 133147
reappropriated for fiscal year 2026. The amount certified is 133148
hereby reappropriated to the same appropriation item for fiscal 133149
year 2026. 133150

On July 1, 2026, or as soon as possible thereafter, the 133151
Governor or the Governor's designee may certify to the Director 133152
of Budget and Management an amount up to the unexpended, 133153
unencumbered balance of the foregoing appropriation item 040321, 133154
Operating Expenses, at the end of fiscal year 2026 to be 133155
reappropriated for fiscal year 2027. The amount certified is 133156
hereby reappropriated to the same appropriation item for fiscal 133157
year 2027. 133158

GOVERNMENT RELATIONS 133159

The Office of the Governor may issue an intrastate 133160
transfer voucher to charge any state agency of the executive 133161
branch such amounts necessary to represent the interests of Ohio 133162
to federal, state, and local government units and to cover the 133163
costs or membership dues related to Ohio's participation in 133164
national and regional associations. Amounts collected shall be 133165
deposited in the Government Relations Fund (Fund 5AK0). 133166

Section 291.10. 133167

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A DOH DEPARTMENT OF HEALTH

B General Revenue Fund

C	GRF	440413	Local Health Department Support	\$2,379,000	\$2,379,000
D	GRF	440416	Mothers and Children Safety Net Services	\$4,639,763	\$4,690,570
E	GRF	440431	Free Clinic Safety Net Services	\$1,755,837	\$1,758,067
F	GRF	440438	Breast and Cervical Cancer Screening	\$1,190,549	\$1,199,779
G	GRF	440444	AIDS Prevention	\$3,610,779	\$3,623,351
H	GRF	440451	Public Health Laboratory	\$3,893,355	\$3,926,237
I	GRF	440452	Child and Family Health Services Match	\$667,650	\$683,513
J	GRF	440453	Health Care Quality Assurance	\$6,868,538	\$7,023,632
K	GRF	440454	Environmental Health/Radiation Protection	\$5,404,349	\$5,462,815
L	GRF	440465	FQHC Primary Care Workforce Initiative	\$2,695,268	\$2,698,697
M	GRF	440472	Alcohol Testing	\$1,313,349	\$1,338,992
N	GRF	440477	Emergency Preparation and Response	\$2,453,355	\$2,467,067

O	GRF	440482	Chronic Disease, Injury Prevention, and Drug Overdose	\$5,000,000	\$5,240,000
P	GRF	440483	Infectious Disease Prevention and Control	\$4,924,753	\$4,988,016
Q	GRF	440484	Public Health Technology Innovation	\$1,409,147	\$1,429,959
R	GRF	440485	Health Program Support	\$14,437,500	\$14,187,500
S	GRF	440495	Toxicology Screenings	\$1,000,000	\$1,000,000
T	GRF	440496	Children's Vision Services	\$12,000,000	\$8,000,000
U	GRF	440497	Children's Dental Services	\$3,000,000	\$3,000,000
V	GRF	440505	Children and Youth with Special Health Care Needs	\$13,115,000	\$12,615,000
W	GRF	440507	Targeted Healthcare Services - Over 21	\$2,000,000	\$2,000,000
X	GRF	440527	Lead Abatement	\$250,000	\$250,000
Y	GRF	440672	Youth Homelessness	\$2,754,474	\$2,755,903
Z	GRF	654453	Medicaid - State Health Program Support	\$4,478,896	\$4,581,836
AA	General Revenue Fund Total			\$101,241,562	\$97,299,934

AB Highway Safety Fund Group

AC 4T40 440603 Child Highway Safety	\$200,000	\$200,000
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AD Highway Safety Fund Group Total	\$200,000	\$200,000
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AE Dedicated Purpose Fund Group

AF 4700 440647 Fee Supported Programs	\$32,650,000	\$33,629,000
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AG 4710 440619 Certificate of Need	\$408,045	\$408,045
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AH 4730 440622 Lab Operating Expenses	\$8,985,000	\$9,254,001
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AI 4770 440627 Children and Youth with Special Health Care Needs Audit	\$4,942,318	\$4,973,075
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AJ 4D60 440608 Genetics Services	\$3,316,583	\$3,416,000
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AK 4F90 440610 Sickle Cell Disease Control	\$850,000	\$850,000
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AL 4G00 440636 Heirloom Birth Certificate	\$15,000	\$15,000
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AM 4G00 440637 Birth Certificate Surcharge	\$15,000	\$15,000
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AN 4L30 440609 HIV Care and Miscellaneous Expenses	\$52,697,000	\$52,697,000
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AO 4P40 440628 Ohio Physician Loan Repayment	\$1,000,000	\$1,000,000
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AP 4V60	440641	Save Our Sight	\$3,005,000	\$3,080,000
AQ 5B50	440616	Quality, Monitoring, and Inspection	\$5,753,000	\$5,925,000
AR 5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$6,000,000	\$6,000,000
AS 5D60	440620	Second Chance Trust	\$1,892,541	\$1,892,541
AT 5ED0	440651	Smoke Free Indoor Air	\$280,000	\$280,000
AU 5G40	440639	Adoption Services	\$100,000	\$100,000
AV 5PE0	440659	Breast and Cervical Cancer Services	\$500,000	\$500,000
AW 5QJ0	440662	Dental Hygienist Loan Repayments	\$100,000	\$100,000
AX 5SH0	440520	Children's Wish Grant Program	\$275,000	\$275,000
AY 5YS0	440491	Chiropractic Loan Repayment	\$30,000	\$30,000
AZ 5Z70	440624	Ohio Dentist Loan Repayment	\$275,000	\$275,000
BA 6100	440626	Radiation Emergency Response	\$1,551,682	\$1,598,000
BB 6660	440607	Children and Youth with	\$24,060,000	\$24,060,001

Special Health Care Needs		
- County Assessments		
BC 6980 440634 Nurse Aide Training	\$126,600	\$126,600
BD Dedicated Purpose Fund Group Total	\$148,827,769	\$150,499,263
BE Internal Service Activity Fund Group		
BF 1420 440646 Agency Health Services	\$11,575,000	\$11,575,000
BG 2110 440613 Central Support Indirect Costs	\$39,575,839	\$40,763,000
BH Internal Service Activity Fund Group Total	\$51,150,839	\$52,338,000
BI Holding Account Fund Group		
BJ R014 440631 Vital Statistics	\$155,000	\$155,000
BK R048 440625 Refunds, Grants Reconciliation, and Audit Settlements	\$20,000	\$20,000
BL Holding Account Fund Group Total	\$175,000	\$175,000
BM Federal Fund Group		
BN 3200 440601 Maternal Child Health Block Grant	\$25,000,000	\$25,750,000
BO 3870 440602 Preventive Health Block Grant	\$11,800,000	\$12,154,000

BP 3890	440604	Women, Infants, and Children	\$250,000,000	\$250,000,001
BQ 3910	440606	Medicare Survey and Certification	\$21,800,000	\$22,454,000
BR 3920	440618	Federal Public Health Programs	\$149,503,000	\$153,988,000
BS 3GD0	654601	Medicaid Program Support	\$41,186,077	\$41,508,003
BT 3GN0	440660	Public Health Emergency Preparedness	\$75,825,000	\$78,099,000
BU 3HP0	440673	Public Health Emergency Response	\$100,500,000	\$100,500,000
BV 3HP0	440686	ELC Strengthening HAI/AR Grant	\$10,000,000	\$10,000,000
BW	Federal Fund Group Total		\$685,614,077	\$694,453,004
BX	TOTAL ALL BUDGET FUND GROUPS		\$987,209,247	\$994,965,201

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 133169

Of the foregoing appropriation item 440416, Mothers and 133170
Children Safety Net Services, up to \$200,000 in each fiscal year 133171
may be used to assist families with children who have hearing 133172
loss or hearing disorders under twenty-six years of age in 133173
purchasing hearing aids and hearing assistive technology. The 133174
Director of Health shall adopt rules governing the distribution 133175
of these funds, including rules that do both of the following: 133176
(1) establish eligibility criteria to include families with 133177

incomes at or below four hundred per cent of the federal poverty 133178
guidelines as defined in section 5101.46 of the Revised Code and 133179
(2) develop a sliding scale of disbursements under this section 133180
based on family income. The Director may adopt other rules as 133181
necessary to implement this section. Rules adopted under this 133182
section shall be adopted in accordance with Chapter 119. of the 133183
Revised Code. 133184

FREE CLINIC SAFETY NET SERVICES 133185

The foregoing appropriation item 440431, Free Clinic 133186
Safety Net Services, shall be provided to the Charitable 133187
Healthcare Network. Funds may be used to reimburse free clinics 133188
for health care services provided, as well as for administrative 133189
services, information technology costs, infrastructure repair, 133190
or other clinic necessities. Additionally, the Director of 133191
Health may designate up to five per cent of the appropriation in 133192
each fiscal year to pay the administrative costs the Department 133193
of Health incurs for operating the program. 133194

AIDS PREVENTION 133195

The foregoing appropriation item 440444, AIDS Prevention, 133196
shall be used to administer educational and other prevention 133197
initiatives. 133198

FQHC PRIMARY CARE WORKFORCE INITIATIVE 133199

The foregoing appropriation item 440465, FQHC Primary Care 133200
Workforce Initiative, shall be provided to the Ohio Association 133201
of Community Health Centers to administer the FQHC Primary Care 133202
Workforce Initiative. The Initiative shall provide medical, 133203
dental, behavioral health, physician assistant, and advanced 133204
practice nursing students with clinical rotations through 133205
federally qualified health centers. Additionally, the Director 133206

of Health may designate up to five per cent of the appropriation 133207
in each fiscal year to pay the administrative costs the 133208
Department of Health incurs for operating the program. 133209

EMERGENCY PREPARATION AND RESPONSE 133210

The foregoing appropriation item 440477, Emergency 133211
Preparation and Response, shall be used to support public health 133212
emergency preparedness and response efforts. This appropriation 133213
may also be used to support data infrastructure projects and 133214
other data analysis and analytics work. 133215

CHRONIC DISEASE, INJURY PREVENTION, AND DRUG OVERDOSE 133216

Of the foregoing appropriation item 440482, Chronic 133217
Disease, Injury Prevention, and Drug Overdose, up to \$625,000 in 133218
fiscal year 2026 and up to \$635,922 in fiscal year 2027 shall be 133219
used, in consultation with the Department of Behavioral Health 133220
and the Governor's RecoveryOhio Initiative, to support the 133221
continuation of the Health Systems Comprehensive Care Initiative 133222
to enhance Ohio's response to the addiction crisis by creating a 133223
comprehensive system of care for patients who present in health 133224
systems with addiction. 133225

Of the foregoing appropriation item 440482, Chronic 133226
Disease, Injury Prevention, and Drug Overdose, up to \$156,250 in 133227
fiscal year 2026 and up to \$158,981 in fiscal year 2027 shall be 133228
used, in consultation with the Governor's RecoveryOhio 133229
Initiative, to support local health providers' harm reduction 133230
efforts to reduce overdose rates and deaths. 133231

The remainder of appropriation item 440482, Chronic 133232
Disease, Injury Prevention, and Drug Overdose, shall be used to 133233
support the Department of Health's ongoing health improvement 133234
and wellness efforts, health promotion, and related activities. 133235

HEALTH PROGRAM SUPPORT

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Of the forgoing appropriation item 440485, Health Program
Support, \$10,000,000 in each fiscal year shall be used by the
Department of Health, in consultation with the Department of
Education and Workforce, to support school-based health centers
in high-need counties, as determined by the departments. A
school-based health center shall obtain parental consent prior
to providing services to a child. This does not apply in
emergency situations, first aid, other unanticipated minor
health care services, or health care services provided pursuant
to a student's IEP or a school district's obligation under
section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794.

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Of the foregoing appropriation item 440485, Health Program
Support, \$1,000,000 in each fiscal year shall be distributed to
Ohio organizations currently providing all of the following
services: wraparound care, including multidisciplinary clinical
care; local case management services by health care
professionals; durable medical and augmentative communication
devices; state and federal advocacy; and support groups and
patient grants for those diagnosed with amyotrophic lateral
sclerosis (ALS). The distribution of funds shall be based on
each awarded organization's identified Ohio county coverage and
by the prevalence rate of persons living with ALS using the most
recent population estimates available from the United States
Census Bureau. Funds shall be used to support persons living
with ALS, including any of the followings: wraparound care, case
management, purchase and distribution of durable medical
equipment and augmentative communication devices, and patient
grants for disease-related expenses. Funding is required to be
designated in service to Ohioans and shall not be used for
persons living outside of the state of Ohio.

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Of the foregoing appropriation item 440485, Health Program 133267
Support, \$125,000 in each fiscal year shall be provided to Ohio 133268
Adolescent Health Centers to support sexual risk avoidance 133269
programs in schools. 133270

Of the foregoing appropriation item 440485, Health Program 133271
Support, \$62,500 in each fiscal year shall be provided to the 133272
Domestic Violence Project, Inc. to support the addition of a 133273
Community Educator position. 133274

Of the foregoing appropriation item 440485, Health Program 133275
Support, \$1,000,000 in each fiscal year shall be provided to 133276
Memorial Hospital for the Mid-Ohio Cardiovascular Health 133277
Improvement Initiative. 133278

Of the foregoing appropriation item 440485, Health Program 133279
Support, \$1,000,000 in each fiscal year shall be distributed to 133280
hospitals and used to support graduate medical education 133281
residency slots for residents placed in family medicine or 133282
psychiatry fields. The Department shall establish requirements 133283
regarding the distribution of funds, including the requirement 133284
that funds are used to support residents placed in family 133285
medicine or psychiatry slots. 133286

Of the foregoing appropriation item 440485, Health Program 133287
Support, \$250,000 in fiscal year 2026 shall be used to provide 133288
fellowship stipends to Dayton Children's Hospital for pediatric 133289
therapy students interested in prioritized regional needs, as 133290
identified by the hospital. 133291

TOXICOLOGY SCREENINGS 133292

The foregoing appropriation item 440495, Toxicology 133293
Screenings, shall be used to reimburse county coroners in 133294
counties in which the coroner has performed toxicology 133295

screenings on victims of a drug overdose. The Director of Health 133296
shall transfer the funds to the counties in proportion to the 133297
numbers of toxicology screenings performed per county. 133298

CHILDREN'S VISION SERVICES 133299

The foregoing appropriation item 440496, Children's Vision 133300
Services, shall be used to support the provision of vision care 133301
services as described in Section 291.30 of this act. 133302

CHILDREN'S DENTAL SERVICES 133303

The foregoing appropriation item 440497, Children's Dental 133304
Services, shall be used to support the provision of dental care 133305
services as described in Section 291.40 of this act. 133306

TARGETED HEALTH CARE SERVICES-OVER 21 133307

The foregoing appropriation item 440507, Targeted Health 133308
Care Services-Over 21, shall be used to administer the Cystic 133309
Fibrosis Program and to implement the Hemophilia Insurance 133310
Premium Payment Program. The Department of Health shall expend 133311
up to \$100,000 in each fiscal year to implement the Hemophilia 133312
Insurance Premium Payment Program. 133313

The foregoing appropriation item 440507, Targeted Health 133314
Care Services-Over 21, shall also be used to do the following: 133315
cover services provided to adults over the age of twenty-one 133316
with Cystic Fibrosis who are eligible for treatment under the 133317
Cystic Fibrosis Program; provide essential medications; and pay 133318
the copayments for drugs approved by the Department of Health 133319
and covered by Medicare Part D that are dispensed to Program for 133320
Children and Youth with Special Health Care Needs participants 133321
for the Cystic Fibrosis Program. 133322

The Department shall expend all of the funds appropriated 133323

in appropriation item 440507, Targeted Health Care Services-Over 133324
21. 133325

Of the foregoing appropriation item 440527, Lead 133326
Abatement, \$250,000 in each fiscal year shall be used by the 133327
Department of Health to distribute funds to local governments 133328
for projects that include, but are not limited to, lead hazard 133329
control and housing rehabilitation initiatives that expand the 133330
Department's lead hazard control and prevention efforts. 133331

YOUTH HOMELESSNESS 133332

Of the foregoing appropriation item 440672, Youth 133333
Homelessness, \$250,000 in each fiscal year shall be distributed 133334
to the Star House for its Drop-In Centers and its Carol Stewart 133335
Village, or its other expansion projects, to provide services 133336
for homeless youth. 133337

The remainder of appropriation item 440672, Youth 133338
Homelessness, shall be used to address homelessness in youth and 133339
pregnant women by providing assertive outreach to provide stable 133340
housing, including recovery housing. No funds shall be 133341
distributed to youth shelters that promote or affirm social 133342
gender transition, in which an individual goes from identifying 133343
with and living as a gender that corresponds to the individual's 133344
biological sex to identifying with and living as a gender 133345
different from the individual's biological sex. 133346

FEE SUPPORTED PROGRAMS 133347

Of the foregoing appropriation item 440647, Fee Supported 133348
Programs, \$2,160,000 in each fiscal year shall be used to 133349
distribute subsidies, on a per capita basis, to local health 133350
departments accredited through the Public Health Accreditation 133351
Board, or local health departments that are in the process of 133352

earning accreditation. 133353

Of the foregoing appropriation item 440647, Fee Supported 133354
Programs, \$1,840,000 in each fiscal year shall be used to 133355
distribute subsidies to local health departments accredited 133356
through the Public Health Accreditation Board on a per capita 133357
basis. 133358

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT 133359

The Children and Youth with Special Health Care Needs 133360
Audit Fund (Fund 4770) shall receive revenue from audits of 133361
hospitals and recoveries from third-party payers. Moneys may be 133362
expended for payment of audit settlements and for costs directly 133363
related to obtaining recoveries from third-party payers and for 133364
encouraging Program for Children and Youth with Special Health 133365
Care Needs recipients to apply for third-party benefits. Moneys 133366
also may be expended for payments for diagnostic and treatment 133367
services on behalf of children and youth with special health 133368
care needs, as defined in division (A) of section 3701.022 of 133369
the Revised Code, and Ohio residents who are twenty-one or more 133370
years of age and who are suffering from cystic fibrosis or 133371
hemophilia. Moneys may also be expended for administrative 133372
expenses incurred in operating the Program for Children and 133373
Youth with Special Health Care Needs. 133374

GENETICS SERVICES 133375

The foregoing appropriation item 440608, Genetics 133376
Services, shall be used by the Department of Health to 133377
administer programs authorized by sections 3701.501 and 3701.502 133378
of the Revised Code. None of these funds shall be used to 133379
counsel or refer for abortion. 133380

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 133381

Of the foregoing appropriation item 440656, Tobacco Use 133382
Prevention, Cessation, and Enforcement, \$1,000,000 in each 133383
fiscal year shall be used by the Director of Health, in 133384
consultation with the Director of Children and Youth, to award 133385
funds to private, nonprofit, or government entities. The 133386
Directors shall determine how the funds are to be distributed, 133387
but shall prioritize awards to entities that serve women who 133388
reside in communities that have the highest infant mortality 133389
rates in this state, as identified under section 3701.142 of the 133390
Revised Code. Recognizing the significant health risks posed to 133391
women and their children by tobacco use during and after 133392
pregnancy, the Department of Health shall award grants to 133393
private, nonprofit, or government entities that demonstrate the 133394
ability to deliver evidence-based tobacco cessation 133395
interventions to women. 133396

The remainder of appropriation item 440656, Tobacco Use 133397
Prevention, Cessation, and Enforcement, shall be used to 133398
administer tobacco use prevention and cessation activities and 133399
programs, to administer compliance checks, retailer education, 133400
and programs related to legal age restrictions, and to enforce 133401
the Ohio Smoke-Free Workplace Act. 133402

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY 133403
ASSESSMENTS 133404

The foregoing appropriation item 440607, Children and 133405
Youth with Special Health Care Needs - County Assessments, shall 133406
be used to make payments under division (E) of section 3701.023 133407
of the Revised Code. 133408

FEDERAL PUBLIC HEALTH PROGRAMS 133409

Of the foregoing appropriation item 440618, Federal Public 133410

Health Programs, \$7,800,000 in each fiscal year shall be 133411
provided to Ohio Adolescent Health Centers. 133412

Section 291.30. OHIO STUDENT EYE EXAM PROGRAM 133413

(A) The Department of Health shall establish and 133414
administer the Ohio Student Eye Exam Program, to be known as the 133415
OhioSEE Program. Under the program, vision care services, 133416
including vision screenings, eye examinations, and glasses, may 133417
be provided to Ohio students, kindergarten through third grade, 133418
who fail vision screenings and lack access to follow-up care. 133419

(B) In administering the program, the Department shall 133420
focus on improving the percentage of vision care referrals 133421
completed, increasing student access to eye examinations, and 133422
providing necessary eyewear to eligible students. 133423

Section 291.40. CHILDREN'S DENTAL SERVICES PROGRAM 133424

(A) The Department of Health shall establish and 133425
administer the Children's Dental Services Program. Under the 133426
program, dental care services, including screenings, treatment, 133427
and preventive care, may be provided to a child who meets the 133428
following conditions: 133429

(1) The child resides in an underserved area as determined 133430
by the Department. 133431

(2) The child meets any other eligibility condition 133432
established by the Department. 133433

(B) The dental care services described in division (A) of 133434
this section may be provided by deploying mobile dental units to 133435
schools and underserved areas. 133436

(C) In administering the program, the Department shall 133437
focus on increasing children's access to dental care and helping 133438

to reduce the incidence of dental caries among children. 133439

Section 293.10. 133440

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	1	2	3	4	5
A			HEF HIGHER EDUCATIONAL FACILITY COMMISSION		
B			Dedicated Purpose Fund Group		
C	4610	372601	Operating Expenses	\$15,513	\$15,513
D			Dedicated Purpose Fund Group Total	\$15,513	\$15,513
E			TOTAL ALL BUDGET FUND GROUPS	\$15,513	\$15,513

Section 295.10. 133442

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	1	2	3	4	5
A			SPA COMMISSION ON HISPANIC/LATINO AFFAIRS		
B			General Revenue Fund		
C	GRF	148321	Operating Expenses	\$466,248	\$483,670
D			General Revenue Fund Total	\$466,248	\$483,670
E			Dedicated Purpose Fund Group		
F	6010	148602	Special Initiatives	\$50,000	\$50,000
G			Dedicated Purpose Fund Group Total	\$50,000	\$50,000
H			TOTAL ALL BUDGET FUND GROUPS	\$516,248	\$533,670

Section 297.10.

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1	2	3	4	5
A	OHS OHIO HISTORY CONNECTION			
B	General Revenue Fund			
C	GRF	360400 Holocaust and Genocide Memorial and Education Commission	\$1,110,000	\$1,110,000
D	GRF	360401 Ohio Commission for the U.S. Semiquincentennial	\$7,750,000	\$2,500,000
E	GRF	360402 UNESCO World Heritage Sites	\$3,260,020	\$2,602,020
F	GRF	360501 Education and Collections	\$6,139,320	\$6,147,040
G	GRF	360502 Site and Museum Operations	\$8,252,200	\$8,252,200
H	GRF	360504 Ohio Preservation Office	\$965,287	\$965,287
I	GRF	360505 National Afro-American Museum	\$811,000	\$811,000
J	GRF	360506 Hayes Presidential Center	\$750,000	\$750,000
K	GRF	360508 State Historical Grants	\$850,000	\$700,000
L	General Revenue Fund Total		\$29,887,827	\$23,837,547
M	Dedicated Purpose Fund Group			

N	5KL0	360602	Ohio History Tax Check-off	\$150,000	\$150,000
O	5PD0	360603	Ohio History License Plate	\$10,000	\$10,000
P			Dedicated Purpose Fund Group Total	\$160,000	\$160,000
Q			TOTAL ALL BUDGET FUND GROUPS	\$30,047,827	\$23,997,547

Section 297.20. SUBSIDY APPROPRIATION 133446

Upon approval by the Director of Budget and Management, 133447
the foregoing appropriation items shall be released to the Ohio 133448
History Connection in quarterly amounts that in total do not 133449
exceed the annual appropriations. The funds and fiscal records 133450
of the Ohio History Connection for fiscal year 2026 and fiscal 133451
year 2027 shall be examined by independent certified public 133452
accountants approved by the Auditor of State, and a copy of the 133453
audited financial statements shall be filed with the Office of 133454
Budget and Management. 133455

The foregoing appropriations shall be considered to be the 133456
contractual consideration provided by the state to support the 133457
state's offer to contract with the Ohio History Connection under 133458
section 149.30 of the Revised Code. 133459

Of the foregoing appropriation item 360400, Holocaust and 133460
Genocide Memorial and Education Commission, \$125,000 in each 133461
fiscal year shall be used for The Nancy and David Wolf Holocaust 133462
and Humanity Center. 133463

OHIO COMMISSION FOR THE U.S. SEMIQUINCENTENNIAL 133464

Of the foregoing appropriation item 360401, Ohio 133465

Commission for the U.S. Semiquincentennial, \$250,000 in fiscal 133466
year 2026 shall be used for marketing and event operations for 133467
the America's River Roots Festival. 133468

UNESCO WORLD HERITAGE SITES 133469

The foregoing appropriation item 360402, UNESCO World 133470
Heritage Sites, shall be used for operating costs for approved 133471
United Nations Educational, Scientific and Cultural Organization 133472
(UNESCO) World Heritage sites in Ohio. 133473

STATE HISTORICAL GRANTS 133474

Of the foregoing appropriation item 360508, State 133475
Historical Grants, \$350,000 in each fiscal year shall be used 133476
for the Western Reserve Historical Society, and \$350,000 in each 133477
fiscal year shall be used for the Cincinnati Museum Center. 133478

Of the foregoing appropriation item 360508, State 133479
Historical Grants, \$150,000 in fiscal year 2026 shall be used 133480
for the Wadsworth Area Historical Society and the preservation 133481
of St. Mark's Episcopal Church located in Wadsworth, Ohio. 133482

Section 299.10. 133483

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A REP OHIO HOUSE OF REPRESENTATIVES

B General Revenue Fund

C GRF 025321 Operating Expenses \$35,100,000 \$36,210,000

D General Revenue Fund Total \$35,100,000 \$36,210,000

E Internal Service Activity Fund Group

F	1030	025601	House of Representatives	\$1,433,664	\$1,433,664
			Reimbursement		
G	4A40	025602	Miscellaneous Sales	\$50,000	\$50,000
H			Internal Service Activity Fund Group	\$1,483,664	\$1,483,664
			Total		
I			TOTAL ALL BUDGET FUND GROUPS	\$36,583,664	\$37,693,664

Section 299.20. OPERATING EXPENSES 133485

On July 1, 2025, or as soon as possible thereafter, the 133486
Chief Administrative Officer of the House of Representatives may 133487
certify to the Director of Budget and Management an amount up to 133488
the unexpended, unencumbered balance of the foregoing 133489
appropriation item 025321, Operating Expenses, at the end of 133490
fiscal year 2025 to be reappropriated to fiscal year 2026. The 133491
amount certified is hereby reappropriated to the same 133492
appropriation item for fiscal year 2026. 133493

On July 1, 2026, or as soon as possible thereafter, the 133494
Chief Administrative Officer of the House of Representatives may 133495
certify to the Director of Budget and Management an amount up to 133496
the unexpended, unencumbered balance of the foregoing 133497
appropriation item 025321, Operating Expenses, at the end of 133498
fiscal year 2026 to be reappropriated to fiscal year 2027. The 133499
amount certified is hereby reappropriated to the same 133500
appropriation item for fiscal year 2027. 133501

HOUSE REIMBURSEMENT 133502

If it is determined by the Chief Administrative Officer of 133503
the House of Representatives that additional appropriations are 133504
necessary for the foregoing appropriation item 025601, House of 133505

Representatives Reimbursement, the amounts are hereby 133506
appropriated. 133507

Section 301.10. 133508
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	1	2	3	4	5
A			HFA OHIO HOUSING FINANCE AGENCY		
B			Dedicated Purpose Fund Group		
C	5AZ0	997601	Housing Finance Agency	\$18,900,000	\$19,600,000
			Personal Services		
D			Dedicated Purpose Fund Group Total	\$18,900,000	\$19,600,000
E			TOTAL ALL BUDGET FUND GROUPS	\$18,900,000	\$19,600,000

Section 303.10. 133510
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	1	2	3	4	5
A			IGO OFFICE OF THE INSPECTOR GENERAL		
B			General Revenue Fund		
C	GRF	965321	Operating Expenses	\$2,079,000	\$2,158,000
D			General Revenue Fund Total	\$2,079,000	\$2,158,000
E			Internal Service Activity Fund Group		
F	5FA0	965603	Deputy Inspector General	\$400,000	\$400,000
			for ODOT		

G	5FT0 965604 Deputy Inspector General for BWC/OIC	\$425,000	\$425,000
H	Internal Service Activity Fund Group Total	\$825,000	\$825,000
I	TOTAL ALL BUDGET FUND GROUPS	\$2,904,000	\$2,983,000

Section 305.10.

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	1	2	3	4	5
A	INS DEPARTMENT OF INSURANCE				
B	Dedicated Purpose Fund Group				
C	5540 820401 Examination		\$11,242,604	\$11,690,798	
D	5540 820601 Operating Expenses - OSHIIP		\$400,670	\$414,002	
E	5540 820606 Operating Expenses		\$36,479,179	\$37,595,513	
F	Dedicated Purpose Fund Group Total		\$48,122,453	\$49,700,313	
G	Federal Fund Group				
H	3U50 820602 OSHIIP Operating Grant		\$3,050,000	\$3,050,000	
I	Federal Fund Group Total		\$3,050,000	\$3,050,000	
J	TOTAL ALL BUDGET FUND GROUPS		\$51,172,453	\$52,750,313	

Section 305.20. MARKET CONDUCT EXAMINATION

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When conducting a market conduct examination of any

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insurer doing business in this state, the Superintendent of 133516
Insurance may assess the costs of the examination against the 133517
insurer. The Superintendent may enter into consent agreements to 133518
impose administrative assessments or fines for conduct 133519
discovered that may be violations of statutes or rules 133520
administered by the Superintendent. All costs, assessments, or 133521
fines collected shall be deposited to the credit of the 133522
Department of Insurance Operating Fund (Fund 5540). 133523

Section 307.10.

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A JFS DEPARTMENT OF JOB AND FAMILY SERVICES

B General Revenue Fund

C GRF 600410 TANF State Maintenance of \$147,169,083 \$147,169,083
Effort

D GRF 600450 Program Operations \$151,325,446 \$152,655,581

E GRF 600502 Child Support - Local \$26,400,000 \$26,400,000

F GRF 600521 Family Assistance - Local \$53,216,226 \$53,216,226

G GRF 600533 Child, Family, and \$13,500,000 \$13,500,000
Community Protection
Services

H GRF 600534 Adult Protective Services \$11,720,000 \$11,720,000

I GRF 600551 Job and Family Services \$1,500,000 \$1,500,000
Program Support

J	GRF	655425	Medicaid Program Support	\$15,779,739	\$16,393,535
K	GRF	655522	Medicaid Program Support - Local	\$44,000,000	\$44,000,000
L	GRF	655523	Medicaid Program Support - Local Transportation	\$43,530,000	\$43,530,000
M			General Revenue Fund Total	\$508,140,494	\$510,084,425
N			Dedicated Purpose Fund Group		
O	4A80	600658	Public Assistance Activities	\$21,400,000	\$21,400,000
P	4A90	600607	Unemployment Compensation Administration Fund	\$45,180,000	\$36,670,000
Q	5CI1	6006B6	Utility Community Assistance	\$0	\$686,947
R	5DM0	600633	Audit Settlements and Contingency	\$1,000,000	\$1,000,000
S	5ES0	600630	Food Bank Assistance	\$500,000	\$500,000
T	5M40	6006B2	Low Income Energy Assistance	\$0	\$176,222,102
U	5RX0	600699	Workforce Development Projects	\$1,500,000	\$1,500,000
V	5RY0	600698	Human Services Project	\$15,000,000	\$15,000,000
W			Dedicated Purpose Fund Group Total	\$84,580,000	\$252,979,049

X	Internal Service Activity Fund Group		
Y	5HL0 600602 State and County Shared Services	\$2,000,000	\$2,000,000
Z	5WU0 6006C2 Ohio Benefits	\$0	\$169,005,914
AA	Internal Service Activity Fund Group Total	\$2,000,000	\$171,005,914
AB	Fiduciary Fund Group		
AC	1920 600646 Child Support Intercept- Federal	\$100,000,000	\$100,000,000
AD	5830 600642 Child Support Intercept- State	\$13,000,000	\$13,000,000
AE	5B60 600601 Food Assistance Intercept	\$9,000,000	\$9,000,000
AF	Fiduciary Fund Group Total	\$122,000,000	\$122,000,000
AG	Holding Account Fund Group		
AH	R012 600643 Refunds and Audit Settlements	\$500,000	\$500,000
AI	Holding Account Fund Group Total	\$500,000	\$500,000
AJ	Federal Fund Group		
AK	3310 600615 Veterans Programs	\$9,729,693	\$10,046,576
AL	3310 600624 Employment Services	\$33,757,412	\$33,361,820

AM 3310	600686	Workforce Programs	\$3,726,601	\$3,831,863
AN 3840	600610	Food Assistance Programs	\$353,577,548	\$355,477,007
AO 3850	600614	Refugee Services	\$43,221,914	\$47,817,949
AP 3950	600616	Federal Discretionary Grants	\$4,500,000	\$4,500,000
AQ 3960	600620	Social Services Block Grant	\$38,100,747	\$38,339,506
AR 3970	600626	Child Support - Federal	\$206,615,245	\$206,484,306
AS 3F01	655624	Medicaid Program Support - Federal	\$221,532,699	\$222,146,496
AT 3FI0	6006B4	Home Weatherization Program	\$0	\$45,000,000
AU 3K90	6006B3	Home Energy Assistance Block Grant	\$0	\$180,000,000
AV 3K90	6006B7	HEAP Weatherization	\$0	\$44,000,000
AW 3L00	6006B8	Community Services Block Grant	\$0	\$32,000,000
AX 3S50	600622	Child Support Projects	\$539,000	\$539,000
AY 3V00	600688	Workforce Innovation and Opportunity Act Programs	\$165,467,651	\$172,078,185
AZ 3V40	600632	Trade Programs	\$3,001,000	\$3,001,000

BA 3V40 600678 Federal Unemployment Programs	\$122,666,388	\$125,686,620
BB 3V40 600679 Unemployment Compensation Review Commission-Federal	\$6,068,609	\$6,249,573
BC 3V60 600689 TANF Block Grant	\$561,481,981	\$561,481,981
BD Federal Fund Group Total	\$1,773,986,488	\$2,092,041,882
BE TOTAL ALL BUDGET FUND GROUPS	\$2,491,206,982	\$3,148,611,270

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 133526

(A) Of the foregoing appropriation item 600521, Family 133527
Assistance - Local, at least \$46,000,000 in each fiscal year 133528
shall be provided to county departments of job and family 133529
services to administer food assistance and disability assistance 133530
programs. 133531

(B) Of the foregoing appropriation item 600521, Family 133532
Assistance -Local, an additional \$2,500,000 in each fiscal year 133533
shall be provided to assist county departments that submit an 133534
approved plan on increasing fraud prevention, early detection of 133535
fraud, and investigations on potential fraud that may be 133536
occurring in public assistance programs. 133537

(C) The foregoing appropriation item 655522, Medicaid 133538
Program Support - Local, shall be provided to county departments 133539
of job and family services to administer the Medicaid program 133540
and the State Children's Health Insurance program. 133541

(D) At the request of the Director of Job and Family 133542
Services, the Director of Budget and Management may transfer 133543
appropriations between the following appropriation items to 133544

ensure county administrative funds are expended from the proper 133545
appropriation item: 133546

(1) Appropriation item 600521, Family Assistance - Local, 133547
and appropriation item 655522, Medicaid Program Support - Local; 133548
and 133549

(2) Appropriation item 655523, Medicaid Program Support - 133550
Local Transportation, and appropriation item 655522, Medicaid 133551
Program Support - Local. 133552

Section 307.30. NAME OF FOOD STAMP PROGRAM 133553

The Director of Job and Family Services is not required to 133554
amend rules regarding the Food Stamp Program to change the name 133555
of the program to the Supplemental Nutrition Assistance Program. 133556
The Director may refer to the program as the Food Stamp Program, 133557
the Supplemental Nutrition Assistance Program, or the Food 133558
Assistance Program in rules and documents of the Department of 133559
Job and Family Services. 133560

Section 307.35. TANF STATE MAINTENANCE OF EFFORT 133561

Of the foregoing appropriation item 600410, TANF State 133562
Maintenance of Effort, \$400,000 in each fiscal year shall be 133563
provided to the Simon Kenton Council for the administration of 133564
the ScoutReach program. Funding shall be used for the following: 133565
to expand access to scouting in under-resourced communities; to 133566
provide financial assistance for participating families; to hire 133567
two additional program coordinators, a risk manager, and a 133568
social worker; to purchase program supplies; and to provide 133569
marketing resources to enhance outreach and engagement. Funds 133570
shall be distributed in accordance with guidelines established 133571
for nonprofit educational and youth development programs. The 133572
Simon Kenton Council shall submit an annual report to the 133573

Department of Job and Family Services detailing the program's 133574
expansion, impact, and financial expenditures. 133575

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 133576

Of the foregoing appropriation items 600410, TANF State 133577
Maintenance of Effort, 600658, Public Assistance Activities, and 133578
600689, TANF Block Grant, a total of up to \$22,050,000 in each 133579
fiscal year shall be used to provide funds to the Ohio 133580
Association of Food Banks to purchase and distribute food 133581
products, support Innovative Summer Meals programs for children, 133582
provide SNAP outreach and free tax filing services, and provide 133583
capacity building equipment for food pantries and soup kitchens. 133584

Notwithstanding section 5101.46 of the Revised Code and 133585
any other provision in this act, the Director of Job and Family 133586
Services shall provide assistance from eligible funds to the 133587
Ohio Association of Food Banks in an amount not less than 133588
\$24,550,000 in each fiscal year. This amount includes the funds 133589
designated to the Ohio Association of Food Banks in the first 133590
paragraph of this section. 133591

Eligible nonfederal expenditures made by member food banks 133592
of the Association shall be counted by the Department of Job and 133593
Family Services toward the TANF maintenance of effort 133594
requirements of 42 U.S.C. 609(a)(7). The Director of Job and 133595
Family Services shall enter into an agreement with the Ohio 133596
Association of Food Banks, in accordance with sections 5101.80 133597
and 5101.801 of the Revised Code, to carry out the requirements 133598
under this section. 133599

Section 307.50. OHIO ASSOCIATION OF FOODBANKS SUBGRANT 133600

The Department of Job and Family Services shall enter into 133601
a subgrant agreement with the Ohio Association of Foodbanks to 133602

enable the Association to provide food distribution to low- 133603
income families and individuals via the statewide charitable 133604
emergency food provider network and to support transportation of 133605
meals for the Governor's Office of Faith-Based and Community 133606
Initiatives Innovative Summer Meals programs for children and 133607
provide capacity building equipment for food pantries and soup 133608
kitchens. 133609

The Ohio Association of Foodbanks shall do all of the 133610
following: 133611

(A) Purchase food for the Agriculture Clearance and Ohio 133612
Food Programs. Information regarding the food purchase shall be 133613
reflected in the plan for statewide distribution of food 133614
products to local food distribution agencies. 133615

(B) Support the Capacity Building Grant program and 133616
purchase equipment for partner agencies that is needed to 133617
increase their capacity to serve more families eligible under 133618
the Temporary Assistance for Needy Families program with 133619
perishable foods, fruits, and vegetables. This equipment 133620
purchase shall include, but is not limited to, shelving, pallet 133621
jacks, commercial refrigerators, and commercial freezers. 133622

(C) Submit a quarterly report to the Department of Job and 133623
Family Services not later than sixty days after the close of the 133624
quarter to which the report pertains. The quarterly report shall 133625
include all of the following: 133626

(1) A summary of the allocation and expenditure of grant 133627
funds; 133628

(2) Product type and pounds distributed by foodbank 133629
service region and county; 133630

(3) The number of households, households with children, a 133631

breakdown of individuals served by age, including those over the 133632
age of sixty, those between the ages of nineteen and fifty-nine, 133633
and those up to the age of eighteen, and the number of meals 133634
served. 133635

(D) Submit an annual report to the Agreement Manager at 133636
the Department of Job and Family Services not later than one 133637
hundred twenty days after the end of the fiscal year. The annual 133638
report shall include the following: 133639

(1) A summary of the allocation and expenditure of grant 133640
funds; 133641

(2) The number of households, households with children, a 133642
breakdown of individuals served by age, including those over the 133643
age of sixty, those between the ages of nineteen and fifty-nine, 133644
and those up to the age of eighteen, and the number of meals 133645
served. 133646

(3) The quantity and type of food distributed and the 133647
total per pound cost of the food purchased; 133648

(4) Information on the cost of storage, transportation, 133649
and processing; 133650

(5) An evaluation of the success in achieving expected 133651
performance outcomes. 133652

Section 307.60. FOOD STAMPS TRANSFER 133653

On July 1, 2025, or as soon as possible thereafter, and 133654
upon request of the Director of Job and Family Services, the 133655
Director of Budget and Management may transfer up to \$1,000,000 133656
cash from the Food Stamp Offset Fund (Fund 5B60), to the Food 133657
Assistance Fund (Fund 5ES0). 133658

Section 307.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 133659

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUNDS

(A) Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, and 600689, TANF Block Grant, up to \$13,410,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601. Of this amount, allocations shall be made as follows:

(1) \$1,000,000 in each fiscal year for the Siemer Institute to support family stability programs in collaboration with United Way affiliates;

(2) \$1,000,000 in each fiscal year for the Independent Living Initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care who meet TANF eligibility requirements;

(3) \$750,000 in each fiscal year for the Ohio Council of 133689
YWCA's to support child care, food programs for youth and 133690
families, educational opportunities for at-risk youth, trauma- 133691
informed support, violence prevention, and food insecurity; 133692

(4) \$500,000 in each fiscal year for Big Brothers Big 133693
Sisters of Central Ohio to provide mentoring services to 133694
children throughout the state who have experienced trauma in 133695
their lives, including parental incarceration; 133696

(5) \$100,000 in each fiscal year for Marriage Works! Ohio 133697
in Dayton. 133698

(B) Of the foregoing appropriation items 600410, TANF 133699
State Maintenance of Effort, and 600689, TANF Block Grant, 133700
\$8,500,000 in each fiscal year shall be provided, in accordance 133701
with sections 5101.80 and 5101.801 of the Revised Code, to the 133702
Ohio Alliance of Boys and Girls Clubs to provide after-school 133703
and summer programs that protect at-risk children and enable 133704
youth to become responsible adults. Not less than \$150,000 in 133705
each fiscal year shall be provided to the Boys and Girls Club of 133706
Massillon. 133707

(C) Of the foregoing appropriation item 600689, TANF Block 133708
Grant, \$2,500,000 in each fiscal year shall be provided, in 133709
accordance with sections 5101.80 and 5101.801 of the Revised 133710
Code, to the Children's Hunger Alliance to assist with meal 133711
sponsorship, early child care programs, child care, 133712
consultations and nutrition education, school district nutrition 133713
programs, after school nutrition programs, and summer nutrition 133714
programs. 133715

(D) Of the foregoing appropriation item 600689, TANF Block 133716
Grant, \$250,000 in each fiscal year shall be provided to the 133717

Toledo Seagate Foodbank, in accordance with sections 5101.80 and 133718
5101.801 of the Revised Code. 133719

(E) Of the foregoing appropriation item 600689, TANF Block 133720
Grant, \$100,000 in each fiscal year shall be provided, in 133721
accordance with sections 5101.80 and 5101.801 of the Revised 133722
Code, to Bethany House Services. 133723

(F) Of the foregoing appropriation item 600689, TANF Block 133724
Grant, \$57,500 in each fiscal year shall be provided, in 133725
accordance with sections 5101.80 and 5101.801 of the Revised 133726
Code, to the Big Brothers Big Sisters of Northwest Ohio. Not 133727
less than \$20,000 in each fiscal year shall be used to provide 133728
programming to youth within Ohio state parks. 133729

(G) Of the foregoing appropriation item 600689, TANF Block 133730
Grant, \$500,000 in each fiscal year shall be provided, in 133731
accordance with sections 5101.80 and 5101.801 of the Revised 133732
Code, to Child Focus, Inc. 133733

(H) Of the foregoing appropriation item 600689, TANF Block 133734
Grant, \$150,000 in each fiscal year shall be provided, in 133735
accordance with sections 5101.80 and 5101.801 of the Revised 133736
Code, to Dads2B. 133737

(I) Of the foregoing appropriation item 600689, TANF Block 133738
Grant, \$375,000 in each fiscal year shall be provided, in 133739
accordance with sections 5101.80 and 5101.801 of the Revised 133740
Code, to Foundry Row, Sail, Dream. 133741

(J) Of the foregoing appropriation item 600689, TANF Block 133742
Grant, \$250,000 in each fiscal year shall be provided, in 133743
accordance with sections 5101.80 and 5101.801 of the Revised 133744
Code, to OhioGuidestone. 133745

(K) Of the foregoing appropriation item 600689, TANF Block 133746

Grant, \$1,500,000 in each fiscal year shall be provided, in 133747
accordance with sections 5101.80 and 5101.801 of the Revised 133748
Code, to Open Doors Academy. 133749

(L) Of the foregoing appropriation item 600689, TANF Block 133750
Grant, \$1,000,000 in each fiscal year shall be provided, in 133751
accordance with sections 5101.80 and 5101.801 of the Revised 133752
Code, to Produce Perks. 133753

(M) Of the foregoing appropriation item 600689, TANF Block 133754
Grant, \$100,000 in each fiscal year shall be provided, in 133755
accordance with sections 5101.80 and 5101.801 of the Revised 133756
Code, to the Ohio YMCA to support day camps and before and after 133757
school programs to help students remove barriers to their 133758
learning. 133759

Section 307.90. PROGRAM OPERATIONS 133760

Of the foregoing appropriation item 600450, Program 133761
Operations, \$6,000,000 in each fiscal year shall be allocated 133762
for the GRIT program to be administered by the Department of Job 133763
and Family Services, in coordination with the Governor's Office 133764
of Appalachia and the Department of Development. The program 133765
shall expand the qualified worker pipeline, remove barriers to 133766
fill local and remote jobs, and promote entrepreneurial 133767
endeavors in economically distressed and at-risk areas within 133768
the Appalachian region of Ohio, as defined in section 107.21 of 133769
the Revised Code, and other like counties within the state. The 133770
amount set aside for the GRIT program under this section shall 133771
be used for the following: 133772

(A) To establish, in collaboration with private businesses 133773
and public sector partners, virtual workforce development 133774
centers and supportive resources and to place unemployed and 133775

underemployed youth and adults into jobs; 133776

(B) To support assessment, coaching, wraparound services, 133777
and other career development and training activities for both 133778
high school youth and adults. 133779

The amount set aside for the GRIT program under this 133780
section may be used for operating costs. 133781

Section 307.100. CHILD, FAMILY, AND COMMUNITY PROTECTION 133782
SERVICES 133783

(A) The foregoing appropriation item 600533, Child, 133784
Family, and Community Protection Services, shall be distributed 133785
to county departments of job and family services. County 133786
departments shall use the funds distributed to them under this 133787
section as follows, in accordance with the written plan of 133788
cooperation entered into under section 307.983 of the Revised 133789
Code: 133790

(1) To assist individuals in achieving or maintaining 133791
self-sufficiency, including by reducing or preventing dependency 133792
among individuals with family income not exceeding two hundred 133793
per cent of the federal poverty guidelines; 133794

(2) Subject to division (B) of this section, to respond to 133795
reports of abuse, neglect, or exploitation of children and 133796
adults, including through the differential response approach 133797
program; 133798

(3) To provide outreach and referral services regarding 133799
home and community-based services to individuals at risk of 133800
placement in a group home or institution, regardless of the 133801
individuals' family income and without need for a written 133802
application; 133803

(4) To provide outreach, referral, application assistance, 133804
and other services to assist individuals to receive assistance, 133805
benefits, or services under Medicaid; Title IV-A programs, as 133806
defined in section 5101.80 of the Revised Code; the Supplemental 133807
Nutrition Assistance Program; and other public assistance 133808
programs. 133809

(B) Protective services may be provided to a child or 133810
adult as part of a response, under division (A) (2) of this 133811
section, to a report of abuse, neglect, or exploitation without 133812
regard to a child or adult's family income and without need for 133813
a written application. The protective services may be provided 133814
if the case record documents circumstances of actual or 133815
potential abuse, neglect, or exploitation. 133816

Section 307.110. ADULT PROTECTIVE SERVICES 133817

Of the foregoing appropriation item 600534, Adult 133818
Protective Services, \$7,040,000 in each fiscal year shall be 133819
used to provide an initial allocation of \$80,000 to each county. 133820
The remainder of appropriation item 600534 shall be provided to 133821
counties in accordance with the formula established in section 133822
5101.612 of the Revised Code. 133823

Section 307.115. JOB AND FAMILY SERVICES PROGRAM SUPPORT 133824

The foregoing appropriation item 600551, Job and Family 133825
Services Program Support, shall be provided to La Soupe to 133826
support and expand its core food security programs across Ohio. 133827

Section 307.120. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 133828

The Fiduciary Fund Group and Holding Account Fund Group 133829
shall be used to hold revenues until the appropriate fund is 133830
determined or until the revenues are directed to the appropriate 133831
governmental agency other than the Department of Job and Family 133832

Services. Any Department of Job and Family Services refunds or 133833
reconciliations received or held by the Department of Medicaid 133834
shall be transferred or credited to the Refunds and Audit 133835
Settlement Fund (Fund R012). If receipts credited to the Support 133836
Intercept - Federal Fund (Fund 1920), the Support Intercept - 133837
State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), 133838
or the Refunds and Audit Settlements Fund (Fund R012) exceed the 133839
amounts appropriated from the fund, the Director of Job and 133840
Family Services may request the Director of Budget and 133841
Management to authorize expenditures from the fund in excess of 133842
the amounts appropriated. Upon the approval of the Director of 133843
Budget and Management, the additional amounts are hereby 133844
appropriated. 133845

Section 307.130. HEAP WEATHERIZATION 133846

Up to twenty-five per cent of the federal funds deposited 133847
to the credit of the Home Energy Assistance Block Grant (Fund 133848
3K90) may be expended from appropriation item 6006B7, HEAP 133849
Weatherization, to provide home weatherization services in the 133850
state as determined by the Director of Job and Family Services. 133851

Section 307.140. SUMMER ELECTRONIC BENEFITS TRANSFER FOR 133852
CHILDREN FUND 133853

(A) The Summer Electronic Benefits Transfer for Children 133854
Fund is created, which shall be in the custody of the Treasurer 133855
of State but shall not be part of the state treasury. The fund 133856
shall consist of all money awarded by the United States 133857
Department of Agriculture as benefits under 42 U.S.C. 1762. All 133858
money in the fund shall be used by the Director of Job and 133859
Family Services solely for the purpose of paying eligible 133860
charges incurred by children and families eligible for, and 133861
participating in, the Summer Electronic Benefits Transfer for 133862

Children Program. 133863

(B) On or before August 1 of each fiscal year, the 133864
Director shall submit to the Governor, the Director of Budget 133865
and Management, the President of the Senate, the Speaker of the 133866
House of Representatives, the Minority Leader of the Senate, and 133867
the Minority Leader of the House of Representatives information 133868
regarding the Summer Electronic Benefits Transfer for Children 133869
Program created under 42 U.S.C. 1762, including the amount of 133870
federal funding received for the program in the previous fiscal 133871
year. 133872

Section 307.150. WORK REQUIREMENTS 133873

The Director of Job and Family Services may refer Ohio 133874
Works First and Supplemental Nutrition Assistance Program 133875
participants who have indicated that they have a mental or 133876
physical illness or impairment to the agency for vocational 133877
rehabilitation assessment and support services. Such 133878
participants must continue with vocational rehabilitation 133879
services pursuant to this section in order to meet Ohio Works 133880
First and Supplemental Nutrition Assistance Program work 133881
requirements, unless they are determined unable to work by the 133882
Opportunities for Ohioans with Disabilities agency, or otherwise 133883
meet minimum program work requirements. Participants who are not 133884
determined unable to work by the Opportunities for Ohioans with 133885
Disabilities agency and who do not participate with vocational 133886
rehabilitation services pursuant to this section or otherwise 133887
meet minimum program work requirements will have benefits 133888
terminated in accordance with federal regulations. 133889

Section 309.10. 133890

133891

	1	2	3	4	5
A			JCR JOINT COMMITTEE ON AGENCY RULE REVIEW		
B			General Revenue Fund		
C	GRF	029321	Operating Expenses	\$620,000	\$620,000
D			General Revenue Fund Total	\$620,000	\$620,000
E			TOTAL ALL BUDGET FUND GROUPS	\$620,000	\$620,000

Section 309.20. OPERATING GUIDANCE 133892

The Legislative Service Commission shall act as fiscal 133893
agent for the Joint Committee on Agency Rule Review. Members of 133894
the Committee shall be paid in accordance with section 101.35 of 133895
the Revised Code. 133896

OPERATING EXPENSES 133897

On July 1, 2025, or as soon as possible thereafter, the 133898
Executive Director of the Joint Committee on Agency Rule Review 133899
may certify to the Director of Budget and Management an amount 133900
up to the unexpended, unencumbered balance of the foregoing 133901
appropriation item 029321, Operating Expenses, at the end of 133902
fiscal year 2025 to be reappropriated to fiscal year 2026. The 133903
amount certified is hereby reappropriated to the same 133904
appropriation item for fiscal year 2026. 133905

On July 1, 2026, or as soon as possible thereafter, the 133906
Executive Director of the Joint Committee on Agency Rule Review 133907
may certify to the Director of Budget and Management an amount 133908
up to the unexpended, unencumbered balance of the foregoing 133909
appropriation item 029321, Operating Expenses, at the end of 133910

fiscal year 2026 to be reappropriated to fiscal year 2027. The 133911
amount certified is hereby reappropriated to the same 133912
appropriation item for fiscal year 2027. 133913

Section 313.10.

133914

133915

	1	2	3	4	5
A			JMO JOINT MEDICAID OVERSIGHT COMMITTEE		
B			General Revenue Fund		
C	GRF	048321	Operating Expenses	\$530,532	\$654,606
D			General Revenue Fund Total	\$530,532	\$654,606
E			TOTAL ALL BUDGET FUND GROUPS	\$530,532	\$654,606

Section 313.20. OPERATING EXPENSES

133916

The foregoing appropriation item 048321, Operating 133917
Expenses, shall be used to support expenses related to the Joint 133918
Medicaid Oversight Committee created by section 103.41 of the 133919
Revised Code. 133920

On July 1, 2025, or as soon as possible thereafter, the 133921
Executive Director of the Joint Medicaid Oversight Committee may 133922
certify to the Director of Budget and Management an amount up to 133923
the unexpended, unencumbered balance of the foregoing 133924
appropriation item 048321, Operating Expenses, at the end of 133925
fiscal year 2025 to be reappropriated to fiscal year 2026. The 133926
amount certified is hereby reappropriated to the same 133927
appropriation item for fiscal year 2026. 133928

On July 1, 2026, or as soon as possible thereafter, the 133929

Executive Director of the Joint Medicaid Oversight Committee may 133930
certify to the Director of Budget and Management an amount up to 133931
the unexpended, unencumbered balance of the foregoing 133932
appropriation item 048321, Operating Expenses, at the end of 133933
fiscal year 2026 to be reappropriated to fiscal year 2027. The 133934
amount certified is hereby reappropriated to the same 133935
appropriation item for fiscal year 2027. 133936

Section 315.10.

133937
133938

	1	2	3	4	5
A			JCO JUDICIAL CONFERENCE OF OHIO		
B			General Revenue Fund		
C	GRF	018321	Operating Expenses	\$1,398,265	\$1,475,131
D			General Revenue Fund Total	\$1,398,265	\$1,475,131
E			Dedicated Purpose Fund Group		
F	4030	018601	Ohio Jury Instructions	\$746,000	\$814,899
G			Dedicated Purpose Fund Group Total	\$746,000	\$814,899
H			TOTAL ALL BUDGET FUND GROUPS	\$2,144,265	\$2,290,030

Section 315.20. STATE COUNCIL OF UNIFORM STATE LAWS

133939

Notwithstanding section 105.26 of the Revised Code, of the 133940
foregoing appropriation item 018321, Operating Expenses, up to 133941
\$103,315 in fiscal year 2026 and up to \$108,481 in fiscal year 133942
2027 shall be used to pay the expenses of the State Council of 133943
Uniform State Laws, including membership dues to the National 133944

Conference of Commissioners on Uniform State Laws. 133945

OHIO JURY INSTRUCTIONS FUND 133946

The Ohio Jury Instructions Fund (Fund 4030) shall consist 133947
of grants, royalties, dues, conference fees, bequests, devises, 133948
and other gifts received for the purpose of supporting costs 133949
incurred by the Judicial Conference of Ohio in its activities as 133950
a part of the judicial system of the state as determined by the 133951
Judicial Conference Executive Committee. Fund 4030 shall be used 133952
by the Judicial Conference of Ohio to pay expenses incurred in 133953
its activities as a part of the judicial system of the state as 133954
determined by the Judicial Conference Executive Committee. All 133955
moneys accruing to Fund 4030 in excess of the amount 133956
appropriated for the current fiscal year are hereby appropriated 133957
for the purposes authorized. No money in Fund 4030 shall be 133958
transferred to any other fund by the Director of Budget and 133959
Management or the Controlling Board. 133960

Section 317.10. 133961

133962

	1	2	3	4	5
A			JSC THE JUDICIARY/SUPREME COURT		
B			General Revenue Fund		
C	GRF	005321	Operating Expenses - Judiciary/Supreme Court	\$213,543,246	\$220,494,519
D	GRF	005401	State Criminal Sentencing Commission	\$1,506,142	\$1,601,731
E	GRF	005406	Law-Related Education	\$250,000	\$250,000

F	GRF	005409	Ohio Courts Technology Initiative	\$4,505,000	\$4,505,000
G			General Revenue Fund Total	\$219,804,388	\$226,851,250
H			Dedicated Purpose Fund Group		
I	4C80	005605	Attorney Services	\$10,718,083	\$10,721,022
J	5HT0	005617	Court Interpreter Certification	\$9,000	\$9,000
K	5SP0	005626	Civil Justice Grant Program	\$425,000	\$425,000
L	5T80	005609	Grants and Awards	\$1,000	\$1,000
M	6720	005601	Continuing Judicial Education	\$37,500	\$37,500
N			Dedicated Purpose Fund Group Total	\$11,190,583	\$11,193,522
O			Fiduciary Fund Group		
P	5JY0	005620	County Law Library Resources Boards	\$313,800	\$318,500
Q			Fiduciary Fund Group Total	\$313,800	\$318,500
R			Federal Fund Group		
S	3J00	005603	Federal Grants	\$1,810,907	\$1,157,600
T			Federal Fund Group Total	\$1,810,907	\$1,157,600

U TOTAL ALL BUDGET FUND GROUPS \$233,119,678 \$239,520,872

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 133963

The foregoing appropriation item 005401, State Criminal 133964
Sentencing Commission, shall be used for the operation of the 133965
State Criminal Sentencing Commission established by section 133966
181.21 of the Revised Code. 133967

LAW-RELATED EDUCATION 133968

Of the foregoing appropriation item 005406, Law-Related 133969
Education, \$250,000 in each fiscal year shall be distributed 133970
directly to the Ohio Center for Law-Related Education for the 133971
purposes of providing continuing citizenship education 133972
activities to primary and secondary students, expanding 133973
delinquency prevention programs, increasing activities for at- 133974
risk youth, and accessing additional public and private money 133975
for new programs. 133976

OHIO COURTS TECHNOLOGY INITIATIVE 133977

The foregoing appropriation item 005409, Ohio Courts 133978
Technology Initiative, shall be used to fund an initiative by 133979
the Supreme Court to facilitate the exchange of information and 133980
warehousing of data by and between Ohio courts and other justice 133981
system partners through the maintenance of an Ohio Courts 133982
Network, the delivery of technology services to courts 133983
throughout the state, including the provision of hardware, 133984
software, and the development and implementation of educational 133985
and training programs for judges and court personnel, and 133986
operation of the Commission on Technology and the Courts by the 133987
Supreme Court for the promulgation of statewide rules, policies, 133988
and uniform standards, and to aid in the orderly adoption and 133989

comprehensive use of technology in Ohio courts. All Ohio courts 133990
and the clerks of the courts of common pleas, whether elected or 133991
appointed, are eligible for funding under the initiative. 133992

ATTORNEY SERVICES 133993

The Attorney Registration Fund (Fund 4C80) shall consist 133994
of money received by the Supreme Court (The Judiciary) pursuant 133995
to the Rules for the Government of the Bar of Ohio. In addition 133996
to funding other activities considered appropriate by the 133997
Supreme Court, the foregoing appropriation item 005605, Attorney 133998
Services, may be used to compensate employees and to fund 133999
appropriate activities of the following offices established by 134000
the Supreme Court: the Office of Disciplinary Counsel, the Board 134001
of Commissioners on Grievances and Discipline, the Clients' 134002
Security Fund, and the Attorney Services Division which include 134003
the Office of Bar Admissions. If it is determined by the 134004
Administrative Director of the Supreme Court that changes to the 134005
appropriation are necessary, the amounts are hereby 134006
appropriated. 134007

No money in Fund 4C80 shall be transferred to any other 134008
fund by the Director of Budget and Management or the Controlling 134009
Board. Interest earned on money in Fund 4C80 shall be credited 134010
to the fund. 134011

COURT INTERPRETER CERTIFICATION 134012

The Court Interpreter Certification Fund (Fund 5HT0) shall 134013
consist of money received by the Supreme Court (The Judiciary) 134014
pursuant to Rules 80 through 87 of the Rules of Superintendence 134015
for the Courts of Ohio. The foregoing appropriation item 005617, 134016
Court Interpreter Certification, shall be used to provide 134017
training, to provide the written examination, and to pay 134018

language experts to rate, or grade, the oral examinations of 134019
those applying to become certified court interpreters. If it is 134020
determined by the Administrative Director of the Supreme Court 134021
that changes to the appropriation are necessary, the amounts are 134022
hereby appropriated. 134023

No money in Fund 5HT0 shall be transferred to any other 134024
fund by the Director of Budget and Management or the Controlling 134025
Board. Interest earned on money in Fund 5HT0 shall be credited 134026
to the fund. 134027

CIVIL JUSTICE GRANT PROGRAM 134028

The Civil Justice Program Fund (Fund 5SP0) shall consist 134029
of (1) \$50 voluntary donations made as part of the biennium 134030
attorney registration process and (2) \$150 of the pro hac vice 134031
fees for out-of-state attorneys pursuant to Government of the 134032
Bar Rule amendments. The foregoing appropriation item 005626, 134033
Civil Justice Grant Program, shall be used by the Supreme Court 134034
of Ohio for grants to not-for-profit organizations and agencies 134035
dedicated to providing civil legal aid to underserved 134036
populations, to fund innovative programs directed at this 134037
purpose, and to increase access to judicial service to that 134038
population. If it is determined by the Administrative Director 134039
of the Supreme Court that changes to the appropriation are 134040
necessary, the amounts are hereby appropriated. 134041

No money in Fund 5SP0 shall be transferred to any other 134042
fund by the Director of Budget and Management or the Controlling 134043
Board. Interest earned on money in Fund 5SP0 shall be credited 134044
to the fund. 134045

GRANTS AND AWARDS 134046

The Grants and Awards Fund (Fund 5T80) shall consist of 134047

grants and other money awarded to the Supreme Court (The 134048
Judiciary) by the State Justice Institute, the Division of 134049
Criminal Justice Services, or other entities. The foregoing 134050
appropriation item 005609, Grants and Awards, shall be used in a 134051
manner consistent with the purpose of the grant or award. If it 134052
is determined by the Administrative Director of the Supreme 134053
Court that changes to the appropriation are necessary, the 134054
amounts are hereby appropriated. 134055

No money in Fund 5T80 shall be transferred to any other 134056
fund by the Director of Budget and Management or the Controlling 134057
Board. Interest earned on money in Fund 5T80 shall be credited 134058
or transferred to the General Revenue Fund. 134059

JUDICIARY/SUPREME COURT EDUCATION 134060

The Judiciary/Supreme Court Education Fund (Fund 6720) 134061
shall consist of fees paid for attending judicial and public 134062
education on the law, reimbursement of costs for judicial and 134063
public education on the law, and other gifts and grants received 134064
for the purpose of judicial and public education on the law. The 134065
foregoing appropriation item 005601, Continuing Judicial 134066
Education, shall be used to pay expenses for judicial education 134067
courses for judges, court personnel, and those who serve the 134068
courts, and for public education on the law. If it is determined 134069
by the Administrative Director of the Supreme Court that changes 134070
to the appropriation are necessary, the amounts are hereby 134071
appropriated. 134072

No money in Fund 6720 shall be transferred to any other 134073
fund by the Director of Budget and Management or the Controlling 134074
Board. Interest earned on money in Fund 6720 shall be credited 134075
to the fund. 134076

COUNTY LAW LIBRARY RESOURCES BOARDS 134077

The Statewide Consortium of County Law Library Resources 134078
Boards Fund (Fund 5JY0) shall consist of moneys deposited 134079
pursuant to section 307.515 of the Revised Code into a county's 134080
law library resources fund and forwarded by that county's 134081
treasurer for deposit in the state treasury pursuant to division 134082
(E) (1) of section 3375.481 of the Revised Code. The foregoing 134083
appropriation item 005620, County Law Library Resources Boards, 134084
shall be used for the operation of the Statewide Consortium of 134085
County Law Library Resources Boards. If it is determined by the 134086
Administrative Director of the Supreme Court that changes to the 134087
appropriation are necessary, the amounts are hereby 134088
appropriated. 134089

No money in Fund 5JY0 shall be transferred to any other 134090
fund by the Director of Budget and Management or the Controlling 134091
Board. Interest earned on money in Fund 5JY0 shall be credited 134092
to the fund. 134093

FEDERAL GRANTS 134094

The Federal Grants Fund (Fund 3J00) shall consist of 134095
grants and other moneys awarded to the Supreme Court (The 134096
Judiciary) by the United States Government or other entities 134097
that receive the moneys directly from the United States 134098
Government and distribute those moneys to the Supreme Court (The 134099
Judiciary). The foregoing appropriation item 005603, Federal 134100
Grants, shall be used in a manner consistent with the purpose of 134101
the grant or award. If it is determined by the Administrative 134102
Director of the Supreme Court that changes to the appropriation 134103
are necessary, the amounts are hereby appropriated. 134104

No money in Fund 3J00 shall be transferred to any other 134105

fund by the Director of Budget and Management or the Controlling 134106
Board. However, interest earned on money in Fund 3J00 shall be 134107
credited or transferred to the General Revenue Fund. 134108

Section 319.10. 134109
134110

	1	2	3	4	5
A			LEC LAKE ERIE COMMISSION		
B			Dedicated Purpose Fund Group		
C	4C00	780601	Lake Erie Protection	\$900,000	\$940,000
D	6H20	780604	H2Ohio	\$132,000	\$132,000
E			Dedicated Purpose Fund Group Total	\$1,032,000	\$1,072,000
F			Federal Fund Group		
G	3EP0	780603	LEC Federal Grants	\$1,140,000	\$1,140,000
H			Federal Fund Group Total	\$1,140,000	\$1,140,000
I			TOTAL ALL BUDGET FUND GROUPS	\$2,172,000	\$2,212,000

Section 319.20. CASH TRANSFERS TO THE LAKE ERIE PROTECTION 134111
FUND 134112

On July 1 of each fiscal year, or as soon as possible 134113
thereafter, the Director of Budget and Management may transfer 134114
cash from the funds specified below, up to the amounts specified 134115
below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 134116
may accept contributions and transfers made to the fund. 134117
134118

	1	2	3	4	5
A	Fund	Fund Name	User	FY 2026	FY 2027
B	5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000
C	6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000
D	4700	General Operations	Department of Health	\$25,000	\$25,000
E	1570	Program Support	Department of Natural Resources	\$25,000	\$25,000
F	7002	Highway Operating	Department of Transportation	\$25,000	\$25,000
G	1350	Supportive Services	Department of Development	\$25,000	\$25,000

Section 321.10.

134119

134120

	1	2	3	4	5
A		JLE JOINT LEGISLATIVE ETHICS COMMITTEE			
B		General Revenue Fund			
C	GRF	028321 Legislative Ethics Committee		\$713,000	\$713,000
D		General Revenue Fund Total		\$713,000	\$713,000

E	Dedicated Purpose Fund Group		
F	4G70 028601 Joint Legislative Ethics Committee	\$150,000	\$150,000
G	5HN0 028602 Investigations and Financial Disclosure	\$10,000	\$10,000
H	Dedicated Purpose Fund Group Total	\$160,000	\$160,000
I	TOTAL ALL BUDGET FUND GROUPS	\$873,000	\$873,000

Section 321.20. LEGISLATIVE ETHICS COMMITTEE 134121

On July 1, 2025, or as soon as possible thereafter, the 134122
Legislative Inspector General of the Joint Legislative Ethics 134123
Committee may certify to the Director of Budget and Management 134124
an amount up to the unexpended, unencumbered balance of the 134125
foregoing appropriation item 028321, Legislative Ethics 134126
Committee, at the end of fiscal year 2025 to be reappropriated 134127
to fiscal year 2026. The amount certified is hereby 134128
reappropriated to the same appropriation item for fiscal year 134129
2026. 134130

On July 1, 2026, or as soon as possible thereafter, the 134131
Legislative Inspector General of the Joint Legislative Ethics 134132
Committee may certify to the Director of Budget and Management 134133
an amount up to the unexpended, unencumbered balance of the 134134
foregoing appropriation item 028321, Legislative Ethics 134135
Committee, at the end of fiscal year 2026 to be reappropriated 134136
to fiscal year 2027. The amount certified is hereby 134137
reappropriated to the same appropriation item for fiscal year 134138
2027. 134139

Section 323.10.

134140

134141

1	2	3	4	5
A	LSC LEGISLATIVE SERVICE COMMISSION			
B	General Revenue Fund			
C	GRF	035321 Operating Expenses	\$24,800,000	\$24,800,000
D	GRF	035402 Legislative Fellows	\$1,200,000	\$1,200,000
E	GRF	035405 Correctional Institution Inspection Committee	\$497,000	\$522,000
F	GRF	035407 Legislative Task Force on Redistricting	\$100,000	\$0
G	GRF	035409 National Associations	\$712,000	\$712,000
H	GRF	035410 Legislative Information Systems	\$15,000,000	\$15,000,000
I	GRF	035501 Litigation	\$1,000,000	\$1,000,000
J	General Revenue Fund Total		\$43,309,000	\$43,234,000
K	TOTAL ALL BUDGET FUND GROUPS		\$43,309,000	\$43,234,000

Section 323.20. OPERATING EXPENSES

134142

On July 1, 2025, or as soon as possible thereafter, the 134143
Director of the Legislative Service Commission may certify to 134144
the Director of Budget and Management an amount up to the 134145
unexpended, unencumbered balance of the foregoing appropriation 134146

item 035321, Operating Expenses, at the end of fiscal year 2025 134147
to be reappropriated to fiscal year 2026. The amount certified 134148
is hereby reappropriated to the same appropriation item for 134149
fiscal year 2026. 134150

On July 1, 2026, or as soon as possible thereafter, the 134151
Director of the Legislative Service Commission may certify to 134152
the Director of Budget and Management an amount up to the 134153
unexpended, unencumbered balance of the foregoing appropriation 134154
item 035321, Operating Expenses, at the end of fiscal year 2026 134155
to be reappropriated to fiscal year 2027. The amount certified 134156
is hereby reappropriated to the same appropriation item for 134157
fiscal year 2027. 134158

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE 134159

On July 1, 2025, or as soon as possible thereafter, the 134160
Director of the Legislative Service Commission may certify to 134161
the Director of Budget and Management an amount up to the 134162
unexpended, unencumbered balance of the foregoing appropriation 134163
item 035405, Correctional Institution Inspection Committee, at 134164
the end of fiscal year 2025 to be reappropriated to fiscal year 134165
2026. The amount certified is hereby reappropriated to the same 134166
appropriation item for fiscal year 2026. 134167

On July 1, 2026, or as soon as possible thereafter, the 134168
Director of the Legislative Service Commission may certify to 134169
the Director of Budget and Management an amount up to the 134170
unexpended, unencumbered balance of the foregoing appropriation 134171
item 035405, Correctional Institution Inspection Committee, at 134172
the end of fiscal year 2026 to be reappropriated to fiscal year 134173
2027. The amount certified is hereby reappropriated to the same 134174
appropriation item for fiscal year 2027. 134175

LEGISLATIVE TASK FORCE ON REDISTRICTING 134176

An amount equal to the unexpended, unencumbered balance of 134177
the foregoing appropriation item 035407, Legislative Task Force 134178
on Redistricting, at the end of fiscal year 2025 is hereby 134179
reappropriated to the Legislative Service Commission for the 134180
same purpose for fiscal year 2026. 134181

An amount equal to the unexpended, unencumbered balance of 134182
the foregoing appropriation item 035407, Legislative Task Force 134183
on Redistricting, at the end of fiscal year 2026 is hereby 134184
reappropriated to the Legislative Service Commission for the 134185
same purpose for fiscal year 2027. 134186

LEGISLATIVE INFORMATION SYSTEMS 134187

On July 1, 2025, or as soon as possible thereafter, the 134188
Director of the Legislative Service Commission may certify to 134189
the Director of Budget and Management an amount up to the 134190
unexpended, unencumbered balance of the foregoing appropriation 134191
item 035410, Legislative Information Systems, at the end of 134192
fiscal year 2025 to be reappropriated to fiscal year 2026. The 134193
amount certified is hereby reappropriated to the same 134194
appropriation item for fiscal year 2026. 134195

On July 1, 2026, or as soon as possible thereafter, the 134196
Director of the Legislative Service Commission may certify to 134197
the Director of Budget and Management an amount up to the 134198
unexpended, unencumbered balance of the foregoing appropriation 134199
item 035410, Legislative Information Systems, at the end of 134200
fiscal year 2026 to be reappropriated to fiscal year 2027. The 134201
amount certified is hereby reappropriated to the same 134202
appropriation item for fiscal year 2027. 134203

LITIGATION 134204

The foregoing appropriation item 035501, Litigation, shall 134205
be used for any lawsuit in which the General Assembly, or either 134206
house of the General Assembly, is made a party. The chairperson 134207
and vice-chairperson of the Legislative Service Commission shall 134208
both approve the use of the appropriated moneys. 134209

An amount equal to the unexpended, unencumbered balance of 134210
the foregoing appropriation item 035501, Litigation, at the end 134211
of fiscal year 2025 is hereby reappropriated to the Legislative 134212
Service Commission for the same purpose for fiscal year 2026. 134213

An amount equal to the unexpended, unencumbered balance of 134214
the foregoing appropriation item 035501, Litigation, at the end 134215
of fiscal year 2026 is hereby reappropriated to the Legislative 134216
Service Commission for the same purpose for fiscal year 2027. 134217

Section 325.10. 134218
134219

1	2	3	4	5
A	LIB STATE LIBRARY BOARD			
B	General Revenue Fund			
C	GRF	350321 Operating Expenses	\$4,772,036	\$4,858,474
D	GRF	350401 Ohioana Library Association	\$310,516	\$310,516
E	GRF	350502 Regional Library Systems	\$494,000	\$494,000
F	GRF	350512 Library for the Blind	\$1,274,194	\$1,274,194
G	General Revenue Fund Total		\$6,850,746	\$6,937,184

H	Dedicated Purpose Fund Group		
I	4590 350603 Services for Libraries	\$6,748,455	\$6,783,244
J	4S40 350604 Ohio Public Library Information Network	\$5,567,715	\$5,587,432
K	Dedicated Purpose Fund Group Total	\$12,316,170	\$12,370,676
L	Internal Service Activity Fund Group		
M	1390 350602 Services for State Agencies	\$8,000	\$8,000
N	Internal Service Activity Fund Group Total	\$8,000	\$8,000
O	Federal Fund Group		
P	3130 350601 LSTA Federal	\$5,554,767	\$5,609,015
Q	Federal Fund Group Total	\$5,554,767	\$5,609,015
R	TOTAL ALL BUDGET FUND GROUPS	\$24,729,683	\$24,924,875

Section 325.20. OHIOANA LIBRARY ASSOCIATION 134220

Of the foregoing appropriation item 350401, Ohioana 134221
Library Association, \$191,000 in each fiscal year shall be used 134222
to support the operating expenses of the Martha Kinney Cooper 134223
Ohioana Library Association under section 3375.61 of the Revised 134224
Code. 134225

The remainder of the foregoing appropriation item 350401, 134226
Ohioana Library Association, shall be used to pay the rental 134227

expenses of the Martha Kinney Cooper Ohioana Library Association 134228
under section 3375.61 of the Revised Code. 134229

REGIONAL LIBRARY SYSTEMS 134230

The foregoing appropriation item 350502, Regional Library 134231
Systems, shall be used to support regional library systems 134232
eligible for funding under sections 3375.83 and 3375.90 of the 134233
Revised Code. 134234

OHIO PUBLIC LIBRARY INFORMATION NETWORK 134235

(A) The foregoing appropriation item 350604, Ohio Public 134236
Library Information Network, shall be used for an information 134237
telecommunications network linking public libraries in the state 134238
and such others as may participate in the Ohio Public Library 134239
Information Network (OPLIN). 134240

The Ohio Public Library Information Network Board of 134241
Trustees created under section 3375.65 of the Revised Code may 134242
make decisions regarding use of the foregoing appropriation item 134243
350604, Ohio Public Library Information Network. 134244

(B) The OPLIN Board shall research and assist or advise 134245
local libraries with regard to emerging technologies and methods 134246
that may be effective means to control access to obscene and 134247
illegal materials. The OPLIN Director shall provide written 134248
reports upon request within ten days to the Governor, the 134249
Speaker and Minority Leader of the House of Representatives, and 134250
the President and Minority Leader of the Senate on any steps 134251
being taken by OPLIN and public libraries in the state to limit 134252
and control such improper usage as well as information on 134253
technological, legal, and law enforcement trends nationally and 134254
internationally affecting this area of public access and 134255
service. 134256

(C) The Ohio Public Library Information Network, INFOhio, 134257
and OhioLINK shall, to the extent feasible, coordinate and 134258
cooperate in their purchase or other acquisition of the use of 134259
electronic databases for their respective users and shall 134260
contribute funds in an equitable manner to such effort. 134261

LIBRARY FOR THE BLIND 134262

The foregoing appropriation item 350512, Library for the 134263
Blind, shall be used for the statewide Talking Book Program to 134264
assist the blind and disabled. 134265

Section 327.10. 134266
134267

1	2	3	4	5
A		LCO LIQUOR CONTROL COMMISSION		
B		Dedicated Purpose Fund Group		
C	5LP0 970601 Commission Operating		\$1,177,114	\$1,241,735
	Expenses			
D	Dedicated Purpose Fund Group Total		\$1,177,114	\$1,241,735
E	TOTAL ALL BUDGET FUND GROUPS		\$1,177,114	\$1,241,735

Section 329.10. 134268
134269

1	2	3	4	5
A		LOT STATE LOTTERY COMMISSION		
B		State Lottery Fund Group		

C	7044	950321	Operating Expenses	\$73,138,202	\$75,729,884
D	7044	950402	Advertising Contracts	\$30,811,375	\$30,811,375
E	7044	950403	Gaming Contracts	\$123,355,327	\$128,639,066
F	7044	950601	Direct Prize Payments	\$183,030,000	\$183,282,000
G	7044	950605	Responsible Gambling	\$5,000,000	\$5,000,000
H	8710	950602	Annuity Prizes	\$35,637,000	\$34,737,000
I			State Lottery Fund Group Total	\$450,971,904	\$458,199,325
J			TOTAL ALL BUDGET FUND GROUPS	\$450,971,904	\$458,199,325

Section 329.20. OPERATING EXPENSES 134270

Notwithstanding sections 127.14 and 131.35 of the Revised 134271
Code, the Controlling Board may, at the request of the State 134272
Lottery Commission, authorize expenditures from the State 134273
Lottery Fund in excess of the amount appropriated in each fiscal 134274
year, up to a maximum of 10 per cent of the amount appropriated 134275
that fiscal year in the foregoing appropriation item 950321, 134276
Operating Expenses. Upon the approval of the Controlling Board, 134277
the additional amounts are hereby appropriated. 134278

DIRECT PRIZE PAYMENTS 134279

Any amounts, in addition to the amounts appropriated in 134280
appropriation item 950601, Direct Prize Payments, that the 134281
Director of the State Lottery Commission determines to be 134282
necessary to fund prizes are hereby appropriated. 134283

ANNUITY PRIZES 134284

Upon request of the State Lottery Commission, the Director
of Budget and Management may transfer cash from the State
Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund
8710) in an amount sufficient to fund deferred prizes. The
Treasurer of State, from time to time, shall credit the Deferred
Prizes Trust Fund (Fund 8710) the pro rata share of interest
earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in
appropriation item 950602, Annuity Prizes, that the Director of
the State Lottery Commission determines to be necessary to fund
deferred prizes and interest are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

Estimated transfers from the State Lottery Fund (Fund
7044) to the Lottery Profits Education Fund (Fund 7017) are to
be \$1,462,000,000 in fiscal year 2026 and \$1,467,000,000 in
fiscal year 2027. Transfers by the Director of Budget and
Management to the Lottery Profits Education Fund shall be
administered as the statutes direct.

Section 333.10.

1	2	3	4	5
A	MCD DEPARTMENT OF MEDICAID			
B	General Revenue Fund			
C	GRF 651425 Medicaid Program Support	\$169,515,456	\$170,222,590	
	- State			
D	GRF 651525 Medicaid Health Care	\$20,211,530,933	\$21,720,893,421	
	Services - Total			

E		Medicaid Health Care Services - State	5,617,145,790	5,985,478,373
F		Medicaid Health Care Services - Federal	14,594,385,143	15,735,415,048
G	GRF 651526	Medicare Part D	\$745,500,073	\$829,099,684
H		General Revenue Fund Total	\$21,126,546,462	\$22,720,215,695
I		Dedicated Purpose Fund Group		
J	4E30 651605	Resident Protection Fund	\$7,000,000	\$7,000,000
K	5AN0 651686	State Directed Payment Program	\$249,410,621	\$265,212,717
L	5DL0 651639	Medicaid Services - Recoveries	\$928,907,575	\$808,467,290
M	5DL0 651685	Medicaid Recoveries - Program Support	\$89,560,719	\$91,388,371
N	5DL0 651690	Multi-system Youth Custody Relinquishment	\$20,000,000	\$20,000,000
O	5FX0 651638	Medicaid Services - Payment Withholding	\$12,000,000	\$12,000,000
P	5GF0 651656	Medicaid Services - Hospital Franchise Fee	\$2,632,211,017	\$3,030,014,270
Q	5R20 651608	Medicaid Services-Long Term	\$451,000,000	\$451,000,000

R	5TN0	651684	Medicaid Services-HIC Fee	\$879,876,850	\$869,039,656
S	6510	651649	Medicaid Services- Hospital Care Assurance Program	\$320,543,800	\$168,455,600
T	Dedicated Purpose Fund Group Total			\$5,590,510,582	\$5,722,577,904
U	Holding Account Fund Group				
V	R055	651644	Refunds and Reconciliation	\$14,001,665	\$14,001,665
W	Holding Account Fund Group Total			\$14,001,665	\$14,001,665
X	Federal Fund Group				
Y	3F00	651623	Medicaid Services - Federal	\$13,064,216,674	\$13,736,156,942
Z	3F00	651624	Medicaid Program Support - Federal	\$504,962,706	\$507,333,992
AA	3FA0	651680	Health Care Grants - Federal	\$7,000,000	\$7,000,000
AB	3G50	651655	Medicaid Interagency Pass Through	\$264,653,075	\$264,644,638
AC	Federal Fund Group Total			\$13,840,832,455	\$14,515,135,572
AD	TOTAL ALL BUDGET FUND GROUPS			\$40,571,891,164	\$42,971,930,836

To the extent permitted by federal law, no funds 134306
appropriated in Section 333.10 shall be used for diversity, 134307
equity, and inclusion initiatives. This section does not apply 134308
to funds appropriated to provide services that support access to 134309
the community for Medicaid recipients with intellectual and 134310
developmental disabilities. 134311

Section 333.13. SOCIAL GENDER TRANSITION 134312

To the extent permitted by federal law, no funds 134313
appropriated in Section 333.10 of this act shall be distributed 134314
for mental health services that promote or affirm social gender 134315
transition, in which an individual goes from identifying with 134316
and living as a gender that corresponds to the individual's 134317
biological sex to identifying with and living as a gender 134318
different from the individual's biological sex. 134319

Section 333.15. MEDICAID IN SCHOOLS PROGRAM 134320

Of the foregoing appropriation items 651425, Medicaid 134321
Program Support - State, and 651624, Medicaid Program Support - 134322
Federal, \$349,925 in each line item in fiscal year 2026 and 134323
\$358,362 in each line item in fiscal year 2027 shall be used by 134324
the Department of Medicaid to support the Medicaid in Schools 134325
Program. 134326

Section 333.30. LODGING FOR FAMILIES 134327

Of the foregoing appropriation item 651525, Medicaid 134328
Health Care Services, \$2,500,000 in each fiscal year shall be 134329
used by the Medicaid Director to work with the Centers for 134330
Medicare and Medicaid Services to continue lodging as an 134331
administrative service affiliated with Ohio children's hospitals 134332
available for families with children who have special health 134333
care needs. 134334

Section 333.40. PERSONAL NEEDS ALLOWANCE SUPPORT 134335

Upon the request of the Medicaid Director, the Director of 134336
Budget and Management may transfer up to \$2,200,000 134337
appropriation in fiscal year 2026 and \$4,400,000 appropriation 134338
in fiscal year 2027 from appropriation item 651525, Medicaid 134339
Health Care Services, to appropriation items in the Department 134340
of Developmental Disabilities. This funding shall be used to 134341
support an increase in the personal needs allowance for 134342
individuals residing in an intermediate care facility for 134343
individuals with intellectual disabilities. The Medicaid 134344
Director may transfer federal funds as the state's single state 134345
agency for Medicaid reimbursements, as drawn for these 134346
transactions. Any amounts transferred are hereby appropriated. 134347

Section 333.50. MEDICARE PART D 134348

The foregoing appropriation item 651526, Medicare Part D, 134349
may be used by the Department of Medicaid for the implementation 134350
and operation of the Medicare Part D requirements contained in 134351
the "Medicare Prescription Drug, Improvement, and Modernization 134352
Act of 2003," Pub. L. No. 108-173, as amended. Upon the request 134353
of the Medicaid Director, the Director of Budget and Management 134354
may transfer the state share of appropriations between 134355
appropriation item 651525, Medicaid Health Care Services, and 134356
appropriation item 651526, Medicare Part D. If the state share 134357
of appropriation item 651525, Medicaid Health Care Services, is 134358
adjusted, the Director of Budget and Management shall adjust the 134359
federal share accordingly. The Department of Medicaid shall 134360
provide notification to the Controlling Board of any transfers 134361
at the next scheduled Controlling Board meeting. 134362

Section 333.70. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 134363
COSTS 134364

Upon the request of the Medicaid Director, the Director of
Budget and Management may transfer state share appropriations in
each fiscal year between appropriation item 651525, Medicaid
Health Care Services, within the Department of Medicaid, and
655522, Medicaid Program Support - Local, within the Department
of Job and Family Services. If such a transfer occurs, the
Director of Budget and Management shall adjust, using the
federal reimbursement rate, the federal share appropriations of
appropriation item 651525, Medicaid Health Care Services, within
the Department of Medicaid, and appropriation item 655624,
Medicaid Program Support - Federal, within the Department of Job
and Family Services. Any increase in funding shall be provided
to county departments of job and family services and shall only
be used for costs related to processing cases for work
requirements for the expansion eligibility group that are
established under the medicaid waiver component required under
section 5166.37 of the Revised Code, and as prescribed by the
Medicaid Director. These funds shall not be used for existing
and ongoing operating expenses. The Medicaid Director shall
establish criteria for distributing these funds and for county
departments of job and family services to submit allowable
expenses.

Section 333.80. DEPOSITS TO THE HEALTH CARE/MEDICAID
SUPPORT AND RECOVERIES FUND FOR PROGRAM SUPPORT

Of the amount received by the Department of Medicaid
during fiscal year 2026 and fiscal year 2027 from the
intergovernmental transfers paid under any directed payment
program as authorized under 42 CFR 438.6(c), the Medicaid
Director shall deposit a portion of the payments into the state
treasury to the credit of the Health Care/Medicaid Support and
Recoveries Fund (Fund 5DL0). The Director of Budget and

Management may adjust appropriations in line item 651685, 134396
Medicaid Recoveries - Program Support, along with the 134397
corresponding federal share in line item 651624, Medicaid 134398
Program Support - Federal, based on the amount of the deposits 134399
to Fund 5DL0 made under this section. Any adjusted amounts are 134400
hereby appropriated. 134401

Section 333.85. DEPOSITS TO THE STATE DIRECTED PAYMENT 134402
PROGRAM FUND 134403

(A) Transfers made for the Hospital Directed Payment 134404
Program authorized by section 5162.25 of the Revised Code shall 134405
be deposited into the State Directed Payment Program Fund (Fund 134406
5AN0). The state share of the program shall be derived from 134407
deposits attributable to the intergovernmental transfers 134408
received for the Hospital Directed Payment Program, and the 134409
corresponding federal share in appropriation item 651623, 134410
Medicaid Services - Federal, shall be used for the Hospital 134411
Directed Payment Program. Except for deposits under Section 134412
333.80 of this act, the Director of Budget and Management may 134413
transfer any remaining cash in Fund 5DL0 at the end of the 134414
fiscal year 2025 attributable to the Hospital Directed Payment 134415
Program to Fund 5AN0 to the credit of the Hospital Directed 134416
Payment Program. 134417

(B) If receipts credited to the State Directed Payment 134418
Program Fund (Fund 5AN0) exceed the amounts appropriated from 134419
the fund, the Medicaid Director may seek controlling board 134420
approval for expenditures from the fund in excess of the amounts 134421
appropriated. If any additional amounts are authorized, the 134422
Director of Budget and Management shall adjust, using the 134423
federal reimbursement rate, the amount in appropriation item 134424
651623, Medicaid Services - Federal, accordingly. Any authorized 134425

expenditures and adjusted amounts are hereby appropriated. 134426

(C) The Medicaid Director shall terminate the Hospital 134427
Directed Payment Program if funds deposited are insufficient to 134428
operate the program. 134429

Section 333.86. STATE DIRECTED PAYMENT PROGRAM FOR BON 134430
SECOURS MERCY HEALTH 134431

As used in this section, "directed payment program" means 134432
a payment program authorized by 42 C.F.R. 438.6(c) under which 134433
the Department of Medicaid regulates payment rates between 134434
Medicaid managed care organizations and certain Medicaid 134435
providers. 134436

Of the foregoing appropriation item 651686, State Directed 134437
Payment Program, \$16,000,000 in fiscal year 2026 and \$32,000,000 134438
in fiscal year 2027, and of the foregoing appropriation item 134439
651623, Medicaid Services - Federal, \$41,100,000 in fiscal year 134440
2026 and \$82,300,000 in fiscal year 2027, shall be used to 134441
create a directed payment program to support Bon Secours Mercy 134442
Health health system locations in the state of Ohio. 134443

Section 333.100. CASH TRANSFERS FROM THE HEALTH 134444
CARE/MEDICAID SUPPORT AND RECOVERIES FUND TO THE BEHAVIORAL 134445
HEALTH CARE FUND 134446

Upon the request of the Medicaid Director, the Director of 134447
Budget and Management may transfer up to \$2,200,000 cash in each 134448
fiscal year from the Health Care/Medicaid Support and Recoveries 134449
Fund (Fund 5DL0) to the Behavioral Health Care Fund (Fund 5AU0), 134450
used by the Department of Behavioral Health. Any transferred 134451
funds shall be used to support Centers of Excellence and related 134452
activities. Any transferred amounts are hereby appropriated. 134453

Section 333.110. HOSPITAL FRANCHISE FEE PROGRAM 134454

The Director of Budget and Management may authorize 134455
additional expenditures from appropriation item 651623, Medicaid 134456
Services - Federal, appropriation item 651525, Medicaid Health 134457
Care Services, and appropriation item 651656, Medicaid Services 134458
- Hospital Franchise Fee, in order to implement the programs 134459
authorized by sections 5168.20 through 5168.28 of the Revised 134460
Code. Any amounts authorized are hereby appropriated. 134461

Section 333.120. HEALTH INSURING CORPORATION CLASS 134462
FRANCHISE FEE 134463

If receipts credited to the Health Insuring Corporation 134464
Class Franchise Fee Fund (Fund 5TN0) exceed the amounts 134465
appropriated from the fund, the Medicaid Director may request 134466
the Director of Budget and Management to authorize expenditures 134467
from the fund in excess of the amounts appropriated. If any 134468
additional amounts are authorized, the Director of Budget and 134469
Management shall adjust, using the federal reimbursement rate, 134470
the federal appropriation item identified by the Medicaid 134471
Director accordingly. Any authorized amounts and any 134472
corresponding federal adjustments are hereby appropriated. 134473

Section 333.130. HOSPITAL CARE ASSURANCE MATCH 134474

If receipts credited to the Health Care Federal Fund (Fund 134475
3F00) exceed the amounts appropriated from the fund for making 134476
the hospital care assurance program distribution, the Medicaid 134477
Director may request the Director of Budget and Management to 134478
authorize expenditures from the fund in excess of the amounts 134479
appropriated. Upon the approval of the Director of Budget and 134480
Management, the additional amounts are hereby appropriated. 134481

The foregoing appropriation item 651649, Medicaid Services 134482
- Health Care Assurance Program, shall be used by the Department 134483

of Medicaid for distributing the state share of all hospital 134484
care assurance program funds to hospitals under section 5168.09 134485
of the Revised Code. If receipts credited to the Hospital Care 134486
Assurance Program Fund (Fund 6510) exceed the amounts 134487
appropriated from the fund for making the hospital care 134488
assurance program distribution, the Medicaid Director may 134489
request the Director of Budget and Management to authorize 134490
expenditures from the fund in excess of the amounts 134491
appropriated. Upon the approval of the Director of Budget and 134492
Management, the additional amounts are hereby appropriated. 134493

Section 333.140. HOSPITAL ADDITIONAL PAYMENTS PROGRAM 134494

The Hospital Additional Payment Program is created. The 134495
program shall be a state directed payment program for inpatient 134496
and outpatient hospital services provided to Medicaid care 134497
management system enrollees receiving care at in-state 134498
hospitals. Participating hospitals or hospital industry 134499
representatives shall work collaboratively with the Department 134500
of Medicaid to establish quality improvement initiatives that 134501
are approved by the Medicaid Director and that align with and 134502
advance the goals of the Department of Medicaid's quality 134503
strategy required under 42. C.F.R. 438.340. Participating 134504
hospitals shall receive payments directly for services provided 134505
under the program. 134506

The non-federal share of services under the program shall 134507
be funded through the hospital franchise fee. Hospital franchise 134508
fees made for this program shall be deposited into the Medicaid 134509
Hospital Fund (Fund 5GF0). The state share of this program shall 134510
be derived from deposits attributable to the incremental 134511
franchise fee for the program, and the corresponding federal 134512
share in appropriation item 651623, Medicaid Services - Federal, 134513

shall be used for the HAP Program. The Medicaid Director shall 134514
seek approval from the Centers for Medicare and Medicaid 134515
Services for the program in accordance with section 5162.07 of 134516
the Revised Code. 134517

Section 333.150. REFUNDS AND RECONCILIATION FUND 134518

If estimated receipts to the Refunds and Reconciliation 134519
Fund (Fund R055) exceed the amounts appropriated from the fund, 134520
the Medicaid Director may request the Director of Budget and 134521
Management to authorize expenditures from the fund in excess of 134522
the amounts appropriated. Upon approval of the Director of 134523
Budget and Management, the additional amounts are hereby 134524
appropriated. 134525

Section 333.160. NON-EMERGENCY MEDICAL TRANSPORTATION 134526

In order to ensure access to a non-emergency medical 134527
transportation brokerage program established pursuant to section 134528
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a) 134529
(70), upon the request of the Medicaid Director, the Director of 134530
Budget and Management may transfer the state share 134531
appropriations between General Revenue Fund appropriation item 134532
651525, Medicaid Health Care Services, within the Department of 134533
Medicaid and 655523, Medicaid Program Support - Local 134534
Transportation, within the Department of Job and Family 134535
Services. If such a transfer occurs, the Director of Budget and 134536
Management shall adjust, using the federal reimbursement rate, 134537
the federal share appropriations of appropriation item 651525, 134538
Medicaid Health Care Services, within the Department of 134539
Medicaid, and appropriation item 655624, Medicaid Program 134540
Support - Federal, within the Department of Job and Family 134541
Services. The Medicaid Director may transfer federal funds as 134542
the state's single state agency for Medicaid reimbursements, as 134543

drawn for these transactions. Any amounts transferred are hereby 134544
appropriated. 134545

Section 333.210. CASH TRANSFERS FROM FRANCHISE PERMIT FEE 134546
FUND TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF AGING 134547

Upon the request of the Medicaid Director, the Director of 134548
Budget and Management may transfer up to \$5,000,000 cash in each 134549
fiscal year from the Nursing Home Franchise Fee Fund (Fund 5R20) 134550
to the Quality, Monitoring, and Inspection Fund (Fund 5B50) used 134551
by the Department of Health. Also, upon the request of the 134552
Medicaid Director, the Director of Budget and Management may 134553
transfer up to \$9,300,000 cash in each fiscal year from the 134554
Nursing Home Franchise Fee Fund (Fund 5R20) to the Ombudsman 134555
Support Fund (Fund 5BA0), used by the Department of Aging. All 134556
transferred funds shall be utilized in accordance with section 134557
5168.54 of the Revised Code. At the end of each fiscal year, the 134558
Department of Health and the Department of Aging shall report on 134559
spending activities to the Office of Budget and Management. 134560

Section 333.230. MEDICAID INTERAGENCY PASS-THROUGH 134561

The Medicaid Director may request the Director of Budget 134562
and Management to increase appropriation item 651655, Medicaid 134563
Interagency Pass-Through. Upon the approval of the Director of 134564
Budget and Management, the additional amounts are hereby 134565
appropriated. 134566

Section 333.240. MEDICAID SERVICES RECOVERIES 134567

The Medicaid Director may request the Director of Budget 134568
and Management to increase appropriation item 651639, Medicaid 134569
Services Recoveries. Upon the approval of the Director of Budget 134570
and Management, the additional amounts are hereby appropriated. 134571

Section 333.250. MYCARE OHIO EXPANSION 134572

(A) As required by H.B. 33 of the 135th General Assembly, 134573
the Medicaid Director shall continue, during fiscal years 2026 134574
and 2027, to expand the Integrated Care Delivery System, as that 134575
phrase is defined in section 5164.01 of the Revised Code, or if 134576
the Director terminates the Integrated Care Delivery System, the 134577
successor program developed by the Director and approved by the 134578
United States Centers for Medicare and Medicaid Services, to all 134579
counties of this state. 134580

(B) The entities selected for the expanded Integrated Care 134581
Delivery System shall be selected by the Department. 134582

(1) In contracting with entities under division (B) of 134583
this section, the Director shall allow participants in the 134584
Integrated Care Delivery System or the ICDS successor program 134585
the choice to enroll in a Medicare coordination only dual 134586
special needs plan, as defined in section 5167.01 of the Revised 134587
Code, offered by an entity that does not participate in the 134588
successor program and allow participants to remain with their 134589
current Medicare dual special needs plan. 134590

(2) The Director shall approve entity contracts pursuant 134591
to division (B) of this section for coordination only dual 134592
special needs plans that are offered by entities not selected to 134593
participate in the Integrated Care Delivery System or the 134594
successor program and permit the entities offering those plans 134595
to enroll in those plans dual eligible individuals and 134596
participants in the Integrated Care Delivery System or the 134597
successor program. 134598

(C) The Department shall establish requirements for care 134599
management and coordination of waiver services in the expanded 134600
Integrated Care Delivery System, subject to all of the 134601
following: 134602

(1) The entities selected pursuant to division (B) of this 134603
section shall employ the applicable area agency on aging to be 134604
coordinators of home and community-based services available 134605
under a Medicaid waiver component available for eligible 134606
individuals over the age of fifty-nine; 134607

(2) The entities may delegate to the applicable area 134608
agency on aging full care coordination function for home and 134609
community-based services and other health care services received 134610
by those eligible individuals; 134611

(3) Individuals enrolled in an entity's plan or plans may 134612
choose the entity or its designee as the care coordinator as an 134613
alternative to the area agency on aging; 134614

(4) The Department may specify an alternative approach to 134615
care management and coordination of waiver services if the 134616
performance of the area agency on aging does not meet the 134617
requirements of the Integrated Care Delivery System or if the 134618
Department determines that the needs of a defined group of 134619
individuals requires an alternative approach. 134620

Section 333.260. INCREASING CHILDREN'S ACCESS TO VISION 134621
AND DENTAL SERVICES 134622

Upon the request of the Medicaid Director, the Director of 134623
Budget and Management may transfer up to \$4,660,000 in 134624
appropriations in fiscal year 2026 and \$4,295,000 in 134625
appropriations in fiscal year 2027 from appropriation item 134626
651525, Medicaid Health Care Services, to appropriation items in 134627
the Department of Health. This funding shall be used to support 134628
public health programs or the provision of certain services, 134629
including preventive care and other interventions, to improve 134630
the health of low-income children. 134631

Of the transferred funds, up to \$2,660,000 in fiscal year 134632
2026 and \$2,295,000 in fiscal year 2027 shall be used to 134633
increase children's access to vision care, and up to \$2,000,000 134634
in each fiscal year shall be used to increase children's access 134635
to dental care. The Director of Medicaid may transfer federal 134636
funds as the state's single state agency for Medicaid 134637
reimbursements, as drawn for these transactions. Any transferred 134638
amounts are hereby appropriated. 134639

Section 333.263. MEDICAID ADD-ON PAYMENT FOR NURSING 134640
FACILITY DIALYSIS SERVICES 134641

For fiscal year 2026 and fiscal year 2027, the Department 134642
of Medicaid shall pay a rate add-on of one hundred ten dollars 134643
per treatment for dialysis services provided in a nursing 134644
facility, as defined in section 5165.01 of the Revised Code, to 134645
a resident enrolled in the Medicaid program. 134646

Section 333.270. HCBS DIRECT CARE WORKER WAGES 134647

The Department of Medicaid, jointly, with the Department 134648
of Aging and the Department of Developmental Disabilities, shall 134649
collect data from providers regarding the wages paid to direct 134650
care workers providing direct care services under the Medicaid 134651
home and community-based waiver components administered by those 134652
agencies. Not later than the last day in December of each fiscal 134653
year of the biennium, the Department of Medicaid shall compile a 134654
report and submit the report to the Governor. 134655

Section 333.280. GRADUAL IMPLEMENTATION OF PDPM TO 134656
CALCULATE NURSING FACILITY DIRECT CARE RATES 134657

For fiscal year 2026, a nursing facility's quarterly case 134658
mix score from June 30, 2025, shall be used to determine the 134659
facility's direct care rate from July 1, 2025, through December 134660

31, 2025. Beginning January 1, 2026, the increase or decrease in 134661
a nursing facility's direct care rate shall be one-third of the 134662
difference between the direct care rate on January 1, 2025, and 134663
the direct care rate determined utilizing case mix scores 134664
calculated in accordance with section 5165.192 of the Revised 134665
Code. 134666

In fiscal year 2027, the increase or decrease to a nursing 134667
facility's direct care rate shall be two-thirds of the 134668
difference between the direct care rate on January 1, 2025, and 134669
the direct care rate determined utilizing case mix scores 134670
calculated in accordance with section 5165.192 of the Revised 134671
Code. Thereafter, a nursing facility's direct care rate shall be 134672
determined utilizing case mix scores calculated in accordance 134673
with section 5165.192 of the Revised Code. 134674

Section 333.290. RURAL SOUTHERN OHIO HOSPITAL TAX PILOT 134675
PROGRAM 134676

(A) As used in this section: 134677

(1) "Hospital tax assessment" means an assessment imposed 134678
under Section 333.300 of this act to fund the nonfederal share 134679
of the Rural Southern Ohio Hospital Tax Pilot Program. 134680

(2) "Preprint" means a form created by the United States 134681
Centers for Medicare and Medicaid Services to request approval 134682
of a state directed payment program as required under 42 C.F.R. 134683
438.6(c) . 134684

(B) The Rural Southern Ohio Hospital Tax Pilot Program 134685
Fund (Fund 5CM1) is created. Investment earnings of the Rural 134686
Southern Ohio Hospital Tax Pilot Program Fund shall be credited 134687
to the fund. 134688

(C) The Medicaid Director may create a Rural Southern Ohio 134689

Hospital Tax Pilot Program for directed payments to rural 134690
southern Ohio hospitals, and their related health systems, that 134691
meet the following criteria: 134692

(1) The hospital is located in one of the following 134693
counties: Fayette, Greene, Highland, Hocking, Muskingum, Perry, 134694
Pike, Ross, or Scioto. 134695

(2) The hospital is enrolled as a provider in the Medicaid 134696
program. 134697

(D) The Rural Southern Ohio Hospital Tax Pilot Program 134698
established pursuant to this section shall comply with the 134699
requirements of 42 C.F.R. 438.6(c), including all of the 134700
following: 134701

(1) The program shall be approved by the United States 134702
Centers for Medicare and Medicaid Services, and the Medicaid 134703
Director shall seek approval for the program in accordance with 134704
section 5162.07 of the Revised Code. 134705

(2) Directed payments under the program shall not exceed 134706
the average commercial rate under a preprint as approved by the 134707
United States Centers for Medicare and Medicaid Services. 134708

(3) The program shall be subject to an evaluation plan, in 134709
accordance with 42 C.F.R. 438.6(c) (2) (ii) (D). 134710

(E) Hospital providers participating in the Rural Southern 134711
Ohio Hospital Tax Pilot Program shall do all of the following: 134712

(1) Enter into one or more contracts related to the 134713
program as necessary, as determined by the Department of 134714
Medicaid; 134715

(2) Comply with average commercial rate reporting 134716
requirements established by the Department, related to the 134717

requirements set forth in 42 C.F.R. 438.6(c) (2) (iii); 134718

(3) Comply with the Department's quality measure set, 134719
including the metrics and targets set by the Department to 134720
advance the goals and objectives in the Department's quality 134721
strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42 134722
C.F.R. 438.340; 134723

(4) Cooperate with any evaluation or reporting 134724
requirements established by the Department related to the 134725
requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F). 134726

(F) Any hospital provider contracts required under 134727
division (E) (1) of this section shall be executed not later than 134728
the first day of October preceding the first fiscal year of a 134729
biennium. A contract required under this section may be entered 134730
into in accordance with section 5162.32 of the Revised Code. 134731

(G) All funds supporting the Rural Southern Ohio Tax Pilot 134732
Program shall comply with the requirements specified in 42 134733
C.F.R. Part 433. No hospital provider may participate in the 134734
Rural Southern Ohio Hospital Tax Pilot Program unless sufficient 134735
tax funds are assessed, collected, obligated, and appropriated. 134736

(H) The Director may terminate or decline to establish the 134737
Rural Southern Ohio Hospital Tax Pilot Program if federal or 134738
local tax funding is not available or sufficient to sustain the 134739
program. The Department shall not at any time be required to 134740
provide funding for the Rural Southern Ohio Hospital Tax Pilot 134741
Program. The requirements of this section apply only as long as 134742
the United States Centers for Medicare and Medicaid Services 134743
determines that the assessment imposed under Section 333.300 of 134744
this act is a permissible health care-related tax pursuant to 134745
the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 134746

If the Department is informed that the assessment is an 134747
impermissible health care related tax, the Department shall 134748
promptly refund to each hospital the amount of money currently 134749
in the Rural Southern Ohio Hospital Tax Pilot Program Fund (Fund 134750
5CM1) that has been paid by the hospital under Section 333.300 134751
of this act, plus any investment earnings on that amount. 134752

(I) The nonfederal share of the directed payments shall be 134753
funded exclusively by a hospital tax assessment pursuant to 134754
Section 333.300 of this act and must be remitted to the 134755
Department through intergovernmental transfer from a multi- 134756
county funding district, as specified in that section. 134757

(J) Transfers made for the program shall be deposited into 134758
the Rural Southern Ohio Hospital Tax Pilot Program Fund (Fund 134759
5CM1). The state share of this program shall be derived from 134760
deposits attributable to the intergovernmental transfers 134761
received for the Rural Southern Ohio Hospital Tax Pilot Program, 134762
and the corresponding federal share in appropriation item 134763
651623, Medicaid Services - Federal, shall be used for the Rural 134764
Southern Ohio Hospital Tax Pilot Program. 134765

Section 333.300. RURAL SOUTHERN OHIO HOSPITAL PILOT 134766
PROGRAM ASSESSMENTS 134767

(A) (1) As used in this section, "county" means a county 134768
identified in Section 333.290 of this act that has fewer than 134769
two hospitals located in the county. 134770

(2) For purposes of this section, one or more contiguous 134771
counties may create a multi-county funding district. The 134772
boundary of any multi-county funding district shall be 134773
coextensive with the combined boundaries of the counties 134774
contained in the multi-county funding district. 134775

(B) In establishing a multi-county funding district, all 134776
of the following apply: 134777

(1) A multi-county funding district is a governmental 134778
entity. 134779

(2) The board of county commissioners of each county 134780
within the boundaries of a proposed multi-county funding 134781
district shall pass a resolution or ordinance establishing the 134782
multi-county funding district and appointing one county 134783
commissioner to serve on the district's governing board. Upon 134784
the adoption of a resolution or ordinance by each board of 134785
county commissioners, the multi-county funding district is 134786
created. Following the creation of a multi-county funding 134787
district, each resolution or ordinance required to establish the 134788
district shall be amended before a new county may join the 134789
district. 134790

(3) The governing board of a multi-county funding district 134791
shall be comprised solely of the county commissioners appointed 134792
by each county within the boundaries of the district. A county 134793
may replace its appointment to the governing board by resolution 134794
or ordinance. 134795

(4) The governing board of a multi-county funding district 134796
shall delegate the operational and administrative burdens of the 134797
districts to the counties that comprise the district. Within 134798
sixty days of the establishment of a multi-county funding 134799
district, the governing board shall designate at least one 134800
county to serve as the operational and administrative lead for 134801
the district. The governing board may change this designation at 134802
any time. 134803

(C) A county or multi-county funding district may 134804

establish a local hospital assessment to provide the nonfederal 134805
share for Medicaid payments under division (G) of Section 134806
333.290 of this act. Any local assessment established under this 134807
section shall comply with all of the requirements applicable to 134808
provider assessments, as specified in 42 U.S.C. 1396b(w) and 42 134809
C.F.R. 433.68. 134810

(1) Each county or multi-county funding district shall set 134811
the annual rate of the local hospital assessment. 134812

(2) An assessment established under this section shall 134813
apply uniformly to all non-public hospitals within the 134814
jurisdiction of the county or multi-county funding district. A 134815
county or multi-county funding district may apply the assessment 134816
to public hospitals. 134817

(3) A county or multi-county funding district shall set 134818
the rate of the assessment such that, in the aggregate, the 134819
assessment will generate sufficient revenue to cover both of the 134820
following: 134821

(a) The nonfederal share of Medicaid payments that benefit 134822
hospitals in the county or multi-county funding district; 134823

(b) The administrative expenses of the county or multi- 134824
county funding district in administering the local hospital 134825
assessment, except that administrative expenses shall not exceed 134826
one hundred fifty thousand dollars annually. 134827

(4) Implementation of an assessment established under this 134828
section shall further the state's evolving quality goals, 134829
including improving mental health, substance abuse prevention, 134830
and advancing maternal health. 134831

(5) A county or multi-county funding district may impose 134832
penalties upon a hospital that is subject to an assessment that 134833

fails to pay the assessment in a timely manner. 134834

Section 333.360. GROUP VIII TRANSITION PLAN 134835

(A) As used in this section: 134836

(1) "Expansion eligibility group" has the same meaning as 134837
in section 5163.01 of the Revised Code. 134838

(2) "Federally qualified health center" and "federally 134839
qualified health center look-alike" have the same meanings as in 134840
section 3701.047 of the Revised Code. 134841

(B) If, during fiscal year 2026 or fiscal year 2027, the 134842
federal medical assistance percentage for the Medicaid expansion 134843
eligibility group is set below ninety percent, and individuals 134844
enrolled in Medicaid on the basis of being enrolled in the 134845
expansion eligibility group are no longer eligible to be 134846
enrolled in the Medicaid program in accordance with section 134847
5163.04 of the Revised Code, the Department of Medicaid shall 134848
implement a phased transition plan to assist those individuals 134849
by redirecting them to private insurance subsidies or charity 134850
care programs that provide medical assistance. 134851

(C) As part of the transition plan, the Medicaid Director 134852
may establish any of the following to offset the cost of 134853
uncompensated care that may result from providing medical care 134854
to former members of the expansion eligibility group: 134855

(1) A temporary hospital assessment; 134856

(2) A temporary federally qualified health center 134857
assessment; 134858

(3) A temporary federally qualified health center look- 134859
alike assessment. 134860

(D) Notwithstanding paragraph (E) of section 131.35 of the Revised Code, if the Medicaid Director establishes an assessment under division (C) of this section, the Director may request Controlling Board approval to transfer appropriations and increase appropriations as necessary to implement the temporary assessment. Upon approval of the Controlling Board, any transfers or additional appropriations are hereby appropriated.

Section 335.10.

1	2	3	4	5
A	MED STATE MEDICAL BOARD			
B	Dedicated Purpose Fund Group			
C	5C60 883609 Operating Expenses		\$14,315,005	\$14,891,225
D	Dedicated Purpose Fund Group Total		\$14,315,005	\$14,891,225
E	TOTAL ALL BUDGET FUND GROUPS		\$14,315,005	\$14,891,225

Section 337.10.

1	2	3	4	5
A	MHA DEPARTMENT OF BEHAVIORAL HEALTH			
B	General Revenue Fund			
C	GRF 336321 Program Support and Operations		\$59,724,405	\$61,389,013
D	GRF 336402 Resident Trainees		\$380,000	\$380,000

E	GRF	336406	Prevention and Wellness	\$7,650,000	\$7,650,000
F	GRF	336407	Crisis Services and Stablization	\$17,000,000	\$22,000,000
G	GRF	336409	State of Ohio Action Resiliency Network	\$5,000,000	\$0
H	GRF	336412	Hospital Services	\$326,954,104	\$335,525,387
I	GRF	336415	Mental Health Facilities Lease Rental Bond Payments	\$27,500,000	\$24,200,000
J	GRF	336421	Continuum of Care Services	\$103,830,000	\$103,830,000
K	GRF	336422	Criminal Justice Services	\$28,500,000	\$28,500,000
L	GRF	336425	Specialized Docket Support	\$11,282,469	\$11,287,028
M	GRF	336504	Community Innovations	\$23,500,000	\$8,500,000
N	GRF	336510	Residential State Supplement	\$24,000,000	\$24,000,000
O	GRF	336516	Appalachian Children Coalition	\$2,500,000	\$2,500,000
P	GRF	336519	Community Projects	\$3,575,000	\$3,575,000
Q	GRF	652321	Medicaid Support	\$478,055	\$492,396
R	GRF	336522	9-8-8 Suicide Crisis	\$20,000,000	\$20,000,000

S	General Revenue Fund Total	\$661,874,033	\$653,828,824
T	Dedicated Purpose Fund Group		
U	4750 336623 Statewide Treatment and Prevention	\$24,000,000	\$24,000,000
V	4850 336632 Mental Health Operating	\$19,000,000	\$24,200,000
W	5AA1 336661 9-8-8 Suicide and Crisis Response	\$2,500,000	\$0
X	5AU0 336615 Behavioral Health Care	\$11,000,000	\$11,000,000
Y	5JL0 336629 Problem Gambling and Casino Addiction	\$9,000,000	\$7,750,000
Z	5T90 336641 Problem Gambling Services	\$3,200,000	\$3,200,000
AA	5TZ0 336666 Behavioral Health Assistance	\$20,000,000	\$20,000,000
AB	5VV0 336645 Transcranial Magnetic Stimulation Program	\$4,000,000	\$4,000,000
AC	6320 336616 Community Capital Replacement	\$350,000	\$350,000
AD	6890 336640 Education and Conferences	\$200,000	\$200,000
AE	Dedicated Purpose Fund Group Total	\$93,250,000	\$94,700,000
AF	Internal Service Activity Fund Group		
AG	1490 336609 Hospital Operating	\$16,000,000	\$16,000,000

Expenses

AH 1490	336610	Operating Expenses	\$7,350,000	\$7,350,000
AI 1510	336601	Ohio Pharmacy Services	\$124,937,150	\$146,503,708
AJ 4P90	336604	Community Mental Health Projects	\$250,000	\$250,000
AK		Internal Service Activity Fund Group Total	\$148,537,150	\$170,103,708
AL		Federal Fund Group		
AM 3240	336605	Medicaid/Medicare	\$18,000,000	\$18,000,000
AN 3A70	336612	Social Services Block Grant	\$8,500,000	\$8,500,000
AO 3A80	336613	Federal Grants	\$8,600,000	\$8,600,000
AP 3A90	336614	Mental Health Block Grant	\$52,000,000	\$46,000,000
AQ 3B10	652636	Community Medicaid Legacy Support	\$1,600,000	\$1,600,000
AR 3G40	336618	Substance Abuse Block Grant	\$87,000,000	\$86,000,000
AS 3H80	336606	Demonstration Grants	\$16,000,000	\$16,000,000
AT 3HB1	336644	State Opioid Response	\$170,000,000	\$170,000,000
AU 3N80	336639	Administrative Reimbursement	\$1,000,000	\$1,000,000

AV Federal Fund Group Total \$362,700,000 \$355,700,000

AW TOTAL ALL BUDGET FUND GROUPS \$1,266,361,183 \$1,274,332,532

Section 337.20. STATE BLOCK GRANTS 134872

(A) As used in this section: 134873

(1) "Drug used in withdrawal management or detoxification" 134874
means a drug approved by the United States Food and Drug 134875
Administration for use in, or a drug in standard use for, 134876
mitigating alcohol or opioid withdrawal symptoms or assisting 134877
with detoxification. 134878

(2) "Jail" has the same meaning as in section 2929.01 of 134879
the Revised Code. 134880

(3) "Medication-assisted treatment" has the same meaning 134881
as in section 340.01 of the Revised Code. 134882

(4) "Medication-assisted treatment drug court program" 134883
means a session of any of the following that holds initial or 134884
final certification from the Supreme Court of Ohio as a 134885
specialized docket program for drugs and that uses medication- 134886
assisted treatment as part of its specialized docket program: a 134887
common pleas court, municipal court, or county court, or a 134888
division of any of those courts. 134889

(5) "Alcohol and drug addiction services," "mental health 134890
services," "recovery housing residence," and "recovery supports" 134891
have the same meanings as in section 5119.01 of the Revised 134892
Code. 134893

(B) In fiscal years 2026 and 2027, the Department of 134894
Behavioral Health may allocate General Revenue Funds described 134895
in this section, as well as any other General Revenue Funds and 134896

Dedicated Purpose Funds determined by the Department, to boards 134897
of alcohol, drug addiction, and mental health services through 134898
state block grants. These state block grants shall serve to 134899
provide flexibility within established allowable uses for the 134900
boards to disburse funds to behavioral health providers to 134901
provide harm reduction, prevention, substance use disorder 134902
treatment, mental health treatment, recovery supports, and 134903
crisis services in local communities. The Director of Behavioral 134904
Health shall adopt guidelines on the eligible uses of these 134905
block grants. 134906

(C) The Director of Behavioral Health shall create a 134907
uniform reporting structure related to the expenditures, uses, 134908
and outcomes of the state block grants described in this 134909
section, including how expenditures, uses, and outcomes relate 134910
to the community addiction and mental health plans that boards 134911
of alcohol, drug addiction, and mental health services are 134912
required to submit to the Department in accordance with section 134913
340.03 of the Revised Code. The reporting structure shall ensure 134914
that thorough and accurate data is reported with a focus on 134915
transparency, accountability, process improvement, outcomes, and 134916
return on investment. Data points to be collected include, but 134917
are not limited to: 134918

(1) The type of service provided and number of individuals 134919
served; 134920

(2) The amount spent for each state block grant broken 134921
down by primary, secondary, tertiary, and targeted expenditures; 134922

(3) Data regarding provider determination and monitoring 134923
activities; 134924

(4) Key performance indicators and outcomes achieved. 134925

This data shall be made available in accordance with state 134926
of Ohio data governance best practices and federal and state 134927
security and privacy laws, regulations, and standards. 134928

(D) The Department of Behavioral Health shall disburse the 134929
state block grant funds to boards of alcohol, drug addiction, 134930
and mental health services in accordance with distribution 134931
methodologies determined by the Director of Behavioral Health. 134932
In determining the methodologies, the Director shall consider, 134933
at a minimum, all of the following factors: population 134934
indicators, poverty rates, health workforce shortage statistics, 134935
relevant emerging behavioral health trends, and the amounts of 134936
fiscal year 2025 awards made to each board of alcohol, drug 134937
addiction, and mental health services for related programs that 134938
are eligible uses of the state block grant funds. 134939

(E) A portion of the foregoing appropriation item 336406, 134940
Prevention and Wellness, shall be used to create a Prevention 134941
State Block Grant that boards of alcohol, drug addiction, and 134942
mental health services shall use to fund the provision of 134943
evidence-based or evidence-informed early intervention, suicide 134944
prevention, and other prevention services. 134945

The Director of Behavioral Health shall establish 134946
allowable uses for the Prevention State Block Grant that 134947
include, but are not limited to, all of the following: 134948

- (1) Prevention across the lifespan; 134949
- (2) Suicide prevention across the lifespan; 134950
- (3) Early intervention; 134951
- (4) Cross-system collaborative effort to address 134952
prevention needs in the community. 134953

(F) A portion of the foregoing appropriation item 336407, 134954
Crisis Services and Stabilization, shall be used to create a 134955
Crisis Services State Block Grant that shall be used by boards 134956
of alcohol, drug addiction, and mental health services to fund 134957
the provision of crisis services and supports. 134958

The Director of Behavioral Health shall establish 134959
allowable uses for the Crisis Services State Block Grant that 134960
include, but are not limited to, all of the following: 134961

(1) Substance use and mental health crisis stabilization 134962
centers; 134963

(2) Crisis stabilization and crisis prevention services 134964
and supports; 134965

(3) Cross-systems collaborative efforts to address crisis 134966
services needs in the community. 134967

(G) A portion of the foregoing appropriation item 336421, 134968
Continuum of Care Services, shall be used to create a Mental 134969
Health State Block Grant that shall be used by boards of 134970
alcohol, drug addiction, and mental health services to fund the 134971
provision of mental health services and recovery supports. 134972

The Director of Behavioral Health shall establish 134973
allowable uses for the Mental Health State Block Grant that 134974
include, but are not limited to, all of the following: 134975

(1) Mental health services, including the treatment of 134976
indigent mentally ill persons subject to court order in 134977
hospitals or inpatient units licensed by the Department of 134978
Behavioral Health under section 5119.33 of the Revised Code. In 134979
selecting mental health service providers with which to 134980
contract, a board of alcohol, drug addiction, and mental health 134981
services shall not refuse to contract with a hospital or 134982

inpatient unit that is within the board's service district if 134983
the hospital or inpatient unit is in good standing with the 134984
Department of Behavioral Health and is willing to accept the 134985
terms of a contract with the board. 134986

(2) Cross-system collaborative efforts to serve adults 134987
with serious mental illness who are involved in multiple human 134988
services or criminal justice systems; 134989

(3) Other initiatives designed to address mental health 134990
needs. 134991

(H) A portion of the foregoing appropriation item 336421, 134992
Continuum of Care Services, shall also be used to create a 134993
Substance Use Disorder State Block Grant that shall be used by 134994
boards of alcohol, drug addiction, and mental health services to 134995
fund the provision of alcohol and drug addiction services and 134996
recovery supports. 134997

The Director of Behavioral Health shall establish 134998
allowable uses for the Substance Use Disorder State Block Grant 134999
that include, but are not limited to, all of the following: 135000

(1) Initiatives concerning alcohol and drug addiction 135001
services; 135002

(2) Substance use stabilization centers; 135003

(3) Cross-system collaborative efforts to address 135004
substance use disorder needs in the community. 135005

(I) A portion of the foregoing appropriation item 336421, 135006
Continuum of Care Services, shall be used to create a Recovery 135007
Supports State Block Grant that shall be used by boards of 135008
alcohol, drug addiction, and mental health services to fund the 135009
provision of recovery supports. 135010

The Director of Behavioral Health shall establish 135011
allowable uses for the Recovery Supports State Block Grant that 135012
include, but are not limited to, all of the following: 135013

(1) Subsidized support for psychotropic and substance use 135014
disorder treatment medication needs of indigent citizens in the 135015
community to reduce unnecessary hospitalization due to lack of 135016
medication; 135017

(2) Peer support; 135018

(3) Operational expenses and minor facility improvements 135019
to class two and class three residential facilities licensed 135020
under section 5119.34 of the Revised Code and recovery housing 135021
residences; 135022

(4) Community reintegration supports; 135023

(5) Cross-system collaborative efforts to address recovery 135024
support needs in the community. 135025

(J) A portion of the foregoing appropriation item 336422, 135026
Criminal Justice Services, shall be used to create a Criminal 135027
Justice State Block Grant that shall be used by boards of 135028
alcohol, drug addiction, and mental health services to fund the 135029
provision of services and supports to incarcerated individuals 135030
and individuals being discharged from prisons and jails. 135031

The Director of Behavioral Health shall establish 135032
allowable uses for the Criminal Justice State Block Grant that 135033
include, but are not limited to, all of the following: 135034

(1) Medication-assisted treatment and treatment involving 135035
drugs used in withdrawal management or detoxification; 135036

(2) Community reintegration supports; 135037

(3) Substance use disorder treatment and mental health 135038
treatment, including the provision of such treatment as an 135039
alternative to incarceration, as well as recovery supports; 135040

(4) Forensic monitoring and tracking of individuals on 135041
conditional release; 135042

(5) Forensic and crisis response training; 135043

(6) Projects that assist courts and law enforcement in 135044
identifying and developing appropriate alternative services to 135045
incarceration for nonviolent offenders with mental illness; 135046

(7) The provision of services to incarcerated individuals 135047
in jails with a substance use disorder, severe mental illness, 135048
or both, including screening and clinically appropriate 135049
treatment; 135050

(8) Linkages to, and the provision of, substance use 135051
disorder treatment, mental health treatment, recovery supports, 135052
and specialized re-entry services for incarcerated individuals 135053
leaving prisons and jails; 135054

(9) The support of specialized dockets, including the 135055
expansion of existing medication-assisted treatment drug court 135056
programs, the creation of new medication-assisted treatment drug 135057
court programs, and assistance with the administrative expenses 135058
of participating courts, community addiction services providers, 135059
and community mental health services providers; 135060

(10) Cross-system collaborative efforts to address the 135061
needs of individuals involved in the criminal justice system. 135062

Section 337.30. PREVENTION AND WELLNESS 135063

The foregoing appropriation item 336406, Prevention and 135064
Wellness, shall be used as follows: 135065

(A) Up to \$3,000,000 in each fiscal year shall be 135066
allocated to boards of alcohol, drug addiction, and mental 135067
health services through the Prevention State Block Grant 135068
established in division (E) of Section 337.20 of this act. 135069

(B) Up to \$2,500,000 in each fiscal year shall be used to 135070
support suicide prevention efforts. 135071

(C) Up to \$2,150,000 in each fiscal year shall be used to 135072
increase access to early identification and prevention of 135073
behavioral health disorders across the lifespan. 135074

Section 337.40. ACTION RESILIENCY NETWORK 135075

The foregoing appropriation item 336409, State of Ohio 135076
Action Resiliency Network, shall be used by the Department of 135077
Behavioral Health for the State of Ohio Action for Resiliency 135078
Network and a strategic research agenda and capacity needed to 135079
conduct research, clinical trials, direct care, telehealth, data 135080
collection, and workforce training pertaining to innovative 135081
practices in behavioral prevention, harm reduction, treatment, 135082
and recovery. 135083

Section 337.50. HOSPITAL SERVICES 135084

The foregoing appropriation item 336412, Hospital 135085
Services, may be used for any of the following purposes: 135086

(A) Supporting all operations related to the hospitals 135087
established, controlled, or supervised by the Department of 135088
Behavioral Health under Chapter 5119. of the Revised Code; 135089

(B) Supporting physical environments that are designed for 135090
patients to receive assessment, evaluation, and stabilization 135091
interventions within general hospitals; 135092

(C) Providing jails and associated health care providers 135093

with access to telehealth consultations with psychiatric 135094
specialists, such as psychiatrists and psychiatric nurse 135095
practitioners. 135096

Section 337.60. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 135097
PAYMENTS 135098

The foregoing appropriation item 336415, Mental Health 135099
Facilities Lease Rental Bond Payments, shall be used to meet all 135100
payments during the period from July 1, 2025, through June 30, 135101
2027, by the Department of Behavioral Health pursuant to leases 135102
and agreements made under section 154.20 of the Revised Code. 135103
These appropriations are the source of funds pledged for bond 135104
service charges on obligations issued pursuant to Chapter 154. 135105
of the Revised Code. 135106

Section 337.70. CONTINUUM OF CARE SERVICES 135107

The foregoing appropriation item 336421, Continuum of Care 135108
Services, shall be used as follows: 135109

(A) Up to \$69,500,000 in each fiscal year shall be 135110
allocated to boards of alcohol, drug addiction, and mental 135111
health services through the Mental Health State Block Grant 135112
established in division (G) of Section 337.20 of this act; 135113

(B) Up to \$9,500,000 in each fiscal year shall be 135114
allocated to boards of alcohol, drug addiction, and mental 135115
health services through the Substance Use Disorder State Block 135116
Grant established in division (H) of Section 337.20 of this act; 135117

(C) Up to \$19,500,000 in each fiscal year shall be 135118
allocated to boards of alcohol, drug addiction, and mental 135119
health services through the Recovery Supports State Block Grant 135120
established in division (I) of Section 337.20 of this act; 135121

(D) Of the foregoing appropriation item 336421, Continuum of Care Services, up to \$4,000,000 in each fiscal year shall be used to expand statewide access to rapid mobile response and stabilization services provided to youth experiencing an emotional or behavioral health crisis and their families;

(E) Up to \$455,000 in each fiscal year shall be used to implement sections 5119.39 to 5119.397 of the Revised Code;

(F) Up to \$400,000 in each fiscal year shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention; and

(G) \$225,000 in each fiscal year shall be allocated to LifeTown Columbus to provide additional support for facility renovations and operations, including professional development, curriculum development, education materials, equipment, marketing, and recruitment.

(H) \$250,000 in each fiscal year shall be allocated to Flying Horse Farms.

Section 337.80. CRIMINAL JUSTICE SERVICES

(A) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$5,115,483 in fiscal year 2026 and \$5,077,378 in fiscal year 2027 shall be allocated to boards of alcohol, drug addiction, and mental health services through the Criminal Justice State Block Grant established in division (J) of Section 337.20 of this act.

(B) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$7,750,000 in each fiscal year shall be allocated to the Behavioral Health Drug Reimbursement Program established in section 5119.19 of the Revised Code.

(C) The remainder of appropriation item 336422, Criminal	135151
Justice Services, shall be used for all of the following:	135152
(1) The provision of forensic psychiatric evaluations to	135153
courts of common pleas;	135154
(2) The completion of evaluations of patients of forensic	135155
status in facilities operated or designated by the Department of	135156
Behavioral Health prior to each patient's conditional release to	135157
the community;	135158
(3) Workforce, training, and technological initiatives	135159
that support the items specified in divisions (C) (1) and (2) of	135160
this section;	135161
(4) Support therapeutic communities;	135162
(5) Provide forensic and crisis response training;	135163
(6) Establish and administer outpatient and jail-based	135164
competency restoration services;	135165
(7) Establish and administer pre-trial diversion programs;	135166
(8) Support assisted outpatient treatment programs;	135167
(9) Link and provide behavioral health treatment and	135168
recovery supports, including housing assistance, to incarcerated	135169
individuals with a substance use disorder, severe mental	135170
illness, or both, upon their release from jail or prison;	135171
(10) Support jail-based treatment and symptom management;	135172
(11) Support specialized dockets, including the expansion	135173
of existing medication-assisted treatment drug court programs,	135174
the creation of new medication-assisted treatment drug court	135175
programs, and assistance with the administrative expenses of	135176
participating courts and community addiction services providers	135177

and community mental health services providers; 135178

(12) Establish and administer outpatient competency 135179
restoration services. The services shall be provided by forensic 135180
centers described in section 5119.10 of the Revised Code or, to 135181
the extent a forensic center in a community does not provide 135182
outpatient competency restoration services, a psychiatric 135183
program or facility selected by a board of alcohol, drug 135184
addiction, and mental health services to provide such services. 135185

Section 337.90. SPECIALIZED DOCKET SUPPORT 135186

(A) Except as otherwise provided in this section, the 135187
foregoing appropriation item 336425, Specialized Docket Support, 135188
shall be used to defray a portion of the annual payroll costs 135189
associated with the specialized docket of a common pleas court, 135190
municipal court, county court, juvenile court, or family court 135191
that meets all of the eligibility requirements in division (B) 135192
of this section, including a family dependency treatment docket. 135193
The foregoing appropriation item 336425, Specialized Docket 135194
Support, may also be used to defray costs associated with 135195
treatment services and recovery supports for participants. 135196

(B) To be eligible, the specialized docket must have 135197
received Supreme Court of Ohio initial or final certification 135198
and include participants with behavioral health needs in its 135199
target population. 135200

(C) Of the foregoing appropriation item 336425, 135201
Specialized Docket Support, the Department of Behavioral Health 135202
shall use up to one per cent of the funds appropriated in each 135203
fiscal year to pay the cost it incurs in administering the 135204
duties established in this section. 135205

(D) The Department, in consultation with the Supreme Court 135206

of Ohio, may adopt funding distribution methodology, guidelines, 135207
and procedures as necessary to carry out the purposes of this 135208
section. 135209

Section 337.100. COMMUNITY INNOVATIONS 135210

The foregoing appropriation item 336504, Community 135211
Innovations, may be used by the Department of Behavioral Health 135212
to make targeted investments in programs, projects, or systems 135213
operated by or under the authority of other state agencies, 135214
governmental entities, or private not-for-profit agencies that 135215
impact, or are impacted by, the operations and functions of the 135216
Department, with the goal of achieving a net reduction in 135217
expenditure of state general revenue funds and/or improved 135218
outcomes for Ohio citizens without a net increase in state 135219
general revenue fund spending. 135220

The Director shall identify and evaluate programs, 135221
projects, or systems proposed or operated, in whole or in part, 135222
outside of the authority of the Department, where targeted 135223
investment of these funds in the program, project, or system is 135224
expected to decrease demand for the Department or other 135225
resources funded with state general revenue funds, and/or to 135226
measurably improve outcomes for Ohio citizens with mental 135227
illness or with alcohol, drug, or gambling addictions. The 135228
Director shall have discretion to provide funds from this 135229
appropriation item to private not-for-profit entities in 135230
amounts, and subject to conditions, that the Director determines 135231
most likely to achieve state savings and/or improved outcomes. 135232
Distribution of funds from this appropriation item shall not be 135233
subject to sections 9.23 to 9.239 or Chapter 125. of the Revised 135234
Code. 135235

The Department shall enter into an agreement with each 135236

recipient of community innovation funds, identifying the 135237
following: allowable expenditure of the funds; other commitment 135238
of funds or other resources to the program, project, or system; 135239
expected state savings and/or improved outcomes and proposed 135240
mechanisms for measurement of such savings or outcomes; and 135241
required reporting regarding expenditure of funds and savings or 135242
outcomes achieved. 135243

Of the foregoing appropriation item 336504, Community 135244
Innovations, up to \$3,000,000 in each fiscal year shall be used 135245
to support workforce development initiatives. 135246

Of the foregoing appropriation item 336504, Community 135247
Innovations, up to \$1,500,000 in each fiscal year shall be used 135248
to provide behavioral health access and opportunities. 135249

Of the foregoing appropriation item 336504, Community 135250
Innovations, up to \$3,000,000 in each fiscal year shall be used 135251
to support the creation and expansion of programs established by 135252
peer-run organizations in this state for the purpose of offering 135253
individuals with a mental illness, or a mental illness and co- 135254
occurring substance use disorder, opportunities for employment, 135255
housing, education, and access to medical and psychiatric 135256
services. Programs and facilities shall be operated in 135257
accordance with model standards and benchmarks selected by the 135258
Department of Behavioral Health. 135259

Of the foregoing appropriation item 336504, Community 135260
Innovations, up to \$15,000,000 in fiscal year 2026 shall be used 135261
to support the coordination of care across the behavioral health 135262
continuum and enhance patient care by establishing and 135263
sustaining health information systems for providers licensed or 135264
certified by the Department of Behavioral Health. 135265

Of the foregoing appropriation item 336504, Community
Innovations, \$125,000 in each fiscal year shall be used to
support the Pilot Grant Program for Doctoral Psychology
Internships. The funds shall be awarded to doctoral psychology
internship programs accredited by the American Psychological
Association that offer clinical rotations in non-residential or
community mental health and health care systems. Grant funds
awarded shall be used to augment stipends for doctoral-level
psychology students that come to Ohio internship sites.

Section 337.110. RESIDENTIAL STATE SUPPLEMENT

The foregoing appropriation item 336510, Residential State
Supplement, may be used by the Department of Behavioral Health
to implement and operate the Residential State Supplement (RSS)
Program required by section 5119.41 of the Revised Code.

Section 337.115. APPALACHIAN CHILDREN COALITION

The foregoing appropriation item 336516, Appalachian
Children Coalition, shall be provided to the Appalachian
Children Coalition to address systemic challenges children face
in Appalachian Ohio.

Section 337.117. COMMUNITY PROJECTS

Of the foregoing appropriation item 336519, Community
Projects, \$700,000 in each fiscal year shall be allocated to the
Social Advocates for Youth (S.A.Y.) Program at the Bellefaire
Jewish Children's Bureau. These funds shall be used to support
the expansion of school-based prevention and crises intervention
services for youth including community crisis and trauma
services, school-based counselors, behavioral health-trained
teachers and intervention specialists, and a dedicated
researcher to document outcomes.

Of the foregoing appropriation item 336519, Community 135295
Projects, \$150,000 in each fiscal year shall be distributed to 135296
Challenge Ministries. 135297

Of the foregoing appropriation item 336519, Community 135298
Projects, \$250,000 in each fiscal year shall be distributed to 135299
The Refuge to support existing programming and services. 135300

Of the foregoing appropriation item 336519, Community 135301
Projects, \$175,000 in each fiscal year shall be distributed to 135302
the 1N5 Foundation to provide suicide prevention in schools. 135303

Of the foregoing appropriation item 336519, Community 135304
Projects, \$300,000 in each fiscal year shall be used in 135305
accordance with the section of this act entitled "HIGH-THC 135306
CANNABIS IMPACT RESEARCH STUDY. 135307

Of the foregoing appropriation item 336519, Community 135308
Projects, \$2,000,000 in each fiscal year shall be distributed to 135309
the Values-In-Action Foundation for the Kindland initiative. 135310

Section 337.120. MEDICAID SUPPORT 135311

The foregoing appropriation item 652321, Medicaid Support, 135312
shall be used to fund specified Medicaid Services as delegated 135313
by the state's single agency responsible for the Medicaid 135314
Program. 135315

Section 337.130. 9-8-8 LIFELINE 135316

(A) As used in this section, "9-8-8 Suicide and Crisis 135317
Lifeline" means the 9-8-8 universal telephone number designated 135318
for use within the United States under section 251(e) of the 135319
"Communications Act of 1934," 47 U.S.C. 251(e), as amended by 135320
the "National Suicide Hotline Designation Act of 2020," Pub. L. 135321
No. 116-172, for the purpose of the national suicide prevention 135322

and mental health crisis hotline system. 135323

(B) The foregoing appropriation items 336661, 9-8-8 135324
Suicide and Crisis Response, and 336522, 9-8-8 Suicide Crisis, 135325
shall be used to support statewide operations and related 135326
activities of the 9-8-8 Suicide and Crisis Lifeline and mental 135327
health treatment and response. 135328

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION 135329

A portion of appropriation item 336629, Problem Gambling 135330
and Casino Addiction, shall be allocated to boards of alcohol, 135331
drug addiction, and mental health services in accordance with a 135332
distribution methodology determined by the Director of 135333
Behavioral Health. 135334

Section 337.160. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 135335

The foregoing appropriation item 336645, Transcranial 135336
Magnetic Stimulation Program, shall be used for the 135337
Electroencephalogram (EEG) Combined Transcranial Magnetic 135338
Stimulation Program as described in section 5119.20 of the 135339
Revised Code. 135340

Section 337.170. ACCESS SUCCESS II PROGRAM 135341

To the extent cash is available, the Director of Budget 135342
and Management may transfer cash from a fund designated by the 135343
Medicaid Director, to the Sale of Goods and Services Fund (Fund 135344
1490), used by the Department of Behavioral Health. The 135345
transferred cash is hereby appropriated. 135346

The Department of Behavioral Health shall use the 135347
transferred funds to administer the Access Success II Program to 135348
help non-Medicaid patients in any hospital established, 135349
controlled, or supervised by the Department under Chapter 5119. 135350

of the Revised Code to transition from inpatient status to a 135351
community setting. 135352

Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS 135353
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 135354
FUND 135355

On a schedule determined by the Director of Budget and 135356
Management, the Director of Behavioral Health shall certify to 135357
the Director of Budget and Management the amount of excess 135358
license reinstatement fees that are available pursuant to 135359
division (F)(2)(c) of section 4511.191 of the Revised Code to be 135360
transferred from the Indigent Drivers Alcohol Treatment Fund 135361
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 135362
4750). Upon certification, the Director of Budget and Management 135363
may transfer cash from the Indigent Drivers Alcohol Treatment 135364
Fund to the Statewide Treatment and Prevention Fund. 135365

Section 337.190. STATEWIDE MOBILE CRISIS SYSTEM 135366

(A) The Department of Behavioral Health, in coordination 135367
with local, state, and federal government entities, shall assist 135368
with the development and implementation of a statewide system of 135369
mobile crisis services for adults and children. 135370

(B) The development of a statewide mobile crisis system is 135371
contingent on the availability of state and federal funding. 135372
Should state and federal funding be insufficient for the 135373
development of a full system or limit the extent to which the 135374
system can be developed, the Department shall determine whether 135375
and to what extent pilot projects or other initiatives for the 135376
provision of mobile crisis services could be implemented. 135377

Section 337.200. COMMUNITY BEHAVIORAL HEALTH CLINICS 135378

The ability of the Department of Behavioral Health to 135379

establish a process and standards for the state certification of 135380
certified community behavioral health clinics under section 135381
5119.211 of the Revised Code is contingent on the availability 135382
of state and federal funding. Should state or federal funding be 135383
insufficient for the state certification of certified community 135384
behavioral health clinics, the Department shall determine 135385
whether and to what extent pilot projects or other initiatives 135386
to support an integrated care approach for the provision of 135387
substance use disorder treatment and mental health treatment 135388
could be implemented. 135389

Section 339.10.

135390
135391

1	2	3	4	5
A	MIH COMMISSION ON MINORITY HEALTH			
B	General Revenue Fund			
C	GRF	149321 Operating Expenses	\$844,088	\$855,455
D	GRF	149501 Demonstration Grants	\$1,352,000	\$1,352,000
E	GRF	149502 Lupus Program	\$118,000	\$118,000
F	GRF	149503 Infant Mortality Health Grants	\$4,970,489	\$4,974,489
G	General Revenue Fund Total		\$7,284,577	\$7,299,944
H	Dedicated Purpose Fund Group			
I	4C20	149601 Minority Health Conference	\$35,000	\$35,000

J	Dedicated Purpose Fund Group Total	\$35,000	\$35,000
K	Federal Fund Group		
L	3J90 149405 Healthier Communities	\$1,000,000	\$1,000,000
M	Federal Fund Group Total	\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS	\$8,319,577	\$8,334,944

Section 341.10.

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A CRB MOTOR VEHICLE REPAIR BOARD

B Dedicated Purpose Fund Group

C	4K90 865601 Operating Expenses	\$781,067	\$821,804
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D	Dedicated Purpose Fund Group Total	\$781,067	\$821,804
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E	TOTAL ALL BUDGET FUND GROUPS	\$781,067	\$821,804
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Section 343.10.

135394

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A DNR DEPARTMENT OF NATURAL RESOURCES

B General Revenue Fund

C	GRF 725401 Division of Wildlife - Operating Subsidy	\$1,700,000	\$1,700,000
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D	GRF	725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$57,500,000	\$76,500,000
E	GRF	725456	Canal Lands	\$118,000	\$118,000
F	GRF	725459	Buckeye State Tree Nursery	\$1,134,650	\$1,134,650
G	GRF	725460	LWCF Recreation Lands	\$262,646	\$266,995
H	GRF	725505	Healthy Lake Erie Program	\$931,976	\$939,077
I	GRF	725507	Coal and Mine Safety Programs	\$3,222,147	\$3,297,340
J	GRF	725520	Special Projects	\$350,000	\$350,000
K	GRF	725903	Natural Resources General Obligation Bond Debt Service	\$14,300,000	\$14,300,000
L	GRF	727321	Division of Forestry	\$10,216,231	\$10,437,678
M	GRF	729321	Office of Information Technology	\$576,055	\$593,337
N	GRF	730321	Parks and Recreation	\$55,150,000	\$55,150,000
O	GRF	736321	Division of Engineering	\$2,531,760	\$2,576,358
P	GRF	737321	Division of Water Resources	\$2,752,230	\$2,803,759
Q	GRF	738321	Office of Real Estate and	\$1,038,539	\$1,060,089

		Land Management		
R	GRF	741321 Division of Natural Areas and Preserves	\$5,104,211	\$5,205,199
S		General Revenue Fund Total	\$156,888,445	\$176,432,482
T		Dedicated Purpose Fund Group		
U	2270	725406 Parks Projects Personnel	\$4,831,529	\$4,976,475
V	4300	725671 Canal Lands	\$479,012	\$479,012
W	4S90	725622 NatureWorks Personnel	\$317,806	\$327,341
X	4U60	725668 Scenic Rivers Protection	\$58,860	\$58,860
Y	5090	725602 State Forest	\$10,852,951	\$11,010,594
Z	5110	725646 Ohio Geological Mapping	\$6,123,647	\$6,323,883
AA	5120	725605 State Parks Operations	\$43,122,931	\$43,358,465
AB	5140	725606 Lake Erie Shoreline	\$1,694,771	\$1,732,863
AC	5160	725620 Water Management	\$3,256,522	\$3,562,000
AD	5180	725643 Oil and Gas Regulation and Safety	\$31,230,432	\$31,784,411
AE	5180	725677 Oil and Gas Well Plugging	\$47,734,902	\$48,022,027
AF	5210	725627 Off-Road Vehicle Trails	\$1,781,723	\$286,068
AG	5220	725656 Natural Areas and	\$585,191	\$600,500

Preserves

AH 5290	725639	Mining Regulation and Safety	\$4,004,552	\$4,090,096
AI 5310	725648	Reclamation Forfeiture	\$195,573	\$195,579
AJ 5BJ1	7256A7	Wildlife Area Land Royalties	\$3,000,000	\$0
AK 5EL0	725612	Wildlife Law Enforcement	\$11,826	\$11,826
AL 5HK0	725625	Ohio Nature Preserves	\$9,239	\$9,239
AM 5LD0	725458	Oil and Gas Leasing Commission	\$10,000	\$10,000
AN 5P20	725634	Wildlife Boater Angler Administration	\$5,968,330	\$5,968,330
AO 5TD0	725514	Park Maintenance	\$1,540,331	\$1,540,331
AP 6150	725661	Dam Safety	\$5,673,950	\$6,473,950
AQ 6970	725670	Submerged Lands	\$667,210	\$679,080
AR 6H20	725681	H2Ohio	\$26,200,000	\$26,200,000
AS 7015	740401	Division of Wildlife Conservation	\$84,946,128	\$87,919,242
AT 7086	725414	Waterways Improvement	\$7,454,184	\$7,380,807
AU 7086	739401	Watercraft Operations	\$28,432,898	\$28,922,532

AV 8150 725636 Cooperative Management Projects	\$625,271	\$625,271
AW 8160 725649 Wetlands Habitat	\$659,691	\$659,691
AX 8170 725655 Wildlife Conservation Checkoff	\$1,923,060	\$1,923,060
AY 8180 725629 Cooperative Fisheries Research	\$1,500,000	\$1,500,000
AZ 8190 725685 Ohio River Management	\$43,786	\$43,786
BA 81B0 725688 Wildlife Habitats	\$1,359,102	\$1,359,102
BB Dedicated Purpose Fund Group Total	\$326,295,408	\$328,034,421
BC Internal Service Activity Fund Group		
BD 1550 725601 Departmental Projects	\$1,566,470	\$1,586,980
BE 1570 725651 Program Support	\$26,713,040	\$27,292,005
BF 5100 725631 Maintenance - State-owned Residences	\$43,713	\$43,713
BG Internal Service Activity Fund Group Total	\$28,323,223	\$28,922,698
BH Capital Projects Fund Group		
BI 7061 725405 Clean Ohio Trail Operating	\$267,307	\$273,030
BJ Capital Projects Fund Group Total	\$267,307	\$273,030

BK Fiduciary Fund Group

BL 5ZT0 7256A2 State Park Lodges Maintenance and Repair	\$11,950,641	\$11,950,641
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BM Fiduciary Fund Group Total	\$11,950,641	\$11,950,641
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BN Holding Account Fund Group

BO R017 725659 Performance Cash Bond Refunds	\$450,999	\$450,999
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BP R043 725624 Forestry	\$2,104,919	\$2,104,919
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BQ Holding Account Fund Group Total	\$2,555,918	\$2,555,918
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BR Federal Fund Group

BS 3320 725669 Federal Mine Safety Grant	\$306,979	\$316,189
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BT 3B30 725640 Federal Forest Pass-Thru	\$419,535	\$419,535
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BU 3B40 725641 Federal Flood Pass-Thru	\$106,648	\$106,648
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BV 3B50 725645 Federal Abandoned Mine Lands	\$69,114,806	\$69,268,735
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BW 3B60 725653 Federal Land and Water Conservation Grants	\$10,800,000	\$25,800,000
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BX 3B70 725654 Reclamation - Regulatory	\$1,311,309	\$1,340,625
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BY 3IR0 7256A5 Long Term Abandoned Mine Land Reclamation	\$100,000	\$100,000
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BZ 3P10 725632 Geological Survey - Federal	\$805,102	\$786,700
CA 3P20 725642 Oil and Gas - Federal	\$20,109,957	\$20,115,008
CB 3P20 725698 Oil And Gas - Federal Orphan Well Plug	\$22,363,120	\$22,363,120
CC 3P30 725650 Coastal Management - Federal	\$3,953,487	\$4,013,587
CD 3P40 725660 Federal - Soil and Water Resources	\$416,420	\$422,292
CE 3R50 725673 Acid Mine Drainage Abatement/Treatment	\$860,489	\$860,489
CF 3Z50 725657 Federal Recreation and Trails	\$1,122,594	\$1,127,603
CG Federal Fund Group Total	\$131,790,446	\$147,040,531
CH TOTAL ALL BUDGET FUND GROUPS	\$658,071,388	\$695,209,721

Section 343.20. PROGRAM SUPPORT FUND 135396

The Department of Natural Resources shall use a 135397
methodology for determining each division's payments into the 135398
Program Support Fund (Fund 1570). The methodology used shall 135399
contain the characteristics of administrative ease and uniform 135400
application in compliance with federal grant requirements. It 135401
may include direct cost charges for specific services provided. 135402
Payments to Fund 1570 shall be made using an intrastate transfer 135403
voucher. 135404

The foregoing appropriation item 725401, Division of Wildlife-Operating Subsidy, shall be used to pay the direct and indirect costs of the Division of Wildlife.

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 725413, Parks and Recreational Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

HEALTHY LAKE ERIE PROGRAM

The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, and animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices.

SPECIAL PROJECTS

Of the foregoing appropriation item 725520, Special Projects, \$250,000 in each fiscal year shall be used for improvements at Mosquito Lake State Park. Of the foregoing

appropriation item 725520, Special Projects, \$100,000 in each 135434
fiscal year shall be used to support Ohio Education Programs at 135435
Aullwood Audubon Center and Farm and Grange Insurance Audubon 135436
Center. 135437

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 135438

The foregoing appropriation item 725903, Natural Resources 135439
General Obligation Bond Debt Service, shall be used to pay all 135440
debt service and related financing costs during the period July 135441
1, 2025, through June 30, 2027, on obligations issued under 135442
sections 151.01 and 151.05 of the Revised Code. 135443

PARKS AND RECREATION 135444

Of the foregoing appropriation item 730321, Parks and 135445
Recreation, \$150,000 in each fiscal year shall be provided to 135446
Canalway Partners to support the 2027 bicentennial recognition 135447
of the Ohio & Erie Canal. 135448

Section 343.30. WELL LOG FILING FEES 135449

The Chief of the Division of Water Resources shall deposit 135450
fees forwarded to the Division pursuant to section 1521.05 of 135451
the Revised Code into the Water Management Fund (Fund 5160) for 135452
the purposes described in that section. 135453

PARKS CAPITAL EXPENSES FUND 135454

The Director of Natural Resources shall submit to the 135455
Director of Budget and Management the estimated design, 135456
engineering, and planning costs of capital-related work to be 135457
done by Department of Natural Resources staff for parks projects 135458
within the Ohio Parks and Recreation Improvement Fund (Fund 135459
7035). If the Director of Budget and Management approves the 135460
estimated costs, the Director may release appropriations from 135461

Fund 7035 appropriation item C725E6, Project Planning, for those 135462
purposes. Upon release of the appropriations, the Department of 135463
Natural Resources shall pay for these expenses from the Parks 135464
Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 135465
shall be reimbursed by Fund 7035 using an intrastate transfer 135466
voucher. 135467

NATUREWORKS CAPITAL EXPENSES FUND 135468

The Department of Natural Resources shall submit to the 135469
Director of Budget and Management the estimated design, 135470
planning, and engineering costs of capital-related work to be 135471
done by Department of Natural Resources staff for each capital 135472
improvement project within the Ohio Parks and Natural Resources 135473
Fund (Fund 7031). If the Director of Budget and Management 135474
approves the estimated costs, the Director may release 135475
appropriations from Fund 7031 appropriation item C725E5, Project 135476
Planning, for those purposes. Upon release of the 135477
appropriations, the Department of Natural Resources shall pay 135478
for these expenses from the Capital Expenses Fund (Fund 4S90). 135479
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 135480
using an intrastate transfer voucher. 135481

PARK MAINTENANCE 135482

The foregoing appropriation item 725514, Park Maintenance, 135483
shall be used by the Department of Natural Resources to pay the 135484
costs of projects supported by the State Park Maintenance Fund 135485
(Fund 5TD0) under section 1501.08 of the Revised Code. 135486

On July 1 of each fiscal year or as soon as possible 135487
thereafter, the Director of Natural Resources shall certify the 135488
amount of five percent of the average of the previous five years 135489
of deposits in the State Park Fund (Fund 5120) to the Director 135490

of Budget and Management. The Director of Budget and Management 135491
may transfer up to \$2,200,000 from Fund 5120 to the State Park 135492
Maintenance Fund (Fund 5TD0). 135493

WATERWAYS IMPROVEMENTS 135494

The Director of Natural Resources shall consult with the 135495
Loramie Watershed Association to identify portions of Lake 135496
Loramie that are negatively affected by hard pan sediment and 135497
hard clay debris. Of the foregoing appropriation item 725414, 135498
Waterways Improvement, \$250,000 in each fiscal year shall be 135499
used by the Director of Natural Resources to contract with a 135500
third-party vendor for channel excavation and the removal of 135501
hard pan sediment and hard clay debris at Lake Loramie. 135502

Of the foregoing appropriation item 725414, Waterways 135503
Improvement, \$172,000 in fiscal year 2026 shall be used by the 135504
Director of Natural Resources for channel excavation and removal 135505
of sediment at Grand Lake St. Marys. 135506

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES 135507

The foregoing appropriation item 725405, Clean Ohio Trail 135508
Operating, shall be used by the Department of Natural Resources 135509
in administering Clean Ohio Trail Fund (Fund 7061) projects 135510
pursuant to section 1519.05 of the Revised Code. 135511

Section 343.60. (A) As used in this section: 135512

(1) "Locally administer" means to supervise the design and 135513
construction of, and make contracts for the construction, 135514
reconstruction, improvement, enlargement, alteration, repair, or 135515
decoration of a capital facility project without the assistance 135516
of the Ohio Facilities Construction Commission. 135517

(2) "Capital facility project" means any activities, 135518

projects, or improvements described in division (B) (1) of 135519
section 1501.011 of the Revised Code. "Capital facility project" 135520
does not include the construction of a new facility, structure, 135521
or lodge. 135522

(B) Notwithstanding section 123.21 of the Revised Code or 135523
any other provision of law to the contrary, for fiscal years 135524
2026 and 2027, the Department of Natural Resources may locally 135525
administer any capital facility project commenced within those 135526
fiscal years, regardless of estimated cost. 135527

(C) The Department shall do both of the following 135528
regarding a capital facility project that is locally 135529
administered: 135530

(1) Comply with the applicable procedures and guidelines 135531
established in Chapter 153. of the Revised Code; 135532

(2) Track all project information in the Ohio 135533
Administrative Knowledge System capital improvements application 135534
pursuant to Ohio Facilities Construction Commission guidelines 135535
as though the Department is administering the project pursuant 135536
to section 123.211 of the Revised Code and all generally 135537
applicable laws. 135538

(D) Nothing in this section interferes with the powers of 135539
the Department of Natural Resources authorized in Chapter 1501. 135540
of the Revised Code. 135541

Section 345.10. 135542
135543

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B	Dedicated Purpose Fund Group		
C	4K90 884609 Operating Expenses	\$13,033,034	\$13,491,425
D	5AC0 884602 Nurse Education Grant Program	\$1,350,000	\$1,350,000
E	Dedicated Purpose Fund Group Total	\$14,383,034	\$14,841,425
F	TOTAL ALL BUDGET FUND GROUPS	\$14,383,034	\$14,841,425

Section 347.10.

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A PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS
BOARD

B	Dedicated Purpose Fund Group		
C	4K90 890609 Operating Expenses	\$1,352,852	\$1,434,859
D	Dedicated Purpose Fund Group Total	\$1,352,852	\$1,434,859
E	TOTAL ALL BUDGET FUND GROUPS	\$1,352,852	\$1,434,859

Section 353.10.

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A OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY

B General Revenue Fund

C	GRF 415402 Independent Living	\$252,000	\$252,000
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Council

D	GRF	415406	Assistive Technology	\$26,000	\$26,000
E	GRF	415431	Brain Injury	\$800,000	\$800,000
F	GRF	415506	Services for Individuals with Disabilities	\$40,015,000	\$40,015,000
G	GRF	415508	Services for the Deaf	\$527,000	\$527,000
H	GRF	415511	Centers for Independent Living	\$1,500,000	\$1,500,000
I	GRF	415512	Visually Impaired Reading Services	\$50,000	\$50,000
J	GRF	415513	Accessible Ohio	\$1,000,000	\$1,000,000
K	GRF	415515	DeafBlind Fund	\$100,000	\$100,000
L			General Revenue Fund Total	\$44,270,000	\$44,270,000
M			Dedicated Purpose Fund Group		
N	4670	415609	Business Enterprise Operating Expenses	\$913,127	\$918,806
O	4680	415618	Third Party Services Funding	\$3,725,233	\$3,725,233
P	4L10	415619	Services for Rehabilitation	\$2,000,000	\$2,000,000
Q			Dedicated Purpose Fund Group Total	\$6,638,360	\$6,644,039

R	Internal Service Activity Fund Group		
S	4W50 415606 Program Management	\$17,083,462	\$17,539,339
T	Internal Service Activity Fund Group Total	\$17,083,462	\$17,539,339
U	Federal Fund Group		
V	3170 415620 Disability Determination	\$88,981,907	\$90,733,204
W	3790 415616 Federal-Vocational Rehabilitation	\$170,000,000	\$175,100,000
X	3GH0 415602 Personal Care Assistance	\$3,995,399	\$4,017,337
Y	3GH0 415604 Community Centers for the Deaf	\$772,420	\$772,420
Z	3GH0 415613 Independent Living	\$2,737,411	\$2,737,411
AA	3GH0 415627 Independent Living Projects	\$100,000	\$100,000
AB	3IL0 415629 Works4Me Disability Innovation Fund Grant	\$2,300,000	\$2,300,000
AC	3L40 415615 Federal-Supported Employment	\$1,200,000	\$1,200,000
AD	3L40 415617 Independent Living Older Blind	\$2,567,746	\$2,908,622
AE	Federal Fund Group Total	\$272,654,883	\$279,868,994

Section 353.20. INDEPENDENT LIVING 135548

Of the foregoing appropriation item 415511, Centers for	135553
Independent Living, the amount needed in each fiscal year for	135554
state matching funds for the Federal Independent Living Grant	135555
shall be provided to support the state independent living	135556
programs and centers under Title VII of the federal	135557
"Rehabilitation Act of 1973," 29 U.S.C. 701, et seq., as amended	135558
by the Rehabilitation Act Amendments of 1992 and known as the	135559
federal Independent Living Services and Centers for Independent	135560
Living.	135561

Of the foregoing appropriation item 415511, Centers for	135562
Independent Living, up to \$1,355,608 in each fiscal year may be	135563
used as state matching funds to provide vocational	135564
rehabilitation services to Ohioans with disabilities.	135565

Of the foregoing appropriation item 415511, Centers for
Independent Living, \$74,124 in each fiscal year shall be used as
state matching funds for vocational rehabilitation innovation
and expansion activities.

The foregoing appropriation item 415613, Independent	135570
Living, shall be used to support the operations of the Centers	135571
for Independent Living in accordance with the State Plan for	135572
Independent Living.	135573

ASSISTIVE TECHNOLOGY 135574

The foregoing appropriation item 415406, Assistive
Technology, shall be provided to Assistive Technology of Ohio to
provide grants and assistive technology services for people with
disabilities in the state of Ohio.

BRAIN INJURY 135579

Of the foregoing appropriation item 415431, Brain Injury,
\$500,000 in each fiscal year shall be provided to The Ohio State
University College of Medicine to support the Brain Injury
Program established under section 3335.60 of the Revised Code.

The remainder of appropriation item 415431, Brain Injury,
shall be provided to the Brain Injury Association of Ohio for
direct services and supports for brain injury survivors and
caregivers.

SERVICES FOR THE DEAF 135588

The foregoing appropriation item 415508, Services for the
Deaf, shall be used to support community centers for the deaf.

VISUALLY IMPAIRED READING SERVICES 135591

The foregoing appropriation item 415512, Visually Impaired
Reading Services, shall be used to support VOICEcorps Reading
Services to provide reading services for blind individuals.

DEAFBLIND FUND 135595

The foregoing appropriation item 415515, DeafBlind Fund,
shall be distributed to the Columbus Speech and Hearing Center
for the recruitment and training of support service providers
and to connect support service providers with DeafBlind
individuals.

SIGHT CENTERS 135601

Of the foregoing appropriation item 415617, Independent 135602
Living Older Blind, \$30,000 in each fiscal year shall be used to 135603
contract in equal amounts with the Cleveland Sight Center, the 135604
Cincinnati Association for the Blind and Visually Impaired, and 135605
the Sight Center of Northwest Ohio to provide outreach to the 135606
community of individuals with blindness or low vision. 135607

Section 361.10.

135608

135609

	1	2	3	4	5
A			PEN PENSION SUBSIDIES		
B			General Revenue Fund		
C	GRF	090524	Police and Fire	\$300	\$300
			Disability Pension Fund		
D	GRF	090534	Police and Fire Ad Hoc	\$14,000	\$14,000
			Cost of Living		
E	GRF	090554	Police and Fire Survivor	\$138,000	\$138,000
			Benefits		
F	GRF	090575	Police and Fire Death	\$40,000,000	\$40,000,000
			Benefits		
G			General Revenue Fund Total	\$40,152,300	\$40,152,300
H			TOTAL ALL BUDGET FUND GROUPS	\$40,152,300	\$40,152,300

Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND

135610

The foregoing appropriation item 090575, Police and Fire 135611
Death Benefits, shall be disbursed quarterly by the Treasurer of 135612

State at the beginning of each quarter of each fiscal year to 135613
the Board of Trustees of the Ohio Police and Fire Pension Fund, 135614
which serves as trustees of the Ohio Public Safety Officers 135615
Death Benefit Fund pursuant to section 742.62 of the Revised 135616
Code. The Treasurer of State shall certify such amounts 135617
quarterly to the Director of Budget and Management. By the 135618
twentieth day of June of each fiscal year, the Board of Trustees 135619
shall certify to the Treasurer of State the amount disbursed in 135620
the current fiscal year to make the payments required by 135621
sections 124.824 and 742.63 of the Revised Code and shall return 135622
to the Treasurer of State moneys received from this 135623
appropriation item but not disbursed. 135624

Notwithstanding any provision of section 124.824 of the 135625
Revised Code to the contrary, for each death benefit fund 135626
recipient who participates in health, medical, hospital, dental, 135627
surgical, or vision benefits under section 124.824 of the 135628
Revised Code, the Board of Trustees of the Ohio Police and Fire 135629
Pension Fund shall forward as a pass-through from the revenue 135630
received from the foregoing appropriation item 090575, Police 135631
and Fire Death Benefits, the percentage of the cost for the 135632
applicable benefits that would be paid by a state employer for a 135633
state employee who elects that coverage and any applicable 135634
administrative costs, which shall not exceed two per cent of the 135635
total cost of the benefits. The Board of Trustees shall also 135636
withhold from the benefits paid to a death benefit fund 135637
recipient under section 742.63 of the Revised Code the 135638
percentage of the cost for such benefits that would be paid by a 135639
state employee, and forward the withheld amounts to the 135640
Department of Administrative Services from the revenue received 135641
from the foregoing appropriation item 090575, Police and Fire 135642
Death Benefits. 135643

In fiscal year 2026 or 2027, if it is determined by the 135644
Director of Administrative Services, in consultation with the 135645
Chairperson of the Board of Trustees of the Ohio Police and Fire 135646
Pension Fund, or designee, that additional amounts are necessary 135647
to pay the cost of providing benefits under section 124.824 or 135648
742.63 of the Revised Code, the Director of Administrative 135649
Services may certify the additional amount necessary to the 135650
Director of Budget and Management. The amount certified is 135651
hereby appropriated. 135652

Section 363.10.

135653
135654

	1	2	3	4	5
A	UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD				
B	Dedicated Purpose Fund Group				
C	6910	810632	Petroleum Underground Storage Tank Release Compensation Board - Operating	\$1,778,594	\$1,910,092
D	Dedicated Purpose Fund Group Total			\$1,778,594	\$1,910,092
E	TOTAL ALL BUDGET FUND GROUPS			\$1,778,594	\$1,910,092

Section 367.10.

135655
135656

	1	2	3	4	5
A	PRX STATE BOARD OF PHARMACY				
B	Dedicated Purpose Fund Group				

C	4A50 887605 Drug Law Enforcement	\$50,000	\$50,000
D	4K90 658605 OARRS Integration - State	\$207,657	\$208,860
E	4K90 887609 Operating Expenses	\$13,773,784	\$14,491,459
F	5SG0 887612 Drug Database	\$2,826,000	\$2,865,000
G	Dedicated Purpose Fund Group Total	\$16,857,441	\$17,615,319
H	Federal Fund Group		
I	3HD0 887614 Pharmacy Federal Grants	\$2,094,643	\$2,111,622
J	3HH0 658601 OARRS Integration - Federal	\$642,117	\$645,729
K	Federal Fund Group Total	\$2,736,760	\$2,757,351
L	TOTAL ALL BUDGET FUND GROUPS	\$19,594,201	\$20,372,670

Section 367.20. CASH TRANSFER FROM THE MEDICAL MARIJUANA 135657
CONTROL PROGRAM FUND TO THE DRUG DATABASE FUND 135658

Upon the request of the Executive Director of the State 135659
Board of Pharmacy, the Director of Budget and Management may 135660
transfer up to \$2,745,500 in cash in each fiscal year from the 135661
Medical Marijuana Control Program Fund (Fund 5SY0), used by the 135662
Department of Commerce, to the Drug Database Fund (Fund 5SG0), 135663
used by the State Board of Pharmacy. 135664

Section 369.10. 135665
135666

A	PSY STATE BOARD OF PSYCHOLOGY		
B	Dedicated Purpose Fund Group		
C	4K90 882609 Operating Expenses	\$975,010	\$1,011,722
D	Dedicated Purpose Fund Group Total	\$975,010	\$1,011,722
E	TOTAL ALL BUDGET FUND GROUPS	\$975,010	\$1,011,722

Section 371.10.

135667

135668

1	2	3	4	5
A	PUB OHIO PUBLIC DEFENDER COMMISSION			
B	General Revenue Fund			
C	GRF 019401 State Legal Defense Services	\$13,227,100	\$13,467,000	
D	GRF 019406 Northwest Regional Hub Support	\$3,350,000	\$3,350,000	
E	GRF 019501 County Reimbursement	\$195,469,360	\$200,680,940	
F	General Revenue Fund Total	\$212,046,460	\$217,497,940	
G	Dedicated Purpose Fund Group			
H	1010 019607 Juvenile Legal Assistance	\$217,456	\$223,980	
I	4060 019603 Training and Publications	\$75,000	\$75,000	
J	4070 019604 County Representation	\$375,000	\$375,000	

K	4080	019605	Client Payments	\$800,000	\$800,000
L	4C70	019601	Multi-County: County Share	\$594,900	\$624,300
M	4N90	019613	Gifts and Grants	\$13,400	\$13,400
N	5740	019606	Civil Legal Aid	\$38,000,000	\$34,000,000
O	5CX0	019617	Civil Case Filing Fee	\$620,000	\$620,000
P	5DY0	019618	Indigent Defense Support - County Share	\$22,908,000	\$22,908,000
Q	5DY0	019619	Indigent Defense Support - State Office	\$4,692,000	\$4,692,000
R			Dedicated Purpose Fund Group Total	\$68,295,756	\$64,331,680
S			Federal Fund Group		
T	3IQ0	019626	Reforming Reentry Program	\$350,000	\$85,321
U	3S80	019608	Federal Representation	\$38,300	\$38,300
V			Federal Fund Group Total	\$388,300	\$123,621
W			TOTAL ALL BUDGET FUND GROUPS	\$280,730,516	\$281,953,241

Section 371.20. STATE LEGAL DEFENSE SERVICES 135669

Of the foregoing appropriation item 019401, State Legal	135670
Defense Services, up to \$50,000 in each fiscal year shall be	135671
used by the Ohio Public Defender to provide legal training	135672
programs at no cost for private appointed counsel who represent	135673

at least one indigent defendant at no cost and for state and 135674
county public defenders and attorneys who contract with the Ohio 135675
Public Defender to provide indigent defense services. 135676

INDIGENT DEFENSE SUPPORT 135677

The foregoing appropriation item 019501, County 135678
Reimbursement, shall be used to reimburse counties for the costs 135679
of operating county public defender offices, joint county public 135680
defender offices and county appointed counsel systems, the 135681
counties' costs and expenses of conducting the defense in 135682
capital cases, the counties' costs and expenses of appointed 135683
counsel covered by section 2941.51 of the Revised Code, and the 135684
costs and expenses of contracting with the state public defender 135685
or with any nonprofit organization to provide legal 135686
representation to indigent persons. The counties' costs and 135687
expenses of appointed counsel covered by section 2941.51 of the 135688
Revised Code shall be reimbursed at an hourly rate not to exceed 135689
\$75 per hour, except that the counties' costs and expenses of 135690
conducting the defense in capital cases shall be reimbursed at 135691
an hourly rate not to exceed \$140 per hour. 135692

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL 135693
AID FUND 135694

On July 1 of each fiscal year, or as soon as possible 135695
thereafter, the Director of Budget and Management shall transfer 135696
\$1,000,000 cash from the General Revenue Fund to the Legal Aid 135697
Fund (Fund 5740). The transferred cash shall be distributed by 135698
the Ohio Access to Justice Foundation to Ohio's civil legal aid 135699
societies as follows: \$500,000 in each fiscal year for the sole 135700
purpose of providing legal services for economically 135701
disadvantaged individuals and families seeking assistance with 135702
legal issues arising as a result of substance abuse disorders, 135703

and \$250,000 in each fiscal year for the sole purpose of 135704
providing legal services for veterans. None of the funds shall 135705
be used for administrative costs, including, but not limited to, 135706
salaries, benefits, or travel reimbursements. 135707

FEDERAL REPRESENTATION 135708

The foregoing appropriation item 019608, Federal 135709
Representation, shall be used to support representation provided 135710
by the Ohio Public Defender in federal court cases. 135711

COUNTY INDIGENT DEFENSE BUDGETS 135712

Not later than July 31, 2026, each county through its 135713
county commission shall submit a biannual indigent defense cost 135714
projection report to the Ohio Public Defender. The report shall 135715
contain data on the most current projected costs of the indigent 135716
defense services in the county for the next two upcoming state 135717
fiscal years at the time of submission. 135718

Section 371.30. NORTHWEST REGIONAL HUB 135719

(A) In fiscal year 2026 and fiscal year 2027, the Ohio 135720
Public Defender shall create the Northwest Regional Hub pilot 135721
program to provide indigent defense services in the counties 135722
that elect to join, in lieu of managing those services directly 135723
and applying for reimbursement. 135724

(B) The following counties may elect to participate in the 135725
Northwest Regional Hub, and no other counties are permitted to 135726
participate: 135727

(1) Allen County; 135728

(2) Hardin County; 135729

(3) Putnam County. 135730

(C) On or after the effective date of this section, any 135731
county listed in division (B) of this section may elect, by 135732
resolution, to become part of the Northwest Regional Hub and 135733
thereby transfer administration of the county's indigent defense 135734
system to the Ohio Public Defender for the period of the pilot 135735
program. 135736

(D) If a county elects to become part of the Northwest 135737
Regional Hub and transfer indigent defense services to the Ohio 135738
Public Defender pursuant to this section, the Ohio Public 135739
Defender shall assume responsibility for representation of 135740
indigent persons in the proceedings set forth in division (A) of 135741
section 120.16 of the Revised Code, to the extent that 135742
representation is not provided by outside counsel in accordance 135743
with section 120.33 of the Revised Code. 135744

(E) (1) The Ohio Public Defender shall consult with the 135745
county commissioners, judiciary, and local attorneys in counties 135746
that have opted to participate in the Northwest Regional Hub to 135747
determine the number of indigent defense cases the public 135748
defender will handle directly. 135749

(2) Except as provided in division (E) (4) of this section, 135750
in a county that elects to participate in the Northwest Regional 135751
Hub, the Ohio Public Defender shall provide direct 135752
representation to indigent defendants in not more than eighty 135753
per cent of indigent defense cases. 135754

(3) In cases where the Ohio Public Defender does not 135755
provide direct representation, the court shall appoint counsel 135756
in accordance with section 120.33 of the Revised Code. 135757

(4) If the Ohio Public Defender, in consultation with the 135758
county commissioners, judiciary, and local attorneys, determines 135759

that there is insufficient local counsel available to fill an 135760
appointment under division (E) (3) of this section, the Ohio 135761
Public Defender shall provide direct representation in the case. 135762

(F) A county that wishes to withdraw from the Northwest 135763
Regional Hub and resume responsibility for the delivery of 135764
indigent defense services shall do all of the following: 135765

(1) Hold a public meeting regarding the withdrawal and 135766
provide notice to all of the following, seven or more days 135767
before the meeting: 135768

(a) The local bar association; 135769

(b) Every judge serving in the county; 135770

(c) The county prosecutor; 135771

(d) The county public defender; 135772

(e) Every attorney who is on the court's roster for 135773
appointment to provide indigent defense in accordance with 135774
section 120.33 of the Revised Code. 135775

(2) Provide the Ohio Public Defender with a copy of the 135776
resolution electing to withdraw. 135777

(G) When a county transfers indigent defense services to 135778
the Ohio Public Defender pursuant to this section, and the 135779
transferring county operates a county public defender office at 135780
the time of the transfer, the employees of the transferring 135781
county public defender may be transferred to employees of the 135782
Ohio Public Defender as the Ohio Public Defender determines to 135783
be necessary for successful implementation of this section, to 135784
the extent possible, with no loss of service credit. 135785

NORTHWEST REGIONAL HUB SUPPORT 135786

The foregoing appropriation item 019406, Northwest
Regional Hub Support, shall be used by the Ohio Public Defender
to pay for all the costs of providing indigent defense services
in counties that have transferred administration of those
services pursuant to this section. Expenses may include the cost
of operating public defender offices, reimbursement of expenses
of court appointed counsel, and other associated costs of
providing legal representation to indigent persons as covered by
section 120.04 of the Revised Code.

Section 373.10.

1	2	3	4	5
A	DPS DEPARTMENT OF PUBLIC SAFETY			
B	General Revenue Fund			
C	GRF	761403 Recovery Ohio Law Enforcement	\$6,500,000	\$6,500,000
D	GRF	761411 Ohio Narcotics Intelligence Center	\$13,077,345	\$13,641,498
E	GRF	763403 EMA Operating	\$8,931,000	\$9,102,000
F	GRF	763407 State Hazard Mitigation	\$1,000,000	\$1,000,000
G	GRF	763408 State Disaster Relief	\$939,481	\$969,481
H	GRF	763513 Security Grants	\$8,500,000	\$8,500,000
I	GRF	765401 Emergency Medical Services Operating	\$5,572,851	\$5,843,030

J	GRF	767420	Investigative Unit Operating	\$12,554,073	\$10,718,860
K	GRF	768425	Justice Program Services	\$19,195,430	\$19,375,918
L	GRF	768435	Community Police Relations	\$2,445,800	\$2,607,939
M	GRF	769406	Homeland Security - Operating	\$4,946,000	\$5,046,000
N	GRF	769407	Driver Safety	\$6,425,545	\$6,458,591
O	GRF	769412	Ohio School Safety Center	\$8,963,284	\$9,367,524
P			General Revenue Fund Total	\$99,050,809	\$99,130,841
Q			Highway Safety Fund Group		
R	5TM0	762321	Operating Expense - BMV	\$128,500,000	\$129,645,783
S	5TM0	762637	Local Immobilization Reimbursement	\$87,000	\$90,000
T	5TM0	764321	Operating Expense - Highway Patrol	\$404,019,560	\$416,140,146
U	5TM0	764605	Motor Carrier Enforcement Expenses	\$709,000	\$730,000
V	5TM0	769636	Administrative Expenses - Highway Purposes	\$56,062,283	\$58,959,468
W	8370	764602	Turnpike Policing	\$13,652,000	\$14,117,000

X	83C0	764630	Contraband, Forfeiture, and Other	\$500,000	\$500,000
Y	83F0	764657	Law Enforcement Automated Data System	\$6,216,213	\$6,380,428
Z	83G0	764633	OMVI Enforcement/Education	\$156,727	\$157,703
AA	83M0	765640	EMS Grants	\$2,900,000	\$2,900,000
AB	8400	764607	State Fair Security	\$1,788,386	\$1,842,038
AC	8400	764617	Security and Investigations	\$14,376,926	\$14,808,233
AD	8400	764626	State Fairgrounds Police Force	\$1,031,556	\$1,062,502
AE	8460	761625	Motorcycle Safety Education	\$4,215,000	\$4,220,000
AF	8490	762627	Automated Title Processing Board	\$11,000,000	\$10,950,000
AG	8490	762630	Electronic Liens and Titles	\$2,008,000	\$2,008,000
AH	Highway Safety Fund Group Total			\$647,222,651	\$664,511,301
AI	Dedicated Purpose Fund Group				
AJ	4P60	768601	Justice Program Services	\$95,000	\$100,000
AK	4V30	763662	EMA Service and	\$559,000	\$562,000

Reimbursements			
AL 5390	762614	Motor Vehicle Dealers Board	\$140,000 \$140,000
AM 5AZ1	761680	eWarrant Local Integration	\$2,390,000 \$2,405,000
AN 5B90	766632	Private Investigator and Security Guard Provider	\$2,134,000 \$2,203,000
AO 5BC1	769638	Ohio School Safety and Security Center Training Fees	\$100,000 \$100,000
AP 5BK0	768687	Criminal Justice Services - Operating	\$770,000 \$795,000
AQ 5BK0	768689	Family Violence Shelter Programs	\$1,550,000 \$1,550,000
AR 5ET0	768625	Drug Law Enforcement	\$3,750,000 \$3,750,000
AS 5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$1,400,000 \$1,400,000
AT 5LM0	768698	Criminal Justice Services Law Enforcement Support	\$850,000 \$850,000
AU 5ML0	769635	Infrastructure Protection	\$89,000 \$91,000
AV 5RH0	767697	OIU Special Projects	\$750,000 \$750,000
AW 5Y10	764695	State Highway Patrol	\$148,000 \$148,000

	Continuing Professional Training		
AX 5Y10 767696	Ohio Investigative Unit Continuing Professional Training	\$10,000	\$10,000
AY 6220 767615	Investigative, Contraband, and Forfeiture	\$61,000	\$61,000
AZ 6570 763652	Utility Radiological Safety	\$1,420,000	\$1,467,000
BA 6810 763653	SARA Title III Hazmat Planning	\$400,000	\$331,000
BB	Dedicated Purpose Fund Group Total	\$16,616,000	\$16,713,000
BC	Fiduciary Fund Group		
BD 5J90 761678	Federal Salvage/GSA	\$600,000	\$600,000
BE 5V10 762682	License Plate Contributions	\$2,900,000	\$3,000,000
BF	Fiduciary Fund Group Total	\$3,500,000	\$3,600,000
BG	Holding Account Fund Group		
BH R024 762619	Unidentified Motor Vehicle Receipts	\$1,641,000	\$1,641,000
BI R052 762623	Security Deposits	\$50,000	\$50,000

BJ Holding Account Fund Group Total	\$1,691,000	\$1,691,000
BK Federal Fund Group		
BL 3370 763515 COVID Relief - Federal	\$150,000,000	\$150,000,000
BM 3370 763609 Federal Disaster Relief	\$73,500,000	\$73,500,000
BN 3FP0 767620 Ohio Investigative Unit Justice Contraband	\$10,000	\$10,000
BO 3GL0 768619 Justice Assistance Grants	\$10,000,000	\$10,000,000
BP 3GR0 764693 Highway Patrol Justice Contraband	\$227,000	\$227,000
BQ 3GS0 764694 Highway Patrol Treasury Contraband	\$80,000	\$80,000
BR 3GT0 767691 Investigative Unit Federal Equity Share	\$100,000	\$100,000
BS 3GU0 761610 Information and Education Grant	\$435,000	\$435,000
BT 3GU0 764608 Fatality Analysis Report System Grant	\$175,000	\$175,000
BU 3GU0 764610 Highway Safety Programs Grant	\$5,226,000	\$5,333,000
BV 3GU0 764659 Motor Carrier Safety Assistance Program Grant	\$11,242,000	\$11,582,000
BW 3GU0 769610 Investigations Grants -	\$1,000,000	\$1,000,000

Food Stamps, Liquor, and
Tobacco Laws

BX 3GU0 769631	Homeland Security	\$1,500,000	\$1,500,000
	Disaster Grants		
BY 3GV0 761612	Traffic Safety Action	\$31,625,000	\$31,685,000
	Plan Grant		
BZ 3L50 768604	Justice Program	\$25,000,000	\$25,000,000
CA	Federal Fund Group Total	\$310,120,000	\$310,627,000
CB	TOTAL ALL BUDGET FUND GROUPS	\$1,078,200,460	\$1,096,273,142

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 135798

Of the foregoing appropriation item 761403, Recovery Ohio 135799
Law Enforcement, up to \$3,400,000 in each fiscal year may be 135800
used by the Office of Criminal Justice Services to support local 135801
law enforcement narcotics task forces that focus on cartel 135802
trafficking interdiction. The interdiction task forces shall be 135803
designated Ohio Organized Crime Commission task forces subject 135804
to approval and supervision of the Commission. This earmarked 135805
amount may also be used to provide funding to local law 135806
enforcement agencies, the Commission for task force-related 135807
equipment purchases, and for operating expenses of the Office of 135808
Criminal Justice Services related to the narcotics interdiction 135809
task force program. 135810

Of the foregoing appropriation item 761403, Recovery Ohio 135811
Law Enforcement, up to \$2,500,000 in each fiscal year may be 135812
used by the Office of Criminal Justice Services for Ohio's 135813
narcotics task forces in order to build new and strengthen 135814

existing partnerships with local law enforcement. This earmarked 135815
amount may also be used to provide funding to local law 135816
enforcement agencies and for operating expenses of the Office of 135817
Criminal Justice Services related to the Ohio narcotics task 135818
force program. 135819

Of the foregoing appropriation item 761403, Recovery Ohio 135820
Law Enforcement, up to \$600,000 in each fiscal year may be used 135821
to partner with the Office of Information Technology in the 135822
Department of Administrative Services to enhance and maintain a 135823
uniform records management and data intelligence system, and 135824
provide case management, collaboration, data sharing, and data 135825
analytics tools for Ohio narcotics task forces and law 135826
enforcement agencies. 135827

EMERGENCY MEDICAL SERVICES OPERATING 135828

Of the foregoing appropriation item 765401, Emergency 135829
Medical Services Operating, \$75,000 in each fiscal year shall be 135830
distributed to the Ohio Mortuary Operational Response Team 135831
headquarters in Montgomery County for maintenance and training. 135832

Section 373.30. SECURITY GRANTS 135833

(A) The foregoing appropriation item 763513, Security 135834
Grants, shall be used to make competitive grants of up to 135835
\$100,000 to nonprofit organizations, houses of worship, 135836
chartered nonpublic schools, and licensed preschools for all of 135837
the following purposes: 135838

(1) Eligible security improvements that assist the 135839
organization in preventing, preparing for, or responding to acts 135840
of terrorism; 135841

(2) Acquiring or retaining the services of a resource 135842
officer, special duty police officer, or licensed armed security 135843

guards, including the training, licensing, or certification of 135844
resource officers; 135845

(3) The lease or purchase of qualified equipment, 135846
including equipment for emergency and crisis communication, 135847
crisis management, or trauma and crisis response to assist in 135848
preventing, preparing for, or responding to acts of terrorism; 135849

(4) Placing the qualified equipment at alternative 135850
locations that are off the premises belonging to the grantee, 135851
provided that the grantee receives prior permission from any 135852
appropriate county, municipal corporation, local law enforcement 135853
agency, local emergency management agency, or local 135854
transportation agency, as applicable; 135855

(5) Funding coordinated training between law enforcement, 135856
counterterrorism agencies, and emergency responders on either 135857
the premises of a nonprofit corporation or through community- 135858
wide training efforts. 135859

(B) The Emergency Management Agency shall administer and 135860
award the grants described in division (A) of this section. The 135861
Agency shall establish procedures and forms by which applicants 135862
may apply for a grant, a competitive process for ranking 135863
applicants and awarding the grants, and procedures for 135864
distributing grants to recipients. The Agency shall include 135865
information about the grants and the application process on its 135866
web site. 135867

(C) The Emergency Management Agency may use up to 135868
\$1,000,000 in each fiscal year for community police partnerships 135869
that focus on collaboration, increased efficiencies, or 135870
otherwise assisting both a nonprofit organization and one or 135871
more law enforcement, emergency management, or homeland security 135872

agencies to serve and protect at-risk nonprofit organizations. 135873

(D) An amount equal to the unexpended, unencumbered 135874
balance of the foregoing appropriation item 763513, Security 135875
Grants, at the end of fiscal year 2025 is hereby reappropriated 135876
for the same purpose in fiscal year 2026. 135877

(E) An amount equal to the unexpended, unencumbered 135878
balance of the foregoing appropriation item 763513, Security 135879
Grants, at the end of fiscal year 2026 is hereby reappropriated 135880
for the same purpose in fiscal year 2027. 135881

JUSTICE PROGRAM SERVICES 135882

Of the foregoing appropriation item 768425, Justice 135883
Program Services, up to \$5,000,000 in each fiscal year shall be 135884
used by the Office of Criminal Justice Services to administer 135885
and distribute grants to state and local law enforcement 135886
agencies to implement or enhance body-worn camera programs. 135887

Of the foregoing appropriation item 768425, Justice 135888
Program Services, up to \$4,531,000 in each fiscal year shall be 135889
used by the Office of Criminal Justice Services to support anti- 135890
human trafficking efforts in the areas of prosecution, victim 135891
services to specifically include assistance for child victims, 135892
and prevention and policy to implement the priorities of the 135893
Governor's Ohio Human Trafficking Task Force. 135894

Of the foregoing appropriation item 768425, Justice 135895
Program Services, up to \$4,000,000 in each fiscal year shall be 135896
used by the Office of Criminal Justice Services to administer 135897
and distribute grants to state and local law enforcement 135898
agencies to assist local communities in reducing and preventing 135899
crime through the use of promising or proven crime reduction 135900
strategies. The use of the grants includes, but is not limited 135901

to, overtime, equipment, technical assistance, and analytical 135902
support to implement crime reduction strategies. 135903

Of the foregoing appropriation item 768425, Justice 135904
Program Services, up to \$1,500,000 in each fiscal year shall be 135905
used to support state and local law enforcement agencies in the 135906
recruitment, hiring, and training of qualified individuals to 135907
serve as peace officers; to support state and local first 135908
responder agencies in mental, physical, and emotional wellness; 135909
and to administer and distribute grants to state and local first 135910
responder agencies to assist in recruitment, retention, and 135911
wellness of their workforce. Of these funds, \$500,000 in each 135912
fiscal year shall be distributed as follows: 135913

(A) \$150,000 in each fiscal year to First Responders' 135914
Bridge to pay for their programs supporting first responders 135915
suffering from Post Traumatic Stress Disorder, depression, 135916
anxiety, and other mental health conditions; 135917

(B) \$150,000 in each fiscal year to Save A Warrior 135918
Foundation to pay for their programs supporting first responders 135919
suffering from Post Traumatic Stress Disorder, depression, 135920
anxiety, and other mental health conditions; and 135921

(C) \$200,000 in each fiscal year to Tri-State Peer Support 135922
Team to pay the administrative costs of providing peer support 135923
and mental health services for first responders and related 135924
program development. 135925

Of the foregoing appropriation item 768425, Justice 135926
Program Services, up to \$1,000,000 in each fiscal year shall be 135927
used by the Office of Criminal Justice Services to competitively 135928
procure, directly from the manufacturer, a commercial off-the- 135929
shelf, completely in canal hearing protection product with a 135930

minimum noise reduction rating of 25 decibels and a maximum 135931
output of 80 decibels, to protect the hearing of law enforcement 135932
officers. The hearing protection shall be made available to any 135933
law enforcement agency in the state on a first-come, first- 135934
served basis as part of the Law Enforcement Hearing Protection 135935
Program. 135936

Of the foregoing appropriation item 768425, Justice 135937
Program Services, up to \$1,000,000 in each fiscal year shall be 135938
used by the Office of Criminal Justice Services to distribute 135939
grants to state and/or local law enforcement to conduct 135940
investigations on sexual assault kit testing results and related 135941
expenses. 135942

Of the foregoing appropriation item 768425, Justice 135943
Program Services, up to \$200,000 in each fiscal year shall be 135944
used by the Office of Criminal Justice Services to competitively 135945
procure, directly from the manufacturer, a commercial off-the- 135946
shelf, completely in canal hearing protection product with a 135947
minimum noise reduction rating of 25 decibels and a maximum 135948
output of 80 decibels. The hearing protection shall be made 135949
available to the Ohio State Highway Patrol. 135950

Of the foregoing appropriation item 768425, Justice 135951
Program Services, up to \$200,000 in each fiscal year shall be 135952
used by the Office of Criminal Justice Services to implement 135953
recommendations of the Governor's Warrant Task Force. 135954

Section 373.40. MOTOR VEHICLE REGISTRATION 135955

The Director of Public Safety may deposit revenues to meet 135956
the cash needs of the Public Safety - Highway Purposes Fund 135957
(Fund 5TM0) established in section 4501.06 of the Revised Code, 135958
obtained under section 4503.02 of the Revised Code, less all 135959

other available cash. Revenue deposited pursuant to this 135960
paragraph shall support in part appropriations for the 135961
administration and enforcement of laws relative to the operation 135962
and registration of motor vehicles, for payment of highway 135963
obligations and other statutory highway purposes. 135964
Notwithstanding section 4501.03 of the Revised Code, the 135965
revenues shall be paid into Fund 5TM0 before any revenues 135966
obtained pursuant to section 4503.02 of the Revised Code are 135967
paid into any other fund. The deposit of revenues to meet the 135968
aforementioned cash needs shall be in approximately equal 135969
amounts on a monthly basis or as otherwise approved by the 135970
Director of Budget and Management. Prior to July 1 of each 135971
fiscal year, the Director of Public Safety shall submit a plan 135972
to the Director of Budget and Management requesting approval of 135973
the anticipated revenue amounts to be deposited into Fund 5TM0 135974
pursuant to this paragraph. If during the fiscal year changes to 135975
the plan as approved by the Director of Budget and Management 135976
are necessary, the Director of Public Safety shall submit a 135977
revised plan to the Director of Budget and Management for 135978
approval prior to any change in the deposit of revenues. 135979

VALIDATION STICKER REQUIREMENTS 135980

Validation stickers are required for the annual 135981
registration of passenger, commercial, motorcycle, and other 135982
vehicles and are produced in accordance with section 4503.191 of 135983
the Revised Code. Notwithstanding section 4503.191 of the 135984
Revised Code, the Registrar of Motor Vehicles may adopt rules 135985
authorizing validation stickers to be produced at any location. 135986

OPERATING EXPENSE - HIGHWAY PATROL 135987

Any new revenue derived from an increase of the Highway 135988
Safety fee as prescribed in section 4503.10 of the Revised Code 135989

that becomes effective with any application for registration or 135990
registration renewal received on or after January 1, 2026, shall 135991
be used exclusively for the State Highway Patrol. 135992

Section 373.50. CASH BALANCE FUND REVIEW 135993

The Director of Public Safety shall review the cash 135994
balances for each fund in the State Highway Safety Fund Group, 135995
and may submit a request in writing to the Director of Budget 135996
and Management to transfer amounts from any fund in the State 135997
Highway Safety Fund Group to the credit of the Public Safety - 135998
Highway Purposes Fund (Fund 5TM0), as appropriate. Upon receipt 135999
of such a request, and subject to the approval of the 136000
Controlling Board, the Director of Budget and Management may 136001
make appropriate transfers as requested by the Director of 136002
Public Safety or as otherwise determined by the Director of 136003
Budget and Management. 136004

**CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND 136005
POLICING FUND** 136006

Notwithstanding any other provision of law to the 136007
contrary, the Director of Budget and Management, upon written 136008
request of the Director of Public Safety and approval of the 136009
Controlling Board, may approve the transfer of cash from the 136010
State Highway Patrol Contraband, Forfeiture, and Other Fund 136011
(Fund 83C0) to the Security, Investigations and Policing Fund 136012
(Fund 8400). 136013

**TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY 136014
MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND** 136015

On July 1 of each fiscal year, or as soon as possible 136016
thereafter, the Director of Budget and Management shall transfer 136017
\$450,000 cash from the State Fire Marshal Fund (Fund 5460) to 136018

the Emergency Management Agency Service and Reimbursement Fund 136019
(Fund 4V30). 136020

Of the foregoing appropriation item 763662, EMA Service 136021
and Reimbursements, \$250,000 in each fiscal year shall be 136022
distributed to the Ohio Task Force One - Urban Search and Rescue 136023
Unit to pay for its operating expenses and developing new 136024
programs. 136025

Of the foregoing appropriation item 763662, EMA Service 136026
and Reimbursements, \$200,000 in each fiscal year shall be 136027
distributed to the Ohio Task Force One - Urban Search and Rescue 136028
Unit, other similar urban search and rescue units around the 136029
state, and for maintenance of the statewide fire emergency 136030
response plan by an entity recognized by the Ohio Emergency 136031
Management Agency. 136032

STATE DISASTER RELIEF 136033

The State Disaster Relief Fund (Fund 5330) may accept 136034
transfers of cash or appropriations from Controlling Board 136035
appropriation items for the Ohio Emergency Management Agency 136036
disaster response costs and disaster program management costs, 136037
and may also be used for the following purposes: 136038

(A) To accept transfers of cash or appropriations from 136039
Controlling Board appropriation items for Ohio Emergency 136040
Management Agency recovery and mitigation program match costs to 136041
reimburse eligible local governments and private nonprofit 136042
organizations for costs related to disasters; 136043

(B) To accept transfers of cash or appropriations from 136044
Controlling Board appropriation items to cover costs incurred 136045
and to reimburse government entities for Emergency Management 136046
Assistance Compact (EMAC) missions; 136047

(C) To accept disaster related reimbursement from federal, 136048
state, and local governments. The Director of Budget and 136049
Management may transfer cash from reimbursements received by 136050
this fund to other funds of the state from which transfers were 136051
originally approved by the Controlling Board. 136052

(D) To accept transfers of cash or appropriations from 136053
Controlling Board appropriation items to fund the State Disaster 136054
Relief Program, for disasters that qualify for the program by 136055
written authorization of the Governor, and the State Individual 136056
Assistance Program for disasters that have been declared by the 136057
federal Small Business Administration and that qualify for the 136058
program by written authorization from the Governor. 136059

(E) The State Disaster Relief Fund (Fund 5330) may accept, 136060
hold, administer, and expend any cash received from a gift, 136061
donation, bequest, devise, or contribution. 136062

DRUG LAW ENFORCEMENT FUND 136063

Notwithstanding division (D) of section 5502.68 of the 136064
Revised Code, in each of fiscal years 2026 and 2027, the 136065
cumulative amount of funding provided to any single drug task 136066
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 136067
exceed \$500,000 in any calendar year. 136068

SARA TITLE III HAZMAT PLANNING 136069

The SARA Title III Hazmat Planning Fund (Fund 6810) is 136070
entitled to receive grant funds from the Emergency Response 136071
Commission to implement the Emergency Management Agency's 136072
responsibilities under Chapter 3750. of the Revised Code. 136073

Section 373.60. COLLECTIVE BARGAINING INCREASES 136074

Notwithstanding division (D) of section 127.14 and 136075

division (B) of section 131.35 of the Revised Code, except for 136076
the General Revenue Fund, the Controlling Board may, upon the 136077
request of either the Director of Budget and Management, or the 136078
Department of Public Safety with the approval of the Director of 136079
Budget and Management, authorize expenditures in excess of 136080
appropriations and transfer appropriations, as necessary, for 136081
any fund used by the Department of Public Safety, to assist in 136082
paying the costs of increases in employee compensation that have 136083
occurred pursuant to collective bargaining agreements under 136084
Chapter 4117. of the Revised Code and, for exempt employees, 136085
under section 124.152 of the Revised Code. Any money approved 136086
for expenditure under this paragraph is hereby appropriated. 136087

Section 375.10.

136088

136089

	1	2	3	4	5
A	PUC PUBLIC UTILITIES COMMISSION OF OHIO				
B	Dedicated Purpose Fund Group				
C	4A30	870614	Grade Crossing Protection Devices - State	\$1,200,000	\$1,200,000
D	4L80	870617	Pipeline Safety - State	\$350,000	\$360,000
E	5610	870606	Power Siting Board	\$1,100,000	\$1,100,000
F	5F60	870622	Utility and Railroad Regulation	\$45,851,137	\$47,757,281
G	5F60	870624	NARUC/NRRI Subsidy	\$45,340	\$45,340
H	5LT0	870640	Intrastate Registration	\$230,298	\$237,207

I	5LT0	870641	Unified Carrier Registration	\$451,794	\$465,348
J	5LT0	870643	Non-Hazardous Materials Civil Forfeiture	\$278,202	\$286,548
K	5LT0	870644	Hazardous Materials Civil Forfeiture	\$1,167,567	\$1,178,594
L	5LT0	870645	Motor Carrier Enforcement	\$5,680,962	\$5,786,733
M	5Q50	870626	Telecommunications Relay Service	\$1,020,000	\$1,020,000
N	5QR0	870646	Underground Facilities Protection	\$20,000	\$20,000
O	5QS0	870647	Underground Facilities Administration	\$239,729	\$246,776
P			Dedicated Purpose Fund Group Total	\$57,635,029	\$59,703,827
Q			Federal Fund Group		
R	3330	870601	Gas Pipeline Safety	\$1,683,226	\$1,733,723
S	3500	870608	Motor Carrier Safety	\$16,103,547	\$16,288,415
T	3500	870648	Motor Carrier Administration High Priority Activities Grants and Cooperative Agreements	\$750,000	\$750,000

U	3ID0	870649	Department of Energy Grid Resiliency	\$7,122,706	\$7,122,706
V	3IE0	870650	Hazardous Material Commercial Vehicle Inspection Grants	\$300,000	\$300,000
W	Federal Fund Group Total			\$25,959,479	\$26,194,844
X	TOTAL ALL BUDGET FUND GROUPS			\$83,594,508	\$85,898,671

Section 377.10.

136090

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1	2	3	4	5
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A PWC PUBLIC WORKS COMMISSION

B General Revenue Fund

C	GRF	150904	Conservation General Obligation Bond Debt Service	\$46,500,000	\$39,000,000
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D	GRF	150907	Infrastructure Improvement General Obligation Bond Debt Service	\$225,000,000	\$240,000,000
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E	General Revenue Fund Total			\$271,500,000	\$279,000,000
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F Capital Projects Fund Group

G	7038	150321	State Capital Improvements Program -	\$974,304	\$991,125
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Operating Expenses

H	7056 150403 Clean Ohio Conservation	\$324,768	\$330,375
	Operating		

I	Capital Projects Fund Group Total	\$1,299,072	\$1,321,500
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J	TOTAL ALL BUDGET FUND GROUPS	\$272,799,072	\$280,321,500
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Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT	136092
SERVICE	136093

The foregoing appropriation item 150904, Conservation	136094
General Obligation Bond Debt Service, shall be used to pay all	136095
debt service and related financing costs during the period from	136096
July 1, 2025, through June 30, 2027, on obligations issued under	136097
sections 151.01 and 151.09 of the Revised Code.	136098

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT	136099
SERVICE	136100

The foregoing appropriation item 150907, Infrastructure	136101
Improvement General Obligation Bond Debt Service, shall be used	136102
to pay all debt service and related financing costs during the	136103
period from July 1, 2025, through June 30, 2027, on obligations	136104
issued under sections 151.01 and 151.08 of the Revised Code.	136105

CLEAN OHIO CONSERVATION OPERATING	136106
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The foregoing appropriation item 150403, Clean Ohio	136107
Conservation Operating, shall be used by the Ohio Public Works	136108
Commission in administering Clean Ohio Conservation Fund (Fund	136109
7056) projects pursuant to sections 164.20 to 164.27 of the	136110
Revised Code.	136111

STATE CAPITAL IMPROVEMENT PROGRAM - OPERATING EXPENSES	136112
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The foregoing appropriation item 150321, State Capital
Improvements Program - Operating Expenses, shall be used by the
Ohio Public Works Commission to administer the State Capital
Improvement Program under sections 164.01 to 164.16 of the
Revised Code.

DISTRICT ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized
to create a District Administration Costs Program from proceeds
of the Capital Improvements Fund and Local Transportation
Improvement Program Fund. The program shall be used to provide
for the direct costs of district administration of the nineteen
public works districts. Districts choosing to participate in the
program shall only expend State Capital Improvements Fund moneys
for State Capital Improvements Fund costs and Local
Transportation Improvement Program Fund moneys for Local
Transportation Improvement Program Fund costs. The District
Administration Costs Program account shall not exceed \$1,235,000
per fiscal year. Each public works district may be eligible for
up to \$65,000 per fiscal year from its district allocation as
provided in sections 164.08 and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and non-
allowable costs for the purpose of the District Administration
Costs Program. Non-allowable costs include indirect costs,
elected official salaries and benefits, and project-specific
costs. No district public works committee may participate in the
District Administration Costs Program without the approval of
those costs by the district public works committee under section
164.04 of the Revised Code.

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized 136142
to create a District Administration Costs Program for districts 136143
represented by natural resource assistance councils. The program 136144
shall be funded from proceeds of the Clean Ohio Conservation 136145
Fund. The program shall be used by natural resource assistance 136146
councils to provide for administration costs of the nineteen 136147
natural resource assistance councils for the direct costs of 136148
council administration. Councils choosing to participate in this 136149
program may be eligible for up to \$15,000 per fiscal year from 136150
their district allocation as provided in section 164.27 of the 136151
Revised Code. 136152

The Director, by rule, shall define allowable and non- 136153
allowable costs for the purpose of the District Administration 136154
Costs Program. Non-allowable costs include indirect costs, 136155
elected official salaries and benefits, and project specific 136156
costs. 136157

Section 379.10. 136158
136159

1	2	3	4	5
A	RAC STATE RACING COMMISSION			
B	Dedicated Purpose Fund Group			
C	5620	875601	Thoroughbred Development	\$870,555 \$873,434
D	5630	875602	Standardbred Development	\$1,246,399 \$1,246,970
E	5650	875604	Racing Commission Operating	\$3,473,682 \$3,503,170
F	5JK0	875610	Horse Racing Development	\$10,499,999 \$10,499,999

- Casino

G	5NL0 875611 Revenue Redistribution	\$12,800,000	\$12,800,000
H	Dedicated Purpose Fund Group Total	\$28,890,635	\$28,923,573
I	Fiduciary Fund Group		
J	5C40 875607 Simulcast Horse Racing Purse	\$3,921,226	\$3,921,226
K	Fiduciary Fund Group Total	\$3,921,226	\$3,921,226
L	Holding Account Fund Group		
M	R021 875605 Bond Reimbursements	\$108,700	\$108,700
N	Holding Account Fund Group Total	\$108,700	\$108,700
O	TOTAL ALL BUDGET FUND GROUPS	\$32,920,561	\$32,953,499

Section 381.10.

136160

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A BOR DEPARTMENT OF HIGHER EDUCATION

B General Revenue Fund

C	GRF 235321 Operating Expenses	\$9,155,067	\$9,331,598
D	GRF 235402 Sea Grants	\$308,000	\$308,000
E	GRF 235406 Articulation and Transfer	\$2,269,500	\$2,314,890

F	GRF	235408	Midwest Higher Education Compact	\$115,000	\$115,000
G	GRF	235413	Computer Science	\$4,004,863	\$4,006,508
H	GRF	235414	Grants and Scholarship Administration	\$922,538	\$985,378
I	GRF	235417	Technology Maintenance and Operations	\$4,520,396	\$4,528,397
J	GRF	235425	Ohio Work Ready Grant	\$10,500,000	\$10,500,000
K	GRF	235428	Appalachian New Economy Workforce Partnership	\$4,580,000	\$4,580,000
L	GRF	235438	Choose Ohio First Scholarship	\$32,000,000	\$32,000,000
M	GRF	235443	Aspire - State	\$7,083,000	\$0
N	GRF	235444	Ohio Technical Centers	\$22,138,000	\$22,138,000
O	GRF	235450	Military and Veterans Offices	\$1,144,000	\$1,144,000
P	GRF	235474	Area Health Education Centers Program Support	\$1,899,000	\$1,899,000
Q	GRF	235475	Campus Security Support Program	\$2,000,000	\$2,000,000
R	GRF	235476	Campus Student Safety Grant Program	\$1,000,000	\$1,000,000

S	GRF	235492	Campus Safety and Training	\$656,504	\$661,950
T	GRF	235501	State Share of Instruction	\$2,160,060,469	\$2,203,261,678
U	GRF	235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$25,000,000	\$30,000,000
V	GRF	235507	OhioLINK	\$6,447,000	\$6,447,000
W	GRF	235508	Air Force Institute of Technology	\$2,000,000	\$2,000,000
X	GRF	235510	Ohio Supercomputer Center	\$5,086,000	\$5,086,000
Y	GRF	235511	The Ohio State University Extension Service	\$25,504,000	\$25,504,000
Z	GRF	235514	Central State Supplement	\$12,768,910	\$13,151,977
AA	GRF	235515	Case Western Reserve University School of Medicine	\$2,100,000	\$2,100,000
AB	GRF	235519	Family Practice	\$3,098,000	\$3,098,000
AC	GRF	235520	Shawnee State Supplement	\$9,270,000	\$9,548,100
AD	GRF	235525	Geriatric Medicine	\$511,000	\$511,000
AE	GRF	235526	Primary Care Residencies	\$1,468,000	\$1,468,000
AF	GRF	235530	Governor's Merit	\$47,000,000	\$70,000,000

Scholarship

AG GRF	235533	Program and Project Support	\$29,685,000	\$14,300,000
AH GRF	235535	Ohio State Agricultural Research	\$37,169,000	\$37,169,000
AI GRF	235536	The Ohio State University Clinical Teaching	\$9,461,000	\$9,461,000
AJ GRF	235537	University of Cincinnati Clinical Teaching	\$8,085,000	\$8,085,000
AK GRF	235538	University of Toledo Clinical Teaching	\$6,065,000	\$6,065,000
AL GRF	235539	Wright State University Clinical Teaching	\$4,447,000	\$4,447,000
AM GRF	235540	Ohio University Clinical Teaching	\$2,849,000	\$2,849,000
AN GRF	235541	Northeast Ohio Medical University Clinical Teaching	\$2,930,000	\$2,930,000
AO GRF	235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$500,000	\$500,000
AP GRF	235546	Central State Agricultural Research and Development	\$5,828,000	\$5,828,000

AQ	GRF	235548	Central State Cooperative Extension Services	\$5,168,000	\$5,168,000
AR	GRF	235552	Capital Component	\$3,629,566	\$3,629,566
AS	GRF	235555	Library Depositories	\$1,100,000	\$1,100,000
AT	GRF	235556	Ohio Academic Resources Network	\$3,568,000	\$3,568,000
AU	GRF	235558	Long-term Care Research	\$318,000	\$318,000
AV	GRF	235563	Ohio College Opportunity Grant	\$220,600,000	\$207,400,000
AW	GRF	235569	The Ohio State University College of Veterinary Medicine Supplement	\$15,000,000	\$15,000,000
AX	GRF	235572	The Ohio State University Clinic Support	\$750,000	\$750,000
AY	GRF	235578	Federal Research Network	\$5,099,000	\$5,099,000
AZ	GRF	235585	Educator Preparation Programs	\$2,500,000	\$2,500,000
BA	GRF	235591	Co-Op Internship Program	\$1,065,000	\$1,065,000
BB	GRF	235595	Commercial Truck Driver Student Aid Program	\$3,000,000	\$3,000,000
BC	GRF	235598	Rural University Program	\$412,000	\$412,000
BD	GRF	235599	National Guard	\$18,399,750	\$18,399,750

Scholarship Program

BE	GRF	2355A1	FAFSA Support Teams	\$1,000,000	\$1,000,000
BF	GRF	2355A4	Ohio Higher Education Public Policy Research Consortium	\$1,000,000	\$1,000,000
BG	GRF	235909	Higher Education General Obligation Bond Debt Service	\$250,000,000	\$210,000,000
BH	General Revenue Fund Total			\$3,044,237,563	\$3,040,731,792
BI	Dedicated Purpose Fund Group				
BJ	2200	235614	Program Approval and Reauthorization	\$769,126	\$789,679
BK	4560	235603	Sales and Services	\$129,725	\$133,017
BL	4E80	235602	Higher Educational Facility Commission Administration	\$69,839	\$73,807
BM	5CJ1	2356A2	Strategic Square Footage Reduction	\$82,650,000	\$0
BN	5D40	235675	Conference/Special Purposes	\$125,000	\$125,000
BO	5FR0	235650	State and Non-Federal Grants and Awards	\$1,405,944	\$1,412,670

BP 5NH0 235517	Talent Ready Grant Program	\$10,000,000	\$10,000,000
BQ 5P30 235663	Variable Savings Plan	\$8,522,034	\$8,522,034
BR 5YD0 235494	Second Chance Grant Program	\$2,000,000	\$2,000,000
BS 5ZY0 235592	Grow Your Own Teacher Program	\$7,000,000	\$7,000,000
BT 6450 235664	Guaranteed Savings Plan	\$1,110,131	\$1,110,132
BU 6820 235606	Nursing Loan Program	\$1,203,730	\$1,210,344
BV	Dedicated Purpose Fund Group Total	\$114,985,529	\$32,376,683
BW	Bond Research and Development Fund Group		
BX 7014 235639	Research Incentive Third Frontier - Tax	\$8,000,000	\$8,000,000
BY	Bond Research and Development Fund Group Total	\$8,000,000	\$8,000,000
BZ	Federal Fund Group		
CA 3120 235611	Gear-up Grant	\$2,956,000	\$2,956,000
CB 3120 235612	Carl D. Perkins Grant/Plan Administration	\$1,371,939	\$1,388,525
CC 3120 235641	Aspire - Federal	\$18,996,799	\$0
CD 3120 235669	Industry Credential	\$300,000	\$300,000

Transfer Assurance Guides
Initiative

CE 3BG0 235651	Gear Up Grant	\$3,100,000	\$3,100,000
	Scholarships		
CF 3N60 235658	John R. Justice Student	\$128,000	\$128,000
	Loan Repayment Program		
CG	Federal Fund Group Total	\$26,852,738	\$7,872,525
CH	TOTAL ALL BUDGET FUND GROUPS	\$3,194,075,830	\$3,088,981,000

Section 381.20. OPERATING EXPENSES 136162

(A) Of the foregoing appropriation item 235321, Operating 136163
Expenses, up to \$1,200,000 in each fiscal year shall be used by 136164
the Chancellor of Higher Education, in consultation with OH- 136165
TECH, to enhance security operations and services. 136166

(B) Enhanced security operations and services shall 136167
benefit all members of OH-TECH and may include, but shall not be 136168
limited to: 136169

- (1) Establishing an enterprise security operations center; 136170
- (2) Configuration management in the area of data loss 136171
prevention; 136172
- (3) Endpoint patch and compliance; 136173
- (4) Log aggregation; 136174
- (5) Web application firewall; 136175
- (6) Vulnerability management across the consortium; 136176
- (7) Other critical security enhancement services as 136177

determined appropriate by the Chancellor. 136178

(C) The Ohio Academic Resource Network (OARnet) and the 136179
Ohio Supercomputer Center may use a portion of these funds to 136180
enhance their respective network security operations to better 136181
serve clients who store sensitive data that is subject to the 136182
highest data privacy standards imposed by federal regulations 136183
and national research organizations, including, but not limited 136184
to, the National Institutes of Health, the National Science 136185
Foundation, and the Department of Defense. 136186

SEA GRANTS 136187

The foregoing appropriation item 235402, Sea Grants, shall 136188
be used to match federal dollars and leverage additional support 136189
by The Ohio State University's Sea Grant program, including 136190
Stone Laboratory, for research, education, and outreach to 136191
enhance the economic value, public utilization, and responsible 136192
management of Lake Erie and Ohio's coastal resources. 136193

Section 381.30. ARTICULATION AND TRANSFER 136194

The foregoing appropriation item 235406, Articulation and 136195
Transfer, shall be used by the Chancellor of Higher Education to 136196
maintain and expand the work of the Articulation and Transfer 136197
Network Advisory Council to develop a system of transfer 136198
policies to ensure that students at state institutions of higher 136199
education can transfer and have coursework apply to their majors 136200
and degrees at any other state institution of higher education 136201
without unnecessary duplication or institutional barriers under 136202
sections 3333.16, 3333.161, 3333.162, and 3333.164 of the 136203
Revised Code. 136204

Section 381.40. MIDWEST HIGHER EDUCATION AND WORKFORCE 136205
COMPACT 136206

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

Section 381.80. COMPUTER SCIENCE

The foregoing appropriation item 235413, Computer Science, shall be used to administer and award grants under the Teach CS Grant Program established in section 3333.129 of the Revised Code.

Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program.

Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education. The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH).

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation

of eStudent Services, a consortium organized under division (T) 136236
of section 3333.04 of the Revised Code to expand access to dual 136237
enrollment opportunities for high school students, continue the 136238
support of the statewide eTutoring program, and for any other 136239
strategic priorities of the Chancellor. 136240

Of the foregoing appropriation item 235417, Technology 136241
Maintenance and Operations, a portion in each fiscal year shall 136242
be used by the Chancellor to implement a high priority data 136243
warehouse, advanced analytics, and visualization integration 136244
services associated with the Higher Education Information (HEI) 136245
system. The services may be facilitated by OH-TECH. 136246

Of the foregoing appropriation item 235417, Technology 136247
Maintenance and Operations, \$150,000 in each fiscal year shall 136248
be used to support Ohio Reach to provide mentoring and support 136249
services to former foster youth attending college. 136250

Section 381.160. OHIO WORK READY GRANT 136251

(A) Of the foregoing appropriation item 235425, Ohio Work 136252
Ready Grant, \$500,000 in each fiscal year shall be used by the 136253
Chancellor of Higher Education to award grants according to the 136254
section of this act entitled "AI INTEGRATION IN COMMUNITY 136255
COLLEGES GRANT PROGRAM." 136256

(B) The remainder of the foregoing appropriation item 136257
235425, Ohio Work Ready Grant, shall be used by the Chancellor 136258
of Higher Education to establish and operate the Ohio Work Ready 136259
Grant Program pursuant to section 3333.24 of the Revised Code. 136260

Section 381.165. AI INTEGRATION IN COMMUNITY COLLEGES 136261
GRANT PROGRAM 136262

(A) The Chancellor of Higher Education shall create the 136263
Artificial Intelligence Integration in Community Colleges Pilot 136264

Grant Program to provide financial assistance to community	136265
colleges to implement artificial intelligence initiatives.	136266
(B) The Chancellor shall award five competitive grants of	136267
\$100,000 each in each fiscal year to community colleges, as	136268
defined in section 3333.168 of the Revised Code.	136269
(C) The Chancellor shall establish procedures and criteria	136270
for awarding the grants and shall give preference to community	136271
colleges that show a strong commitment and track record to	136272
integrating artificial intelligence into education, workforce	136273
development, and industry alignment.	136274
(D) Eligible uses of the grant funds include all of the	136275
following:	136276
(1) Integrating artificial intelligence curriculum into	136277
credential programs;	136278
(2) Establishing artificial intelligence-based College	136279
Credit Plus Program offerings;	136280
(3) Training faculty and staff on the uses of artificial	136281
intelligence technologies relevant to local industry or state	136282
needs;	136283
(4) Supporting students with practical artificial	136284
intelligence skills through certifications and project-based	136285
learning;	136286
(5) Purchasing artificial intelligence hardware and	136287
software;	136288
(6) Utilizing artificial intelligence in streamlining	136289
administrative functions and student services;	136290
(7) Contracting with a vendor to provide any or all of the	136291

services described in this division. 136292

(E) The Chancellor shall monitor the performance of each 136293
grant recipient in meeting the objectives of the program. 136294

(F) Upon completion of the program, the Chancellor shall 136295
submit a report with legislative recommendations for further 136296
development of the program to the General Assembly in accordance 136297
with section 101.68 of the Revised Code. 136298

Section 381.180. APPALACHIAN NEW ECONOMY WORKFORCE 136299
PARTNERSHIP 136300

Of the foregoing appropriation item 235428, Appalachian 136301
New Economy Workforce Partnership, \$625,000 in each fiscal year 136302
shall be allocated to the Excellence Training Center at 136303
Youngstown State University. 136304

The remainder of the foregoing appropriation item 235428, 136305
Appalachian New Economy Workforce Partnership, shall be 136306
distributed to Ohio University's Voinovich School to continue a 136307
multi-campus and multi-agency coordinated effort to link 136308
Appalachia to the new economy. Ohio University shall use these 136309
funds to provide leadership in the development and 136310
implementation of initiatives in the areas of entrepreneurship, 136311
management, education, and technology. 136312

Section 381.190. CHOOSE OHIO FIRST SCHOLARSHIP 136313

The foregoing appropriation item 235438, Choose Ohio First 136314
Scholarship, shall be used to operate the program prescribed in 136315
sections 3333.60 to 3333.69 of the Revised Code. 136316

During each fiscal year, the Chancellor of Higher 136317
Education, as soon as possible after cancellation, may certify 136318
to the Director of Budget and Management the amount of canceled 136319

prior-year encumbrances in appropriation item 235438, Choose 136320
Ohio First Scholarship. Upon receipt of the certification, the 136321
Director of Budget and Management may transfer cash, up to the 136322
certified amount, from the General Revenue Fund to the Choose 136323
Ohio First Scholarship Reserve Fund (Fund 5PV0). 136324

Section 381.200. ASPIRE 136325

The foregoing appropriation item 235443, Aspire - State, 136326
shall be used to support the Aspire program. The supported 136327
programs shall satisfy the state match and maintenance of effort 136328
requirements for the state-administered grant program in fiscal 136329
year 2026. The funds may be used to support students that speak 136330
English as their second language. 136331

Section 381.210. OHIO TECHNICAL CENTERS FUNDING 136332

The foregoing appropriation item 235444, Ohio Technical 136333
Centers, shall be used by the Chancellor of Higher Education to 136334
support post-secondary adult career-technical education and 136335
secondary students enrolling in Ohio Technical Center programs 136336
pursuant to section 3313.901 of the Revised Code. The Chancellor 136337
shall provide coordination for Ohio Technical Centers through 136338
program approval processes, data collection of program and 136339
student outcomes, and subsidy disbursements from the foregoing 136340
appropriation item 235444, Ohio Technical Centers. 136341

(A) (1) As soon as possible in each fiscal year, in 136342
accordance with instructions of the Chancellor, each Ohio 136343
Technical Center shall report its actual data, consistent with 136344
the definitions in the Higher Education Information (HEI) 136345
system's files, to the Chancellor. 136346

(a) In defining the number of full-time equivalent 136347
students for state subsidy purposes, the Chancellor shall 136348

exclude all students who are not residents of Ohio. 136349

(b) A full-time equivalent student shall be defined as a 136350
student who completes 450 hours. Those students that complete 136351
some portion of 450 hours shall be counted as a partial full- 136352
time equivalent for funding purposes, while students that 136353
complete more than 450 hours shall be counted as proportionally 136354
greater than one full-time equivalent. 136355

(c) In calculating each Ohio Technical Center's full-time 136356
equivalent students, the Chancellor shall use a three-year 136357
average. 136358

(d) Ohio Technical Centers shall operate with, or be an 136359
active candidate for, accreditation by an accreditor authorized 136360
by the United States Department of Education to be eligible to 136361
receive subsidies from the foregoing appropriation item 235444, 136362
Ohio Technical Centers. 136363

(2) In each fiscal year, 25 per cent of the allocation for 136364
Ohio Technical Centers shall be distributed based on the 136365
proportion of each Center's full-time equivalent students to the 136366
total full-time equivalent students who complete a post- 136367
secondary technical workforce training program approved by the 136368
Chancellor with a grade of C or better or a grade of pass if the 136369
program is evaluated on a pass/fail basis. 136370

(3) In each fiscal year, 20 per cent of the allocation for 136371
Ohio Technical Centers shall be distributed based on the 136372
proportion of each Center's full-time equivalent students to the 136373
total full-time equivalent students who complete 50 per cent of 136374
a program of study as a measure of student retention. 136375

(4) In each fiscal year, 50 per cent of the allocation for 136376
Ohio Technical Centers shall be distributed based on the 136377

proportion of each Center's full-time equivalent students to the 136378
total full-time equivalent students who have found employment, 136379
entered military service, or enrolled in additional post- 136380
secondary education and training in accordance with the 136381
placement definitions of the Strengthening Career and Technical 136382
Education for the 21st Century Act, 20 U.S.C. 2323 (Perkins). 136383
The calculation for eligible full-time equivalent students shall 136384
be based on the per cent of Perkins placements for students who 136385
have completed at least 50 per cent of a program of study. 136386

(5) In each fiscal year, five per cent of the allocation 136387
for Ohio Technical Centers shall be distributed based on the 136388
proportion of each Center's full-time equivalent students to the 136389
total full-time equivalent students who have earned a credential 136390
from an industry-recognized third party. 136391

(B) Of the foregoing appropriation item 235444, Ohio 136392
Technical Centers, up to 2.38 per cent in each fiscal year may 136393
be distributed by the Chancellor to the Ohio Central School 136394
System, up to \$48,000 in each fiscal year may be utilized for 136395
assistance for Ohio Technical Centers, and up to \$2,000,000 in 136396
each fiscal year may be distributed by the Chancellor to Ohio 136397
Technical Centers that provide customized training and business 136398
consultation services with matching local dollars, with 136399
preference to industries on the in-demand jobs list created 136400
under section 6301.11 of the Revised Code, industries in 136401
regionally emerging fields, or local businesses and industries. 136402
Each center meeting this requirement shall receive at least 136403
\$25,000 but not more than a maximum amount determined by the 136404
Chancellor. 136405

(C) The remainder of the foregoing appropriation item 136406
235444, Ohio Technical Centers, in each fiscal year shall be 136407

distributed in accordance with division (A) of this section. 136408

Section 381.215. MILITARY AND VETERANS OFFICES 136409

(A) The foregoing appropriation item 235450, Military and 136410
Veterans Offices, shall be used by the Chancellor of Higher 136411
Education to support higher education institutions that are 136412
members of the Ohio Veterans Education Council. The Chancellor 136413
may consult with the Director of Veterans Services as needed. 136414

(B) Of the foregoing appropriation item 235450, Military 136415
and Veterans Offices, up to \$213,750 in each fiscal year shall 136416
be used by the Chancellor to provide awards of \$2,500 per 136417
student to up to six students serving as a Military Community 136418
Advocate at an Ohio Veterans Education Council-member public 136419
university and up to three students serving as a Military 136420
Community Advocate at an Ohio Veterans Education Council-member 136421
public community college or private nonprofit university or 136422
college. 136423

(C) Of the foregoing appropriation item 235450, Military 136424
and Veterans Offices, \$255,000 in each fiscal year shall be used 136425
for grants for military and veterans offices at institutions of 136426
higher education to support growth in private philanthropy, in 136427
collaboration with the National Veterans Leadership Foundation. 136428

(D) Of the foregoing appropriation item 235450, Military 136429
and Veterans Offices, \$91,800 in each fiscal year shall be used 136430
to sponsor staff from military and veterans offices at 136431
institutions of higher education to attend the National Veterans 136432
Leadership Foundation's Advancement Institute. 136433

(E) The remainder of the foregoing appropriation item 136434
235450, Military and Veterans Offices, shall be used to do all 136435
of the following: 136436

(1) Support the administrative costs of the National 136437
Veterans Leadership Foundation; 136438

(2) Create a web site to connect veterans to programs and 136439
offerings at all Ohio Veterans Education Council-member colleges 136440
and universities; 136441

(3) Administer membership and Ohio Purple Star status; 136442

(4) Facilitate information sharing; 136443

(5) Support any other expenses as determined appropriate 136444
by the Chancellor, in consultation with the National Veterans 136445
Leadership Foundation. 136446

Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM 136447
SUPPORT 136448

(A) Of the foregoing appropriation item 235474, Area 136449
Health Education Centers Program Support, \$1,000,000 in each 136450
fiscal year shall be allocated to the Ohio Council for Home Care 136451
and Hospice to establish and administer the Home Care and 136452
Hospice Workforce Program to enhance the nursing workforce 136453
across the state. Of these funds: 136454

(1) \$500,000 in each fiscal year shall be used to provide 136455
competitive scholarships to nursing students who are in their 136456
last year of study. The scholarship amounts for each student 136457
shall be \$20,000 for registered nurse (RN) and Bachelor of 136458
Science in Nursing (BSN) students, \$10,000 for licensed 136459
practical nurse (LPN) to RN bridge students, and \$6,000 for LPN 136460
students. The Council, in collaboration with the Chancellor of 136461
Higher Education, shall develop guidelines for the scholarships 136462
and procedures for making an award. 136463

(2) \$400,000 in each fiscal year shall be used to provide 136464

competitive grants to home care agencies to mentor recent 136465
nursing graduates. Grant amounts shall be \$20,000 for each nurse 136466
that receives training and mentoring during the first three 136467
months of employment. The Council, in collaboration with the 136468
Chancellor, shall develop guidelines for the grants and 136469
procedures for making an award. 136470

(3) \$100,000 in each fiscal year shall be used to 136471
administer the program. 136472

(B) The remainder of the foregoing appropriation item 136473
235474, Area Health Education Centers Program Support, shall be 136474
used by the Chancellor of Higher Education to support the 136475
medical school regional area health education centers' 136476
educational programs for the continued support of medical and 136477
other health professions education and for support of the Area 136478
Health Education Center Program. 136479

CAMPUS SECURITY SUPPORT PROGRAM 136480

The foregoing appropriation item 235475, Campus Security 136481
Support Program, shall be distributed by the Chancellor of 136482
Higher Education to institutionally sanctioned student 136483
organizations, located on or off campus, affiliated with 136484
communities that are at risk for increased threats of violent 136485
crime, terror attacks, hate crimes, or harassment to enhance 136486
security measures and increase student safety at institutions of 136487
higher education throughout the state. A portion of the 136488
foregoing appropriation item 235475, Campus Security Support 136489
Program, may be used by the Chancellor to administer the 136490
program. 136491

CAMPUS STUDENT SAFETY GRANT PROGRAM 136492

The foregoing appropriation item 235476, Campus Student 136493

Safety Grant Program, shall be used by the Chancellor of Higher 136494
Education to support the Campus Student Safety Grant Program 136495
pursuant to section 3333.80 of the Revised Code. 136496

CAMPUS SECURITY SUPPORT AND STUDENT SAFETY GRANT REPORTS 136497

Not later than July 1, 2026, the Chancellor of Higher 136498
Education shall submit reports regarding the programs funded 136499
under the foregoing appropriation items 235475, Campus Security 136500
Support Program, and 235476, Campus Student Safety Grant 136501
Program, to the chairpersons of the committees of each house 136502
that considers higher education legislation. Each report shall 136503
include, but not be limited to, information about the number of 136504
award recipients and how the funds have been spent under each 136505
program. 136506

Section 381.230. CAMPUS SAFETY AND TRAINING 136507

The foregoing appropriation item 235492, Campus Safety and 136508
Training, shall be used by the Chancellor of Higher Education 136509
for the purpose of developing model best practices for 136510
preventing and responding to sexual violence on campus. The 136511
Chancellor, in consultation with state institutions of higher 136512
education as defined in section 3345.011 of the Revised Code and 136513
private nonprofit institutions of higher education holding 136514
certificates of authorization under Chapter 1713. of the Revised 136515
Code, shall continue to develop model best practices in line 136516
with emerging trends, research, and evidence-based training for 136517
preventing and responding to sexual violence and protecting 136518
students and staff who are victims of sexual violence on campus. 136519
The Chancellor shall convene state institutions of higher 136520
education and private nonprofit institutions of higher education 136521
in the training and implementation of best practices regarding 136522
campus sexual violence. 136523

Section 381.240. STATE SHARE OF INSTRUCTION FORMULAS 136524

The Chancellor of Higher Education shall establish 136525
procedures to allocate the foregoing appropriation item 235501, 136526
State Share of Instruction, based on the formulas detailed in 136527
this section that utilize the enrollment, course completion, 136528
degree attainment, and student achievement factors reported 136529
annually by each state institution of higher education 136530
participating in the Higher Education Information (HEI) system. 136531
A state institution that does not report data for a full 136532
academic year for any of the years included in the three-year 136533
reporting period for a fiscal year's state share of instruction 136534
allocations shall not receive an allocation for that fiscal year 136535
unless the Chancellor determines that exceptional circumstances 136536
warrant the institution receiving a full or partial allocation. 136537

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 136538
COMPLETIONS 136539

(1) As soon as possible during each fiscal year of the 136540
biennium ending June 30, 2027, in accordance with instructions 136541
of the Department of Higher Education, each state institution of 136542
higher education shall report its actual data, consistent with 136543
the definitions in the Higher Education Information (HEI) 136544
system's enrollment files, to the Chancellor. 136545

(2) In defining the number of full-time equivalent 136546
students for state subsidy instructional cost purposes, the 136547
Chancellor shall exclude all undergraduate students who are not 136548
residents of Ohio or who do not meet the definition of residency 136549
for state subsidy and tuition surcharge purposes, except those 136550
charged in-state fees in accordance with reciprocity agreements 136551
made under section 3333.17 of the Revised Code or employer 136552
contracts entered into under section 3333.32 of the Revised 136553

Code. 136554

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 136555

For purposes of calculating state share of instruction 136556

allocations, the total instructional costs per full-time 136557

equivalent student shall be: 136558

136559

	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	\$12,218	\$12,710
C	ARTS AND HUMANITIES 2	\$16,282	\$16,938
D	ARTS AND HUMANITIES 3	\$20,250	\$21,066
E	ARTS AND HUMANITIES 4	\$28,250	\$29,388
F	ARTS AND HUMANITIES 5	\$45,031	\$46,846
G	ARTS AND HUMANITIES 6	\$41,346	\$43,013
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$12,297	\$12,793
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$12,723	\$13,235
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$15,491	\$16,116
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$16,941	\$17,623

L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,293	\$24,232
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$28,346	\$29,488
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$34,425	\$35,812
O	DOCTORAL 1	\$52,586	\$54,705
P	DOCTORAL 2	\$57,637	\$59,960
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$12,059	\$12,545
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$15,367	\$15,986
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$17,403	\$18,105
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$19,364	\$20,144
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$24,715	\$25,711
V	SCIENCE, TECHNOLOGY,	\$21,736	\$22,612

	ENGINEERING, MATHEMATICS, MEDICINE 6		
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$28,839	\$30,001
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$42,767	\$44,491
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$60,542	\$62,982

Doctoral I and Doctoral II models shall be allocated in 136560
accordance with division (D) (2) of this section. 136561

Medical I and Medical II models shall be allocated in 136562
accordance with divisions (D) (3) and (D) (4) of this section. 136563

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, 136564
MEDICAL, AND GRADUATE WEIGHTS 136565

For the purpose of implementing the recommendations of the 136566
2006 State Share of Instruction Consultation and the Higher 136567
Education Funding Study Council that priority be given to 136568
maintaining state support for science, technology, engineering, 136569
mathematics, medicine, and graduate programs, the costs in 136570
division (B) of this section shall be weighted by the amounts 136571
provided below: 136572
136573

A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	1.0000	1.0000
C	ARTS AND HUMANITIES 2	1.0000	1.0000
D	ARTS AND HUMANITIES 3	1.0000	1.0000
E	ARTS AND HUMANITIES 4	1.0000	1.0000
F	ARTS AND HUMANITIES 5	1.0425	1.0425
G	ARTS AND HUMANITIES 6	1.0425	1.0425
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425

O	DOCTORAL 1	1.0000	1.0000
P	DOCTORAL 2	1.0000	1.0000
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380
X	SCIENCE, TECHNOLOGY,	1.5675	1.5675

ENGINEERING, MATHEMATICS,
MEDICINE 8

Y SCIENCE, TECHNOLOGY, 1.1361 1.1361
ENGINEERING, MATHEMATICS,
MEDICINE 9

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 136574
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES 136575

(1) Of the foregoing appropriation item 235501, State 136576
Share of Instruction, 50 per cent of the appropriation for 136577
universities, as established in division (B) (1) (b) of the 136578
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136579
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 136580
reserved for support of associate, baccalaureate, master's, and 136581
professional level degree attainment. 136582

The degree attainment funding shall be allocated to 136583
universities in proportion to each campus's share of the total 136584
statewide degrees granted, weighted by the cost of the degree 136585
programs. The degree cost calculations shall include the model 136586
cost weights for the science, technology, engineering, 136587
mathematics, and medicine models as established in division (C) 136588
of this section. 136589

For degrees including credits earned at multiple 136590
institutions, degree attainment funding shall be allocated to 136591
universities in proportion to each campus's share of the 136592
student-specific cost of earned credits for the degree. Each 136593
institution shall receive its prorated share of degree funding 136594
for credits earned at that institution. Cost of credits not 136595
earned at a university main or regional campus shall be credited 136596

to the degree-granting institution for the first degree earned 136597
by a student at each degree level. The cost credited to the 136598
degree-granting institution shall not be eligible for at-risk 136599
weights and shall be limited to 12.5 per cent of the student- 136600
specific degree costs. However, the 12.5 per cent limitation 136601
shall not apply if the student transferred 12 or fewer credits 136602
into the degree granting institution. 136603

In calculating the subsidy entitlements for degree 136604
attainment for universities, the Chancellor shall use the 136605
following count of degrees and degree costs: 136606

(a) The subsidy eligible undergraduate degrees shall be 136607
defined as follows: 136608

(i) The subsidy eligible degrees conferred to students 136609
identified as residents of the state of Ohio in any term of 136610
their studies, as reported through the Higher Education 136611
Information (HEI) system student enrollment file, shall be 136612
weighted by a factor of 1. 136613

(ii) The subsidy eligible degrees conferred to students 136614
identified as out-of-state residents during all terms of their 136615
studies, as reported through the Higher Education Information 136616
(HEI) system student enrollment file, who remain in the state of 136617
Ohio at least one year after graduation, as calculated based on 136618
the three-year average in-state residency rate using the 136619
Unemployment Wage data for out-of-state graduates at each 136620
institution, shall be weighted by a factor of 50 per cent. 136621

(iii) Subsidy eligible associate degrees are defined as 136622
those earned by students attending any state-supported 136623
university main or regional campus. 136624

(b) In calculating each campus's count of degrees, the 136625

Chancellor shall use the three-year average associate, 136626
baccalaureate, master's, and professional degrees awarded for 136627
the most recent completed three-year period that is practicable 136628
as agreed to by the Inter-University Council and the Chancellor. 136629

(i) If a student is awarded an associate degree and, 136630
subsequently, is awarded a baccalaureate degree, the amount 136631
funded for the baccalaureate degree shall be limited to either 136632
the difference in cost between the cost of the baccalaureate 136633
degree and the cost of the associate degree paid previously, or 136634
if the associate degree has a higher cost than the baccalaureate 136635
degree, the cost of the credits earned by the student after the 136636
associate degree was awarded. 136637

(ii) If a student earns an associate degree then, 136638
subsequently, earns a baccalaureate degree, the associate degree 136639
granting institution shall only receive the prorated share of 136640
the baccalaureate degree funding for the credits earned at that 136641
institution after the associate degree is awarded. 136642

(iii) If a student earns more than one degree at the same 136643
institution at the same degree level in the same fiscal year, 136644
the funding for the highest cost degree shall be prorated among 136645
institutions based on where the credits were earned and 136646
additional degrees shall be funded at 25 per cent of the cost of 136647
the degrees. 136648

(c) Associate degrees and baccalaureate degrees earned by 136649
a student defined as at-risk based on academic under- 136650
preparation, age, minority status, financial status, or first 136651
generation post-secondary status based on neither parent 136652
completing any education beyond high school, shall be defined as 136653
degrees earned by an at-risk student and shall be weighted by 136654
the following: 136655

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (B) (1) (b) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In each fiscal year, the doctoral set-aside funding allocation shall be allocated to universities as follows:

(a) 25 per cent of the doctoral set-aside shall be allocated to universities in proportion to their share of the statewide total earnings of each state institution's three-year average course completions. The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file. Course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor for all doctoral enrollments in graduate-level models.

(b) 50 per cent of the doctoral set-aside shall be 136686
allocated to universities in proportion to each campus's share 136687
of the total statewide doctoral degrees, weighted by the cost of 136688
the doctoral discipline. In calculating each campus's doctoral 136689
degrees the Chancellor shall use the three-year average doctoral 136690
degrees awarded for the most recent completed three-year period 136691
that is practicable as agreed to by the Inter-University Council 136692
and the Chancellor. 136693

(c) 25 per cent of the doctoral set-aside shall be 136694
allocated to universities in proportion to their share of 136695
research grant activity. Funding for this component shall be 136696
allocated to eligible universities in proportion to their share 136697
of research grant activity published by the National Science 136698
Foundation. Grant awards from the Department of Health and Human 136699
Services shall be weighted at 50 per cent. 136700

(3) Of the foregoing appropriation item 235501, State 136701
Share of Instruction, 6.41 per cent of the appropriation for 136702
universities, as established in division (B) (1) (b) of the 136703
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136704
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 136705
reserved for support of Medical II FTEs. The amount so reserved 136706
shall be referred to as the medical II set-aside. 136707

The medical II set-aside shall be allocated to 136708
universities in proportion to their share of the statewide total 136709
of each state institution's three-year average Medical II FTEs 136710
as calculated in division (A) of this section. 136711

In calculating the core subsidy entitlements for Medical 136712
II models only, students repeating terms may be no more than 136713
five per cent of current year enrollment. 136714

(4) Of the foregoing appropriation item 235501, State 136715
Share of Instruction, 1.69 per cent of the appropriation for 136716
universities, as established in division (B) (1) (b) of the 136717
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136718
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 136719
reserved for support of Medical I FTEs. The amount so reserved 136720
shall be referred to as the medical I set-aside. 136721

In each fiscal year, the medical I set-aside shall be 136722
allocated to universities as follows: 136723

(a) 12.34 per cent of the medical I set-aside shall be 136724
allocated to universities in proportion to their share of the 136725
statewide total of each state institution's three-year average 136726
Medical I FTEs, as calculated in division (A) of this section, 136727
enrolled in public colleges of podiatric medicine. 136728

(b) 87.66 per cent of the medical I set-aside shall be 136729
allocated to universities in proportion to their share of the 136730
statewide total of each state institution's three-year average 136731
Medical I FTEs, as calculated in division (A) of this section, 136732
enrolled in public colleges of dentistry and veterinary 136733
medicine. 136734

(5) Of the foregoing appropriation item 235501, State 136735
Share of Instruction, 5 per cent of the appropriation for 136736
universities, as established in division (B) (1) (b) of the 136737
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136738
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 136739
reserved for support of student success programs. The amount so 136740
reserved shall be referred to as the student success set-aside. 136741

In each fiscal year, the student success set-aside funding 136742
allocation shall be allocated to universities as follows: 136743

(a) 50 per cent of the student success set-aside shall be 136744
equally distributed among universities with a main campus 136745
undergraduate enrollment comprised of at least 25 per cent Pell- 136746
eligible students with in-state residency. In calculating each 136747
university's percentage of Pell-eligible student enrollment, the 136748
Chancellor shall use the three-year average enrollment for the 136749
most recent completed three-year period that is practicable as 136750
determined by the Chancellor. 136751

(b) 50 per cent of the student success set-aside shall be 136752
allocated to universities with a main campus undergraduate 136753
enrollment comprised of at least 25 per cent Pell-eligible 136754
students with in-state residency in proportion to each 136755
university's share of the total statewide enrollment of 136756
undergraduate Pell-eligible students. In calculating each 136757
university's enrollment of Pell-eligible students, the 136758
Chancellor shall use the three-year average enrollment for the 136759
most recent completed three-year period that is practicable as 136760
determined by the Chancellor. 136761

(6) Of the foregoing appropriation item 235501, State 136762
Share of Instruction, 5 per cent of the appropriation for 136763
universities, as established in division (B) (1) (b) of the 136764
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136765
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 136766
reserved for support of College Credit Plus pathways and 136767
accelerated ninety-hour degree programs as described in section 136768
3345.88 of the Revised Code. The College Credit Plus pathways 136769
and accelerated ninety-hour degree programs funding shall be 136770
allocated to universities in proportion to each campus's share 136771
of the total statewide enrollment in College Credit Plus 136772
pathways and accelerated ninety-hour degree programs. 136773

In calculating the subsidy entitlements for enrollment in College Credit Plus pathways and accelerated ninety-hour degree programs, the Chancellor shall use the following:

(a) The subsidy for College Credit Plus pathways and accelerated ninety-hour degree programs shall be distributed as follows:

(i) The subsidy enrollment in College Credit Plus pathways and accelerated ninety-hour degree programs for students identified as residents of this state in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, shall be weighted by a factor of 1.

(ii) The subsidy enrollment in College Credit Plus pathways and accelerated ninety-hour degree programs for students identified as out-of-state residents during all terms of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, who remain in the state of Ohio at least one year after graduation, as calculated based on the three-year average in-state residency rate using unemployment wage data for out-of-state graduates at each institution, shall be weighted by a factor of 50 per cent.

(b) In calculating each campus's enrollment in College Credit Plus pathways and accelerated ninety-hour degree programs, the Chancellor shall use the three-year average enrollment for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor.

(7) In calculating the course completion funding for universities, the Chancellor shall use the following count of

FTE students: 136803

(a) The subsidy eligible enrollments by model shall equal 136804
only those FTE students who successfully complete the course as 136805
defined and reported through the Higher Education Information 136806
(HEI) system course enrollment file; 136807

(b) Those undergraduate FTE students with successful 136808
course completions, identified in division (D) (7) (a) of this 136809
section, that are defined as at-risk based on academic under- 136810
preparation or financial status shall have their eligible 136811
completions weighted by the following: 136812

(i) Institution-specific course completion indexes, where 136813
the indexes are calculated based upon the number of at-risk 136814
students enrolled during the prior three calendar years; and 136815

(ii) A statewide average at-risk course completion weight 136816
determined for each subsidy model. The statewide average at-risk 136817
course completion weight shall be determined by calculating the 136818
difference between the percentage of traditional students who 136819
complete a course and the percentage of at-risk students who 136820
complete the same course. 136821

(c) The course completion earnings shall be determined by 136822
multiplying the amounts listed above in divisions (B) and (C) of 136823
this section by the subsidy-eligible FTEs for the most recent 136824
completed three-year period that is practicable as agreed to by 136825
the Inter-University Council and the Chancellor for all models 136826
except Medical I and Medical II. 136827

(d) For universities, the Chancellor shall compute the 136828
course completion earnings by dividing the appropriation for 136829
universities, established in division (B) (1) (b) of the section 136830
of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 136831

YEARS 2026 AND 2027," less the degree attainment funding as 136832
calculated in division (D) (1) of this section, less the doctoral 136833
set-aside, less the medical I set-aside, less the medical II 136834
set-aside, less the student success set-aside, and less the 136835
College Credit Plus pathways and accelerated ninety-hour degree 136836
programs funding as calculated in division (D) (6) of this 136837
section, by the sum of all campuses' instructional costs as 136838
calculated in division (D) (7) of this section. 136839

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 136840
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 136841

(1) Of the foregoing appropriation item 235501, State 136842
Share of Instruction, 50 per cent of the appropriation for 136843
state-supported community colleges, state community colleges, 136844
and technical colleges as established in division (B) (1) (a) of 136845
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136846
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 136847
reserved for course completion FTEs as aggregated by the subsidy 136848
models defined in division (B) of this section. 136849

The course completion funding shall be allocated to 136850
campuses in proportion to each campus's share of the total 136851
sector's course completions, weighted by the instructional cost 136852
of the subsidy models. 136853

To calculate the subsidy entitlements for course 136854
completions at community colleges, state community colleges, and 136855
technical colleges, the Chancellor shall use the following 136856
calculations: 136857

(a) In calculating each campus's count of FTE course 136858
completions, the Chancellor shall use a three-year average for 136859
course completions for the three-year period ending in the prior 136860

year for students identified as residents of the state of Ohio 136861
in any term of their studies, as reported through the Higher 136862
Education Information (HEI) system student enrollment file. 136863

(b) The subsidy eligible enrollments by model shall equal 136864
only those FTE students who successfully complete the course as 136865
defined and reported through the Higher Education Information 136866
(HEI) system course enrollment file. 136867

(c) Those students with successful course completions, 136868
that are defined as access students based on financial status, 136869
minority status, age, or academic under-preparation shall have 136870
their eligible course completions weighted by a statewide access 136871
weight. The weight given to any student that meets any access 136872
factor shall be 15 per cent for all course completions. 136873

(d) The model costs as used in the calculation shall be 136874
augmented by the model weights for science, technology, 136875
engineering, mathematics, and medicine models as established in 136876
division (C) of this section. 136877

(2) Of the foregoing appropriation item 235501, State 136878
Share of Instruction, 25 per cent of the appropriation for 136879
state-supported community colleges, state community colleges, 136880
and technical colleges as established in division (B)(1)(a) of 136881
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136882
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 136883
reserved for colleges in proportion to their share of college 136884
student success factors. 136885

Student success factors shall be awarded at the 136886
institutional level for each subsidy-eligible student that 136887
successfully: 136888

(a) Completes a college-level math course within the first 136889

30 hours of completed coursework. 136890

(b) Completes a college-level English course within the 136891
first 30 hours of completed coursework. 136892

(c) Completes 12 semester credit hours of college-level 136893
coursework. 136894

(d) Completes 24 semester credit hours of college-level 136895
coursework. 136896

(e) Completes 36 semester credit hours of college-level 136897
coursework. 136898

(3) Of the foregoing appropriation item 235501, State 136899
Share of Instruction, 25 per cent of the appropriation for 136900
state-supported community colleges, state community colleges, 136901
and technical colleges as established in division (B) (1) (a) of 136902
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136903
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 136904
reserved for completion milestones. 136905

Completion milestones shall include baccalaureate degrees, 136906
associate degrees, technical certificates over 30 credit hours 136907
as designated by the Department of Higher Education, and 136908
students transferring to any four-year institution with at least 136909
12 credit hours of college-level coursework earned at that 136910
community college, state community college, or technical 136911
college. 136912

The completion milestone funding shall be allocated to 136913
colleges in proportion to each institution's share of the 136914
sector's total completion milestones, weighted by the 136915
instructional cost of the degree, certificate, or transfer 136916
models. Costs for technical certificates over 30 hours shall be 136917
weighted at one-half of the associate degree model costs and 136918

transfers with at least 12 credit hours of college-level 136919
coursework shall be weighted at one-fourth of the average cost 136920
for all associate degree model costs. 136921

(4) To calculate the subsidy entitlements for completions 136922
at community colleges, state community colleges, and technical 136923
colleges, the Chancellor shall use the following calculations: 136924

(a) In calculating each campus's count of completions, the 136925
Chancellor shall use a three-year average for completion 136926
milestones awarded to students identified as subsidy eligible in 136927
any term of their studies, as reported through the Higher 136928
Education Information (HEI) system student enrollment file. 136929

(b) The subsidy eligible completion milestones by model 136930
shall equal only those students who successfully complete a 136931
baccalaureate or an associate degree, or technical certificate 136932
over 30 credit hours, or transfer to any four-year institution 136933
with at least 12 credit hours of college-level coursework as 136934
defined and reported in the Higher Education Information (HEI) 136935
system. Student completions reported in HEI shall have an 136936
accompanying course enrollment record in order to be subsidy 136937
eligible. 136938

(c) Those students with successful completions for 136939
baccalaureate or associate degrees, technical certificates over 136940
30 credit hours, or transfer to any four-year institution with 136941
at least 12 credit hours of college-level coursework, identified 136942
in division (E) (3) of this section, that are defined as access 136943
students based on financial status, minority status, age, or 136944
academic under-preparation shall have their eligible completions 136945
weighted by a statewide access weight. The weight shall be 25 136946
per cent for students with one access factor, 66 per cent for 136947
students with two access factors, 150 per cent for students with 136948

three access factors, and 200 per cent for students with four 136949
access factors. 136950

(d) For those students who complete more than one 136951
completion milestone, funding for each additional degree or 136952
technical certificate over 30 credit hours designated as such by 136953
the Department of Higher Education shall be funded at 50 per 136954
cent of the model costs as defined in division (E) (3) of this 136955
section. 136956

(5) For purposes of the calculations made in division (E) 136957
of this section, the Chancellor shall only include subsidy- 136958
eligible students identified as residents of the state of Ohio 136959
in any term of their studies, as reported through the Higher 136960
Education Information (HEI) system student enrollment file. The 136961
Chancellor shall be prohibited from including nonresident 136962
students as subsidy-eligible except for those students otherwise 136963
identified as subsidy-eligible in division (A) (2) of this 136964
section. 136965

(F) CAPITAL COMPONENT DEDUCTION 136966

After all other adjustments have been made, state share of 136967
instruction earnings shall be reduced for each campus by the 136968
amount, if any, by which debt service charged in H.B. 16 of the 136969
126th General Assembly, H.B. 699 of the 126th General Assembly, 136970
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 136971
127th General Assembly for that campus exceeds that campus's 136972
capital component earnings. Half of the sum of the total amounts 136973
of these deductions for the remainder of the program shall be 136974
transferred to appropriation item 235552, Capital Component, in 136975
each fiscal year, except that the deduction and transfer may be 136976
reduced to the extent that appropriation item 235552, Capital 136977
Component, is sufficient to cover the payments under division 136978

(A) of the section of this act entitled "CAPITAL COMPONENT." If 136979
the Chancellor of Higher Education determines that the transfer 136980
and deduction from this appropriation item can be reduced, the 136981
adjustments shall be completed proportionately to each 136982
institution's share of the total. 136983

(G) EXCEPTIONAL CIRCUMSTANCES 136984

Adjustments may be made to the state share of instruction 136985
payments and other subsidies distributed by the Chancellor to 136986
state colleges and universities for exceptional circumstances. 136987
No adjustments for exceptional circumstances may be made without 136988
the recommendation of the Chancellor and the approval of the 136989
Controlling Board. 136990

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 136991
INSTRUCTION 136992

The standard provisions of the state share of instruction 136993
calculation as described in the preceding sections of temporary 136994
law shall apply to any reductions made to appropriation item 136995
235501, State Share of Instruction, before the Chancellor has 136996
formally approved the final allocation of the state share of 136997
instruction funds for any fiscal year. 136998

Any reductions made to appropriation item 235501, State 136999
Share of Instruction, after the Chancellor has formally approved 137000
the final allocation of the state share of instruction funds for 137001
any fiscal year, shall be uniformly applied to each campus in 137002
proportion to its share of the final allocation. 137003

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 137004

The state share of instruction payments to the 137005
institutions shall be in substantially equal monthly amounts 137006
during the fiscal year, unless otherwise determined by the 137007

Director of Budget and Management pursuant to section 126.09 of 137008
the Revised Code. Payments during the first six months of the 137009
fiscal year may be based upon the state share of instruction 137010
appropriation estimates made for the various institutions of 137011
higher education, and payments during the last six months of the 137012
fiscal year may be based on the final data from the Chancellor. 137013
If agreed to by the Chancellor and the Inter-University Council, 137014
payments to universities in each month of a fiscal year shall be 137015
based on final data in the higher education information system 137016
for the selected three-year period that is acceptable to both 137017
parties. 137018

Section 381.250. STATE SHARE OF INSTRUCTION FOR FISCAL 137019
YEARS 2026 AND 2027 137020

(A) (1) Of the foregoing appropriation item 235501, State 137021
Share of Instruction, up to \$100,000,000 in each fiscal year 137022
shall be distributed according to a formula devised by the 137023
Chancellor of Higher Education based on the following order of 137024
priority, using data from the United States Census Post- 137025
Secondary Employment Outcomes project: 137026

(a) Retention-rate outcomes based on factors, including, 137027
but not limited to, the number of graduates employed by an Ohio- 137028
based employer and employment outcomes of the graduates of each 137029
college and university. In counting students under division (A) 137030
(1) (a) of this section, graduates who are residents of this 137031
state under rules adopted under section 3333.31 of the Revised 137032
Code and are employed by an Ohio-based employer shall be 137033
weighted the highest, followed by graduates who are employed by 137034
an Ohio-based employer but are not residents of this state; 137035

(b) Employment outcomes of the graduates of each college 137036
and university. In counting students under division (A) (1) (b) of 137037

this section, the Chancellor shall use as a factor employment by 137038
the graduates of each institution, measured at the 2-digit level 137039
of the Classification of Instructional Programs codes published 137040
by the National Center for Education Statistics. 137041

(2) Of the foregoing appropriation item 235501, State 137042
Share of Instruction, up to \$10,000,000 in each fiscal year 137043
shall be distributed according to a formula devised by the 137044
Chancellor that provides funding bonuses of \$10,000 per graduate 137045
for technician-aligned associate degrees, as determined by the 137046
Governor's Office of Workforce Transformation, that are produced 137047
above a historical baseline of institutional production, as 137048
calculated by the Chancellor. In developing a formula under 137049
division (A) (2) of this section, the Chancellor shall give 137050
priority to retention-based outcomes, as specified in division 137051
(A) (1) (a) of this section, and count only graduates that are 137052
employed by an Ohio-based employer. 137053

(3) Of the amount set aside in division (A) (1) of this 137054
section for each fiscal year, 76.8 per cent shall be distributed 137055
to state-supported university main and regional campuses and 137056
23.2 per cent shall be distributed to state-supported community 137057
colleges, state community colleges, and technical colleges. 137058

(B) (1) The remainder of the foregoing appropriation item 137059
235501, State Share of Instruction, shall be distributed 137060
according to the section of this act entitled "STATE SHARE OF 137061
INSTRUCTION FORMULAS." Of these funds: 137062

(a) 23.2 per cent in each fiscal year shall be distributed 137063
to state-supported community colleges, state community colleges, 137064
and technical colleges; 137065

(b) 76.8 per cent in each fiscal year shall be distributed 137066

to state-supported university main and regional campuses. 137067

(2) Any increases in the amount distributed to an 137068
institution from the funds set aside in division (B) of this 137069
section that are above the prior year may be used by the 137070
institution to provide need-based aid and to provide counseling, 137071
support services, and workforce preparation services to 137072
students. 137073

Section 381.260. RESTRICTION ON FEE INCREASES 137074

(A) In fiscal years 2026 and 2027, the boards of trustees 137075
of state institutions of higher education shall restrain 137076
increases in in-state undergraduate instructional and general 137077
fees. 137078

(1) For the 2025-2026 and 2026-2027 academic years, each 137079
community college established under Chapter 3354., state 137080
community college established under Chapter 3358., or technical 137081
college established under Chapter 3357. of the Revised Code may 137082
increase its in-state undergraduate instructional and general 137083
fees by not more than five dollars per credit hour over what the 137084
institution charged for the previous academic year. 137085

(2) The limitations under division (A) (1) of this section 137086
do not apply to student health insurance, fees for auxiliary 137087
goods or services provided to students at the cost incurred to 137088
the institution, fees assessed to students as a pass-through for 137089
licensure and certification examinations, fees in elective 137090
courses associated with travel experiences, elective service 137091
charges, fines, and voluntary sales transactions. 137092

(B) The limitations under this section shall not apply to 137093
increases required to comply with institutional covenants 137094
related to their obligations or to meet unfunded legal mandates 137095

or legally binding obligations incurred or commitments made 137096
prior to the effective date of this section with respect to 137097
which the institution had identified such fee increases as the 137098
source of funds. Any increase required by such covenants and any 137099
such mandates, obligations, or commitments shall be reported by 137100
the Chancellor of Higher Education to the Controlling Board. 137101
These limitations may also be modified by the Chancellor, with 137102
the approval of the Controlling Board, to respond to exceptional 137103
circumstances as identified by the Chancellor. 137104

(C) Institutions offering an undergraduate tuition 137105
guarantee pursuant to section 3345.48 of the Revised Code may 137106
increase instructional and general fees pursuant to that 137107
section. 137108

Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES 137109

(A) Funds appropriated for instructional subsidies at 137110
colleges and universities may be used to provide such branch or 137111
other off-campus undergraduate courses of study and such 137112
master's degree courses of study as may be approved by the 137113
Chancellor of Higher Education. 137114

(B) In providing instructional and other services to 137115
students, boards of trustees of state institutions of higher 137116
education shall supplement state subsidies with income from 137117
charges to students. Except as otherwise provided in this act, 137118
each board shall establish the fees to be charged to all 137119
students, including an instructional fee for educational and 137120
associated operational support of the institution and a general 137121
fee for noninstructional services, including locally financed 137122
student services facilities used for the benefit of enrolled 137123
students. The instructional fee and the general fee shall 137124
encompass all charges for services assessed uniformly to all 137125

enrolled students. Each board may also establish special purpose 137126
fees, service charges, and fines as required; such special 137127
purpose fees and service charges shall be for services or 137128
benefits furnished individual students or specific categories of 137129
students and shall not be applied uniformly to all enrolled 137130
students. A tuition surcharge shall be paid by all students who 137131
are not residents of Ohio. 137132

The board of trustees of a state institution of higher 137133
education shall not authorize a waiver or nonpayment of 137134
instructional fees or general fees for any particular student or 137135
any class of students other than waivers specifically authorized 137136
by law or approved by the Chancellor. This prohibition is not 137137
intended to limit the authority of boards of trustees to provide 137138
for payments to students for services rendered the institution, 137139
nor to prohibit the budgeting of income for staff benefits or 137140
for student assistance in the form of payment of such 137141
instructional and general fees. 137142

Each board may authorize a lower differential tuition rate 137143
of instructional or general fees equal to the default rate 137144
options provided under the College Credit Plus Program pursuant 137145
to Chapter 3365. of the Revised Code or equal to rates 137146
established pursuant to an agreement for an alternative payment 137147
structure pursuant to section 3365.07 of the Revised Code for 137148
nonpublic and home schooled students participating in that 137149
program that are not publicly funded. Each board may establish a 137150
lower differential tuition rate for in-state undergraduate 137151
instructional fees or general fees for students enrolled 137152
exclusively in online courses, as well as a lower differential 137153
tuition rate for the surcharge for nonresidents enrolled 137154
exclusively in online courses, provided a surcharge is still 137155
assessed. 137156

Each board may authorize a lower tuition rate for courses 137157
taken by high school students that do not qualify for funding 137158
under the College Credit Plus program under section 3365.07 of 137159
the Revised Code. These tuition rates must align with the 137160
institution's tuition rates charged for courses eligible for 137161
funding under the College Credit Plus Program. 137162

Each state institution of higher education in its 137163
statement of charges to students shall separately identify the 137164
instructional fee, the general fee, the tuition charge, and the 137165
tuition surcharge. Fee charges to students for instruction shall 137166
not be considered to be a price of service but shall be 137167
considered to be an integral part of the state government 137168
financing program in support of higher educational opportunity 137169
for students. 137170

(C) The boards of trustees of state institutions of higher 137171
education shall ensure that faculty members devote a proper and 137172
judicious part of their work week to the actual instruction of 137173
students. Total class credit hours of production per academic 137174
term per full-time faculty member is expected to meet the 137175
standards set forth in the budget data submitted by the 137176
Chancellor. 137177

(D) The authority of government vested by law in the 137178
boards of trustees of state institutions of higher education 137179
shall in fact be exercised by those boards. Boards of trustees 137180
may consult extensively with appropriate student and faculty 137181
groups. Administrative decisions about the utilization of 137182
available resources, about organizational structure, about 137183
disciplinary procedure, about the operation and staffing of all 137184
auxiliary facilities, and about administrative personnel shall 137185
be the exclusive prerogative of boards of trustees. Any 137186

delegation of authority by a board of trustees in other areas of 137187
responsibility shall be accompanied by appropriate standards of 137188
guidance concerning expected objectives in the exercise of such 137189
delegated authority and shall be accompanied by periodic review 137190
of the exercise of this delegated authority to the end that the 137191
public interest, in contrast to any institutional or special 137192
interest, shall be served. 137193

Section 381.280. WAR ORPHANS AND SEVERELY DISABLED 137194
VETERANS' CHILDREN SCHOLARSHIPS 137195

The foregoing appropriation item 235504, War Orphans and 137196
Severely Disabled Veterans' Children Scholarships, shall be used 137197
to reimburse state institutions of higher education for waivers 137198
of instructional fees and general fees provided by them, to 137199
provide grants to institutions that have received a certificate 137200
of authorization from the Chancellor of Higher Education under 137201
Chapter 1713. of the Revised Code, in accordance with the 137202
provisions of section 5910.04 of the Revised Code, and to fund 137203
additional scholarship benefits provided by section 5910.032 of 137204
the Revised Code. 137205

During each fiscal year, the Chancellor, as soon as 137206
possible after cancellation, may certify to the Director of 137207
Budget and Management the amount of canceled prior-year 137208
encumbrances in appropriation item 235504, War Orphans and 137209
Severely Disabled Veterans' Children Scholarships. Upon receipt 137210
of the certification, the Director of Budget and Management may 137211
transfer cash, up to the certified amount, from the General 137212
Revenue Fund to the War Orphans and Severely Disabled Veterans' 137213
Children Scholarship Reserve Fund (Fund 5PW0). 137214

Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION 137215

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior-year obligations to higher education institutions under the State Share of Instruction formulas, as determined by the Chancellor. Notwithstanding any provisions of law to the contrary, the Director of Budget and Management, upon the request of the Chancellor, may transfer cash in an amount up to the amounts certified for State Share of Instruction reconciliation from the State Financial Aid Reconciliation Fund (Fund 5Y50) to the General Revenue Fund. The amounts certified for State Share of Instruction reconciliation are hereby appropriated to appropriation item 235505, State Share of Instruction Reconciliation.

Section 381.300. OHIOLINK

The foregoing appropriation item 235507, OhioLINK, shall be used by the Chancellor of Higher Education to support OhioLINK, a consortium organized under division (T) of section 3333.04 of the Revised Code to serve as the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources, the library holdings of Ohio's public and participating private nonprofit colleges and universities, and the State Library of Ohio.

Section 381.310. AIR FORCE INSTITUTE OF TECHNOLOGY

(A) Of the foregoing appropriation item 235508, Air Force Institute of Technology, \$75,000 in each fiscal year shall be allocated to the Aerospace Professional Development Center in Dayton for statewide workforce development services in the

aerospace industry. 137246

(B) The remainder of the foregoing appropriation item 137247
235508, Air Force Institute of Technology, shall be used to do 137248
both of the following: 137249

(1) Strengthen the research and educational linkages 137250
between the Wright Patterson Air Force Base and institutions of 137251
higher education in Ohio; and 137252

(2) Support the Defense Associated Graduate Student 137253
Innovators, an engineering graduate consortium of Wright State 137254
University, the University of Dayton, and the Air Force 137255
Institute of Technology, with the participation of the 137256
University of Cincinnati and The Ohio State University. 137257

Section 381.320. OHIO SUPERCOMPUTER CENTER 137258

The foregoing appropriation item 235510, Ohio 137259
Supercomputer Center, shall be used by the Chancellor of Higher 137260
Education to support the operation of the Ohio Supercomputer 137261
Center, a consortium organized under division (T) of section 137262
3333.04 of the Revised Code, located at The Ohio State 137263
University. The Ohio Supercomputer Center is a statewide 137264
resource available to Ohio research universities both public and 137265
private. It is also intended that the center be made accessible 137266
to private industry as appropriate. 137267

The Ohio Supercomputer Center's services shall support 137268
Ohio's colleges, universities, and businesses to make Ohio a 137269
leader in using computational science, modeling, and simulation 137270
to promote higher education, research, and economic 137271
competitiveness. 137272

Section 381.330. THE OHIO STATE UNIVERSITY EXTENSION 137273
SERVICE 137274

The foregoing appropriation item 235511, The Ohio State University Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 381.340. CENTRAL STATE SUPPLEMENT

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

Section 381.350. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

Section 381.360. FAMILY PRACTICE

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice.

Section 381.370. SHAWNEE STATE SUPPLEMENT

The foregoing appropriation item 235520, Shawnee State

Supplement, shall be disbursed by the Chancellor of Higher 137303
Education to Shawnee State University. Funds shall be used in a 137304
manner consistent with the goals of improving course completion, 137305
increasing the number of degrees conferred, and furthering the 137306
university's mission of service to the Appalachian region. 137307

Section 381.380. GERIATRIC MEDICINE 137308

The Chancellor of Higher Education shall distribute 137309
appropriation item 235525, Geriatric Medicine, consistent with 137310
existing criteria and guidelines. 137311

Section 381.390. PRIMARY CARE RESIDENCIES 137312

The foregoing appropriation item 235526, Primary Care 137313
Residencies, shall be distributed in each fiscal year, based on 137314
each medical school's share of residents placed in a primary 137315
care field and graduates practicing in a primary care field. 137316

Section 381.400. GOVERNOR'S MERIT SCHOLARSHIP 137317

(A) The foregoing appropriation item 235530, Governor's 137318
Merit Scholarship, shall be used by the Chancellor of Higher 137319
Education to administer the Governor's Merit Scholarship Program 137320
and to award merit-based aid to state institutions of higher 137321
education, as defined in section 3345.011 of the Revised Code, 137322
on behalf of eligible students. Funds awarded under this section 137323
shall be used in a manner consistent with the goal of allowing 137324
high-achieving high school graduates to remain in Ohio to pursue 137325
their post-secondary studies and contribute to Ohio's expanding 137326
economic opportunities. 137327

(B) In awarding funds under this section, and to the 137328
extent that funds are sufficient to do so, the Chancellor shall 137329
provide per-student awards of \$5,000 per academic year to 137330
eligible students determined to be in the top five per cent of 137331

their public or nonpublic high school graduating class at the 137332
end of their junior year, as determined by their public or 137333
nonpublic high school using criteria established by the 137334
Chancellor in consultation with the Director of Education and 137335
Workforce. School districts and nonpublic high schools shall 137336
provide the information as requested by the Chancellor to 137337
determine scholarship eligibility. Eligible students shall 137338
receive an award for up to the equivalent of four academic years 137339
of instruction at a state institution of higher education, 137340
contingent on satisfactory academic progress. 137341

(C) The Chancellor, in consultation with the Director, 137342
shall determine eligibility for graduating high school students 137343
who were home schooled to provide a level of access to the 137344
program described in this section that is reasonably 137345
commensurate with the merit-based criteria used to determine 137346
eligibility for students graduating from a public or nonpublic 137347
high school. 137348

(D) The Governor's Merit Scholarship shall be used to pay 137349
eligible expenses, as determined by the Chancellor, included 137350
within the published cost of attendance at a state institution 137351
of higher education. 137352

(E) A state institution of higher education shall not make 137353
changes to scholarship or financial aid programs offered by that 137354
institution that have the goal or net effect of shifting the 137355
cost burden of those programs to the program described in this 137356
section. Institutions of higher education that enroll students 137357
receiving merit-based financial aid grants under this section 137358
shall maintain the same level of merit-based financial aid the 137359
institution provided in the most recent academic year in the 137360
aggregate to all students or on a per-student basis. 137361

(F) Notwithstanding any provision of law to the contrary, 137362
the Chancellor may establish guidelines for the purpose of 137363
implementing this section, except that the Chancellor shall not 137364
place limits on the number of students receiving an award under 137365
this section that enroll at a qualifying institution. 137366

(G) A private nonprofit institution of higher education 137367
holding a certificate of authorization under Chapter 1713. of 137368
the Revised Code may elect to participate in the Governor's 137369
Merit Scholarship Program for fiscal years 2026 and 2027 in the 137370
same manner as a state institution of higher education, in which 137371
case its students are eligible for a scholarship under this 137372
section in the same manner as a student enrolled in a state 137373
institution of higher education. 137374

As a condition of participating in the scholarship program 137375
for fiscal year 2027, the Chancellor shall require a private 137376
nonprofit institution to do both of the following for that 137377
fiscal year: 137378

(1) Admit any Ohio graduate of the twelfth grade who is in 137379
the top ten per cent of a graduating class as determined by the 137380
Chancellor; 137381

(2) Sign a commitment to comply with sections 3345.029, 137382
3345.0216, 3345.0217, 3345.0218, 3345.382, 3345.45, 3345.451, 137383
3345.452, 3345.453, 3345.591, and 3345.88 of the Revised Code in 137384
the same manner as a state institution of higher education. 137385

(H) Notwithstanding anything to the contrary in division 137386
(G) of this section, the Chancellor shall not require a private 137387
nonprofit institution of higher education that is affiliated 137388
with a religious order, sect, church, or denomination, as a 137389
condition of participating in the Governor's Merit Scholarship 137390

Program, to comply with any requirement or prohibition that 137391
conflicts with any policy, procedure, or practice that the 137392
institution has adopted in accordance with any truly held 137393
religious belief of that order, sect, church, or denomination, 137394
as determined by the private nonprofit institution. 137395

(I) Notwithstanding anything in this section to the 137396
contrary, a student who received a first-time Governor's Merit 137397
scholarship prior to fiscal year 2027 and who is enrolled in a 137398
private nonprofit institution of higher education for fiscal 137399
year 2027 may continue to receive that scholarship under this 137400
section in the same manner as a scholarship recipient enrolled 137401
in a state institution of higher education, regardless of 137402
whether the private nonprofit institution in which the student 137403
is enrolled elects to participate in the program in accordance 137404
with division (G) of this section for fiscal year 2027. In that 137405
case, with regard solely to those students renewing 137406
scholarships, a private nonprofit institution may participate in 137407
the scholarship program in the same manner as a state 137408
institution of higher education. 137409

Section 381.410. PROGRAM AND PROJECT SUPPORT 137410

(A) Of the foregoing appropriation item 235533, Program 137411
and Project Support, \$500,000 in each fiscal year shall be used 137412
to support the Ohio Aerospace Institute's Space Grant 137413
Consortium. 137414

(B) Of the foregoing appropriation item 235533, Program 137415
and Project Support, \$2,000,000 in each fiscal year shall be 137416
distributed to The Ohio State University to support the Salmon 137417
P. Chase Center for Civics, Culture, and Society established 137418
under section 3335.39 of the Revised Code. 137419

(C) Of the foregoing appropriation item 235533, Program 137420
and Project Support, \$2,000,000 in each fiscal year shall be 137421
distributed to the University of Toledo to support the Institute 137422
of American Constitutional Thought and Leadership established 137423
under section 3364.07 of the Revised Code. 137424

(D) Of the foregoing appropriation item 235533, Program 137425
and Project Support, \$2,000,000 in each fiscal year shall be 137426
distributed to Miami University to support the center for 137427
civics, culture, and society established under section 3339.06 137428
of the Revised Code. 137429

(E) Of the foregoing appropriation item 235533, Program 137430
and Project Support, \$2,000,000 in each fiscal year shall be 137431
distributed to Cleveland State University to support the center 137432
for civics, culture, and society established under section 137433
3344.07 of the Revised Code. 137434

(F) Of the foregoing appropriation item 235533, Program 137435
and Project Support, \$2,000,000 in each fiscal year shall be 137436
distributed to Wright State University to support the center for 137437
civics, culture, and workforce development established under 137438
section 3352.16 of the Revised Code. 137439

(G) Of the foregoing appropriation item 235533, Program 137440
and Project Support, \$14,000,000 in fiscal year 2026 shall be 137441
distributed to Miami University to establish the Ohio Institute 137442
for Quantum Computing Research, Talent, and Commercialization 137443
and an urban bridge to Cleveland. 137444

(H) Of the foregoing appropriation item 235533, Program 137445
and Project Support, \$200,000 in each fiscal year shall be used 137446
to support the University of Dayton Statehouse Civic Scholars 137447
Program. 137448

(I) Of the foregoing appropriation item 235533, Program 137449
and Project Support, \$935,000 in fiscal year 2026 shall be 137450
allocated to support Ashland University's Military and Veterans 137451
Services program. 137452

(J) Of the foregoing appropriation item 235533, Program 137453
and Project Support, \$800,000 in each fiscal year shall be 137454
allocated to Cleveland State University to support its wrestling 137455
programs. Of these funds, \$400,000 in each fiscal year shall be 137456
used to support its men's wrestling program and \$400,000 in each 137457
fiscal year shall be used to establish and maintain a women's 137458
wrestling program. 137459

(K) Of the foregoing appropriation item 235533, Program 137460
and Project Support, \$350,000 in fiscal year 2026 shall be 137461
distributed to Sinclair Community College for the purchase of 137462
equipment for manufacturing education in Ohio's correctional 137463
institutions that will support training leading to industry 137464
credentials valued by manufacturing employers, as determined by 137465
support of a regional manufacturing industry sector partnership 137466
endorsed by the Ohio Manufacturer's Association. 137467

(L) Of the foregoing appropriation item 235533, Program 137468
and Project Support, \$500,000 in each fiscal year shall be 137469
distributed to the Strategic Ohio Council on Higher Education to 137470
support the Ohio Intern Academy program. 137471

(M) Of the foregoing appropriation item 235533, Program 137472
and Project Support, \$1,500,000 in each fiscal year shall be 137473
used to provide loan repayments on behalf of certain attorneys 137474
as described in section 3333.131 of the Revised Code. 137475

(N) Of the foregoing appropriation item 235533, Program 137476
and Project Support, \$750,000 in each fiscal year shall be used 137477

by the Chancellor of Higher Education to continue support and 137478
expansion of the Clark County unmanned and general aviation STEM 137479
pilot programs in all Ohio counties. 137480

(O) Of the foregoing appropriation item 235533, Program 137481
and Project Support, \$100,000 in fiscal year 2026 shall be 137482
allocated to support Ashland University's Ashbrook Center civics 137483
education K-12 teacher training and student learning initiative. 137484

(P) Of the foregoing appropriation item 235533, Program 137485
and Project Support, \$50,000 in each fiscal year shall be 137486
distributed to S.U.C.C.E.S.S. for Autism to expand an 137487
interprofessional pilot program for the purpose of training 137488
professionals in The S.U.C.C.E.S.S. Approach, a comprehensive 137489
neurodevelopmental learning model for all students. 137490

Section 381.415. CENTERS FOR CIVICS, CULTURE AND SOCIETY 137491
AND WORKFORCE DEVELOPMENT CONSULTATION 137492

The Chancellor of Higher Education shall consult with the 137493
directors, or the directors' designees, of the centers created 137494
by sections 3335.39, 3339.06, 3344.07, 3352.16, and 3364.07 of 137495
the Revised Code. The consultation shall evaluate the extent to 137496
which the centers may be leveraged for the benefit of the entire 137497
state. 137498

By March 31, 2026, the directors, or their designees, 137499
shall prepare and submit to the Chancellor a summary of 137500
recommendations and a plan to achieve maximum statewide benefit, 137501
which shall include options to establish programming at other 137502
state institutions of higher education such as seminars, 137503
lectures, student courses and assisting faculty with curriculum 137504
development or sharing of curriculum developed by the centers. 137505
In developing the plan and summary of recommendations, the 137506

centers shall seek to achieve the broadest geographic coverage 137507
possible. Effective July 1, 2026, the Chancellor may require the 137508
centers to engage in activities included in their summary of 137509
recommendations that are intended to benefit the entire state. 137510

Each center shall use a portion of its funding in each 137511
fiscal year to benefit the entire state and shall report in its 137512
annual report required by the Revised Code the percentage of its 137513
funds used to assist other universities and a summary of the 137514
specific types of services and benefits provided. 137515

Section 381.420. OHIO STATE AGRICULTURAL RESEARCH 137516

The foregoing appropriation item 235535, Ohio State 137517
Agricultural Research, shall be disbursed through the Chancellor 137518
of Higher Education to The Ohio State University in monthly 137519
payments, unless otherwise determined by the Director of Budget 137520
and Management under section 126.09 of the Revised Code. 137521

The Ohio Agricultural Research and Development Center, an 137522
entity of the College of Food, Agricultural, and Environmental 137523
Sciences of The Ohio State University, shall further its mission 137524
of enhancing Ohio's economic development and job creation by 137525
continuing to internally allocate on a competitive basis 137526
appropriated funding of programs based on demonstrated 137527
performance. Academic units, faculty, and faculty-driven 137528
programs shall be evaluated and rewarded consistent with agreed- 137529
upon performance expectations as called for in the College's 137530
Expectations and Criteria for Performance Assessment. 137531

Section 381.430. STATE UNIVERSITY CLINICAL TEACHING 137532

The foregoing appropriation items 235536, The Ohio State 137533
University Clinical Teaching; 235537, University of Cincinnati 137534
Clinical Teaching; 235538, University of Toledo Clinical 137535

Teaching; 235539, Wright State University Clinical Teaching; 137536
235540, Ohio University Clinical Teaching; and 235541, Northeast 137537
Ohio Medical University Clinical Teaching, shall be distributed 137538
through the Chancellor of Higher Education. 137539

Of the foregoing appropriation item 235539, Wright State 137540
University Clinical Teaching, \$1,500,000 in each fiscal year 137541
shall be used to support the Aerospace Medicine and Human 137542
Performance Center at Wright State University. 137543

Section 381.440. CENTRAL STATE AGRICULTURAL RESEARCH AND 137544
DEVELOPMENT 137545

The foregoing appropriation item 235546, Central State 137546
Agricultural Research and Development, shall be used in 137547
conjunction with appropriation item 235548, Central State 137548
Cooperative Extension Services, by Central State University for 137549
its state match requirement as an 1890 land grant university. 137550

Section 381.450. CAPITAL COMPONENT 137551

The foregoing appropriation item 235552, Capital 137552
Component, shall be used by the Chancellor of Higher Education 137553
to provide funding for prior commitments made pursuant to the 137554
state's former capital funding policy for state colleges and 137555
universities that was originally established in H.B. 748 of the 137556
121st General Assembly. The amounts provided to state colleges 137557
and universities in fiscal year 2026 and fiscal year 2027 shall 137558
cover the remaining obligations for the program, which shall 137559
cease to exist effective June 30, 2027. Funding shall consist 137560
of: 137561

(A) Appropriations from this item shall be distributed to 137562
all campuses for which the estimated campus debt service 137563
attributable to qualifying capital projects was less than the 137564

campus's formula-determined capital component allocation. Campus 137565
allocations shall be determined by subtracting the estimated 137566
campus debt service attributable to qualifying capital projects 137567
from the campus's formula-determined capital component 137568
allocation. Moneys distributed from this appropriation item 137569
shall be restricted to capital-related purposes. 137570

(B) Any campus for which the estimated campus debt service 137571
attributable to qualifying capital projects for the remainder of 137572
the program is greater than the campus's formula-determined 137573
capital component allocation shall have half the difference 137574
subtracted in each fiscal year of the biennium, after allowable 137575
adjustments by the Chancellor of Higher Education, from its 137576
State Share of Instruction allocation. If necessary, 137577
appropriation equal to the sum of all such amounts shall be 137578
transferred, after allowable adjustments by the Chancellor of 137579
Higher Education, from appropriation item 235501, State Share of 137580
Instruction, to appropriation item 235552, Capital Component. 137581

Section 381.460. LIBRARY DEPOSITORIES 137582

The foregoing appropriation item 235555, Library 137583
Depositories, shall be distributed to the state's five regional 137584
depository libraries for the cost-effective storage of and 137585
access to lesser-used materials in university library 137586
collections. The depositories shall be administrated by the 137587
Chancellor of Higher Education, or by OhioLINK at the discretion 137588
of the Chancellor. 137589

Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 137590

The foregoing appropriation item 235556, Ohio Academic 137591
Resources Network, shall be used by the Chancellor of Higher 137592
Education to support the operations of the Ohio Academic 137593

Resources Network, a consortium organized under division (T) of 137594
section 3333.04 of the Revised Code, which shall include support 137595
for Ohio's colleges and universities in maintaining and 137596
enhancing network connections, using new network technologies to 137597
improve research, education, and economic development programs, 137598
and sharing information technology services. To the extent 137599
network capacity is available, OARnet shall support allocating 137600
bandwidth to eligible programs directly supporting Ohio's 137601
economic development. 137602

Section 381.480. LONG-TERM CARE RESEARCH 137603

The foregoing appropriation item 235558, Long-term Care 137604
Research, shall be disbursed to Miami University for long-term 137605
care research. 137606

Section 381.490. OHIO COLLEGE OPPORTUNITY GRANT 137607

(A) (1) As used in this section: 137608

(a) "Eligible institution" means any institution described 137609
in divisions (B) (2) (a) to (c) of section 3333.122 of the Revised 137610
Code. 137611

(b) The three "sectors" of institutions of higher 137612
education consist of the following: 137613

(i) State colleges and universities, community colleges, 137614
state community colleges, university branches, and technical 137615
colleges; 137616

(ii) Eligible private nonprofit institutions of higher 137617
education; 137618

(iii) Eligible private for-profit career colleges and 137619
schools. 137620

(2) (a) Awards under section 3333.122 of the Revised Code shall be as follows for fiscal year 2026 and fiscal year 2027:

(i) \$4,000 per student at a state institution of higher education;

(ii) \$5,000 per student at an eligible nonprofit institution of higher education;

(iii) \$2,000 per student at a private for-profit career college or school.

(b) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.

(3) Notwithstanding anything to the contrary in section 3333.122 of the Revised Code, the Chancellor of Higher Education shall make awards under that section in fiscal year 2026 and fiscal year 2027 to students with a student aid index, or any federal successor, of three thousand seven hundred fifty or less.

(4) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as specified under division (D) of section 3333.122 of the Revised Code, the Chancellor may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the Chancellor determines that reductions in award amounts are necessary, the Chancellor shall reduce the award amounts proportionally among the sectors of institutions specified in division (A)(1) of this section in a manner determined by the Chancellor. The Chancellor shall notify the Controlling Board of the distribution method. Any formula

calculated under this division shall be complete and established 137650
to coincide with the start of each academic year. 137651

(B) Prior to determining the amount of funds available to 137652
award under this section and section 3333.122 of the Revised 137653
Code, the Chancellor shall use the foregoing appropriation item 137654
235563, Ohio College Opportunity Grant, to pay for waivers of 137655
tuition and student fees for eligible students under the Ohio 137656
Safety Officer's College Memorial Fund Program under section 137657
3333.26 of the Revised Code and for grants to qualifying 137658
institutions on behalf of eligible students under the adoption 137659
grant program established under section 3333.128 of the Revised 137660
Code. 137661

In each fiscal year, with the exception of sections 137662
3333.121 and 3333.124 of the Revised Code and the section of 137663
this act entitled "STATE FINANCIAL AID RECONCILIATION," the 137664
Chancellor shall not distribute or obligate or commit to be 137665
distributed an amount greater than what is appropriated under 137666
the foregoing appropriation item 235563, Ohio College 137667
Opportunity Grant. 137668

(C) The Chancellor shall establish, and post on the 137669
Department of Higher Education's web site, award tables based on 137670
the amounts specified under division (A) of this section. The 137671
Chancellor shall notify students and institutions of any 137672
reductions in awards. 137673

(D) Notwithstanding section 3333.122 of the Revised Code, 137674
no student shall be eligible to receive an Ohio College 137675
Opportunity Grant for more than ten semesters, fifteen quarters, 137676
or the equivalent of five academic years, less the number of 137677
semesters or quarters in which the student received an Ohio 137678
Instructional Grant. 137679

(E) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235563, Ohio College Opportunity Grant. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Ohio College Opportunity Grant Program Reserve Fund (Fund 5PU0).

(F) No eligible institution that enrolls Ohio College Opportunity Grant recipients shall make any change to its scholarship or financial aid programs with the goal or net effect of shifting the cost burden of those programs to the Ohio College Opportunity Grant program.

Each eligible institution that enrolls Ohio College Opportunity Grant recipients shall provide at least the same level of needs-based financial aid to its students as it provided in the immediately prior academic year in terms of either the aggregate aid to all students or on a per student basis. The Chancellor may grant an eligible institution a temporary waiver from that requirement if the Chancellor determines exceptional circumstances make it necessary. The Chancellor shall determine the terms of the waiver.

Section 381.500. THE OHIO STATE UNIVERSITY COLLEGE OF VETERINARY MEDICINE SUPPLEMENT

The foregoing appropriation item 235569, The Ohio State University College of Veterinary Medicine Supplement, shall be distributed through the Chancellor of Higher Education to The Ohio State University College of Veterinary Medicine to provide supplemental support for education, research, and operations.

Section 381.510. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 137709

The foregoing appropriation item 235572, The Ohio State 137710
University Clinic Support, shall be distributed through the 137711
Chancellor of Higher Education to The Ohio State University for 137712
support of dental and veterinary medicine clinics. 137713

Section 381.520. FEDERAL RESEARCH NETWORK 137714

The foregoing appropriation item 235578, Federal Research 137715
Network, shall be allocated to The Ohio State University to 137716
collaborate with federal installations in Ohio, state 137717
institutions of higher education as defined in section 3345.011 137718
of the Revised Code, private nonprofit institutions of higher 137719
education holding certificates of authorization under Chapter 137720
1713. of the Revised Code, and the private sector to align the 137721
state's research assets with emerging missions and job growth 137722
opportunities emanating from federal installations, strengthen 137723
related workforce development and technology commercialization 137724
programs, and better position the state's university system to 137725
directly impact new job creation in Ohio. A portion of the 137726
foregoing appropriation item 235578, Federal Research Network, 137727
shall be used to support the growth of small business federal 137728
contractors in the state and to expand the participation of Ohio 137729
businesses in the federal Small Business Innovation Research 137730
Program and related federal programs. 137731

Section 381.525. EDUCATOR PREPARATION PROGRAMS 137732

The foregoing appropriation item 235585, Educator 137733
Preparation Programs, shall be used by the Chancellor of Higher 137734
Education to implement and administer sections 3333.048, 137735
3333.049, 3333.0411, and 3333.0419 of the Revised Code or other 137736
educator preparation programs, such as the Ohio Teacher 137737

Apprenticeship Program, as determined by the Chancellor. 137738

Notwithstanding any provision of law to the contrary, 137739
beginning with the first full academic year following the 137740
adoption of new standards, each educator preparation program at 137741
an institution of higher education shall include in its 137742
curriculum standards for social studies that align with the 137743
standards adopted by the Department of Education and Workforce 137744
to ensure that educators and other school personnel are 137745
adequately prepared and trained in social studies. 137746

Within six months of the beginning of the first full 137747
academic year in which the new standards are used, the 137748
Chancellor shall complete a review and evaluation process to 137749
assess the degree to which every educator preparation program at 137750
an institution of higher education is teaching social studies in 137751
alignment with the standards. 137752

Section 381.530. CO-OP INTERNSHIP PROGRAM 137753

Of the foregoing appropriation item 235591, Co-Op 137754
Internship Program, \$165,000 in each fiscal year shall be used 137755
to support the operations of Ohio University's Voinovich School. 137756

Of the foregoing appropriation item 235591, Co-Op 137757
Internship Program, \$75,000 in each fiscal year shall be used to 137758
support the Model United Nations Program at Wright State 137759
University. 137760

Of the foregoing appropriation item 235591, Co-Op 137761
Internship Program, \$75,000 in each fiscal year shall be used to 137762
support the operations of The Ohio State University's John Glenn 137763
College of Public Affairs. 137764

Of the foregoing appropriation item 235591, Co-Op 137765
Internship Program, \$75,000 in each fiscal year shall be used to 137766

support the Bliss Institute of Applied Politics at the 137767
University of Akron. 137768

Of the foregoing appropriation item 235591, Co-Op 137769
Internship Program, \$75,000 in each fiscal year shall be used to 137770
support the Center for Public Management and Regional Affairs at 137771
Miami University. 137772

Of the foregoing appropriation item 235591, Co-Op 137773
Internship Program, \$75,000 in each fiscal year shall be used to 137774
support the Student Mentoring and Career Development Program at 137775
the Levin College Advancing Public Service Professionals at 137776
Cleveland State University. 137777

Of the foregoing appropriation item 235591, Co-Op 137778
Internship Program, \$75,000 in each fiscal year shall be used to 137779
support the University of Cincinnati Internship Program. 137780

Of the foregoing appropriation item 235591, Co-Op 137781
Internship Program, \$75,000 in each fiscal year shall be used to 137782
support the Kent State University Washington Program in National 137783
Issues. 137784

Of the foregoing appropriation item 235591, Co-Op 137785
Internship Program, \$75,000 in each fiscal year shall be used to 137786
support the Kent State University Columbus Program. 137787

Of the foregoing appropriation item 235591, Co-Op 137788
Internship Program, \$75,000 in each fiscal year shall be used to 137789
support the University of Toledo Urban Affairs Center. 137790

Of the foregoing appropriation item 235591, Co-Op 137791
Internship Program, \$75,000 in each fiscal year shall be used to 137792
support the Shawnee State University Institute for Appalachian 137793
Public Policy. 137794

Of the foregoing appropriation item 235591, Co-Op 137795
Internship Program, \$75,000 in each fiscal year shall be used to 137796
support the Center for Regional Development at Bowling Green 137797
State University. 137798

Of the foregoing appropriation item 235591, Co-Op 137799
Internship Program, \$75,000 in each fiscal year shall be used to 137800
support the Initiative for Community and Regional Development at 137801
Youngstown State University. 137802

Section 381.540. COMMERCIAL TRUCK DRIVER STUDENT AID 137803
PROGRAM 137804

The foregoing appropriation item 235595, Commercial Truck 137805
Driver Student Aid Program, shall be used by the Chancellor of 137806
Higher Education to administer and provide grants and loans 137807
under the Commercial Truck Driver Student Aid Program 137808
established in section 3333.125 of the Revised Code. 137809

Section 381.550. RURAL UNIVERSITY PROGRAM 137810

The foregoing appropriation item 235598, Rural University 137811
Program, shall be used for the Rural University Program, a 137812
collaboration of Bowling Green State University, Kent State 137813
University, Miami University, and Ohio University that provides 137814
rural communities with economic development, public 137815
administration, and public health services. Each of the four 137816
participating universities shall receive \$103,000 in each fiscal 137817
year to support their respective programs. 137818

Section 381.560. NATIONAL GUARD SCHOLARSHIP PROGRAM 137819

The Chancellor of Higher Education shall disburse funds 137820
from appropriation item 235599, National Guard Scholarship 137821
Program. During each fiscal year, the Chancellor, as soon as 137822
possible after cancellation, may certify to the Director of 137823

Budget and Management the amount of canceled prior-year 137824
encumbrances in appropriation item 235599, National Guard 137825
Scholarship Program. Upon receipt of the certification, the 137826
Director of Budget and Management may transfer cash, up to the 137827
certified amount, from the General Revenue Fund to the National 137828
Guard Scholarship Reserve Fund (Fund 5BM0). A portion of the 137829
foregoing appropriation item 235599, National Guard Scholarship 137830
Program, may be used to administer the program with the 137831
concurrence of the Adjutant General. 137832

Section 381.565. FAFSA SUPPORT TEAMS 137833

The foregoing appropriation item 2355A1, FAFSA Support 137834
Teams, shall be used by the Chancellor of Higher Education 137835
pursuant to section 3333.303 of the Revised Code. 137836

OHIO HIGHER EDUCATION PUBLIC POLICY RESEARCH CONSORTIUM 137837

Of the foregoing appropriation item 2355A4, Ohio Higher 137838
Education Public Policy Research Consortium, \$150,000 in each 137839
fiscal year may be used by the Chancellor of Higher Education to 137840
establish and administer the Ohio Higher Education Public Policy 137841
Research Consortium pursuant to section 3345.602 of the Revised 137842
Code. 137843

The remainder of the foregoing appropriation item 2355A4, 137844
Ohio Higher Education Public Policy Research Consortium, shall 137845
be used by the Chancellor to award competitive research grants 137846
pursuant to division (B) of section 3333.952 of the Revised 137847
Code. 137848

Section 381.570. PLEDGE OF FEES 137849

Any new pledge of fees, or new agreement for adjustment of 137850
fees, made in the biennium ending June 30, 2027, to secure bonds 137851
or notes of a state institution of higher education for a 137852

project for which bonds or notes were not outstanding on the 137853
effective date of this section, to secure a refund of prior debt 137854
that is anticipated to increase the total cost of retiring the 137855
original debt, or to extend the period in which that full debt 137856
is retired shall be effective only after approval by the 137857
Chancellor of Higher Education, unless approved in a previous 137858
biennium. 137859

Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND 137860
DEBT SERVICE 137861

The foregoing appropriation item 235909, Higher Education 137862
General Obligation Bond Debt Service, shall be used to pay all 137863
debt service and related financing costs during the period from 137864
July 1, 2025, through June 30, 2027, for obligations issued 137865
under sections 151.01 and 151.04 of the Revised Code. 137866

Section 381.590. SALES AND SERVICES 137867

The Chancellor of Higher Education is authorized to charge 137868
and accept payment for the provision of goods and services. Such 137869
charges shall be reasonably related to the cost of producing the 137870
goods and services. Except as otherwise provided by law, no 137871
charges may be levied for goods or services that are produced as 137872
part of the routine responsibilities or duties of the 137873
Chancellor. All revenues received by the Chancellor shall be 137874
deposited into Fund 4560 and may be used by the Chancellor to 137875
pay for the costs of producing the goods and services. 137876

Section 381.600. HIGHER EDUCATIONAL FACILITY COMMISSION 137877
ADMINISTRATION 137878

The foregoing appropriation item 235602, Higher 137879
Educational Facility Commission Administration, shall be used by 137880
the Chancellor of Higher Education for operating expenses 137881

related to the Chancellor's support of the activities of the 137882
Ohio Higher Educational Facility Commission. Upon the request of 137883
the Chancellor, the Director of Budget and Management may 137884
transfer cash in an amount up to the amount appropriated from 137885
the foregoing appropriation item 235602, Higher Educational 137886
Facility Commission Administration, in each fiscal year from the 137887
HEFC Operating Expenses Fund (Fund 4610) to the HEFC 137888
Administration Fund (Fund 4E80). 137889

Section 381.630. TALENT READY GRANT PROGRAM 137890

(A) The foregoing appropriation item 235517, Talent Ready 137891
Grant Program, shall be used by the Chancellor of Higher 137892
Education to administer the Talent Ready Grant program to 137893
support workforce credential and certificate programs under 137894
thirty credit hours at a community college, state community 137895
college, technical college, university regional campus, or less 137896
than 900 clock hours at an Ohio Technical Center. Such funding 137897
shall be used to do both of the following: 137898

(1) Establish and operate workforce credential and 137899
certificate programs under thirty credit hours or less than 900 137900
clock hours, as identified by the Governor's Office of Workforce 137901
Transformation in consultation with the Chancellor. In 137902
identifying programs as eligible for funding, the Governor's 137903
Office of Workforce Transformation and the Chancellor shall 137904
review the top jobs list and prioritize programs that are 137905
particularly well-aligned with occupations determined to be most 137906
in-demand to meet statewide or regional workforce goals. An 137907
eligible entity may submit a request to the Chancellor to 137908
consider adding a program to the list identified as eligible for 137909
funding by providing information and justification in the form 137910
and manner required by the Chancellor, in consultation with the 137911

Governor's Office of Workforce Transformation; and 137912

(2) Provide additional support to short-term certificate 137913
programs determined to be eligible for funding, as identified by 137914
the Governor's Office of Workforce Transformation in 137915
consultation with the Chancellor pursuant to the process 137916
described in division (A) (1) of this section. 137917

(B) The Chancellor shall allocate funds among eligible 137918
entities in approximate proportion to each entity's share of 137919
eligible short-term certificate programs while also considering 137920
student enrollments, completions, and past utilization of short- 137921
term certificate funding disbursed under this line item, among 137922
other factors. For purposes of allocating funds between 137923
community colleges, state community colleges, and technical 137924
colleges, the Chancellor shall allocate the funding to each 137925
campus in proportion to each campus's share of the total 137926
sector's course completions for the most recent available year, 137927
as reported through the Higher Education Information System 137928
student enrollment file, weighted by the instructional cost of 137929
the subsidy models. 137930

Section 381.635. SUPER RAPIDS 137931

On July 1, 2025, or as soon as possible thereafter, the 137932
Chancellor of Higher Education shall certify to the Director of 137933
Budget and Management an amount up to the unexpended, 137934
unencumbered balance of appropriation item 235688, Super RAPIDS, 137935
at the end of fiscal year 2025 to be reappropriated to fiscal 137936
year 2026. The amount certified is hereby reappropriated to the 137937
same appropriation item for fiscal year 2026. 137938

On July 1, 2026, or as soon as possible thereafter, the 137939
Chancellor of Higher Education shall certify to the Director of 137940

Budget and Management an amount up to the unexpended, 137941
unencumbered balance of appropriation item 235688, Super RAPIDS, 137942
at the end of fiscal year 2026 to be reappropriated to fiscal 137943
year 2027. The amount certified is hereby reappropriated to the 137944
same appropriation item for fiscal year 2027. 137945

Section 381.640. STATE FINANCIAL AID RECONCILIATION 137946

By the first day of September in each fiscal year, or as 137947
soon as possible thereafter, the Chancellor of Higher Education 137948
shall certify to the Director of Budget and Management the 137949
amount necessary to pay any outstanding prior year obligations 137950
to higher education institutions for the state's financial aid 137951
programs. The amounts certified are hereby appropriated to 137952
appropriation item 235618, State Financial Aid Reconciliation, 137953
from revenues received in the State Financial Aid Reconciliation 137954
Fund (Fund 5Y50). 137955

Section 381.650. SECOND CHANCE GRANT PROGRAM 137956

The foregoing appropriation item 235494, Second Chance 137957
Grant Program, shall be distributed by the Chancellor of Higher 137958
Education to qualifying institutions of higher education and 137959
Ohio Technical Centers to provide grants to eligible students 137960
under the Second Chance Grant Program established in section 137961
3333.127 of the Revised Code. 137962

Section 381.655. GROW YOUR OWN TEACHER PROGRAM 137963

The foregoing appropriation item 235592, Grow Your Own 137964
Teacher Program, shall be used by the Chancellor of Higher 137965
Education to implement and administer the Grow Your Own Teacher 137966
Program pursuant to sections 3333.393 and 3333.394 of the 137967
Revised Code and the Ohio Teacher Apprenticeship Program. 137968

Section 381.660. NURSING LOAN PROGRAM 137969

The foregoing appropriation item 235606, Nursing Loan 137970
Program, shall be used to administer the nurse education 137971
assistance program. 137972

Section 381.670. RESEARCH INCENTIVE THIRD FRONTIER - TAX 137973

(A) The foregoing appropriation item 235639, Research 137974
Incentive Third Frontier - Tax, shall be used by the Chancellor 137975
of Higher Education to advance collaborative research at 137976
institutions of higher education. Of the foregoing appropriation 137977
item 235639, Research Incentive Third Frontier - Tax, a portion 137978
in each fiscal year shall be used by the Chancellor to support 137979
and promote research that is intended to be commercialized. 137980
Research funded under division (A) of this section shall include 137981
a condition that the discoveries, inventions, or patents 137982
developed therein be retained by the researcher, unless all or a 137983
portion of the interests therein are specifically granted to the 137984
state college or university at which the researcher is employed. 137985
In reviewing proposals and making awards under division (A) of 137986
this section, the Chancellor may enlist the assistance of the 137987
Ohio Technology Transfer Officer's Council. 137988

(B) Of the foregoing appropriation item 235639, Research 137989
Incentive Third Frontier - Tax, up to \$2,000,000 in each fiscal 137990
year may be allocated toward research regarding the improvement 137991
of water quality, up to \$750,000 in each fiscal year may be 137992
allocated for spinal cord research, up to \$750,000 in each 137993
fiscal year may be allocated toward research regarding cyber 137994
security initiatives, up to \$300,000 in each fiscal year may be 137995
allocated toward the I-Corps@Ohio program, and up to \$200,000 in 137996
each fiscal year may be allocated toward the Ohio Innovation 137997
Exchange program. 137998

Section 381.680. VETERANS PREFERENCES 137999

The Chancellor of Higher Education shall work with the 138000
Department of Veterans Services to develop specific veterans 138001
preference guidelines for higher education institutions. These 138002
guidelines shall ensure that the institutions' hiring practices 138003
are in accordance with the intent of Ohio's veterans' preference 138004
laws. 138005

Section 381.690. (A) As used in this section: 138006

(1) "Board of trustees" includes the managing authority of 138007
a university branch district. 138008

(2) "State institution of higher education" has the same 138009
meaning as in section 3345.011 of the Revised Code. 138010

(B) The board of trustees of any state institution of 138011
higher education, notwithstanding any rule of the institution to 138012
the contrary, may adopt a policy providing for mandatory 138013
furloughs of employees, including faculty, to achieve spending 138014
reductions necessitated by institutional budget deficits. 138015

Section 381.700. EFFICIENCY REPORTS 138016

In each fiscal year, the board of trustees of each public 138017
institution of higher education shall approve the institution's 138018
efficiency report submitted to the Chancellor of Higher 138019
Education under section 3333.95 of the Revised Code. 138020

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS 138021

For each fiscal year, each institution of higher education 138022
that receives funds from the foregoing appropriation items 138023
235515, Case Western Reserve University School of Medicine, 138024
235519, Family Practice, 235525, Geriatric Medicine, 235526, 138025
Primary Care Residencies, 235536, The Ohio State University 138026
Clinical Teaching, 235537, University of Cincinnati Clinical 138027

Teaching, 235538, University of Toledo Clinical Teaching, 138028
235539, Wright State University Clinical Teaching, 235540, Ohio 138029
University Clinical Teaching, 235541, Northeast Ohio Medical 138030
University Clinical Teaching, 235543, Kent State University 138031
College of Podiatric Medicine Clinic Subsidy, 235558, Long-term 138032
Care Research, and 235572, The Ohio State University Clinic 138033
Support, shall report to the Chancellor of Higher Education the 138034
residency status of graduates from the respective programs 138035
receiving support from those appropriation items one year and 138036
five years after graduating. 138037

Section 381.710. The Chancellor of Higher Education shall 138038
support the continued development of the Ohio Innovation 138039
Exchange for the purpose of showcasing the research expertise of 138040
Ohio's university and college faculty in a variety of fields, 138041
including, but not limited to, engineering, biomedicine, and 138042
information technology, and to identify institutional research 138043
equipment available in the state. 138044

Section 381.720. COLLEGE CREDIT PLUS PROGRAM 138045

(A) The Chancellor of Higher Education, in consultation 138046
with the Director of Education and Workforce, may take action as 138047
necessary to ensure that public colleges and universities and 138048
school districts are fully engaging and participating in the 138049
College Credit Plus Program as required by Chapter 3365. of the 138050
Revised Code. Such actions may include publicly displaying 138051
program participation data by district and institution. 138052

(B) For the purposes of model pathways required under 138053
section 3365.13 of the Revised Code, the Chancellor and Director 138054
shall work with public secondary schools and partnering public 138055
colleges and universities, as necessary, to encourage the 138056
establishment of model pathways that prepare participants to 138057

successfully enter the workforce in certain fields, which may 138058
include any of the following: 138059

(1) Engineering technology and other fields essential to 138060
the superconductor industry; 138061

(2) Nursing, with particular emphasis on models that 138062
facilitate a participant's potential progression through 138063
different levels of nursing; 138064

(3) Teaching and other related education professions; 138065

(4) Social and behavioral or mental health professions; 138066

(5) Law enforcement or corrections; and 138067

(6) Other fields as determined appropriate by the 138068
Chancellor and Director, in consultation with the Governor's 138069
Office of Workforce Transformation. 138070

(C) Notwithstanding any provision of law to the contrary, 138071
students enrolled under a statewide innovative waiver pathway, 138072
as established in section 3365.131 of the Revised Code, shall 138073
follow a model pathway as established in section 3365.13 of the 138074
Revised Code. Priority shall be given to pathways aligned with 138075
engineering technology and other fields essential to the 138076
superconductor industry. 138077

Section 381.730. EASTERN GATEWAY COMMUNITY COLLEGE 138078

The Chancellor of Higher Education, in consultation with 138079
postsecondary educational institutions and other stakeholders as 138080
determined to be appropriate, shall monitor and evaluate the 138081
ongoing availability of postsecondary educational offerings 138082
within the four-county service district formerly served by 138083
Eastern Gateway Community College. To the extent practicable, 138084
the Chancellor shall seek to ensure a strong continuity of 138085

postsecondary educational access to residents of the region, 138086
with a particular focus on access to programs aligned with 138087
regional workforce priorities. If determined to be necessary, 138088
the Chancellor may seek to achieve favorable outcomes by 138089
engaging with other postsecondary educational institutions to 138090
encourage uninterrupted access to educational opportunities. 138091
This may include, but not be limited to, outcomes associated 138092
with academic program offerings, program-related equipment, or 138093
physical facilities. 138094

Section 381.740. CREDENTIAL AND WORK EXPERIENCE 138095
CONSIDERATION 138096

Prior to admitting any students applying for enrollment 138097
after July 1, 2025, each state institution of higher education, 138098
as defined in section 3345.011 of the Revised Code, shall 138099
consider an applicant's work experience and credentials earned 138100
as part of the admissions process. An applicant's work 138101
experience or credential does not need to align to the program 138102
or discipline the applicant is seeking to pursue to be 138103
considered by the state institution as a positive reason to 138104
accept the applicant as a student at the institution. 138105

At the time of the student's acceptance, an institution 138106
shall either grant credit for prior learning or experience or 138107
detail the potential opportunities and required documentation 138108
needed to grant such credit based on the review of the student's 138109
specific information provided in the application. 138110

Section 381.750. GENERAL EDUCATION REQUIREMENTS 138111

(A) Not later than December 31, 2025, the board of 138112
trustees of each state institution of higher education, as 138113
defined in section 3345.011 of the Revised Code, shall formally 138114

review and evaluate the components of the state institution's 138115
general education curriculum and adopt a resolution 138116
acknowledging the board's completion of that review. Each board 138117
shall submit a copy of its resolution to the Chancellor of 138118
Higher Education. 138119

(B) Not later than March 31, 2026, the board of trustees 138120
of each state institution of higher education shall formally 138121
evaluate the state institution's general education curriculum to 138122
enhance content that furthers the state's post-secondary 138123
education attainment and workforce goals. In conducting the 138124
evaluation, the board shall consider adjusting the general 138125
education curriculum in the following areas: 138126

(1) Civics, culture, and society, including United States 138127
and Ohio history, the foundations of American representative 138128
government, how to disagree in a civil manner, and the 138129
principles of civil discourse; 138130

(2) Artificial intelligence, STEM, and computational 138131
thinking; 138132

(3) Entrepreneurship and the principles of innovation; 138133

(4) Workforce readiness, including fundamental skills 138134
necessary for Ohio's graduates to gain employment in in-demand 138135
occupations. 138136

(C) Not later than June 30, 2026, the board of trustees of 138137
each state institution of higher education shall adopt a 138138
resolution summarizing changes to the state institution's 138139
general education curriculum resulting from the evaluation 138140
process and submit a copy of the resolution to the Chancellor. 138141

(D) The Chancellor shall provide a copy of each resolution 138142
submitted under this section to the Governor, the President of 138143

the Senate, and the Speaker of the House of Representatives. 138144

(E) Adjustments made to a state institution of higher 138145
education's general education curriculum pursuant to this 138146
section are not exempt from the requirements of the Chancellor's 138147
program approval process. 138148

Section 381.760. OHIO TECH TALENT INITIATIVE 138149

(A) The Ohio Tech Talent Initiative is created. The 138150
purpose of the initiative is to promote, prioritize, and expand 138151
engineering technician education for engineering technology and 138152
other fields essential to the semiconductor and advanced 138153
manufacturing industries. In administering the program, the 138154
Chancellor of Higher Education may determine the list of 138155
academic programs included, in consultation with the Governor's 138156
Office of Workforce Transformation, based on the Classification 138157
of Instructional Programs (CIP). 138158

(B) For the purposes of model and statewide innovative 138159
waiver pathways authorized under sections 3365.13 and 3365.131 138160
of the Revised Code, the Chancellor and Director of Education 138161
and Workforce, in consultation with the Governor's Office of 138162
Workforce Transformation, shall jointly collaborate with public 138163
secondary schools and partnering public colleges and 138164
universities, as necessary, to establish, promote, and 138165
prioritize pathways that prepare participants to successfully 138166
enter the workforce in engineering technology and other fields 138167
essential to the semiconductor or advanced manufacturing 138168
industries. The Chancellor and Director shall also leverage the 138169
one-year option credit articulation process for students 138170
enrolled in Ohio Technical Centers, as defined in section 138171
3333.94 of the Revised Code, who complete a 900-hour program of 138172
study and obtain an industry-recognized credential. 138173

(C) In administering the program, and notwithstanding any provision of law to the contrary, the Chancellor and Director of Development may utilize funds appropriated from the following appropriation items with the goal of reducing student costs and increasing the number of graduates in technician-aligned programs:

(1) Appropriation item 235438, Choose Ohio First Scholarship;

(2) Appropriation item 235517, Talent Ready Grant Program;

(3) Appropriation item 235425, Ohio Work Ready Grant Program;

(4) Appropriation item 235494, Second Chance Grant Program;

(5) Appropriation item C23529, Workforce Based Training and Equipment;

(6) Appropriation item 195556, TechCred Program;

(7) Other appropriation items as determined to be necessary by the Chancellor, in consultation with the Governor's Office of Workforce Transformation.

(D) The Chancellor may require a state institution of higher education, as defined in section 3345.011 of the Revised Code, and a private college as defined in section 3365.01 of the Revised Code, to establish a workforce-education partnership program, as defined in section 3333.93 of the Revised Code. In establishing a workforce-education partnership program, the Chancellor, in consultation with the Governor's Office of Workforce Transformation, may require college, university and employer participants to specifically focus on engineering

technology and other fields essential to the semiconductor 138202
industry, advanced manufacturing industry, or both. 138203

Section 381.770. DIRECT ADMISSIONS 138204

(A) As used in this section: 138205

(1) "Academic record" includes grade point average, high 138206
school and college transcript information, standardized 138207
assessment scores, scores on the end-of-course examinations 138208
prescribed under section 3301.0712 of the Revised Code, and any 138209
other measure of postsecondary readiness determined appropriate 138210
by the Chancellor of Higher Education. 138211

(2) "Postsecondary institution" means any of the 138212
following: 138213

(a) A state institution of higher education, as defined in 138214
section 3345.011 of the Revised Code; 138215

(b) A private nonprofit institution of higher education 138216
that holds a certificate of authorization under Chapter 1713. of 138217
the Revised Code; 138218

(c) An Ohio technical center, as defined in section 138219
3333.94 of the Revised Code. 138220

(3) "School governing body" means the board of education 138221
of a city, local, exempted village, or joint vocational school 138222
district, the governing authority of a chartered nonpublic 138223
school, the governing authority of a community school 138224
established under Chapter 3314. of the Revised Code, or the 138225
governing body of a STEM school established under Chapter 3326. 138226
of the Revised Code. 138227

(B) The Chancellor of Higher Education, in consultation 138228
with the Director of Education and Workforce, shall establish a 138229

direct admissions pilot program to notify students enrolled at 138230
participating high schools about whether they meet the 138231
admissions criteria for participating postsecondary 138232
institutions. 138233

Under the pilot program, the Chancellor shall establish a 138234
process that uses a student's academic record to determine 138235
whether the student meets the admissions requirements. To the 138236
extent practicable, and in accordance with applicable law, the 138237
Chancellor shall use existing primary, secondary, and higher 138238
education student information systems to automate the process 138239
and use information held by a participating student's high 138240
school to minimize the need for the student to provide any 138241
additional information. 138242

The Chancellor shall endeavor to implement the pilot 138243
program so that students graduating in the 2026-2027 school year 138244
may participate in the program. 138245

(C) The Chancellor may do any of the following: 138246

(1) Establish eligibility requirements for students, 138247
school governing bodies, and postsecondary institutions who 138248
elect to participate in the pilot program; 138249

(2) Consult with stakeholders and form advisory councils 138250
as necessary to design and operate the pilot program; 138251

(3) Terminate the pilot program if the Chancellor 138252
determines its operation is impracticable. 138253

(D) A school governing body or postsecondary institution 138254
shall apply to participate in the pilot program in a form and 138255
manner prescribed by the Chancellor. 138256

A participating school governing body may adopt a written 138257

policy authorizing any high school it operates to participate in 138258
the pilot program. Not later than ninety days after the adoption 138259
of the policy, the school governing body shall transmit an 138260
electronic copy of the policy to the Chancellor and the Director 138261
of Education and Workforce. 138262

A participating school governing body shall develop a 138263
procedure to determine whether a student who wants to 138264
participate in the pilot program meets any eligibility 138265
requirements established under division (C) of this section. 138266

(E) At least once each school year, the Chancellor, in 138267
consultation with the Director of Education and Workforce, shall 138268
issue a report on the pilot program. The Chancellor shall set a 138269
deadline for the report's issuance. The report shall include 138270
information about the number of students who participate in the 138271
program. The report also shall evaluate, to the extent 138272
practicable, the impact of the program on postsecondary outcomes 138273
for students from populations traditionally underserved in 138274
higher education. 138275

The Chancellor shall submit the report to the Governor, 138276
the President of the Senate, the Speaker of the House of 138277
Representatives, the Director of Education and Workforce, the 138278
Director of Budget and Management, and the Governor's Office of 138279
Workforce Transformation. 138280

(F) No student, school governing body, or postsecondary 138281
institution shall be required to participate in the pilot 138282
program. 138283

Section 383.10. 138284
138285

A	DRC DEPARTMENT OF REHABILITATION AND CORRECTION			
B	General Revenue Fund			
C	GRF	501321	Institutional Operations	\$1,466,770,700 \$1,539,309,235
D	GRF	501405	Reentry, Housing, and Support Services	\$87,700,200 \$90,558,100
E	GRF	501406	Adult Correctional Facilities Lease Rental Bond Payments	\$42,000,000 \$60,000,000
F	GRF	501407	Community Nonresidential Programs	\$71,472,947 \$74,153,531
G	GRF	501408	Community Misdemeanor Programs	\$10,101,000 \$10,555,545
H	GRF	501411	Probation Improvement and Incentive Grants	\$5,512,500 \$5,760,562
I	GRF	501501	Community Residential Programs - Community Based Correctional Facilities	\$104,015,600 \$108,161,800
J	GRF	503321	Parole and Community Operations	\$135,000,000 \$135,000,000
K	GRF	504321	Administrative Operations	\$29,927,970 \$31,394,440
L	GRF	505321	Institution Medical Services	\$377,800,462 \$402,429,929

M	GRF	506321	Institution Education Services	\$53,496,437	\$57,943,527
N			General Revenue Fund Total	\$2,383,797,816	\$2,515,266,669
O			Dedicated Purpose Fund Group		
P	4B00	501601	Sewer Treatment Services	\$600,000	\$600,000
Q	4D40	501603	Prisoner Programs	\$400,000	\$400,000
R	4L40	501604	Transitional Control	\$2,450,000	\$2,450,000
S	4S50	501608	Education Services	\$4,660,000	\$4,660,000
T	5AF0	501609	State and Non-Federal Awards	\$1,300,000	\$1,300,000
U	5H80	501617	Offender Financial Responsibility	\$1,860,000	\$1,860,000
V	5ZQ0	501505	Local Jail Grants	\$75,000,000	\$0
W			Dedicated Purpose Fund Group Total	\$86,270,000	\$11,270,000
X			Internal Service Activity Fund Group		
Y	1480	501602	Institutional Services	\$3,500,000	\$3,500,000
Z	2000	501607	Ohio Penal Industries	\$46,515,000	\$46,515,000
AA	4830	501605	Leased Property Maintenance and Operating	\$7,500,000	\$7,500,000
AB	5710	501606	Corrections Training	\$940,000	\$940,000

Maintenance and Operating				
AC 5L60	501611	Information Technology	\$500,000	\$500,000
Services				
AD	Internal Service Activity Fund Group		\$58,955,000	\$58,955,000
Total				
AE Federal Fund Group				
AF 3230	501619	Federal Grants	\$4,500,000	\$4,500,000
AG 3CW0	501622	Federal Equitable Sharing	\$300,000	\$300,000
AH	Federal Fund Group Total		\$4,800,000	\$4,800,000
AI	TOTAL ALL BUDGET FUND GROUPS		\$2,533,822,816	\$2,590,291,669

Section 383.20. ANALYTICS PLATFORM PILOT 138286

Of the foregoing appropriation item 501321, Institutional 138287
Operations, \$1,000,000 in fiscal year 2026 shall be used by the 138288
Department of Rehabilitation and Correction to procure a 138289
software analytics platform to establish a pilot program to 138290
transcribe and analyze all inmate phone calls to increase the 138291
security and safety of Department of Rehabilitation and 138292
Correction facilities. The procured analytics platform shall be 138293
accessible to all law enforcement agencies in this state to 138294
support criminal investigations. The Correctional Institution 138295
Inspection Committee shall approve the location of the pilot 138296
program. The Department shall submit a report of its findings 138297
from the pilot program to the Committee by December 31, 2026. 138298

EXPEDITED PARDON INITIATIVE 138299

Of the foregoing appropriation item 501321, Institutional 138300
Operations, up to \$500,000 in each fiscal year may be used by 138301
the Department of Rehabilitation and Correction to support 138302
projects connecting rehabilitated citizens with community 138303
partners to advance the expedited pardon initiative and help 138304
eligible individuals navigate the process and access clemency. 138305

FELONY OFFENSE COST REIMBURSEMENTS 138306

Of the foregoing appropriation item 501321, Institutional 138307
Operations, the Department of Rehabilitation and Correction 138308
shall allocate an amount not to exceed \$250,000 in each fiscal 138309
year to reimburse counties for their costs incurred in the 138310
prosecution of felonies that occur on the grounds of state 138311
correctional institutions operated by the Department. Eligible 138312
reimbursement costs include those incurred by the prosecuting 138313
attorney, indigent defense counsel, the court of common pleas, 138314
the clerk of the court of common pleas, and the sheriff. 138315

OSU MEDICAL CHARGES 138316

Notwithstanding section 341.192 of the Revised Code, at 138317
the request of the Department of Rehabilitation and Correction, 138318
the Ohio State University Medical Center, including the Arthur 138319
G. James Cancer Hospital and Richard J. Solove Research 138320
Institute and the Richard M. Ross Heart Hospital, shall provide 138321
necessary care to persons who are confined in state adult 138322
correctional facilities. The provision of necessary inpatient 138323
care billed to the Department shall be reimbursed at a rate not 138324
to exceed the authorized reimbursement rate for the same service 138325
established by the Department of Medicaid under the Medicaid 138326
Program. 138327

TRANSITIONAL HOUSING FUNDING 138328

Of the foregoing appropriation item 501405, Reentry, 138329
Housing, and Support Services, priority shall be given to 138330
residential providers that accept and place individuals released 138331
from institutions operated by the Department of Rehabilitation 138332
and Correction to the supervision of the Adult Parole Authority 138333
who were previously rejected by all other residential providers. 138334

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 138335

The foregoing appropriation item 501406, Adult 138336
Correctional Facilities Lease Rental Bond Payments, shall be 138337
used to meet all payments during the period from July 1, 2025, 138338
through June 30, 2027, by the Department of Rehabilitation and 138339
Correction pursuant to leases and agreements for facilities made 138340
under Chapters 152. and 154. of the Revised Code. These 138341
appropriations are the source of funds pledged for bond service 138342
charges on related obligations issued under Chapters 152. and 138343
154. of the Revised Code. 138344

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 138345

The foregoing appropriation item 501411, Probation 138346
Improvement and Incentive Grants, shall be allocated by the 138347
Department of Rehabilitation and Correction to municipalities as 138348
Probation Improvement and Incentive Grants with an emphasis on: 138349
(1) providing services to those addicted to opiates and other 138350
illegal substances, and (2) supplementing the programs and 138351
services funded by grants distributed from the foregoing 138352
appropriation item 501407, Community Nonresidential Programs. 138353

FREDERICK DOUGLASS PROJECT FOR JUSTICE 138354

Of the foregoing appropriation item 506321, Institution 138355
Education Services, \$350,000 in fiscal year 2026 and \$150,000 in 138356
fiscal year 2027 shall be distributed directly to the Frederick 138357

Douglass Project for Justice to operate in all prisons. 138358

Section 383.30. LOCAL JAIL GRANTS 138359

The foregoing appropriation item 501505, Local Jail 138360
Grants, shall be used for the construction and renovation of 138361
county jails. The Department of Rehabilitation and Correction 138362
shall designate the projects involving the construction and 138363
renovation of county jails. 138364

To determine which projects will receive funding, the 138365
Department of Rehabilitation and Correction shall rank each 138366
county based on its financial need with a percentile ranking 138367
using the following funding formula, as calculated by the 138368
Department of Taxation. 138369

The Department of Taxation shall determine the total value 138370
of all property in the county listed and assessed for taxation 138371
on the tax list as reported by the Department of Taxation in the 138372
preceding tax year, and list each county in order of total 138373
value, ascending, so that the county with the lowest value is 138374
number one on the list, which shall be called its property tax 138375
ranking. 138376

The Department of Taxation also shall rank each county 138377
based on the estimate of the gross amount of taxable retail 138378
sales sourced to the county as reported by the Department for 138379
the preceding calendar year, computed by dividing the total 138380
amount of tax revenue received by the county during that period 138381
from taxes levied under sections 5739.021, 5739.026, 5741.021, 138382
and 5741.023 of the Revised Code by the aggregate tax rate 138383
levied by the county under sections 5739.021 and 5739.026 of the 138384
Revised Code on the last day of the preceding calendar year, and 138385
list each county in order of total value, ascending, so that the 138386

county with the lowest value is number one on the list, except 138387
that any county that does not currently levy taxes under section 138388
5739.021 or 5739.026 of the Revised Code shall be ranked at 138389
number eighty-eight on the list, which ranking shall be called 138390
its sales tax ranking. 138391

The Department of Taxation shall then, for each county, 138392
add the property tax ranking to the sales tax ranking, and shall 138393
order the counties according to the sum of the two rankings, the 138394
county with the lowest sum being number one on the list, to 138395
determine the county's final ranking. The percentile ranking 138396
shall be determined by taking the county's final ranking, 138397
dividing it by eighty-eight, and multiplying it by one hundred. 138398

If the final ranking is the same for two or more counties, 138399
the county with the lowest population shall receive the lowest 138400
final ranking. The final ranking for the counties shall be 138401
numbers one through eighty-eight, the lowest ranking county 138402
being number one, and the highest number eighty-eight. 138403

Upon receiving the final rankings, the Department of 138404
Rehabilitation and Correction shall select a number of counties 138405
among the lowest ranking counties and invite the selected 138406
counties to apply for assistance. Two or more counties may 138407
jointly apply for assistance as long as at least one of the 138408
counties was invited to apply. 138409

The Department of Rehabilitation and Correction shall 138410
adopt guidelines to accept and review applications and designate 138411
projects. The guidelines shall require the county or counties to 138412
justify the need for the project and to comply with timelines 138413
for the submission of documentation pertaining to the project 138414
and project location. The guidelines may require applications 138415
for multicounty jail facilities to provide evidence that the 138416

counties all are in agreement regarding each county's respective 138417
share of the basic project cost and each county's respective 138418
share of the operations and maintenance of the proposed jail 138419
facility and evidence that each county will be able to generate 138420
adequate revenue to fund its respective portion of the basic 138421
project cost and the operations and maintenance of the proposed 138422
jail facility. 138423

Upon the application of a county so invited, the 138424
Department of Rehabilitation and Correction shall proceed with a 138425
needs assessment. 138426

Under a needs assessment, the Department shall make a 138427
determination of all of the following: 138428

(1) The need of the county for additional jail facilities, 138429
or for renovations or improvements to existing jail facilities, 138430
based on whether and to what extent existing facilities comply 138431
with the standards in section 5120.10 of the Revised Code, 138432
including the age and condition of the jail facilities; 138433

(2) The number of jail facilities to be included in a 138434
project; 138435

(3) The estimated annual, monthly, or daily cost of 138436
operating the facility once it is operational, as reported and 138437
certified by the county auditor; 138438

(4) The estimated basic project cost of constructing, 138439
acquiring, reconstructing, or making additions to each facility; 138440

(5) Whether the county has recently received a grant from 138441
the state to construct or renovate jail facilities. 138442

The Department, following the completion of a needs 138443
assessment, shall make a determination in favor of constructing, 138444

acquiring, reconstructing, or making additions to a jail 138445
facility only upon evidence that the proposed project conforms 138446
to the construction and renovation standards described in 138447
divisions (D) and (E) of section 5120.10 of the Revised Code, 138448
and that it keeps with the needs of the county or counties as 138449
determined by the needs assessment. Exceptions shall be 138450
authorized only in those areas where topography, sparsity of 138451
population, and other factors make larger jail facilities 138452
impracticable. 138453

Except as otherwise provided in this section, the portion 138454
of the basic project cost supplied by the state for each 138455
approved county shall be the difference between one hundred per 138456
cent, and a per cent equal to one per cent of the basic project 138457
costs times the percentile in which the county ranks according 138458
to the percentile ranking under this section, for the fiscal 138459
year preceding the fiscal year in which the Department approved 138460
the county's or counties' project. 138461

At no time shall the state's portion of the basic project 138462
cost be less than twenty-five per cent of the total basic 138463
project cost. If a county's portion of the basic project cost is 138464
calculated to be greater than seventy-five per cent of the total 138465
basic project cost, the county's portion shall be seventy-five 138466
per cent of the basic project cost. In the case of a multicounty 138467
jail facility, if the sum of two or more counties' portions of 138468
the total basic project cost are calculated to be greater than 138469
seventy-five per cent of the total basic project cost, the 138470
counties' portions shall be determined pro rata, so that the sum 138471
of their portions shall be equal to seventy-five per cent of the 138472
total basic project cost. 138473

The Department of Rehabilitation and Correction shall 138474

award the funds to selected counties not later than July 1,
2027.

Section 387.10.

1	2	3	4	5
A	RDF STATE REVENUE DISTRIBUTIONS			
B	General Revenue Fund			
C	GRF 110403	Personal Property Tax	\$3,770,000	\$3,170,000
		Replacement Phase Out -		
		Local Government		
D	GRF 110908	Property Tax	\$687,764,172	\$698,816,877
		Reimbursement - Local		
		Government		
E	GRF 200417	Personal Property Tax	\$46,478,241	\$42,618,185
		Replacement Phase Out -		
		School District		
F	GRF 200903	Property Tax	\$1,291,917,108	\$1,312,678,846
		Reimbursement - Education		
G	General Revenue Fund Total		\$2,029,929,521	\$2,057,283,908
H	Revenue Distribution Fund Group			
I	5JG0 110633	Gross Casino Revenue	\$168,320,000	\$166,460,000
		Payments - County		
J	5JH0 110634	Gross Casino Revenue	\$112,210,000	\$110,970,000
		Payments - School		

		Districts		
K	5JJ0	110636	Gross Casino Revenue - Host City	\$16,530,000 \$16,400,000
L	7049	336900	Indigent Drivers Alcohol Treatment	\$1,800,000 \$1,800,000
M	7050	762900	International Registration Plan Distribution	\$26,000,000 \$26,000,000
N	7051	762901	Auto Registration Distribution	\$379,000,000 \$391,000,000
O	7065	110965	Public Library Fund	\$490,000,000 \$500,000,000
P	7066	800966	Undivided Liquor Permits	\$14,600,000 \$14,600,000
Q	7069	110969	Local Government Fund	\$531,700,000 \$549,100,000
R	7082	110982	Horse Racing Tax	\$31,200 \$31,200
S	7083	700900	Ohio Fairs Fund	\$471,000 \$471,000
T			Revenue Distribution Fund Group Total	\$1,740,662,200 \$1,776,832,200
U			Fiduciary Fund Group	
V	4P80	001698	Cash Management Improvement Fund	\$1,000,000 \$1,000,000
W	5VR0	110902	Municipal Net Profit Tax	\$241,330,000 \$253,400,000
X	6080	001699	Investment Earnings	\$1,050,000,000 \$975,000,000

Y	7001	110996	Horse Racing Tax Local Government Payments	\$120,000	\$120,000
Z	7062	110962	Resort Area Excise Tax Distribution	\$2,540,000	\$2,650,000
AA	7063	110963	Permissive Sales Tax Distribution	\$3,706,800,000	\$3,788,700,000
AB	7067	110967	School District Income Tax Distribution	\$748,610,000	\$778,170,000
AC	7085	800985	Volunteer Firemen's Dependents Fund	\$300,000	\$300,000
AD	7094	110641	Wireless 9-1-1 Government Assistance	\$35,500,000	\$31,300,000
AE	7095	110995	Municipal Income Tax	\$8,100,000	\$8,100,000
AF	7099	762902	Permissive Tax Distribution - Auto Registration	\$262,000,000	\$270,000,000
AG	Fiduciary Fund Group Total			\$6,056,300,000	\$6,108,740,000
AH	Holding Account Fund Group				
AI	R045	110617	International Fuel Tax Distribution	\$101,700,000	\$108,200,000
AJ	Holding Account Fund Group Total			\$101,700,000	\$108,200,000
AK	TOTAL ALL BUDGET FUND GROUPS			\$9,928,591,721	\$10,051,056,108

Section 387.20. ADDITIONAL APPROPRIATIONS 138479

Appropriation items in Section 387.10 of this act shall be 138480
used for the purpose of administering and distributing the 138481
designated revenue distribution funds according to the Revised 138482
Code. If it is determined that additional appropriations are 138483
necessary for this purpose in any appropriation items in Section 138484
387.10 of this act, such amounts are hereby appropriated. 138485

TANGIBLE PROPERTY TAX REPLACEMENT PAYMENTS 138486

The foregoing appropriation items 200417, Personal 138487
Property Tax Replacement Phase Out-School District, and 110403, 138488
Personal Property Tax Replacement Phase Out - Local Government, 138489
shall be used to make reimbursement payments to school districts 138490
and other local taxing units under sections 5709.92 and 5709.93 138491
of the Revised Code. If it is determined that additional 138492
appropriations are needed to make those reimbursement payments 138493
in full, such amounts are hereby appropriated. 138494

Notwithstanding division (I) of section 5709.92 of the 138495
Revised Code, any school district that has a nuclear power plant 138496
located within its territory shall receive no less under this 138497
section in fiscal year 2027 than paid in fiscal year 2026. 138498

PROPERTY TAX REIMBURSEMENT - EDUCATION 138499

The foregoing appropriation item 200903, Property Tax 138500
Reimbursement - Education, is appropriated to pay for the 138501
state's costs incurred because of the homestead exemption, the 138502
property tax rollback, and payments required under division (C) 138503
of section 5705.2110 of the Revised Code. In cooperation with 138504
the Department of Taxation, the Department of Education and 138505
Workforce shall distribute these funds directly to the 138506
appropriate school districts of the state, notwithstanding 138507

sections 321.24 and 323.156 of the Revised Code, which provide 138508
for payment of the homestead exemption and property tax rollback 138509
by the Tax Commissioner to the appropriate county treasurer and 138510
the subsequent redistribution of these funds to the appropriate 138511
local taxing districts by the county auditor. 138512

Upon receipt of these amounts, each school district shall 138513
distribute the amount among the proper funds as if it had been 138514
paid as real or tangible personal property taxes. Payments for 138515
the costs of administration shall continue to be paid to the 138516
county treasurer and county auditor as provided for in sections 138517
319.54, 321.26, and 323.156 of the Revised Code. 138518

Any sums, in addition to the amount specifically 138519
appropriated in appropriation item 200903, Property Tax 138520
Reimbursement - Education, for the homestead exemption and the 138521
property tax rollback payments, and payments required under 138522
division (C) of section 5705.2110 of the Revised Code, which are 138523
determined to be necessary for these purposes, are hereby 138524
appropriated. 138525

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 138526

The foregoing appropriation item 110908, Property Tax 138527
Reimbursement-Local Government, is hereby appropriated to pay 138528
for the state's costs incurred due to the Homestead Exemption, 138529
the Manufactured Home Property Tax Rollback, and the Property 138530
Tax Rollback. The Tax Commissioner shall distribute these funds 138531
directly to the appropriate local taxing districts, except for 138532
school districts, notwithstanding the provisions in sections 138533
321.24 and 323.156 of the Revised Code, which provide for 138534
payment of the Homestead Exemption, the Manufactured Home 138535
Property Tax Rollback, and Property Tax Rollback by the Tax 138536
Commissioner to the appropriate county treasurer and the 138537

subsequent redistribution of these funds to the appropriate 138538
local taxing districts by the county auditor. 138539

Upon receipt of these amounts, each local taxing district 138540
shall distribute the amount among the proper funds as if it had 138541
been paid as real property taxes. Payments for the costs of 138542
administration shall continue to be paid to the county treasurer 138543
and county auditor as provided for in sections 319.54, 321.26, 138544
and 323.156 of the Revised Code. 138545

Any sums, in addition to the amounts specifically 138546
appropriated in appropriation item 110908, Property Tax 138547
Allocation - Local Government, for the Homestead Exemption, the 138548
Manufactured Home Property Tax Rollback, and the Property Tax 138549
Rollback payments, which are determined to be necessary for 138550
these purposes, are hereby appropriated. 138551

MUNICIPAL INCOME TAX 138552

The foregoing appropriation item 110995, Municipal Income 138553
Tax, shall be used to make payments to municipal corporations 138554
under section 5745.05 of the Revised Code. If it is determined 138555
that additional appropriations are necessary to make such 138556
payments, such amounts are hereby appropriated. 138557

MUNICIPAL NET PROFIT TAX 138558

The foregoing appropriation item 110902, Municipal Net 138559
Profit Tax, shall be used to make payments to municipal 138560
corporations under section 718.83 of the Revised Code. If it is 138561
determined that additional amounts are necessary to make such 138562
payments, such amounts are hereby appropriated. 138563

During fiscal year 2026 and fiscal year 2027, if the Tax 138564
Commissioner determines that there is insufficient cash in the 138565
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 138566

distribution obligations under section 718.83 of the Revised 138567
Code, the Tax Commissioner shall certify to the Director of 138568
Budget and Management the amount of additional cash necessary to 138569
satisfy those obligations. In addition, the Commissioner shall 138570
submit a plan to the Director requesting the necessary cash be 138571
transferred from one or a combination of the following funds: 138572
the Municipal Income Tax Administrative Fund, the Local Sales 138573
Tax Administrative Fund, the General School District Income Tax 138574
Administrative Fund, the Motor Fuel Tax Administrative Fund, the 138575
Property Tax Administrative Fund, or the General Revenue Fund. 138576
This plan shall include a proposed repayment schedule to 138577
reimburse those funds for any cash transferred in accordance 138578
with this section. After receiving the certification and funding 138579
plan from the Tax Commissioner and if the Director determines 138580
that sufficient cash is available, the Director may transfer the 138581
cash to the Municipal Net Profit Tax Fund in accordance with the 138582
plan submitted by the Tax Commissioner or as otherwise 138583
determined by the Director of Budget and Management. The 138584
Director of Budget and Management may transfer cash from the 138585
Municipal Net Profit Tax Fund to reimburse the funds from which 138586
cash was transferred for the purpose outlined in this section. 138587

LOCAL GOVERNMENT FUND 138588

Notwithstanding the requirement in division (A) of section 138589
131.51 of the Revised Code that the Director of Budget and 138590
Management credit to the Local Government Fund one and seven- 138591
tenths per cent of the total tax revenue credited to the General 138592
Revenue Fund during the preceding month, the Director shall 138593
instead calculate these amounts during fiscal year 2026 and 138594
fiscal year 2027 using one and seventy-five one-hundredths as 138595
the percentage. 138596

Section 391.10.

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1	2	3	4	5
A	OSB DEAF AND BLIND EDUCATION SERVICES			
B	General Revenue Fund			
C	GRF 226321 Operations		\$33,200,258	\$33,454,668
D	General Revenue Fund Total		\$33,200,258	\$33,454,668
E	Dedicated Purpose Fund Group			
F	4H80 226602 Blind School State Grants		\$350,000	\$350,000
G	4M00 226400 Deaf School Educational Program Expenses		\$250,000	\$250,000
H	4M10 226401 Deaf School State Grants		\$25,000	\$25,000
I	4M50 226601 Blind School Educational Program Expenses		\$330,000	\$340,000
J	5H60 226402 Early Childhood Education		\$65,000	\$65,000
K	5NJ0 226622 Employee Food Service Charges		\$22,467	\$23,141
L	Dedicated Purpose Fund Group Total		\$1,042,467	\$1,053,141
M	Federal Fund Group			
N	3100 226626 Blind School Federal Grants		\$1,099,000	\$1,099,000

O	3110	226403	Deaf School Federal Grants	\$574,000	\$574,000
P	3DT0	226621	Ohio Transition Collaborative	\$230,000	\$230,000
Q	3P50	226643	Medicaid Professional Services Reimbursement	\$459,500	\$459,500
R			Federal Fund Group Total	\$2,362,500	\$2,362,500
S			TOTAL ALL BUDGET FUND GROUPS	\$36,605,225	\$36,870,309

Section 391.20. OPERATIONS 138599

Of the foregoing appropriation item 226321, Operations, up 138600
to \$500,000 in fiscal year 2026 shall be used by the 138601
Superintendent of the Ohio Deaf and Blind Education Services to 138602
transition the staff, contracts, subscriptions, and equipment of 138603
St. Rita School for the Deaf to a public school known as Rita 138604
Community School under the supervision of the Ohio Deaf and 138605
Blind Education Services in accordance with Chapter 3325. of the 138606
Revised Code as amended by this act. The transition shall be 138607
completed by June 30, 2026, and the school shall be fully under 138608
the supervision of the Ohio Deaf and Blind Education Services 138609
beginning with the 2026-2027 school year. 138610

Section 395.10. 138611
138612

1 2 3 4 5

A SOS SECRETARY OF STATE

B General Revenue Fund

C	GRF	050321	Operating Expenses	\$3,505,147	\$3,510,274
D	GRF	050407	Poll Workers Training	\$0	\$500,000
E	GRF	050509	County Voting Systems Lease Rental Payments	\$12,200,000	\$12,200,000
F			General Revenue Fund Total	\$15,705,147	\$16,210,274
G			Dedicated Purpose Fund Group		
H	4120	050609	Notary Commission	\$541,455	\$555,487
I	4S80	050610	Board of Voting Machine Examiners	\$14,400	\$14,400
J	5990	050603	Business Services Operating Expenses	\$28,686,668	\$29,281,310
K	5990	050629	Statewide Voter Registration Database	\$705,000	\$730,000
L	5990	050630	Elections Support Supplement	\$4,458,687	\$4,545,000
M	5990	050631	Precinct Election Officials Training	\$0	\$500,000
N	5990	050636	County Election Officials Training	\$240,000	\$240,000
O	5SN0	050626	Address Confidentiality	\$375,000	\$400,000
P			Dedicated Purpose Fund Group Total	\$35,021,210	\$36,266,197

Q	Holding Account Fund Group		
R	R002 050606 Corporate/Business Filing Refunds	\$85,000	\$85,000
S	Holding Account Fund Group Total	\$85,000	\$85,000
T	Federal Fund Group		
U	3AS0 050616 Help America Vote Act (HAVA)	\$100,000	\$100,000
V	Federal Fund Group Total	\$100,000	\$100,000
W	TOTAL ALL BUDGET FUND GROUPS	\$50,911,357	\$52,661,471

Section 395.20. POLL WORKERS TRAINING 138613

The foregoing appropriation item 050407, Poll Workers Training, shall be used to provide funding to county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. 138614
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138616
138617

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 138618

The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into under Section 4 of S.B. 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of county voting systems. 138619
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BOARD OF VOTING MACHINE EXAMINERS 138627

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.

BALLOT ADVERTISING COSTS

Notwithstanding division (G) of section 3501.17 of the Revised Code, upon requests submitted by the Secretary of State, the Controlling Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for the cost of public notices associated with statewide ballot initiatives.

ABSENT VOTER'S BALLOT APPLICATION MAILING

Notwithstanding division (B) of section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2026.

ADDRESS CONFIDENTIALITY PROGRAM 138658

Upon the request of the Secretary of State, the Director 138659
of Budget and Management may transfer up to \$400,000 per fiscal 138660
year in cash from the Business Services Operating Expenses Fund 138661
(Fund 5990) to the Address Confidentiality Program Fund (Fund 138662
5SN0) . 138663

CORPORATE/BUSINESS FILING REFUNDS 138664

The foregoing appropriation item 050606, 138665
Corporate/Business Filing Refunds, shall be used to hold 138666
revenues until they are directed to the appropriate accounts or 138667
until they are refunded. If it is determined by the Secretary of 138668
State that additional appropriation amounts are necessary, the 138669
Secretary of State may request that the Director of Budget and 138670
Management approve such amounts. Upon approval of the Director 138671
of Budget and Management, such amounts are hereby appropriated. 138672

HAVA FUNDS 138673

An amount equal to the unexpended, unencumbered portion of 138674
appropriation item 050616, Help America Vote Act (HAVA), at the 138675
end of fiscal year 2025 is hereby reappropriated for the same 138676
purpose in fiscal year 2026. 138677

An amount equal to the unexpended, unencumbered portion of 138678
appropriation item 050616, Help America Vote Act (HAVA), at the 138679
end of fiscal year 2026 is hereby reappropriated for the same 138680
purpose in fiscal year 2027. 138681

Section 395.30. ELECTRONIC POLLBOOKS 138682

The appropriation item 050638, Electronic Pollbooks, shall 138683
be used by the Secretary of State to pay eighty-five per cent of 138684
the calculated allocation cost of acquiring electronic 138685

pollbooks, as defined in section 3506.05 of the Revised Code, 138686
and ancillary equipment, for county boards of elections in 138687
accordance with this section. 138688

An amount equal to the unexpended, unencumbered portion of 138689
the appropriation item 050638, Electronic Pollbooks, at the end 138690
of fiscal year 2025 is hereby reappropriated to the Secretary of 138691
State for the same purpose in fiscal year 2026. 138692

When required, pursuant to state purchasing requirements 138693
and at the request of the Secretary of State, the Office of 138694
Procurement Services within the Department of Administrative 138695
Services shall initiate a competitive solicitation for the 138696
purpose of identifying and securing contracts with qualified 138697
vendors that can provide electronic pollbooks, as defined in 138698
section 3506.05 of the Revised Code, and ancillary equipment. 138699
The Department shall maintain such contracts for use by county 138700
boards of elections in accordance with this section. 138701

The Secretary of State shall calculate the portion of 138702
appropriation item 050638, Electronic Pollbooks, to be allocated 138703
to each county board of elections in proportion to the number of 138704
registered voters in each county as recorded in the statewide 138705
voter registration database as of July 1, 2022. The Secretary of 138706
State, in conjunction with the Office of Procurement Services 138707
within the Department of Administrative Services, shall use the 138708
funding allocated to each county board of elections to reimburse 138709
them for the cost of acquiring electronic pollbooks and 138710
ancillary equipment as follows: 138711

(A) For electronic pollbooks and ancillary equipment to be 138712
acquired from vendors identified through competitive 138713
solicitation by the Office of Procurement Services within the 138714
Department of Administrative Services after the effective date 138715

of this section, upon request by a county board of elections, 138716
the Secretary of State shall provide a list of the vendors and 138717
electronic pollbooks certified in accordance with section 138718
3506.05 of the Revised Code. The board of elections shall select 138719
electronic pollbooks from this list, notify the Secretary of 138720
State of its selection, and shall acquire the selected 138721
electronic pollbooks and any other necessary equipment. The 138722
board of elections shall enter into a memorandum of 138723
understanding with the applicable board of county commissioners 138724
and the Secretary of State concerning those acquisitions. The 138725
Secretary of State shall reimburse the board of elections for 138726
the lesser amount of either eighty-five per cent of the cost of 138727
those acquisitions, or the amount of the allocation as 138728
determined by the Secretary of State under this section. 138729

(B) If, between December 31, 2019 and July 1, 2023, a	138730
board of elections acquired electronic pollbooks or ancillary	138731
equipment and is otherwise in compliance with all applicable	138732
directives and statutes, the Secretary of State shall reimburse	138733
the board of elections for the lesser amount of either eighty-	138734
five per cent of the cost of that acquisition, or the amount of	138735
the allocation as determined by the Secretary of State under	138736
this section. Reimbursement shall be paid to the county board of	138737
elections.	138738

Section 397.10.

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A SEN THE OHIO SENATE

B General Revenue Fund

C	GRF 020321 Operating Expenses	\$27,000,000	\$27,000,000
D	General Revenue Fund Total	\$27,000,000	\$27,000,000
E	Internal Service Activity Fund Group		
F	1020 020602 Senate Reimbursement	\$425,800	\$425,800
G	4090 020601 Miscellaneous Sales	\$34,497	\$34,497
H	Internal Service Activity Fund Group Total	\$460,297	\$460,297
I	TOTAL ALL BUDGET FUND GROUPS	\$27,460,297	\$27,460,297

Section 397.20. OPERATING EXPENSES 138741

On July 1, 2025, or as soon as possible thereafter, the 138742
Clerk of the Senate may certify to the Director of Budget and 138743
Management an amount up to the unexpended, unencumbered balance 138744
of the foregoing appropriation item 020321, Operating Expenses, 138745
at the end of fiscal year 2025 to be reappropriated to fiscal 138746
year 2026. The amount certified is hereby reappropriated to the 138747
same appropriation item for fiscal year 2026. 138748

On July 1, 2026, or as soon as possible thereafter, the 138749
Clerk of the Senate may certify to the Director of Budget and 138750
Management an amount up to the unexpended, unencumbered balance 138751
of the foregoing appropriation item 020321, Operating Expenses, 138752
at the end of fiscal year 2026 to be reappropriated to fiscal 138753
year 2027. The amount certified is hereby reappropriated to the 138754
same appropriation item for fiscal year 2027. 138755

Section 399.10. 138756

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	1	2	3	4	5
A					CSV COMMISSION ON SERVICE AND VOLUNTEERISM
B					General Revenue Fund
C	GRF	866321	CSV Operations	\$694,000	\$694,000
D			General Revenue Fund Total	\$694,000	\$694,000
E					Dedicated Purpose Fund Group
F	5GN0	866605	Serve Ohio Support	\$10,000	\$2,103
G			Dedicated Purpose Fund Group Total	\$10,000	\$2,103
H					Federal Fund Group
I	3R70	866617	AmeriCorps Programs	\$13,923,794	\$13,956,503
J			Federal Fund Group Total	\$13,923,794	\$13,956,503
K			TOTAL ALL BUDGET FUND GROUPS	\$14,627,794	\$14,652,606

Section 401.10.

138758

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	1	2	3	4	5
A					CSF COMMISSIONERS OF THE SINKING FUND
B					Debt Service Fund Group
C	7070	155905	Third Frontier Research and Development Bond Retirement Fund	\$45,000,000	\$45,000,000

D	7072	155902	Highway Capital Improvement Bond Retirement Fund	\$118,500,000	\$131,500,000
E	7073	155903	Natural Resources Bond Retirement Fund	\$14,300,000	\$14,300,000
F	7074	155904	Conservation Projects Bond Retirement Fund	\$46,500,000	\$39,000,000
G	7076	155906	Coal Research and Development Bond Retirement Fund	\$4,050,000	\$2,525,000
H	7077	155907	State Capital Improvement Bond Retirement Fund	\$225,000,000	\$240,000,000
I	7078	155908	Common Schools Bond Retirement Fund	\$255,000,000	\$230,000,000
J	7079	155909	Higher Education Bond Retirement Fund	\$250,000,000	\$210,000,000
K	7080	155901	Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund	\$975,000	\$0
L			Debt Service Fund Group Total	\$959,325,000	\$912,325,000
M			TOTAL ALL BUDGET FUND GROUPS	\$959,325,000	\$912,325,000

Section 401.20. ADDITIONAL APPROPRIATIONS 138760

Appropriation items in this section are for the purpose of 138761

paying debt service and financing costs during the period from 138762
July 1, 2025, through June 30, 2027, on bonds or notes of the 138763
state issued under the Ohio Constitution, Revised Code, and acts 138764
of the General Assembly. If it is determined that additional 138765
amounts are necessary for this purpose, such amounts are hereby 138766
appropriated. 138767

Section 404.10.

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	1	2	3	4	5
A					SHP STATE SPEECH AND HEARING PROFESSIONALS BOARD
B					Dedicated Purpose Fund Group
C	4K90	123609	Operating Expenses	\$649,200	\$665,400
D			Dedicated Purpose Fund Group Total	\$649,200	\$665,400
E			TOTAL ALL BUDGET FUND GROUPS	\$649,200	\$665,400

Section 407.10.

138770

138771

	1	2	3	4	5
A					BTA BOARD OF TAX APPEALS
B					General Revenue Fund
C	GRF	116321	Operating Expenses	\$2,110,000	\$2,160,000
D			General Revenue Fund Total	\$2,110,000	\$2,160,000
E			TOTAL ALL BUDGET FUND GROUPS	\$2,110,000	\$2,160,000

Section 409.10.

138772

138773

1	2	3	4	5
A	TAX DEPARTMENT OF TAXATION			
B	General Revenue Fund			
C	GRF	110321 Operating Expenses	\$63,677,392	\$67,427,723
D	GRF	110404 Tobacco Settlement Enforcement	\$163,000	\$166,271
E	General Revenue Fund Total		\$63,840,392	\$67,593,994
F	Dedicated Purpose Fund Group			
G	2280	110628 CAT Administration	\$13,368,132	\$13,072,718
H	4350	110607 Local Tax Administration	\$38,632,001	\$39,008,489
I	4360	110608 Motor Vehicle Audit Administration	\$1,282,300	\$1,282,300
J	4380	110609 School District Income Tax Administration	\$9,651,710	\$9,732,886
K	4C60	110616 International Registration Plan Administration	\$697,635	\$706,187
L	4R60	110610 Tire Tax Administration	\$138,123	\$138,123
M	5BP0	110639 Wireless 9-1-1 Administration	\$251,418	\$251,418

N	5JM0	110637	Casino Tax Administration	\$101,000	\$101,000
O	5N50	110605	Municipal Income Tax Administration	\$115,848	\$115,848
P	5N60	110618	Kilowatt Hour Tax Administration	\$63,415	\$63,415
Q	5NY0	110643	Petroleum Activity Tax Administration	\$1,114,260	\$1,114,260
R	5V70	110622	Motor Fuel Tax Administration	\$6,713,625	\$6,871,008
S	5V80	110623	Property Tax Administration	\$5,677,332	\$5,759,569
T	5YQ0	110651	Sports Gaming Tax Administration Operating Expenses	\$5,000	\$5,000
U	5ZA0	110650	Ohio Tax System Operating Expenses	\$7,000,000	\$8,000,000
V	6390	110614	Cigarette Tax Enforcement	\$1,087,029	\$1,114,117
W	6880	110615	Local Excise Tax Administration	\$391,778	\$392,536
X	Dedicated Purpose Fund Group Total			\$86,290,606	\$87,728,874
Y	Fiduciary Fund Group				
Z	4250	110635	Tax Refunds	\$3,082,044,000	\$3,082,044,000

AA 5CZ0 110631 Vendor's License	\$575,000	\$575,000
Application		
AB Fiduciary Fund Group Total	\$3,082,619,000	\$3,082,619,000
AC Holding Account Fund Group		
AD R010 110611 Tax Distributions	\$25,000	\$25,000
AE R011 110612 Miscellaneous Tax	\$500	\$500
Receipts		
AF Holding Account Fund Group Total	\$25,500	\$25,500
AG TOTAL ALL BUDGET FUND GROUPS	\$3,232,775,498	\$3,237,967,368

Section 409.20. TAX REFUNDS

138774

The foregoing appropriation item 110635, Tax Refunds,
shall be used to pay refunds under section 5703.052 of the
Revised Code. If it is determined that additional appropriations
are necessary for this purpose, such amounts are hereby
appropriated.

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VENDOR'S LICENSE PAYMENTS

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The foregoing appropriation item 110631, Vendor's License
Application, shall be used to make payments to county auditors
under section 5739.17 of the Revised Code. If it is determined
that additional appropriations are necessary to make such
payments, such amounts are hereby appropriated.

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INTERNATIONAL REGISTRATION PLAN ADMINISTRATION

138786

The foregoing appropriation item 110616, International
Registration Plan Administration, shall be used under section

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5703.12 of the Revised Code for audits of persons with vehicles 138789
registered under the International Registration Plan. 138790

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 138791

Of the foregoing appropriation item 110607, Local Tax 138792
Administration, the Tax Commissioner may disburse funds, if 138793
available, for the purposes of paying travel expenses incurred 138794
by members of Ohio's delegation to the Streamlined Sales Tax 138795
Project, as appointed under section 5740.02 of the Revised Code. 138796
Any travel expense reimbursement paid for by the Department of 138797
Taxation shall be done in accordance with applicable state laws 138798
and guidelines. 138799

TOBACCO SETTLEMENT ENFORCEMENT 138800

The foregoing appropriation item 110404, Tobacco 138801
Settlement Enforcement, shall be used by the Tax Commissioner to 138802
pay costs incurred in the enforcement of divisions (F) and (G) 138803
of section 5743.03 of the Revised Code. 138804

OHIO TAX SYSTEM SUPPORT FUND 138805

The foregoing appropriation item 110650, Ohio Tax System 138806
Operating Expenses, shall be used to pay costs incurred in the 138807
maintenance and support of the department's Ohio Tax System. The 138808
Tax Commissioner shall submit a plan to the Director of Budget 138809
and Management requesting the necessary cash be transferred to 138810
the Ohio Tax System Support Fund (Fund 5ZA0) which is hereby 138811
created in the state treasury. Cash shall be transferred from 138812
any fund used by the Department of Taxation that is otherwise 138813
allowable under state or federal law, except the General Revenue 138814
Fund. This plan shall include a schedule of cash transfers. 138815
After receiving the funding plan from the Tax Commissioner and 138816
if the Director determines that sufficient cash is available, 138817

the Director may transfer the cash to the Ohio Tax System 138818
Support Fund with the plan submitted by the Tax Commissioner or 138819
as otherwise determined by the Director of Budget and 138820
Management. The transfers of cash to the Ohio Tax System Support 138821
Fund shall not exceed \$15,000,000 in the fiscal year 2026-2027 138822
biennium. 138823

MISCELLANEOUS TAX RECEIPTS 138824

The foregoing appropriation item 110612, Miscellaneous Tax 138825
Receipts, shall be used to hold miscellaneous tax payments 138826
received by the Tax Commissioner until the appropriate account 138827
or fund is identified and the money can be transferred for the 138828
identified purpose. If the Director of Budget and Management 138829
determines that additional amounts are necessary for this 138830
purpose, such amounts are hereby appropriated. 138831

Section 411.10. 138832
138833

1	2	3	4	5
A	DOT DEPARTMENT OF TRANSPORTATION			
B	General Revenue Fund			
C	GRF	772456 Unmanned Aerial Systems Center	\$3,000,000	\$500,000
D	GRF	775470 Public Transportation - State	\$37,014,636	\$37,014,636
E	GRF	776465 Rail Development	\$6,000,000	\$6,000,000
F	GRF	777471 Airport Improvements - State	\$17,000,000	\$15,000,000

G	General Revenue Fund Total	\$63,014,636	\$58,514,636
H	Dedicated Purpose Fund Group		
I	5CN1 777628 Ohio Airport Improvement Program	\$4,650,000	\$4,650,000
J	5QT0 776670 Ohio Maritime Assistance Program	\$4,000,000	\$4,000,000
K	Dedicated Purpose Fund Group Total	\$8,650,000	\$8,650,000
L	TOTAL ALL BUDGET FUND GROUPS	\$71,664,636	\$67,164,636

Section 411.15. RAIL DEVELOPMENT 138834

Of the foregoing appropriation item 776465, Rail 138835
Development, \$25,000 in each fiscal year shall be used to pay 138836
the costs associated with Ohio joining the Midwest Interstate 138837
Passenger Rail Compact. 138838

Section 411.20. DRONES FOR FIRST RESPONDERS PILOT PROGRAM 138839

Of the foregoing appropriation item 772456, Unmanned 138840
Aerial Systems Center, \$2,500,000 in fiscal year 2026 shall be 138841
used to fund the Drones for First Responders pilot program, 138842
created under Section 755.20 of this act. 138843

An amount equal to the unexpended, unencumbered balance of 138844
the foregoing appropriation item 772456, Unmanned Aerial Systems 138845
Center, at the end of fiscal year 2026 is hereby reappropriated 138846
to the same appropriation item in fiscal year 2027. 138847

OHIO MARITIME ASSISTANCE PROGRAM 138848

The foregoing appropriation item 776670, Ohio Maritime 138849

Assistance Program, shall be used to provide grants under the 138850
Ohio Maritime Assistance Program established under section 138851
5501.91 of the Revised Code. 138852

An amount equal to the unexpended, unencumbered balance of 138853
the foregoing appropriation item 776670, Ohio Maritime 138854
Assistance Program, at the end of fiscal year 2026 is hereby 138855
reappropriated to the same appropriation item in fiscal year 138856
2027. 138857

Section 411.30. AIRPORT IMPROVEMENTS - STATE 138858

Of the foregoing appropriation item 777471 Airport 138859
Improvements - State, \$5,000,000 in each fiscal year shall be 138860
used by the Office of Aviation to provide matching funds for 138861
eligible airports awarded Airport Infrastructure Grant funding 138862
through the Infrastructure Investment and Jobs Act. Any matching 138863
funds provided to airports that are returned to the Office of 138864
Aviation due to lower than estimated project costs shall be 138865
reallocated to other eligible projects. The reallocated amounts 138866
are hereby appropriated. 138867

Of the foregoing appropriation item 777471 Airport 138868
Improvements - State, \$2,000,000 in fiscal year 2026 shall be 138869
used by the Eastern Ohio Military Affairs Commission to support 138870
construction and repair projects at the Youngstown Air Reserve 138871
Station, the Youngstown-Warren Regional Airport, and the Camp 138872
James A. Garfield Joint Military Training Center. 138873

OHIO AIRPORT IMPROVEMENT PROGRAM 138874

The foregoing appropriation item 777628, Ohio Airport 138875
Improvement Program, shall be used to administer the Ohio 138876
Airport Improvement Program established in section 4561.03 of 138877
the Revised Code. 138878

An amount equal to the unexpended, unencumbered balance of 138879
the foregoing appropriation item 777628, Ohio Airport 138880
Improvement Program, at the end of fiscal year 2026 is hereby 138881
reappropriated to the same appropriation item for fiscal year 138882
2027. 138883

Section 413.10.

138884

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1	2	3	4	5
A		TOS TREASURER OF STATE		
B		General Revenue Fund		
C	GRF	090321 Operating Expenses	\$5,432,000	\$5,432,000
D		General Revenue Fund Total	\$5,432,000	\$5,432,000
E		Dedicated Purpose Fund Group		
F	4E90	090603 Securities Lending Income	\$12,972,444	\$13,408,214
G	4E90	090639 STABLE Maintenance Fee Subsidy	\$900,000	\$900,000
H	4X90	090614 Political Subdivision Obligation	\$38,332	\$39,460
I	5770	090605 Investment Pool Reimbursement	\$1,838,291	\$1,885,100
J	5BD1	090576 County Recorder Electronic Record Supplement	\$1,750,000	\$0

K	5BE1	090638	Ohio Treasurer of State Information Technology Reserve	\$1,459,000	\$1,459,000
L	5C50	090602	County Treasurer Education	\$250,000	\$250,000
M	6050	090609	Treasurer of State Administrative Fund	\$1,820,361	\$1,827,252
N			Dedicated Purpose Fund Group Total	\$21,028,428	\$19,769,026
O			Fiduciary Fund Group		
P	4250	090635	Tax Refunds	\$12,000,000	\$12,000,000
Q			Fiduciary Fund Group Total	\$12,000,000	\$12,000,000
R			TOTAL ALL BUDGET FUND GROUPS	\$38,460,428	\$37,201,026

Section 413.20. COUNTY RECORDER ELECTRONIC RECORD 138886
MODERNIZATION PROGRAM 138887

An amount equal to the unexpended, unencumbered balance of 138888
appropriation item 090409, County Recorder Electronic 138889
Modernization Program, at the end of fiscal year 2025 is hereby 138890
reappropriated to the same appropriation item for the same 138891
purpose in fiscal year 2026. 138892

TAX REFUNDS 138893

The foregoing appropriation item 090635, Tax Refunds, 138894
shall be used to pay refunds under section 5703.052 of the 138895
Revised Code. If the Director of Budget and Management 138896
determines that additional amounts are necessary for this 138897

purpose, such amounts are hereby appropriated. 138898

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 138899
PAYMENTS 138900

The foregoing appropriation item 090406, Treasury 138901
Management System Lease Rental Payments, shall be used to make 138902
payments during the period from July 1, 2025, through June 30, 138903
2027, pursuant to leases and agreements entered into under 138904
Section 701.20 of H.B. 497 of the 130th General Assembly and 138905
other prior acts of the General Assembly with respect to 138906
financing the costs associated with the acquisition, 138907
development, implementation, and integration of the Treasury 138908
Management System. 138909

Section 413.40. STABLE MAINTENANCE FEE SUBSIDY 138910

The foregoing appropriation item 090639, STABLE 138911
Maintenance Fee Subsidy, shall be used to subsidize costs of 138912
monthly fees incurred by STABLE account holders for eligible 138913
individuals with disabilities. 138914

Section 413.50. COUNTY RECORDER ELECTRONIC RECORD 138915
MODERNIZATION FUND 138916

The County Recorder Electronic Modernization Fund (Fund 138917
5BD1) is created in the state treasury. Money in the fund shall 138918
be used to distribute funds to reimburse counties under the 138919
County Recorder Electronic Record Modernization Program, for use 138920
by county recorder's offices to implement the requirements set 138921
forth in divisions (E) and (F) of section 317.13 of the Revised 138922
Code. The Treasurer of State shall reimburse counties on a 138923
rolling basis until the appropriation is expended. Counties that 138924
met the requirements set forth in divisions (E) and (F) of 138925
section 317.13 of the Revised Code on October 24, 2024, are 138926

ineligible for funds under the Program. To be eligible for 138927
reimbursement under the Program, an expense must be incurred on 138928
or after October 24, 2024; expenses incurred before that date 138929
are not eligible for reimbursement. A county that receives funds 138930
under the Program shall credit those funds to the Recorder's 138931
Technology Fund at least to the extent necessary to reimburse 138932
the fund for money the county recorder spent to implement the 138933
requirements set forth in divisions (E) and (F) of section 138934
317.13 of the Revised Code. 138935

On July 1, 2025, or as soon as possible thereafter, the 138936
Treasurer of State shall transfer the cash balance including 138937
accrued interest and investment earnings from the Torrens Law 138938
Assurance Fund in the custody of the Treasurer of State, to the 138939
County Recorder Electronic Modernization Fund (Fund 5BD1). Upon 138940
completion of the transfer and on the effective date of its 138941
repeal by this act, the Torrens Law Assurance Fund is hereby 138942
abolished. 138943

Section 414.10. 138944
138945

1	2	3	4	5
A	VTO VETERANS' ORGANIZATIONS			
B	General Revenue Fund			
C	GRF	743501 American Ex-Prisoners of War	\$45,000	\$45,000
D	GRF	746501 Army and Navy Union, USA, Inc.	\$85,000	\$85,000
E	GRF	747501 Korean War Veterans	\$85,000	\$85,000

F	GRF	748501	Jewish War Veterans	\$62,000	\$62,000
G	GRF	749501	Catholic War Veterans	\$85,000	\$85,000
H	GRF	750501	Military Order of the Purple Heart	\$85,000	\$85,000
I	GRF	751501	Vietnam Veterans of America	\$310,000	\$310,000
J	GRF	752501	American Legion of Ohio	\$450,000	\$450,000
K	GRF	753501	AMVETS	\$450,000	\$450,000
L	GRF	754501	Disabled American Veterans	\$450,000	\$450,000
M	GRF	756501	Marine Corps League	\$214,000	\$214,000
N	GRF	757501	37th Division Veterans' Association	\$17,000	\$17,000
O	GRF	758501	Veterans of Foreign Wars	\$450,000	\$450,000
P	General Revenue Fund Total			\$2,788,000	\$2,788,000
Q	TOTAL ALL BUDGET FUND GROUPS			\$2,788,000	\$2,788,000

Section 415.10.

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A DVS DEPARTMENT OF VETERANS SERVICES

B General Revenue Fund

C	GRF	900321	Veterans' Homes	\$51,956,758	\$52,999,692
D	GRF	900402	Hall of Fame	\$74,317	\$75,966
E	GRF	900408	Department of Veterans Services	\$5,077,924	\$5,178,649
F	GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$1,559,990	\$1,559,990
G	GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$975,000	\$0
H			General Revenue Fund Total	\$59,643,989	\$59,814,297
I			Dedicated Purpose Fund Group		
J	4840	900603	Veterans' Homes Services	\$680,004	\$700,000
K	4E20	900602	Veterans' Homes Operating	\$14,000,000	\$14,000,000
L	5DB0	900643	Military Injury Relief Program	\$97,000	\$97,000
M	5YP0	900650	Sports Gaming - Veterans	\$75,000	\$75,000
N			Dedicated Purpose Fund Group Total	\$14,852,004	\$14,872,000
O			Federal Fund Group		
P	3680	900614	Veterans Training	\$980,404	\$1,021,705
Q	3BX0	900609	Medicare Services	\$1,000,000	\$2,059,273

R	3L20 900601 Veterans' Homes	\$31,500,000	\$31,500,000
	Operations - Federal		
S	Federal Fund Group Total	\$33,480,404	\$34,580,978
T	TOTAL ALL BUDGET FUND GROUPS	\$107,976,397	\$109,267,275

Section 415.20. VETERANS ORGANIZATIONS' RENT 138948

The foregoing appropriation item 900408, Department of 138949
Veterans Services, shall be used to pay veterans organizations' 138950
rent in buildings managed by the Department of Administrative 138951
Services. 138952

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 138953

The foregoing appropriation item 900901, Veterans 138954
Compensation General Obligation Bond Debt Service, shall be used 138955
to pay all debt service and related financing costs during the 138956
period from July 1, 2025, through June 30, 2027, on obligations 138957
issued under Section 2r of Article VIII, Ohio Constitution. 138958

Section 417.10. 138959

138960

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A DVM STATE VETERINARY MEDICAL LICENSING BOARD

B Dedicated Purpose Fund Group

C	4K90 888609 Operating Expenses	\$532,551	\$554,811
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D	5YG0 888603 Veterinarian Student Debt	\$100,000	\$100,000
	Assistance Program		

E	Dedicated Purpose Fund Group Total	\$632,551	\$654,811
F	Internal Service Activity Fund Group		
G	5BU0 888602 Veterinary Student Loan Program	\$20,000	\$20,000
H	Internal Service Activity Fund Group Total	\$20,000	\$20,000
I	TOTAL ALL BUDGET FUND GROUPS	\$652,551	\$674,811

Section 419.10.

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A VPB STATE VISION PROFESSIONALS BOARD

B Dedicated Purpose Fund Group

C	4K90 129609 Operating Expenses	\$609,659	\$668,146
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D	Dedicated Purpose Fund Group Total	\$609,659	\$668,146
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E	TOTAL ALL BUDGET FUND GROUPS	\$609,659	\$668,146
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Section 421.10.

138963

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A DYS DEPARTMENT OF YOUTH SERVICES

B General Revenue Fund

C	GRF 470401 RECLAIM Ohio	\$207,000,000	\$218,000,000
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D	GRF	470412	Juvenile Correctional Facilities Lease Rental Bond Payments	\$17,500,000	\$17,500,000
E	GRF	470510	Youth Services	\$16,702,000	\$16,702,000
F	GRF	472321	Parole Operations	\$11,547,202	\$11,926,365
G	GRF	477321	Administrative Operations	\$17,177,391	\$18,017,753
H			General Revenue Fund Total	\$269,926,593	\$282,146,118
I			Dedicated Purpose Fund Group		
J	1470	470612	Vocational Education	\$1,436,125	\$1,494,968
K	1750	470613	Education Services	\$4,140,884	\$4,317,416
L	4790	470609	Employee Food Service	\$30,300	\$30,300
M	4A20	470602	Child Support	\$95,000	\$95,000
N	4G60	470605	Juvenile Special Revenue - Non-Federal	\$115,000	\$115,000
O	5BN0	470629	E-Rate Program	\$71,000	\$71,000
P			Dedicated Purpose Fund Group Total	\$5,888,309	\$6,123,684
Q			Federal Fund Group		
R	3210	470601	Education	\$1,899,343	\$1,956,154
S	3210	470603	Juvenile Justice Prevention	\$2,473,806	\$2,481,942

T	3210	470606	Nutrition	\$1,551,000	\$1,551,000
U	3210	470614	Title IV-E Reimbursements	\$1,521,776	\$1,529,243
V	3V50	470604	Juvenile Justice/Delinquency Prevention	\$1,657,737	\$1,731,824
W			Federal Fund Group Total	\$9,103,662	\$9,250,163
X			TOTAL ALL BUDGET FUND GROUPS	\$284,918,564	\$297,519,965

Section 421.20. COMMUNITY PROGRAMS 138965

For purposes of implementing juvenile sentencing reforms, 138966
and notwithstanding any provision of law to the contrary, the 138967
Department of Youth Services may use up to \$1,375,000 of the 138968
unexpended, unencumbered balance of the portion of appropriation 138969
item 470401, RECLAIM Ohio, that is allocated to juvenile 138970
correctional facilities in each fiscal year to expand Targeted 138971
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 138972
other evidence-based community programs. 138973

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND 138974
PAYMENTS 138975

The foregoing appropriation item 470412, Juvenile 138976
Correctional Facilities Lease Rental Bond Payments, shall be 138977
used to meet all payments during the period from July 1, 2025, 138978
through June 30, 2027, by the Department of Youth Services under 138979
the leases and agreements for facilities made under Chapters 138980
152. and 154. of the Revised Code. These appropriations are the 138981
source of funds pledged for bond service charges on related 138982
obligations issued under Chapters 152. and 154. of the Revised 138983

Code.	138984
EDUCATION SERVICES	138985
The foregoing appropriation item 470613, Education	138986
Services, shall be used to fund the operating expenses of	138987
providing educational services to youth supervised by the	138988
Department of Youth Services. Operating expenses include, but	138989
are not limited to, teachers' salaries, maintenance costs, and	138990
educational equipment.	138991
FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES	138992
In collaboration with the county family and children first	138993
council, the juvenile court of that county that receives	138994
allocations from one or both of the foregoing appropriation	138995
items 470401, RECLAIM Ohio, and 470510, Youth Services, may	138996
transfer portions of those allocations to a flexible funding	138997
pool as authorized by the section of this act titled "FAMILY AND	138998
CHILDREN FIRST FLEXIBLE FUNDING POOL."	138999
Section 423.10.	139000
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1	2	3	4	5
A	KID DEPARTMENT OF CHILDREN AND YOUTH			
B	General Revenue Fund			
C	GRF	650400 Medicaid Program Support	\$1,393,000	\$1,393,000
		- State		
D	GRF	830321 Children and Youth	\$57,020,372	\$57,790,676
		Program Management		

E	GRF	830400	Child Care State/Maintenance of Effort	\$93,636,000	\$93,636,000
F	GRF	830402	Maternal and Infant Housing Assistance	\$500,000	\$500,000
G	GRF	830403	Help Me Grow	\$63,591,050	\$63,000,000
H	GRF	830404	Infant Vitality	\$20,000,000	\$20,000,000
I	GRF	830405	Part C Early Intervention	\$30,621,922	\$32,696,362
J	GRF	830406	Strong Families Strong Communities	\$9,100,000	\$4,100,000
K	GRF	830407	Early Childhood Education	\$130,319,450	\$130,320,617
L	GRF	830409	Early Care and Education Learning Standards	\$3,292,091	\$3,390,959
M	GRF	830410	Family and Children First	\$2,706,000	\$2,706,000
N	GRF	830411	Imagination Library	\$8,250,000	\$8,250,000
O	GRF	830414	Child Care Cred Program	\$10,000,000	\$0
P	GRF	830415	Parenting and Pregnancy Program	\$10,000,000	\$10,000,000
Q	GRF	830416	Adoption Grant Program	\$34,000,000	\$34,000,000
R	GRF	830418	Child Care Provider Recruitment	\$3,200,000	\$0

S	GRF	830419	Children's Crisis Care	\$1,350,000	\$1,350,000
T	GRF	830420	Community Projects and Assistance	\$600,000	\$100,000
U	GRF	830500	Early Care and Education	\$141,285,000	\$141,285,000
V	GRF	830501	Kinship Permanency Incentive Program	\$1,000,000	\$1,000,000
W	GRF	830502	Court Appointed Special Advocates	\$1,000,000	\$1,000,000
X	GRF	830503	Adoption Services	\$23,992,000	\$23,992,000
Y	GRF	830505	Infant and Early Childhood Mental Health (ECMH)	\$4,000,000	\$4,000,000
Z	GRF	830506	Family and Children Services	\$303,959,990	\$298,959,990
AA	General Revenue Fund Total			\$954,816,875	\$933,470,604
AB	Dedicated Purpose Fund Group				
AC 1980		830600	Children's Trust Fund	\$5,770,407	\$5,800,246
AD 2320		830613	Family and Children First	\$2,485,214	\$2,514,051
AE 4E70		830615	Family and Children Services Collections	\$650,000	\$650,000
AF 4F10		830607	Family and Children Activities	\$655,000	\$655,000

AG 5BN1 830618	Child Welfare Training Support	\$7,387,465	\$7,387,465
AH 5BO1 830620	Children and Youth Community Initiatives	\$20,000,000	\$10,000,000
AI 5BP1 830621	Agency Oversight and Support	\$12,000,000	\$10,000,000
AJ 5CN0 830617	Choose Life	\$80,000	\$80,000
AK 5U60 830619	Family and Children Support	\$400,000	\$400,000
AL	Dedicated Purpose Fund Group Total	\$49,428,086	\$37,486,762
AM	Federal Fund Group		
AN 3201 830608	Maternal and Child Health Block Grant	\$5,000,000	\$5,000,000
AO 3270 830601	Child Welfare	\$31,024,665	\$31,147,396
AP 3980 830612	Adoption Program	\$215,000,000	\$215,000,000
AQ 3A91 830622	Mental Health Block Grant	\$1,698,892	\$1,698,892
AR 3C50 830610	Preschool Special Education	\$16,026,864	\$16,026,864
AS 3D30 830602	Children's Trust Fund	\$7,030,643	\$7,048,243
AT 3F02 650600	Medicaid Program Support - Federal	\$1,393,000	\$1,393,000

AU 3H70 830604 Child Care	\$646,049,427	\$591,221,224
AV 3IT0 830609 Community Social Service Programs	\$22,803,908	\$22,803,908
AW 3IU0 830623 Federal Children and Youth Grants	\$52,000,000	\$52,000,000
AX 3N00 830603 Foster Care Program	\$337,778,385	\$338,091,973
AY 3V62 830605 TANF Block Grant	\$327,850,000	\$327,850,000
AZ Federal Fund Group Total	\$1,663,655,784	\$1,609,281,500
BA TOTAL ALL BUDGET FUND GROUPS	\$2,667,900,745	\$2,580,238,866

Section 423.20. MATERNAL AND INFANT HOUSING ASSISTANCE 139002

Of the foregoing appropriation item 830402, Maternal and 139003
Infant Housing Assistance, up to \$500,000 in each fiscal year 139004
shall be used to support stable housing initiatives for pregnant 139005
mothers and their families to improve maternal and infant health 139006
outcomes. 139007

Section 423.30. INFANT VITALITY GRANTS AND PROGRAMS 139008

Of the foregoing appropriation item, 830404, Infant 139009
Vitality, not less than \$6,000,000 in each fiscal year shall be 139010
used to support programming by community and local faith-based 139011
service providers that invests in maternal health programs, 139012
provides services and support to pregnant mothers, and improves 139013
both maternal and infant health outcomes. 139014

Of the foregoing appropriation item 830404, Infant 139015
Vitality, up to \$1,000,000 in each fiscal year shall be used to 139016

support the per diem nonmedical services provided by residential 139017
infant care centers. 139018

The remainder of appropriation item 830404, Infant 139019
Vitality, shall be used to fund a multi-pronged population 139020
health approach to address infant mortality. This approach may 139021
include the following: increasing awareness; supporting data 139022
collection; analysis and interpretation to inform decision- 139023
making and ensure accountability; targeting resources where the 139024
need is greatest; and implementing quality improvement science 139025
and programming that is evidence-based or based on emerging 139026
practices. Measurable interventions may include activities 139027
related to safe sleep, community engagement, group prenatal 139028
care, preconception education, continuous support for women 139029
during pregnancy and childbirth, patient navigators, community 139030
health workers, early childhood home visiting, safe birth 139031
spacing, gestational diabetes, smoking cessation tailored for 139032
pregnant women, breastfeeding, care coordination, and 139033
progesterone. 139034

Section 423.40. PART C EARLY INTERVENTION 139035

Of the foregoing appropriation item 830405, Part C Early 139036
Intervention, up to \$7,000,000 in fiscal year 2026 and up to 139037
\$9,000,000 in fiscal year 2027 may be used by the Department of 139038
Children and Youth to subgrant or contract with county boards of 139039
developmental disabilities for the provision of early 139040
intervention evaluations, assessments, and service coordination. 139041
County boards of developmental disabilities that accept these 139042
funds shall maintain the level of local funding for early 139043
intervention at the same funding level as the prior fiscal year. 139044

Of the foregoing appropriation item 830405, Part C Early 139045
Intervention, \$1,000,000 in total in each fiscal year shall be 139046

used to contract with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide early intervention special instruction services and family support to children under the age of three with blindness or low vision.

Section 423.50. CHILDREN'S MENTAL HEALTH

Of the foregoing appropriation item 830406, Strong Families Strong Communities, up to \$3,600,000 in each fiscal year shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

Of the foregoing appropriation item 830406, Strong Families Strong Communities, \$500,000 in each fiscal year shall be provided to Riveon Mental Health and Recovery to support primary care integration.

The foregoing appropriation item 830505, Infant and Early Childhood Mental Health, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool expulsions and promote kindergarten readiness. Funds shall be used by the Department of Children and Youth, in coordination with Department of Behavioral Health, to support infant and early childhood mental health credentialed professionals and consultation services, as well as administration, workforce development for the program, and program evaluation.

Section 423.60. PEDIATRIC CANCER RESEARCH

Of the foregoing appropriation item 830406, Strong Families Strong Communities, up to \$5,000,000 in fiscal year

2026 shall be used to provide funding to qualified entities in 139076
Ohio to support any of the following: 139077

(A) Research into causes, diagnoses, prevention, and 139078
treatment of pediatric cancer; 139079

(B) The study of new and novel approaches to researching 139080
and treating pediatric cancer, as well as the side effects of 139081
cancer treatment, including discovering and developing new 139082
drugs, clinical trials, neurosurgery, and other surgical 139083
interventions, diagnostics, care management, and learning 139084
disabilities. 139085

Section 423.70. EARLY CHILDHOOD EDUCATION 139086

The foregoing appropriation item 830407, Early Childhood 139087
Education, shall be used to pay the costs of the Early Childhood 139088
Education Grant Program to provide quality preschool instruction 139089
to improve kindergarten readiness. The Department shall 139090
distribute such funds directly to qualifying providers as 139091
specified in section 5104.53 of the Revised Code. 139092

Section 423.85. CHILD CARE CRED PROGRAM 139093

The foregoing appropriation item 830414, Child Care Cred 139094
Program, shall be used for the Child Care Cred Program 139095
established in section 5104.54 of the Revised Code. 139096

Section 423.90. PARENTING AND PREGNANCY PROGRAM 139097

The foregoing appropriation item 830415, Parenting and 139098
Pregnancy Program, shall be used, in accordance with section 139099
5180.71 of the Revised Code, to support the Ohio Parenting and 139100
Pregnancy Program. 139101

An amount equal to the unexpended, unencumbered balance of 139102
appropriation item 830415, Parenting and Pregnancy Program, at 139103

the end of fiscal year 2026 is hereby reappropriated to the same 139104
appropriation item for the same purpose in fiscal year 2027. 139105

Section 423.100. ADOPTION GRANT PROGRAM 139106

The foregoing appropriation item 830416, Adoption Grant 139107
Program, shall be used to administer grants to adoptive parents 139108
through the Adoption Grant Program, in accordance with sections 139109
5180.451 and 5180.452 of the Revised Code. 139110

Section 423.103. CHILD CARE PROVIDER RECRUITMENT 139111

The foregoing appropriation item 830418, Child Care 139112
Provider Recruitment, shall be used for the Child Care Provider 139113
Recruitment and Mentorship Grant Program established in Section 139114
751.30 of this act. 139115

An amount equal to the unexpended, unencumbered balance of 139116
appropriation item 830418, Child Care Provider Recruitment, at 139117
the end of fiscal year 2026 is hereby reappropriated to the same 139118
appropriation item for the same purpose in fiscal year 2027. 139119

Section 423.105. COMMUNITY PROJECTS AND ASSISTANCE 139120

Of the foregoing appropriation item 830420, Community 139121
Projects and Assistance, \$100,000 in each fiscal year shall be 139122
distributed to Applewood Centers, Inc., to expand its foster 139123
care program. 139124

The remainder of appropriation item 830420, Community 139125
Projects and Assistance, shall be distributed to Birthing 139126
Beautiful Communities to provide perinatal support services for 139127
at-risk mothers and children in Cuyahoga and Summit counties. 139128

Section 423.110. COURT APPOINTED SPECIAL ADVOCATES 139129

Of the foregoing appropriation item 830502, Court 139130

Appointed Special Advocates, up to \$333,333 in each fiscal year 139131
shall be used to support administrative costs associated with 139132
existing court-appointed special advocate programs. 139133

Of the foregoing appropriation item 830502, Court 139134
Appointed Special Advocates, up to \$666,667 in each fiscal year 139135
shall be used to establish court-appointed special advocate 139136
programs in areas of the state that are not served by an 139137
existing program and to support existing programs. 139138

Section 423.120. FAMILY AND CHILDREN SERVICES AND 139139
ACTIVITIES 139140

Of the foregoing appropriation item 830506, Family and 139141
Children Services, up to \$25,000,000 in each fiscal year shall 139142
be provided to assist with the expense of providing services to 139143
youth requiring support from multiple systems. These funds may 139144
be used for youth currently in the custody of a public children 139145
services agency or to prevent children from entering into the 139146
custody of a public children services agency by custody 139147
relinquishment or another mechanism. The Director of Children 139148
and Youth shall adopt rules in accordance with section 111.15 of 139149
the Revised Code to administer the funding. 139150

Of the foregoing appropriation item 830506, Family and 139151
Children Services, up to \$10,000,000 in each fiscal year may be 139152
used to incentivize best practices. The Director of Children and 139153
Youth shall adopt rules in accordance with section 111.15 of the 139154
Revised Code to administer the funding. 139155

Of the foregoing appropriation item 830506, Family and 139156
Children Services, \$150,000 in each fiscal year shall be 139157
distributed to Cleveland State University for the Sullivan- 139158
Deckard Scholarship Opportunity Program and the Helen Packer 139159

Scholarship Program to provide tuition and wrap-around services 139160
to young adults who have aged out of foster care. 139161

Of the foregoing appropriation item, 830506, Family and 139162
Children Services, not less than \$180,000,000 in fiscal year 139163
2026 and not less than \$185,000,000 in fiscal year 2027 shall be 139164
provided by the Department of Children and Youth, in 139165
coordination with the Department of Job and Family Services, to 139166
public children services agencies. Of that amount, \$17,600,000 139167
in each fiscal year shall be used to provide an initial 139168
allocation of \$200,000 to each county and the remainder shall be 139169
provided using the formula in section 5180.41 of the Revised 139170
Code. 139171

If the funds available for distribution under section 139172
5180.41 of the Revised Code in fiscal year 2026 and fiscal year 139173
2027 exceed the amount appropriated in fiscal year 2019, each 139174
county contributing local funds in county fiscal year 2019 to 139175
the county children services fund shall contribute moneys to the 139176
children services fund described in section 5180.411 of the 139177
Revised Code. 139178

The Director of Children and Youth, in consultation and 139179
coordination with the Director of Job and Family Services shall 139180
adopt rules, in accordance with section 111.15 of the Revised 139181
Code, to determine the amount of local funds each county must 139182
contribute to the children services fund based on past 139183
contributions. Rules must include a hardship provision 139184
identifying circumstances in which the county contribution may 139185
be waived or reduced. 139186

Of the foregoing appropriation item 830506, Family and 139187
Children Services, up to \$35,309,990 in each fiscal year shall 139188
be used to support activities associated with the delivery of 139189

children services activities, including recruiting and retaining 139190
foster parents, identifying and supporting kinship providers, 139191
family preservation, prevention, direct services, and best 139192
practices. 139193

Of the foregoing appropriation item 830506, Family and 139194
Children Services, up to \$20,000,000 in fiscal year 2026 and up 139195
to \$10,000,000 in fiscal year 2027 shall be used to assist with 139196
the establishment of regional child wellness campuses. The 139197
Department of Children and Youth shall provide one-time funding 139198
to establish regional child wellness campuses across the state 139199
to serve children and youth who are, or have been determined by 139200
a public children services agency to be at risk of being, in the 139201
custody of a public children services agency and who are not 139202
placed in a licensed residential setting and are otherwise 139203
spending one or more nights in an unlicensed setting. Regional 139204
child wellness campuses shall support children in crisis in or 139205
near the communities in which the children reside and create 139206
additional capacity for short-term treatment. The Department of 139207
Children and Youth shall select entities applying to establish 139208
regional child wellness campuses through a competitive process. 139209
An entity shall provide proof of local funding commitments that 139210
fulfill all necessary start-up costs and ongoing community 139211
commitments to ensure timely and appropriate delivery of service 139212
to meet the needs of the child, family, and community. Of the 139213
amounts earmarked for these regional child wellness campuses, 139214
\$350,000 in fiscal year 2026 shall be used for the Providence 139215
House Every Child Ohio Feasibility Study to identify the most 139216
viable Ohio communities with the capacity to sustainably operate 139217
a children's crisis care facility, as defined in section 5103.13 139218
of the Revised Code. The results and recommendations of the 139219
study shall be submitted in a report to the Governor, the 139220

President of the Senate, the Speaker of the House of 139221
Representatives, and the Director of Children and Youth by 139222
September 31, 2026. 139223

Of the foregoing appropriation item 830506, Family and 139224
Children Services, at least \$17,000,000 in each fiscal year 139225
shall be used for federal match requirements for Title IV-B and 139226
Title IV-E of the "Social Security Act," 42 U.S.C. 601-687 139227
funding. 139228

Of the foregoing appropriation item 830506, Family and 139229
Children Services, up to \$3,000,000 in each fiscal year shall be 139230
provided to the Ohio Network of Children's Advocacy Centers to 139231
administer and distribute grants to Child Advocacy Centers to 139232
coordinate statewide access to investigation, prosecution, and 139233
treatment of child sexual abuse, while helping children heal. 139234

The foregoing appropriation item 830607, Family and 139235
Children Activities, shall be used to expend miscellaneous 139236
foundation funds and grants to support family and children 139237
services activities. 139238

Section 423.130. KINSHIP CARE NAVIGATOR PROGRAM 139239

Of the foregoing appropriation item 830506, Family and 139240
Children Services, up to \$8,500,000 in each fiscal year shall be 139241
used to support the Kinship Care Navigator Program, and may be 139242
used to match eligible federal Title IV-E of the "Social 139243
Security Act," 42 U.S.C. 601-687 funds. 139244

Section 423.140. WENDY'S WONDERFUL KIDS 139245

Of the foregoing appropriation items 830506, Family and 139246
Children Services, 830601, Child Welfare, and 830612, Adoption 139247
Program, a total of up to \$10,000,000 in each fiscal year may be 139248
used to provide funds to the Dave Thomas Foundation for Adoption 139249

to implement statewide the Wendy's Wonderful Kids program of 139250
professional recruiters who use a child-focused model to find 139251
permanent homes for children in Ohio foster care. 139252

Section 423.150. FAMILY AND CHILDREN FIRST FLEXIBLE 139253
FUNDING POOL 139254

A county family and children first council may establish 139255
and operate a flexible funding pool in order to assure access to 139256
needed services by families, children, and older adults in need 139257
of protective services. The operation of the flexible funding 139258
pools is subject to the following restrictions: 139259

(A) The county council shall establish and operate the 139260
flexible funding pool in accordance with formal guidance issued 139261
by the Family and Children First Cabinet Council; 139262

(B) The county council shall produce an annual report on 139263
its use of the pooled funds. The annual report shall conform to 139264
a format prescribed in the formal guidance issued by the Family 139265
and Children First Cabinet Council; 139266

(C) Unless otherwise restricted, funds transferred to the 139267
flexible funding pool may include state general revenues 139268
allocated to local entities to support the provision of services 139269
to families and children; 139270

(D) The amounts transferred to the flexible funding pool 139271
shall be limited to amounts that can be redirected without 139272
impairing the achievement of the objectives for which the 139273
initial allocation is designated; and 139274

(E) Each amount transferred to the flexible funding pool 139275
from a specific allocation shall be approved for transfer by the 139276
director of the local agency that was the original recipient of 139277
the allocation. 139278

In collaboration with the county family and children first 139279
council, a county department of job and family services or 139280
public children services agency that receives an allocation from 139281
the Department of Children and Youth, in consultation and 139282
coordination with the Department of Job and Family Services, 139283
from the foregoing appropriation item 830506, Family and 139284
Children Services, or 830502, Court Appointed Special Advocates, 139285
may transfer a portion of either or both allocations to a 139286
flexible funding pool as authorized by this section. 139287

Section 423.160. CHILDRENS CRISIS CARE 139288

The foregoing appropriation item 830419, Childrens Crisis 139289
Care, shall be allocated by the Department of Children and Youth 139290
in each fiscal year to children's crisis care facilities as 139291
defined in section 5103.13 of the Revised Code. The Director of 139292
Children and Youth shall calculate funds semi-annually and 139293
allocate funds quarterly based on the total number of days of 139294
care for each child residing in the facility, which is 139295
determined by calculating the total days each child resides at 139296
the crisis care facility, including the date of admission, but 139297
not the day of discharge. A children's crisis care facility may 139298
decline to receive funds provided under this section. A 139299
children's crisis care facility that accepts funds provided 139300
under this section shall use the funds in accordance with 139301
section 5103.13 of the Revised Code and any rules adopted under 139302
that section. 139303

Section 423.170. MATERNAL AND CHILD HEALTH BLOCK GRANT 139304

Of the foregoing appropriation item 830608, Maternal and 139305
Child Health Block Grant, up to \$5,000,000 in each fiscal year 139306
shall be used to implement Title V Maternal and Child Health 139307
Services Block Grant activities in the prenatal, maternal, 139308

perinatal, and infant domains. 139309

Section 423.180. MENTAL HEALTH BLOCK GRANT 139310

The foregoing appropriation item 830622, Mental Health 139311
Block Grant, shall be used for infant and early childhood mental 139312
health activities. 139313

Section 423.190. CHILD CARE CHOICE VOUCHER PROGRAM 139314

(A) Of the foregoing appropriation item, 830604, Child 139315
Care, a portion in each fiscal year, along with \$50,000,000 in 139316
each fiscal year in appropriation item 830605, TANF Block Grant, 139317
shall be used by the Department of Children and Youth to 139318
establish and administer the Child Care Choice Voucher Program. 139319
Subject to available funds, the program shall provide support, 139320
in the form of vouchers, to families to assist them with child 139321
care costs. To be eligible to participate in the program, a 139322
family must meet all of the following conditions: 139323

(1) The caretaker parent is employed or participating in a 139324
program of education or training for an amount of time 139325
reasonably related to the time that the parent's children are 139326
receiving child care. 139327

(2) The family does not meet the income conditions for 139328
initial eligibility under the Publicly Funded Child Care Program 139329
administered by the Department as described in section 5104.30 139330
of the Revised Code, but the maximum amount of the family's 139331
income does not exceed two hundred percent of the federal 139332
poverty line. 139333

(3) The family meets any other condition established by 139334
the Department. 139335

(B) In providing vouchers under this section, both of the 139336

following apply: 139337

(1) The program shall utilize, not later than November 1, 139338
2026, the publicly funded child care payment rates established 139339
in section 5104.30 of the Revised Code, except that such payment 139340
rates shall not be enhanced payment rates as described in 139341
division (E) (2) (c) of that section. 139342

(2) If a participating family uses its voucher at a type A 139343
family child care home or licensed type B family child care 139344
home, the program shall not require the family child care home 139345
to be rated through the Step Up to Quality Program administered 139346
by the Department as described in section 5104.29 of the Revised 139347
Code. 139348

Section 423.200. COMMUNITY SOCIAL SERVICE PROGRAMS 139349

A portion of the foregoing appropriation item 830609, 139350
Community Social Service Programs, may be used by the Early 139351
Intervention Services Advisory Council for the following 139352
purposes: 139353

(A) In addition to other necessary and allowed uses of 139354
funds and in accordance with 20 U.S.C. 1441(d), the Early 139355
Intervention Services Advisory Council established pursuant to 139356
section 5123.0422 of the Revised Code, may, in its discretion, 139357
use budgeted funds to do all of the following: 139358

(1) Conduct forums and hearings; 139359

(2) Reimburse council members for reasonable and necessary 139360
expenses, including child care expenses for parent 139361
representatives, for attending council meetings and performing 139362
council duties; 139363

(3) Pay compensation to a council member if the member is 139364

not employed or must forfeit wages from other employment when 139365
performing official council business; 139366

(4) Hire staff; 139367

(5) Obtain the services of professional, technical, and 139368
clerical personnel as necessary to carry out the performance of 139369
its lawful functions. 139370

(B) Except as provided in division (A) of this section, 139371
council members shall serve without compensation or 139372
reimbursement. 139373

Section 423.210. FEDERAL CHILDREN AND YOUTH GRANTS 139374

Of the foregoing appropriation item 830623, Federal 139375
Children and Youth Grants, up to \$195,000 in each fiscal year 139376
shall be used for the training of guardians ad litem and court- 139377
appointed special advocates as well as to conduct a study to 139378
demonstrate the impact of court-appointed special advocate 139379
volunteers on outcomes for children who are in child welfare 139380
custody as a result of abuse, neglect, or dependency. 139381

Section 423.220. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES 139382
BLOCK GRANT 139383

Of the foregoing appropriation item 830605, TANF Block 139384
Grant, at least \$5,000,000 in each fiscal year shall be used for 139385
the Kinship Permanency Incentive Program established under 139386
section 5180.52 of the Revised Code to promote a permanent 139387
commitment by kinship caregivers through becoming guardians and 139388
custodians over minor children who would otherwise be unsafe or 139389
at risk of harm if they remained in their own homes. 139390

Of the foregoing appropriation item 830605, TANF Block 139391
Grant, not less than \$2,500,000 in each fiscal year shall be 139392

provided, in accordance with sections 5101.80 and 5101.801 of 139393
the Revised Code, to the Ohio Commission on Fatherhood. 139394

Of the foregoing appropriation item 830605, TANF Block 139395
Grant, not less than \$1,000,000 in each fiscal year shall be 139396
provided, in accordance with sections 5101.80 and 5101.801 of 139397
the Revised Code, to the Ohio Children's Trust Fund. 139398

Section 423.230. PUBLICLY FUNDED CHILD CARE ELIGIBILITY 139399

Beginning on the effective date of this section and 139400
through June 30, 2027, all of the following apply to a family's 139401
eligibility for publicly funded child care as described in 139402
division (A) of section 5104.38 of the Revised Code: 139403

(A) Except as provided in division (B) of this section, 139404
the maximum amount of income that a family may have for initial 139405
eligibility shall not exceed one hundred forty-five per cent of 139406
the federal poverty line; 139407

(B) For special needs child care, as defined in section 139408
5104.01 of the Revised Code, the maximum amount of income that 139409
the family may have for initial eligibility shall not exceed one 139410
hundred fifty per cent of the federal poverty line; 139411

(C) The maximum amount of income that a family may have 139412
for continued eligibility shall not exceed three hundred per 139413
cent of the federal poverty line. 139414

Section 425.10. 139415
139416

1 2 3 4 5

A NAI NEW AFRICAN IMMIGRANTS COMMISSION

B General Revenue Fund

C	GRF 061501 Operating Expenses	\$250,000	\$250,000
D	General Revenue Fund Total	\$250,000	\$250,000
E	TOTAL ALL BUDGET FUND GROUPS	\$250,000	\$250,000

Section 503.10. PERSONAL SERVICE EXPENSES 139417

Unless otherwise prohibited by law, any appropriation from 139418
which personal service expenses are paid shall bear the 139419
employer's share of public employees' retirement, workers' 139420
compensation, disabled workers' relief, and insurance programs; 139421
the costs of centralized financial services, centralized payroll 139422
processing, and related reports and services; centralized human 139423
resources services, including affirmative action and equal 139424
employment opportunity programs; the Office of Collective 139425
Bargaining; centralized information technology management 139426
services; administering the enterprise resource planning system; 139427
and administering the state employee merit system as required by 139428
section 124.07 of the Revised Code. These costs shall be 139429
determined in conformity with the appropriate sections of law 139430
and paid in accordance with procedures specified by the Office 139431
of Budget and Management. Expenditures from appropriation item 139432
070601, Public Audit Expense - Intra-State, may be exempted from 139433
the requirements of this section. 139434

Section 503.15. APPROPRIATIONS FOR EMPLOYEE COMPENSATION 139435
CHANGES 139436

Notwithstanding any provision of law to the contrary, 139437
beginning with the pay period that includes July 1, 2025, each 139438
state appointing authority is authorized to make expenditures 139439
from current state operating appropriations contained in this 139440
act or any other act necessary to provide for the changes to 139441

compensation provisions pursuant to approved collective 139442
bargaining agreements between employee organizations and State 139443
of Ohio public employers and pursuant to provisions of law, as 139444
amended by this act, for employees exempt from collective 139445
bargaining to allow parity for those employees. 139446

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 139447
AGAINST THE STATE 139448

Except as otherwise provided in this section, an 139449
appropriation in this act may be used for the purpose of 139450
satisfying judgments, settlements, or administrative awards 139451
ordered or approved by the Court of Claims or by any other court 139452
of competent jurisdiction in connection with civil actions 139453
against the state. This authorization does not apply to 139454
appropriations to be applied to or used for payment of 139455
guarantees by or on behalf of the state, or for payments under 139456
lease agreements relating to, or debt service on, bonds, notes, 139457
or other obligations of the state. Notwithstanding any other 139458
statute to the contrary, this authorization includes 139459
appropriations from funds into which proceeds of direct 139460
obligations of the state are deposited only to the extent that 139461
the judgment, settlement, or administrative award is for, or 139462
represents, capital costs for which the appropriation may 139463
otherwise be used and is consistent with the purpose for which 139464
any related obligations were issued or entered into. Nothing 139465
contained in this section is intended to subject the state to 139466
suit in any forum in which it is not otherwise subject to suit, 139467
and is not intended to waive or compromise any defense or right 139468
available to the state in any suit against it. 139469

Section 503.30. CAPITAL PROJECT SETTLEMENTS 139470

This section specifies an additional and supplemental 139471

procedure to provide for payments of judgments and settlements 139472
if the Director of Budget and Management determines, pursuant to 139473
division (C) (4) of section 2743.19 of the Revised Code, that 139474
sufficient unencumbered moneys do not exist in the fund to 139475
support a particular appropriation to pay the amount of a final 139476
judgment rendered against the state or a state agency, including 139477
the settlement of a claim approved by a court, in an action upon 139478
and arising out of a contractual obligation for the construction 139479
or improvement of a capital facility if the costs under the 139480
contract were payable in whole or in part from a state capital 139481
projects appropriation. In such a case, the Director may either 139482
proceed pursuant to division (C) (4) of section 2743.19 of the 139483
Revised Code or apply to the Controlling Board to increase an 139484
appropriation or create an appropriation out of any unencumbered 139485
moneys in the state treasury to the credit of the capital 139486
projects fund from which the initial state appropriation was 139487
made. The amount of an increase in appropriation or new 139488
appropriation approved by the Controlling Board is hereby 139489
appropriated from the applicable capital projects fund and made 139490
available for the payment of the judgment or settlement. 139491

If the Director does not make the application authorized 139492
by this section or the Controlling Board disapproves the 139493
application, and the Director does not make application under 139494
division (C) (4) of section 2743.19 of the Revised Code, the 139495
Director shall for the purpose of making that payment make a 139496
request to the General Assembly as provided for in division (C) 139497
(5) of that section. 139498

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 139499

In order to provide funds for the reissuance of voided 139500
warrants under section 126.37 of the Revised Code, there is 139501

hereby appropriated, out of moneys in the state treasury from 139502
the fund credited as provided in section 126.37 of the Revised 139503
Code, that amount sufficient to pay such warrants when approved 139504
by the Office of Budget and Management. 139505

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 139506
BALANCES OF OPERATING APPROPRIATIONS 139507

(A) Notwithstanding the original year of appropriation or 139508
encumbrance, the unexpended balance of an operating 139509
appropriation or reappropriation that a state agency lawfully 139510
encumbered prior to the close of fiscal year 2025 or fiscal year 139511
2026 is hereby reappropriated on the first day of July of the 139512
following fiscal year from the fund from which it was originally 139513
appropriated or reappropriated for the period of time listed in 139514
this section and shall remain available only for the purpose of 139515
discharging the encumbrance: 139516

(1) For an encumbrance for personal services, maintenance, 139517
equipment, or items for resale not otherwise identified in this 139518
section, for a period of not more than five months from the end 139519
of the fiscal year; 139520

(2) For an encumbrance for an item of special order 139521
manufacture not available on state contract or an item not 139522
available in the open market, for a period of not more than five 139523
months from the end of the fiscal year or, with the written 139524
approval of the Director of Budget and Management, for a period 139525
of not more than twelve months from the end of the fiscal year; 139526

(3) For an encumbrance for reclamation of land or oil and 139527
gas wells, for a period ending when the encumbered appropriation 139528
is expended; 139529

(4) For an encumbrance for any other type of expense not 139530

otherwise identified in division (A)(1), (2), or (3) of this 139531
section, for such period as the Director approves, provided such 139532
period does not extend beyond the FY 2026 - FY 2027 biennium. 139533

(B) Any operating appropriations for which unexpended 139534
balances are reappropriated in fiscal year 2026 or fiscal year 139535
2027 pursuant to division (A)(2) of this section shall be 139536
reported to the Controlling Board by the Director of Budget and 139537
Management by the thirty-first day of December of each year. The 139538
report shall include the item, the cost of the item, and the 139539
name of the vendor. The report shall be updated on a quarterly 139540
basis for encumbrances remaining open. 139541

(C) Upon the expiration of the reappropriation period set 139542
out in division (A) of this section, a reappropriation made by 139543
this section lapses and the Director of Budget and Management 139544
shall cancel the encumbrance of the unexpended reappropriation 139545
not later than the end of the weekend following the expiration 139546
of the reappropriation period. 139547

(D) If the Controlling Board approved a purchase, that 139548
approval remains in effect so long as the appropriation used to 139549
make that purchase remains encumbered. 139550

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 139551

(A) The Director of Budget and Management may correct 139552
accounting errors committed by the staff of the Office of Budget 139553
and Management, such as reestablishing encumbrances or 139554
appropriations canceled in error, during the cancellation of 139555
operating encumbrances in November and of non-operating 139556
encumbrances in December. 139557

(B) The Director of Budget and Management may at any time 139558
correct accounting errors committed by staff or a state agency 139559

or state institution of higher education, as defined in section 139560
3345.011 of the Revised Code, such as reestablishing prior year 139561
non-operating encumbrances canceled or modified in error. The 139562
reestablished encumbrance amounts are hereby appropriated. 139563

Section 503.70. TEMPORARY REVENUE HOLDING 139564

The Director of Budget and Management may create funds in 139565
the state treasury solely for the purpose of temporarily holding 139566
revenue required to be credited to a fund in the state treasury, 139567
whose disposition is not immediately known at the time of 139568
receipt. Once identified, the Director shall credit the revenue 139569
to the appropriate fund in the state treasury. 139570

Notwithstanding section 153.63 of the Revised Code or any 139571
other provision of law to the contrary, upon certification by a 139572
director or head of a state agency, in lieu of banks, buildings 139573
and loan associations, or other institutions, the Director of 139574
Budget and Management may create funds in the state treasury on 139575
behalf of an agency when the agency is required by law to detain 139576
funds in escrow. All investment earnings of the fund shall be 139577
credited to the fund while the detained amounts remain in 139578
escrow. The Director of Budget and Management may transfer cash 139579
between funds within the state treasury to satisfy escrow 139580
requirements. 139581

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS 139582
AND RE-ESTABLISHMENT OF ENCUMBRANCES 139583

Any cash transferred by the Director of Budget and 139584
Management under section 126.15 of the Revised Code is hereby 139585
appropriated. Any amounts necessary to re-establish 139586
appropriations or encumbrances under section 126.15 of the 139587
Revised Code are hereby appropriated. 139588

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 139589

The Director of Budget and Management may transfer 139590
appropriations between the Third Frontier Research and 139591
Development Fund (Fund 7011) and the Third Frontier Research and 139592
Development Taxable Bond Fund (Fund 7014) as necessary to 139593
maintain the exclusion from the calculation of gross income for 139594
federal income taxation purposes under the Internal Revenue Code 139595
with respect to obligations issued to fund projects appropriated 139596
from the Third Frontier Research and Development Fund (Fund 139597
7011). 139598

The Director may also create new appropriation items 139599
within the Third Frontier Research and Development Taxable Bond 139600
Fund (Fund 7014) and make transfers of appropriations to them 139601
for projects originally funded from appropriations made from the 139602
Third Frontier Research and Development Fund (Fund 7011). 139603

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 139604

There are hereby appropriated out of any moneys in the 139605
state treasury to the credit of the General Revenue Fund, which 139606
are not otherwise appropriated, funds sufficient to make any 139607
payment required by division (B) (2) of section 5747.03 of the 139608
Revised Code. 139609

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 139610
APPROVED BY THE CONTROLLING BOARD 139611

Any money that the Controlling Board approves for 139612
expenditure or any increase in appropriation that the 139613
Controlling Board approves under sections 127.14, 131.35, and 139614
131.39 of the Revised Code or any other provision of law is 139615
hereby appropriated for the period ending June 30, 2027. 139616

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S 139617

RESIDENCE 139618

If the Governor's Residence Fund (Fund 4H20) receives 139619
payment for use of the residence pursuant to section 107.40 of 139620
the Revised Code, the amounts so received are hereby 139621
appropriated to appropriation item 100604, Governor's Residence 139622
Gift. 139623

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 139624

Certain appropriations are in this act for the purpose of 139625
paying debt service and financing costs on general obligation 139626
bonds or notes of the state issued pursuant to the Ohio 139627
Constitution, Revised Code, and acts of the General Assembly. If 139628
it is determined that additional appropriations are necessary 139629
for this purpose, such amounts are hereby appropriated. 139630

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 139631

Certain appropriations are in this act for the purpose of 139632
making lease rental payments pursuant to leases and agreements 139633
relating to bonds, notes, or other obligations issued by or on 139634
behalf of the state pursuant to the Ohio Constitution, Revised 139635
Code, and acts of the General Assembly. If it is determined that 139636
additional appropriations are necessary for this purpose, such 139637
amounts are hereby appropriated. 139638

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND 139639
OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 139640

The Office of Budget and Management shall process payments 139641
from general obligation and lease rental payment appropriation 139642
items during the period from July 1, 2025, through June 30, 139643
2027, relating to bonds, notes, or other obligations issued by 139644
or on behalf of the state pursuant to the Ohio Constitution, 139645
Revised Code, and acts of the General Assembly. Payments shall 139646

be made upon certification by the Treasurer of State of the 139647
dates and the amounts due on those dates. 139648

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 139649

If it is determined that a payment is necessary in the 139650
amount computed at the time to represent the portion of 139651
investment income to be rebated or amounts in lieu of or in 139652
addition to any rebate amount to be paid to the federal 139653
government in order to maintain the exclusion from gross income 139654
for federal income tax purposes of interest on those state 139655
obligations under section 148(f) of the Internal Revenue Code, 139656
such an amount is hereby appropriated from those funds 139657
designated by or pursuant to the applicable proceedings 139658
authorizing the issuance of state obligations. 139659

Payments for this purpose shall be approved and vouchered 139660
by the Office of Budget and Management. 139661

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 139662

Whenever the Director of Budget and Management determines 139663
that an appropriation made to a state agency from a fund of the 139664
state is insufficient to provide for the recovery of statewide 139665
indirect costs under section 126.12 of the Revised Code, the 139666
amount required for such purpose is hereby appropriated from the 139667
available receipts of such fund. 139668

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE 139669
INDIRECT COST ALLOCATION PLAN 139670

The total transfers made from the General Revenue Fund by 139671
the Director of Budget and Management under this section shall 139672
not exceed the amounts transferred into the General Revenue Fund 139673
under section 126.12 of the Revised Code. 139674

The director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, from any fund included in the Statewide Indirect Cost Allocation Plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer cash from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared under section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification.

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the

amount required by the federal government, the amount required 139705
for such purpose is hereby appropriated from the available 139706
receipts of such fund, up to the amount of the certification. 139707

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 139708

Notwithstanding any provision of law to the contrary, on 139709
or before the first day of September of each fiscal year, the 139710
Director of Budget and Management, in order to reduce the 139711
payment of adjustments to the federal government, as determined 139712
by the plan prepared under division (A) of section 126.12 of the 139713
Revised Code, may designate such funds as the Director considers 139714
necessary to retain their own interest earnings. 139715

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 139716

Pursuant to the plan for compliance with the Federal Cash 139717
Management Improvement Act required by section 131.36 of the 139718
Revised Code, the Director of Budget and Management may cancel 139719
and re-establish all or part of encumbrances in like amounts 139720
within the funds identified by the plan. The amounts necessary 139721
to re-establish all or part of encumbrances are hereby 139722
appropriated. 139723

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS 139724

Notwithstanding section 113.09 of the Revised Code, the 139725
Director of Budget and Management may designate any fund within 139726
the state treasury that receives federal revenue to be credited 139727
with investment earnings to comply with federal law. 139728

Section 505.70. REPAYMENT OF FEDERAL FUNDS 139729

Any unexpended federal revenue received into the state 139730
treasury remaining at the end of its applicable period for 139731
expenditure which must be returned in compliance with federal 139732

law, is hereby appropriated to the fund in which it was 139733
received, for that purpose. 139734

Section 505.75. STATE FISCAL RECOVERY FUND 139735

An amount equal to the unexpended and unencumbered 139736
portions of appropriation items under the State Fiscal Recovery 139737
Fund (Fund 5CV3) plus an amount equal to cash previously 139738
expended but returned to the fund at the end of fiscal year 2025 139739
are hereby reappropriated for the same purpose in fiscal year 139740
2026. An amount equal to the unexpended and unencumbered 139741
portions of appropriation items under Fund 5CV3 plus an amount 139742
equal to cash previously expended but returned to the fund at 139743
the end of fiscal year 2026 are hereby reappropriated for the 139744
same purpose in fiscal year 2027. 139745

The Director of Budget and Management may create new 139746
appropriation items under Fund 5CV3. In each fiscal year, the 139747
Director may transfer appropriation among newly created or 139748
existing appropriation items under Fund 5CV3. The Director shall 139749
report appropriation transfers made under this section to the 139750
Controlling Board no later than January 30, 2027. 139751

Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF 139752
FUNDS 139753

Amounts equal to the unexpended portions of appropriation 139754
items under the following recovery and relief funds, at the end 139755
of fiscal year 2025 are hereby reappropriated to the same 139756
appropriation items and shall be used for the same purposes in 139757
fiscal year 2026: CARES Act School Relief Fund (Fund 3HS0), 139758
Governor's Emergency Education Relief Fund (Fund 3HQ0), 139759
Emergency Rental Assistance Fund (5CV2), ARPA Capital Projects 139760
Fund (5CV5), ARPA Home and Community Based Services - Federal 139761

Fund (Fund 3HC8), and ARPA Home and Community Based Services 139762
Fund (Fund 5HC8). 139763

Amounts equal to the unexpended portions of appropriation 139764
items under the following recovery and relief funds, at the end 139765
of fiscal year 2026, are hereby reappropriated to the same 139766
appropriation items and shall be used for the same purposes in 139767
fiscal year 2027: ARPA Home and Community Based Services - 139768
Federal Fund (Fund 3HC8), Governor's Emergency Education Relief 139769
Fund (Fund 3HQ0), CARES Act School Relief Fund (Fund 3HS0), 139770
Emergency Rental Assistance Fund (Fund 5CV2), ARPA Capital 139771
Projects Fund (Fund 5CV5), and ARPA Home and Community Based 139772
Services Fund (Fund 5HC8). 139773

Section 506.10. ONE TIME STRATEGIC COMMUNITY INVESTMENTS 139774

Notwithstanding Section 200.30 of H.B. 2 of the 135th 139775
General Assembly, the Office of Budget and Management shall not 139776
provide a grant from appropriation item 042509, One Time 139777
Strategic Community Investments, to the Chardon High School 139778
Athletic Boosters for the Chardon Memorial Stadium Restroom and 139779
Concession Project. If any amount has been released prior to the 139780
effective date of this section, Chardon High School Athletic 139781
Boosters shall promptly return the unexpended portion of that 139782
amount, as of the effective date of this section, to the state 139783
treasury to the credit of the One Time Strategic Community 139784
Investments Fund (Fund 5AY1). The Office of Budget and 139785
Management shall distribute the amount returned by Chardon High 139786
School Athletic Boosters, if any, as follows: forty per cent to 139787
South Ridge Christian Academy for school building and roof 139788
renovations and sixty per cent to Agricultural Career Education 139789
Academy for DOPR career-technical program and infrastructure 139790
projects. This amount is hereby appropriated. 139791

Section 509.10. TRANSFERS INTO GENERAL REVENUE FUND	139792
INTEREST EARNED	139793
Notwithstanding any provision of law to the contrary, the	139794
Director of Budget and Management, through June 30, 2027, may	139795
transfer interest earned by any state fund to the General	139796
Revenue Fund. This section does not apply to funds whose source	139797
of revenue is restricted or protected by the Ohio Constitution,	139798
federal tax law, or the "Cash Management Improvement Act of	139799
1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as	139800
amended.	139801
NON-GRF FUNDS	139802
Notwithstanding any provision of law to the contrary, the	139803
Director of Budget and Management may transfer up to	139804
\$200,000,000 cash, during the biennium ending June 30, 2027,	139805
from non-General Revenue Funds that are not constitutionally	139806
restricted to the General Revenue Fund.	139807
TANGIBLE PROPERTY TAX REPLACEMENT FUNDS	139808
During the biennium ending June 30, 2027, the Director of	139809
Budget and Management may transfer up to a total of \$480,000,000	139810
cash as necessary from the School District Tangible Property Tax	139811
Replacement Fund (Fund 7047) and the Local Government Tangible	139812
Property Tax Replacement Fund (Fund 7081) to the General Revenue	139813
Fund.	139814
Section 512.10. TRANSFERS OUT OF GENERAL REVENUE FUND	139815
STATE MARKETING OFFICE FUND	139816
On July 1, 2025, or as soon as possible thereafter, the	139817
Director of Budget and Management shall transfer up to	139818
\$22,000,000 cash from the General Revenue Fund to the State	139819

Marketing Office Fund (Fund 5MJ0). 139820

FOUNDATION FUNDING - ALL STUDENTS FUND 139821

Notwithstanding any provision of law to the contrary, the 139822
Director of Budget and Management may transfer up to 139823
\$600,000,000 cash, in each fiscal year, from the General Revenue 139824
Fund to the Foundation Funding - All Students Fund (Fund 5VS0). 139825

OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND 139826

On July 1, 2025, or as soon as possible thereafter, the 139827
Director of Budget and Management shall transfer \$20,000,000 139828
cash from the General Revenue Fund to the OhioMeansJobs 139829
Workforce Development Revolving Loan Fund (Fund 5NH0) to support 139830
the Talent Ready Grant Program. 139831

SECOND CHANCE GRANT PILOT PROGRAM FUND 139832

On July 1, 2025, or as soon as possible thereafter, the 139833
Director of Budget and Management shall transfer up to 139834
\$4,000,000 cash from the General Revenue Fund to the Second 139835
Chance Grant Pilot Program Fund (Fund 5YD0). 139836

PROFESSIONAL DEVELOPMENT FUND 139837

On July 1, 2025, or as soon as possible thereafter, the 139838
Director of Budget and Management shall transfer \$1,200,000 cash 139839
from the General Revenue Fund to the Professional Development 139840
Fund (Fund 5L70). 139841

MARCS ADMINISTRATION FUND 139842

On July 1 of each fiscal year, or as soon as possible 139843
thereafter, the Director of Budget and Management may transfer 139844
up to \$10,500,000 cash from the General Revenue Fund to the 139845
MARCS Administration Fund (Fund 5C20). 139846

WILDLIFE FUND	139847
On July 1 of each fiscal year, or as soon as possible	139848
thereafter, the Director of Budget and Management may transfer	139849
\$500,000 cash from the General Revenue Fund to the Wildlife Fund	139850
(Fund 7015).	139851
TRANSCRANIAL MAGNETIC STIMULATION FUND	139852
On July 1 of each fiscal year, or as soon as possible	139853
thereafter, the Director of Budget and Management may transfer	139854
\$4,000,000 cash from the General Revenue Fund to the	139855
Transcranial Magnetic Stimulation Fund (Fund 5VV0).	139856
EWARRANT LOCAL INTEGRATION FUND	139857
On July 1, 2025, or as soon as possible thereafter, the	139858
Director of Budget and Management may transfer \$4,000,000 cash	139859
from the General Revenue Fund to the eWarrant Local Integration	139860
Fund (Fund 5AZ1).	139861
H2OHIO FUND	139862
On July 1, 2025, or as soon as possible thereafter, the	139863
Director of Budget and Management may transfer \$150,000,000 from	139864
the General Revenue Fund to the H2Ohio Fund (Fund 6H20).	139865
OHIO MARITIME ASSISTANCE PROGRAM	139866
On July 1, 2025, or as soon as possible thereafter, the	139867
Director of Budget and Management shall transfer \$8,000,000 cash	139868
from the General Revenue Fund to the Ohio Maritime Assistance	139869
Fund (Fund 5QT0).	139870
WATERWAY SAFETY FUND	139871
On July 1, 2025, or as soon as possible thereafter, the	139872
Director of Budget and Management shall transfer \$1,922,000 cash	139873

from the General Revenue Fund to the Waterway Safety Fund (Fund 139874
7086). On July 1, 2026, or as soon as possible thereafter, the 139875
Director of Budget and Management shall transfer \$1,250,000 cash 139876
from the General Revenue Fund to the Waterway Safety Fund (Fund 139877
7086). 139878

OPLIN TECHNOLOGY FUND 139879

On July 1 of each fiscal year, or as soon as possible 139880
thereafter, the Director of Budget and Management shall transfer 139881
\$3,689,788 cash from the General Revenue Fund to the OPLIN 139882
Technology Fund (Fund 4S40). 139883

Section 513.10. FISCAL YEARS 2025 AND 2026 GENERAL REVENUE 139884
FUND ENDING BALANCE 139885

Notwithstanding section 131.44 of the Revised Code and 139886
except as provided in section 5163.04 of the Revised Code, the 139887
cash balance of the General Revenue Fund on June 30, 2025, and 139888
on June 30, 2026, shall remain in the General Revenue Fund. 139889

Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD 139890
ASSESSMENTS 139891

Unless the agency and nuclear electric utility mutually 139892
agree to a higher amount by contract, the maximum amounts that 139893
may be assessed against nuclear electric utilities under 139894
division (B) (2) of section 4937.05 of the Revised Code and 139895
deposited into the specified funds are as follows: 139896
139897

	1	2	3	4
A	Fund	User	FY 2026	FY 2027
B	Utility Radiological	Department of	\$136,000	\$142,000

	Safety Fund (Fund 4E40)	Agriculture		
C	Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$1,551,682	\$1,598,000
D	ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$274,997	\$280,510
E	Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$1,420,000	\$1,467,000

Section 515.30. TEMPORARY TRANSFER TO UNEMPLOYMENT 139898
COMPENSATION SPECIAL ADMINISTRATIVE FUND 139899

On July 1, 2025, or as soon as possible thereafter, the 139900
Director of Budget and Management may transfer up to \$15,000,000 139901
cash from the Controlling Board Emergency Purposes/Contingencies 139902
Fund (Fund 5KM0) to the Unemployment Compensation Special 139903
Administrative Fund (Fund 4A90) to pay the costs of building and 139904
developing a new unemployment insurance information technology 139905
system. 139906

Not later than June 30, 2027, the Director of Budget and 139907
Management, upon the request of the Director of Job and Family 139908
Services, shall transfer cash equal to the amount previously 139909
transferred to Fund 4A90 from Fund 5KM0 in fiscal year 2026, 139910
from Fund 4A90 back to Fund 5KM0. 139911

Section 515.40. EMPLOYEE BENEFITS FUNDS CASH TRANSFERS 139912

Notwithstanding any provision of law to the contrary, upon 139913
request of the Director of Administrative Services, the Director 139914
of Budget and Management may make temporary cash transfers 139915

between the Accrued Leave Liability Fund (Fund 8060), the State 139916
Employee Health Benefit Fund (Fund 8080), the Dependent Care 139917
Spending Fund (Fund 8090), the Life Insurance Investment Fund 139918
(Fund 8100), the Parental Leave Benefit Fund (Fund 8110), and 139919
the Health Care Spending Account Fund (Fund 8130) to ensure 139920
appropriate and supportable cash flow. 139921

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 139922

(A) On July 1, 2025, or as soon as possible thereafter, 139923
the Director of Budget and Management may transfer the cash 139924
balance from each of the funds as indicated in the table below 139925
to the fund also indicated in the table below. Upon completion 139926
of each transfer and on the effective date of its repeal by this 139927
act, where applicable, the fund from which the cash balance was 139928
transferred is hereby abolished. 139929
139930

	1	2	3	4	5
A	Transfer from:			Transfer to:	
B	User Agency	Fund	Fund Name	Fund	Fund Name
C	AGO	5MP0	Peace Officer Training Commission Fund	5LR0	Ohio Law Enforcement Training Fund
D	AGR	5MA0	Dangerous and Restricted Animal Fund	5MS0	Animal and Consumer Protection Fund
E	AGR	5PL0	Pet Store License Fund	5MR0	Commercial Dog Breeding Fund

F	DAS	5MV0	Theatre Equipment Maintenance Fund	GRF	General Revenue Fund
G	DAS	1280	Collective Bargaining Fund	1250	Human Resources Services Fund
H	MHA	3A60	Federal- Miscellaneous Fund	5AU0	Behavioral Health Care Fund
I	DPS	3HT0	Justice Emergency Supplemental Funding Fund	GRF	General Revenue Fund
J	DPS	5RS0	Community Police Relations Fund	5AZ1	eWarrant Local Integration Fund
K	MCD	5XY0	Hospital Directed Payment Fund	5AN0	State Directed Payments Fund
L	OOD	3L10	Social Security Reimbursement Fund	3790	Consolidated Federal Fund
M	TOS	7090	Job Ready Site Development Bond Retirement Fund	GRF	General Revenue Fund

(B) The following funds are hereby abolished on the 139931
effective date of their repeal by this act: 139932
139933

1	2	3
A	User Agency Fund	Fund Name
B	AGR	5HP0 Ohio Livestock Care Standards Fund

C	DDD	4U40	Developmental Disabilities Trust Fund
D	MCD	3ER0	Health Information Technology Fund
E	OBM	5AT1	Statewide Children's Vision Initiative Fund
F	OBM	5CV1	Coronavirus Relief Fund
G	PRX	3DV0	Enhancing Ohio's PMP Fund
H	PRX	3BC0	Dangerous Drug Database Fund
I	PRX	3EB0	NASPER Fund
J	PRX	3EY0	Administration of PMIX HUB Fund
K	PRX	3EZ0	NASPER 10 Fund
L	PRX	3CT0	2008 Developing/Enhancing PMP Fund

Section 518.10. OHIO STATE SMALL BUSINESS CREDIT 139934
INITIATIVE VENTURE CAPITAL PROGRAM FUND 139935

The Ohio State Small Business Credit Initiative Venture 139936
Capital Program Fund (Fund 3IC0) is hereby created in the state 139937
treasury. Money in the fund shall be used to pay the expenses of 139938
the Ohio Department of Development for the Ohio Growth Capital, 139939
Ohio Early-Stage Focus, Certified Development Financial 139940
Institution Loan, and Collateral Enhancement programs, including 139941
administrative expenses. All federal funds received from the 139942
State Small Business Credit Initiative of the United States 139943
Department of the Treasury shall be credited to the fund. All 139944
investment earnings of the fund shall be credited to the fund. 139945

Section 525.10. (A) As used in this section, "Ohio 139946

Benefits Program" means the integrated enterprise solution 139947
administered by the Department of Administrative Services that 139948
assists individuals in verifying eligibility for, and applying 139949
for, benefits offered through various programs administered by 139950
the Department of Job and Family Services and the Department of 139951
Medicaid, including the Medicaid program, Supplemental Nutrition 139952
Assistance Program, and Temporary Assistance for Needy Families. 139953

(B) Not later than July 1, 2026, the Director of 139954
Administrative Services and the Director of Job and Family 139955
Services shall develop a detailed organizational plan and enter 139956
into a memorandum of understanding to transfer administration of 139957
the Ohio Benefits Program from the Department of Administrative 139958
Services to the Department of Job and Family Services. 139959

(C) Not later than July 1, 2027, the Director of 139960
Administrative Services may transfer the Director's 139961
responsibility for administering the Ohio Benefits Program to 139962
the Director of Job and Family Services. If the Director of 139963
Administrative Services transfers the program, all of the 139964
following apply: 139965

(1) All contracts, records, documents, files, equipment, 139966
assets, materials, and staff resources that relate to the Ohio 139967
Benefits Program shall be transferred to the Director of Job and 139968
Family Services. 139969

(2) Any business commenced, but not completed, by July 1, 139970
2027, by the Director of Administrative Services with respect to 139971
the Ohio Benefits Program shall be completed by the Director of 139972
Job and Family Services in the same manner, and with the same 139973
effect, as if completed by the Director of Administrative 139974
Services. 139975

(3) No validation, cure, right, privilege, remedy, 139976
obligation, or liability is lost or impaired by reason of the 139977
transfer of the Ohio Benefits Program. 139978

(D) If the Director of Administrative Services transfers 139979
the program, no action or proceeding pending on the date of the 139980
transfer is affected by the transfer, and any such action or 139981
proceeding shall be prosecuted or defended in the name of the 139982
Director of Job and Family Services or Department of Job and 139983
Family Services. In all such actions or proceedings, the 139984
Director or Department, on application to the court, shall be 139985
substituted as a party. 139986

(E) If the Director of Administrative Services transfers 139987
the program, all rules, orders, and determinations issued with 139988
respect to the Ohio Benefits Program continue in effect as if 139989
issued by the Director of Job and Family Services until modified 139990
or rescinded by the Director. Pursuant to section 103.05 of the 139991
Revised Code and at the request of the Director of Job and 139992
Family Services, the Director of the Legislative Service 139993
Commission may renumber any rules related to the Ohio Benefits 139994
Program to reflect its transfer. 139995

(F) If the Director of Administrative Services transfers 139996
the program, the Director of Administrative Services and the 139997
Director of Job and Family Services, jointly or separately, may 139998
enter into a contract with a public or private entity for staff 139999
training and development to facilitate the transfer of the Ohio 140000
Benefits Program. Division (B) of section 127.16 of the Revised 140001
Code does not apply to a contract entered into under this 140002
division. 140003

(G) Subject to the layoff provisions of sections 124.321 140004
to 124.328 of the Revised Code, if the Director of 140005

Administrative Services transfers the program, all of the 140006
Director of Administrative Service's employees, as identified by 140007
the Director, whose primary responsibilities include 140008
administering the Ohio Benefits Program are transferred to the 140009
Department of Job and Family Services. Except as provided in 140010
division (H) of this section, employees transferred under this 140011
division retain their positions and all of the benefits accruing 140012
thereto. Any changes to an employee's position or benefits that 140013
occur after the employee is transferred to the Department under 140014
this division are subject to Chapter 124. of the Revised Code. 140015
Any actions taken under this division are not appealable to the 140016
State Personnel Board of Review. 140017

(H) If the Director of Administrative Services transfers 140018
the program, the Director of Job and Family Services may do all 140019
of the following: 140020

(1) Establish, change, or abolish positions within the 140021
Department of Job and Family Services; 140022

(2) Assign, reassign, classify, reclassify, transfer, 140023
reduce, promote, or demote employees of the Department who are 140024
not subject to Chapter 4117. of the Revised Code; 140025

(3) Assign or reassign an exempt employee, as defined in 140026
section 124.152 of the Revised Code, to a bargaining unit for 140027
purposes of Chapter 4117. of the Revised Code if the Director 140028
determines the bargaining unit is the appropriate bargaining 140029
unit with respect to that exempt employee. 140030

(I) If, in accordance with division (H) of this section, 140031
the Director of Job and Family Services assigns, reassigns, 140032
classifies, reclassifies, transfers, reduces, or demotes an 140033
employee paid in accordance with schedule E-1 of section 124.152 140034

of the Revised Code to a position in a lower classification, 140035
both of the following apply: 140036

(1) The Director of Job and Family Services, or if the 140037
employee is transferred outside of the Department of Job and 140038
Family Services, the Director of Administrative Services, shall 140039
assign the employee to the appropriate classification and place 140040
the employee in pay step X. 140041

(2) The employee shall not receive an increase in 140042
compensation until the maximum rate of pay for that 140043
classification exceeds the employee's compensation. 140044

(J) If the Director of Administrative Services transfers 140045
the program, the Director of Job and Family Services, with the 140046
approval of the Director of Budget and Management, may establish 140047
a retirement incentive plan for employees transferred to the 140048
Department of Job and Family Services under division (G) of this 140049
section. Notwithstanding any provision to the contrary in 140050
section 145.297 of the Revised Code, if the Director establishes 140051
such a plan under this division, it shall remain in effect until 140052
December 31, 2027. 140053

(K) Notwithstanding any provision to the contrary in 140054
sections 4117.08 and 4117.10 of the Revised Code, the transfer 140055
of the Ohio Benefits Program and the transfer of employees 140056
described under division (J) of this section, and the 140057
reassignment of administering the Ohio Benefits Program, are not 140058
appropriate subjects for collective bargaining under Chapter 140059
4117. of the Revised Code. 140060

(L) Notwithstanding any provision of law to the contrary, 140061
if the Director of Administrative Services transfers the 140062
program, the Director of Budget and Management shall make budget 140063

and accounting changes to implement the transfer. The Director 140064
may rename funds, create new funds, transfer funds, consolidate 140065
funds, or make other administrative changes. If necessary, the 140066
Director may cancel or establish encumbrances or parts of 140067
encumbrances in the appropriate funds and appropriation items 140068
for the same purposes and for payments to the same vendor. Such 140069
encumbrances are hereby appropriated. If necessary for the 140070
continued efficient administration of the Ohio Benefits Program, 140071
the Director may transfer appropriations between the Department 140072
of Job and Family Services and the Department of Administrative 140073
Services to continue levels of program services and efficiently 140074
deliver funding to the program as appropriated under this 140075
division. Such changes are hereby appropriated. 140076

Section 525.20. PROGRAM TRANSFERS 140077

(A) Notwithstanding any provision of law to the contrary, 140078
before July 1, 2027, the Department of Development shall 140079
transfer the entirety of its responsibility of managing the 140080
following programs to the Ohio Department of Job and Family 140081
Services: 140082

(1) Low-income customer assistance programs; 140083

(2) Electric Partnership Plan Fund; 140084

(3) Consumer Education Program; 140085

(4) Community Services Block Grant. 140086

(B) Any business commenced but not completed by July 1, 140087
2027, within the Department of Development that is planned to be 140088
transferred pursuant to this section shall be completed by the 140089
Department of Job and Family Services in the same manner and 140090
with the same effect as if completed by the Department of 140091
Development. 140092

(C) By July 1, 2026, the Director of Job and Family
Services and the Director of Development, or their designees,
shall develop a detailed organizational plan to implement the
transfer of duties and functions of the programs listed in this
section from the Department of Development to the Department of
Job and Family Services. Pursuant to this plan, the directors of
the respective departments shall enter into a memorandum of
understanding to implement the transfer of duties and functions
of the programs listed in this section from the Department of
Development to the Department of Job and Family Services.

(D) The Director of Job and Family Services and the
Director of Development may jointly or separately enter into one
or more contracts with public or private entities for staff
training and development to facilitate the transfer of duties
and functions of the programs listed in this section from the
Department of Development to the Department of Job and Family
Services. Division (B) of section 127.16 of the Revised Code
does not apply to contracts entered into under this section.

(E) All Department of Development employees and resources
identified by the Director of Development to be associated with
the work of the programs listed in this section are transferred
to the Department of Job and Family Services on July 1, 2027, or
an earlier date identified by the respective directors. Subject
to the layoff provisions of sections 124.321 to 124.381 of the
Revised Code, employees who are transferred retain their same
positions and all benefits accruing thereto. Once transferred to
the Department of Job and Family Services, changes to positions
or benefits for employees shall be controlled by Chapter 124. of
the Revised Code, or other applicable Revised Code or
Administrative Code sections. Actions taken under this section
are not subject to appeal to the State Personnel Board of

Review. 140124

(1) Notwithstanding division (E) of this section, the 140125
Director of Job and Family Services has the authority to 140126
establish, change, and abolish positions for the Department of 140127
Job and Family Services, and to assign, reassign, classify, 140128
reclassify, transfer, reduce, promote, or demote all employees 140129
of the Department of Job and Family Services who are not subject 140130
to Chapter 4117. of the Revised Code. 140131

(2) The authority granted under division (E) (1) of this 140132
section includes assigning or reassigning an exempt employee, as 140133
defined in section 124.152 of the Revised Code, to a bargaining 140134
unit classification if the Director of Job and Family Services 140135
determines that the bargaining unit classification is the proper 140136
classification for that employee. If an employee in the E-1 pay 140137
range is to be assigned, reassigned, classified, reclassified, 140138
transferred, reduced, or demoted to a position in a lower 140139
classification, the Director of Job and Family Services, or in 140140
the case of a position transferred outside of the Department, 140141
the Director of Development, shall assign the employee to the 140142
appropriate classification and place the employee in Step X. The 140143
employee shall not receive any increase in compensation until 140144
the maximum rate of pay for that classification exceeds the 140145
employee's compensation. 140146

(3) Notwithstanding any provision to the contrary in 140147
sections 4117.08 and 4117.10 of the Revised Code, the transfer 140148
of programs and employees under this section, and the 140149
reassignment of certain functions and duties, are not 140150
appropriate subjects for collective bargaining under Chapter 140151
4117. of the Revised Code. 140152

(4) The Director of Job and Family Services may, with the 140153

approval of the Office of Budget and Management, establish a 140154
retirement incentive plan for eligible employees of those 140155
agencies who are members of the Public Employee Retirement 140156
System whose job duties will be transferred to the Department of 140157
Job and Family Services. Notwithstanding any provision of 140158
section 145.297 of the Revised Code to the contrary, a 140159
retirement incentive plan established pursuant to this section 140160
shall remain in effect until December 31, 2027. 140161

(F) No validation, cure, right, privilege, remedy, 140162
obligation, or liability is lost or impaired by reason of the 140163
transfer required by this section but shall be administered by 140164
the Department of Job and Family Services. No action or 140165
proceeding pending on the effective date of the transfer of 140166
duties, functions, and programs to the Department of Job and 140167
Family Services is affected by the transfer and shall be 140168
prosecuted or defended in the name of the Department or 140169
Director, as appropriate. In all such actions for those 140170
transferred duties, functions, and programs, the Department or 140171
Director shall be substituted as a party. 140172

(G) Effective July 1, 2027, or on an earlier date 140173
determined by the directors identified in this division, all 140174
contracts, records, documents, files, equipment, assets, and 140175
other materials of the programs and staff resources transferred 140176
under this section are to be transferred to the Department of 140177
Job and Family Services. 140178

(H) All rules, orders, and determinations made or 140179
undertaken related to programs listed in this section shall 140180
continue in effect as rules, orders, and determinations of the 140181
Department of Job and Family Services until modified or 140182
rescinded by the Department of Job and Family Services. If 140183

necessary to ensure the integrity of the numbering of the 140184
Administrative Code and at the request of the Director of Job 140185
and Family Services, the Director of the Legislative Service 140186
Commission may renumber the rules related to the programs listed 140187
in this section to reflect this transfer. 140188

(I) Notwithstanding any provision of law to the contrary, 140189
the Director of Budget and Management shall make budget and 140190
accounting changes to implement the transfer of duties, 140191
functions, and program of the programs listed in this section to 140192
the Department of Job and Family Services as described in this 140193
section, including administrative organization, renaming of 140194
funds, creation of new funds, transfer of state funds, and 140195
consolidation of funds. The Director of Budget and Management 140196
may, if necessary, cancel or establish encumbrances or parts of 140197
encumbrances in the appropriate funds and appropriation items 140198
for the same purposes and for payment to the same vendor. Such 140199
encumbrances are hereby appropriated. If necessary for the 140200
continued efficient administration of programs listed in this 140201
section, the Director of Budget and Management may transfer 140202
appropriations between the Department of Job and Family Services 140203
and the Department of Development to continue levels of program 140204
services and efficiently deliver state funding to those programs 140205
as appropriated herein. Such changes are hereby appropriated. 140206

Section 525.40. On the effective date of this section, the 140207
Ohio Public Employees Deferred Compensation Board is abolished. 140208
All records, assets, and liabilities of the Ohio Public 140209
Employees Deferred Compensation Board shall be transferred to 140210
the Public Employees Retirement Board. The Public Employees 140211
Retirement Board is successor to, and assumes the obligations 140212
of, the Ohio Public Employees Deferred Compensation Board. 140213

Any business commenced, but not completed by, the Ohio 140214
Public Employees Deferred Compensation Board or the Executive 140215
Director of that Board on the effective date of this section 140216
shall be completed by the Public Employees Retirement Board or 140217
the Executive Director of the Public Employees Retirement System 140218
in the same manner, and with the same effect, as if completed by 140219
the Ohio Public Employees Deferred Compensation Board or the 140220
Executive Director of that Board. No validation, cure, right, 140221
privilege, remedy, obligation, or liability is lost or impaired 140222
by reason of the transfer required by this section. 140223

All employees of the Ohio Public Employees Deferred 140224
Compensation Board are transferred to the Public Employees 140225
Retirement System and retain their positions and all of the 140226
benefits accruing thereto. 140227

No action or proceeding pending on the effective date of 140228
this section is affected by the transfer, and any such action or 140229
proceeding shall be prosecuted or defended in the name of the 140230
Public Employees Retirement Board or the Executive Director of 140231
the Public Employees Retirement System. In all such actions and 140232
proceedings, the Public Employees Retirement Board or the 140233
Executive Director of the Public Employees Retirement System, on 140234
application to the court, shall be substituted as a party. 140235

Section 525.50. (A) Notwithstanding any contrary provision 140236
of section 109.02, 145.055, 145.99, 742.044, 742.99, 3307.074, 140237
3307.99, 3309.074, 3309.99, 3501.05, 3501.11, 3513.04, 3513.05, 140238
3513.10, 3513.261, 3517.01, 3517.08, 3517.081, 3517.102, 140239
3517.109, 3517.1012, 3517.11, 3517.121, 3517.13, 3517.20, 140240
3517.21, 3517.22, 3517.23, 5505.046, or 5505.99 of the Revised 140241
Code as amended by this act, new section 3517.991 of the Revised 140242
Code as enacted by this act, or sections 3517.153 (3517.14), 140243

3517.155 (3517.17), 3517.992 (3517.99), and 3517.993 (3517.18) 140244
as renumbered by this act; notwithstanding the repeal of 140245
sections 3517.14, 3517.151, 3517.152, 3517.154, 3517.156, 140246
3517.157, 3517.99, and 3517.991 by this act; and except as 140247
otherwise provided in division (B) of this section, the 140248
provisions of those sections that were in effect before the 140249
effective date of this section continue to apply to the Ohio 140250
Elections Commission until the Commission is abolished on 140251
January 1, 2026. The Commission shall continue to hear and issue 140252
decisions concerning complaints filed with the Commission before 140253
the effective date of this section in accordance with those 140254
provisions. 140255

(B) On and after the effective date of this section, both 140256
of the following apply: 140257

(1) No complaint may be filed with the Commission. Any 140258
complaint that could have been filed with the Commission before 140259
the effective date of this section may be filed with the 140260
appropriate enforcement authority under section 3517.153 140261
(3517.14) of the Revised Code, as amended and renumbered by this 140262
act. 140263

(2) The Commission shall not render advisory opinions or 140264
recommend legislation. 140265

(C) (1) The Commission is abolished on January 1, 2026. 140266

(2) On January 1, 2026, any complaint pending before the 140267
Commission under section 3517.155 of the Revised Code, as it 140268
existed before the effective date of this section, is 140269
transferred to the appropriate enforcement authority, as 140270
determined under section 3517.153 (3517.14) of the Revised Code, 140271
as renumbered by this act, for disposition. The Commission shall 140272

provide all records regarding the complaint to the appropriate 140273
enforcement authority. 140274

(3) All other records of the Commission and all of its 140275
other assets and liabilities shall be transferred to the 140276
Secretary of State. The Secretary of State is successor to, and 140277
assumes the obligations of, the Commission. 140278

(D) Except for the disposition of a complaint pending 140279
before the Commission under section 3517.155 of the Revised 140280
Code, as it existed before the effective date of this section, 140281
or the rendering of an advisory opinion, any business commenced 140282
but not completed by the Commission or its Executive Director on 140283
January 1, 2026, shall be completed by the Secretary of State in 140284
the same manner, and with the same effect, as if completed by 140285
the Commission or by its Executive Director. No validation, 140286
cure, right, privilege, remedy, obligation, or liability is lost 140287
or impaired by reason of the transfer required by this section. 140288

(E) All employees of the Commission cease to hold their 140289
positions of employment on January 1, 2026, or as soon as 140290
possible thereafter. 140291

(F) On January 1, 2026, or as soon as possible thereafter, 140292
the Director of Budget and Management shall transfer the cash 140293
balance of the Ohio Elections Commission Fund (Fund 4P20) to the 140294
Corporate and Uniform Commercial Code Filing Fund (Fund 5990). 140295
Upon completion of the transfer, Fund 4P20 is abolished. The 140296
Director shall cancel any existing encumbrances against 140297
appropriation item 051601, Operating Support, and reestablish 140298
them against appropriation item 050630, Elections Support 140299
Supplement. The reestablished encumbrance amounts are hereby 140300
appropriated. 140301

(G) Whenever the Commission or its Executive Director is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Secretary of State.

(H) Except for the disposition of a complaint pending before the Commission under section 3517.155 of the Revised Code, as it existed before the effective date of this section, or the rendering of an advisory opinion, no action or proceeding pending on January 1, 2026, is affected by the transfer, and any such action or proceeding shall be prosecuted or defended in the name of the Secretary of State. In all such actions and proceedings, the Secretary of State, on application to the court, shall be substituted as a party.

Section 610.10. That Sections 125.10 (as amended by H.B. 33 of the 135th General Assembly) and 125.11 (as amended by H.B. 33 of the 135th General Assembly) of H.B. 59 of the 130th General Assembly are hereby repealed.

Section 620.10. That Section 265.550 of H.B. 33 of the 135th General Assembly (as amended by H.B. 250 of the 135th General Assembly) be amended to read as follows:

Sec. 265.550. PUPIL TRANSPORTATION PILOT ~~PROGRAM~~PROGRAMS

(A) The Department of Education and Workforce shall establish two pilot programs under which two educational service centers shall provide transportation to students in lieu of the students receiving transportation from their resident school district. Not later than October 15, 2023, the Department shall select both of the following to participate in a pilot program under this section:

(1) One service center that is in a county located in central Ohio with a population of 1,323,807, according to the

2020 United States census; 140331

(2) One service center that is in a county located in 140332
southwest Ohio with a population of 537,309, according to the 140333
2020 United States census. 140334

(B) (1) The service center selected under division (A) (1) 140335
of this section shall identify students who are struggling with 140336
transportation issues, as determined by their resident school 140337
district, and are served by the service center, community 140338
schools, or chartered nonpublic schools that enroll students 140339
from the district or districts for whom the service center will 140340
provide transportation during the 2024-2025 school year. 140341

(2) The service center selected under division (A) (2) of 140342
this section shall provide transportation during the 2024-2025, 140343
2025-2026, and 2026-2027 school-year-years to any student whom 140344
the district and the educational service center determine is 140345
struggling with transportation issues that meets either of the 140346
following criteria: 140347

(a) The student attends a school different from the one to 140348
which the student would be assigned in the student's resident 140349
school district. 140350

(b) The student is a child with a disability for whom the 140351
student's resident school district is required to provide 140352
transportation as a related service. 140353

(3) Both service centers shall report to the Department, 140354
in the manner prescribed by the Department, students who are 140355
transported by the service center. 140356

(C) No community school or chartered nonpublic school 140357
shall be required to participate in either pilot program. 140358

~~(D) Each~~ (D) Each participating educational service center 140359
shall do all of the following for ~~the 2024-2025~~ each applicable 140360
school year: 140361

(1) Arrange for the use of a sufficient number of school 140362
buses or other approved vehicles designed to transport not more 140363
than nine passengers, not including the driver, and bus drivers 140364
or other individuals authorized to transport students in other 140365
approved vehicles, to transport students from participating 140366
schools who qualify for transportation under section 3327.01 of 140367
the Revised Code and the school district's transportation 140368
policy. However, nothing shall preclude the service center from 140369
providing transportation to other students enrolled in the 140370
schools. 140371

(2) Collaborate with participating schools to designate 140372
daily start and end times for ~~the 2024-2025~~ each applicable 140373
school year that will enable timely and efficient transportation 140374
of the schools' students; 140375

(3) On behalf of participating schools, notify the school 140376
district ~~that those~~ of the students that they will not require 140377
transportation for the ~~2024-2025~~ applicable school year. 140378

(E) (1) Except as described in division (E) (2) of this 140379
section, the Department shall deduct from the school district's 140380
transportation payment under section 3317.0212 of the Revised 140381
Code and pay to the educational service center the statewide 140382
average cost per student for the qualifying ridership, under 140383
section 3317.0212 of the Revised Code, for each student 140384
transported by the service center in compliance with this 140385
section. 140386

(2) In the case of a student described in division (C) (1) 140387

of section 3317.024 of the Revised Code, the service center 140388
shall not receive a payment under division (E)(1) of this 140389
section. Instead, the department shall make a payment to the 140390
service center for such student in the manner prescribed under 140391
division (C) of section 3317.024 of the Revised Code. 140392

(F) The educational service centers and the school 140393
districts shall not be subject to section 3327.021 of the 140394
Revised Code during ~~the 2024-2025~~ each school year in which the 140395
pilot program they participate in operates with regard to 140396
students enrolled in participating schools. Notwithstanding 140397
section 3314.46 of the Revised Code, the service centers may 140398
provide transportation to any participating community school 140399
they sponsor. 140400

(G) The educational service centers shall comply with all 140401
transportation requirements for students with disabilities as 140402
specified in the individualized education programs developed for 140403
the students pursuant to Chapter 3323. of the Revised Code 140404

(H) The Department shall evaluate ~~each~~ the pilot program 140405
in which the service center selected under division (A)(1) of 140406
this section participates and issue a report of its findings not 140407
later than September 15, 2025. The Department shall evaluate the 140408
pilot program in which the service center selected under 140409
division (A)(2) of this section participates and issue a report 140410
of its findings not later than September 15, 2027. The 140411
educational service centers and participating schools shall 140412
submit data and other information to the Department, in a manner 140413
determined by the Department, for the purpose of conducting the 140414
evaluation. 140415

Section 620.11. That existing Section 265.550 of H.B. 33 140416
of the 135th General Assembly (as amended by H.B. 250 of the 140417

135th General Assembly) is hereby repealed. 140418

Section 620.20. That Section 363.10 of H.B. 2 of the 135th 140419
General Assembly be amended to read as follows: 140420

Sec. 363.10. 140421
140422

	1	2	3
A	DAS DEPARTMENT OF ADMINISTRATIVE SERVICES		
B			Reappropriations
C	Building Improvement Fund (Fund 5KZ0)		
D	C10035	Building Improvement	\$210,942
E	TOTAL Building Improvement Fund		\$210,942
F	Administrative Building Taxable Bond Fund (Fund 7016)		
G	C10041	MARCS - Taxable	\$5,045,730
H	C10044	Lorain County MARCS Tower/Sheffield Lake	\$250,000
I	C10052	Symmes Valley Tower Project in Lawrence County	\$1,000
J	C10055	Highland County MARCS Tower	\$1,000
K	TOTAL Administrative Building Taxable Bond Fund		\$5,297,730
L	Administrative Building Fund (Fund 7026)		
M	C10000	Governor's Residence	\$2,536,996

N	C10010	Office Services Building Renovations	\$64,539
O	C10015	SOCC Renovations	\$622,172
P	C10019	25 S. Front Street Renovations	\$11,801
Q	C10020	North High Building Complex Renovations	\$400,000
R	C10021	Office Space Planning	\$5,000,000
S	C10034	Aronoff Center Systems Replacements and Upgrades	\$1,150,000
T	C10038	Riffe Renovations	\$710,702
U	C10042	IT Projects	\$4,000,000
V	C10051	Fleet Sustainability	\$250,000
W	TOTAL Administrative Building Fund		\$14,746,210
X	Capital IT Projects Fund (Fund 7091)		
Y	C10054	Statewide IT Projects	\$10,000,000
Z	TOTAL Capital IT Projects Fund		\$10,000,000
AA	TOTAL ALL FUNDS		\$30,254,882

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS	140423
SYSTEM	140424
(A) There is hereby continued a Multi-Agency Radio	140425
Communications System (MARCS) Steering Committee consisting of	140426
the following members:	140427

~~(1) The directors, or designees thereof, of Administrative Services, Public Safety, Natural Resources, Transportation, Rehabilitation and Correction, and Budget and Management, and the State Fire Marshal or the State Fire Marshal's designee,~~ 140428
140429
140430
140431

~~(2) The following members appointed by the Governor:~~ 140432

~~(a) One representative of the Ohio Chapter of the Association of Public Safety Communications Officials or its successor organization,~~ 140433
140434
140435

~~(b) One representative of the Buckeye State Sheriff's Association or its successor organization,~~ 140436
140437

~~(c) One representative of the Ohio Association of Chiefs of Police or its successor organization,~~ 140438
140439

~~(d) One representative of the Ohio Fire Chiefs' Association or its successor organization.~~ 140440
140441

~~(3) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one from the majority party and one from the minority party,~~ 140442
140443
140444

~~(4) Two members of the Senate appointed by the President of the Senate, one from the majority party and one from the minority party.~~ 140445
140446
140447

~~(B) The Director of Administrative Services or the Director's designee shall chair the Committee.~~ 140448
140449

~~(C) The Committee shall provide assistance to the Director of Administrative Services for effective and efficient implementation of MARCS as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of Administrative Services and Budget and Management, the MARCS Steering Committee shall report to the Directors on~~ 140450
140451
140452
140453
140454
140455

~~the progress of MARCS implementation and the development of~~ 140456
~~policies related to the system.~~ 140457

~~(D) The Committee shall establish a subcommittee to~~ 140458
~~represent MARCS users on the local government level. The~~ 140459
~~chairperson of the subcommittee shall serve as a member of the~~ 140460
~~MARCS Steering Committee.~~ 140461

~~(E)~~ The foregoing appropriation item C10041, MARCS - 140462
Taxable, shall be used to purchase or construct the components 140463
of MARCS that are not specific to any one agency. The equipment 140464
may include, but is not limited to, computer and 140465
telecommunications equipment used for the functioning and 140466
integration of the system, communications towers, tower sites, 140467
tower equipment, and linkages among towers. The Director of 140468
Administrative Services shall, ~~with the concurrence of the MARCS~~ 140469
~~Steering Committee,~~ determine the specific use of funds. 140470
Expenditures from this appropriation shall not be subject to 140471
Chapters 123. and 153. of the Revised Code. 140472

MEDINA COUNTY RADIO SYSTEM-SEVILLE TOWER 140473

The amount reappropriated for the foregoing appropriation 140474
item C10057, Medina County Radio System-Seville Tower, is the 140475
unencumbered balance as of June 30, 2024, in appropriation items 140476
C230FM, Cultural and Sports Facilities Projects, earmarked for 140477
Westfield Center Community Center ADA Improvement Project and 140478
the Medina County and Brunswick Historical Societies 140479
Project/Wadsworth Historical Society, and C58001, Community 140480
Assistance Projects, earmarked for Westfield Center 140481
Improvements. 140482

BUILDING IMPROVEMENT 140483

The amount reappropriated for the foregoing appropriation 140484

item C10035, Building Improvement, is the unencumbered balance 140485
as of June 30, 2024, in appropriation item C10035, Building 140486
Improvement, plus up to \$293,343. Prior to the expenditure of 140487
this additional appropriation, the Department of Administrative 140488
Services shall certify to the Director of Budget and Management 140489
canceled encumbrances up to \$293,343 from appropriation item 140490
C10035, Building Improvement. 140491

MARCS - TAXABLE 140492

The amount reappropriated for the foregoing appropriation 140493
item C10041, MARCS - Taxable, is the unencumbered balance as of 140494
June 30, 2024, in appropriation item C10041, MARCS - Taxable, 140495
plus up to \$45,731. Prior to the expenditure of this additional 140496
appropriation, the Department of Administrative Services shall 140497
certify to the Director of Budget and Management canceled 140498
encumbrances up to \$45,731 from appropriation item C10041, MARCS 140499
- Taxable. 140500

LORAIN COUNTY MARCS TOWER/SHEFFIELD LAKE 140501

The amount reappropriated for the foregoing appropriation 140502
item C10044, Lorain County MARCS Tower/Sheffield Lake, is the 140503
unencumbered balance as of June 30, 2024, in appropriation item 140504
C10044, Lorain County MARCS Tower/Sheffield Lake, plus the 140505
unencumbered balance as of June 30, 2024, in appropriation item 140506
C10048, Williams County MARCS Tower. 140507

OFFICE SERVICES BUILDING RENOVATIONS 140508

The amount reappropriated for the foregoing appropriation 140509
item C10010, Office Services Building Renovations, is the 140510
unencumbered balance as of June 30, 2024, in appropriation item 140511
C10010, Office Services Building Renovations, plus up to 140512
\$64,539. Prior to the expenditure of this additional 140513

appropriation, the Department of Administrative Services shall 140514
certify to the Director of Budget and Management canceled 140515
encumbrances up to \$64,539 from appropriation item C10010, 140516
Office Services Building Renovations. 140517

SOCC RENOVATIONS 140518

The amount reappropriated for the foregoing appropriation 140519
item C10015, SOCC Renovations, is the unencumbered balance as of 140520
June 30, 2024, in appropriation item C10015, SOCC Renovations, 140521
plus up to \$873,760. Prior to the expenditure of this additional 140522
appropriation, the Department of Administrative Services shall 140523
certify to the Director of Budget and Management canceled 140524
encumbrances up to \$873,760 from appropriation item C10015, SOCC 140525
Renovations. 140526

25 S. FRONT STREET RENOVATIONS 140527

The amount reappropriated for the foregoing appropriation 140528
item C10019, 25 S. Front Street Renovations, is the unencumbered 140529
balance as of June 30, 2024, in appropriation item C10019, 25 S. 140530
Front Street Renovations, plus up to \$28,717. Prior to the 140531
expenditure of this additional appropriation, the Department of 140532
Administrative Services shall certify to the Director of Budget 140533
and Management canceled encumbrances up to \$28,717 from 140534
appropriation item C10019, 25 S. Front Street Renovations. 140535

ARONOFF CENTER SYSTEMS REPLACEMENTS AND UPGRADES 140536

The amount reappropriated for the foregoing appropriation 140537
item C10034, Aronoff Center Systems Replacements and Upgrades, 140538
is the unencumbered balance as of June 30, 2024, in 140539
appropriation item C10034, Aronoff Center Systems Replacements 140540
and Upgrades, plus up to \$385,580. Prior to the expenditure of 140541
this additional appropriation, the Department of Administrative 140542

Services shall certify to the Director of Budget and Management 140543
canceled encumbrances up to \$385,580 from appropriation item 140544
C10034, Aronoff Center Systems Replacements and Upgrades. 140545

RIFFE RENOVATIONS 140546

The amount reappropriated for the foregoing appropriation 140547
item C10038, Riffe Renovations, is the unencumbered balance as 140548
of June 30, 2024, in appropriation item C10038, Riffe 140549
Renovations, plus up to \$11,514. Prior to the expenditure of 140550
this additional appropriation, the Department of Administrative 140551
Services shall certify to the Director of Budget and Management 140552
canceled encumbrances up to \$11,514 from appropriation item 140553
C10038, Riffe Renovations. 140554

Section 620.21. That existing Section 363.10 of H.B. 2 of 140555
the 135th General Assembly is hereby repealed. 140556

Section 620.30. That Sections 335.20 and 757.60 of H.B. 33 140557
of the 135th General Assembly are hereby repealed. 140558

Section 630.10. That Section 6 of H.B. 150 of the 134th 140559
General Assembly is hereby repealed. 140560

Section 630.20. That Section 5 of S.B. 202 of the 134th 140561
General Assembly is hereby repealed. 140562

Section 630.30. That Section 5 of H.B. 554 of the 134th 140563
General Assembly (as amended by H.B. 101 of the 135th General 140564
Assembly) be amended to read as follows: 140565

Sec. 5. (A) This section applies to a community school 140566
described in Section 16 of H.B. 583 of the 134th General 140567
Assembly and to any other community school that is operated by a 140568
management company that operates a community school subject to 140569
that section. 140570

(B) Notwithstanding division (H) of section 3314.08 of the Revised Code, a community school established under Chapter 3314. of the Revised Code and to which this section applies may report to the Department of Education and Workforce the number of students enrolled in the community school on a full-time equivalent basis for the 2022-2023, 2023-2024, ~~and 2024-2025,~~ and 2025-2026 school years using the lesser of the following:

(1) The maximum full-time equivalency for the portion of the school year for which the student is enrolled in the school;

(2) The sum of one-sixth of the full-time equivalency based on attendance for the portion of the school year for which the student is enrolled in the school and one-sixth the full-time equivalency based on each credit of instruction earned during the enrollment period, not to exceed five credits.

(C) (1) The Department of Education and Workforce shall complete a review of each community school that reports the full-time equivalency of students under division (B) of this section in accordance with division (K) of section 3314.08 of the Revised Code.

(2) If the Department determines a school has been overpaid based on a review completed under division (C) (1) of this section, it shall require a repayment of the overpaid funds and may require the school to establish a plan to improve the reporting of enrollment.

(D) Notwithstanding any provision to the contrary in the Revised Code or the Administrative Code, for purposes of reporting attendance and meeting minimum school year requirements under sections 3313.48 and 3314.03 of the Revised Code, a community school to which this section applies may

report attendance to the Department of Education and Workforce 140600
consistent with the attendance policy approved by the governing 140601
authority of the school. 140602

Section 630.31. That existing Section 5 of H.B. 554 of the 140603
134th General Assembly (as amended by H.B. 101 of the 135th 140604
General Assembly) is hereby repealed. 140605

Section 701.30. (A) As used in this section, "exempt 140606
employee" has the same meaning as in section 124.152 of the 140607
Revised Code, as amended by this act. 140608

(B) Effective July 1, 2025, any exempt employee paid in 140609
accordance with section 124.152 of the Revised Code who is being 140610
paid a salary or wage at step 6 of pay range 17 of the version 140611
of pay schedule E-1 that was in effect before the effective date 140612
of this section is eligible to move to step 7 of pay range 17 in 140613
the pay schedule, provided the exempt employee did not advance a 140614
step within the twelve-month period immediately preceding the 140615
date on which the pay schedule takes effect. A step increase 140616
pursuant to this division applies to the first day of the pay 140617
period immediately following the pay period that includes July 140618
1, 2025. 140619

(C) An exempt employee paid in accordance with section 140620
124.152 of the Revised Code who is being paid a salary or wage 140621
at step 6 of pay range 17 of the version of pay schedule E-1 140622
that was in effect before the effective date of this section who 140623
is ineligible under division (B) of this section to move up to 140624
step 7 of pay range 17 in the pay schedule is eligible for 140625
advancement in accordance with division (G) of section 124.15 of 140626
the Revised Code. 140627

Section 701.40. (A) The Governor may execute a Governor's 140628

Deed in the name of the State conveying to Madison County 140629
("grantee"), and its successors and assigns, to be determined in 140630
the manner provided in division (C) of this section, all of the 140631
State's right, title, and interest in the following described 140632
real estate: 140633

Situated in the State of Ohio, Madison County, Deer Creek 140634
Township, VMS 6246, being part of a 579.44 original acre tract 140635
(Deer Creek Township Parcel 05-00542.000) as conveyed to the 140636
State of Ohio Madison Correctional Prison by Deed Book 134 page 140637
347, and being more particularly described as: 140638

Beginning at a mag nail set in the centerline of State 140639
Route 38, in the line between VMS 6246 and VMS 6169, in the line 140640
between Deer Creek Township and the City of London, being the 140641
Southeast corner of a 1.000 acre tract conveyed to Tom Farms Inc 140642
by Deed Book 278 page 889 and a corner to said 579.44 original 140643
acre tract, said mag nail bears North 15°36'05" West a distance 140644
of 5646.35 feet from Madison County Monument 02-004, said mag 140645
nail bears North 04° 15' 00" East a distance of 1079.10 feet 140646
from the intersection of the centerline of State Route 38 with 140647
the line between Deer Creek Township and Union Township; 140648

Thence, with the centerline of State Route 38, said VMS 140649
line and said Corp. line, South 04° 15' 00" a distance of 616.00 140650
feet to a mag nail set; 140651

Thence, across said 579.44 original acre tract with the 140652
following two new courses: 140653

1) South 81° 53' 47" West, passing an iron pin and cap set 140654
at 35.00 feet, a total distance of 728.66 feet to an iron pin 140655
and cap set; 140656

2) North 10° 12' 38" West a distance of 569.69 feet to an 140657

iron pin and cap set in the South line of a 100 original acre 140658
tract conveyed to Tom Farms Inc by Deed Book 268 page 770; 140659

Thence, with the South line of said 100 original acre 140660
tract, North 79° 47' 22" East, passing a 1/2 inch diameter iron 140661
pipe found at the Southwest corner of said Tom Farms Inc's 1.000 140662
acre tract at 591.70 feet, passing a 5 inch diameter steel post 140663
in concrete found at 849.53 feet, a total distance of 881.99 140664
feet returning to the Point of Beginning, containing 10.8003 140665
Acres more or less. 140666

Bearings are based on the centerline of State Route 38 140667
(North 04° 15' 00" East) as described in Official Record 307 140668
page 2131. 140669

Subject to and with the benefit of all legal highways, 140670
restrictions, easements, limitations, and reservations, of 140671
record, if any and to zoning restrictions which have been 140672
imposed thereon, if any. 140673

All iron pins are 5/8-inch diameter rebar with yellow 140674
plastic cap stamped "Cottrill Surveying." 140675

The foregoing legal description may be corrected or 140676
modified by the Department of Administrative Services to a final 140677
form if such corrections or modifications are needed to 140678
facilitate recordation of the deed. 140679

(B) (1) The conveyance includes improvements and chattels 140680
situated on the real estate, and is subject to all easements, 140681
covenants, conditions, leases, and restrictions of record: all 140682
legal highways and public rights-of-way; zoning, building, and 140683
other laws, ordinances, restrictions, and regulations; and real 140684
estate taxes and assessments not yet due and payable. The real 140685
estate shall be conveyed in an "as-is, where-is, with all 140686

faults" condition. 140687

(2) The deed for conveyance of the real estate may contain 140688
restrictions, exceptions, reservations, reversionary interests, 140689
and other terms and conditions the Director of Administrative 140690
Services determines to be in the best interest of the state. 140691

(3) Subsequent to the conveyance, any restrictions, 140692
exceptions, reservations, reversionary interests, or other terms 140693
and conditions contained in the deed may be released by the 140694
state or the Department of Administrative Services without the 140695
necessity of further legislation. 140696

(C) The Director of Administrative Services shall offer 140697
the real estate to the grantee to be determined through a real 140698
estate purchase agreement. Consideration for the conveyance of 140699
the real estate described in division (A) of this section shall 140700
be at a price acceptable to the Director of Administrative 140701
Services. If the grantee to be determined does not complete the 140702
purchase of the real estate within the time period provided in 140703
the real estate purchase agreement, the Director of 140704
Administrative Services may use any reasonable method of sale to 140705
determine an alternate grantee willing to complete the purchase 140706
within three years after the effective date of this section. The 140707
Department of Administrative Services shall pay all advertising 140708
costs, additional fees, and other costs incident to the sale of 140709
the real estate to an alternate grantee. 140710

(D) The real estate described in division (A) of this 140711
section shall be sold as an entire tract and not in parcels. 140712

(E) Except as otherwise specified above, the grantee shall 140713
pay all costs associated with the purchase, closing and 140714
conveyance, including surveys, title evidence, title insurance, 140715

transfer costs and fees, recording costs and fees, taxes, and 140716
any other fees, assessments, and costs that may be imposed. 140717

The proceeds of the sale shall be deposited into the state 140718
treasury to the credit of the General Revenue Fund. 140719

(F) Upon execution of the real estate purchase agreement, 140720
the Director of Administrative Services, with the assistance of 140721
the Attorney General, shall prepare a Governor's Deed to the 140722
real estate described in division (A) of this section. The 140723
Governor's Deed shall state the consideration and shall be 140724
executed by the Governor in the name of the state, countersigned 140725
by the Secretary of State, sealed with the Great Seal of the 140726
State, presented in the Department of Administrative Services 140727
for recording, and delivered to the grantee. The grantee shall 140728
present the Governor's Deed for recording in the Office of the 140729
Franklin County Recorder. 140730

Section 701.50. Sections 122.1712 and 122.1713 of the 140731
Revised Code, as enacted by this act, shall be known as the 140732
Platinum Provider Act. 140733

Section 701.60. When calculating the state appropriation 140734
limitation for fiscal year 2028, the Governor shall determine 140735
the limitation taking into account the amendments to or 140736
enactments of sections 107.032 to 107.034 of the Revised Code 140737
contained in Section 101.01 of this act. 140738

Section 701.70. All public officers whose compensation 140739
cannot be changed during the officer's term under Ohio 140740
Constitution, Article II, Section 20, shall continue receiving 140741
for the remainder of the officer's term the amount the official 140742
is entitled to under section 325.18, 505.24, or 507.09 of the 140743
Revised Code before the effective date of the amendments to 140744

those sections made by this act until the officer begins a new 140745
term and may constitutionally receive the changed compensation 140746
amount. 140747

Section 703.10. A county coroner who, before the effective 140748
date of this section, was elected to office may complete the 140749
balance of the coroner's term. Any county coroners appointed 140750
after the effective date of this section shall be appointed in 140751
accordance with section 313.01 of the Revised Code, as amended 140752
by this act. 140753

Section 709.10. Of the two additional members appointed to 140754
the Ohio Grape Industries Committee under section 924.51 of the 140755
Revised Code as amended by this act, the initial term of office 140756
of one member shall be for a term of one year and the initial 140757
term of office of one member shall be for a term of two years. 140758
Thereafter, terms of those members shall be for three years as 140759
provided in that section. 140760

Section 715.10. A member of a board of park commissioners 140761
of a park district who, before the effective date of this 140762
section, was appointed to a board of commissioners of a park 140763
district that was a township park district created before the 140764
year 1892, and converted into a park district under section 140765
1545.041 of the Revised Code on or before January 1, 1989, may 140766
complete the balance of the member's term. Any members appointed 140767
to a board of commissioners of a park district that was a 140768
township park district created before the year 1892, and 140769
converted into a park district under section 1545.041 of the 140770
Revised Code on or before January 1, 1989, after the effective 140771
date of this section shall be appointed in accordance with 140772
section 1545.05 of the Revised Code, as amended by this act. 140773

Section 731.10. A county prevention specialist who is 140774

serving an existing term on a child abuse and child neglect 140775
regional prevention council in accordance with section 3109.172 140776
of the Revised Code as of the effective date of this section may 140777
complete the council member's term of office. 140778

Section 733.20. (A) Notwithstanding the repeal of former 140779
sections 3313.902, 3314.38, and 3345.86 of the Revised Code and 140780
sections 3317.23, 3317.231, and 3317.24 of the Revised Code by 140781
this act, any individual enrolled in a program established under 140782
one of those sections may do either of the following: 140783

(1) Complete the program in accordance with the applicable 140784
section, as it existed prior to the section's repeal or repeal 140785
and reenactment by this act, provided the individual completes 140786
the program not later than June 30, 2027; 140787

(2) Complete a program described in section 3313.902, 140788
3314.38, or 3345.86 of the Revised Code in accordance with the 140789
applicable section, as enacted by this act. 140790

(B) The Department of Education and Workforce shall pay an 140791
eligible institution or eligible provider as required by the 140792
section under which the individual completes the program. 140793

Section 733.40. Notwithstanding anything to the contrary 140794
in Revised Code, nothing prohibits any other community college, 140795
as defined in section 3333.168 of the Revised Code, from serving 140796
the counties previously served by Eastern Gateway Community 140797
College under section 3354.24 of the Revised Code. 140798

Nothing in this section exempts a community college from 140799
academic program approval by the Chancellor of Higher Education 140800
under section 3333.04 of the Revised Code or from seeking 140801
approval under rules adopted by the Chancellor. 140802

Section 733.50. (A) The Career-Technical Planning District 140803

Construction Study Committee is established to examine and make 140804
recommendations for creating an equitable and sustained funding 140805
model within the Ohio Facilities Construction Commission for 140806
lead districts, as defined in section 3317.023 of the Revised 140807
Code, to build, renovate, and maintain career-technical 140808
education facilities. 140809

(B) The membership of the committee consists of all of the 140810
following: 140811

(1) Two representatives from joint vocational school 140812
districts appointed by the Ohio Association of Career-Technical 140813
Superintendents; 140814

(2) Two representatives from comprehensive or compact 140815
career-technical districts appointed by the Ohio Association of 140816
Comprehensive and Compact Career-Technical Schools; 140817

(3) Two representatives from lead districts of career- 140818
technical planning districts appointed by the Ohio Association 140819
for Career and Technical Education; 140820

(4) One representative from the Ohio Facilities 140821
Construction Commission; 140822

(5) One representative from the Governor's Office of 140823
Workforce Transformation; 140824

(6) One member of the Ohio Senate, appointed by the Senate 140825
President; 140826

(7) One member of the Ohio House of Representatives, 140827
appointed by the Speaker of the House of Representatives. 140828

(C) The committee shall do all of the following: 140829

(1) Assess the Ohio Facilities Construction Commission's 140830

facilities funding regulations and processes for joint 140831
vocational, comprehensive, and compact career-technical 140832
districts and compare the processes to those of Ohio's 140833
kindergarten through twelve school facilities; 140834

(2) Identify barriers to flexibility for career-technical 140835
education facilities construction and renovation; 140836

(3) Propose solutions to mitigate the identified barriers; 140837

(4) Evaluate best practices in other states and 140838
jurisdictions that allow for greater flexibility for career- 140839
technical education facilities construction and renovation 140840
related to workforce development; 140841

(5) Make recommendations for policy changes, funding 140842
mechanisms, and resources that would enhance funding 140843
opportunities for career-technical education facilities 140844
construction projects, including a dedicated funding stream for 140845
career-technical education facilities. 140846

(D) The committee shall convene at least quarterly, or as 140847
needed, to fulfill its duties, and the Ohio Facilities 140848
Construction Commission shall provide administrative support, 140849
including scheduling meetings, preparing meeting materials, and 140850
maintaining records. 140851

(E) Not later than June 30, 2026, the committee shall 140852
issue a comprehensive report that includes its findings and 140853
recommendations under division (C) of this section to the 140854
Governor and the General Assembly, in accordance with section 140855
101.68 of the Revised Code. 140856

(F) The committee ceases to exist upon the submission of 140857
the report required in this section. 140858

Section 737.10. (A) The Director of Environmental 140859
Protection shall conduct a review to assess the motor vehicle 140860
inspection and maintenance program that is implemented in 140861
accordance with section 3704.14 of the Revised Code. The 140862
Director shall include all of the following in the review: 140863

(1) A determination of the necessity of the program; 140864

(2) An evaluation of whether each county that is subject 140865
to the program during the prior calendar year has achieved, and 140866
has the ability to maintain, compliance with federal ozone 140867
standards without implementation of the program in that county. 140868
The evaluation shall include the most recent air quality 140869
monitoring data and predictive modeling of future compliance. 140870

(3) An analysis of whether a revision to Ohio's state 140871
implementation plan could be submitted to the United States 140872
Environmental Protection Agency to discontinue the program while 140873
maintaining compliance with national ambient air quality 140874
standards. If the Director's analysis finds that compliance may 140875
be achieved without participation in the program, the Director 140876
shall formally submit a request to the United States 140877
Environmental Protection Agency for reconsideration of the 140878
program's implementation in affected regions. 140879

(4) After proper monitoring, an analysis of weather 140880
patterns over northeast Ohio and the entire great lakes region 140881
with respect to how those patterns impact ozone levels, air 140882
circulation, and overall emissions. The analysis shall include a 140883
review of temperature inversions, seasonal variations, and other 140884
meteorological factors that could contribute to emissions 140885
buildup or dispersion. The analysis also shall evaluate current 140886
ozone levels and how such weather patterns affect compliance 140887
status with the national ambient air quality standards. 140888

(5) Any potential alternative measures for maintaining air 140889
quality if the program is altered or discontinued. 140890

(B) Not later than eighteen months after the effective 140891
date of this section, the Director shall compile the findings of 140892
the review into a report. The Director shall submit the report 140893
to the General Assembly and make the report available to the 140894
public on the Environmental Protection Agency's web site. 140895

Section 737.20. Not later than December 31, 2025, the 140896
General Assembly shall determine a manner of expanding gaming 140897
opportunities in the State of Ohio. 140898

Section 741.10. (A) As used in this section, 140899
"contributions," "contributory employer," "payments in lieu of 140900
contributions," and "wages" have the same meanings as in section 140901
4141.01 of the Revised Code. 140902

(B) Except as provided in division (E) of this section, 140903
the Director of Job and Family Services shall, in accordance 140904
with division (C) of this section, collect a technology and 140905
customer service fee from all contributory employers and all 140906
nonprofit organizations, or groups of such organizations, that 140907
elect to become liable for payments in lieu of contributions 140908
under section 4141.241 of the Revised Code. 140909

(C) (1) The Director shall collect a technology and 140910
customer service fee of not more than fifteen-hundredths of one 140911
per cent of wages per employee subject to this chapter from each 140912
contributory employer. The Director shall collect any fee due 140913
under this section from a contributory employer at the same time 140914
and in the same manner as contributions due under section 140915
4141.25 of the Revised Code. 140916

(2) At the time a nonprofit organization, or group of such 140917

organizations, that elects to become liable for payments in lieu 140918
of contributions files or renews a surety bond with the Director 140919
in accordance with division (C) of section 4141.241 of the 140920
Revised Code, the Director shall collect a technology and 140921
customer service fee of not more than thirteen dollars and fifty 140922
cents from the organization or group of organizations. 140923

(D) Technology and customer service fees collected under 140924
this section shall be paid into the Unemployment Compensation 140925
Special Administrative Fund established in section 4141.11 of 140926
the Revised Code. 140927

(E) The technology and customer service fee required under 140928
this section applies only to the period beginning on the 140929
effective date of this section and ending on the date that is 140930
two years after the effective date of this section. 140931

Section 747.10. TRANSITION OF PEER SUPPORTER CERTIFICATION 140932

(A) (1) Beginning one year after the effective date of this 140933
section, an individual who holds, on the effective date of this 140934
section, a valid certificate that is accepted under rules 140935
adopted pursuant to section 5119.36 of the Revised Code as 140936
authority to practice as a peer recovery supporter, youth peer 140937
supporter, or family peer supporter, may apply to the Chemical 140938
Dependency Professionals Board to continue practicing as a peer 140939
supporter under the certificate issued by the Department of 140940
Mental Health and Addiction Services. 140941

(2) At the Board's discretion and notwithstanding section 140942
4758.02 of the Revised Code, the Board may allow an individual 140943
to continuing practicing as a peer recovery supporter, youth 140944
peer supporter, or family peer supporter until a date the Board 140945
specifies. The date the Board specifies shall not be later than 140946

the date that is one year after the effective date of the 140947
Board's initial rules regarding peer recovery supporters, youth 140948
peer supporters, or family peer supporters adopted under section 140949
4758.20 of the Revised Code. 140950

(3) An individual who is permitted to continue practicing 140951
under a certificate issued by the Department of Mental Health 140952
and Addiction Services under this section may perform services 140953
within the scope, standards, and ethics of the certificate 140954
issued by the Department until the date specified by the Board. 140955

(B) Notwithstanding the amendments made by this act to 140956
sections 4758.10, 4758.11, and 4758.13 of the Revised Code, both 140957
of the following apply regarding the position on the Board that 140958
is to be held by a peer recovery supporter, youth peer 140959
supporter, or family peer supporter certified by the Board: 140960

(1) The Governor may delay filling the position until the 140961
Board's certification of such individuals has been initiated or 140962
may choose to fill the position before that time by appointing 140963
an individual who otherwise meets the same qualifications. 140964

(2) If the Governor delays filling the position on the 140965
Board as described in division (B)(1) of this section, the Board 140966
shall operate by making corresponding adjustments to the 140967
required number of members who must be present to constitute a 140968
quorum. 140969

Section 751.20. (A) The Department of Medicaid shall 140970
conduct a comprehensive study on the feasibility, legality, and 140971
potential cost savings of establishing a Medicaid waiver 140972
component that establishes work requirements for Medicaid 140973
recipients and includes additional supplemental workforce 140974
development requirements. 140975

(B) As part of the study required under this section, the Department shall evaluate the impact of requiring Medicaid recipients who maintain eligibility by satisfying work requirements for twelve consecutive months to enroll in a workforce development program that satisfies either of the following:

(1) The program is a state-sponsored workforce development program that can be completed within twelve months.

(2) The program is one that is offered through a private or public training facility, community college, or university that can be completed within twelve months.

(C) The study required under this section shall assess all of the following:

(1) The legal feasibility of implementing the requirements described in division (B) of this section;

(2) The workforce development training capacity within this state;

(3) The potential cost savings associated with implementing the requirements described in division (B) of this section;

(4) The projected impact on Medicaid enrollment in this state if the requirements described in division (B) of this section were to be implemented.

(D) Not later than September 1, 2026, the Medicaid Director shall prepare a report detailing the Department's findings of the study conducted under this section, including any policy recommendations. The report shall be submitted to the Governor, the Speaker of the House of Representatives, the

President of the Senate, and the chairperson of the finance 141004
committee of both the House of Representatives and Senate. 141005

Section 751.30. (A) (1) The Child Care Provider Recruitment 141006
and Mentorship Grant Program is created in the Department of 141007
Children and Youth. Under the program, the Department shall 141008
award grants to eligible organizations for the following 141009
purposes: 141010

(a) To increase, through recruitment efforts, Ohio's 141011
supply of licensed child care providers, including at least one 141012
hundred twenty new family child care homes, especially in areas 141013
or communities of the state most in need of such care; 141014

(b) To assist entities and individuals recruited under the 141015
program in establishing and operating child care businesses and 141016
adopting business practices to best serve the needs of Ohio's 141017
families. 141018

(2) The Department shall operate the program described in 141019
division (A) (1) of this section until July 1, 2027. 141020

(3) Each grant recipient shall do all of the following 141021
over the course of the recipient's grant period: 141022

(a) With the assistance of the Department and relevant 141023
stakeholders, identify and recruit entities and individuals 141024
interested in operating family child care homes, in particular, 141025
in areas and communities with limited access to such homes; 141026

(b) Partner with prospective child care providers to 141027
assist them in developing and implementing child care business 141028
models; 141029

(c) Assist prospective child care providers in obtaining 141030
licensure under Chapter 5104. of the Revised Code; 141031

(d) Mentor licensed child care providers in such topics as 141032
operating, maintaining, and expanding child care businesses. 141033

(B) An organization seeking a program grant shall apply to 141034
the Department in the manner prescribed by the Department. To be 141035
eligible for a program grant, an applicant shall demonstrate 141036
that it is able to do all of the following: 141037

(1) In collaboration with the Department and relevant 141038
stakeholders, plan, staff, and hold events, either in-person or 141039
virtually, to identify and recruit prospective child care 141040
providers; 141041

(2) Develop informational materials to assist licensed 141042
child care providers with marketing, advertising, and outreach; 141043

(3) Establish a software platform, with a customizable 141044
dashboard, that may be accessed by licensed child care providers 141045
to assist them with tasks such as marketing their businesses, 141046
enrolling children, communicating with families, billing for 141047
services, and reporting expenses; 141048

(4) Offer and provide coaching and training to child care 141049
staff employed by licensed child care providers, which may 141050
include in-person, group training sessions, on-site coaching 141051
visits, community forums, and other events; 141052

(5) Perform any other activity the Department considers 141053
relevant. 141054

The Department shall review each application it receives 141055
under this section. After receiving an application it considers 141056
complete, the Department shall determine whether the applicant 141057
meets the eligibility conditions described in this division. If 141058
the eligibility conditions are met, and subject to available 141059
funds, the Department shall award a grant to the recipient. Each 141060

grant shall expire at the close of fiscal year 2027. 141061

(C) The Department shall require each grant recipient, as 141062
a condition of continued funding, to submit to the Department on 141063
a periodic basis reports describing the recipient's progress in 141064
partnering with, assisting, and mentoring prospective and 141065
licensed child care providers, in particular the number and 141066
content of trainings offered by the recipient, the types of 141067
software or web site platforms the recipient makes available to 141068
child care providers, and any other information the Department 141069
considers necessary. The reports shall be completed and 141070
submitted in the manner and at the intervals prescribed by the 141071
Department. 141072

Section 751.40. (A) The Ibogaine Treatment Study Committee 141073
is established to study and evaluate the use of ibogaine for the 141074
care and treatment of individuals with substance use disorders 141075
and veterans with post-traumatic stress disorder, depression, 141076
and mild traumatic brain injuries. In conducting its study and 141077
evaluation, the committee shall consider the following topics: 141078

(1) The needs of individuals with substance use disorders; 141079

(2) The needs of veterans with post-traumatic stress 141080
disorder, depression, and mild traumatic brain injuries; 141081

(3) The efficacy of using ibogaine for the care and 141082
treatment of the individuals specified in divisions (A) (1) and 141083
(2) of this section, including a review of available scientific 141084
literature; 141085

(4) State and federal law regarding ibogaine; 141086

(5) Any other topics the committee considers relevant. 141087

(B) The committee consists of the following six members: 141088

(1) Four members of the General Assembly, two appointed by 141089
the Speaker of the House of Representatives and two appointed by 141090
the Senate President; 141091

(2) The Director of Behavioral Health or the Director's 141092
designee; 141093

(3) The Director of Veterans Services or the Director's 141094
designee. 141095

The members shall be appointed not later than thirty days 141096
after the effective date of this section. Vacancies, including 141097
any vacancy due to the expiration of a member of the General 141098
Assembly's term of office, shall be filled not later than thirty 141099
days after the vacancy occurs in the same manner as the original 141100
appointment. The members shall select a chairperson from among 141101
the committee's membership and shall meet as necessary to 141102
satisfy the requirements of this section. 141103

(C) Not later than December 31, 2027, the committee shall 141104
prepare and submit to the General Assembly a report of its 141105
recommendations for legislation addressing use of ibogaine for 141106
the care and treatment of individuals with substance use 141107
disorders and veterans with post-traumatic stress disorder, 141108
depression, and mild traumatic brain injuries. The report shall 141109
be submitted in accordance with section 101.68 of the Revised 141110
Code. The Ohio Department of Behavioral Health shall provide to 141111
the committee the administrative support necessary to execute 141112
its duties. 141113

(D) The committee ceases to exist on the submission of the 141114
report described in division (C) of this section. 141115

Section 751.50. The Department of Rehabilitation and 141116
Correction shall create a pilot program in the Ross Correctional 141117

Institution to ensure that no private entity provides food 141118
service within the institution and instead utilizes state 141119
employees to oversee meals and food service to the extent such a 141120
program does not conflict with existing contracts. 141121

Section 751.60. Beginning on the effective date of this 141122
section, the Department of Medicaid shall reestablish and resume 141123
the prior authorization requirements for prescription and other 141124
drugs, tests and diagnostic procedures, and medical procedures 141125
under the Medicaid program that were in effect on June 29, 2024. 141126

Section 751.70. Not later than December 31, 2027, the 141127
Auditor of State shall conduct both a performance audit and 141128
fiscal audit of the Department of Medicaid's next generation 141129
system that went into effect on February 1, 2023. The Auditor of 141130
State shall submit a copy of the audit reports to the Executive 141131
Director of the Joint Medicaid Oversight Committee. 141132

In conducting audits under this section, the Auditor of 141133
State shall examine all of the following components of the 141134
system: 141135

- (A) The Provider Network Management; 141136
- (B) The Ohio Medicaid Enterprise System; 141137
- (C) The Ohio Resilience Through Integrated Systems and 141138
Excellence (OhioRISE) Program; 141139
- (D) The Electronic Data Interchange; 141140
- (E) The Medicaid state pharmacy benefit manager that was 141141
selected in accordance with section 5167.24 of the Revised Code; 141142
- (F) Centralized Provider Credentialing; 141143
- (G) Prior authorization requirements; 141144

(H) Issues with late payments to Medicaid providers;	141145
(I) Any other aspects of the system that the Auditor of State considers relevant.	141146 141147
Section 751.80. PRIVATE INSURANCE OUTREACH PROGRAM	141148
During Fiscal Year 2027, the Department of Medicaid shall create and administer an outreach program to provide information, awareness, and assistance to Medicaid recipients to help them transition from Medicaid to private insurance.	141149 141150 141151 141152
Section 751.90. HIGH-THC CANNABIS IMPACT RESEARCH STUDY	141153
(A) As used in this section, "cannabis" and "THC" have the same meanings as in section 3780.01 of the Revised Code.	141154 141155
(B) The Department of Behavioral Health, in collaboration with the Department of Commerce, shall conduct a study in partnership with a qualified Ohio public university or research consortium selected by the Department of Behavioral Health to assess the potential health risks and benefits of cannabis and hemp-derived product use and to review state-level program evaluations from other states and peer-reviewed research regarding the following:	141156 141157 141158 141159 141160 141161 141162 141163
(1) Physical, behavioral, cognitive, and neurodevelopmental effects of chronic or early use of high-potency THC cannabis products, particularly among individuals under the age of twenty-five;	141164 141165 141166 141167
(2) Cannabis-induced psychosis and schizophrenia;	141168
(3) Cannabis hyperemesis syndrome;	141169
(4) The relationship between cannabis use and depression, anxiety, and suicidal ideation;	141170 141171

(5) The relationship between cannabis use and cognitive 141172
and neurodevelopmental impairments such as decline in memory and 141173
executive functioning; 141174

(6) Disproportionate impacts of cannabis use on vulnerable 141175
populations, including youth and individuals with a history of 141176
trauma or mental illness; 141177

(7) Health benefits of cannabis and hemp-derived products, 141178
including potential therapeutic uses and recommended guidelines 141179
for potency and usage. 141180

(C) The Department of Behavioral Health shall submit two 141181
reports to the Governor and the General Assembly in accordance 141182
with section 101.68 of the Revised Code and shall publish a copy 141183
of each report on the Department's web site. The initial report 141184
shall be submitted by June 30, 2026, and the final report shall 141185
be submitted by June 30, 2027. Each report shall include the 141186
following: 141187

(1) A comparative analysis of THC regulations, potency 141188
limits, and health outcomes from other states' cannabis 141189
programs; 141190

(2) A synthesis of peer-reviewed research and reputable 141191
state program data; 141192

(3) Recommendations for cannabis regulation, prevention 141193
education, public education campaigns, and outreach efforts for 141194
stakeholders such as the General Assembly, state agencies, 141195
employers, educators, and the general public. 141196

(D) The Department of Behavioral Health shall seek the 141197
input of the following as necessary to complete the report 141198
required by division (C) of this section: 141199

(1) The Department of Health;	141200
(2) RecoveryOhio;	141201
(3) The Bureau of Workers' Compensation;	141202
(4) The Department of Public Safety;	141203
(5) The Attorney General;	141204
(6) The State Medical Board;	141205
(7) Cannabis industry representatives;	141206
(8) Prevention consultants certified by the Chemical Dependency Professionals Board.	141207 141208

Section 751.100. PLACEMENT OF CHILDREN IN GROUP HOMES 141209

(A) As used in this section, "group home" has the same 141210
meaning as "group home for children" in section 5103.05 of the 141211
Revised Code. 141212

(B) The operator of a group home shall not displace a 141213
child who is placed in the group home as of the effective date 141214
of this section in order to comply with the ratio requirements 141215
established in rules adopted under division (B) (3) of section 141216
5103.0520 of the Revised Code. The operator shall not accept the 141217
placement of additional children until the group home has 141218
complied with the ratio requirements. 141219

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 141220

There is hereby established in the Highway Operating Fund 141221
(Fund 7002), used by the Department of Transportation, a Diesel 141222
Emissions Reduction Grant Program. The Director of Environmental 141223
Protection shall administer the program and shall solicit, 141224
evaluate, score, and select projects submitted by public and 141225
private entities that are eligible for the federal Congestion 141226

Mitigation and Air Quality (CMAQ) Program. The Director of 141227
Transportation shall process Federal Highway Administration- 141228
approved projects as recommended by the Director of 141229
Environmental Protection. 141230

In addition to the allowable expenditures set forth in 141231
section 122.861 of the Revised Code, Diesel Emissions Reduction 141232
Grant Program funds also may be used to fund projects involving 141233
the purchase or use of hybrid and alternative fuel vehicles that 141234
are allowed under guidance developed by the Federal Highway 141235
Administration for the CMAQ Program. 141236

Public entities eligible to receive funds under section 141237
122.861 of the Revised Code and CMAQ shall be reimbursed from 141238
moneys in Fund 7002 designated for the Department of 141239
Transportation's Diesel Emissions Reduction Grant Program. 141240

Private entities eligible to receive funds under section 141241
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 141242
direction of the local public agency sponsor and upon approval 141243
of the Department of Transportation, through direct payments. 141244
These reimbursements shall be made from moneys in Fund 7002 141245
designated for the Department of Transportation's Diesel 141246
Emissions Reduction Grant Program. Total expenditures from Fund 141247
7002 for the Diesel Emissions Reduction Grant Program shall not 141248
exceed \$10,000,000 in both fiscal year 2026 and fiscal year 141249
2027. 141250

Any allocations under this section represent CMAQ program 141251
moneys within the Department of Transportation for use by the 141252
Diesel Emissions Reduction Grant Program by the Environmental 141253
Protection Agency. These allocations shall not reduce the amount 141254
of such moneys designated for metropolitan planning 141255
organizations. 141256

The Director of Environmental Protection, in consultation 141257
with the Director of Transportation, shall develop guidance for 141258
the distribution of funds and for the administration of the 141259
Diesel Emissions Reduction Grant Program. The guidance shall 141260
include a method of prioritization for projects, acceptable 141261
technologies, and procedures for awarding grants. 141262

Section 755.20. (A) As used in this section: 141263

(1) "First responder" means a law enforcement agency, fire 141264
department, or emergency medical services organization. 141265

(2) "Unmanned aerial vehicle system" has the same meaning 141266
as in section 4561.50 of the Revised Code. 141267

(B) The Director of Transportation shall establish a 141268
Drones for First Responders pilot program to be administered by 141269
the Department of Transportation. 141270

(C) The program shall be designed to focus on the 141271
following goals: 141272

(1) Acquiring unmanned aerial vehicle system assets for 141273
first responders within municipal corporations; 141274

(2) Providing training on the operation of unmanned aerial 141275
vehicle systems to the operators of those systems; 141276

(3) Obtaining approval from the Federal Aviation 141277
Administration for beyond visual line of sight operations for 141278
purposes of the pilot program and the operation of unmanned 141279
aerial vehicle systems within the program; 141280

(4) Integrating existing Ohio unmanned aerial vehicle 141281
system infrastructure for purposes of conducting beyond visual 141282
line of sight operations within the program; 141283

(5) Collecting metrics for cost-benefit analyses related 141284
to advanced unmanned aerial vehicle system operations; 141285

(6) Developing a comprehensive approach for community 141286
acceptance and integration of unmanned aerial vehicle system 141287
operations; 141288

(7) Standardizing an approval process with the Federal 141289
Aviation Administration for unmanned aerial vehicle system 141290
operators across the state. 141291

(D) (1) The Director shall establish a process to award 141292
money available under the program to the legislative authority 141293
of municipal corporations that are willing to participate in the 141294
program and meet any guidelines established by the Director for 141295
meeting the program's goals. The money awarded shall be 141296
allocated towards the purchase of unmanned aerial vehicle 141297
systems for first responders within the municipal corporations, 141298
for training support, for assisting in navigating federal 141299
processes and approvals, and for supporting the integration of 141300
statewide operations. 141301

(2) Any unmanned aerial vehicle system purchased through 141302
the program shall comply with the federal laws and regulations 141303
for such systems, including those in the national security 141304
interests of the United States. As such, no system, including 141305
any components, services, or maintenance of that system, shall 141306
originate from a country or other entity that has been deemed a 141307
national security risk by the United States Secretary of State 141308
in accordance with 22 U.S.C. 2780 and 50 U.S.C. 4813. 141309
Additionally, any system shall comply with the "Support Anti- 141310
terrorism by Fostering Effective Technologies Act of 2002," 6 141311
U.S.C. 441, et seq., and any applicable conditions of national 141312
defense spending. 141313

(E) The Director shall establish any procedures and 141314
requirements necessary to administer this section, including 141315
award processes, and any conditions for the expenditure of 141316
funding awarded under the program. 141317

(F) (1) Not later than two years after the effective date 141318
of this section, the Director shall submit a report regarding 141319
the program to the Governor, the Speaker of the House of 141320
Representatives, the President of the Senate, the Minority 141321
Leaders of the House of Representatives and Senate, and the 141322
chairs of any committee of the House of Representatives and 141323
Senate related to transportation issues. 141324

(2) The report shall detail how funds were expended 141325
through the program, the success of the program in meeting its 141326
goals, the cost-benefit analysis created through the program, 141327
and any recommendations for additional integration of unmanned 141328
aerial vehicle system operations by first responders. 141329

Section 757.10. The amendment by this act of section 141330
5747.05 of the Revised Code is intended to clarify the meaning 141331
of that section as it existed before the effective date of this 141332
section and is not intended to change the meaning in any way. 141333

Section 757.20. The amendment by this act of section 141334
5747.40 of the Revised Code is intended to clarify the meaning 141335
of that section as it existed prior to the effective date of 141336
this section. It is not intended to change the meaning of 141337
section 5747.40 of the Revised Code in any way. 141338

Section 757.30. The Tax Commissioner may issue assessments 141339
pursuant to the amendment by this act of divisions (A) and (F) 141340
of section 5736.09 of the Revised Code on or after the effective 141341
date of that amendment, subject to the four-year time limitation 141342

prescribed in division (F) of that section. 141343

Section 757.40. BUSINESS INCENTIVE TAX CREDITS 141344

In order to facilitate an understanding of business 141345
incentive tax credits, as defined in section 107.036 of the 141346
Revised Code, the following table provides an estimate of the 141347
amount of credits that may be authorized in each fiscal year of 141348
the 2026-2027 biennium, an estimate of the credits expected to 141349
be claimed in each fiscal year of that biennium, and an estimate 141350
of the amount of credits authorized that will remain outstanding 141351
at the end of that biennium. In totality, this table provides an 141352
estimate of the state revenue forgone due to business incentive 141353
tax credits in the 2026-2027 biennium and future bienniums. 141354
141355

	1	2	3	4	5	6
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A Biennial Business Incentive Tax Credit Estimates

(All Figures in Thousands of Dollars)

B		Estimate of total value of tax credits authorized		Estimate of tax credits issued/claimed		Expected Out- standing Credits
C	Tax Credit	FY 2026	FY 2027	FY 2026	FY 2027	End of Biennium
D	Job Creation	\$170,000	\$175,000	\$139,200	\$145,000	\$705,000
E	Job Retention	\$0	\$0	\$15,300	\$10,710	\$23,000
F	Historic Preservation	\$60,000	\$60,000	\$122,300	\$86,100	\$372,000

G	Film	\$50,000	\$50,000	\$40,000	\$35,000	\$100,000
H	Film and Theatre	\$25,000	\$25,000	\$15,000	\$25,000	\$70,000
I	New Markets	\$10,000	\$10,000	\$7,500	\$7,500	\$46,000
J	R&D Loan	\$0	\$0	\$0	\$0	\$5,000
K	InvestOhio Program	\$5,000	\$5,000	\$3,750	\$3,750	\$7,500
L	Ohio Rural Business Growth	\$0	\$0	\$18,750	\$18,750	\$7,500
M	Ohio Opportunity Zone	\$25,000	\$25,000	\$25,000	\$25,000	\$0
N	Transformational Mixed-Use Development	\$0	\$0	\$136,200	\$110,600	\$237,500

Section 757.60. The amendment by this act of division (I) 141356
of section 5747.08 of the Revised Code and section 5747.39 of 141357
the Revised Code is intended to clarify the meaning of those 141358
sections as they existed before the effective date of this 141359
section and is not intended to change their meaning in any way. 141360

Section 757.70. (A) As used in this section, "qualified 141361
property" means property that satisfies the qualifications for 141362
tax exemption under section 5709.07 of the Revised Code, or any 141363
other section of the Revised Code that provides a tax exemption 141364
for property owned or used by a church, and that was acquired by 141365
a church which recorded the deed for the property between May 1, 141366
2022, and May 31, 2022. 141367

(B) Notwithstanding sections 5713.08, 5713.081, and 141368

5715.27 of the Revised Code, and without regard to any time or 141369
payment limitations under any section of the Revised Code, the 141370
owner of qualified property at any time within twelve months 141371
after the effective date of this section may file an application 141372
with the Tax Commissioner requesting that the qualified property 141373
be placed on the exempt list and that all unpaid taxes, 141374
penalties, and interest on the property be abated, including 141375
taxes, penalties, and interest that have become a lien prior to 141376
the date of acquisition of title to the property by the 141377
qualified property's owner. 141378

(C) The application shall be made on the form prescribed 141379
by the Tax Commissioner under section 5715.27 of the Revised 141380
Code and shall list the name of the county in which the property 141381
is located; the property's legal description, taxable value, and 141382
the amount, in dollars, of the unpaid taxes, penalties, and 141383
interest; the date of acquisition of title to the property; the 141384
use of the property during any time that the unpaid taxes 141385
accrued; and any other information required by the Commissioner. 141386
The county auditor shall supply the required information upon 141387
request of the applicant. 141388

(D) Upon request of the applicant, the county treasurer 141389
shall determine if all taxes, penalties, and interest that 141390
became a lien on the qualified property before it was first used 141391
by the property's owner or a prior owner for an exempt purpose 141392
have been paid in full. If so, the county treasurer shall issue 141393
a certificate to the applicant stating that all such taxes, 141394
penalties, and interest have been paid in full. The applicant 141395
shall attach the county treasurer's certificate to the 141396
application filed with the Tax Commissioner under this section. 141397

(E) Upon receipt of an application, the Tax Commissioner 141398

shall determine if the qualified property meets the 141399
qualifications set forth in this section and if so shall issue 141400
an order directing that the property be placed on the exempt 141401
list of the county in which it is located and that all unpaid 141402
taxes, penalties, and interest for each year that the property 141403
met the qualifications for exemption described in section 141404
5709.07 or another section of the Revised Code be abated. If the 141405
Commissioner finds that the property is or previously was being 141406
used for a purpose that would disqualify it for such exemption, 141407
the Tax Commissioner shall issue an order denying the 141408
application with respect to such tax years where the 141409
Commissioner finds that disqualifying use. 141410

(F) If the Tax Commissioner finds that the property is not 141411
entitled to the tax exemption and abatement of unpaid taxes, 141412
penalties, and interest for any of the years for which the 141413
applicant claims an exemption or abatement, the Commissioner 141414
shall order the county treasurer of the county in which the 141415
property is located to collect all taxes, penalties, and 141416
interest on the property for those years as required by law. 141417

Section 757.80. (A) As used in this section, "qualified 141418
property" means real property that is owned by a municipal 141419
corporation or township and satisfies the qualifications for tax 141420
exemption under the terms of section 5709.08 of the Revised 141421
Code. 141422

(B) Notwithstanding sections 5713.08, 5713.081, and 141423
5715.27 of the Revised Code, and without regard to any time or 141424
payment limitations under any section of the Revised Code, the 141425
owner of qualified property at any time within twelve months 141426
after the effective date of this section may file an application 141427
with the Tax Commissioner requesting that the qualified property 141428

be placed on the exempt list and that all unpaid taxes, 141429
penalties, and interest on the property be abated, including 141430
taxes, penalties, and interest that have become a lien prior to 141431
the date of acquisition of title to the property by the 141432
qualified property's owner. 141433

(C) The application shall be made on the form prescribed 141434
by the Tax Commissioner under section 5715.27 of the Revised 141435
Code and shall list the name of the county in which the property 141436
is located; the property's legal description, taxable value, and 141437
the amount, in dollars, of the unpaid taxes, penalties, and 141438
interest; the date of acquisition of title to the property; the 141439
use of the property during any time that the unpaid taxes 141440
accrued; and any other information required by the Commissioner. 141441
The county auditor shall supply the required information upon 141442
request of the applicant. 141443

(D) Upon request of the applicant, the county treasurer 141444
shall determine if all taxes, penalties, and interest that 141445
became a lien on the qualified property before it was first used 141446
by the property's owner or a prior owner for an exempt purpose 141447
have been paid in full. If so, the county treasurer shall issue 141448
a certificate to the applicant stating that all such taxes, 141449
penalties, and interest have been paid in full. The applicant 141450
shall attach the county treasurer's certificate to the 141451
application filed with the Tax Commissioner under this section. 141452

(E) Upon receipt of an application, the Tax Commissioner 141453
shall determine if the qualified property meets the 141454
qualifications set forth in this section and if so shall issue 141455
an order directing that the property be placed on the exempt 141456
list of the county in which it is located and that all unpaid 141457
taxes, penalties, and interest for each year that the property 141458

met the qualifications for exemption described in section 141459
5709.08 or another section of the Revised Code be abated. If the 141460
Commissioner finds that the property is or previously was being 141461
used for a purpose that would disqualify it for such exemption, 141462
the Tax Commissioner shall issue an order denying the 141463
application with respect to such tax years where the 141464
Commissioner finds that disqualifying use. 141465

(F) If the Tax Commissioner finds that the property is not 141466
entitled to the tax exemption and abatement of unpaid taxes, 141467
penalties, and interest for any of the years for which the 141468
applicant claims an exemption or abatement, the Commissioner 141469
shall order the county treasurer of the county in which the 141470
property is located to collect all taxes, penalties, and 141471
interest on the property for those years as required by law. 141472

Section 757.90. (A) (1) The amendment by this act of 141473
division (A) of section 5715.19 of the Revised Code is intended 141474
to be a remedial measure and applies to original complaints 141475
filed on or after the effective date of this section. 141476

(2) The amendment by this act of division (B) of section 141477
5715.19 of the Revised Code is intended to be a remedial measure 141478
to clarify existing law and applies to tax year 2022 and after. 141479

(3) The amendment or enactment by this act of division (I) 141480
of section 5715.19 of the Revised Code applies to agreements 141481
entered into on or after the effective date of this section. 141482

(4) The enactment by this act of divisions (K) and (L) of 141483
section 5715.19 of the Revised Code applies to original 141484
complaints filed on or after the effective date of this section. 141485

(B) The amendment by this act of section 5717.01 of the 141486
Revised Code is intended to be a remedial measure to clarify 141487

existing law and applies to any appeal taken from a decision of 141488
a board of revision rendered on or after July 21, 2022, except 141489
that the amendment of that section prohibiting an appeal by a 141490
third party complainant, as defined in section 5715.19 of the 141491
Revised Code, applies to any appeal taken from a board of 141492
revision decision rendered on or after the effective date of 141493
this section. 141494

Section 757.100. (A) As used in this section: 141495

(1) "Qualifying blended fuel" means gasoline blended with 141496
fifteen per cent ethanol or higher by volume. 141497

(2) "Motor fuel retailer" means any person licensed in 141498
Ohio to offer motor fuel for retail sale to the public in this 141499
state. 141500

(3) "Rebate" means a monetary incentive provided to a 141501
motor fuel retailer. 141502

(B) The Department of Agriculture shall establish and 141503
administer a rebate program to incentivize the sale of 141504
qualifying blended fuel at motor fuel retailer locations in this 141505
state. The Department may adopt rules as necessary to implement 141506
and administer the rebate program in accordance with Chapter 141507
119. of the Revised Code. The rebate program shall meet all of 141508
the following requirements: 141509

(1) It shall only apply to qualifying blended fuel that is 141510
distributed by a motor fuel retailer after the effective date of 141511
this section at an individual motor fuel retailer location that 141512
has not sold the qualifying blended fuel prior to the effective 141513
date of this section. 141514

(2) A motor fuel retailer that sells qualifying blended 141515
fuel is eligible to receive a rebate of five cents per gallon of 141516

blended fuel sold, subject to compliance with this section. The 141517
rebate shall be provided on a per-gallon-sold basis for each 141518
gallon of qualifying blended fuel sold. 141519

(3) An individual motor fuel retailer location shall not 141520
receive a total rebate that exceeds one hundred thousand dollars 141521
during the fiscal year. 141522

(C) To qualify for a rebate under this section, motor fuel 141523
retailers shall meet all of the following requirements: 141524

(1) Be licensed by the appropriate state agencies to sell 141525
motor fuel in this state; 141526

(2) Sell qualifying blended fuel to consumers; 141527

(3) Sell the qualifying blended fuel at an individual 141528
motor fuel retailer location that did not sell such fuel prior 141529
to the effective date of this section. 141530

(D) The Department of Agriculture shall develop an 141531
application process that motor fuel retailers shall utilize to 141532
receive a rebate under this section. The application shall 141533
include a requirement that documentation be included with the 141534
application to verify that the sale of qualifying blended fuel 141535
occurred during the applicable fiscal year and was distributed 141536
from a qualifying location. 141537

(E) Any motor fuel retailer that receives a rebate under 141538
this section shall provide quarterly reports to the Department 141539
of Agriculture. The quarterly reports shall include the volume 141540
of qualifying blended fuel sold and any other information that 141541
the Department considers necessary for program evaluation and 141542
oversight. 141543

Section 757.110. Notwithstanding section 5705.316 of the 141544

Revised Code, each county budget commission or, if applicable, 141545
joint budget commission, shall convene not later than October 141546
31, 2025, to proceed as described in that section. At that 141547
meeting, the commission shall review the certification required 141548
for fiscal year 2025 under section 5705.36 of the Revised Code 141549
for each city, local, or exempted village school district in the 141550
county. If the carry-over balance in a district's general 141551
operating budget exceeds thirty per cent of the district's 141552
general fund expenditures made in that fiscal year, the 141553
commission shall reduce the rate of, or the annual amount of 141554
money to be raised by any or all of the current expense taxes 141555
levied by the district for tax year 2025 to the extent described 141556
in section 5705.316 of the Revised Code. 141557

This section does not apply to an island school district 141558
or a joint state school district. 141559

Section 801.10. Section 4141.29 of the Revised Code, as 141560
amended by this act, applies to valid applications for 141561
determination of benefit rights filed on or after the effective 141562
date of this section. 141563

Section 801.20. (A) The amendment by this act of division 141564
(A) (18) of section 5747.01 of the Revised Code is intended to 141565
clarify the meaning of that division as it existed before the 141566
effective date of this section and is not intended to change its 141567
meaning in any way. 141568

(B) The amendment by this act of division (S) (14) of 141569
section 5747.01 of the Revised Code applies to taxable years 141570
beginning on and after January 1, 2025. 141571

(C) The amendment by this act of division (A) (31) of 141572
section 5747.01 of the Revised Code applies to taxable years 141573

ending on or after the effective date of this section. 141574

(D) The enactment by this act of division (A) (44) of 141575
section 5747.01 of the Revised Code applies contributions 141576
described in that division made on and after the effective date 141577
of this section. 141578

Section 801.40. The amendment by this act of section 141579
5747.09 and division (C) of section 5747.43 of the Revised Code 141580
applies to taxable years beginning on or after January 1, 2025. 141581

Section 801.60. The repeal and reenactment by this act of 141582
section 3780.22 of the Revised Code applies on and after July 1, 141583
2025. 141584

Section 801.70. The amendment by this act of sections 141585
5748.02, 5748.021, 5748.04, 5748.08, and 5748.09 of the Revised 141586
Code involving notice to the tax commissioner applies to 141587
resolutions adopted under sections 5748.02, 5748.021, 5748.08, 141588
and 5748.09 and petitions filed under section 5748.04 of the 141589
Revised Code on or after the effective date of those amendments. 141590

Section 801.90. The amendment by this act of division (B) 141591
of section 5747.43 of the Revised Code applies to taxable years 141592
beginning on or after January 1, 2026. 141593

Section 801.100. The amendment by this act of sections 141594
5747.021, 5748.01, 5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 141595
5748.081, and 5748.09 of the Revised Code involving eliminating 141596
school district income taxes on estates applies to any school 141597
district income tax, as defined in section 5748.01 of the 141598
Revised Code, in effect, levied, or renewed on or after January 141599
1, 2026. The amendments do not invalidate or modify any portions 141600
of a properly enacted tax in effect on that date, other than 141601
those applicable to estates. For any school district income tax 141602

in effect on that date, the school district is not required to 141603
adopt a new resolution or obtain voter approval for the tax in 141604
order to effectuate those amendments. 141605

Section 801.110. The amendment by this act of divisions 141606
(A) and (E) of section 3734.904 of the Revised Code applies on 141607
and after January 1, 2026. 141608

Section 801.120. The amendment by this act of sections 141609
718.031, 3123.89, 3123.90, 3770.071, 3770.072, 3770.073, 141610
3770.10, 3770.25, 3775.16, 5747.062, 5747.063, and 5747.064 of 141611
the Revised Code and the enactment by this act of sections 141612
3770.074 and 3770.075 of the Revised Code apply to amounts 141613
deducted and withheld on or after January 1, 2026. 141614

Section 801.130. The amendment by this act of section 141615
5747.071 of the Revised Code applies to withholding requests 141616
made under that section on or after January 1, 2026. 141617

Section 801.150. The enactment by this act of section 141618
5747.073 of the Revised Code applies to income tax withholding 141619
returns, reports, or payments filed or remitted on or after 141620
January 1, 2026. 141621

Section 801.160. The amendment by this act of section 141622
5739.07 of the Revised Code applies to refunds made pursuant to 141623
applications that are filed on or after the effective date of 141624
this section. 141625

Section 801.170. The amendment by this act of section 141626
5739.132 of the Revised Code applies to refunds allowed on and 141627
after the effective date of that amendment. 141628

Section 801.180. The amendment by this act of section 141629
5747.38 of the Revised Code applies to taxable years ending on 141630
or after January 1, 2025. 141631

Section 801.190. The amendment by this act of section 141632
718.01 of the Revised Code applies to taxable years ending on or 141633
after the effective date of this section. 141634

Section 801.210. The amendment by this act of division (A) 141635
(1) of section 5749.02 of the Revised Code applies to calendar 141636
quarters ending on or after the effective date of this section. 141637

Section 801.220. The amendment by this act of section 141638
3735.67 of the Revised Code applies to all agreements entered 141639
into under section 3735.671 of the Revised Code on or after 141640
January 1, 2025. The amendment by this act of section 3735.671 141641
of the Revised Code applies to agreements entered into under 141642
that section before, on, or after the effective date of this 141643
section. 141644

Section 801.230. The amendment by this act of section 141645
5747.29 of the Revised Code applies to taxable years beginning 141646
on or after the effective date of this section. 141647

Section 805.10. SEVERABILITY 141648

The items of law contained in this act, and their 141649
applications, are severable. If any item of law contained in 141650
this act, or if any application of any item of law contained in 141651
this act, is held invalid, the invalidity does not affect other 141652
items of law contained in this act and their applications that 141653
can be given effect without the invalid item of law or 141654
application. 141655

Section 810.10. NO EFFECT AFTER END OF BIENNIUM 141656

An item of law, other than an amending, enacting, or 141657
repealing clause, that composes the whole or part of an 141658
uncodified section contained in this act has no effect after 141659
June 30, 2027, unless its context clearly indicates otherwise. 141660

Section 820.10. Sections of this act prefixed with numbers 141661
in the 200s, 300s, 400s, and 500s of this act are exempt from 141662
the referendum under Ohio Constitution, Article II, Section 1d, 141663
and therefore take immediate effect when this act becomes law. 141664

Section 820.20. The amendment, enactment, or repeal by 141665
this act of the sections listed below is exempt from the 141666
referendum under Ohio Constitution, Article II, section 1d and 141667
section 1.471 of the Revised Code and therefore takes effect 141668
immediately when this act becomes law or, if a later effective 141669
date is specified below, on that date. 141670

Sections 131.51, 3302.03, 3319.51, 3780.02, 3780.03, 141671
3780.10, 3780.18, 3780.19, 3780.22, 3780.23, 3780.25, 3780.26, 141672
3780.30, 4743.05, 4927.01, 4927.22, 5119.211, 5124.15, 5709.93, 141673
and 5751.02 of the Revised Code. 141674

Section 820.30. SUBJECT TO REFERENDUM 141675

Except as otherwise provided in this act, the amendment, 141676
enactment, or repeal by this act of a section is subject to the 141677
referendum under Ohio Constitution, Article II, section 1c and 141678
therefore takes effect on the ninety-first day after this act is 141679
filed with the Secretary of State or, if a later effective date 141680
is specified below, on that date. 141681

Section 820.70. Sections 1546.01, 1547.531, and 1547.54 of 141682
the Revised Code, as amended by this act, take effect January 1, 141683
2027. 141684

Section 820.80. Sections 4503.511, 4507.41, and 5747.75 of 141685
the Revised Code as amended, enacted, or repealed by this act 141686
take effect on January 1, 2026. 141687

Section 820.90. Section 2303.201 of the Revised Code as 141688
amended by this act takes effect six months after the effective 141689

date of this section. 141690

Section 820.100. Sections 3305.05 and 3305.053 of the 141691
Revised Code, as amended by this act, take effect one year after 141692
the effective date of this section. 141693

Section 820.110. Sections 107.032 to 107.034 of the 141694
Revised Code, as amended or enacted by Section 101.01 of this 141695
act, and section 107.034 of the Revised Code, as repealed by 141696
Section 105.01 of this act, take effect July 1, 2026. 141697

Section 830.10. The General Assembly, applying the 141698
principle stated in division (B) of section 1.52 of the Revised 141699
Code that amendments are to be harmonized if reasonably capable 141700
of simultaneous operation, finds that the following sections, 141701
presented in this act as composites of the sections as amended 141702
by the acts indicated, are the resulting versions of the 141703
sections in effect prior to the effective date of the sections 141704
as presented in this act: 141705

Section 123.28 of the Revised Code as amended by both H.B. 141706
64 and H.B. 141 of the 131st General Assembly. 141707

Section 124.385 of the Revised Code as amended by both 141708
H.B. 1 and H.B. 16 of the 128th General Assembly. 141709

Section 149.43 of the Revised Code as amended by H.B. 265, 141710
H.B. 315, S.B. 29, and S.B. 109, all of the 135th General 141711
Assembly. 141712

Section 173.38 of the Revised Code as amended by both H.B. 141713
110 and S.B. 217 of the 134th General Assembly. 141714

Section 173.381 of the Revised Code as amended by both 141715
H.B. 110 and S.B. 217 of the 134th General Assembly. 141716

Section 319.54 of the Revised Code as amended by both H.B. 141717

265 and H.B. 496 of the 135th General Assembly.	141718
Section 1533.71 of the Revised Code as amended by both	141719
H.B. 389 and S.B. 310 of the 129th General Assembly.	141720
Section 2925.14 of the Revised Code as amended by both	141721
H.B. 29 and S.B. 95 of the 135th General Assembly.	141722
Section 3302.03 of the Revised Code as amended by both	141723
S.B. 104 and S.B. 168 of the 135th General Assembly.	141724
Section 3314.03 of the Revised Code as amended by H.B. 8,	141725
H.B. 214, H.B. 250, S.B. 104, S.B. 168, S.B. 208, and S.B. 234,	141726
all of the 135th General Assembly.	141727
Section 3326.11 of the Revised Code as amended by H.B. 8,	141728
H.B. 47, H.B. 214, S.B. 104, S.B. 168, S.B. 208, and S.B. 234,	141729
all of the 135th General Assembly.	141730
Section 3328.24 of the Revised Code as amended by both	141731
S.B. 208 and S.B. 234 of the 135th General Assembly.	141732
Section 3517.11 of the Revised Code as amended by both	141733
H.B. 166 and S.B. 107 of the 133rd General Assembly.	141734
Section 3701.79 of the Revised Code as amended by both	141735
H.B. 281 and S.B. 157 of the 134th General Assembly.	141736
Section 4141.29 of the Revised Code as amended by both	141737
H.B. 49 and H.B. 158 of the 132nd General Assembly.	141738
Section 4517.01 of the Revised Code as amended by both	141739
H.B. 33 and H.B. 195 of the 135th General Assembly.	141740
Section 4751.20 of the Revised Code as amended by both	141741
H.B. 509 and S.B. 131 of the 134th General Assembly.	141742
Section 4758.46 of the Revised Code as amended by both	141743
H.B. 113 and H.B. 230 of the 131st General Assembly.	141744

Section 5101.35 of the Revised Code as amended by both	141745
H.B. 33 and S.B. 21 of the 135th General Assembly.	141746
Section 5117.07 of the Revised Code as amended by both	141747
H.B. 283 and S.B. 3 of the 123rd General Assembly.	141748
Section 5122.03 of the Revised Code as amended by both	141749
H.B. 281 and S.B. 2 of the 134th General Assembly.	141750
Section 5122.15 of the Revised Code as amended by both	141751
H.B. 7 and H.B. 281 of the 134th General Assembly.	141752
Section 5123.169 of the Revised Code as amended by H.B.	141753
263 of the 133rd General Assembly and S.B. 3 of the 134th	141754
General Assembly.	141755
Section 5123.41 of the Revised Code as amended by both	141756
H.B. 158 and H.B. 483 of the 131st General Assembly.	141757
Section 5123.42 of the Revised Code as amended by both	141758
H.B. 158 and H.B. 483 of the 131st General Assembly.	141759
Section 5739.31 of the Revised Code as amended by both	141760
S.B. 143 and S.B. 200 of the 124th General Assembly.	141761
Section 5747.01 of the Revised Code as amended by both	141762
H.B. 101 and S.B. 154 of the 135th General Assembly.	141763
Section 6111.04 of the Revised Code as amended by both	141764
H.B. 49 and S.B. 2 of the 132nd General Assembly.	141765